



**MEETING OF THE
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM**

THURSDAY, SEPTEMBER 19, 2019

1:30 P.M.

AGENDA

I. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter listed on the Workshop Agenda 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.

II. WORK SESSION

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, September 19, 2019.
2. Receive a presentation regarding the Temple Independent School District 2025 Plan.
3. Discuss the City's purchasing procedures relating to annual contract bidding and renewals.
4. Receive a presentation regarding the Temple Police Association Meet and Confer agreement.
5. Receive a presentation regarding the City's Water and Wastewater Master Plan.
6. Receive an update on the City's transportation-related capital improvement programs.
7. Discuss the employment, duties, and work plans of the City Attorney, Finance Director, City Judge, City Secretary, and the City Manager.

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 Attorney, Finance Director, City Judge, City Secretary, and the City Manager. No final action will be taken.

8. 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. BUDGET ITEMS

3. PUBLIC HEARING – Conduct a public hearing regarding the City’s budget for fiscal year beginning October 1, 2019 and ending September 30, 2020 and consider adopting a resolution:
 - (A) Adopting the City’s budget for fiscal year beginning October 1, 2019 and ending September 30, 2020, including the Operating Budget for 2019-2020, Business Plan, Capital Improvement Plan, General Government Pay Plan, Fiscal & Budgetary Policy, and Investment Policy.
 - (B) Ratifying the property tax increase reflected in the budget – “This budget will raise more total property taxes than last year’s budget by \$3,703,167, a 13.11% increase, and of that amount, \$878,355 is tax revenue to be raised from new property added to the tax roll this year.”
4. [2019-4981](#): SECOND & FINAL READING – Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2019 (fiscal year 2020).
5. [2019-4982](#): SECOND & FINAL READING – Consider adopting an ordinance setting a tax rate \$0.6727 per \$100 valuation, comprised of \$0.3097 for maintenance and operations and \$0.3630 for debt service, for Fiscal Year 2020 (Tax Year 2019), making the appropriation for the regular operation of the City.

IV. AWARDS AND SPECIAL RECOGNITIONS

6. (A) Recognize the City of Temple Finance Department and Budget Team for outstanding Performance.

V. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) **2019-9773-R:** Consider adopting a resolution authorizing a purchase agreement for liquid copper sulfate for FY2020 with Brenntag Southwest, Inc of Lancaster, in the estimated annual amount of \$90,762.50.
- (B) **2019-9774-R:** Consider adopting a resolution authorizing a purchase agreement for liquid chlorine for FY2020 with Brenntag Southwest, Inc. of Lancaster, in the estimated annual amount of \$180,000.
- (C) **2019-9775-R:** Consider adopting a resolution authorizing a purchase agreement for liquid ammonium sulfate for FY2020 with Chameleon Industries, Inc of Mesquite, in the estimated annual amount of \$50,270.
- (D) **2019-9776-R:** Consider adopting a resolution authorizing a purchase agreement for liquid polyaluminum chloride for the Conventional Water Treatment Plant for FY2020 with GEO Specialty Chemicals, Inc. of Little Rock, Arizona, in the estimated annual amount of \$292,600.
- (E) **2019-9777-R:** Consider adopting a resolution authorizing annual purchase agreements with the following lawn chemical vendors for FY2020 in the estimated annual amount of \$77,554.35:
- | | |
|---|-------------|
| 1. BWI Companies of Schulenburg | \$44,910.35 |
| 2. Rentokil, dba Target Specialty Products of Coppell | \$32,644.00 |
- (F) **2019-9778-R:** Consider adopting a resolution authorizing the following related to utility supplies needed for FY2020:
1. Award a purchase agreement to Fortiline Waterworks, Inc. of Hewitt, in the estimated annual amount of \$186,213.10;
 2. Award a purchase agreement to Core and Main of Belton, in the estimated annual amount of \$99,168.14; and
 3. Reject the bids received for ten of the independent bid sections.
- (G) **2019-9779-R:** Consider adopting a resolution authorizing the purchase of the annual CityWorks AMS asset management and work order software subscription from Azteca Systems LLC, in the amount of \$60,000.
- (H) **2019-9780-R:** Consider adopting a resolution authorizing the purchase of FY2020 police records management software maintenance contract with Intergraph Corporation, dba Hexagon Safety & Infrastructure, in the amount of \$93,218.58.

- (I) [2019-9781-R](#): Consider adopting a resolution authorizing the purchase of a FY2020 financial systems software maintenance contract with Superior, LLC of Chicago, Illinois, in the estimated amount of \$124,828.
- (J) [2019-9782-R](#): Adopt a resolution authorizing the purchase of municipal courts software with LT Systems, Inc. of The Woodlands, in the amount of \$94,650.
- (K) [2019-9783-R](#): Consider adopting a resolution authorizing the purchase of jail services from Bell County, in the estimated amount of \$65,000 for FY 2020.
- (L) [2019-9784-R](#): Consider adopting a resolution authorizing the purchase of 156 membrane replacement modules and accessories from Pall Advanced Separations Systems of Cortland, New York, in the amount of \$189,404.52.
- (M) [2019-9785-R](#): Consider adopting a resolution authorizing the purchase of properties situated at 606 and 610 Luna Lane and authorizing closing costs associated with the purchase, in an estimated amount of \$16,000.
- (N) [2019-9786-R](#): Consider adopting a resolution authorizing the purchase of properties situated at 807, 820, 903, 904, 908, 911 and 919 East Avenue A, authorizing closing costs associated with the purchase in an estimated amount of \$78,000, releasing City liens totaling \$4,406.19.
- (O) [2019-9787-R](#): Consider adopting a resolution authorizing the purchase and exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for two rights-of-way and two temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase, in an estimated amount of \$7,700.
- (P) Consider adopting resolutions authorizing the following cooperative contract purchases during FY2020:
 - 1. [2019-9788-R](#): Cellular services – Cellco Partnership, dba Verizon Wireless, utilizing a State of Texas DIR contract, in the total estimated annual amount of \$360,000.
 - 2. [2019-9789-R](#): Office supplies – Perry Office Plus, Inc., utilizing a BuyBoard contract, in the estimated annual amount of \$125,000.
 - 3. [2019-9790-R](#): Janitorial supplies – Gulf Coast Paper Company, utilizing a BuyBoard contract, in the estimated annual amount of \$100,000.
 - 4. [2019-9791-R](#): Tire retreading services – Southern Tire Mart, LLC, utilizing a BuyBoard contract, in the estimated annual amount of \$95,000.
 - 5. [2019-9792-R](#): Automotive repair parts – O'Reilly Auto Parts, utilizing a BuyBoard contract, in the estimated annual amount of \$80,000.
 - 6. [2019-9793-R](#): Online auction services – GovDeals, Inc., utilizing a BuyBoard contract, with an estimated annual revenue amount of \$150,000.
- (Q) [2019-9794-R](#): Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., for fiscal year 2020, for the provision of legal services associated with various condemnation proceedings, in the estimated annual amount of \$160,000.

- (R) [2019-9795-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple, for the design services needed to construct a new equipment parking area and equipment storage bays at the new Parks Department offices, in the amount of \$57,733.
- (S) [2019-9796-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition and relocation services for the Avenue C Improvement and Expansion Project, in an amount not to exceed \$296,400.
- (T) [2019-9797-R](#): Consider adopting a resolution authorizing a services agreement to maintain Hillcrest Cemetery during FY2020 with Heart of Texas Landscape & Irrigation Co. Inc. of Belton, in the estimated annual amount of \$131,250.
- (U) [2019-9798-R](#): Consider adopting a resolution authorizing a services agreement for heating, ventilation, and cooling maintenance and repair services for FY2020 with Temple Heat & Air of Temple in the estimated annual amount of \$70,000.
- (V) [2019-9799-R](#): Consider adopting a resolution authorizing service through Grande Communications Networks LLC, of Dallas, for high-speed data services to ten city facilities, in the amount of \$90,000.
- (W) [2019-9800-R](#): Consider adopting a resolution authorizing a six-month extension to an agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 64.7¢ per liquid pound in the estimated amount of \$90,000.
- (X) [2019-9801-R](#): Consider adopting a resolution authorizing an agreement for yearly service through AT&T Corporation, of Dallas, for voice, data and internet services, in the amount of \$215,000.
- (Y) [2019-9802-R](#): Consider adopting a resolution authorizing a settlement agreement in the amount of \$83,728.40.
- (Z) [2019-9803-R](#): Consider adopting a resolution authorizing an interlocal agreement with the Belton Independent School District to utilize the tennis facilities at Crossroads Park.
- (AA) [2019-9804-R](#): Consider adopting a resolution authorizing two CDBG-funded demolition contracts for ten residential structures with Sierra Contracting Corporation of Round Rock in the amount of \$62,100.
- (BB) [2019-9805-R](#): Consider adopting a resolution authorizing release of a 4,612 square foot portion of a 20-foot public utility easement shown in the Aubrey Subdivision, an addition to the City of Temple, Bell County, Texas, as recorded in Cabinet D, Slide 3-C, of the Plat Records of Bell County, Texas, located generally at 3805 South General Bruce Drive.
- (CC) Consider adopting resolutions authorizing FY 2020 contract renewals for the following:
 - 1. [2019-9806-R](#): Hauling and Disposal of Sludge – S&M Vacuum & Waste, Ltd, in the estimated annual amount of \$247,500.
 - 2. [2019-9807-R](#): Concrete Repair and Construction Services – Wilson Construction Services, LLC, in the estimated annual amount of \$240,000.

3. [2019-9808-R](#): Aggregate Base – Heartland Quarries, LLC, in the estimated annual amount of \$225,000.
 4. [2019-9809-R](#): Construction Material Testing – Langerman Foster Engineering Company, LLC, in the estimated annual amount of \$200,000.
 5. [2019-9810-R](#): Mowing and Maintenance Services – Heart of Texas Landscape & Irrigation Company, Inc, in the estimated annual amount of \$196,090.
 6. [2019-9811-R](#): Statement Printing and Mailing Services – DataProse, LLC, in the estimated annual amount of \$186,000.
 7. [2019-9812-R](#): Water Meters – Fortiline Waterworks, in the estimated annual amount of \$180,000.
 8. [2019-9813-R](#): Vehicle and Equipment Tires – Southern Tire Mart, LLC, in the estimated annual amount of \$160,000.
 9. [2019-9814-R](#): Electric Motor Pump and Repair Services – Austin Armature Works, in the estimated annual amount of \$125,000.
 10. [2019-9815-R](#): Books, CDs, DVDs, and MP3s – various vendors, in the estimated annual amount of \$115,000.
 11. [2019-9816-R](#): Oil and Lubricants – Arnold Oil Company, in the estimated annual amount of \$90,000.
 12. [2019-9817-R](#): Hot Mix Asphalt – Texas Material Group, Inc., in the estimated annual amount of \$90,000.
 13. [2019-9818-R](#): Various Forms of Rock and Top Soil – Heartland Aggregates, in the estimated annual amount of \$85,000.
 14. [2019-9819-R](#): Non-Clerical Temporary Employment Services – Link Staffing Services, in the estimated annual amount of \$75,000.
 15. [2019-9820-R](#): Protective Footwear – Cochran, Blair & Potts, in the estimated annual amount of \$55,000.
 16. [2019-9821-R](#): Industrial & High Voltage Electrical Services – T. Morales Company Electric & Controls, Ltd, in the estimated annual amount of \$50,000.
- (DD) [2019-9822-R](#): Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.
- (EE) [2019-9823-R](#): Consider adopting a resolution authorizing the repair of a solid waste brush truck by Texas Pack + Load of San Antonio in the estimated amount of \$81,383.86.
- (FF) [2019-9824-R](#): Consider adopting a resolution authorizing the funding of employee insurance policies from the following vendors for FY 2020:
1. Medical and Pharmacy Insurance Plans from Scott and White Health Plan of Temple;
 2. Dental Insurance Plans from United Concordia Companies, Inc. of Harrisburg, Pennsylvania;
 3. Vision Fully Insured Policy from Standard Insurance Company of Portland, Oregon;
 4. Flexible Spending Account, Dependent Spending Account, Cafeteria 125 Plan, and Health Savings Account administrative services from Discovery Benefits, LLC of Fargo, North Dakota;
 5. Consolidated Omnibus Budget Reconciliation Act administrative services from Discovery Benefits, LLC of Fargo, North Dakota;
 6. Basic Life, Voluntary Life and Accidental Death and Dismemberment policies from Standard Insurance Company of Portland, Oregon;
 7. Short-Term and Long-Term Disability insurance from Standard Insurance Company of Portland, Oregon; and
 8. Accident, Critical Illness, Hospital Indemnity and Cancer insurance plans from The Guardian Life Insurance Company of America of New York, New York.

Ordinances – Second & Final Reading

- (GG) [2019-4988](#): SECOND & FINAL READING – FY-19-21-ZC: Consider adopting an ordinance authorizing a rezoning from Neighborhood Services zoning district to Planned Development-General Retail zoning district, with a Site Development Plan, to allow a microbrewery with outdoor seating and play areas, on 2.239 +/- acres, located at 3508 South 5th Street.
- (HH) [2019-4989](#): SECOND & FINAL READING – FY-19-20-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a Site Plan to allow a microbrewery for alcohol sales, with a waiver for distance to residential property, on 2.239 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street.
- (II) [2019-4990](#): SECOND & FINAL READING – FY-19-18-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Light Industrial zoning for 146.852 +/- acres, addressed as 5200 Old Howard Road.
- (JJ) [2019-4992](#): SECOND & FINAL READING – FY-19-22-ZC: Consider adopting an ordinance amending Ordinance 2016-4810 to add 35 +/- acres to the existing 42.066 +/- acres and rezoning all 77.066 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts.
- (KK) [2019-4993](#): SECOND & FINAL READING: Consider adopting an ordinance repealing the City's Code of Ordinances, Chapter 34, "Swimming Pools."
- (LL) [2019-4994](#): SECOND & FINAL READING: Consider adopting an ordinance amending the City's Code of Ordinances, Chapter 7, "Buildings," to adopt updated model codes, specify amendments to the adopted model codes, and simplify and clarify language and terms contained therein.

Misc.

- (MM) [2019-9825-R](#): Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability, and workers' compensation insurance coverage for the City.
- (NN) [2019-9826-R](#): Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$197,500 to secure the availability of 2,500 acre-feet of water per year to the City for FY 2020.
- (OO) [2019-9827-R](#): Consider adopting a resolution amending the City of Temple Civil Service pay charts for Fire and Police, to be effective September 20, 2019.
- (PP) [2019-9828-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2018-2019.

VI. REGULAR AGENDA

ORDINANCES

8. [2019-4995](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing the City's Relocation Assistance Program.
9. [2019-4991](#): SECOND & FINAL READING – FY-19-19-ZC: Consider adopting an ordinance authorizing a rezoning from Single Family One zoning district to Commercial zoning district on 5.92 +/- acres, addressed as 3308 and 3310 South 5th Street, Temple, Texas.

RESOLUTIONS

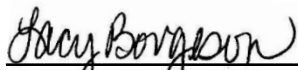
10. [2019-9829-R](#): FY-19-67-PLT: Consider adopting a resolution authorizing approval of the Final Plat of The Enclave at Lake Belton Phase I, a 43.237 +/- acre, 14-lot, 2-block, residential subdivision with a developer-requested exception to UDC Section 8.2J, related to maximum street grade, located south of Hwy 36 approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction.
11. [2019-9830-R](#): Consider adopting a resolution authorizing a Developer Participation Agreement with Kiella Development, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements as part of the Hartrick Ranch subdivision.
12. [2019-9831-R](#): Consider adopting a resolution setting various fees established in Chapter 7 of the Code of Ordinances related to the regulation of building permits.

BOARDS

13. [2019-9832-R](#): Consider adopting a resolution appointing one member to the Park and Recreation Advisory Board to fill an unexpired term through March 1, 2022.

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 published to the City of Temple's website at 3:25 pm, September 13, 2019. This notice was posted in a public place at 3:40 pm, this same day.



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

09/19/19
Item #3
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing regarding the City's budget for fiscal year beginning October 1, 2019 and ending September 30, 2020 and consider adopting a resolution:

- (A) Adopting the City's budget for fiscal year beginning October 1, 2019 and ending September 30, 2020, including the Operating Budget for 2019-2020, Business Plan, Capital Improvement Plan, General Government Pay Plan, Fiscal & Budgetary Policy, and Investment Policy.
- (B) Ratifying the property tax increase reflected in the budget – "This budget will raise more total property taxes than last year's budget by \$3,703,167, a 13.11% increase, and of that amount, \$878,355 is tax revenue to be raised from new property added to the tax roll this year."

STAFF RECOMMENDATION: Adopt resolution as described in item description.

ITEM SUMMARY: This item is to conduct a public hearing and adopt the 2019-2020 proposed budget. Attached is a list of changes, for all funds, that have been made since the budget was filed with the City Secretary on June 28, 2019. The changes are a result of Council work sessions, receipt of the certified tax roll, public input and updated information since the Council last reviewed the budget.

The ad valorem tax rate is proposed at \$0.6727. This proposed tax rate is comprised of an increase to the maintenance and operation rate of \$0.0115 and no change to the debt service rate. The proposed Maintenance and Operation rate (M&O) is \$0.3097 and the Interest and Sinking fund rate (I&S) is \$0.3630 for a total rate of \$0.6727. The proposed rate is 13.06% above the effective tax rate of \$0.5950.

The proposed Budget with the subsequent changes as listed on the attached page remains balanced with the use of Undesignated Fund Balance-Capital Projects and meets the operational needs as requested.

FISCAL IMPACT:

The budget is summarized below by fund.

FY 2020 Proposed Annual Budget

(As Compared to Adopted FY 2019 Budget)

Revenues/Other Sources	Adopted Budget FY 2019	PROPOSED Budget FY 2020	% Increase/ (Decrease)
General Fund	\$ 74,038,158	\$ 81,609,702	10.23%
Water & Wastewater Fund	35,917,181	45,547,087	26.81%
Debt Service Fund	17,429,889	19,354,415	11.04%
Hotel/Motel Tax Fund	2,028,000	2,313,723	14.09%
Federal/State Grant Fund	536,232	588,159	9.68%
Drainage Fund	2,754,500	2,775,825	0.77%
Reinvestment Zone No. 1 Fund	16,990,273	18,662,384	9.84%
Total Revenues/Other Sources	\$ 149,694,233	\$ 170,851,295	14.13%

Expenditures/Transfers	Adopted Budget FY 2019	PROPOSED Budget FY 2020	% Increase/ (Decrease)
General Fund	\$ 77,358,633 ⁽¹⁾	\$ 84,220,820 ⁽²⁾	8.87%
Water & Wastewater Fund	35,917,181	45,547,087	26.81%
Debt Service Fund	17,450,971	19,354,415	10.91%
Hotel/Motel Tax Fund	2,131,200	2,598,723	21.94%
Federal/State Grant Fund	536,232	588,159	9.68%
Drainage Fund	2,754,500	2,775,825	0.77%
Reinvestment Zone No. 1 Fund	11,542,276	20,132,191	74.42%
Total Expenditures/Transfers	\$ 147,690,993	\$ 175,217,220	18.64%

⁽¹⁾ Includes the use of \$3,320,475 in Undesignated Fund Balance - Capital Projects to fund Capital of \$1,833,739, TEDC Matrix allocation of \$863,236, Strategic Investment Zone of \$100,000, and Debt Service for Capital Replacement - Sanitation Vehicles of \$274,000 and for Capital Replacement - Public Safety P25 Radios of \$249,500.

⁽²⁾ Includes the use of \$2,611,118 in Undesignated Fund Balance - Capital Projects to fund Capital of \$1,988,618, Strategic Investment Zone of \$100,000, and Debt Service for Capital Replacement - Sanitation Vehicles of \$273,250 and for Capital Replacement - Public Safety P25 Radios of \$249,250.

ATTACHMENTS:

[FY 2019-2020 Message From The City Manager](#)

[FY 2019-2020 Financial Plan Narrative](#)

[FY 2019-2020 Annual Budget Narrative](#)

[Schedule of Adjustments \(to the proposed budget filed with City Secretary on June 28, 2019\)](#)

[General Government Pay Plan](#)

[Fiscal & Budgetary Policy](#)

[Investment Policy](#)

A stylized, light blue map of a city grid is visible in the background. The map shows a network of streets and a river or canal winding through the center. The overall color scheme is various shades of blue, with a darker blue area in the top left corner.

MESSAGE FROM THE CITY MANAGER

MESSAGE FROM THE CITY MANAGER

It is my privilege to present the fiscal year 2020 Proposed Business Plan for the City of Temple. This plan is our blueprint to achieve the City's vision of making Temple a place you love to call home. The plan is intended to reflect the community's priorities and will guide the City's decision-making as we strive to provide exceptional services to our community.

The fiscal year 2020 Proposed Business Plan is presented in five key parts; 1) Strategic Plan; 2) Financial Plan; 3) Annual Budget; 4) Capital Improvement Program; and 5) Annual Work Plan and covers a planning period from FY 2020 through FY 2025.

Instead of approaching the budgeting process and work plan development from a single year perspective, as we have traditionally done, this year the City of Temple committed to being future focused. We challenged ourselves to look into the future and approach our planning from a longer-term view and to set an intentional direction for the organization for the next six years.

We challenged ourselves to plan for those things that are critical to maintain and enhance the Temple we love. We challenged ourselves to consider the need for growth, change, and innovation so that the City of Temple will be a city where next generations will also love to call home.

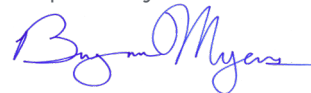
This plan is the product of more than ten months of collaboration between City Council members and City staff, with input from community stakeholders. These conversations helped to identify a unified vision for Temple, further define our city's mission and values, and determine shared goals and commitments that city leadership has pledged to address in the coming years.

I want to extend a special word of appreciation to Traci Barnard, Jennifer Emerson, Melissa Przybylski, Sherry Pogor, Stacey Hawkins, and Heather Bates. Without the talent, commitment, dedication, and countless hours of work they carried out in pursuit of this plan, this document would simply not be possible.

I sincerely appreciate every community member who provided their time and input to the process, the Mayor and Council for their leadership, and City staff for their hard work and commitment to this community.

The future promises extraordinary things for Temple. This plan is our guiding document as we face the challenges and capture the opportunities that lie ahead for the City of Temple.

Respectfully submitted,



Brynn Myers – City Manager







FINANCIAL PLAN

FINANCIAL PLAN

The Financial Plan links the City’s strategic focus areas to a six-year funding model to ensure that the necessary resources are allocated to the City’s goals in order to make their achievement possible. The Financial Plan aligns the City’s budget with the four strategic focus areas, estimates available revenue over the six-year planning period, and identifies the resources needed for the specific initiatives that will help accomplish the strategic goals of the City and drive improvement in each focus area.

An Organization Committed to Performance Excellence

Our organization is committed to performance excellence through identifying and adopting leading-edge management practices, focusing on data-driven decision making, and striving for continuous improvement within our organization.

Funding for the expansion of the Office of Performance Excellence is included in the Proposed Financial Plan including a Performance and Analytics Manager (FY 20) and a Performance Analyst (FY 21). These proposed additions will provide the staff resources necessary to pursue accreditation for our four largest departments: Parks and Recreation, Public Works, Police, and Fire. Additionally, these positions will support the implementation of the Malcolm Baldrige Performance Excellence program framework across the organization and the development of department-specific Performance Excellence plans.

Funding is also included for the implementation of a performance management system which will assist in the execution of the Strategic Plan. This system will be monitored and maintained by the Office of Performance Excellence, and progress will be reported regularly to our citizens. The system will also assist in ensuring that the City goals, commitments, and initiatives are being accomplished within the allocated resources approved by the City Council.

A Customer Service Champion (FY 21) position is also proposed as part of the Office of Performance Excellence. This position will be tasked with developing and implementing an organization-wide Customer Service Excellence program.

The addition of two Customer Service Representative positions (FY 23) are recommended in the Financial Plan to provide professional customer service at the Temple Airport in support



of the proposed new executive terminal facility.

Additional Administrative Assistant positions are proposed in the City Manager’s Office (FY 20), Parks and Recreation Administration (FY 20), and Public Works Administration (FY 22).

In support of our strategic commitment to optimize the use of data and technology to improve service and protect mission critical infrastructure, the Financial Plan proposes the implementation of the following technology initiatives:

- a hydraulic and hydrologic modeling system for water, sewer, and drainage systems (FY 20);
- a solid waste management and route optimization system (FY 20);
- an online community engagement platform (FY 20);
- an online bidding system (FY 20);
- a shift scheduling software for Fire Department personnel (FY 20);
- a new municipal court management system (FY 20);
- a new human resources information system (FY 20);
- a new employee performance review software (FY 20);
- an open records software (FY 20);

- an agenda management software (FY 20);
- a board and commission management software (FY 20);
- a cemetery management software (FY 20);
- an electronic document signing system (FY 20);
- a visitor management software (FY 20);
- a new parks and recreation software (FY 21);
- replacement police and fire mobile data laptops (FY 21, FY 25); and
- a new digital records management system (FY 25).

The Financial Plan also recommends the addition of a Senior Project Manager (FY 20), a Systems Analyst I (FY 21), a Technical Trainer (FY 23), and an Information Security Officer (FY 23) to provide the staff resources necessary to implement and maintain these systems.

The replacement of the data center server (FY 21), the network core (FY 22), the firewall (FY 22), and the storage area network (FY 23) is also recommended in the plan.

In order to plan for, design, construct, and maintain high quality facilities that meet the needs of the community now and in the future, the Financial Plan includes funding for individual

Facility Master Plans for each of our city-owned facilities (FY 21-FY 24), allocates approximately \$3.5 million towards facility improvements, and adds a Building Improvement Team in Facility Services (FY 22).

The Financial Plan also proposes the following major facility improvements:

- a new recycling center and transfer station facility (FY 21);
- a new executive airport terminal, aircraft rescue and firefighting facility, and maintenance facility (FY 24);
- an expansion to the Service Center facility (FY 20);

The addition of a Customer Service Representative (FY 20) position is recommended in Fleet Services to help establish a fleet and equipment sharing program and improve employee accountability for fleet condition and operation. The Financial Plan allocates approximately \$24.2 million in capital equipment purchases and replacements throughout the six-year plan and recommends the addition of two Automotive Technicians (FY 22).

Talented and Dedicated Employees who have a Heart for Service

The City of Temple is committed to delivering exceptional services to our community. Providing service is at the heart of what we do. We are a service-based organization. With few exceptions, we do not produce or sell products; we provide services. Our citizens expect those services to be provided in an efficient, professional,



and practical manner. Our employees are the drivers of our ability to deliver high quality services and so attracting and retaining the very best employees is a critical strategy to ensure we are providing the highest levels of service in the most efficient way possible.

The Financial Plan includes the addition of an Assistant Director of Human Resources (FY 20), a Human Resource Generalist (FY 21), and an Employee Experience Champion (FY 22) to provide the staffing resources necessary to attract, retain, and develop talented employees. The Financial Plan includes an allocation to develop a Talent Attraction Strategic Plan (FY 21), a Leadership Succession Plan (FY 22), and to expand our employee training and development programs (FY 21, FY 22). Funding is also included for a Safety Champion (FY 20) position who will be tasked with developing a comprehensive safety program.

The Financial Plan includes an allocation to conduct and implement compensation studies for public safety employees (FY 20, FY 22, and FY 24) and general government employees (FY 21, FY 23) to ensure competitive compensation. The plan also continues to fund our performance pay program for general government employees, our group health insurance plan, employee retirement plan, and employee longevity program.

An Open, Responsive, and Accountable Government

Temple is committed to continuing our history of being a well-run, financially stable city as evidenced by our strong fund balance, conservative budgeting practices, and AA bond rating from Standard & Poor's. The Financial Plan proposes the addition of a Financial Analyst (FY 20), a Payroll Specialist (FY 20), and an Accountant (FY 22) in the Finance Department to invest in the resources necessary to ensure financial excellence.

Funding for the expansion of the Marketing and Communications Department is included in the Proposed Financial Plan including a Communication Specialist (FY 20) and two Multi-Media Specialists (FY 20, FY 21). These proposed staff additions will provide the resources necessary to implement a city-wide Marketing, Communication, and Engagement Plan. Funding for a new city website (FY 20) is proposed as well as a new quarterly city news magazine (FY 21) and resident guide (FY 21). Funding to conduct citizen surveys (FY 20, FY 23) is also proposed.

A City that Supports Well-Managed Growth and Development to Promote a Thriving Economy

The City's diverse economy generates high quality, well-paying jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life.



In order to continue to facilitate high quality, safe, and strategic community growth, the Financial Plan recommends the addition of a Planning Manager (FY 21) and a Combination Building Inspector (FY 23) position in the Planning and Development Department and a Plan Reviewer (FY 22) in the Fire Department.

The continued funding of the Strategic Investment Zone grant program is also recommended in the plan.

The addition of a Business Navigator (FY 21) position is also proposed to provide increased support to small, mid-sized, and start-up businesses throughout the development process.

Extensive planning processes are underway to ensure the successes of the past are carried forward into the future and that we are able to identify and act on strategic decisions. This year, we are in the process of updating our Comprehensive Plan. The updated Comprehensive Plan will lay the groundwork for the future development of our community. A Senior Planner (FY 21) position is recommended to assist in the implementation of the action items identified in the Comprehensive Plan.

In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that we continue to invest in expanding our tax base.

For many years, the City of Temple has committed to fund the operations of the Temple Economic Development Corporation to provide investment attraction marketing and incentive negotiation services. The Financial Plan continues that commitment.

Beautiful Spaces and Unique Experiences

Quality of life, the characteristics of our community that makes it an attractive place in which to live and raise a family, is an important priority for the City of Temple. Temple is a unique place with amazing arts, culture, dining, and recreation experiences and amenities which add to the City's excellent quality of life.

The Financial Plan proposes several areas of additional funding in our Parks & Recreation Department to enhance and expand our infrastructure of parks, recreation centers, greenspaces, and trails to encourage active living and wellness.

The Financial Plan includes funding for a part-time Reservation Specialist position to maximize the use of our new athletic facilities (FY 20), adds an Associate Park Planner position (FY 21), adds a Recreation Superintendent (FY 21) position, and adds three additional Maintenance Workers (FY 21, FY 22) to maintain our park system and support special events.

The Financial Plan also recommends consolidating our community event planners into one team and adds an additional Program

Coordinator (FY 20) to the team as well as additional resources to support special events (FY 20). The plan also recommends an additional portable stage (FY 20) and outdoor movie screens (FY 21, FY 23).

The replacement of the slides at Summit pool (FY 20) and Walker pool (FY 20) as well as the re-plastering of the Lion's Junction pool (FY 20) is recommended in the plan.

An allocation of \$33,000,000 for a potential Parks Capital Improvement Program is included in the Financial Plan and is proposed as a general obligation bond program in May of 2020. It is recommended that the specific projects that are proposed as part of this bond program would be determined based on the updated Parks and Trails Master Plan, which is scheduled to be completed in late 2019.

The Financial Plan recommends developing a management plan for the Mayborn Civic and Convention Center (FY 20) as well as the Railroad and Heritage Museum (FY 20). An additional Food and Beverage Specialist (FY 21) position is also recommended to support events held at these facilities.

The plan also allocates funding for a new Destination Strategic Plan (FY 20) and an update to our destination brand and website (FY 20). An update to our Downtown Temple brand (FY 20), website (FY 20), and wayfinding (FY 21) is also recommended.

A Destination Marketing Manager (FY 20) position is also proposed as part of the Marketing and Communications Department. This position will be tasked with implementing the Destination Strategic Plan.

In order to continue leveraging partnerships with other community organizations in providing culture and art programming, the Financial Plan recommends continued funding for all of our Arts and Tourism Partner organizations.

A Library Master Plan (FY 21) is proposed as well as the replacement of the Library Bookmobile (FY 22). A part-time Circulation Assistant (FY 22) and part-time Outreach Assistant (FY 22) position are also proposed to be upgraded to full-time positions.

An additional Transform Temple morning crew (FY 20) and a new Transform Temple evening crew (FY 20) is recommended to support a great first impression in Downtown Temple. A clean downtown communicates volumes about our community's sense of pride and can affect the level of security and behaviors in the Downtown district. Services provided by the crews include litter, weed, and graffiti removal as well as power washing and special projects.



Neighborhoods Where People Love to Live

The City of Temple is committed to fostering neighborhoods that are beautiful, safe, and, stable, and to connecting citizens together to help reinvigorate communities.

The Financial Plan recommends the creation of a neighborhood planning program focused initially on the eighteen neighborhoods that form the core of our community. The proposed program is comprised of two major components: 1) the physical transformation of our older neighborhoods through public improvements, housing reinvestment projects, and neighborhood cleanups; and 2) social transformation through education, awareness, and neighborhood engagement.

Through this process, our goal is to identify and empower neighborhood leaders, strengthen communities, and re-instill a sense of pride where our citizens can love where they live.

The Financial Plan continues to leverage our Community Development Block Grant (CDBG) funds to assist with the implementation of our efforts to build strong neighborhoods. Programs proposed for funding throughout the six-year plan include the housing improvement program, solution-oriented code compliance, infrastructure improvements, crime prevention, and the demolition program.

The Financial Plan includes funding to systematically develop neighborhood-specific strategic plans for each of the eighteen core neighborhood planning districts. The plan is based on initiating one new neighborhood plan per quarter, beginning in fiscal year 20. The individual neighborhood plans, as well as the Housing Reinvestment Strategy that is currently being developed, should be used to guide the implementation of public improvements as well as other neighborhood revitalization programs.

Successful partnerships within the community help the City leverage service delivery and funding levels and offer the ability to respond to the needs of our growing community. To help us foster coordination with other agencies and organizations and to improve access to affordable housing and social services, the Financial Plan recommends continued funding for all of our Strategic Partner agencies and includes an allocation of \$100,000 per year for Community Enhancement Grants.

The Financial Plan allocates funding for the development of a strategic action plan on homelessness (FY 21) and the implementation of a Social Navigator program (FY 22) to improve access to existing programs and resources for vulnerable populations and help identify solutions to address homelessness, poverty issues, and other high priority human service needs.



Infrastructure and Systems that Support Exceptional Services and Community Growth

The City continues to implement the largest capital improvement program in the history of the community and the Financial Plan recommends significant funding to continue the priority of investing in our infrastructure and systems in order to prepare for growth and redevelopment as well as to preserve our assets and the investments made by the generations before us.

The Financial Plan includes the final three years of the ten-year mobility capital improvement program and recommends expansion of the current program from \$145,764,000 to \$148,581,000 in order to fund several additional projects that have been identified as high priority needs including:

- extension of Canyon Creek/ Drive/Blackland Road in support of the Temple Independent School District new school site;
- matching funds for a potential grant for the construction of the Georgetown Railroad Hike and Bike trail; and
- an allocation of funds to design and construct mobility improvements identified as part of the neighborhood planning district strategic planning process.

The Financial Plan also recommends the development of a Mobility Master Plan (FY 23) to identify transportation

infrastructure needs and guide future investments. The last project in the current plan is funded in fiscal year 2022.

An allocation of \$50,000,000 for a potential successor Mobility Capital Improvement Program is included in the Financial Plan and is proposed as a certificate of obligation bond program beginning in fiscal year 2024. It is recommended that the specific projects that are proposed as part of this bond program would be determined based on the Mobility Master Plan.

The Financial Plan also includes funding for an additional Senior Planner (FY 23) to assist in the development and implementation of the Mobility Plan and to help represent Temple's interest in regional planning initiatives such as the Killeen-Temple Metropolitan Planning Organization.

Four new transportation-related maintenance crews are proposed as part of the Financial Plan to provide the necessary level of maintenance needed for the transportation infrastructure in which we have invested. Additional crew proposals include a Street Reconstruction crew (FY 20), a Street Patching crew (FY 23), an Alley and Right-of-Way crew (FY 23), and a Concrete crew (FY 24). The Financial Plan also recommends the implementation of an annual pavement marking maintenance program (FY 21) and the addition of a Traffic Control Technician (FY 25).

We are currently in the process of conducting a Drainage Study and Comprehensive Modeling Assessment. The first phase of this assessment began in the fall of 2017.

An allocation of \$5,000,000 for an expansion to our Drainage Capital Improvement Program is included in the Financial Plan in fiscal year 2020. It is recommended that the highest priority projects that were identified in first phase of the Drainage Study be included as part of this bond program. The second phase of the assessment began in spring of 2019 and is anticipated to be completed in fall of 2020. Another expansion to the Drainage Capital Improvement Program is anticipated following the full completion of the study. The Financial Plan allocates funding for a Drainage Rate Study (FY 20) to determine capital project capacity and funding options.

The City has invested almost \$137,452,000 over the past 10 years in improving and extending our water and sewer infrastructure. We will be completing the Water and Wastewater Master Plan update this year. The Master Plan will evaluate system demands and improvements through 2070.

The Financial Plan includes an additional \$187,486,000 in capital funds to implement water and wastewater improvement projects including an expansion of our water treatment plant, an expansion of the Temple-Belton wastewater treatment plant, and a system approach to reducing sanitary sewer overflows.

The plan also allocates funding for a new Lead Maintenance Operator (FY 20) at the water treatment plant to focus on plant maintenance activities as well as the addition of a Water Quality Control crew (FY 20) who would be responsible for flushing the distribution system and collecting water quality and compliance data.



Three additional water maintenance crews are proposed as part of the Financial Plan to provide the staffing resources necessary to maintain our water distribution system and to provide an enhanced response time for non-emergency water leaks. Additional crew proposals include two additional Water Maintenance crews (FY 20, FY 23) and a Water Leak crew (FY 20). The plan also proposes the addition of a Water Crew Leader (FY 20) position and the reassignment of two existing Utility Technician positions to form a fourth additional water maintenance crew. The reassignment of the Utility Technician positions is made possible by adding a Water Quality Control crew at the Water Treatment Plant to assume responsibility for system flushing for water quality control purposes.

Four additional wastewater maintenance crews are also proposed as part of the Financial Plan to provide the staffing resources necessary to maintain our wastewater collection system and to provide a systematic approach to eliminating sanitary sewer overflows. Additional crew proposals include one Wastewater Maintenance crew in fiscal year 2020, two additional crews in fiscal year 2021, and one additional crew in fiscal year 2022.

An Assistant Director of Public Works (FY 20) position, a Utility Foreman (FY 20) position, a Utility Compliance Coordinator position, and a Utility Manager (FY 21) position are also recommended to be added to provide additional management resources to the Public Works Department.

The Financial Plan also recommends the addition of a Meter Technician (FY 23) position and two Environmental Program Technician (FY 21, FY 24) positions.

Funding for additional Solid Waste and Recycling routes is also proposed in the Financial Plan. These route additions are intended to maintain service levels in the midst of the growth of our community. An additional commercial route and additional roll-off route are recommended to be added in fiscal year 2020. Additional residential routes are recommended in fiscal year 2021 and 2023.

A Safe and Healthy Community

Protecting our public safety is a top priority for the City of Temple in providing a community where businesses can thrive, and residents want to call home. The Financial Plan proposes enhancing public safety services by investing in positions, equipment, and technology.

The Financial Plan recommends the expansion of our police patrol program from eight patrol districts to ten patrol districts to provide enhanced response capacity and consistent, visible police presence in our community. A total of five additional police officers are needed for this initiative. The addition of three patrol officers is recommended in fiscal year 2024 and two in fiscal year 2025.

The plan also recommends funding to complete the final phase of staffing for the Proactive Enforcement/Violent Crime Squad. The addition of two Police Officer (FY 24, FY 25) positions is recommended to fully staff that unit.

Funding is also recommended in the Financial Plan to establish a Neighborhood and District Community Policing Program. This proposal involves funding an additional Community Oriented Policing (COPs) unit (FY 24, FY 25) as well as the addition of six civilian Safety Ambassador (FY 24, FY 25) positions to help provide expanded foot and bicycle patrol in neighborhoods, downtown, and parks.

FINANCIAL PLAN – CONTINUED

A second Property Crimes Investigation Squad (FY 24, FY 25) is recommended to respond to the projected increase in case load based on the growth of our community. An additional detective (FY 25) position is also recommended to be added to the Violent Crimes Investigation Squad.

The Financial Plan also recommends funding allocations for the addition of a School Resource Officer (FY 21) position for the new Lake Belton High School, a Police Officer (FY 24) position to implement an enhanced training program, and two civilian Community Service Records Technicians (FY 21, FY 22) an Animal Services Field Officer (FY 22) position, as well as two additional Animal Shelter Technicians (FY 23, FY 24) to maintain service levels as our community grows.



An allocation of \$15,000,000 for a potential Public Safety Capital Improvement Program is included in the Financial Plan and is proposed as a general obligation bond program in May of 2020.

It is recommended that this bond include an expansion of the Public Safety Training Center, a new shooting range, an expansion and update of the Animal Shelter and Pet Adoption Center, improvements to fire stations, and investments in equipment.

The Financial Plan recommends funding for a Fire Department Master Plan (FY 20) as well as Fire Management Specialist (FY 21) position.

An additional fire squad vehicle is recommended to be purchased and fully staffed (FY 24, FY 25) to provide enhanced response capacity in the growth areas of our community.

The plan includes funding for three additional outdoor warning sirens (FY 21, FY 23, FY 25), the replacement of eleven cardiac monitors (FY 20-FY 25), the replacement of two ladder trucks (FY 20, FY 21), the replacement of a fire engine (FY 23), the replacement of a fire rescue vehicle (FY 24), and the replacement of two fire squad vehicles (FY 24).

Funding for additional code compliance resources are included in the Financial Plan including an additional Code Compliance Officer (FY 20) and a Code Compliance Manager (FY 22). These proposed additions will provide the staff resources necessary to expand our proactive, solution-oriented code compliance approach.

A stylized, light blue map of a city grid is overlaid on a dark blue background. The map shows a network of streets and a river or canal winding through the center. The text 'ANNUAL BUDGET' is written in large, white, sans-serif capital letters in the lower right quadrant.

ANNUAL BUDGET



ANNUAL BUDGET

For Fiscal Year 2020, the Proposed Budget totals \$176,459,934 for all funds. This proposed annual budget has been developed with the goal of providing a wide range of high-quality services while maintaining fiscal soundness as the foundation of all that we do. The Proposed Budget is based on a property tax rate of 68.88¢ per \$100 valuation, an increase of 2.76¢ from the current tax rate.

The focus of the FY 2020 Proposed Budget is on providing services that our residents request while responding to the growth of our community. This proposed budget reflects a fiscally responsible approach to improving the City's infrastructure and maintaining quality City services to a growing population.

This year's budget has been developed within the following budget parameters:

- maintain fiscal soundness;
- align strategic, financial, and staff work plans;
- focus on core mission and activities;
- maintain or improve services and service levels;
- continue to improve infrastructure; and
- continue to support and develop our workforce.

The Proposed FY 2020 Budget allocates resources based on the four focus areas identified in the Strategic Plan.

FINANCIAL HIGHLIGHTS

General Fund Revenues

Total revenues for the FY 2020 General Fund Budget are presented at \$82,009,031 an increase of 10.77% compared to the FY 2019 Adopted Budget. The three largest sources of revenue for the General Fund are sales tax, property tax, and solid waste charges.

Property Tax

In the FY 2020 Budget, property tax accounts for 19.53% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund. The Proposed Budget is based on a property tax rate of 68.88¢ per \$100 valuation, an increase of 2.76¢ from the current tax rate.

This rate is based on a preliminary appraised value of \$4,760,420,369 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest and Sinking rate (I&S). This year's tax rate is proposed at 32.58¢ for the M&O rate and 36.30¢ for the I&S rate.

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and may require adjustments prior to the final adoption of the budget.

Sales Tax

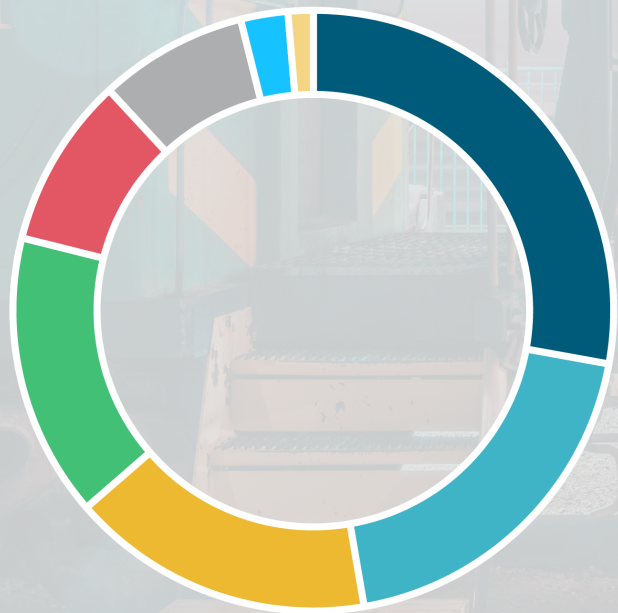
While much attention is focused on the property tax rate number, our single largest source of revenue for the General Fund continues to be sales tax revenue. In the FY 2020 Budget, sales tax is projected to account for 27.96% of the General Fund budgeted revenues.

The FY 2020 Budget estimates \$22,930,000 in sales tax revenue, a 1.78% increase in sales tax revenue over budgeted FY 2019 sales tax revenue.

Solid Waste Rates

Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 14.73% of total General Fund revenues. \$12,080,571 in solid waste revenue is projected for FY 2020, representing a 3.23% increase from the FY 2019 solid waste revenue adopted budget of \$11,703,090. No rate adjustments are proposed for solid waste services in FY 2020.

General Fund Revenues



<div></div> Sales Tax - 28%	<div></div> Franchise Fees - 9%
<div></div> Property Tax - 20%	<div></div> Other Revenues - 8%
<div></div> Other Charges for Services - 16%	<div></div> Fines - 3%
<div></div> Solid Waste Fees - 15%	<div></div> Licenses & Permits - 1%

General Fund Expenditures

Total expenditures for the FY 2020 General Fund Budget are presented at \$84,620,149, an increase of 9.39% compared to the FY 2019 Adopted Budget.

Water and Wastewater Fund

Total revenues for the FY 2020 Water and Wastewater Fund Budget are presented at \$46,543,982, an increase of 29.59% compared to the FY 2019 Adopted Budget. A rate adjustment is proposed for water and wastewater rates.

Expenses, capital improvements, and debt service for the FY 2020 Water and Wastewater Fund Budget are presented at \$46,543,982, an increase of 29.59% compared with prior year.

Hotel/Motel Tax Fund

Total revenues for the Hotel/Motel Fund Budget are presented at \$2,313,723, an increase of 14.09% compared to the FY 2019 Adopted Budget. 18.31% of the Hotel/Motel revenues are from the operations of the Frank Mayborn Center. Expenditures for the Hotel/Motel Fund Budget are presented at \$2,598,723, an increase of 21.94% compared to the FY 2019 Adopted Budget.

Federal and State Grant Fund

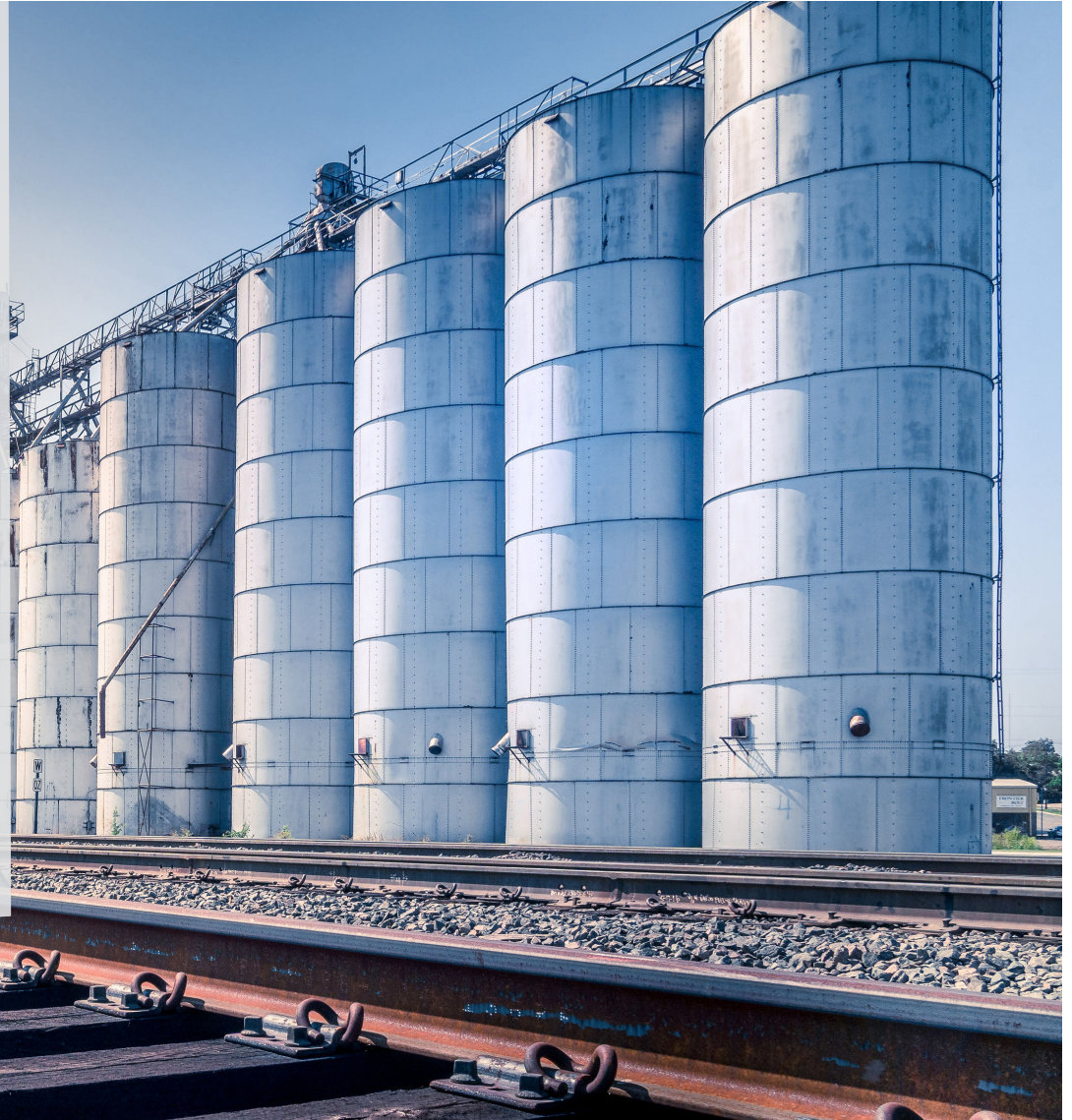
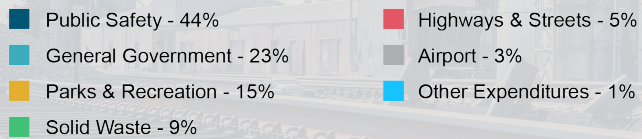
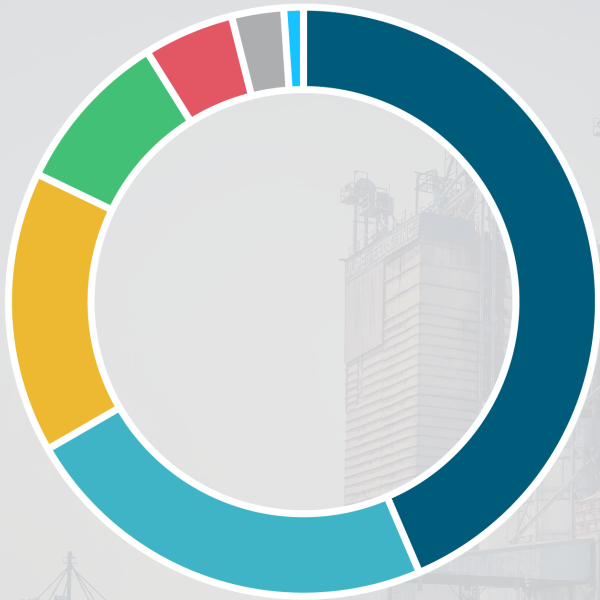
Total revenues and expenditures for Federal and State Grant Fund Budget are presented at \$588,159, an increase of 9.68% compared to the FY 2019 Adopted Budget. Total revenues include the award of the Community Development Block Grant (CDBG). The proposed allocation of CDBG funds are as follows:

Demolition	\$10,000
Housing Improvement Program	\$218,800
Crime Prevention Program	\$88,223
Neighborhood Revitalization Program.....	\$153,505
General Administration	\$117,631

Drainage Fund

Total revenues and expenditures are presented at \$2,775,825, a 0.77% increase from prior year. These revenues are based on rates that remain unchanged from current year.

General Fund Expenditures



FY 2020

GENERAL FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 09-19-19	
Projected Revenues	\$ 82,009,031	\$ 81,609,702	\$ (399,329) ^A
Proposed Budget Expenditures	82,899,594	82,500,265	(399,329) ^B
Excess Revenues Over (Under) Expenditures	(890,563)	(890,563)	-
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	(989,400)	(989,400)	-
CO 2017 - Sanitation Vehicles	(273,250)	(273,250)	-
CO 2017 - PS P25 Radios	(249,250)	(249,250)	-
LTN 2019 - Sanitation Vehicles & Software, Street Equipment	(208,655)	(208,655)	-
Total Transfer In (Out)	(1,720,555)	(1,720,555)	-
Excess Revenues Over (Under) Expenditures for FY 2020	\$ (2,611,118)	\$ (2,611,118)	\$ -
Recommended Use of Undesignated Fund Balance:			
- Strategic Investment Zone Funding	\$ 100,000	\$ 100,000	\$ -
- Capital Funded with Fund Balance	1,988,618	1,988,618	-
- Capital Replacement - Sanitation Vehicles	273,250	273,250	-
- Capital Replacement - PS P25 Radios	249,250	249,250	-
	\$ 2,611,118	\$ 2,611,118	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 09/19/2019:

^A Revenue Changes:

Required adjustment from preliminary to certified tax roll	\$ (292,094)
Adjusted revenue estimates	(107,235)
Total Revenue Changes	\$ (399,329)

^B Expenditure Changes:

Various operational adjustments	\$ (229,384)
Proration of new HR software based on revised implantation date	(169,945)
Total Expenditures Changes	\$ (399,329)
Net Revenue Over (Under) Expenditures	\$ -

FY 2020
DEBT SERVICE FUND PROPOSED BUDGET
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 09-19-19	
Projected Revenues	\$ 16,884,084	\$ 17,193,441	\$ 309,357 ^A
Proposed Budget Expenditures	19,200,905	19,510,262	309,357 ^B
Excess Revenues Over (Under) Expenditures	\$ (2,316,821)	\$ (2,316,821)	-
Transfers In (Out):			
Plus: Transfer In From General Fund -			
LTN 2013 - Sanitation Vehicles, CNG Facility and Recycling Containers	989,400	989,400	-
CO 2017 - Sanitation Vehicles	273,250	273,250	-
CO 2017 - PS P25 Radios	249,250	249,250	-
LTN 2019 - Sanitation Vehicles & Software, Street Equipment	208,655	208,655	-
Plus: Transfer In From Drainage Fund -			
CO 2017 - Drainage CIP	262,919	262,919	-
CO 2020 - Drainage CIP	177,500	177,500	-
Total Transfer In (Out)	2,160,974	2,160,974	-
Excess Revenues Over (Under) Expenditures for FY 2020	\$ (155,847)	\$ (155,847)	\$ -
Recommended Use of Undesignated Fund Balance	155,847	155,847	- ^A
	\$ -	\$ -	\$ -

Explanation of Changes from Filed Budget to Proposed Budget @ 09/19/2019:

^A **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ 309,357
Total Revenue Changes	\$ 309,357

^B **Expenditure Changes:**

Adjustment to debt service	\$ 309,357
Total Expenditures Changes	\$ 309,357
Net Revenue Over (Under) Expenditures	\$ -

FY 2020

WATER & WASTEWATER FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-28-19	Current as of 09-19-19	
Projected Revenues	\$ 46,543,982	\$ 45,547,087	\$ (996,895) ^A
Proposed Budget Expenses	46,543,982	45,547,087	(996,895) ^B
Excess Revenues Over (Under) Expenditures for FY 2020	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 09/19/2019:

^A **Revenue Changes:**

Adjusted wastewater revenue estimates	\$ (996,895)
Total Revenue Changes	<u>\$ (996,895)</u>

^B **Expense Changes:**

Reduced intergovernmental expense	\$ (106,414)
Reduced franchise fee	(50,673)
Proration of new HR software based on revised implantation date	(24,600)
Adjusted O&M capital	(524,871)
Reduced debt service	(290,337)
Total Expense Changes	<u>\$ (996,895)</u>
Net Revenue Over (Under) Expenses	<u>\$ -</u>

City of Temple
General Government Compensation Plan
Revised - 09/2019

Pay Grade	Pay Basis	Minimum	1st Quartile	Midpoint	3rd Quartile	Maximum	Position Title	Position Number
200	Annual Hourly	89,211.20 42.89	103,708.80 49.86	118,206.40 56.83	132,704.00 63.80	147,201.60 70.77	DIRECTOR OF AIRPORT	36015
							DIRECTOR OF HUMAN RESOURCES	27009
							DIRECTOR OF INFORMATION TECHNOLOGY	19005
							DIRECTOR OF PARKS & RECREATION	32005
							DIRECTOR OF PLANNING	17002
201	Annual Hourly	93,683.20 45.04	108,908.80 52.36	124,113.60 59.67	139,339.20 66.99	154,564.80 74.31	DIRECTOR OF TRANSFORM TEMPLE	37010
							DIRECTOR OF PUBLIC WORKS	39005
							FIRE CHIEF	22005
							POLICE CHIEF	20005
202	Annual Hourly	98,363.20 47.29	114,337.60 54.97	130,332.80 62.66	146,307.20 70.34	162,302.40 78.03	ASSISTANT CITY MANAGER	11005
300	Annual Hourly	37,668.80 18.11	42,868.80 20.61	48,048.00 23.10	53,227.20 25.59	58,406.40 28.08	MUSEUM CURATOR	70030
301	Annual Hourly	39,166.40 18.83	45,510.40 21.88	51,875.20 24.94	58,240.00 28.00	64,604.80 31.06	ASSISTANT GOLF COURSE SUPERINTENDENT	31060
							CRIME ANALYST	20023
							MUSEUM ARCHIVIST	70020
302	Annual Hourly	42,286.40 20.33	49,171.20 23.64	56,035.20 26.94	62,899.20 30.24	69,784.00 33.55	ASSISTANT DIRECTOR OF UTILITY BILLING	58015
							DOWNTOWN DEVELOPMENT COORDINATOR	46010
							FACILITY MAINTENANCE SUPERVISOR	24015
							GRANT COORDINATOR	80010
							LEAD TECHNOLOGY SPECIALIST	19026
							PARK PLANNER	35027
							PLANNER	17021
							PROCUREMENT ANALYST	13028
							PROGRAM COORDINATOR	32020
							PROJECT MANAGER- PUBLIC WORKS	39025
							SENIOR CODE COMPLIANCE OFFICER	37031
							SYSTEMS ANALYST I	19024
303	Annual Hourly	45,676.80 21.96	53,102.40 25.53	60,507.20 29.09	67,932.80 32.66	75,358.40 36.23	ACCOUNTANT	12027
							ADULT SERVICES LIBRARIAN	40016
							ASSISTANT DIRECTOR OF GOLF	31015
							BUSINESS MANAGER-SOLID WASTE	23030
							DEPUTY CITY SECRETARY	14050
							ENVIRONMENTAL PROGRAMS MANAGER	54070
							GIS ANALYST	19035
							GOLF COURSE SUPERINTENDENT	31019
							MUSEUM MANAGER	70011
							OPERATIONS MANAGER- AIRPORT	36020
							OPERATIONS MANAGER- CONVENTION CENTER	44020
							OPERATIONS MANAGER- SOLID WASTE	23015
							PAYROLL MANAGER	12021
							PERMIT SUPERVISOR	48060
							LIBRARY SUPERVISOR - CATALOGING AND ACQUISITION SERVICES	40010
							SENIOR PROGRAM COORDINATOR	32011
							TELECOM & NETWORK SPECIALIST	19039
							YOUTH SERVICES LIBRARIAN	40021
304	Annual Hourly	49,337.60 23.72	57,345.60 27.57	65,353.60 31.42	73,382.40 35.28	81,390.40 39.13	PROGRAM MANAGER	32014
							HUMAN RESOURCES GENERALIST	27020
							LEGAL ADMINISTRATIVE SUPERVISOR	16030
							NETWORK ANALYST	19027
							PROJECT ENGINEER	39016
							SAFETY CHAMPION	66030
							SENIOR ACCOUNTANT	12020
							SENIOR PLANNER	17015
							SYSTEM ANALYST II	19020
							SYSTEM/DATABASE ADMINISTRATOR	19023
305	Annual Hourly	53,268.80 25.61	61,921.60 29.77	70,595.20 33.94	79,248.00 38.10	87,900.80 42.26	TRAFFIC SIGNAL MANAGER	28025
							UTILITY COMPLIANCE COORDINATOR	52030
							EXECUTIVE SUPPORT MANAGER	50031
							GIS MANAGER	19030
							MULTI-MEDIA SPECIALIST - GRAPHIC DESIGN	67050
							PRINCIPAL PLANNER	17010
							PURCHASING MANAGER	13026
							RECYCLING MANAGER	23021
							SENIOR PROJECT MANAGER- IT	19037
							STREET & DRAINAGE SERVICES MANAGER	34021
305	Annual Hourly	53,268.80 25.61	61,921.60 29.77	70,595.20 33.94	79,248.00 38.10	87,900.80 42.26	TREATMENT CHIEF OF OPERATIONS	51030
							UTILITY SERVICES MANAGER	52022

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Pay Grade	Pay Basis	Minimum	1st Quartile	Midpoint	3rd Quartile	Maximum	Position Title	Position Number
406	Annual	22,152.00	24,939.20	27,705.60	30,472.00	33,259.20	OFFICE ASSISTANT I	80870
	Hourly	10.65	11.99	13.32	14.65	15.99	OFFICE ASSISTANT I	80970
							POOL MANAGER	32892
							POOL MANAGER - NON-EXEMPT FAC	32893
							POOL MANAGER - NON-EXEMPT FAC	32993
							POOL MANAGER - SEASONAL	32992
			w/WSI					
		\$ 10.65	\$ 10.90	1st Year Pool Manager				
		\$ 10.97	\$ 11.22	2nd Year Pool Manager				
		\$ 11.30	\$ 11.55	3rd Year Pool Manager				
407	Annual	23,920.00	26,915.20	29,931.20	32,926.40	35,921.60	COMMUNITY SERVICE RECORDS TECHNICIAN I	20060
	Hourly	11.50	12.94	14.39	15.83	17.27	ENVIRONMENTAL PROGRAMS CLERK	56040
							FOOD AND BEVERAGE SPECIALIST	44040
							LIBRARY OUTREACH ASSISTANT	40833
							MAINTENANCE WORKER- AQUATICS	35085
							MAINTENANCE WORKER- PARKS	35080
							MAINTENANCE WORKER- SOLID WASTE- PT	83960
							MAINTENANCE WORKER- STREETS	34072
							MAINTENANCE WORKER- GOLF COURSE	31085
							MAINTENANCE WORKER- SOLID WASTE	23072
							MUSEUM COORDINATOR	70040
							MUSEUM DEVELOPMENT ASSISTANT	70950
							PARKING ENFORCEMENT OFFICIAL	20070
							RECREATION LEADER II	32040
							RECREATION LEADER II- PT	32896
							RECREATION LEADER II- PT	32996
							TRANSFORM TEMPLE ASSISTANT	37065
408	Annual	25,854.40	29,078.40	32,323.20	35,547.20	38,792.00	AIRPORT OPERATIONS SPECIALIST	36067
	Hourly	12.43	13.98	15.54	17.09	18.65	AIRPORT OPERATIONS SPECIALIST- PT	36956
							CONNECT & DISCONNECT TECHNICIAN	53099
							COMMUNITY EDUCATION SPECIALIST	22340
							CREW LEADER- EVENTS	44070
							FLEET SERVICE COORDINATOR	20057
							LIBRARY ASSISTANT	40072
							LIBRARY ASSISTANT- PT	40872
							LIBRARY TECHNICIAN/CATALOGER	40071
							MAINTENANCE TECHNICIAN- PARKS	35076
							MECHANIC- GOLF COURSE	31080
							METER TECHNICIAN I	53063
							OFFICE ASSISTANT II	80060
							OFFICE ASSISTANT II- PT	80860
							PERMIT TECHNICIAN	37050
							UTILITY TECHNICIAN I	83057
409	Annual	27,913.60	31,408.00	34,902.40	38,396.80	41,891.20	ADMINISTRATIVE ASSISTANT I	80045
	Hourly	13.42	15.10	16.78	18.46	20.14	ADMINISTRATIVE ASSISTANT I- PT	80845
							ASSET MANAGEMENT TECHNICIAN	80024
							AUTOMOTIVE TECHNICIAN I	38050
							BUILDING MAINTENANCE WORKER	24060
							CHEMICAL TECHNICIAN	35070
							CREW LEADER - FACILITIES SERVICES	24050
							CUSTODIAN & MAINTENANCE TECHNICIAN II	89065
							CUSTOMER SERVICE REPRESENTATIVE I	58063
							CUSTOMER SERVICE REPRESENTATIVE I - PT	58863
							EQUIPMENT OPERATOR I- DRAINAGE	29050
							EQUIPMENT OPERATOR I- GOLF COURSE	31050
							EQUIPMENT OPERATOR I- PARKS	35050
							EQUIPMENT OPERATOR I- STREET	34050
							FORESTRY TECHNICIAN	35075
							INVENTORY SPECIALIST	80053
							INVENTORY SPECIALIST- PT	80953
							METER TECHNICIAN II	53061
							RECORDS SPECIALIST	14060
							TRANSFORM TEMPLE AGENT- ABATEMENT	37054
							UTILITY LOCATE TECHNICIAN	50040
							UTILITY TECHNICIAN II	83055
							WATER OPERATOR I	51055

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410	Annual	30,139.20	33,924.80	37,689.60	41,475.20	45,240.00	ACCOUNTS PAYABLE SPECIALIST	13060
	Hourly	14.49	16.31	18.12	19.94	21.75	AIRPORT OPERATIONS SUPERVISOR	36062
							ANIMAL CONTROL OFFICER	21050
							ANIMAL CONTROL OFFICER- PT	21860
							ASSISTANT YOUTH SERVICES LIBRARIAN	40051
							ASSISTANT YOUTH SERVICES LIBRARIAN - PT	40851
							AUTOMATED ROUTE OPERATOR	23070
							AUTOMOTIVE TECHNICIAN II	38060
							COMMUNITY SERVICE RECORDS TECHNICIAN II	20050
							CREW LEADER- ATHLETICS	35064
							CREW LEADER- HORTICULTURE	35060
							CREW LEADER- PARKS	35062
							DEPUTY COURT CLERK	18050
							EQUIPMENT OPERATOR II- CLEANER	83064
							EQUIPMENT OPERATOR II- SOLID WASTE	23075
							EQUIPMENT OPERATOR II- STREETS/DRAINAGE	83062
							INFORMATION TECHNOLOGY SPECIALIST	19055
							IRRIGATION TECHNICIAN	35073
							JUVENILE CASE MANAGER	18053
							PROCUREMENT SPECIALIST	13050
							RECREATION SPECIALIST	32030
							RECYCLING ASSISTANT	23080
							REFERENCE LIBRARIAN	40075
							REFERENCE LIBRARIAN- PT	40875
							SALES & MARKETING SPECIALIST	44043
							SIGNAL MAINTENANCE TECHNICIAN	28050
							TECHNOLOGY SUPPORT SPECIALIST I	19051
							TRANSFORM TEMPLE AGENT- PROJECTS	11055
							UTILITY TECHNICIAN III	83045
							VISITOR SERVICES SPECIALIST	46050
411	Annual	32,552.00	36,628.80	40,705.60	44,782.40	48,859.20	ACCOUNTING TECHNICIAN	12051
	Hourly	15.65	17.61	19.57	21.53	23.49	ADMINISTRATIVE ASSISTANT II	80035
							ASSISTANT AQUATICS COORDINATOR	32023
							AUTOMOTIVE TECHNICIAN III	38070
							CODE COMPLIANCE OFFICER	37044
							COLLECTIONS COORDINATOR	58020
							COURT COORDINATOR	18030
							CREW LEADER- CONSTRUCTION	83022
							CREW LEADER- DRAINAGE	29060
							CREW LEADER- STREETS	34025
							CREW LEADER- UTILITY SERVICES	83030
							CRIME VICTIM LIASON	20033
							CUSTOMER SERVICE COORDINATOR	60060
							CUSTOMER SERVICE REPRESENTATIVE II	58065
							DEVELOPMENT COORDINATOR	17025
							EVIDENCE & PROPERTY TECHNICIAN	20055
							FOOD AND BEVERAGE COORDINATOR	44037
							PLANNING TECHNICIAN	17030
							PROJECT INSPECTOR	39040
							PUBLIC RECORDS ADMINISTRATOR	14020
							SENIOR DEPUTY COURT CLERK	18045
							TRANSFORM TEMPLE AGENT LEAD	11050
412	Annual	35,152.00	39,561.60	43,971.20	48,360.00	52,769.60	ASSISTANT GOLF PROFESSIONAL	31030
	Hourly	16.90	19.02	21.14	23.25	25.37	COLLECTION DEVELOPMENT LIBRARIAN	40030
							COLLECTION DEVELOPMENT LIBRARIAN-PT	40830
							DEPUTY COURT ADMINISTRATOR	18020
							ENVIRONMENTAL PROGRAMS TECHNICIAN	52042
							EVENTS COORDINATOR	44030
							EXECUTIVE ASSISTANT- CITY ATTORNEY	16026
							EXECUTIVE ASSISTANT- CITY MANAGER	11036
							EXECUTIVE ASSISTANT- CITY SECRETARY	14030
							EXECUTIVE ASSISTANT- FINANCE	12035
							MAINTENANCE COORDINATOR	23050
							MARKETING ASSISTANT	67040
							OPERATIONS COORDINATOR	80041
							SENIOR BUYER I	13030
							SENIOR TRAFFIC SIGNAL MAINTENANCE TECHNICIAN	28040
							HVAC TECHNICIAN- FACILITY SERVICES	24071
							WATER OPERATOR II	51044

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413	Annual Hourly	37,980.80 18.26	42,723.20 20.54	47,486.40 22.83	52,228.80 25.11	56,992.00 27.40	ACCOUNTING SPECIALIST	12030
							AIRCRAFT RESCUE & FUELING SPECIALIST	36045
							AIRCRAFT RESCUE & FUELING SPECIALIST- PT	36845
							AIRPORT SERVICES COORDINATOR	36025
							CIRCULATION SUPERVISOR	40018
							CITY ELECTRICIAN	24040
							FOREMAN- CUSTODIAL	89017
							GIS SPECIALIST	19043
							HUMAN RESOURCES TECHNICIAN	27025
							LEAD AUTOMOTIVE TECHNICIAN	38040
							LIBRARY OUTREACH COORDINATOR	40035
							METER MAINTENANCE SUPERVISOR	53065
							RESOURCES COORDINATOR	60050
							SENIOR PROJECT INSPECTOR	39030
414	Annual Hourly	41,017.60 19.72	46,155.20 22.19	51,272.00 24.65	56,409.60 27.12	61,547.20 29.59	ANIMAL CONTROL FIELD SUPERVISOR	21010
							ANIMAL SHELTER SUPERVISOR	21011
							ASSET MANAGEMENT COORDINATOR	80015
							COMBINATION BUILDING INSPECTOR	47035
							CRIME SCENE TECHNICIAN I	20040
							CST SUPERVISOR	20019
							FLEET SERVICES INVENTORY SUPERVISOR	38030
							GIS MODELER	39035
							LEGAL SPECIALIST	16045
							MEDIA RELATIONS SPECIALIST	20020
							PAYROLL SPECIALIST	12040
							TECHNOLOGY SUPPORT SPECIALIST II	19041
							WATER OPERATOR III	51040
415	Annual Hourly	44,283.20 21.29	49,836.80 23.96	55,390.40 26.63	60,923.20 29.29	66,476.80 31.96	AIRCRAFT RESCUE & FUELING SUPERVISOR	36030
							COMMUNICATIONS SPECIALIST	19070
							FOREMAN- DRAINAGE	29017
							FOREMAN- FLEET SERVICES	38080
							FOREMAN- METERS	53017
							FOREMAN- PARKS	35017
							FOREMAN- SOLID WASTE	23017
							FOREMAN - STREET RECONSTRUCT	34030
							FOREMAN- STREET SERVICES	34017
							FOREMAN- TRAFFIC SIGNAL	28015
							FOREMAN- UTILITY SERVICES	83020
							LEAD WATER OPERATOR	51035
							STORMWATER PROGRAM SPECIALIST	29040

I. STATEMENT OF PURPOSE

The broad purpose of the following Fiscal and Budgetary Policy Statements is to enable the City to achieve and maintain a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, full disclosure and communication.

The more specific purpose is to provide guidelines to the Director of Finance in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies generally spans, among other issues, accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash and investment management, expenditure control, asset management, debt management, and planning concepts, in order to:

- A. present fairly and with full disclosure the financial position and results of the financial operations of the City in conformity to generally accepted accounting principles (GAAP) and;
- B. determine and demonstrate compliance with finance-related legal and contractual issues in accordance with provisions of the Texas Local Government Code and other pertinent legal documents and mandates.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

II. OPERATING BUDGET

- A. **Preparation** – Budgeting is an essential element of the financial planning, control, and evaluation process of municipal government. The “operating budget” is the City's annual financial operating plan. The annual budget includes all of the operating departments of the general fund, proprietary

fund, the debt service fund, special revenue funds, and capital project funds of the City. The budget is prepared by the City Manager and Director of Finance with the cooperation of all City Departments, on a basis which is consistent with generally accepted accounting principles. The City Manager presents the budget to the City Council and in accordance with Article 12 of the Charter, files a copy with the City Secretary and the Director of Finance. The budget should be presented to the City Council no later than the 1st day of August and should be enacted by the City Council on or before the fifteenth day of the last month of the preceding fiscal year.

1. **Proposed Budget** – A proposed budget shall be prepared by the City Manager with the participation of all the City's Department Heads within the provisions of the City Charter.
 - a. The budget shall include four basic segments for review and evaluation. These segments are: (1) revenues, (2) personnel costs, (3) operations and maintenance costs, and (4) capital and other (non-capital) project costs.
 - b. The budget review process shall include City Council participation in the development of each of the four segments of the proposed budget and public hearings to allow for citizen participation in the budget preparation.
 - c. The budget process shall span sufficient time to address policy and fiscal issues by the City Council.
 - d. A copy of the proposed budget shall be filed by the City Manager with the City Secretary and Director of Finance when it is submitted to the City Council in accordance with the provisions of the City Charter.
2. **Adoption** – Upon the presentation by the Director of Finance of a proposed budget

document to the City Council, the City Council shall call and publicize a public hearing. The City Council will subsequently adopt by Ordinance such budget, as it may have been amended, as the City's Annual Budget effective for the fiscal year beginning October 1st.

- B. **Balanced Budget** – The operating budget will be balanced with current revenues, which may include beginning fund balances less required reserves as established by City Council, greater than or equal to current expenditures/expenses.
- C. **Planning** – The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date. This will allow adequate time for appropriate decisions and analysis of financial impacts.
- D. **Reporting** – Periodic financial reports will be prepared by the Director of Finance to enable the Department Managers to manage their budgets and to enable the Director of Finance to monitor and control the budget as authorized by the City Manager. Summary financial and budgetary reports will be presented by the Director of Finance to the City Council to understand the overall budget and financial status.
- E. **Control and Accountability** – The Department Heads of each department will be solely responsible to insure that their department budgets will not exceed budgeted amounts. In addition, each Department Head will be solely responsible to achieve budgeted revenues that are generated by activities of that department. Failure to achieve budgetary control of their individual expenditure and revenue budgets will be evaluated and investigated by the City Manager.
- F. **Expenditure Requests** – The Finance Department will evaluate expenditure requests from departments to ensure that the requests are in the amount and kind originally budgeted in those departments and

that adequate funds are available to comply with individual expense request. The Director of Finance will make every effort to assist departments in obtaining purchases to accomplish the goals and objectives delineated in the budget information for each department set forth in the current yearly adopted budget.

- G. **Contingent Appropriation** – The City Manager should establish an adequate contingent appropriation in each of the operating funds. Expenditures from this appropriation shall be made only in cases of emergency or an unforeseen/unusual need. A detailed account shall be recorded and reported. The transfer of this budget appropriation shall be under the control of the City Council. Any transfer of contingency must be expressly approved in advance by the City Council.

All transfers from the contingent appropriation will be evaluated using the following criteria:

1. Is the request of such an emergency nature that it must be made immediately?
2. Why was the item not budgeted in the normal budget process?
3. Why the transfer cannot be made within the division or department?

III. REVENUE POLICIES

- A. **Characteristics** – The City Finance Department will strive for the following optimum characteristics in its revenue system:
 1. **Simplicity** – The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's cost of collection and a reduction in avoidance to pay should result.

2. Certainty – A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.
 3. Equity – The City shall make every effort to maintain equity in its revenue system structure; i.e., the City should seek to minimize or eliminate all forms of subsidization between entities, funds, services, utilities, and customer classes.
 4. Revenue Adequacy – The City should require that there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.
 5. Administration – The benefits of a revenue source should exceed the cost of levying and collecting that revenue. The cost of collection should be reviewed annually for cost effectiveness as a part of the indirect cost of service analysis. Where appropriate, the City will use the administrative processes of State, Federal or Local Governmental collection agencies in order to reduce administrative cost.
 6. Diversification and Stability – A diversified revenue system with a stable source of income shall be maintained. This will help avoid instabilities in two particular revenue sources due to factors such as fluctuations in the economy and variations in the weather.
- B. Issues – The following considerations and issues will guide the City Finance Department in its revenue policies concerning specific sources of funds:
1. Cost/Benefit of Abatement – The City will use caution in the analysis of tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) and analysis should be performed as part of such caution.
 2. Non-Recurring Revenues – One-time or non-recurring revenues should not be used to finance current ongoing operations. Non-recurring revenues should be used only for non-recurring expenditures and not be used for budget balancing purposes.
 3. Property Tax Revenues – All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Bell County Tax Appraisal District. Reappraisal and reassessment shall be done every third year.
- Conservative budgeted revenue estimates result in a projected ninety-eight percent (98%) budgeted collection rate for current ad valorem taxes. Two percent (2%) of estimated current ad valorem taxes will be projected and used as the budget for delinquent ad valorem tax collections. The combined ad valorem tax collections budgeted each fiscal year will be no less than one hundred percent (100%) of the tax levy and should insure that ad valorem tax collection projections will not be over estimated.
- The Finance Department will endeavor with the Tax Assessor Collector to collect ad valorem taxes in excess of ninety-seven percent (97%) of total ad valorem tax levy with a goal of one hundred percent (100%) collection of actual ad valorem taxes levied in each fiscal year.
- All delinquent taxes shall be aggressively pursued each year by the Tax Assessor/Collector. Tax accounts delinquent greater than 90 days shall be submitted for collection each year to an

attorney selected by the Bell County Tax Appraisal District. A penalty shall be assessed on all delinquent property taxes, which shall include all court costs, as well as an amount for compensation of the attorney as permitted by State law and in accordance with the attorney's contract with the County. Annual performance criteria will be developed for the attorney and reported to the City Council.

4. Interest Income – Interest earned from investment of available monies, whether pooled or not, will be distributed to the funds in accordance with the equity balance of the fund from which monies were provided to be invested.
5. User-Based Fees and Service Charges – For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be an annual review by all Department Heads of fees and charges to ensure that fees provide adequate coverage of cost of services for their respective departments.

The City Council will determine how much of the cost of a service should be recovered by fees and charges.

6. Enterprise Fund Rates – The Director of Utilities will review rates annually, and the City Council will adopt rates that will generate revenues sufficient to cover operating expenses, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital.

Additionally, enterprise activity rates and other legal funds of the City will include transfers to and receive credits from other funds as follows:

- a. General and Administrative Charges – Administrative costs should be charged to all funds for services of

general overhead, such as administration, finance, customer billing, personnel, data processing, engineering, and legal counsel, and other costs as appropriate. The charges will be determined by the Director of Finance through an indirect cost allocation following accepted practices and procedures not to exceed 10%.

- b. Payment in-lieu-of costs – This transfer will be made in accordance with the following methods, not to exceed 5% of the total estimated operating revenues of the respective fund.

- (1) *In-lieu-of franchise fee.* In-lieu-of franchise fee will be included as a part of the rate computation of gross sales consistent with the franchise rates charged to investor owned utility franchises to operate within the City. Currently, the City levies a 5% franchise fee.

- (2) *Payment in-lieu-of ad valorem tax.* Rates will be calculated so as to include a fee equal to the ad valorem taxes lost as a result of municipal ownership of the various utility and other enterprise activities owned by the City. Net book value will be used as a basis, barring absence of known market value and applied only to capital assets actually within the incorporated City limits.

7. Intergovernmental Revenues (Federal/State/Local) – All potential grants will be examined for matching requirements and the source of the matching requirements. These revenue sources will be expended only for intended purpose of grant aid. It must be clearly understood that operational requirements set up as a result of a grant or aid could be discontinued once the

term and conditions of the project have terminated.

8. **Revenue Monitoring** – Revenues actually received will be compared to budgeted revenues by the Director of Finance and any variances considered to be material will be investigated. This process will be summarized in the appropriate budget report. The Director of Finance will report results of that investigation to the City Manager and City Council.

IV. EXPENDITURE POLICIES

- A. **Appropriations** – The point of budgetary control is at the department level budget for all funds. When budget adjustments among Departments and/or funds are necessary, they will be made in accordance with the City Charter. Budget appropriation amendments at lower levels of control shall be made in accordance with the applicable administrative procedures.
- B. **Central Control** – No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without the prior authorization of the City Manager. This control will realize budget savings each year that will be recognized in the approved budget as “unexpended appropriations” or contingency “sweep” accounts. The City Manager is authorized, without further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item greater than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased. The Director of Finance is authorized without further City Council action, to transfer appropriations within individual department budgets for each fund from line item to line item less than \$5,000 provided that the total funds appropriated by the City Council for each individual department budget are neither increased nor decreased.

- C. **Purchasing** – All City purchases of goods or services will be made in accordance with the City’s current Purchasing Manual.

- D. **Prompt Payment** – All invoices approved for payment by the proper City authorities shall be paid by the Finance Department within thirty (30) calendar days of receipt in accordance with the provisions of Article 601f, Section 2 of the State of Texas Civil Statutes.

The Director of Finance shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City’s investable cash.

- E. **Reporting** – Quarterly reports will be presented by the Director of Finance in open Council meetings describing the financial and budgetary conditions of the City. Comparisons of actual to budget and actual to prior year, appropriate ratios and graphs to fully disclose and present meaningful information will be used whenever possible.

V. CAPITAL BUDGET AND PROGRAM

- A. **Preparation** – The City’s Capital Budget will include all capital project funds and all capital resources. The budget will be prepared annually and on a project basis. The Capital Budget will be prepared by the City Manager with the involvement of responsible departments.
- B. **Control** – All capital project expenditures must be appropriated in the Capital Budget. The Finance Department must certify the availability of resources before any capital project contract is presented to the City Council for approval.
- C. **Program Planning** – The Capital Budget will be taken from capital improvements plan for future years. The planning time frame for the capital improvements project plan should

normally be five years, but a minimum of at least three years. The replacement and maintenance for capital items should also be projected for the next ten (10) years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.

- D. **Financing Programs** – Where applicable, assessments, impact fees, pro rata charges, or other fees should be used to fund capital projects which have a primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative-financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing the debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

- E. **Timing** – The Financial Analyst will work with Department Heads during the budget preparation to schedule the timing of capital equipment purchases to insure funds availability. The final schedule of capital purchases will be given to Directors or Department Heads to assist them in timing purchase requests to the Purchasing Department.
- F. **Infrastructure Maintenance** – The City recognizes the deferred maintenance increases future capital costs. Therefore, a portion of all individual funds with infrastructure should be budgeted each year to maintain the quality of the City's infrastructure. Replacement schedules should be developed in order to anticipate the deterioration and obsolescence of infrastructure.
- G. **Reporting** – Periodic financial reports will be prepared by the Director of Finance to

enable the Department Heads to manage their capital budgets and to enable the Finance Department to monitor and control the capital budget as authorized by the City Manager.

VI. ACCOUNTING, AUDITING, AND FINANCIAL REPORTING

- A. **Accounting** – The City Finance Department is solely responsible for the reporting of the financial affairs, both internally and externally. The Director of Finance is the City's Chief Fiscal Officer and, through responsibility delegated to the Assistant Director of Finance, is responsible for establishing the Chart of Accounts and for properly recording financial transactions.

B. **Auditing** –

1. **Qualifications of the Auditor** – In conformance with the City's Charter and according to the provisions of Texas Local Government Code, Title 4, Chapter 103, the City will be audited annually by outside independent accountants ("auditor"). The auditor must be a CPA that can demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must hold a license under Article 41a-1, Section 9, of the Civil Statutes of Texas, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's audit in accordance with generally accepted auditing standards as required by the City Charter and applicable state and federal laws. The auditor's report on the City's financial statement will be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the City Council within 30 days of its receipt by the staff.

In conjunction with their review, the Director of Finance shall respond within

100 days in writing to the City Manager and City Council regarding the auditor's Management Letter, addressing the issues contained therein. The City Council shall schedule its formal acceptance of the auditor's report upon the resolution of any issues resulting from the joint review.

2. **Responsibility of Auditor to City Council** – The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

C. **Financial Reporting** –

1. **External Reporting** – The City Finance Department shall prepare a written Comprehensive Annual Financial Report (CAFR) which shall be presented to the City's auditor within 60 days of the City's fiscal year end. Accuracy and timeliness of the CAFR is the responsibility of the City staff. The CAFR will be prepared in accordance with generally accepted accounting principles (GAAP). If City staffing limitations preclude such timely reporting, the Director of Finance will inform the City Council of the delay and the reasons therefore. Upon the completion and acceptance of the CAFR, the City's auditor shall present the audited CAFR to the City Council within 120 days of the City's fiscal year end.
2. **Internal Reporting** – The Finance Department will prepare internal financial reports, sufficient to plan, monitor, and control the City's financial affairs. Internal financial reporting objectives are addressed throughout these policies. As the Finance Department strives for excellence in financial reporting, the following Qualitative Characteristics of Accounting Information will be

incorporated in all reports and policies that are prepared or implemented.

Definitions of Qualitative Characteristics of Accounting Information:

- **Bias** – Bias in measurement is the tendency of a measure to fall more often on one side than the other of what it represents instead of being equally likely to fall on either side. Bias in accounting measures means a tendency to be consistently too high or too low. Financial reporting will strive to eliminate bias in accounting data.
- **Comparability** – The quality of information that enables users to identify similarities in and differences between two sets of economic phenomena.
- **Completeness** – The inclusion in reported information of everything material that is necessary for faithful representation.
- **Conservatism** – A prudent reaction to uncertainty to try to insure that uncertainty and risks inherent in financial situations are adequately considered.
- **Consistency** – Conformity from period to period with unchanging policies and procedures.
- **Feedback Value** – The quality of information that enables users to confirm or correct prior expectations.
- **Materiality** – The magnitude of an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.

- **Neutrality** – Absence in reported information of bias intended to attain a predetermined result or to induce a particular mode of behavior.
- **Predictive Value** – The quality of information that helps users to increase the likelihood of correctly forecasting the outcome of past or present events.
- **Relevance** – The capacity of information to make a difference in a decision by helping users to form predictions about the outcomes of past, present, and future events or to confirm or correct prior expectations.
- **Reliability** – The quality of information that assures that information is reasonably free from error and bias and faithfully represents what it purports to present.
- **Representational Faithfulness** – Correspondence or agreement between a measure or description and the phenomenon that it purports to represent (sometimes called validity).
- **Timeliness** – Having information available to a decision-maker before it loses its capacity to influence decisions.
- **Understandability** – The quality of information that enables users to perceive its significance.
- **Verifiability** – The ability through consensus among measurers to insure that information represents what it purports to represent or that the chosen method of measurement has been used without error or bias.

VII. ASSET MANAGEMENT

- A. **Investments** – The Director of Finance shall promptly deposit all City funds with the City's Depository Bank in accordance with the provisions of the current Bank Depository Agreement. The Director of Finance will then promptly invest all funds in any negotiable instrument that the Council has authorized under the provisions of the Public Funds Investment Act, and in accordance with the City Council approved Investment Policies.
- B. **Cash Management** – The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, utility bills, building and related permits and licenses, and other collection offices as appropriate.

The Finance Department shall use the facsimile check-signing machine, bearing the signatures of the City Manager and Director of Finance.

The Director of Finance may transfer funds, via electronic transfer, through verbal or electronic instructions to the City's Depository only for payment of any obligation of the City under the conditions applicable to the use of the facsimile machine. Payment authorization shall be in accordance with the pay authorization criteria as defined in the current Bank Depository Agreement, approved by Council, stipulating the conditions and control procedures on such activity.

VIII. TREASURY

Cash/Treasury Management – Periodic review of each cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the intent to 1) safeguard assets, 2) maintain liquidity, and 3) maximize return. Where legally permitted, pooling of investments will be done.

The City will adhere to the investments authorized through the Public Funds Investment Act and any amendments to such act and will additionally establish comprehensive Investment Policies and Guidelines. Such policies will clarify acceptable investment securities, brokers, terms, and other pertinent investment information.

IX. DEBT MANAGEMENT

A. **Policy Statement** – The City of Temple recognizes the primary purpose of capital facilities is to support provision of services to its residents. Using debt financing to meet the capital needs of the community must be evaluated according to two tests – efficiency and equity. The test of efficiency equates to the highest rate of return for a given investment of resources. The test of equity requires a determination of who should pay for the cost of capital improvements. In meeting the demand for additional capital facilities, the City will strive to balance the load between debt financing and “pay as you go” methods. The City realizes failure to meet the demands of growth may inhibit its continued economic viability, but also realizes that too much debt may have detrimental effects. Through the rigorous testing of the need for additional debt financed facilities and the means by which the debt will be repaid, the City Director of Finance will strike an appropriate balance between service demands and the amount of debt.

B. **Types of Debt** –

1. **General Obligation Bonds (GO's)** – General obligation bonds will be used only to fund capital assets of the general government, are not to be used to fund operating needs of the City and are backed by the full faith and credit of the City as well as the ad valorem taxing authority of the City as prescribed by law. The term of a bond issue will not exceed the useful life of the asset(s) funded by

the bond issue and will generally be limited to no more than twenty years. General obligation bonds must be authorized by a vote of the citizens of the City of Temple.

2. **Revenue Bonds (RB's)** – Revenue bonds will be issued to provide for the capital needs of any activities where the capital requirements are necessary for continuation or expansion of a service which produces a revenue and for which the asset may reasonably be expected to provide for a revenue stream to fund the debt service requirements. The term of the obligation may not exceed the useful life of the asset(s) to be funded by the bond issue and will generally be limited to no more than twenty years.

3. **Certificates of Obligation, Contract Obligations, etc. (CO's)** – Certificates of Obligations or Contract Obligations will be used in order to fund capital requirements which are not otherwise covered under either Revenue Bonds or General Obligation Bonds. Debt service for CO's may be either from general revenues or backed by a specific revenue stream or streams or by a combination of both. Generally CO's will be used to fund capital assets where full bond issues are not warranted as a result of cost of the asset(s) to be funded through the instrument. The term of the obligations may not exceed the useful life of the asset(s) to be funded by the proceeds of the debt issue and will generally be limited to no more than twenty years.

4. **Method of Sale** – The Director of Finance will use a competitive bidding process in the sale of bonds unless the nature of the issue warrants a negotiated bid. In situations where a competitive bidding process is not elected, the Director of Finance will publicly present the reasons why, and the Director of Finance will participate with the financial advisor in

the selection of the underwriter or direct purchaser.

C. Analysis of Financing Alternatives –

Finance Staff will explore alternatives to the issuance of debt for capital acquisitions and construction projects. These alternatives will include, but are limited to: 1) grants-in-aid, 2) use of reserves/designations, 3) use of current revenues, 4) contributions from developers and others, 5) leases, and 6) impact fees.

D. Conditions for Using Debt – Debt financing of capital improvements and equipment will be done only when the following conditions exist:

- When non-continuous projects (those not requiring continuous annual appropriations) are desired;
- When it can be determined that future users will receive a benefit from the improvement;
- When it is necessary to provide basic services to residents and taxpayers (for example, purchase of water rights);
- When total debt, including that issued by overlapping governmental entities, does not constitute an unreasonable burden to the residents and taxpayers.

E. Federal Requirements – The City Finance Department will maintain procedures to comply with arbitrage rebate and other Federal requirements related to the issuance of bonds.

The City Finance Department will maintain post-issuance compliance written procedures for bonds and financed projects. The City will monitor the use of proceeds and expenditures from the Construction/Project Fund for all bond issues. The City will retain various records with respect to each series of Bonds.

F. Sound Financing of Debt – When the City utilizes debt financing, it will ensure that the debt is soundly financed by:

- Conservatively projecting the revenue sources that will be used to pay the debt;
- Financing the improvement over a period not greater than the useful life of the improvement;
- Determining that the benefits of the improvement exceed the costs, including interest costs;
- Maintaining a debt service coverage ratio which ensures that combined debt service requirements will not exceed revenues pledged for the payment of debt; and
- Evaluating proposed debt against the target debt indicators.

G. Financing Methods – The City maintains the following policies in relation to methods of financing used to issue debt:

- An Ad Valorem tax rate of \$1.20 per \$100 of assessed value is the maximum municipal tax rate (by City Charter) that may be levied for all General Fund tax supported expenditures and debt service;
- Where possible, the City will use revenue or other self-supporting bonds in lieu of General Obligation Bonds;
- When appropriate, the City will issue non-obligation debt, for example, Industrial Development Revenue bonds, to promote community stability and economic growth; and
- Staff will maintain open communications with bond rating agencies about its financial condition and whenever possible, issue rated securities.

H. **Elections** – The Charter also regulates which securities may be issued only after a vote of the electors of the City and approved by a majority of those voting on the issue.

1. **Election Required** – Securities payable in whole or in part from Ad Valorem taxes of the City except issues such as tax increment securities, certificates of obligation, and contractual obligations.

2. **Election Not Required** –

- Short-term notes (12 months or less) issued in anticipation of the collection of taxes and other revenues.
- Securities issued for the acquisition of water rights or capital improvements for water treatment.
- Securities payable solely from revenue other than Ad Valorem taxes of the City.
- Refunding securities issued to refund and pay outstanding securities.
- Securities for any special or local improvement district, such as a Public Improvement District (PID).
- Tax increment securities payable from Ad Valorem tax revenue derived from increased valuation for assessment of taxable property within a plan of development or other similar area as defined by applicable State Statutes.
- Securities issued for the acquisition of equipment or facilities pursuant to a lease-purchase contract.

X. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS

A. **Operational Coverage** – *(No Operating Deficits)* – The City's Proprietary Utility fund

will comply with all bond covenants and maintain an operational coverage of at least 125%, such that current operating revenues will exceed current operating expenses.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums as stated in Paragraph B, following.

B. **Fund Balance Policies** – The City's Fund Balance is the accumulated difference between assets and liabilities within governmental funds, and it allows the City to meet its contractual obligations, fund disaster or emergency costs, provide cash flow for timing purposes and fund non-recurring expenses appropriated by Council. This policy establishes limitations on the purposes for which Fund Balances can be used in accordance with Governmental Accounting Standards Board (GASB) Statement Number 54.

The City's Fund Balance will report up to five components:

1. **Non-spendable Fund Balance** – amounts that are not in a spendable form or are required to be maintained intact. Assets included in this category are prepaid items, inventory, and non-financial assets held for resale.
2. **Restricted Fund Balance** – represents the portion of fund balance that is subject to legal restrictions, such as grants or hotel/motel tax and bond proceeds.
3. **Committed Fund Balance** – describes the portion of fund balance that is constrained by limitations that the Council has imposed upon itself, and remains binding unless the Council removes the limitation.

4. Assigned Fund Balance – is that portion of fund balance that reflects the City's *intended* use of the resource and is established in a less formal method by the City for that designated purpose.
5. Unassigned Fund Balance – represents funds that cannot be properly classified in one of the other four categories.

C. **Operating Reserves/Fund Balances** –

1. The General Fund's Unassigned Fund Balance should be at least 33% of the General Fund's annual operating expenditures. This percentage is the equivalent of four months operational expenditures. The General Fund's annual operating expenditures are defined as all personnel and operations expenditures less those related to the operation of the sanitation department, airport and golf course. Any expenditure funded with General Fund Balance is also excluded from this calculation.
2. The General Fund's Assigned for Technology Fund Balance is replenished each year at a level sufficient for the City's technology needs based on a recommendation by Management.
3. The General Fund's Assigned for Capital Projects Fund Balance is adopted by Council with the acceptance of the fiscal year end financial statements. At the end of each fiscal year, any available fund balance that is not restricted or allocated to technology is added to the balance of the General Fund's Assigned for Capital Projects Fund Balance.
4. The Enterprise Fund working capital should be maintained at 33% of total operating expenses or the equivalent of four months.

- D. **Liabilities and Receivables** – Procedures will be followed to maximize discounts and reduce penalties offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target collection for a maximum of 30 days from service. Receivables aging past 120 days will be sent to a collection agency. The Finance Director is authorized to write-off non-collectible accounts that are delinquent for more than 180 days, provided proper delinquency procedures have been followed. The Finance Director will make an annual report to the City Council of the status of delinquent write-offs of non-collectible accounts.

E. **Capital and Debt Service Funds** –

1. Monies in the Capital Projects Funds should be used within 24 months of receipt or within a reasonable time according to construction schedule. Balances will be used to generate interest income to offset construction cost. Any unused monies can be used to fund similar projects as outlined by bond covenants and remaining excess funds will be transferred to the Debt Service Fund, provided that this complies with the bond covenant.

Revenues in the Debt Service Fund are based on property tax revenues, interest earnings and transfers from other funds. Reserves in the Debt Service Fund are designed to provide funding between the date of issuance of new debt and the time that property tax levies are adjusted to reflect the additional debt. Reserve levels should not exceed one month of average annual debt service.

2. Revenue obligations will maintain debt coverage ratios as specified by the bond covenants.

- F. **Ratios/Trend Analysis** – Ratios and significant balances will be incorporated into monthly, quarterly and financial reports. This

information will provide users with meaningful data to identify major trends of the City's finances through analytical procedures. We have selected the following ratios/balances as key indicators:

- **Fund Balance/Equity (FB/E):**
Assets – liabilities
AL (acceptable level) $\geq 33.0\%$ of operations
- **Working Capital (CA-CL):**
Current assets less current liabilities
AL $\geq 33.0\%$ of operations
- **Current Ratio (CA/CL):**
Current assets divided by current liabilities
AL > 1.00
- **Quick Ratio (Liquid CA/CL):**
“Liquid” current assets divided by current liabilities
AL > 1.00
- **Debt/Assessed Ad Valorem Taxes (D/AV):**
Debt divided by assessed Ad Valorem value
AL < 5
- **Debt Ratio - % (CL+LTL / TA) :**
Current liabilities plus long term liabilities divided by total assets
AL < 1.00
- **Enterprise Operational Operating Coverage (OR/OE):**
Operating revenue divided by operating expense
AL > 1.25

Our goal is to develop minimum/maximum levels for the ratios/balances above through analyzing City of Temple historical trends and anticipated future trends. We will also analyze/compare City of Temple to other municipalities to develop these acceptable levels.

XI. INTERNAL CONTROLS

- A. **Written Procedures** – Wherever possible, written procedures will be established and

maintained by the Director of Finance for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

- B. **Department Heads Responsibilities** – Each Department Head is responsible to ensure that good internal controls are followed throughout their Department, that all Finance Department directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed.

XII. STAFFING AND TRAINING

- A. **Adequate Staffing** – Staffing levels will be adequate for the fiscal functions of the City to operate effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload allocation alternatives will be explored before adding staff.
- B. **Training** – The City will support the continuing education efforts of all financial staff members including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.
- C. **Awards, Credentials, Recognition** – The Finance Department will support efforts and involvement which result in meeting standards and receiving exemplary recitations on behalf of any of the City's fiscal policies, practices, processes, products, or personnel. Staff certifications may include Certified Public Accountant, Management Accountant, Certified Internal Auditor, and Certified Cash Manager.

The Finance Department will strive to maintain a high level of excellence in its

accounting policies and practices as it prepares the CAFR. The CAFR will be presented annually to the Governmental Finance Officers Association (GFOA) for evaluation and consideration for the Certificate of Achievement for Excellence in Financial Reporting. The Budget will also be submitted to the GFOA for evaluation and consideration of the Distinguished Budget Presentation Award.

i. s

The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, (the “PFIA”) prescribes that each City is to adopt rules governing its investment practices and to define the authority of the investment officers. The following Investment Policy addresses the methods, procedures, and practices, which must be exercised to ensure effective and judicious fiscal management of the City’s funds.

The Director of Finance, the Assistant Director of Finance, the Treasury/Grants Manager, the Financial Analyst and the Senior Accountant are authorized as the Investment Officers of the City of Temple, Texas, and are responsible for all investment decisions and activities.

I. **Scope**

This policy applies to all investment activities of the City’s funds under its control, except those subject to other investment covenants, or excluded by contract. The Investment Policy will govern the activities of the Investment Officers and designated deputies in their management of all public funds covered by this Investment Policy.

To make effective use of the City’s resources, all funds shall be pooled for investment purposes, except for those funds required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. The pooled funds will include, but are not limited to, the funds of the General Fund, Water & Wastewater, GO Interest & Sinking, Hotel/Motel, Capital Projects, Federal/State Grant, Drainage, and Tax Increment Funds. Bond Proceeds may be invested in separate portfolios. The Firemen’s Pension Fund, Deferred Compensation Plans, and any investments donated to the City for a particular purpose, or under terms of use specified by the donor, are outside the scope of this Investment Policy.

This policy also requires the formal adoption of an Investment Strategy that specifically addresses each of the City’s fund groups. (See Attachment A)

II. **Objectives**

The primary objectives of the City investment activities, in order of priority, shall be:

- A. Safety – Investments shall be undertaken in a manner that seeks to ensure the preservation of principal.
- B. Liquidity – The City’s investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
- C. Yield – The City’s investment strategy is conservative. Given this strategy, the benchmark used by the Director of Finance to determine whether market yields are being achieved shall be the average rolling 90-day T-bill rate. Weighted average yield to maturity shall be the portfolio performance standard. Return on investment is of least importance compared to the safety and liquidity objectives.

Each investment transaction shall seek to first ensure that principal losses are avoided, whether they are from issuer defaults or erosion of market value.

III. **Delegation Of Authority**

The Director of Finance may designate deputies to assist with the management of the investment portfolio, but only the City Council may designate Investment Officers.

The Investment Officers shall be responsible for all transactions, compliance with internal controls, and insuring that all safekeeping, custodial, and collateral duties are in compliance with this Investment Policy and other applicable laws and regulations.

IV. **Standard Of Care**

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the

person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. This investment principle shall be applied in the context of managing the overall investment portfolio.

The Investment Officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for an individual issuer's credit risk or market price changes, provided that deviations from expectations are reported in a timely manner to the City Manager, and appropriate action is taken to control adverse developments.

V. **Ethics And Conflicts Of Interest**

The Investment Officers and designated deputies shall refrain from any personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. An Investment Officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement with the Texas Ethics Commission and the City Council disclosing that personal business interest. A disclosure statement will also be filed if an Investment Officer is related within the second degree by affinity of consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City.

For the purpose of this section, an individual has a personal business relationship with a business organization if:

- A. The individual owns 10 percent or more of the voting stock or shares of the business organization, or owns \$5,000 or more of the fair market value of the business organization;
- B. Funds received by the individual from the business organization exceed 10 percent of the individual's gross income for the previous year; or

- C. The individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VI. **Accounting/Reporting**

The Investment Officers shall, not less than quarterly, prepare and submit to the City Council a written report of investment transactions for all funds covered by this Investment Policy for the preceding reporting period. The report should:

- A. Describe the investment position of the entity on the date of the report;
- B. Be prepared and signed by the Investment Officers;
- C. Contain a summary statement that states the beginning market values, ending market value and fully accrued interest for the reporting period;
- D. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by type of asset and fund type invested;
- E. State the maturity date of each separately invested asset that has a maturity date;
- F. State the compliance of the investment portfolio as it relates to the City's Investment Policy, the City's Investment Strategy and the Public Funds Investment Act; and
- G. The reports should be formally reviewed at least annually by an independent auditor and the results of that audit reported to the City Council.

The method used to monitor the market price of acquired investments is to obtain market rates for the total portfolio from a recognized entity independent from the original transaction.

The City will seek to control the risk of loss due to failure of an investment issuer by monitoring the ratings of portfolio positions to ensure compliance with the rating requirements imposed by the Public Funds Investment Act. Not less than quarterly, the Investment Officers will obtain from a reliable source the current credit rating for each held investment that has a PFIA-required minimum rating and will include this information in the quarterly report. The City shall take all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

VII. **Diversification**

The City will diversify use of investment types and issuers to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual issuers or maturities (when appropriate).

The investment portfolio shall not exceed the following guidelines without prior approval of the City Manager:

- A. With the exception of U.S. Treasury securities and authorized pools, no more than 80% of the total investment portfolio will be invested in a single investment type.
- B. Commercial paper shall not exceed more than 5% of the total investment portfolio.
- C. With the exception of U.S. Treasury securities and authorized pools, no more than 40% of the total investment portfolio shall be invested with a single issuer.
- D. The maximum maturity for each investment and the total portfolio will be timed to maturity to meet cash flow needs established by the cash flow analysis. The maximum maturity of any individual investment shall not exceed three (3) years.
- E. The maximum dollar-weighted average maturity of the total investment portfolio is 270 days.

Maturity schedules shall be timed according to anticipated liquidity needs. Investments, from time to time, may be liquidated before maturity for cash-flow or portfolio restructuring purposes. To meet these disbursement schedules, market gains or losses may be required. Any losses for early maturity liquidation should be minimized, and they should be reported as such to the City Manager in a timely manner. Actual risk of default shall be minimized by adequate collateralization, where applicable. Market risk shall be minimized by diversification of investment type and maturity.

The Investment Officers shall routinely monitor the contents of the investment portfolio, the available markets and the relative values of competing instruments, and shall adjust the investment portfolio accordingly, keeping in mind the overall objectives of the investments.

VIII. **Cash Flow Analysis**

The Director of Finance monitors cash flows for all of the City's fund types. The purposes will be to determine liquidity needs and the available funds for investing.

IX. **Authorized Investments**

The following is a list of authorized investments:

- A. Obligations issued, guaranteed, insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities (i.e. U.S. Treasury and Agency Issues), including obligations of the Federal Home Loan Bank, the Federal Deposit Insurance Corporation and U.S. Agency Letters of Credit.
- B. Obligations issued, guaranteed, insured by, or backed by the State of Texas. Obligations issued by counties, cities, and other political subdivisions of the State of Texas that are rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.
- C. Deposits in Financial Institutions, which are guaranteed or insured by the Federal Deposit Insurance Corporation

or its successor or the National Credit Union Share Insurance Fund or its successor and are secured in compliance with Section XII Collateralization Requirements and placed in compliance with the PFIA.

- D. Fully collateralized repurchase agreements that have a defined termination date and are secured by cash or obligations of the United States or its agencies and instrumentalities. The securities purchased by the City must be pledged to the City, held in the City's account and deposited at the time the investment is made with the City's custodial bank. Repurchase agreements can only be placed through primary government securities dealers or financial institutions doing business in Texas.
- E. Commercial paper with a stated maturity of 270 days or less from the date of issuance. Commercial paper must be rated not less than A-1 or P-1, or an equivalent, by at least two nationally recognized credit rating agencies or rated by one credit rating agency plus fully secured by an irrevocable letter of credit issued by a domestic bank.
- F. Investment pools that are authorized by Council, invest only in investments approved by the Public Funds Investment Act, have an advisory board and are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating agency. Investment pools must comply with all requirements of the Public Funds Investment Act and provide an offering circular, investment transaction confirmations, and monthly reports.
- G. S.E.C. registered no-load money market mutual funds that comply with federal Securities and Exchange Commission Rule 2a-7 and the Public Funds Investment Act, and are continuously rated no lower than AAA

or at an equivalent rating by at least one nationally recognized rating agency.

An investment that requires a minimum rating under this Policy does not qualify as an authorized investment during the period the investment does not have the minimum rating. The Investment Officers will take all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating. The Investment Officers will not be required to liquidate investments that were authorized investments at the time of purchase.

The Investment Officers are specifically prohibited from investing in:

- a. Structured notes, investments with inverse-floaters, collateralized mortgage obligations, or any other form of derivatives;
- b. Any investment not authorized by this policy or the Public Funds Investment Act;
- c. Any investment pool in which the City would own more than 20% of the market value of the pool;
- d. Highly sophisticated investments not freely conducted in the marketplace (e.g., derivatives); and
- e. Any one mutual fund in which the City would own more than 10% of the total assets of the mutual fund.

The Investment Officers are also specifically prohibited from borrowing funds for the purpose of reinvesting the funds to leverage return.

X. Eligible Institutions

The following financial institutions are eligible for consideration for investment transactions by the Investment Officers:

- A. State or national banks with a main or branch office in the State of Texas;
- B. Savings banks with a main or branch office in the State of Texas;

- C. State or federal credit unions with a main or branch office in the State of Texas;
- D. Brokers approved and designated as primary dealers by the Federal Reserve Bank of New York;
- E. Secondary or regional brokers who meet the following requirements:
 - 1. Registered and in good standing with the Financial Industry Regulatory Authority (FINRA);
 - 2. Maintain Texas State Registration;
 - 3. Have net capital of \$1 million or more for Delivery Versus Payment investment transactions or net capital of \$50 million or more for Repurchase Agreement transactions; and
 - 4. Have at least five (5) years of operation.
- F. Local government investment pools, (i.e. Texpool, TexSTAR, etc.); and
- G. S.E.C. registered money market mutual funds.

A written copy of the City's Investment Policy shall be presented to any local government investment pool offering to engage in an investment transaction with the City. The qualified representative of the business organization (e.g. local government investment pool or discretionary investment management firm) shall execute an Investment Policy Certification substantially to the effect that the business organization or has:

- A. Received and reviewed the City's Investment Policy; and
- B. Agrees to comply with the requirements of the Public Funds Investment Act.

A list of individual qualified broker/dealers authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted by the City Council. (See Attachment B)

All broker/dealers will have on file Trading Authorization Agreements, with the City.

XI. Investment Purchases/ Trades

The City will purchase investments on an "as needed" basis only. The City will determine investment requirements based on cash flow analysis and current cash positions. The City will create a competitive environment to evaluate available options best suited for the City's requirements.

Investment selections and term will be determined in accordance with, (1) safety of principal, (2) cash flow needs, (3) investment type as a percentage of total investment portfolio and (4) yield.

Brokers/dealers are not encouraged to contact the City on currently available securities that the broker/dealers believe are items of interest to the City.

The Treasury/Grants Manager will obtain investment alternatives and get approval from an Investment Officer prior to making any investment decision. After the decision is made, execution will be on a competitive basis. All security purchases and trades conducted through the City will be settled with the City's third party custodial bank using Delivery versus Payment (DVP).

The Director of Finance, Assistant Director of Finance, Treasury/Grants Manager, Senior Accountant, City Manager, and City Secretary are the only individuals authorized to wire funds for the City. Dual authorization shall be used for all non-repetitive wire transfers.

The City's Investment Officer must approve any substitution of securities on repurchase agreements. The City will only enter repurchase agreements under the terms of the Public Securities Agreement (PSA) – Master Repurchase Agreement or similar format.

XII. Collateralization Requirements

Consistent with the requirements of the Public Funds Collateral Act, Chapter 2257, Texas Government Code, as amended, the City will require full collateralization of all non-insured

deposits with depository institutions. To anticipate market changes and provide a level of security, the collateralization level for marketable securities pledges will be at least 102% of market value of principal and accrued interest on the ledger deposits less the amount insured by the Federal Deposit Insurance Corporation. Securities pledged as collateral shall be held in the City's account by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of pledge must be supplied to the City for retention. The City must approve any release and/or substitution of collateral before such action is taken. Collateral shall be reviewed at least monthly to assure that the market value of the securities pledged equals or exceeds the required amount. When Federal Home Loan Bank Letters of Credit are pledged as collateral, the value of the Letter of Credit shall be at least 100% of principal and accrued interest of the deposit less the amount insured by the Federal Deposit Insurance Corporation. Federal Home Loan Bank Letters of Credit should extend at least three (3) business days beyond the maturity date of the deposit.

Obligations authorized by the Public Funds Collateral Act are acceptable for collateralization purposes. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards deposits.

All financial institutions pledging securities as collateral shall be required to sign a collateralization agreement with the City. The agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement must be executed by the financial institution and the City contemporaneously with the deposit;
- The agreement must be approved by the Board of Directors or designated committee of the financial institution and a copy of the meeting minutes must be delivered to the City; and

- The agreement must be part of the financial institution's "official record" continuously since its execution.

Private insurance coverage is not an acceptable collateralization form.

XIII. Investment Training

The Investment Officers shall attend:

- A. At least one training session containing at least ten (10) hours of instruction relating to the Investment Officer's responsibilities within 12 months after taking office or assuming duties.
- B. Investment training sessions not less than once in a two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date and receive not less than eight (8) hours of instruction relating to investment responsibilities.

Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act.

All training shall be from an independent source on the list of approved training seminar sponsors. (See Attachment C)

XIV. Conclusion

The Investment Officers will adhere to the Investment Policy in all investment decisions of the City.

All current investment activity, which does not comply with the above stated policy, will be allowed to mature, and all future investment activity will be performed under the terms of this Policy.

In conjunction with the annual financial audit, a compliance audit will be performed on management controls and adherence to this Policy.

An annual review of the Investment Policy and Strategy will be conducted by the Director of Finance. The Investment Policy and Strategy, with any changes, will then be presented for the City Council to review and adopt. Formal

adoption of the Investment Policy and Strategy will be documented in the minutes of the City Council meeting and the adopting ordinance.

INVESTMENT STRATEGY –***Attachment A***

The Investment Strategy of the City of Temple, Texas, is adopted to provide investment guidelines that will minimize the risk of loss of principal. To make effective use of the City's resources, all monies shall be pooled into one fund, except for those monies required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts or City policy. Investment priorities (in order of importance) are as follows:

- A. Suitability – Any investment allowed by the Investment Policy is suitable. Maturity schedules shall be timed according to anticipated needs.
- B. Safety of Principal – All investments should be of high quality with no perceived default risk.
- C. Liquidity – Bank Deposits, local government investment pools and money market mutual funds shall provide daily liquidity. Fixed maturity investments shall provide liquidity as required by anticipated needs.
- D. Marketability – Investments should have an active and efficient secondary market to enable the City to liquidate investments prior to the maturity for unanticipated cash requirements.
- E. Diversification – The City will diversify use of security types, issuers and maturities as per the Investment Policy.
- F. Yield – The City's investment strategy is conservative. The benchmark shall be the average rolling 90-day T-bill rate.

LIST OF AUTHORIZED BROKERS/DEALERS–***Attachment B***

A list of Broker/Dealers that are authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted. The following Broker/Dealers are authorized for use by the Investment Officer:

BBVA Securities, Inc.
Duncan Williams
FTN Financial
Hilltop Securities
Great Pacific Securities
MultiBank Securities, Inc.
Raymond James
Rice Financial Products
Vining-Sparks IBG
Wells Fargo Securities

APPROVED TRAINING SEMINAR SPONSORS –***Attachment C***

All investment training shall be from an independent source approved by the City Council. The following sponsors are hereby approved:

- A. Government Finance Officers' Association (GFOA and GFOAT);
- B. Texas Society of Certified Public Accountants (TSCPA);
- C. Texas Municipal League (TML);
- D. Government Treasurers' Organization of Texas (GTOT);
- E. Sponsors approved by the TSCPA and GFOA, GFOAT, GTOT, to provide CPE credits; or
- F. University of North Texas



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #4
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance approving the tax roll and authorizing calculation of the amount of tax that can be determined for all real and personal property in the City for the tax year 2019 (fiscal year 2020).

STAFF RECOMMENDATION: Conduct public hearing, adopt ordinance as presented in item description on first reading and schedule second reading, public hearing, and final adoption for September 19, 2019.

BACKGROUND: The proposed ordinance will adopt the ad valorem property tax roll certified by the Tax Appraisal District of Bell County, in the amount of \$5,363,305,586. The total 2019 taxable value is as follows:

Taxable Value –

	Certified Taxable Value	% of +/- from Prior Year
City of Temple	\$ 4,354,611,733	10.89%
Freeze Taxable*	527,445,141	12.06%
Total Adjusted Value	\$ 4,882,056,874	11.02%
Tax Increment District (Reinvestment Zone No. 1)	481,248,712	9.25%
Total Taxable Value	<u>\$ 5,363,305,586</u>	10.86%

FISCAL IMPACT: The tax levy at the proposed tax rate of \$0.6727 in the 2019-2020 fiscal year is:

TAX RATE			TAX LEVY		
	FY 2020	FY 2019		FY 2020	FY 2019
Maintenance & Operations	\$ 0.3097	\$ 0.2982	Maintenance & Operations	\$ 13,486,233	\$ 11,710,076
Debt Service	0.3630	0.3630	Debt Service	15,807,241	14,254,720
	--	--	Frozen Taxes*	2,658,038	2,424,899
Total Tax Rate	<u>\$ 0.6727</u>	<u>\$ 0.6612</u>	Total Tax Levy	<u>\$ 31,951,512</u>	<u>\$ 28,389,695</u>
			Budget w/M&O at 99% Collection and I&S at 100% Collection	<u>\$ 31,790,069</u>	<u>\$ 28,248,345</u>
Tax Increment District (Reinvestment Zone No. 1)			Tax Increment District (Reinvestment Zone No. 1)		
Total Tax Rate	<u>\$ 0.6727</u>	<u>\$ 0.6612</u>	Total Tax Levy	<u>\$ 3,237,360</u>	<u>\$ 2,912,525</u>

* - Frozen value = \$527,445,141

ATTACHMENTS:

2019 Certified Tax Roll
Ordinance – to be provided



Tax Appraisal District of Bell County

July 16, 2019

City of Temple
Tim Davis, Mayor
2 North Main Street, Ste 103
Temple TX 76501

Dear Mayor Davis

The enclosed information contains the certified values for the 2019 tax year for your entity. The Appraisal Review Board of Bell County certified the appraisal roll on the 11th of July 2019. The Appraisal District has certified a total net taxable value for your entity as \$5,363,305,586.

Sincerely

Billy White
Chief Appraiser

BW/lh

2019 CERTIFIED TOTALS

Property Count: 38,695

TTE - CITY OF TEMPLE
Grand Totals

7/15/2019

9:15:27AM

Land		Value			
Homesite:		375,466,044			
Non Homesite:		425,388,790			
Ag Market:		76,796,708			
Timber Market:		271,086	Total Land	(+)	877,922,628
Improvement		Value			
Homesite:		2,852,942,198			
Non Homesite:		2,226,042,110	Total Improvements	(+)	5,078,984,308
Non Real		Count	Value		
Personal Property:	2,769		1,138,600,143		
Mineral Property:	0		0		
Autos:	969		10,861,725	Total Non Real	(+)
				Market Value	=
					1,149,461,868
					7,106,368,804
Ag	Non Exempt	Exempt			
Total Productivity Market:	76,345,919	721,875			
Ag Use:	2,681,478	24,689	Productivity Loss	(-)	73,659,723
Timber Use:	4,718	0	Appraised Value	=	7,032,709,081
Productivity Loss:	73,659,723	697,186			
			Homestead Cap	(-)	49,890,121
			Assessed Value	=	6,982,818,960
			Total Exemptions Amount	(-)	1,619,513,374
			(Breakdown on Next Page)		
			Net Taxable	=	5,363,305,586

Freeze	Assessed	Taxable	Actual Tax	Ceiling	Count		
DP	49,606,767	28,508,135	147,436.86	166,489.35	470		
DPS	523,973	160,863	787.25	1,526.18	6		
OV65	737,073,950	498,776,143	2,509,813.54	2,594,332.58	5,090		
Total	787,204,690	527,445,141	2,658,037.65	2,762,348.11	5,566	Freeze Taxable	(-) 527,445,141
Tax Rate	0.661200						
Transfer	Assessed	Taxable	Post % Taxable	Adjustment	Count		
OV65	3,087,097	2,447,162	1,762,633	684,529	16		
Total	3,087,097	2,447,162	1,762,633	684,529	16	Transfer Adjustment	(-) 684,529
						Freeze Adjusted Taxable	= 4,835,175,916

APPROXIMATE LEVY = (FREEZE ADJUSTED TAXABLE * (TAX RATE / 100)) + ACTUAL TAX
 34,628,220.81 = 4,835,175,916 * (0.661200 / 100) + 2,658,037.65

Tif Zone Code	Tax Increment Loss
TETIF1	388,478,081
TETIF2	92,770,631
Tax Increment Finance Value:	481,248,712
Tax Increment Finance Levy:	3,182,016.48

2019 CERTIFIED TOTALS

Property Count: 38,695

TTE - CITY OF TEMPLE
Grand Totals

7/15/2019

9:15:41AM

Exemption Breakdown

Exemption	Count	Local	State	Total
AB	16	343,043,375	0	343,043,375
CH	47	22,455,872	0	22,455,872
CHODO	1	9,588,586	0	9,588,586
DP	492	4,340,917	0	4,340,917
DPS	10	80,000	0	80,000
DV1	249	0	2,052,000	2,052,000
DV1S	37	0	175,000	175,000
DV2	225	0	1,959,329	1,959,329
DV2S	14	0	97,500	97,500
DV3	289	0	2,772,000	2,772,000
DV3S	25	0	220,000	220,000
DV4	738	0	5,827,022	5,827,022
DV4S	103	0	840,000	840,000
DVHS	759	0	134,917,286	134,917,286
DVHSS	74	0	11,413,211	11,413,211
EX-XG	3	0	198,253	198,253
EX-XI	2	0	283,890	283,890
EX-XJ	6	0	9,979,288	9,979,288
EX-XL	29	0	2,487,508	2,487,508
EX-XR	5	0	202,846	202,846
EX-XV	2,821	0	536,050,136	536,050,136
EX-XV (Prorated)	14	0	474,210	474,210
EX366	50	0	13,511	13,511
FR	3	0	0	0
HS	14,768	441,090,138	0	441,090,138
LIH	2	0	5,746,097	5,746,097
MASSS	3	0	829,847	829,847
OV65	5,392	50,917,963	0	50,917,963
OV65S	343	3,135,028	0	3,135,028
PC	23	28,322,561	0	28,322,561
Totals		902,974,440	716,538,934	1,619,513,374

2019 CERTIFIED TOTALS

Property Count: 38,695

TTE - CITY OF TEMPLE
Grand Totals

7/15/2019 9:15:41AM

State Category Breakdown

State Code	Description	Count	Acres	New Value	Market Value	Taxable Value
A	SINGLE FAMILY RESIDENCE	22,799		\$102,564,848	\$3,238,664,691	\$2,544,920,807
B	MULTIFAMILY RESIDENCE	1,039		\$1,417,298	\$389,808,719	\$389,093,354
C1	VACANT LOTS AND LAND TRACTS	3,223		\$35,402	\$88,532,286	\$88,433,758
D1	QUALIFIED AG LAND	492	12,058.1370	\$0	\$76,345,919	\$2,588,924
D2	IMPROVEMENTS ON QUALIFIED OP	51		\$130,839	\$876,128	\$826,751
E	FARM OR RANCH IMPROVEMENT	542	4,518.7229	\$872,867	\$75,012,437	\$61,205,587
F1	COMMERCIAL REAL PROPERTY	1,807		\$15,484,456	\$727,082,559	\$722,743,391
F2	INDUSTRIAL REAL PROPERTY	130		\$0	\$715,794,331	\$367,551,406
J1	WATER SYSTEMS	2		\$0	\$82,907	\$82,907
J2	GAS DISTRIBUTION SYSTEM	7		\$0	\$12,567,772	\$12,567,772
J3	ELECTRIC COMPANY (INCLUDING C	29		\$0	\$70,255,543	\$70,255,543
J4	TELEPHONE COMPANY (INCLUDI	16		\$0	\$7,076,244	\$7,076,244
J5	RAILROAD	28		\$0	\$40,978,284	\$40,978,284
J6	PIPELAND COMPANY	56		\$0	\$4,190,840	\$3,729,622
J7	CABLE TELEVISION COMPANY	4		\$0	\$20,390,511	\$20,390,511
L1	COMMERCIAL PERSONAL PROPE	3,133		\$286,000	\$326,862,798	\$326,855,298
L2	INDUSTRIAL PERSONAL PROPERT	310		\$0	\$615,977,990	\$597,462,039
M1	TANGIBLE OTHER PERSONAL, MOB	401		\$420,207	\$4,062,296	\$3,214,853
O	RESIDENTIAL INVENTORY	2,008		\$32,076,543	\$68,513,939	\$67,516,122
S	SPECIAL INVENTORY TAX	56		\$0	\$35,812,413	\$35,812,413
X	TOTALLY EXEMPT PROPERTY	2,980		\$1,923,381	\$587,480,197	\$0
Totals			16,576.8599	\$155,211,841	\$7,106,368,804	\$5,363,305,586

2019 CERTIFIED TOTALS

Property Count: 38,695

TTE - CITY OF TEMPLE
Effective Rate Assumption

7/15/2019

9:15:41AM

New Value

TOTAL NEW VALUE MARKET:	\$155,211,841
TOTAL NEW VALUE TAXABLE:	\$134,967,747

New Exemptions

Exemption	Description	Count		
EX-XV	Other Exemptions (including public property, r	57	2018 Market Value	\$2,167,271
EX366	HOUSE BILL 366	18	2018 Market Value	\$39,034
ABSOLUTE EXEMPTIONS VALUE LOSS				\$2,206,305

Exemption	Description	Count	Exemption Amount
DP	DISABILITY	8	\$80,000
DPS	DISABLED Surviving Spouse	1	\$10,000
DV1	Disabled Veterans 10% - 29%	34	\$247,000
DV1S	Disabled Veterans Surviving Spouse 10% - 29%	3	\$15,000
DV2	Disabled Veterans 30% - 49%	27	\$225,000
DV3	Disabled Veterans 50% - 69%	44	\$464,000
DV3S	Disabled Veterans Surviving Spouse 50% - 69%	1	\$10,000
DV4	Disabled Veterans 70% - 100%	105	\$1,152,000
DV4S	Disabled Veterans Surviving Spouse 70% - 100	6	\$48,000
DVHS	Disabled Veteran Homestead	61	\$7,805,047
HS	HOMESTEAD	953	\$34,742,706
OV65	OVER 65	368	\$3,514,517
OV65S	OVER 65 Surviving Spouse	1	\$10,000
PARTIAL EXEMPTIONS VALUE LOSS		1,612	\$48,323,270
NEW EXEMPTIONS VALUE LOSS			\$50,529,575

Increased Exemptions

Exemption	Description	Count	Increased Exemption Amount
INCREASED EXEMPTIONS VALUE LOSS			
TOTAL EXEMPTIONS VALUE LOSS			\$50,529,575

New Ag / Timber Exemptions**New Annexations****New Deannexations****Average Homestead Value**

Category A and E

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
14,616	\$158,946	\$33,534	\$125,412
Category A Only			

Count of HS Residences	Average Market	Average HS Exemption	Average Taxable
14,452	\$158,174	\$33,139	\$125,035

2019 CERTIFIED TOTALS

TTE - CITY OF TEMPLE
Lower Value Used

Count of Protested Properties	Total Market Value	Total Value Used
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ORDINANCE NO. 2019-4981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE TAX ROLL AND AUTHORIZING CALCULATION OF THE AMOUNT OF TAX THAT CAN BE DETERMINED FOR ALL REAL AND PERSONAL PROPERTY IN THE CITY FOR THE TAX YEAR 2019 (FISCAL YEAR 2020); AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS AS MAY BE REQUIRED BY THE TAX APPRAISAL DISTRICT OF BELL COUNTY; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Chief Appraiser has determined the total appraised value, the total assessed value, and the total taxable value of property taxable within the City of Temple, Texas, in order to submit the Tax Appraisal Roll to the City Council as required by Article 26.04 of the Property Tax Code; and

Whereas, the City Council desires to approve the Tax Roll for tax year 2019 (fiscal year 2020) and to authorize calculation of the amount of tax that can be determined as a prerequisite to adopting the tax rate for the tax year 2019 (fiscal year 2020) as submitted by the Tax Appraisal District of Bell County.

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

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

Part 2: The City Council approves the Tax Appraisal Roll, as previously submitted by the Tax Appraisal District of Bell County, showing the total taxable assessed value of all real and personal property within the limits of the City of Temple, Texas, at **\$5,363,305,586**, more particularly shown on the attached Exhibit 'A,' which is made a part of this Ordinance for all purposes as if written word for word herein, and authorizing assessment at 100% of market value.

Part 3: The City Council authorizes the Mayor of the City of Temple, Texas, to execute all documents as may be required to calculate the amount of tax that can be determined as a prelude to adopting the tax rate for the tax year 2019 (fiscal year 2020) for the City of Temple, Texas, as may be required by the Tax Appraisal District of Bell County.

Part 4: The declarations, determinations, and findings declared, made and found in the preamble of this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: 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.

Part 6: If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Part 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 **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #5
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance setting a tax rate \$0.6727 per \$100 valuation, comprised of \$0.3097 for maintenance and operations and \$0.3630 for debt service, for Fiscal Year 2020 (Tax Year 2019), making the appropriation for the regular operation of the City.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description, on first reading and schedule second reading, and final adoption for September 19, 2019.

ITEM SUMMARY: The proposed property tax rate to support the Fiscal 2019-2020 Budget is \$0.6727 per \$100 of taxable assessed property value. The proposed tax rate will generate \$29,293,474 of property tax levy when applied to an ad valorem tax base of \$4,882,056,874 less \$527,445,141 of freeze taxable value. In addition, there will be \$2,658,038 in frozen tax levy for a total property tax levy of \$31,951,512. The proposed tax rate of \$0.6727 represents a 13.06% increase over the effective tax rate of \$0.5950.

The fiscal year 2019-2020 tax rate is comprised of the Maintenance and Operation rate and the Debt Service rate. These two components are as follows:

TAX RATE			TAX LEVY		
	FY 2020	FY 2019		FY 2020	FY 2019
Maintenance & Operations	\$ 0.3097	\$ 0.2982	Maintenance & Operations	\$ 13,486,233	\$ 11,710,076
Debt Service	0.3630	0.3630	Debt Service	15,807,241	14,254,720
	--	--	Frozen Taxes*	2,658,038	2,424,899
Total Tax Rate	<u>\$ 0.6727</u>	<u>\$ 0.6612</u>	Total Tax Levy	<u>\$ 31,951,512</u>	<u>\$ 28,389,695</u>
			Budget w/M&O at 99% Collection and I&S at 100% Collection	<u>\$ 31,790,069</u>	<u>\$ 28,248,345</u>
Tax Increment District (Reinvestment Zone No. 1)			Tax Increment District (Reinvestment Zone No. 1)		
Total Tax Rate	<u>\$ 0.6727</u>	<u>\$ 0.6612</u>	Total Tax Levy	<u>\$ 3,237,360</u>	<u>\$ 2,912,525</u>

* - Frozen value = \$527,445,141

The residential homestead exemption for property owners is \$5,000 or 20% of the assessed value whichever is greater. In addition to the homestead exemption, property owners 65 years of age or older will continue to receive an additional \$10,000 exemption and all disabled individual property owners will receive an exemption of \$10,000 in accordance with Texas Tax Code Section 11.13.

The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older (as approved in an election held in the City of Temple on May 7, 2005) applies to Tax Year 2006 (FY 2007). The amount of the qualifying homeowners tax ceiling was determined on the Tax Year 2005 (FY 2006). Future city taxes on that homestead cannot exceed the 2005 tax amount (but may be less). The tax limitation, however, may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

The motion to adopt an ordinance setting a tax rate that exceeds the effective tax rate must be made in the following form: **“I move that the property tax rate be increased by the adoption of a tax rate of \$0.6727, which is effectively a 13.06 percent increase in the tax rate.”**

Pursuant to Section 11.20 of the City Charter, all taxpayers shall be allowed discounts for the payment of taxes due to the City if such taxes are paid in the year for which such taxes are due as follows: 3% in October; 2% in November; and 1% in December.

FISCAL IMPACT:

Example – Annual Property Tax - \$100,000 Taxable Value:

With the proposed tax rate of \$0.6727 per \$100 valuation, the cost to a homeowner with a taxable value of \$100,000 would increase by \$11.50 per year (\$0.96 per month) if there was no change in taxable value from the prior year.

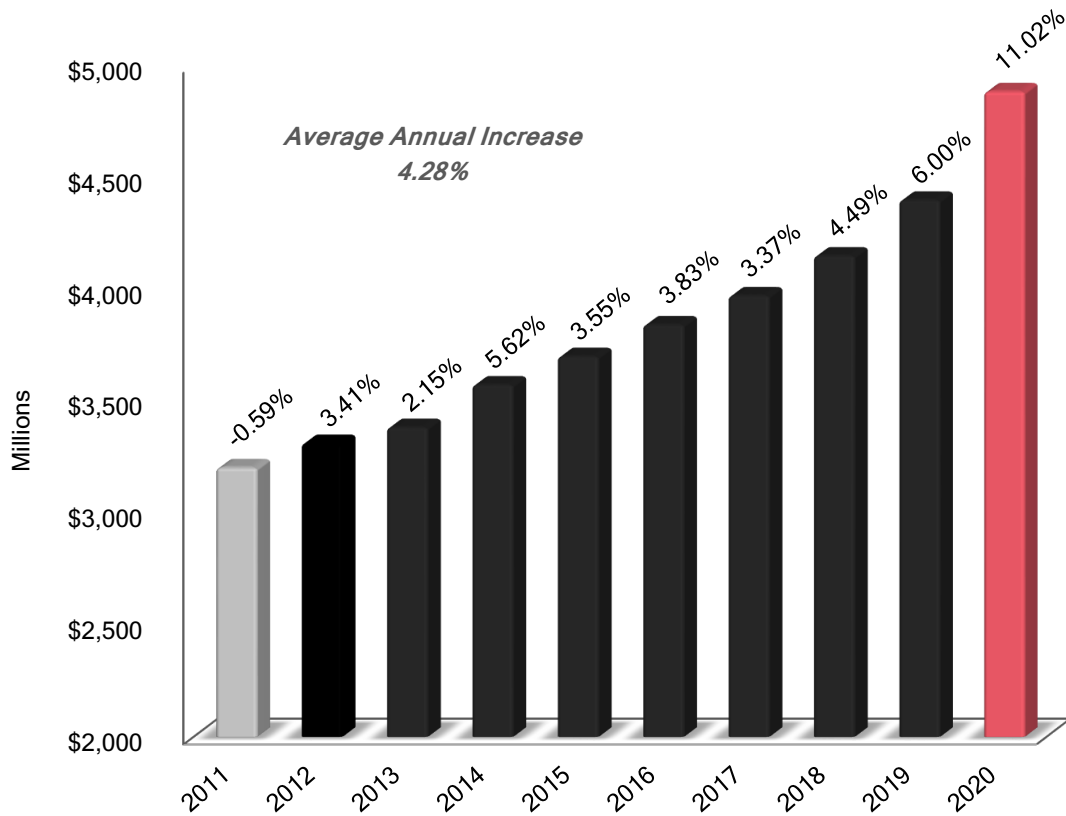
ATTACHMENTS:

[Assessed Value of Taxable Property Ordinance](#)

CITY OF TEMPLE, TEXAS
Assessed Value of Taxable Property
Last Ten Fiscal Years

Fiscal Year Ending September 30,	Taxable Property Valuation	Percent (%) Increase (Decrease)
2011	\$ 3,201,978,908	-0.59%
2012	3,311,259,863	3.41%
2013	3,382,401,984	2.15%
2014	3,572,423,141	5.62%
2015	3,699,245,668	3.55%
2016	3,840,746,157	3.83%
2017	3,970,340,738	3.37%
2018	4,148,669,011	4.49%
2019	4,397,616,969	6.00%
2020	4,882,056,874	11.02%

Average Annual Increase	4.28%
--------------------------------	--------------



ORDINANCE NO 2019-4982

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING A TAX RATE OF \$0.6727 PER \$100 VALUATION, COMPRISED OF \$0.3097 FOR MAINTENANCE AND OPERATIONS AND \$0.3630 FOR DEBT SERVICE FOR FISCAL YEAR 2020 (TAX YEAR 2019); MAKING THE APPROPRIATION FOR THE REGULAR OPERATION OF THE CITY; DECLARING FINDINGS OF FACT; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the fiscal year 2019-2020 budget will require adoption of a property tax rate of \$0.6727 per \$100 of taxable assessed property value which will generate \$29,293,474 of property tax levy when applied to an ad valorem tax base of \$4,882,056,874 less \$527,445,141 of freeze taxable value;

Whereas, there will also be \$2,658,038 in frozen tax levy for a total property tax levy of \$31,951,512;

Whereas, the proposed tax rate of \$0.6727 represents a 13.06% increase over the effective tax rate of \$0.5950;

Whereas, the fiscal year 2019-2020 tax rate is comprised of the Maintenance and Operation rate as well as the Debt Service rate; and

Whereas, the City Council approved the tax appraisal roll and authorized the collection of the total amount of tax that can be determined for the tax year 2019 (fiscal year 2020) and desires to establish the tax rate on \$100 valuation of all property; real, personal, and mixed, subject to taxation for that tax year that would result in a tax rate of \$0.6727 per \$100 of assessed property valuation.

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 following tax rate on \$100 valuation for the City of Temple, Texas, be and is hereby adopted for the tax year 2019-2020 as follows:

For the purpose of maintenance and operation; \$ 0.3097

For the payment of principal and interest on
bonds, warrants and certificates of obligation \$ 0.3630
and other debt of this City;

TOTAL TAX RATE	<u>\$0.6727</u> per each \$100 of assessed property valuation
Total Estimated Tax Levy (100%)	<u>\$31,951,512</u>
<u>Total Estimated Tax Levy –</u> <u>(Tax Increment District for City of Temple)</u>	<u>\$3,237,360</u>

The above tax rate is hereby adopted on the assessed valuation of all property, real, personal and mixed, subject to taxation by the City of Temple for the tax year 2019, for the City's departmental purposes for interest and sinking fund accounts in accordance with the budget adopted by the City Council on the 19th day of September, 2019, to-wit: and all such ad valorem taxes shall become due on the 31st day of January, 2020, and shall, unless paid, become delinquent on the 1st day of February, 2020.

Part 3: THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

Part 4: The Director of Finance is hereby authorized to assess and collect the taxes of the City of Temple employing the above tax rate.

Part 5: The *Residential Homestead Exemption* for property owners shall remain at \$5,000 or 20% of the assessed value whichever is greater. The *Over 65 Residential Homestead Exemption* shall remain at \$10,000. The *Disabled Individual Property Owners Exemption* shall be \$10,000 (as authorized by an Ordinance passed by the City Council on July 3, 2003, and in accordance with Texas Tax Code Section 11.13).

Part 6: The ad valorem tax freeze on the residence homestead of a person who is disabled or sixty-five (65) years of age or older shall also be effective (as authorized in an election held in the City of Temple on May 7, 2005). The amount of tax year 2005 City taxes will set the qualifying homeowners tax ceiling amount. Future City taxes on that homestead cannot exceed the tax year 2005 tax amount (but may be less). The tax limitation, however, may be adjusted higher for an increase in improvements to the homestead, other than repairs and those improvements made to comply with governmental regulations.

Part 7: All monies on hand on the 1st day of October, 2019, belonging to the City of Temple, Texas, and other than monies belonging to the credit of its Water and Sewer Departments, and all monies received by the City during the fiscal year 2020, other than monies received from operation of its Water and Sewer Department, be and are hereby appropriated for the several purposes other than its water and sewer systems and in the respective amounts set forth in the budget adopted by the City Council on the 19th day of September, 2019.

Part 8: Any funds needed for carrying out the budget shall be financed by deficiency warrants, and authority is hereby given to the City Manager and the Mayor to issue deficiency warrants, if necessary, to defray the current expenses for the City during the ensuing fiscal year in such amounts and at such times as shall be necessary in the judgment of the City Council.

Part 9: The declarations, determinations, and findings declared, made and found in the preamble of this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 10: 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.

Part 11: If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Part 12: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid copper sulfate for FY2020 with Brenntag Southwest, Inc of Lancaster, in the estimated annual amount of \$90,762.50.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization of this purchase agreement will allow for the purchase of liquid copper sulfate for the City's Conventional Water Treatment Plant during FY2020. Use of the chemical has proven successful in destroying organic material in the City's raw water source (Leon River) which is believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per U.S. EPA rules.

As shown on the attached bid tabulation, on August 29, 2019, the City received five bids for liquid copper sulfate. Brenntag Southwest, Inc was the low bidder at a price of \$3.6305 per gallon. The City has done business with Brenntag Southwest, Inc for several years, and Staff finds them to be a responsive and responsible vendor.

The proposed purchase agreement is for a one-year period commencing on October 1, 2019, and is renewable for four additional one-year periods, if agreed to by the City and Brenntag Southwest, Inc.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,134,292, of which it is expected that approximately \$90,762.50 will be used to purchase liquid copper sulfate.

ATTACHMENTS:

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

Tabulation of Bids Received
on Thursday, August 29, 2019 at 2:30 p.m.
Liquid Copper Sulfate
Bid # 51-03-20

		Bidders							
		Shannon Chemical Corporation Malvern, PA		Chemtrade Chemicals US LLC Parsippany, NJ		Univar USA, Inc Kent, WA		Chemrite, Inc Buford, GA	
Description	Est Qty	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
Liquid Copper Sulfate (per gallon)	25,000	\$6.77	\$169,250.00	\$4.182	\$104,550.00	No Bid	No Bid	\$3.83	\$95,750.00
Comply to delivery (48 Hours)		No		Yes		No Bid		No, 14 days ARP	
Exceptions		No		No		No Bid		No	
Credit Check Authorization		Yes		Yes		No Bid		Yes	

		Bidders			
		Brenntag Southwest, Inc Lancaster, TX		Chameleon Industries, Inc Mesquite, TX	
Description	Est Qty	Unit Price	Total Cost	Unit Price	Total Cost
Liquid Copper Sulfate (per gallon)	25,000	\$3.6305	\$90,762.50	13.50*	\$337,500.00
Comply to delivery (48 Hours)		Yes		Yes	
Exceptions		No		*Product alternative-Earth Tec	
Credit Check Authorization		Yes		Yes	

Recommended for Council Award

FY2019 Cost - \$3.84 per gallon

RESOLUTION NO. 2019-9773-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH BRENNTAG SOUTHWEST, INC OF LANCASTER, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$90,762.50, FOR LIQUID COPPER SULFATE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid copper sulfate has proven successful in destroying organic material in the City's raw water source (Leon River) which is believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per U.S. EPA rules at the Conventional Water Treatment Plant;

Whereas, on August 29, 2019, the City received five bids for liquid copper sulfate with Brenntag Southwest, Inc. providing the low bid at a rate of \$3.6305 per gallon - the City has done business with Brenntag Southwest, Inc. in the past and finds it to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, funding for water treatment plant chemicals, to include liquid copper sulfate, is included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; 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 Interim City Attorney, to execute an annual purchase agreement with Brenntag Southwest, Inc. of Lancaster, Texas in the estimated annual amount of \$90,762.50, for liquid copper sulfate for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid chlorine for FY2020 with Brenntag Southwest, Inc. of Lancaster, in the estimated annual amount of \$180,000.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization of this purchase agreement will allow for the purchase of liquid chlorine for both the City's Membrane and Conventional Water Treatment Plants during FY2020. The liquid chlorine is used in the treatment of potable water.

As shown on the attached bid tabulation, on August 29, 2019, the City received two bids for liquid chlorine. Brenntag Southwest Inc. was the low bidder at a submitted price of \$720 per ton. The City has done business with Brenntag Southwest, Inc. in the past and finds them to be a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2019, and is renewable for four additional one-year periods, if agreed to by the City and Brenntag Southwest, Inc.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,134,292, of which it is expected that approximately \$180,000 will be used to purchase liquid chlorine.

ATTACHMENTS:

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

**Tabulation of Bids Received
on August 29, 2019 at 2:15 p.m.
Liquid Chlorine
Bid# 51-05-20**

		Bidders					
		Univar USA, Inc Kent, WA		Brenntag Southwest, Inc Lancaster, TX		DPC Industries, Inc Cleburne, TX	
Description	Est Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Liquid Chlorine per ton	250	No Bid	No Bid	\$720.00	\$180,000.00	\$825.00	\$206,250.00
Comply to delivery (48 hours)		No Bid		Yes		Yes	
Exceptions		No Bid		No		No	
Credit Check Authorization		No Bid		Yes		Yes	

Recommended for Council Award

Memo: FY2019 Pricing - \$689/ton

RESOLUTION NO. 2019-9774-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH BRENNTAG SOUTHWEST, INC OF LANCASTER, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$180,000, FOR LIQUID CHLORINE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid chlorine is used in the treatment of potable water at both the City's Membrane and Conventional Water Treatment Plants;

Whereas, on August 29, 2019, the City received two bids for liquid chlorine with Brenntag Southwest, Inc. providing the low bid at a rate of \$720 per ton - the City has done business with Brenntag Southwest, Inc. in the past and finds it to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, funding for water treatment plant chemicals, to include liquid chlorine, is included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; 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 Interim City Attorney, to execute an annual purchase agreement with Brenntag Southwest, Inc. of Lancaster, Texas in the estimated annual amount of \$180,000, for liquid chlorine for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid ammonium sulfate for FY2020 with Chameleon Industries, Inc of Mesquite, in the estimated annual amount of \$50,270.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization of this purchase agreement allows for the purchase of liquid ammonium sulfate for the City's Conventional Water Treatment Plant from Chameleon Industries, Inc. during FY2020. Liquid ammonium sulfate is used on a consistent basis in the treatment of potable water.

As shown on the attached bid tabulation, on August 29, 2019, the City received three bids for liquid ammonium sulfate. Chameleon Industries, Inc was the low bidder at a cost of \$0.0914 per wet pound. The City has done business with Chameleon Industries, Inc in the past and finds them a responsive and responsible vendor.

The proposed agreement is for a one-year period commencing on October 1, 2019 and is renewable for four additional one-year periods, if agreed to by the City and Chameleon Industries, Inc.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,134,292, of which it is expected that approximately \$50,270 will be used to purchase liquid ammonium sulfate.

ATTACHMENTS:

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

**Tabulation of Bids Received
on August 29, 2019 at 2:45 p.m.
Liquid Ammonium Sulfate
Bid # 51-06-20**

		Bidders					
		Sterling Water Technologies, LLC Columbia, TN		Chemtrade Chemicals US LLC Parsippany, NJ		Univar USA, Inc Kent, WA	
Description	Est'd QTY	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price for Liquid Ammonium Sulfate per Pound	550,000	No Bid	No Bid	\$0.1095	\$60,225.00	No Bid	No Bid
Comply to Delivery?		No Bid		Yes		No Bid	
Exceptions		No Bid		No		No Bid	
Credit Check Authorization		No Bid		Yes		No Bid	

		Bidders			
		Brenntag Southwest, Inc Lancaster, TX		Chameleon Industries, Inc Mesquite, TX	
Description	Est'd QTY	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price for Liquid Ammonium Sulfate per Pound	550,000	\$0.0948	\$52,140.00	\$0.0914	\$50,270.00
Comply to Delivery?		Yes		Yes	
Exceptions		No		No	
Credit Check Authorization		Yes		Yes	

Recommended for Council Award

Memo: FY2019 Cost = \$.0897 per wet pound

RESOLUTION NO. 2019-9775-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH CHAMELEON INDUSTRIES, INC OF MESQUITE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$50,270, FOR LIQUID AMMONIUM SULFATE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid ammonium sulfate is used in the treatment of potable water at the Conventional Water Treatment Plant;

Whereas, on August 29, 2019, the City received three bids for liquid ammonium sulfate with Chameleon Industries, Inc. providing the low bid at a rate of \$0.0914 per wet pound - the City has done business with Chameleon Industries, Inc. in the past and finds it to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, funding for water treatment plant chemicals, to include liquid ammonium sulfate, is included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; 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 Interim City Attorney, to execute an annual purchase agreement with Chameleon Industries, Inc. of Mesquite, Texas in the estimated annual amount of \$50,270, for liquid ammonium sulfate for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement for liquid polyaluminum chloride for the Conventional Water Treatment Plant for FY2020 with GEO Specialty Chemicals, Inc. of Little Rock, Arizona, in the estimated annual amount of \$292,600.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization of this purchase agreement will provide for the purchase of liquid polyaluminum chloride (PAC) for the City's Conventional Water Treatment Plant from GEO Specialty Chemicals, Inc. during FY2020. The PAC is used in the treatment of potable water.

As shown on the attached proposal tabulation, on September 4, 2019, the City received four proposals for PAC for use at the Conventional Water Treatment Plant. The Request for Proposals (RFP) stated that proposals would be evaluated based on the following criteria: 40% price; 30% performance of product measured in Nephelometric Turbidity Units (NTUs); 20% experience and reputation in providing water treatment chemicals to public water utilities; 5% order processing procedures; and 5% delivery plan. A proposal evaluation committee was formed to evaluate the four proposals. It is the committee's recommendation to award the purchase agreement to GEO Specialty Chemicals, Inc. (GEO) based on GEO's offering the best value on the defined evaluation criteria.

The City has done business with GEO in the past and finds them to be a responsive and responsible vendor. The proposed agreement is for a one-year period commencing on October 1, 2019, and is renewable for four additional one-year periods, if agreed to by the City and GEO.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,134,292, of which it is expected that approximately \$292,600 will be used to purchase liquid polyaluminum chloride.

ATTACHMENTS:

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

**Tabulation of Proposals Received
on September 4, 2019 at 2:30 p.m.
Liquid Polyaluminum Chloride (PAC) Suitable for
Conventional Treatment of Potable Water
Bid #51-08-20**

		Bidders					
		Univar USA, Inc Kent, WA		Gulbrandsen Technologies, Inc Clinton, NJ		GEO Specialty Chemicals, Inc Little Rock, AR	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Wet Pounds of Liquid Polyaluminum Chloride (PAC), Including Delivery	1,400,000	No Bid	No Bid	\$0.1970	\$275,800.00	\$0.2090	\$292,600.00
Addendum #1		No Bid		Yes		Yes	
Exceptions		No Bid		No		No	
Credit Check Authorization		No Bid		Yes		Yes	
Local Preference		No Bid		N/A		N/A	
Tested at City's WTP		No Bid		Yes		Yes	

		Bidders			
		Chemtrade Chemicals US LLC Parsippany, NJ		Brenntag Southwest, Inc Lancaster, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price
Wet Pounds of Liquid Polyaluminum Chloride (PAC), Including Delivery	1,400,000	\$0.2325	\$325,500.00	\$0.3320	\$464,800.00
Addendum #1		No		No	
Exceptions		No		No	
Credit Check Authorization		Yes		Yes	
Local Preference		N/A		N/A	
Tested at City's WTP		Yes		No	

Recommended for Council Award based on best value evaluation, including but not limited to, the PAC formula which determines the quantity per gallon required to treat the water.

RESOLUTION NO. 2019-9776-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PURCHASE AGREEMENT WITH GEO SPECIALTY CHEMICALS, INC. OF LITTLE ROCK, ARKANSAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$292,600, FOR LIQUID POLYALUMINUM CHLORIDE FOR THE CONVENTIONAL WATER TREATMENT PLANT FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, liquid polyaluminum chloride (PAC) is used in the treatment of potable water at the Conventional Water Treatment Plant;

Whereas, on September 4, 2019, the City received four bids for the purchase of PAC for use at the Conventional Water Treatment Plant with GEO Specialty Chemicals, Inc. (GEO) offering the best value on the defined evaluation criteria - the City has done business with GEO in the past and finds it to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, funding for water treatment plant chemicals, to include PAC, is included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; 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 Interim City Attorney, to execute an annual purchase agreement with GEO Specialty Chemicals, Inc. of Little Rock, Arkansas in the estimated annual amount of \$292,600, for liquid polyaluminum chloride for the conventional water treatment plant for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing annual purchase agreements with the following lawn chemical vendors for FY2020 in the estimated annual amount of \$77,554.35:

- | | |
|--|-------------|
| 1. BWI Companies of Schulenburg | \$44,910.35 |
| 2. Rentokil, dba Target Specialty Products of Coppel | \$32,644.00 |

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

ITEM SUMMARY: Authorization of these annual purchase agreements will provide for the purchase of herbicides, insecticides, and fertilizer needed by the Parks and Recreation Department, as well as other City departments, during FY2020.

As shown on the attached bid tabulation, on August 15, 2019, the City received three bids for the annual purchase of various herbicides, insecticides, and fertilizer. The solicitation asked for pricing on several possible herbicide, insecticide, and fertilizer items that may be needed throughout the year and will be ordered on an as-needed basis. The bid was stated to be awarded by line item as highlighted in yellow on the attached bid tabulation.

The City has done business with these bidders in the past and finds them to be responsive and responsible vendors. The proposed purchase agreements are for a one-year period commencing on October 1, 2019 through September 30, 2020, with the option to extend the agreements for four additional one-year periods if so agreed to between the City and each vendor.

FISCAL IMPACT: Herbicides, insecticides, and fertilizer are ordered on an as-needed basis. Departments have budgeted for these chemicals in the adopted FY2020 Budget. The estimated annual expenditure for herbicides, insecticides, and fertilizer based on estimated quantities that will be needed is \$77,554.35.

ATTACHMENTS:

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

**Tabulation of Bids Received
on August 15, 2019 at 2:30 p.m.
Lawn Chemicals
Bid # 13-07-20**

		Bidders					
		Rentokil, dba Target Specialty Products Coppell, TX		Red River Specialties, LLC Shreveport, LA		BWI-Schulenburg Schulenburg, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Trimec 992 2.5 gallons <u>Active Ingredients:</u> 2, 4D, Dicamba, MCPP-p	60	\$55.13	\$3,307.80	\$74.90	\$4,494.00	\$63.85	\$3,831.00
		Triad Select 3 Way		Triplet SF		Vessel	
MSMA-Bueno 6 2.5 gallons <u>Active Ingredient:</u> MSMA	30	\$75.56	\$2,266.80	No Bid		\$67.95	\$2,038.50
Image 11.43 oz bottles No Substitutions	15	No Bid		No Bid		No Bid	
Barricade 65 WG 10 lb bags <u>Active Ingredient:</u> Prodiamine 65%	60	\$102.50	\$12,300.00	\$61.40	\$7,368.00	\$54.35	\$6,522.00
		5 Lb / Agency Price (120-5lb bag equiv to 60-10lb bag)		Prodiamine 65 WDG 5 Lb (120-5lb bag equiv to 60-10lb bag)		Resolute 5 Lb (120-5lb bag equiv to 60-10lb bag)	
Award Fire Ant Bait 25 lb bag <u>Active Ingredient:</u> Fenoxycarb No Substitutions	16	\$51.05	\$816.80	No Bid		No Bid	
		Generic Fipronil .0143E Award / N/A					
Blue Spray Pattern Indicator Dye, Conc Liquid Quart <u>Active Ingredients:</u> Acid Blue 9; Ingredients Ineffective as Adjuvants	80	\$12.84	\$1,027.20	\$14.69	\$1,175.20	\$14.00	\$1,120.00
		Bigfoot SS		Bigfoot SS			
Sim-Trol 4L 2.5 gallons <u>Active Ingredient:</u> Simazine	15	\$54.30	\$814.50	No Bid		\$48.25	\$723.75
		Simazine 4L				Princep	
Heritage 1 lb containers <u>Active Ingredient:</u> Azoxystrobin No Substitutions	8	\$323.00	\$2,584.00	No Bid		\$333.00	\$2,664.00
		Agency Price					
26 GT Fungicide 2.5 gallons <u>Active Ingredient:</u> Iprodione No Substitutions	4	No Bid		No Bid		\$316.30	\$1,265.20
Manicure 6 Flowable Fungicide 2.5 gallons <u>Active Ingredient:</u> Chlorothalonil	8	\$175.00	\$1,400.00	No Bid		\$108.70	\$869.60
		Daconil ZN / Agency				Chlorothalonil 720	
Cleary 3336F 2.5 gallons No Substitutions	4	\$245.31	\$981.24	No Bid		\$221.75	\$887.00

		Bidders					
		Rentokil, dba Target Specialty Products Coppell, TX		Red River Specialties, LLC Shreveport, LA		BWI-Schulenburg Schulenburg, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bifen Insecticide ¾ gal <u>Active Ingredient:</u> Bifenthrin 7.9%	120	\$33.62	\$4,034.40	\$41.76	\$5,011.20	\$27.10	\$3,252.00
				Bifen IT		Bifen IT	
AquaNeat - Must be Aquatic Labeled 2.5 gallons <u>Active Ingredient:</u> Glyphosate 54%	1	\$58.90	\$58.90	\$44.90	\$44.90	\$39.18	\$39.18
				Aquaneat			
Allegare 4 Plus 2.5 gallons <u>Active Ingredient:</u> Glyphosate 41%	100	\$36.00	\$3,600.00	\$32.75	\$3,275.00	\$30.58	\$3,058.00
		Ranger Pro		Ranger Pro		Ranger Pro	
Methylated Seed Oil 2.5 gallons <u>NOT</u> nonionic	1	\$46.54	\$46.54	\$29.13	\$29.13	\$23.95	\$23.95
		Brandt MSO		RRSI Sunset		MES 100	
Revolver 87 oz bottles <u>Active Ingredient:</u> Foramsulfuron No Substitutions	6	\$588.50	\$3,531.00	No Bid		\$580.50	\$3,483.00
		Agency Price					
Tordon 22K 1 gallon <u>Active Ingredients:</u> Picloram, Potassium Salt	2	No Bid		\$64.08	\$128.16	\$58.50	\$117.00
				Tordon 22k			
Procan 1 gallon <u>Active Ingredient:</u> Bifenthrin	12	\$43.21	\$518.52	No Bid		\$38.15	\$457.80
		Bifen I/T				Avalon	
Sahara 10 lb bag <u>Active Ingredients:</u> Diuron, Imazapyr	4	\$55.00	\$440.00	\$90.00	\$360.00	\$81.52	\$326.08
		5 Lb Mojave 70 EG (8-5lb bag equiv to 4-10lb bag)		Imazuron		Imazuron	
Banol 1 gallon <u>Active Ingredient:</u> Propamocarb Hydrochloride	8	\$502.54	\$4,020.32	No Bid		\$434.20	\$3,473.60
Mefenoxam 1 gallon	4	\$502.33	\$2,009.32	No Bid		\$355.17	\$1,420.68
		Mefenoxam 2AQ				QP Mefenoxam 2	
Pro Star 70 WG 3 lb container <u>Active Ingredient:</u> Flutolanil	20	\$197.82	\$3,956.40	No Bid		\$173.18	\$3,463.60
Sevin 2.5 gallons <u>Active Ingredient:</u> Carbaryl	25	\$115.50	\$2,887.50	No Bid		\$100.15	\$2,503.75

		Bidders					
		Rentokil, dba Target Specialty Products Coppell, TX		Red River Specialties, LLC Shreveport, LA		BWI-Schulenburg Schulenburg, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Top Choice 20 lb bag <u>Active Ingredient:</u> Fipronil	150	\$126.50	\$18,975.00	No Bid		\$139.00	\$20,850.00
		Agency Price				Qty less than 20 \$139.00 Qty 20 or more \$126.50	
Dominion 2.5 gallons <u>Active Ingredient:</u> Imidacloprid	20	\$139.53	\$3,348.72	No Bid		\$133.91	\$3,213.84
		Dominion 2L / 2.15 Gal (24-2.15 gal equiv to 20-2.5 gal)				2.15 Gallon (24-2.15 gal equiv to 20-2.5 gal)	
Monument 75WG 1 box; 5x5 gram packs <u>Active Ingredient:</u> Trifloxysulfuron-Sodium	30	\$225.00	\$6,750.00	No Bid		\$250.01	\$7,500.30
		Agency Price				Qty less than 10 \$225.00 Qty 10 or more \$250.01	
Certainty 1.25 oz bottle <u>Active Ingredient:</u> Sulfosulfuron	30	\$94.15	\$2,824.50	\$82.81	\$2,484.30	\$80.00	\$2,400.00
				Certainty			
Specticle 18 oz bottle <u>Active Ingredient:</u> Indaziflam	2	\$246.00	\$492.00	No Bid		\$246.00	\$492.00
		Agency Price					
Orthene 97 .773 lb spray <u>Active Ingredient:</u> Acephate	50	\$14.63	\$731.50	No Bid		\$12.70	\$635.00
Tandem 32 oz quart <u>Active Ingredients:</u> Lambda cyhalothrin, Thiamethoxam	2	\$100.56	\$201.12	No Bid		\$86.41	\$172.82
Amdro 20 lb bag <u>Active Ingredient:</u> Hydramethylnon	8	\$470.02	\$3,290.14	No Bid		\$330.00	\$2,640.00
		Amdro Pro / #25 (8-20 lb bag equiv to 7-25 lb bag)					
Fusn 26-0-0 Fertilizer 50 lb bag <u>Active Ingredients:</u> Ammonium Sulfate, Ammonium Nitrate	160	No Bid		No Bid		\$8.95	\$1,432.00
						21-0-0 Ann Sul	
TOTAL BID AMOUNT		\$87,214.22		\$24,369.89		\$80,875.65	
TOTAL AWARDED BID AMOUNT		\$32,644.00		\$0.00		\$44,910.35	
Comply with 5 day delivery		Yes		Yes		Yes	
Execeptions		No		No		No	
Credit Check Authorizations		Yes		Yes		Yes	
Local Preference		N/A		N/A		N/A	

Recommended for Council Award

Bid Does not Allow for Substitutions

Variation in Unit of Measure Accounted For

Tie Bid; Drawing Determined Recommended Low Bidder

Note: For the 2 line items in which no acceptable product bids were received, Staff will follow the Procurement Procedures as adopted by Council on 8/26/19 (Res 2019-9761-R) when these products are needed during the fiscal year.

RESOLUTION NO. 2019-9777-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR HERBICIDES AND INSECTICIDES FROM VARIOUS LAWN CHEMICAL VENDORS IN THE ESTIMATED ANNUAL AMOUNT OF \$77,554.35, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2019, Staff received three bids for the annual purchase of various herbicides, insecticides, and fertilizer;

Whereas, the solicitation asked for pricing on several possible herbicide, insecticide, and fertilizer items that may be needed throughout the year, and which will be ordered on an as-needed basis;

Whereas, the bid documents stated that the bid would be awarded by line item, and Staff recommends award of an annual purchase agreement to the following vendors:

- | | |
|--|-------------|
| • BWI Companies of Schulenburg, Texas | \$44,910.35 |
| • Target Specialty Products of Coppel, Texas | \$32,644.00 |

Whereas, the City has done business with these vendors in the past and finds them both to be responsive and responsible vendors;

Whereas, the purchase agreements are for one-year commencing October 1, 2019 and through September 30, 2020, with the option to renew the agreements for four additional one-year periods if so agreed to between the City and each vendor;

Whereas, herbicides, insecticides, and fertilizers are ordered on an as needed basis and departments have budgeted for these chemicals in their adopted 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to executed annual purchase agreements for herbicides, insecticides, and fertilizer for fiscal year 2020, with the following vendors in the estimated annual amount of \$77,554.35:

- BWI Companies of Schulenburg, Texas \$44,910.35
- Target Specialty Products of Coppell, Texas \$32,644.00

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 19th day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following related to utility supplies needed for FY2020:

1. Award a purchase agreement to Fortiline Waterworks, Inc. of Hewitt, in the estimated annual amount of \$186,213.10;
2. Award a purchase agreement to Core and Main of Belton, in the estimated annual amount of \$99,168.14; and
3. Reject the bids received for ten of the independent bid sections.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of these purchase agreements allow the stocking of commonly used utility repair parts in the Utility Warehouse during FY2020. The Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works and Parks Departments.

As shown on the attached bid tabulation, on July 18, 2019, the City received two bids for the annual purchase of utility supplies. The Invitation to Bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 66 sections. As identified in the attached bid tabulation, Staff recommends the following related to the bids received on July 18, 2019:

- Award of 12 of the bid sections to Fortiline Waterworks, Inc. in the estimated annual amount of \$186,2213.10;
- Award of 39 of the bid sections to Core and Main in the estimated annual amount of \$99,168.14;
- Rejection of the bids received for ten of the bid sections in which Staff believes a better value can be obtained by re-bidding based on the lack of competition within these sections; and
- Re-bidding of five of the bid sections in which no bids were received on July 18, 2019.

Per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids.

Based on communication with utility supply vendors who did not submit a bid on July 18, 2019, Staff believes that competition can be enhanced by re-bidding the 15 bid sections. Upon receipt of the new bids, Staff will evaluate the bids and gain approval as required by Council per the recent Council updated monetary and purchasing guidelines.

The City has done business with both vendors recommended for award, and Staff has found each vendor to be a responsible vendor. The proposed purchase agreements will not have options for annual renewals.

FISCAL IMPACT: Utility supplies are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The supplies are charged to departmental expenditure accounts as they are issued to departments.

ATTACHMENTS:

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

**Tabulation of Bids Received
on July 18, 2019 at 2:00 p.m.
Utility Supplies
Bid # 13-10-19**

				BIDDERS		
				Core & Main Belton, TX	Fortiline Waterworks, Inc Hewitt, TX	
BID SECTION #1 - BRASS BALL VALVES (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch (B11-333W or equal)	20	each	\$42.52	\$850.40	\$42.33	\$846.60
2. 3/4-inch (B21-333W or equal)	20	each	\$49.98	\$999.60	\$49.71	\$994.20
3. 3/4-inch (B41-333W or equal)	40	each	\$47.83	\$1,913.20	\$47.63	\$1,905.20
4. 3/4-inch (B43-332W or equal)	50	each	\$54.75	\$2,737.50	\$54.45	\$2,722.50
5. 3/4-inch (KV13-332W or equal)	1	each	\$24.70	\$24.70	\$22.18	\$22.18
6. 3/4-inch (KV23-332W or equal)	1	each	\$29.63	\$29.63	\$27.91	\$27.91
7. 3/4-inch (KV43-332W or equal)	10	each	\$31.59	\$315.90	\$29.74	\$297.40
8. 3/4-inch (B44-333W or equal)	20	each	\$54.25	\$1,085.00	\$53.98	\$1,079.60
9. 1-inch (B11-444W or equal)	5	each	\$65.18	\$325.90	\$65.52	\$327.60
10. 1-inch (B21-444W or equal)	5	each	\$69.88	\$349.40	\$70.23	\$351.15
11. 1-inch (B41-444W or equal)	110	each	\$72.57	\$7,982.70	\$72.19	\$7,940.90
12. 1-inch (B43-444W or equal)	25	each	\$80.94	\$2,023.50	\$80.51	\$2,012.75
13. 1-inch (KV13-444W or equal)	1	each	\$37.50	\$37.50	\$33.95	\$33.95
14. 1-inch (KV23-444W or equal)	1	each	\$40.00	\$40.00	\$37.99	\$37.99
15. 1-inch (KV43-444W or equal)	1	each	\$43.25	\$43.25	\$40.74	\$40.74
16. 1-inch (B44-444W or equal)	15	each	\$80.72	\$1,210.80	\$80.29	\$1,204.35
17. 1-1/2 inch (B11-666W or equal)	6	each	\$131.71	\$790.26	\$132.12	\$792.72
18. 1-1/2 inch (B21-666W or equal)	2	each	\$154.52	\$309.04	\$154.62	\$309.24
19. 1-1/2 inch (B41-666W or equal)	5	each	\$154.55	\$772.75	\$156.55	\$782.75
20. 1-1/2 inch (FV23-666W or equal)	1	each	\$144.53	\$144.53	\$139.83	\$139.83
21. 1-1/2 inch (FV43-666W or equal)	1	each	\$149.75	\$149.75	\$143.46	\$143.46
22. 2-inch (B11-777W or equal)	11	each	\$191.86	\$2,110.46	\$192.37	\$2,116.07
23. 2-inch (B21-777W or equal)	1	each	\$226.12	\$226.12	\$224.67	\$224.67
24. 2-inch (B41-777W or equal)	10	each	\$216.24	\$2,162.40	\$216.93	\$2,169.30
25. 2-inch (BF43-777WR or equal)	6	each	\$245.99	\$1,475.94	\$245.60	\$1,473.60
26. 2-inch (FV23-777W or equal)	2	each	\$194.40	\$388.80	\$188.18	\$376.36
27. 2-inch (FV43-777W or equal)	1	each	\$192.25	\$192.25	\$184.17	\$184.17
BID SECTION #1 TOTAL			\$28,691.28		\$28,557.19	
BID SECTION #2 - BRASS CORPORATION STOPS (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch (F1000-3 or equal)	15	each	\$25.97	\$389.55	\$25.55	\$383.25
2. 1-inch (F1000-4 or equal)	66	each	\$39.27	\$2,591.82	\$38.69	\$2,553.54
3. 1-1/2 inch (FB1000-6 or equal)	4	each	\$113.22	\$452.88	\$109.67	\$438.68
4. 2-inch (FB1000-7 or equal)	6	each	\$187.26	\$1,123.56	\$181.37	\$1,088.22
5. 1-inch (F600-4 or equal)	2	each	\$36.89	\$73.78	\$25.57	\$51.14
BID SECTION #2 TOTAL			\$4,631.59		\$4,514.83	
BID SECTION #3 - BRASS METER COUPLINGS (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch (C38-23-2.5 or equal)	460	each	\$7.73	\$3,555.80	\$7.26	\$3,339.60
2. 3/4-inch (C38-23-8.5 or equal)	430	each	\$19.90	\$8,557.00	\$29.99	\$12,895.70
3. 1-inch (C38-44-2.625 or equal)	50	each	\$11.89	\$594.50	\$11.15	\$557.50
4. 1-inch (C38-44-8.5 or equal)	50	each	\$26.93	\$1,346.50	\$31.65	\$1,582.50
Total Section #3 - Brass Meter Couplings (LF)			\$14,053.80		\$18,375.30	

**Tabulation of Bids Received
on July 18, 2019 at 2:00 p.m.
Utility Supplies
Bid # 13-10-19**

			BIDDERS			
			Core & Main Belton, TX		Fortiline Waterworks, Inc Hewitt, TX	
BID SECTION #4 - BRASS STRAIGHT COUPLINGS (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch FIP x PJ (C14-33 or equal)	20	each	\$12.51	\$250.20	\$12.67	\$253.40
2. 3/4-inch Flare x FIP (C21-33 or equal)	5	each	\$10.44	\$52.20	\$10.43	\$52.15
3. 3/4-inch Flare x PJ (C27-33 or equal)	1	each	\$21.85	\$21.85	\$19.00	\$19.00
4. 3/4-inch PJ x PJ (C44-33 or equal)	77	each	\$14.49	\$1,115.73	\$14.27	\$1,098.79
5.3/4-inch MIP x PJ (C84-33 or equal)	36	each	\$11.89	\$428.04	\$11.95	\$430.20
6. 1-inch FIP x PJ (C14-44 or equal)	12	each	\$16.99	\$203.88	\$18.31	\$219.72
7. 1-inch Flare x PJ (C27-44 or equal)	1	each	\$38.52	\$38.52	\$31.07	\$31.07
8. 1-inch PJ x PJ (C44-44 or equal)	32	each	\$16.58	\$530.56	\$15.90	\$508.80
9. 2-inch FIP x PJ (C14-77 or equal)	6	each	\$58.81	\$352.86	\$58.86	\$353.16
10. 1-inch MIP x PJ (C84-44 or equal)	30	each	\$14.10	\$423.00	\$14.13	\$423.90
11. 1-1/2 inch FIP x PJ (C14-66 or equal)	1	each	\$49.39	\$49.39	\$55.49	\$55.49
12. 1-1/2 inch PJ x PJ (C44-66 or equal)	4	each	\$55.49	\$221.96	\$55.49	\$221.96
13. 1-1/2 inch MIP x PJ (C84-66 or equal)	10	each	\$38.61	\$386.10	\$39.04	\$390.40
14. 2-inch FIP x PJ (C14-77 or equal)	2	each	\$58.81	\$117.62	\$58.86	\$117.72
15. 2-inch PJ x PJ (C44-77 or equal)	10	each	\$74.90	\$749.00	\$75.74	\$757.40
16. 2-inch MIP x PJ (C84-77 or equal)	17	each	\$56.27	\$956.59	\$56.88	\$966.96
BID SECTION #4 TOTAL			\$5,897.50		\$5,900.12	
BID SECTION #5 - BRASS BELL REDUCER COUPLINGS FIPT X FIPT (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-inch x 3/4-inch	37	each	\$9.79	\$362.23	No Bid	
2. 1-1/2 inch x 1-inch	2	each	\$24.86	\$49.72	No Bid	
3. 2-inch x 1-inch	10	each	\$43.50	\$435.00	No Bid	
4. 2-inch x 1-1/2 inch	6	each	\$40.28	\$241.68	No Bid	
BID SECTION #5 TOTAL			\$1,088.63		No Bid	
BID SECTION #6 - ELBOW BRASS 90° PJ x PJ (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch (L44-33 or equal)	14	each	\$18.73	\$262.22	\$17.39	\$243.46
2. 1-inch (L44-44 or equal)	50	each	\$24.07	\$1,203.50	\$23.01	\$1,150.50
3. 1-1/2 inch (L44-66 or equal)	40	each	\$77.28	\$3,091.20	\$78.14	\$3,125.60
4. 2-inch (L44-77 or equal)	6	each	\$156.35	\$938.10	\$158.09	\$948.54
BID SECTION #6 TOTAL			\$5,495.02		\$5,468.10	
BID SECTION #7 - ELBOW BRASS 90° FIPT x FIPT (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch	6	each	\$5.77	\$34.62	No Bid	
2. 1-inch	6	each	\$9.39	\$56.34	No Bid	
3. 1-1/2 inch	6	each	\$18.78	\$112.68	No Bid	
4. 2-inch	8	each	\$30.32	\$242.56	No Bid	
BID SECTION #7 TOTAL			\$446.20		No Bid	
BID SECTION #8 - BRASS THREADED NIPPLES (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x close	10	each	\$1.21	\$12.10	No Bid	
2. 3/4-inch x 2-inch	10	each	\$1.53	\$15.30	No Bid	
3. 3/4-inch x 3-inch	22	each	\$2.05	\$45.10	No Bid	
4. 3/4-inch x 4-inch	2	each	\$2.67	\$5.34	No Bid	
5. 3/4-inch x 5-inch	2	each	\$3.21	\$6.42	No Bid	
6. 3/4-inch x 6-inch	2	each	\$3.90	\$7.80	No Bid	
7. 1-inch x close	2	each	\$1.79	\$3.58	No Bid	
8. 1-inch x 2-inch	10	each	\$2.21	\$22.10	No Bid	

**Tabulation of Bids Received
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Utility Supplies
Bid # 13-10-19**

			BIDDERS		
			Core & Main Belton, TX	Fortiline Waterworks, Inc Hewitt, TX	
9. 1-inch x 3-inch	10	each	\$2.98	\$29.80	No Bid
10. 1-inch x 4-inch	4	each	\$3.87	\$15.48	No Bid
11. 1-inch x 5-inch	2	each	\$4.78	\$9.56	No Bid
12. 1-inch x 6-inch	17	each	\$5.71	\$97.07	No Bid
13. 1-1/2 inch x close	2	each	\$3.52	\$7.04	No Bid
14. 1-1/2 inch x 2-inch	4	each	\$3.79	\$15.16	No Bid
15. 1-1/2 inch x 3-inch	8	each	\$5.22	\$41.76	No Bid
16. 1-1/2 inch x 4-inch	3	each	\$6.80	\$20.40	No Bid
17. 1-1/2 inch x 5-inch	3	each	\$8.46	\$25.38	No Bid
18. 1-1/2 inch x 6-inch	16	each	\$10.06	\$160.96	No Bid
19. 2-inch x close	2	each	\$5.37	\$10.74	No Bid
20. 2-inch x 2-inch	2	each	\$5.37	\$10.74	No Bid
21. 2-inch x 3-inch	15	each	\$6.69	\$100.35	No Bid
22. 2-inch x 4-inch	8	each	\$8.75	\$70.00	No Bid
23. 2-inch x 5-inch	2	each	\$10.82	\$21.64	No Bid
24. 2-inch x 6-inch	36	each	\$12.93	\$465.48	No Bid
25. 3-inch x 6-inch	4	each	\$36.50	\$146.00	No Bid
BID SECTION #8 TOTAL			\$1,365.30		No Bid

BID SECTION #9 - STAINLESS STEEL STIFFENER 50 SERIES						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4 inch	500	each	\$1.13	\$565.00	\$1.58	\$790.00
2. 1 inch	500	each	\$1.19	\$595.00	\$1.70	\$850.00
3. 1-1/2 inch	40	each	\$1.64	\$65.60	\$3.32	\$132.80
4. 2 inch	60	each	\$1.65	\$99.00	\$6.34	\$380.40
Total Section 9 - Stainless Steel Stiffner 50 Series			\$1,324.60		\$2,153.20	

BID SECTION #10 - FULL CIRCLE CLAMPS (SINGLE BAND) (WITH REMOVABLE LUGS) *ONLY SMITH-BLAIR OR FORD WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-1/2 inch x 7-1/2 inch; 1.88-1.92 (SB 244 or FSC 1906R)	6	each	\$49.19	\$295.14	No Bid	
2. 1-1/2 inch x 15-inch; 1.88-1.92	6	each	\$75.63	\$453.78	No Bid	
3. 2-inch x 7-1/2 inch; 2.35-2.63	100	each	\$43.63	\$4,363.00	No Bid	
4. 2-inch x 15-inch; 2.35-2.63	15	each	\$80.86	\$1,212.90	No Bid	
5. 2-1/2 inch x 7-1/2 inch; 2.70-3.00	5	each	\$45.48	\$227.40	No Bid	
6. 2-1/2 inch x 15-inch; 2.70-3.00	6	each	\$83.54	\$501.24	No Bid	
7. 3-4 inch x 7-1/2 inch; 3.46-3.70	2	each	\$49.01	\$98.02	No Bid	
8. 3-4 inch x 7-1/2 inch; 3.73-4.00	2	each	\$49.02	\$98.04	No Bid	
9. 3-4 inch x 15-inch; 3.73-4.00	2	each	\$89.64	\$179.28	No Bid	
10. 3-4 inch x 7-1/2 inch; 3.96-4.25	2	each	\$50.27	\$100.54	No Bid	
11. 3-4 inch x 15-inch; 3.96-4.25	2	each	\$91.19	\$182.38	No Bid	
12. 4-inch x 7-1/2 inch; 4.45-4.73	4	each	\$50.27	\$201.08	No Bid	
13. 4-inch x 15-inch; 4.45-4.73	2	each	\$91.19	\$182.38	No Bid	
14. 4-inch x 7-1/2 inch; 4.74-5.14	2	each	\$50.92	\$101.84	No Bid	
15. 4-inch x 15-inch; 4.74-5.14	2	each	\$107.98	\$215.96	No Bid	
16. 6-inch x 7-1/2 inch; 6.56-6.96	8	each	\$57.56	\$460.48	No Bid	
17. 6-inch x 7-1/2 inch; 6.84-7.24	45	each	\$60.21	\$2,709.45	No Bid	
18. 6-inch x 7-1/2 inch; 7.05-7.45	6	each	\$60.22	\$361.32	No Bid	
19. 6-inch x 15-inch; 6.56-6.96	10	each	\$104.70	\$1,047.00	No Bid	
20. 6-inch x 15-inch; 6.84-7.24	32	each	\$106.66	\$3,413.12	No Bid	
21. 8-inch x 7-1/2 inch; 8.54-8.94	6	each	\$66.31	\$397.86	No Bid	
22. 8-inch x 7-1/2 inch; 8.99-9.39	4	each	\$66.32	\$265.28	No Bid	

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			BIDDERS		
			Core & Main Belton, TX	Fortiline Waterworks, Inc Hewitt, TX	
23. 8-inch x 7-1/2 inch; 9.27-9.67	2	each	\$63.65	\$127.30	No Bid
24. 8-inch x 15-inch; 8.54-8.94	4	each	\$123.74	\$494.96	No Bid
25. 8-inch x 15-inch; 8.99-9.39	4	each	\$123.75	\$495.00	No Bid
26. 8-inch x 15-inch; 9.27-9.67	2	each	\$118.85	\$237.70	No Bid
27. 10-inch x 7-1/2 inch; 11.04-11.44	1	each	\$77.83	\$77.83	No Bid
28. 10-inch x 15-inch; 11.04-11.44	2	each	\$143.15	\$286.30	No Bid
29. 12-inch x 7-1/2 inch; 13.10-13.50	2	each	\$86.74	\$173.48	No Bid
30. 12-inch x 15-inch; 13.10-13.50	4	each	\$159.32	\$637.28	No Bid
BID SECTION #10 TOTAL			\$19,597.34		No Bid

BID SECTION #11 - FULL CIRCLE CLAMPS (DOUBLE BAND) (WITH REMOVABLE LUGS) *ONLY SMITH-BLAIR OR FORD WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 14-inch x 20-inch; 15.07-15.82	2	each	\$402.37	\$804.74	No Bid	
1. 16-inch x 20-inch; 17.15-17.90	2	each	\$408.98	\$817.96	No Bid	
3. 18-inch x 20-inch; 19.23-19.98	2	each	\$441.06	\$882.12	No Bid	
4. 18-inch x 20-inch; 19.90-20.65	2	each	\$447.26	\$894.52	No Bid	
5. 20-inch x 15-inch; 21.52-22.27	2	each	\$339.29	\$678.58	No Bid	
BID SECTION #11 TOTAL			\$4,077.92		No Bid	

BID SECTION #12 - COLLAR LEAK CLAMPS *ONLY SMITH-BLAIR OR FORD WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch x 7.5 inches; 2.35-2.63	4	each	\$28.90	\$115.60	No Bid	
2. 3-inch x 7.5 inches; 3.46-3.70	1	each	\$34.31	\$34.31	No Bid	
3. 4-inch x 7.5 inches; 4.45-4.73	2	each	\$37.07	\$74.14	No Bid	
4. 6-inch x 7.5 inches; 6.56-6.96	2	each	\$47.48	\$94.96	No Bid	
5. 8-inch x 7.5 inches; 8.54-8.94	2	each	\$60.66	\$121.32	No Bid	
BID SECTION #12 TOTAL			\$440.33		No Bid	

BID SECTION #13 - TAPPING SADDLES (CI OR DI WITH CC THREADS) *ONLY SMITH-BLAIR OR FORD WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 8-inch x 1-inch; 8.54-10.10	4	each	\$68.92	\$275.68	No Bid	
2. 2-inch x 1-inch; 2.35-2.56	20	each	\$28.94	\$578.80	No Bid	
3. 3-inch x 1-inch; 2.97-3.54	2	each	\$30.65	\$61.30	No Bid	
4. 3-4 inch x 2-inch; 3.74-4.13	2	each	\$54.61	\$109.22	No Bid	
5. 4-inch x 1-inch; 4.40-4.80	2	each	\$51.77	\$103.54	No Bid	
6. 4-inch x 1-inch; 4.74-5.14	2	each	\$51.78	\$103.56	No Bid	
7. 4 inch x 2-inch; 4.74-5.14	2	each	\$57.02	\$114.04	No Bid	
8. 6-inch x 1-inch; 5.94-6.90	2	each	\$60.12	\$120.24	No Bid	
9. 6-inch x 1-inch; 6.84-7.60	32	each	\$60.13	\$1,924.16	No Bid	
10. 6-inch x 2-inch; 5.94-6.90	2	each	\$64.88	\$129.76	No Bid	
11. 8-inch x 1-inch; 7.69-9.05	16	each	\$68.92	\$1,102.72	No Bid	
12. 8-inch x 2-inch; 8.54-10.10	2	each	\$74.14	\$148.28	No Bid	
13. 10-12 inch x 1-inch; 10.64-12.12	2	each	\$83.23	\$166.46	No Bid	
14. 10-12 inch x 2-inch; 10.64-12.12	2	each	\$90.61	\$181.22	No Bid	
15. 12-inch x 1-inch; 12.75-13.20	8	each	\$86.58	\$692.64	No Bid	
16. 2.25-2.5 inch x 1-inch; 2.44-2.91	2	each	\$29.44	\$58.88	No Bid	

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			BIDDERS		
			Core & Main Belton, TX	Fortiline Waterworks, Inc Hewitt, TX	
17. 3-4 inch x 1-inch; 3.74-4.13	2	each	\$30.65	\$61.30	No Bid
18. 4-inch x 1.5-inch; 4.74-5.63	2	each	\$57.02	\$114.04	No Bid
19. 6-inch x 1.5-inch; 6.84-7.60	2	each	\$64.88	\$129.76	No Bid
20. 8-inch x 1.5-inch; 8.54-10.10	2	each	\$74.14	\$148.28	No Bid
21. 10-inch x 1.5-inch; 10.64-12.12	1	each	\$90.61	\$90.61	No Bid
22. 12-inch x 1.5-inch; 12.75-13.20	2	each	\$97.45	\$194.90	No Bid
BID SECTION #13 TOTAL			\$6,609.39	No Bid	

BID SECTION #14 - MULTI-RANGE REPAIR COUPLINGS *HYMAX ONLY; NO SUBSTITUTIONS ALLOWED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-1/2 inch x standard length; 1.81-2.28	50	each	\$157.68	\$7,884.00	\$84.00	\$4,200.00
2. 2-inch x standard length; 2.34-2.85	194	each	\$166.25	\$32,252.50	\$89.00	\$17,266.00
3. 3-inch x standard length; 3.46-4.21	16	each	\$219.32	\$3,509.12	\$117.00	\$1,872.00
4. 4-inch x standard length; 4.46-5.50	20	each	\$281.03	\$5,620.60	\$150.00	\$3,000.00
5. 6-inch x standard length; 6.54-7.65	74	each	\$372.19	\$27,542.06	\$198.00	\$14,652.00
6. 8-inch x standard length; 8.54-9.85	15	each	\$420.21	\$6,303.15	\$224.00	\$3,360.00
7. 10-inch x standard length; 10.65-12.20	2	each	\$540.57	\$1,081.14	\$291.00	\$582.00
8. 12-inch long body coupling, 13.15-14.41	4	each	\$1,056.70	\$4,226.80	\$568.00	\$2,272.00
9. 14-inch long body coupling, 15.00-17.10	2	each	\$2,658.64	\$5,317.28	\$1,386.00	\$2,772.00
10. 16-inch long body coupling, 17.10-19.20	2	each	\$2,718.36	\$5,436.72	\$1,417.00	\$2,834.00
11. 18-inch long body coupling, 19.20-20.29	2	each	\$3,125.36	\$6,250.72	\$1,629.00	\$3,258.00
BID SECTION #14 TOTAL			\$105,424.09		\$56,068.00	

BID SECTION #15 - ADJUSTABLE VALVE BOX BOTTOM (CI OR DI) *FOREIGN OK*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 15-inch (461-Series)	10	each	\$11.99	\$119.90	\$17.00	\$170.00
2. 24-inch (562-Series)	20	each	\$16.53	\$330.60	\$20.00	\$400.00
BID SECTION #15 TOTAL			\$450.50		\$570.00	

BID SECTION #16 - ADJUSTABLE VALVE BOX TOP (CI OR DI) *FOREIGN OK*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 10-inch (461-Series)	36	each	\$8.62	\$310.32	\$17.00	\$612.00
2. 16-inch (562-Series)	30	each	\$13.06	\$391.80	\$19.00	\$570.00
BID SECTION #16 TOTAL			\$702.12		\$1,182.00	

BID SECTION #17 - VALVE BOX DROP LID (CI OR DI) *FOREIGN OK*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. Drop Lid to fit Adjustable Valve Box Top as identified in Section 16 of this bid (Fits 461 & 562 Series)	70	each	\$6.70	\$469.00	\$12.00	\$840.00
BID SECTION #17 TOTAL			\$469.00		\$840.00	

BID SECTION #18 - MJ X MJ GATE VALVE (CI OR DI) *ONLY MUELLER OR CLOW VALVE WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	10	each	\$402.00	\$4,020.00	\$238.00	\$2,380.00
2. 3-inch	4	each	\$561.00	\$2,244.00	\$332.00	\$1,328.00
3. 4-inch	2	each	\$625.00	\$1,250.00	\$369.00	\$738.00
4. 6-inch	8	each	\$903.00	\$7,224.00	\$469.00	\$3,752.00
5. 8-inch	2	each	\$1,260.00	\$2,520.00	\$736.00	\$1,472.00
6. 10-inch	2	each	\$2,196.00	\$4,392.00	\$1,283.00	\$2,566.00
7. 12-inch	1	each	\$2,467.00	\$2,467.00	\$1,441.00	\$1,441.00
8. 18-inch	1	each	\$13,937.00	\$13,937.00	\$8,136.00	\$8,136.00
9. 24-inch	1	each	\$27,130.00	\$27,130.00	\$15,835.00	\$15,835.00
BID SECTION #18 TOTAL			\$65,184.00		\$37,648.00	

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BID SECTION #19 - MJ X FLANGE GATE VALVE (CI OR DI) *ONLY MUELLER OR CLOW VALVE WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch	1	each	\$597.00	\$597.00	\$353.00	\$353.00
2. 6-inch	1	each	\$802.00	\$802.00	\$469.00	\$469.00
3. 8-inch	1	each	\$1,236.00	\$1,236.00	\$722.00	\$722.00
4. 10-inch	1	each	\$1,957.00	\$1,957.00	\$1,143.00	\$1,143.00
5. 12-inch	1	each	\$2,356.00	\$2,356.00	\$1,376.00	\$1,376.00
BID SECTION #19 TOTAL			\$6,948.00		\$4,063.00	

BID SECTION #20 - THREADED GATE VALVE (CI OR DI) *ONLY MUELLER OR CLOW VALVE WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	9	each	\$390.00	\$3,510.00	\$230.00	\$2,070.00
BID SECTION #20 TOTAL			\$3,510.00		\$2,070.00	

BID SECTION #21 - MJ BENDS - 22-1/2" (CI or DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3-inch	1	each	\$33.48	\$33.48	\$35.03	\$35.03
2. 4-inch	1	each	\$51.20	\$51.20	\$53.59	\$53.59
3. 6-inch	1	each	\$75.50	\$75.50	\$79.00	\$79.00
4. 8-inch	1	each	\$114.89	\$114.89	\$120.22	\$120.22
5. 10-inch	1	each	\$162.49	\$162.49	\$171.74	\$171.74
6. 12-inch	1	each	\$249.49	\$249.49	\$261.05	\$261.05
BID SECTION #21 TOTAL			\$687.05		\$720.63	

BID SECTION #22 - MJ BENDS - 45° (DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	2	each	\$51.86	\$103.72	\$35.03	\$70.06
2. 3-inch	1	each	\$53.18	\$53.18	\$55.65	\$55.65
3. 4-inch	1	each	\$53.19	\$53.19	\$55.65	\$55.65
4. 6-inch	1	each	\$87.72	\$87.72	\$86.55	\$86.55
5. 8-inch	1	each	\$117.52	\$117.52	\$122.97	\$122.97
6. 10-inch	1	each	\$167.68	\$167.68	\$177.23	\$177.23
7. 12-inch	1	each	\$294.14	\$294.14	\$307.77	\$307.77
BID SECTION #22 TOTAL			\$877.15		\$875.88	

BID SECTION #23 - MJ BENDS - 90° (DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	2	each	\$51.21	\$102.42	\$76.60	\$153.20
2. 3-inch	1	each	\$62.34	\$62.34	\$65.27	\$65.27
3. 4-inch	1	each	\$63.68	\$63.68	\$66.64	\$66.64
4. 6-inch	1	each	\$100.45	\$100.45	\$105.11	\$105.11
5. 8-inch	1	each	\$147.07	\$147.07	\$153.88	\$153.88
6. 10-inch	1	each	\$252.83	\$252.83	\$267.23	\$267.23
7. 12-inch	1	each	\$370.30	\$370.30	\$387.45	\$387.45
BID SECTION #23 TOTAL			\$1,099.09		\$1,198.78	

BID SECTION #24 - REDUCER MJ X MJ (DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch x 3-inch	1	each	\$48.58	\$48.58	\$50.84	\$50.84
2. 6-inch x 2-inch	1	each	\$145.10	\$145.10	\$156.86	\$156.86
3. 6-inch x 3-inch	1	each	\$65.65	\$65.65	\$68.70	\$68.70
4. 6-inch x 4-inch	1	each	\$58.43	\$58.43	\$61.14	\$61.14
5. 8-inch x 4-inch	1	each	\$89.94	\$89.94	\$94.12	\$94.12
6. 8-inch x 6-inch	1	each	\$96.51	\$96.51	\$100.99	\$100.99

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			BIDDERS			
			Core & Main Belton, TX		Fortiline Waterworks, Inc Hewitt, TX	
7. 10-inch x 4-inch	1	each	\$104.00	\$104.00	\$109.91	\$109.91
8. 10-inch x 6-inch	1	each	\$103.98	\$103.98	\$109.91	\$109.91
9. 10-inch x 8-inch	1	each	\$113.73	\$113.73	\$120.22	\$120.22
10. 12-inch x 4-inch	1	each	\$192.37	\$192.37	\$201.28	\$201.28
11. 12-inch x 6-inch	1	each	\$184.49	\$184.49	\$193.04	\$193.04
12. 12-inch x 8-inch	1	each	\$188.43	\$188.43	\$197.16	\$197.16
13. 12-inch x 10-inch	1	each	\$180.55	\$180.55	\$188.91	\$188.91
BID SECTION #24 TOTAL			\$1,571.76		\$1,653.08	

BID SECTION #25 - MJ TEES (DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch x 2-inch	6	each	\$80.10	\$480.60	\$89.36	\$536.16
2. 4-inch x 4-inch	1	each	\$85.35	\$85.35	\$89.31	\$89.31
3. 6-inch x 6-inch	1	each	\$145.10	\$145.10	\$151.82	\$151.82
4. 8-inch x 8-inch	1	each	\$216.01	\$216.01	\$226.01	\$226.01
5. 10-inch x 10-inch	1	each	\$373.72	\$373.72	\$395.01	\$395.01
6. 12-inch x 12-inch	1	each	\$476.01	\$476.01	\$498.05	\$498.05
7. 8-inch x 6-inch	1	each	\$181.86	\$181.86	\$190.29	\$190.29
8. 12-inch x 8-inch	1	each	\$361.11	\$361.11	\$377.83	\$377.83
9. 12-inch x 6-inch	1	each	\$341.41	\$341.41	\$357.22	\$357.22
BID SECTION #25 TOTAL			\$2,661.17		\$2,821.70	

BID SECTION #26 - CAP MJ						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	1	each	\$20.35	\$20.35	\$26.60	\$26.60
2. 4-inch	1	each	\$30.20	\$30.20	\$31.60	\$31.60
3. 6-inch	1	each	\$40.05	\$40.05	\$41.90	\$41.90
4. 8-inch	1	each	\$63.03	\$63.03	\$65.95	\$65.95
5. 10-inch	1	each	\$90.98	\$90.98	\$96.18	\$96.18
6. 12-inch	1	each	\$117.52	\$117.52	\$122.97	\$122.97
BID SECTION #26 TOTAL			\$362.13		\$385.20	

BID SECTION #27 - PLUG MJ SOLID						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch	2	each	\$38.08	\$76.16	\$39.84	\$79.68
2. 6-inch	1	each	\$60.40	\$60.40	\$63.20	\$63.20
3. 8-inch	2	each	\$86.01	\$172.02	\$89.99	\$179.98
4. 10-inch	1	each	\$109.18	\$109.18	\$115.41	\$115.41
5. 12-inch	1	each	\$131.97	\$131.97	\$138.09	\$138.09
BID SECTION #27 TOTAL			\$549.73		\$576.36	

BID SECTION #28 - TAPPED PLUGS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch x 2-inch	2	each	\$62.37	\$124.74	\$65.27	\$130.54
2. 6-inch x 2-inch	1	each	\$85.35	\$85.35	\$89.31	\$89.31
3. 8-inch x 2-inch	1	each	\$110.30	\$110.30	\$115.41	\$115.41
4. 10-inch x 2-inch	1	each	\$132.58	\$132.58	\$140.14	\$140.14
5. 12-inch x 2-inch	1	each	\$156.91	\$156.91	\$164.18	\$164.18
BID SECTION #28 TOTAL			\$609.88		\$639.58	

BID SECTION #29 - MJ SOLID SLEEVES (LONG) (CI OR DI)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch x 12-inch	2	each	\$71.56	\$143.12	\$61.83	\$123.66
2. 3-inch x 12-inch	1	each	\$51.21	\$51.21	\$53.59	\$53.59
3. 4-inch x 12-inch	1	each	\$59.09	\$59.09	\$61.83	\$61.83

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			BIDDERS			
			Core & Main Belton, TX		Fortiline Waterworks, Inc Hewitt, TX	
4. 6-inch x 12-inch	2	each	\$87.98	\$175.96	\$92.05	\$184.10
5. 8-inch x 12-inch	2	each	\$114.89	\$229.78	\$120.22	\$240.44
6. 12-inch x 12-inch	1	each	\$231.76	\$231.76	\$242.50	\$242.50
7. 16-inch x 12-inch	2	each	\$583.03	\$1,166.06	\$631.17	\$1,262.34
8. 18-inch x 15-inch	2	each	\$772.12	\$1,544.24	\$836.57	\$1,673.14
BID SECTION #29 TOTAL			\$3,601.22		\$3,841.60	

BID SECTION #30 - MJ SOLID SLEEVES (SHORT)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch x 7.5-inch	2	each	\$51.86	\$103.72	\$37.95	\$75.90
2. 3-inch x 7.5-inch	1	each	\$37.42	\$37.42	\$39.16	\$39.16
3. 4-inch x 7.5-inch	1	each	\$38.08	\$38.08	\$39.84	\$39.84
4. 6-inch x 7.5-inch	2	each	\$63.03	\$126.06	\$65.95	\$131.90
5. 8-inch x 7.5-inch	2	each	\$86.00	\$172.00	\$89.99	\$179.98
6. 12-inch x 7.5-inch	1	each	\$145.10	\$145.10	\$151.82	\$151.82
BID SECTION #30 TOTAL			\$622.38		\$618.60	

BID SECTION #31 - CI VALVE BOX RISER (FITS 461-562 SERIES) * FOREIGN OK*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch	15	each	\$5.10	\$76.50	No Bid	
2. 3-inch	5	each	\$7.95	\$39.75	No Bid	
3. 4-inch	10	each	\$9.18	\$91.80	No Bid	
BID SECTION #31 TOTAL			\$208.05		No Bid	

BID SECTION #32 - SWIVEL X SOLID MJ CI ANCHOR COUPLINGS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 6-inch x 13-inch	6	each	\$117.52	\$705.12	\$122.97	\$737.82
2. 6-inch x 18-inch	6	each	\$145.10	\$870.60	\$153.03	\$918.18
3. 8-inch x 12-inch	2	each	\$174.64	\$349.28	\$183.94	\$367.88
BID SECTION #32 TOTAL			\$1,925.00		\$2,023.88	

BID SECTION #33 - PVC COMPRESSION COUPLING						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1/2-inch (Flo Control 110-05 or equal)	10	each	\$3.41	\$34.10	No Bid	
2. 3/4-inch (Flo Control 110-07 or equal)	30	each	\$4.20	\$126.00	No Bid	
3. 1-inch (Flo Control 110-10 or equal)	30	each	\$5.54	\$166.20	No Bid	
4. 1-1/2 inch (Flo Control 110-15 or equal)	10	each	\$8.93	\$89.30	No Bid	
5. 2-inch (Flo Control 110-20 or equal)	10	each	\$11.40	\$114.00	No Bid	
BID SECTION #33 TOTAL			\$529.60		No Bid	

BID SECTION #34 - STAINLESS STEEL ALL THREAD RODS AND COUPLINGS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x 10 feet	1	each	No Bid		No Bid	
2. 5/8-inch x 10 feet	1	each	No Bid		No Bid	
3. 3/4-inch all thread coupling	1	each	No Bid		No Bid	
4. 5/8-inch all thread coupling	1	each	No Bid		No Bid	
BID SECTION #34 TOTAL			No Bid		No Bid	

BID SECTION #35 - GLAND PACKS (COMPLETE WITH GASKETS AND BOLTS)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. MJ - 2-inch	22	each	\$16.01	\$352.22	No Bid	
2. MJ - 3-inch	6	each	\$13.78	\$82.68	No Bid	
3. MJ - 4-inch	10	each	\$17.07	\$170.70	No Bid	
4. MJ - 6-inch	27	each	\$20.35	\$549.45	No Bid	
5. MJ - 8-inch	2	each	\$23.63	\$47.26	No Bid	

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6. MJ - 10-inch	2	each	\$32.49	\$64.98	No Bid
7. MJ - 12-inch	2	each	\$34.79	\$69.58	No Bid
8. MJ - 16-inch	4	each	\$60.40	\$241.60	No Bid
9. MJ - 18-inch	4	each	\$80.10	\$320.40	No Bid
10. Trans - 2-inch	32	each	\$17.02	\$544.64	No Bid
11. Trans - 3-inch	6	each	\$13.78	\$82.68	No Bid
12. Trans - 4-inch	6	each	\$17.72	\$106.32	No Bid
13. Trans - 6-inch	2	each	\$21.66	\$43.32	No Bid
14. Trans - 8-inch	2	each	\$25.60	\$51.20	No Bid
15. Trans - 10-inch	2	each	\$35.08	\$70.16	No Bid
16. Trans - 12-inch	2	each	\$37.42	\$74.84	No Bid
BID SECTION #35 TOTAL			\$2,872.03	No Bid	

BID SECTION #36 - PVC MEGA LUGS - PACKS (WITH MJ GASKETS AND BOLTS) FOR C-900 PIPE						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch (2004 or equal)	13	each	\$28.18	\$366.34	No Bid	
2. 6-inch (2006 or equal)	12	each	\$35.66	\$427.92	No Bid	
3. 8-inch (2008 or equal)	4	each	\$49.59	\$198.36	No Bid	
4. 10-inch (2010 or equal)	2	each	\$83.78	\$167.56	No Bid	
5. 12-inch (2012 or equal)	8	each	\$89.95	\$719.60	No Bid	
6. 16-inch (2016 or equal)	4	each	\$180.00	\$720.00	No Bid	
BID SECTION #36 TOTAL			\$2,599.78	No Bid		

BID SECTION #37 - DI MEGA LUGS - PACKS (WITH MJ GASKETS)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch (1104 or equal)	2	each	\$25.33	\$50.66	No Bid	
2. 6-inch (1106 or equal)	4	each	\$31.52	\$126.08	No Bid	
3. 8-inch (1108 or equal)	7	each	\$42.77	\$299.39	No Bid	
4. 10-inch (1110 or equal)	2	each	\$59.90	\$119.80	No Bid	
5. 12-inch (1112 or equal)	2	each	\$81.93	\$163.86	No Bid	
6. 16-inch (1116 or equal)	2	each	\$140.00	\$280.00	No Bid	
BID SECTION #37 TOTAL			\$1,039.79	No Bid		

BID SECTION #38 - BRASS PACK JOINT TEE (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x 3/4-inch x 3/4-inch (T444-333 or equal)	15	each	\$35.08	\$526.20	\$35.08	\$526.20
2. 1-inch x 1-inch x 1-inch (T444-444 or equal)	14	each	\$37.54	\$525.56	\$37.54	\$525.56
3. 3/4-inch x 1-inch x 3/4-inch (T444-334 or equal)	4	each	\$37.37	\$149.48	\$37.38	\$149.52
4. 1-inch x 3/4-inch x 1-inch (T444-443 or equal)	4	each	\$38.54	\$154.16	\$38.54	\$154.16
BID SECTION #38 TOTAL			\$1,355.40	\$1,355.44		

BID SECTION #39 - BRASS TEES (FIPT X FIPT X FIPT) (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x 3/4-inch x 3/4-inch	1	each	\$7.20	\$7.20	No Bid	
2. 1-inch x 1-inch x 1-inch	1	each	\$13.00	\$13.00	No Bid	
3. 1.5-inch x 1.5-inch x 1.5-inch	2	each	\$25.28	\$50.56	No Bid	
4. 2-inch x 2-inch x 2-inch	1	each	\$41.90	\$41.90	No Bid	
BID SECTION #39 TOTAL			\$112.66	No Bid		

BID SECTION #40 - FLANGED COUPLING ADAPTERS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch; 4.44-4.56 (912-00045004-000 or equal)	1	each	\$81.99	\$81.99	No Bid	
2. 4-inch; 4.74-4.90 (912-00048004-000 or equal)	1	each	\$81.98	\$81.98	No Bid	
3. 6-inch; 6.56-6.69 (912-00066306-000 or equal)	1	each	\$104.83	\$104.83	No Bid	

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4. 6-inch; 6.81-6.96 (912-00069006-000 or equal)	1	each	\$104.84	\$104.84	No Bid	
5. 8-inch; 8.56-8.69 (912-00086308-000 or equal)	1	each	\$143.87	\$143.87	No Bid	
6. 8-inch; 8.98-9.20 (912-00090508-000 or equal)	1	each	\$143.88	\$143.88	No Bid	
BID SECTION #40 TOTAL			\$661.39		No Bid	
BID SECTION #41 - BRASS THREADED BUSHING (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x 1-inch FIP x MIP (C18-34 or equal)	120	each	\$3.85	\$462.00	No Bid	
2. 3/4 inch x 1-inch FIP x MIP (A-34 NL or equal)	120	each	\$7.91	\$949.20	No Bid	
3. 3/4 inch x 1-1/4 inch FIP x MIP (C18-35 or equal)	220	each	\$9.23	\$2,030.60	No Bid	
4. 1-inch x 1-1/4 inch FIP x MIP (C18-45 or equal)	12	each	\$7.43	\$89.16	No Bid	
5. 1-1/2 inch x 2-inch FIP x MIP (C18-67 or equal)	4	each	\$15.04	\$60.16	No Bid	
6. 1-inch x 3/4-inch (BBAA-43 or equal)	15	each	\$10.46	\$156.90	No Bid	
7. 2-inch x 1-1/2 inch (BBAA-76 or equal)	2	each	\$34.46	\$68.92	No Bid	
BID SECTION #41 TOTAL			\$3,816.94		No Bid	
BID SECTION #42 - BELL JOINT LEAK CLAMPS (COMPLETE KIT) *ONLY SMITH-BLAIR OR FORD WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2-inch; 2.50	1	each	\$41.19	\$41.19	No Bid	
2. 4-inch; 4.80-5.00	1	each	\$62.39	\$62.39	No Bid	
3. 6-inch; 6.90-7.10	2	each	\$68.71	\$137.42	No Bid	
4. 8-inch; 9.05-9.30	1	each	\$95.05	\$95.05	No Bid	
BID SECTION #42 TOTAL			\$336.05		No Bid	
BID SECTION #43 - BRASS SLEEVE COUPLING FIPT (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch	10	each	\$5.07	\$50.70	No Bid	
2. 1-inch	5	each	\$8.64	\$43.20	No Bid	
3. 1-1/2 inch	5	each	\$18.78	\$93.90	No Bid	
4. 2-inch	5	each	\$31.06	\$155.30	No Bid	
BID SECTION #43 TOTAL			\$343.10		No Bid	
BID SECTION #44 - FIRE HYDRANTS (PER SPECIFICATIONS) * ONLY CLOW MEDALLION F2546B OR MUELLER A423 CENTURION WILL BE ACCEPTED*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3 foot bury	4	each	\$2,754.00	\$11,016.00	\$1,614.00	\$6,456.00
2. 4 foot bury	10	each	\$2,889.00	\$28,890.00	\$1,693.00	\$16,930.00
3. 5 foot bury	2	each	\$3,023.00	\$6,046.00	\$1,772.00	\$3,544.00
4. 6 foot bury	1	each	\$3,157.00	\$3,157.00	\$1,850.00	\$1,850.00
BID SECTION #44 TOTAL			\$49,109.00		\$28,780.00	
BID SECTION #45 - METER RISERS (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch; 7W; V42 or equal	180	each	\$73.70	\$13,266.00	\$69.50	\$12,510.00
2. 3/4-inch; 9W; V42 or equal	12	each	\$74.61	\$895.32	\$72.50	\$870.00
3. 3/4-inch; 12W; V42 or equal	6	each	\$77.24	\$463.44	\$76.75	\$460.50
4. 3/4-inch; 18W; V42 or equal	2	each	\$91.72	\$183.44	\$89.00	\$178.00
5. 1-inch; 10W; V44 or equal	1	each	\$140.73	\$140.73	\$135.00	\$135.00
6. 1-inch; 12W; V44 or equal	7	each	\$144.07	\$1,008.49	\$140.00	\$980.00
7. 1-inch; 15W; V44 or equal	2	each	\$146.60	\$293.20	\$146.00	\$292.00
8. 2-inch; 18W; V47 or equal	1	each	\$909.61	\$909.61	\$1,128.00	\$1,128.00
BID SECTION #45 TOTAL			\$17,160.23		\$16,553.50	

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BID SECTION #46 - BRASS METER FLANGE COMPLETE KITS (LF)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-1/2 inch; 1 flange, 1 gasket & 2 nuts and bolts	6	each	No Bid		\$48.00	\$288.00
2. 2-inch; 1 flange, 1 gasket & 2 nuts and bolts	12	each	No Bid		\$59.00	\$708.00
BID SECTION #46 TOTAL			No Bid		\$996.00	
BID SECTION #47 - CONCRETE METER BOX (BOX ONLY)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 36H	200	each	\$27.02	\$5,404.00	No Bid	
2. 65H	10	each	\$51.67	\$516.70	No Bid	
BID SECTION #47 TOTAL			\$5,920.70		No Bid	
BID SECTION #48 - CI READER LID ONLY (FOR CONCRETE METER BOX)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 36H	75	each	\$33.48	\$2,511.00	No Bid	
2. 65H	12	each	\$54.54	\$654.48	No Bid	
BID SECTION #48 TOTAL			\$3,165.48		No Bid	
BID SECTION #49 - METER BOX WITH OVERLAPPING LID AND CI READER						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. DFW 1730-12-BD-CIRSM or equal	17	each	No Bid		No Bid	
2. East Jordan Iron Works BC1015-12 (32413701 and 32131001) Meter Box with CI Flip-Top Lid with Reader or equal	400	each	No Bid		No Bid	
3. East Jordan Iron Works MSBCF1730-12 Meter Box with MSBCF1730 CI Flip-Top Lid with Reader or equal	6	each	No Bid		No Bid	
BID SECTION #49 TOTAL			No Bid		No Bid	
BID SECTION #50 - METER WASHERS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. Rubber ¾-inch = 1/8	4,600	each	\$0.12	\$552.00	No Bid	
2. Rubber ¾-inch = 1/32	1,100	each	\$0.10	\$110.00	No Bid	
3. Rubber ¾-inch = 1/16	2,700	each	\$0.11	\$297.00	No Bid	
4. Rubber 1-inch = 1/8	3,000	each	\$0.15	\$450.00	No Bid	
5. Rubber 1-inch = 1/32	500	each	\$0.13	\$65.00	No Bid	
6. Fiber 3/4-inch = 1/8	100	each	\$0.26	\$26.00	No Bid	
7. Fiber 3/4-inch = 1/32	100	each	\$0.08	\$8.00	No Bid	
8. Fiber 1-inch = 1/8	100	each	\$0.27	\$27.00	No Bid	
9. Fiber 1-inch = 1/32	100	each	\$0.18	\$18.00	No Bid	
BID SECTION #50 TOTAL			\$1,553.00		No Bid	
BID SECTION #51 - SEWER SUPPLIES - SDR 26 DEEP BELL						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch spigot plug	5	each	\$8.18	\$40.90	No Bid	
2. 4-inch cap SW	20	each	\$15.30	\$306.00	No Bid	
3. 6-inch spigot plug	3	each	\$18.96	\$56.88	No Bid	
4. 6-inch cap SW	6	each	\$17.51	\$105.06	No Bid	
5. 8-inch spigot plug	5	each	\$33.57	\$167.85	No Bid	
6. 8-inch cap SW	3	each	\$30.00	\$90.00	No Bid	
7. 8x6 Reducers SXG SDR 26	1	each	\$39.82	\$39.82	No Bid	
BID SECTION #51 TOTAL			\$806.51		No Bid	
BID SECTION #52 - NON-SHEAR FLEX BOOT COUPLING						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch; non-shear; PVC x PVC (Fernco or Mission F1056-44SR or equal)	150	each	\$13.67	\$2,050.50	No Bid	
2. 6-inch; non-shear; PVC x PVC (Fernco or Mission F1056-66SR or equal)	20	each	\$26.04	\$520.80	No Bid	
3. 8-inch; non-shear; PVC x PVC (Fernco or Mission F1056-88SR or equal)	10	each	\$38.66	\$386.60	No Bid	

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4. 10-inch; non-shear; PVC x PVC (Fernco or Mission F1056-1010SR or equal)	3	each	\$50.29	\$150.87	No Bid	
5. 12-inch; non-shear; PVC x PVC (Fernco or Mission F1056-1212SR or equal)	1	each	\$61.57	\$61.57	No Bid	
6. 4-inch; non-shear; Clay x PVC (Fernco or Mission F1002-44SR or equal)	170	each	\$20.04	\$3,406.80	No Bid	
7. 6-inch; non-shear; Clay x PVC (Fernco or Mission F1002-66SR or equal)	170	each	\$33.99	\$5,778.30	No Bid	
8. 8-inch; non-shear; Clay x PVC (Fernco or Mission F1002-88SR or equal)	10	each	\$38.66	\$386.60	No Bid	
9. 10-inch; non-shear; Clay x PVC (Fernco or Mission F1002-1010SR or equal)	4	each	\$50.29	\$201.16	No Bid	
10. 12-inch; non-shear; Clay x PVC (Fernco or Mission F1002-1212SR or equal)	2	each	\$61.57	\$123.14	No Bid	
11. 4x3-inch, PVCX x PVC (Fernco 1056-43SR)	30	each	\$19.48	\$584.40	No Bid	
12. 4-inch x 3-inch, non-shear; PVC x PVC (Fernco 1056-43SR or equal)	30	each	\$19.48	\$584.40	No Bid	
BID SECTION #52 TOTAL			\$14,235.14		No Bid	

BID SECTION #53 - SEWER CAPS THREADED PVC WITH SLEEVE - SDR35

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch cleanout adaptor H x FIPT with raised nut	295	each	\$6.59	\$1,944.05	No Bid	
BID SECTION #53 TOTAL			\$1,944.05		No Bid	

BID SECTION #54 - SEWER CLEAN OUTS

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch 2-way clean outs (Plastic Trends #GDF1004 or equal)	2	each	\$23.32	\$46.64	No Bid	
2. 6-inch 2-way clean outs (Plastic Trends #GDF1006 or equal)	2	each	\$132.45	\$264.90	No Bid	
3. CI cleanout boot (East Jordan Iron Works V8505 or equal)	5	each	\$135.00	\$675.00	No Bid	
BID SECTION #54 TOTAL			\$986.54		No Bid	

BID SECTION #55 - SDR 26 SEWER WYES G X G X G (WITH DEEP BELL)

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch x 4-inch x 4-inch	230	each	\$25.36	\$5,832.80	No Bid	
2. 6-inch x 6-inch x 4-inch	89	each	\$31.40	\$2,794.60	No Bid	
3. 6-inch x 6-inch x 6-inch	2	each	\$38.52	\$77.04	No Bid	
4. 8-inch x 8-inch x 4-inch	50	each	\$43.55	\$2,177.50	No Bid	
5. 8-inch x 8-inch x 6-inch	2	each	\$49.99	\$99.98	No Bid	
6. 8-inch x 8-inch x 8-inch	2	each	\$87.58	\$175.16	No Bid	
BID SECTION #55 TOTAL			\$11,157.08		No Bid	

BID SECTION #56 - SDR 26 SEWER TEE WYES G X G X G (WITH DEEP BELL)

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch x 4-inch x 4-inch	2	each	\$28.79	\$57.58	No Bid	
2. 6-inch x 6-inch x 4-inch	2	each	\$33.77	\$67.54	No Bid	
3. 6-inch x 6-inch x 6-inch	2	each	\$44.24	\$88.48	No Bid	
4. 8-inch x 8-inch x 4-inch	2	each	\$45.07	\$90.14	No Bid	
5. 8-inch x 8-inch x 6-inch	2	each	\$51.73	\$103.46	No Bid	
6. 8-inch x 8-inch x 8-inch	3	each	\$109.82	\$329.46	No Bid	
BID SECTION #56 TOTAL			\$736.66		No Bid	

BID SECTION #57 - TYPE M2 ADJUSTABLE STEEL MANHOLE RING RISERS

FOREIGN OK

DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-inch x 24-inch	2	each	No Bid		No Bid	
2. 2-inch x 24-inch	8	each	No Bid		No Bid	
3. 3-inch x 24-inch	1	each	No Bid		No Bid	
4. 4-inch x 24-inch	2	each	No Bid		No Bid	
5. 1-inch x 32-inch	2	each	No Bid		No Bid	
6. 2-inch x 32-inch	2	each	No Bid		No Bid	
7. 3-inch x 32-inch	2	each	No Bid		No Bid	

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8. 4-inch x 32-inch	2	each	No Bid	No Bid
BID SECTION #57 TOTAL			No Bid	No Bid

BID SECTION #58 - CAST IRON MANHOLE RINGS & COVERS *FOREIGN OK*						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 2024 or equal Ring Only (24-inch)	8	each	\$78.28	\$626.24	No Bid	
2. 2024 or equal Cover Only (24-inch)	8	each	\$78.29	\$626.32	No Bid	
3. V1432 or equal Ring Only; Gusset with Lifting Eyes with Mud Ring (32-inch)	40	each	\$101.00	\$4,040.00	No Bid	
4. V1432 or equal Cover Only (32-inch)	40	each	\$111.10	\$4,444.00	No Bid	
BID SECTION #58 TOTAL			\$9,736.56		No Bid	

BID SECTION #59 - CONCRETE MANHOLE RING RISERS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 32" x 2"	6	each	\$19.12	\$114.72	No Bid	
2. 32" x 4"	20	each	\$30.50	\$610.00	No Bid	
BID SECTION #59 TOTAL			\$724.72		No Bid	

BID SECTION #60 - CONCRETE MANHOLE CONES						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. Center-holed (Concentric); 24-inch	2	each	No Bid		No Bid	
2. Side-holed (Eccentric); 24-inch	2	each	No Bid		No Bid	
3. Center-holed (Concentric); 32-inch	2	each	No Bid		No Bid	
4. Side-holed (Eccentric); 32-inch	36	each	No Bid		No Bid	
BID SECTION #60 TOTAL			No Bid		No Bid	

BID SECTION #61 - CONCRETE MANHOLE RISERS 48-INCH						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 1-foot	2	each	\$110.00	\$220.00	No Bid	
2. 2-feet	2	each	\$220.00	\$440.00	No Bid	
3. 3-feet	2	each	\$330.00	\$660.00	No Bid	
4. 4-feet	4	each	\$440.00	\$1,760.00	No Bid	
BID SECTION #61 TOTAL			\$3,080.00		No Bid	

BID SECTION #62 - SEWER SDR26 GASKETED PVC BENDS						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch; 22 degrees	90	each	\$13.89	\$1,250.10	No Bid	
2. 4-inch; 45 degrees	350	each	\$10.46	\$3,661.00	No Bid	
3. 6-inch; 22 degrees	2	each	\$26.20	\$52.40	No Bid	
4. 6-inch; 45 degrees	19	each	\$19.22	\$365.18	No Bid	
5. 8-inch; 22 degrees	2	each	\$46.58	\$93.16	No Bid	
6. 8-inch; 45 degrees	10	each	\$47.76	\$477.60	No Bid	
BID SECTION #62 TOTAL			\$5,899.44		No Bid	

BID SECTION #63 - PVC SEWER SDR26 TAPPING SADDLE WYES (GASKETED WITH BANDS)						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 6-inch x 4-inch	6	each	\$37.20	\$223.20	No Bid	
2. 8-inch x 4-inch	6	each	\$46.74	\$280.44	No Bid	
BID SECTION #63 TOTAL			\$503.64		No Bid	

BID SECTION #64 - FLEXIBLE SADDLE WYES FOR USE ON CLAY PIPE						
DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 4-inch outlet	2	each	\$29.06	\$58.12	No Bid	
2. 6-inch outlet	2	each	\$37.87	\$75.74	No Bid	
BID SECTION #64 TOTAL			\$133.86		No Bid	

Tabulation of Bids Received
on July 18, 2019 at 2:00 p.m.
Utility Supplies
Bid # 13-10-19

			BIDDERS				
			Core & Main Belton, TX		Fortiline Waterworks, Inc Hewitt, TX		
BID SECTION #65 - MUSHROOM VALVE BOX COVER							
FOREIGN OK							
DESCRIPTION		QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. Mushroom valve box cover with S (or sewer) marking; Ref V-8457-1		120	each	\$9.18	\$1,101.60	\$11.00	\$1,320.00
BID SECTION #65 TOTAL				\$1,101.60		\$1,320.00	
BID SECTION #66 - EYE BOLTS WITH WASHERS AND NUTS (STEEL)							
DESCRIPTION		QTY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1. 3/4-inch x 4.5-inch		10	each	No Bid		No Bid	
2. 5/8-inch x 4.5-inch		10	each	No Bid		No Bid	
BID SECTION #66 TOTAL				No Bid		No Bid	
TOTAL BID AMOUNT				\$432,802.17		\$231,769.97	
TOTAL AWARDED BID AMOUNT				\$99,168.14		\$186,213.10	
Emergency/After Hours Fee				\$100.00		\$150.00	
Comply with Delivery				Yes		Yes	
Execeptions				Yes		No	
Credit Check Authorization				Yes		Yes	
Local Preference				No		No	

Recommended for Council Award

Rejection of Section-Lack of Competitiveness

RESOLUTION NO. 2019-9778-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS FOR UTILITY SUPPLIES FROM VARIOUS VENDORS IN THE ESTIMATED ANNUAL AMOUNT OF \$285,381.24, FOR FISCAL YEAR 2020; REJECTING BIDS RECEIVED FOR TEN OF THE INDEPENDENT BID SECTIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Utility Warehouse, a division of the Purchasing Department, stocks utility supplies that are routinely needed by the Public Works and Parks Departments;

Whereas, on July 18, 2019, Staff received two bids for the annual purchase of utility supplies - the Invitation to Bid stated that the bid would be awarded to the low bidder of each utility supply item category, of which there were 66 sections;

Whereas, Staff recommends award of the bids to the low bidders of each section listed below:

- | | |
|---|--------------|
| • Fortiline Waterworks of Austin, Texas | \$186,213.10 |
| • Core and Main of Belton, Texas | \$ 99,168.14 |

Whereas, Staff recommends rejection of the bids received for 10 of the bid sections in which Staff believes a better value can be obtained by re-bidding based on the lack of competition within these sections and recommends re-bidding of five of the bid sections in which no bids were received on July 18, 2019;

Whereas, per the Local Government Code §252.043(f), the governing body is the designated authority to reject any and all bids;

Whereas, based on communication with utility supply vendors who did not submit a bid on July 18, 2019, Staff believes that competition can be enhanced by re-bidding the 15 bid sections - upon receipt of the new bids, Staff will evaluate the bids and gain approval as required by Council per the recent updated Monetary and Purchasing Guidelines;

Whereas, Staff has done business with both vendors recommended for award, and has found them to be very responsible - these proposed purchase agreements will not have options for annual renewals;

Whereas, utility supplies are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account – utility supplies are charged to departmental expenditure accounts as supplies are issued to departments; 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 Interim City Attorney, to execute annual purchase agreements for utility supplies for fiscal year 2020 with the following vendors in the estimated annual amount of \$285,381.24:

- | | |
|---|--------------|
| • Fortiline Waterworks of Austin, Texas | \$186,213.10 |
| • Core and Main of Belton, Texas | \$ 99,168.14 |

Part 3: The City Council rejects the bids received in the ten bid sections set forth in Exhibit A which is attached hereto and incorporated herein for all purposes.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 the annual CityWorks AMS asset management and work order software subscription from Azteca Systems LLC in the amount of \$60,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City implemented the Cityworks Work Orders and Asset Management software from Azteca Systems for the Public Works department. At the core of a true asset management system is an asset inventory. Cityworks is uniquely designed to utilize the GIS geodatabase as the asset inventory. Though other approaches may interface with a GIS – generally for map visualization – Cityworks truly utilizes the GIS geodatabase as the asset inventory. Cityworks leverages the inherent value of a GIS-centric, enterprise asset inventory by not only managing the assets and their associated attributes (type, condition, installation date, etc.), but also the work done to care for assets. The linkage between assets and work orders is maintained such that the history of completed work orders against a specific asset is viewable and is easily retrieved.

This software enables a more efficient workflow, easier navigation and a fully integrated GIS-Centric process. The software will allow staff to create a customized workflow that will best fit the needs of our Public works staff. The software call center, service requests, work orders, including cyclical work Inspections, tests, and condition assessments, resources, storerooms, projects, and contracts, reports and dashboards Mobile workforce Interfacing to other systems (accounting, billing, etc.)

Server AMS standard enterprise license renewal includes unlimited quantities of the identified products: Office, Field, Respond, Mobile Native Apps (for iOS/Android), and Includes the following Add-ons: Storeroom, Equipment Checkout, Contracts, Cityworks Analytics for AMS, Cityworks for Excel, eURL (Enterprise URL), Web Hooks, Web Map Manager and Local Government Templates (LGT).

Azteca Systems LLC is the developer and sole source provider for the maintenance of their product.

FISCAL IMPACT: Funding for the purchase of CityWorks AMS Software Subscription with Azteca Systems LLC in the amount of \$60,000 is appropriated in the FY 2020 Adopted Budget as shown below:

<u>Description</u>	<u>Account #</u>	<u>Amount</u>
CityWorks Enterprise License Agreement Subscription (<i>Water/Sewer Fund 75%</i>)	520-5000-535-2515	\$ 45,000
CityWorks Enterprise License Agreement Subscription (<i>General Fund 20%</i>)	110-1900-519-2515	12,000
CityWorks Enterprise License Agreement Subscription (<i>Drainage Fund 5%</i>)	292-2900-534-2515	3,000
Total Funds Available		\$ 60,000

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9779-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ANNUAL PURCHASE OF A CITYWORKS AMS SOFTWARE SUBSCRIPTION FROM AZTECA SYSTEMS, LLC, IN THE AMOUNT OF \$60,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has implemented the Cityworks work order and asset management software system from Azteca Systems, LLC for the Public Works department;

Whereas, this software provides a more efficient workflow, easier navigation and a fully integrated GIS-Centric process that allows Staff to create a customized workflow that best fits the needs of Public Works Staff;

Whereas, this Server AMS Standard Enterprise License includes unlimited quantities of certain products, as well as certain add-ons;

Whereas, Azteca Systems LLC is the developer and sole source provider for the maintenance of its product;

Whereas, funding for the annual Cityworks AMS software subscription is appropriated in the following accounts:

Water/Sewer Fund (75%) - Account No. 520-5000-535-2515;

General Fund (20%) - Account No. 110-1900-519-2515;

Drainage Fund (5%) - Account No. 292-2900-534-2515; and

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

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

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

Part 2: The City Council authorizes the annual purchase of a Cityworks AMS Software subscription from Azteca Systems, LLC in the amount of \$60,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 FY2020 police records management software maintenance contract with Intergraph Corporation, dba Hexagon Safety & Infrastructure, in the amount of \$93,218.58.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use records management software from Intergraph Corporation, dba Hexagon Safety & Infrastructure, for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

WebRMS (Arrests, warrants, citations, evidence, calls for service, etc...)
CAD Interface Software
Microsoft Software

Hexagon Safety & Infrastructure is the sole provider of maintenance for the software. This is the 18th consecutive year of support for the software.

FISCAL IMPACT: Funding in the amount of \$\$93,218.58 is included in the adopted FY 2020 Budget in the Information Technology Department account 110-1900-519-2338 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9780-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL MAINTENANCE CONTRACT WITH INTERGRAPH CORPORATION, dba HEXAGON SAFETY & INFRASTRUCTURE, IN THE AMOUNT OF \$93,218.58, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police and Fire Departments currently use Records Management Software from Intergraph Corporation, dba Hexagon Safety & Infrastructure, for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

- WebRMS (Arrests, warrants, citations, evidence, calls for service, etc.);
- CAD Interface Software; and
- Microsoft Software;

Whereas, Hexagon Safety & Infrastructure is the sole provider of maintenance for this software - this will be the 20th consecutive year of support for this software;

Whereas, Staff recommends Council authorize a sole source maintenance contract with Intergraph Corporation, dba Hexagon Safety & Infrastructure, in the amount of \$93,218.58 for fiscal year 2020;

Whereas, funding is included in the adopted fiscal year 2020 budget in Account No. 110-1900-519-2338; 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 Interim City Attorney, to execute an annual maintenance contract with Intergraph Corporation, dba Hexagon Safety & Infrastructure, in the amount of \$93,218.58, for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 FY2020 financial systems software maintenance contract with Superion, LLC of Chicago, Illinois, in the estimated amount of \$124,828.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses a Superion HTE enterprise software for the following business applications in helping the City to conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass	HELP Pass	OnLine Business

Superion, LLC (previously known as Sungard Public Sector) is the sole provider of maintenance for the Sungard HTE application software. FY 2020 will be the 15th year of support for the software

FISCAL IMPACT: Funding in the amount of \$124,828 is included in the adopted FY 2020 Budget in the Information Technology Department account 110-1900-519-2338 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9781-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL MAINTENANCE CONTRACT IN THE AMOUNT OF \$124,828, WITH SUPERION, LLC OF CHICAGO, ILLINOIS, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Superion HTE enterprise software for multiple business applications which assists the City in conducting multiple transactions – fiscal year 2020 will be the 15th year of support for this software;

Whereas, Superion, LLC, previously known as Sungard Public Sector, is the sole provider of maintenance for the Sungard HTE application software and Staff recommends Council authorize an annual maintenance contract in the amount of \$124,828;

Whereas, funds are available in Account No. 110-1900-519-2338 for the continued annual support of these applications for fiscal year 2020; 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 Interim City Attorney, to execute an annual maintenance contract in the amount of \$124,828, with Superion, LLC of Chicago, Illinois, for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kellie Brown, Assistant Information Technology Director

ITEM DESCRIPTION: Adopt a resolution authorizing the purchase of municipal courts software with LT Systems, Inc. of The Woodlands, in the amount of \$94,650.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has been using a solution called Naviline by Central Square for municipal court for the past nine years. It is an older product that is no longer efficient in processing day to day transactions.

LT Systems provides and supports software only for municipal court, and only for municipal courts in Texas. Texas rules regarding court are built directly into the software. It is 100% .net based, it allows real time access to case information and the data can be stored in the cloud.

This purchase includes the following:

- Case Management
- Cash Receipting
- Imaging
- Electronic Signatures
- Dash and Body Cam video import
- Electronic Ticket writer integration
- Collection firm integration
- Dispatch Module
- Web Portal (E-Court)
 - Online Payments via Traffic Payment
 - Online case look-up with ability to update current address, contract information, etc.
 - Online Docket
- A Virtual Electronic Records Assistant that performs functions without operator intervention when certain criteria is met

A team with representation from court, IT and finance was assembled. Several options were researched and the 4 best options for our specific needs were identified. Usability, support, cost, knowledge of Texas law, APIs with third parties for importing tickets and fee collections were all factors considered when identifying these as our best options.

Tyler Technologies and LT Systems were invited back for second demonstrations with more in-depth presentations and pointed questions. Then onsite visits were scheduled with the City of Allen and Lewisville so the team could see both systems in a day to day work environment. LT Systems was determined to be easier to use and learn, their support is much more responsive and personal, it is designed specifically for Texas municipal court customers, customer feedback is excellent, and the price was lower.

FISCAL IMPACT: A budget adjustment is presented to Council to appropriate funding for the purchase of municipal court software platform with LT Systems, Inc. The one-time startup costs are \$79,000, with annual maintenance fees \$15,650.

After approval of the budget adjustment, funding will be available for the total amount of \$94,650 as follows:

	<u>110-1800-525-6221</u>	<u>110-1900-519-2338</u>	<u>Total</u>
	102105		
Project Budget	\$ 79,000	\$ 15,650	\$ 94,650
Encumbered/Committed to Date	-	-	-
LT Systems, Inc.	(79,000)	(15,650)	(94,650)
Remaining Project Funds	\$ -	\$ -	\$ -

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
110-1900-519-23-38		Repair & Maint./Maintenance Contract	15,650	
110-1800-525-62-21	102105	Court Software - LT Systems	79,000	
110-1800-525-11-15		Salaries/Skilled		50,000
110-1800-525-12-22		Personnel Benefits/Health Insurance		1,650
110-0000-317-00-00		Municipal Court Restricted Fees-Judicial Efficiency		43,000
		DO NOT POST		
TOTAL.....			\$ 94,650	\$ 94,650

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

Reallocate funding for the purchase of Municipal Court software and the related annual maintenance through LT Systems, Inc.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

09/19/19

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2019-9782-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF MUNICIPAL COURTS SOFTWARE IN THE AMOUNT OF \$94,650, WITH LT SYSTEMS, INC. OF THE WOODLANDS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has been using a solution called Naviline by Central Square for municipal court for the past nine years - it is an older product that is no longer efficient in processing day to day transactions;

Whereas, LT Systems provides and supports software only for municipal court, and only for municipal courts in Texas - Texas rules regarding courts are built directly into the software and it is 100% net based, which allows real time access to case information and the data can be stored in the cloud;

Whereas, a team with representation from the court, Information Technology and Finance was assembled and several options were researched - the four best options for our specific needs were identified - usability, support, cost, knowledge of Texas law, APIs with third parties for importing tickets and fee collections were all factors considered when identifying these as our best options;

Whereas, Tyler Technologies and LT Systems were invited back for second demonstrations with more in-depth presentations and pointed questions - onsite visits were scheduled with the City of Allen and the City of Lewisville so the team could see both systems in a day to day work environment;

Whereas, LT Systems was determined to be easier to use and learn, their support is much more responsive and personal, it is designed specifically for Texas municipal court customers, customer feedback is excellent, and the price was lower;

Whereas, funds are available for this purchase, but an amendment to the fiscal year 2019 budget needs to be approved to transfer the funds to Account No. 110-1800-525-6221 and Account No. 110-1900-519-2338, Project No. 102105; 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 municipal courts software in the amount of \$94,650, from LT Systems, Inc., of The Woodlands, Texas and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents necessary for this purchase.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 the purchase of jail services from Bell County, in the estimated amount of \$65,000 for FY 2020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Resolution number 2012-6820-R allows the City of Temple to utilize the services of Bell County to house inmates instead of maintaining an in-house jail operation. Bell County has trained staff in place and space available to fulfill the City's needs. The City has been pleased with the services provided by Bell County and staff recommends the continued purchase of jail services.

FISCAL IMPACT: Funding in the amount of \$65,000 is appropriated in the FY 2020 Operating Budget in account 110-2011-521-2623 for jail housing services to be provided by the Bell County.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9783-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JAIL SERVICES PROVIDED BY BELL COUNTY IN THE ESTIMATED AMOUNT OF \$65,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, Staff has been pleased with the services provided by Bell County and recommends Council authorize the continued purchase of jail services from Bell County for fiscal year 2020, in the estimated annual amount of \$65,000;

Whereas, funding for jail services is appropriated in the fiscal year 2020 Operating Budget in Account No. 110-2011-521-2623; and

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

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

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

Part 2: The City Council authorizes the purchase of jail services provided by Bell County in the annual amount of \$65,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. /DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., Public Works Director
Kenton Moffett, P.E., Assistant Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 156 membrane replacement modules and accessories from Pall Advanced Separations Systems of Cortland, New York, in the amount of \$189,404.52.

STAFF RECOMMENDATION: Adopt resolution as presented in item summary.

ITEM SUMMARY: The City of Temple Water Treatment Plant comprises both conventional and membrane treatment facilities. The Plant provides potable water to over 70,000 residents, including several wholesale customers. Membrane treatment consists of 858 microfiltration modules that produce high quality potable water that exceeds the U.S. EPA drinking water standards. Modules are replaced in accordance with the strategic replacement program schedule.

Staff is requesting the replacement of two racks of original modules (156). The procurement will fall under a five-year sourcing agreement approved by Council at its November 1, 2018, Council meeting.

This purchase was originally planned in FY2021. However, the two racks that are recommended for replacement have experienced problems this summer with 13 modules experiencing total casing failures, and cleaning was required at double the normal frequency. Fortunately, other costs have been lower than expected and created available funding for this accelerated purchase.

FISCAL IMPACT: Funding is available for the purchase of the membrane replacement modules and necessary installation appurtenances from Pall Advanced Separation Systems in the amount of \$189,404.52 in account 520-5100-535-6211, project # 102146 as follows:

Project Budget	\$	189,405
Encumbered/Committed to Date		-
Membrane Replacement Modules - Pall Advanced Separations Systems		(189,405)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9784-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE PURCHASE OF 156 MEMBRANE REPLACEMENT
MODULES AND ACCESSORIES IN THE AMOUNT OF \$189,404.52, FROM
PALL ADVANCED SEPARATIONS SYSTEMS OF CORTLAND, NEW YORK;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple's water treatment plant is comprised of both Conventional & Membrane treatment facilities used to provide potable water to over 70,000 residents, including several wholesale customers;

Whereas, membrane treatment consists of 858 microfiltration membrane modules for the use and delivery of high-quality potable water that exceeds the US EPA drinking water standards - modules are replaced in accordance with the strategic replacement program schedule;

Whereas, Staff recommends replacement of two racks of original modules (one hundred fifty-six) and procurement will fall under a five-year sourcing agreement that was approved during the November 1, 2018 Council meeting as part of the strategic replacement program schedule;

Whereas, this purchase was originally planned in fiscal year 2021, however, the two racks to be replaced have experienced problems this summer - 13 modules experienced total casing failures, and cleaning was required at double the normal frequency;

Whereas, funding is available for the purchase in Account No. 520-5100-535-6211, Project No. 102146; 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 156 membrane replacement modules and accessories in the amount of \$189,404.52, from Pall Advanced Systems of Cortland, New York.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of properties situated at 606 and 610 Luna Lane and authorizing closing costs associated with the purchase in an estimated amount of \$16,000.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The properties are vacant lots located in the Jeff Hamilton Park area, a strategic area of revitalization for downtown Temple. Staff became aware the property was listed for sale with a local real estate agent. The City made an offer to purchase the property at the list price of \$6,500 for each lot. The owner has accepted the City's offer. Due to the location, coupled with the City's commitment to re-vitalizing this area of Temple, Staff recommends purchasing the property.

At this time, Staff is asking for authorization to the purchase properties situated at 606 and 610 Luna Lane and authorizing closing costs associated with the purchase in an estimated amount of \$16,000. The Bell CAD ID numbers for the properties 74355 and 74354.

FISCAL IMPACT: Funding for the purchase of properties situated at 606 and 610 Luna Lane and closing costs associated with the purchase in an estimated amount of \$16,000 is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, account 795-9500-531-6892, project 101841.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9785-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTIES SITUATED AT 606 AND 610 LUNA LANE, TEMPLE, TEXAS; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN A TOTAL ESTIMATED AMOUNT OF \$16,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, properties located at 606 and 610 Luna Lane are vacant lots located in the Jeff Hamilton Park area, a strategic area of revitalization for downtown Temple - Staff became aware the property was listed for sale with a local real estate agent;

Whereas, the City made an offer to purchase the property at the list price of \$6,500 for each lot and the owner has accepted the City's offer;

Whereas, due to the location, coupled with the City's commitment to re-vitalizing this area of Temple, Staff recommends Council approve the purchase of these properties and authorize closing costs associated with the purchase in a total estimated amount of \$16,000;

Whereas, the properties being purchased, are:

- 606 Luna Lane, Temple, Texas (Bell CAD ID No. 74355), and
- 610 Luna Lane, Temple, Texas (Bell CAD ID No. 74354);

Whereas, funding for the purchase of these two properties is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, Account No. 795-9500-531-6892, Project No. 101841; 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 properties situated at 606 and 610 Luna Lane, Temple, Texas, authorizes closing costs associated with the purchase in a total estimated amount of \$16,000, and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents that may be necessary for the purchase of the properties.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of properties situated at 807, 820, 903, 904, 908, 911 and 919 East Avenue A, authorizing closing costs associated with the purchase in an estimated amount of \$78,000, releasing City liens totaling \$4,406.19.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: City staff was approached by the property owner seeking to sell the properties to the City. The properties are located in the Ferguson Park area, a strategic area of revitalization for downtown Temple. Because of the locations of the properties, City ownership of the properties could benefit the City's revitalization efforts in this area. The City made an offer to purchase the properties for \$73,241 based on the Bell County Tax Appraisal District's appraised value and the condition of the existing structures on some of the properties. The owner has accepted the City's offer. Due to the location, coupled with the City's commitment to re-vitalizing this area of Temple, Staff recommends purchasing the properties.

At this time, Staff is asking for authorization to the purchase properties situated at 807, 820, 903, 904, 908, 911 and 919 East Avenue A, authorizing closing costs associated with the purchase in an estimated amount of \$78,000, releasing City liens totaling \$4,406.19. The Bell CAD ID numbers for the properties are 107046, 107048, 100962, 107047, 44102, 36332, and 56776.

FISCAL IMPACT: Funding is available for the costs associated with the acquisition of properties situated at 807, 820, 903, 904, 908, 911 and 919 East Avenue A in an estimated amount of \$82,406.19 in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, account 795-9500-531-6892, project 101841.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9786-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTIES SITUATED AT 807, 820, 903, 904, 908, 911 AND 919 EAST AVENUE A, TEMPLE, TEXAS; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN A TOTAL ESTIMATED AMOUNT OF \$78,000; RELEASING TWO CITY LIENS TOTALING \$4,406.19; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, these properties are located in the Ferguson Park area, a strategic area of revitalization for downtown Temple and City Staff was approached by the property owner seeking to sell the properties to the City;

Whereas, the City made an offer to purchase the properties for \$73,241 based on the Bell County Tax Appraisal District's appraised value and the condition of the existing structures on some of the properties - the owner has accepted the City's offer;

Whereas, due to the location, coupled with the City's commitment to re-vitalizing this area of Temple, Staff recommends Council approve the purchase of these properties and authorize closing costs associated with the purchase in an estimated amount of \$78,000, and release two City liens totaling \$4,406.19;

Whereas, the properties being purchased, are:

- 807 East Avenue A, Temple, Texas (Bell CAD ID No. 107046),
- 820 East Avenue A, Temple, Texas (Bell CAD ID No. 107048),
- 903 East Avenue A, Temple, Texas (Bell CAD ID No. 100962),
- 904 East Avenue A, Temple, Texas (Bell CAD ID No. 107047),
- 908 East Avenue A, Temple, Texas (Bell CAD ID No. 44102),
- 911 East Avenue A, Temple, Texas (Bell CAD ID No. 36332), and
- 919 East Avenue A, Temple, Texas (Bell CAD ID No. 56776);

Whereas, funding for the purchase of these seven properties is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, Account No. 795-9500-531-6892, Project No. 101841; 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 seven properties situated at 807, 820, 903, 904, 908, 911 and 919 East Avenue A, Temple, Texas, authorizes closing costs associated with the purchase in an estimated amount of \$78,000, authorizes the release of two City liens totaling \$4,406.19, and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents that may be necessary for the purchase of the properties.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase and exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for two rights-of-way and two temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$7,700.

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 seventeen rights-of-way and continues to negotiate with the remaining property owners. 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 two rights-of-way (ROW) and temporary construction easements (TCE).

The City owns property adjacent to both property owners. The City needs 0.090-acre of right-of-way and a 0.068-acre temporary construction easement from one of the property owners. In exchange for the needed ROW and TCE, the City will convey 1.131-acres of City-owned property to the property owner. This owner has agreed to convey a 0.958-acre tract to the City that is adjacent to City property located along State Highway 317 and south of the Oak Hills Subdivision.

Additionally, The City needs 0.087-acre of right-of-way and a 0.070-acre temporary construction easement from the second property owner. In exchange for the needed ROW and TCE, the City will convey 3.811-acres of City-owned property to the property owner.

The City will also pay both owners a total of \$5,779.70 to ensure just compensation of the owners for the needed property interests as well as the improvements in the area to be acquired by the City.

At this time, Staff is asking for authorization pursuant to Local Government Code § 272.001(b)(3) to exchange City-owned property to acquire the rights-of-way and temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$7,700.

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

8358 Poison Oak Road, #208674

8552 Poison Oak Road, #418566

5303 State Highway 317, #97497

FISCAL IMPACT: Funding for the purchase and exchange of City-owned property for two rights-of-way and two temporary construction easements necessary for the Poison Oak Road Expansion Project and authorizing closing costs associated with the purchase in an estimated amount of \$7,700 is available in account 365-3400-531-6886, project 101715.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9787-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND EXCHANGE OF CITY-OWNED PROPERTY PURSUANT TO LOCAL GOVERNMENT CODE § 272.001(B)(3) FOR TWO RIGHTS OF WAY AND TWO TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR THE POISON OAK ROAD EXPANSION PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THE PURCHASE IN AN ESTIMATED AMOUNT OF \$7,700; 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 seventeen rights of way and continues to negotiate with the remaining property owners;

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

Whereas, with the assistance of Stateside, the City has reached an agreement with two property owners for two rights of way (ROW) and temporary construction easements (TCE) - the City owns property adjacent to both property owners;

Whereas, the City needs a 0.090-acre of ROW and a 0.068-acre TCE from one of the property owners and in exchange for the needed ROW and TCE, the City will convey 1.131-acres of City-owned property to the property owner - the owner has agreed to convey a 0.958-acre tract to the City that is adjacent to City property located along State Highway 317 and south of the Oak Hills Subdivision;

Whereas, additionally, the City needs 0.087-acre of ROW and a 0.070-acre TCE from the second property owner and in exchange for the needed ROW and TCE, the City will convey 3.811-acres of City-owned property to the property owner;

Whereas, the City will pay both owners a combined total of \$5,779.70 to ensure just compensation to the owners for the needed property interests as well as the improvements in the area to be acquired by the City;

Whereas, Staff recommends Council authorize, pursuant to Local Government Code § 272.001(b)(3) the exchange City-owned property to acquire the rights of way and temporary construction easements necessary for the Poison Oak Road Expansion Project and authorize closing costs associated with the purchase in an estimated amount of \$7,700;

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

8358 Poison Oak Road, Temple, Texas (Bell CAD ID No. 208674),
8552 Poison Oak Road, Temple, Texas (Bell CAD ID No. 418566), and
5303 State Highway 317, Temple, Texas (Bell CAD ID No. 97497);

Whereas, funding for the purchase of rights of way and temporary construction 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 and exchange of City-owned property pursuant to Local Government Code § 272.001(b)(3) for two rights of way and two temporary construction easements necessary for the Poison Oak Road Expansion Project, authorizes closing costs associated with the purchases in an estimated amount of \$7,700, and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents that may be necessary for the purchase of this property.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Director of Information Technology
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of cellular services, data services, and wireless equipment during FY2020 from Cellco Partnership, dba Verizon Wireless, in the estimated annual amount of \$360,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase agreement will provide for continued purchase of cellular services, data services, and wireless equipment from Verizon Wireless during FY2020 utilizing the State of Texas Department of Information Resources (DIR) contract # DIR-TSO-3415, which is effective until April 27, 2020. Since the DIR contract will be expiring during FY2020, Staff will be monitoring DIR's contract negotiations, and assuming DIR awards a new contract to Verizon Wireless that still provides a good value to the City, Staff requests Council's authorization to continue using the Verizon Wireless utilizing the new DIR contract. Contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The City currently has 264 cellular phones, 199 smart phones, and 389 data devices serviced through Verizon Wireless. The Purchasing and Information Technology departments have reviewed the current DIR Contract #DIR-TSO-3415 against plans and services available through other vendors, and Staff is confident that the DIR contract offers the best value based on rates and service coverage.

An administrative directive is in place that states the policies and guidelines associated with the City's wireless device program.

FISCAL IMPACT: Each department with cellular devices has budgeted for wireless services and equipment in their adopted FY2020 Budget. The estimated annual expenditure based on the current volume of active devices is \$360,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9788-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF CELLULAR SERVICES, DATA SERVICES, AND WIRELESS EQUIPMENT FROM CELLCO PARTNERSHIP, dba VERIZON WIRELESS IN THE ESTIMATED ANNUAL AMOUNT OF \$360,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has 264 cellular phones, 199 smart phones, and 389 data devices serviced through Verizon Wireless;

Whereas, the Purchasing and Information Technology departments have reviewed the current Department of Information Resources (DIR) Contract (No. DIR-TSO-3415) against plans and services available through other vendors, and Staff is confident that the DIR Contract continues to offer the lowest rates available with the best service coverage for the City;

Whereas, contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, Staff has been pleased with the services provided by Cellco Partnership, dba Verizon Wireless, and recommends Council authorize the purchase of cellular services, data services, and wireless equipment in the estimated annual amount of \$360,000, for fiscal year 2020;

Whereas, each department with cellular devices has budgeted for these services in their fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the purchase of cellular services, data services, and wireless equipment from Cellco Partnership, dba Verizon Wireless in the estimated annual amount of \$360,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 the purchase of office supplies during FY2020 from Perry Office Plus, Inc. of Temple, in the estimated annual amount of \$125,000.

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

ITEM SUMMARY: Authorization of this purchase agreement will provide for the continued purchase of office supplies from Perry Office Plus, Inc. (Perry's) during FY2020.

Authorization of this purchase agreement will provide for the continued purchase of office supplies from Perry Office Plus, Inc. (Perry's) during FY2020 utilizing BuyBoard contract #576-18, which is effective until November 30, 2021. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Perry's has been supplying the City with office supplies under a BuyBoard contract for several years. Staff has been pleased with the quality of product and next day desktop delivery service provided by Perry's. Staff regularly reviews pricing offered by Perry's and deems it to be reasonable and competitive.

FISCAL IMPACT: Office supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY2020 Budget. The estimated annual expenditure for office supplies for FY2020 based on historical purchases is \$125,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9789-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF OFFICE SUPPLIES FROM PERRY OFFICE PLUS, INC., OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$125,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Perry Office Plus, Inc. (Perry's) has been supplying the City with office supplies under a BuyBoard contract for several years, and Staff continues to be pleased with the quality of product and next day desktop delivery services provided;

Whereas, Staff regularly reviews pricing offered by Perry's and finds that it continues to be reasonable and competitive;

Whereas, the City will utilize the BuyBoard Local Government Online Purchasing Cooperative contract for this purchase with Perry Office Plus, Inc., in the amount of \$125,000 – purchases made through the BuyBoard meet the City's competitive bid requirements;

Whereas, office supplies are purchased on an as-needed basis by each department and budgeted in the fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the purchase of office supplies from Perry Office Plus, Inc., of Temple, Texas in the estimated annual amount of \$125,000, fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 the purchase of janitorial supplies during FY2020 from Gulf Coast Paper Company of Temple, in the estimated annual amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this purchase agreement will provide for the continued purchase of janitorial supplies (e.g. cleaning supplies, toilet paper, paper towels, trash bags, etc) from Gulf Coast Paper Company (Gulf Coast) during FY2020 utilizing BuyBoard contract #569-18, which is effective until September 30, 2021. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Gulf Coast Paper Company has been supplying the City with janitorial supplies under a BuyBoard contract for several years. Staff has been pleased with the quality of product and delivery service provided by Gulf Coast. While staff has reviewed the pricing available under Gulf Coast's BuyBoard contract and concluded that the contracted pricing is the competitive, staff will continue to evaluate cooperative contract offerings available through other vendors to ensure the City is receiving the best value for janitorial supplies.

The Purchasing Department currently stocks a number of janitorial products in its warehouse, and as departments need these items, stock requisitions are submitted to the Purchasing Department. For items not stocked, the Purchasing Department orders them as non-stocked items.

FISCAL IMPACT: Janitorial supplies are purchased on an as needed basis by each department and are budgeted as such in the adopted FY2020 Budget. The estimated annual expenditure for janitorial supplies based on historical purchases is \$100,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9790-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JANITORIAL SUPPLIES FROM GULF COAST PAPER COMPANY OF TEMPLE, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000, FOR JANITORIAL SUPPLIES FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Gulf Coast Paper has been supplying the City with janitorial supplies under a BuyBoard contract for several years and Staff has been pleased with the quality of product and delivery service provided by Gulf Coast;

Whereas, Staff has reviewed the pricing available under Gulf Coast's BuyBoard Local Government Online Purchasing Cooperative contract and has concluded the contracted pricing continues to be reasonable and competitive;

Whereas, contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, janitorial supplies are purchased on an as-needed basis and each department has budgeted funds in their individual fiscal year 2020 budgets; 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 janitorial supplies from Gulf Coast Paper Company of Temple, Texas in the estimated annual amount of \$100,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of tire retreading services for FY2020 from Southern Tire Mart, LLC of Columbia, Mississippi, in the estimated amount of \$95,000.

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

ITEM SUMMARY: Authorization of this purchase will provide for the continued purchase of tire retreading (recapping) services for FY2020 from Southern Tire Mart (STM) utilizing BuyBoard contract #553-18, which has an expiration date of February 28, 2021. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Over the last year, Fleet Services retread over 400 tires for Solid Waste trucks. Staff has determined that re-treading Solid Waste truck tires is more economical than buying new tires due to the wear encountered by the tires when entering the landfill multiple times per day. In addition to being economical, retreading is eco-friendly as it extends the life of the tire casing and it reduces the down-time of Solid Waste trucks.

STM's retreading services utilizes a Bandag cap already installed on a refurbished wheel.

FISCAL IMPACT: The Solid Waste Department has budgeted for retreading services in its automotive repair & maintenance accounts of the FY2020 Budget. The retreading services through Southern Tire Mart will be procured on an as-needed basis when it is deemed cost effective to repair a tire versus replace it. Staff estimates an annual expenditure of \$95,000 based on historical expenditures.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9791-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TIRE RETREADING SERVICES FROM SOUTHERN TIRE MART, LLC OF COLUMBIA, MISSISSIPPI IN THE ESTIMATED ANNUAL AMOUNT OF \$95,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Fleet Services has historically installed 400 retread tires for Solid Waste trucks per year and has determined that re-treading Solid Waste truck tires is more economical than buying new tires due to the wear encountered by the tires when entering the landfill multiple times per day;

Whereas, in addition to being economical, retreading is eco-friendly as a result of extending the life of the tire casing;

Whereas, tire retreading services from Southern Tire Mart (STM) will be purchased utilizing the BuyBoard Local Government Online Purchasing Cooperative contract which expires February 28, 2021;

Whereas, contracts awarded through a BuyBoard Local Government Online Purchasing Cooperative have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, departments have budgeted for automotive repair parts in their adopted fiscal year 2020 budget – retreading services will be purchased on an as-needed basis when it is deemed cost effective to repair a tire versus replace it; 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 tire retreading services from Southern Tire Mart, LLC of Columbia, Mississippi in the estimated annual amount of \$95,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of automotive repair parts during FY2020 from O'Reilly Auto Parts of Springfield, Missouri, in the estimated annual amount of \$80,000.

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

ITEM SUMMARY: Authorization of this purchase agreement will provide for the continued purchase of automotive repair parts from O'Reilly Auto Parts (O'Reilly) during FY2020 utilizing BuyBoard contract #551-17, which is effective until November 30, 2020. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Council has authorized annual purchase agreements with O'Reilly for the purchase of automotive repair parts since September 5, 2013. Staff has been pleased with the quality of product and delivery service provided by O'Reilly.

Pricing per the BuyBoard contract is 41% off the list price and includes delivery to Fleet Services. Fleet Services staff has reviewed the pricing available through O'Reilly and other vendors, and Staff has determined that the O'Reilly pricing continues to be the most competitive.

FISCAL IMPACT: Departments have budgeted for automotive repairs in the adopted FY2020 Budget. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. The estimated annual purchase of automotive repair parts based on historical expenditures is \$80,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9792-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AUTOMOTIVE REPAIR PARTS FROM O'REILLY AUTO PARTS OF SPRINGFIELD, MISSOURI IN THE ESTIMATED ANNUAL AMOUNT OF \$80,000, FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council has authorized annual purchase agreements with O'Reilly Auto Parts (O'Reilly) for the purchase of automotive repair parts since September 5, 2013 and Staff has been pleased with the quality of product and delivery service provided by O'Reilly;

Whereas, O'Reilly has a contract through BuyBoard Local Government Online Purchasing Cooperative which is effective until November 30, 2020;

Whereas, pricing per the BuyBoard contract is 41% off of the list price and includes delivery to Fleet Services - Fleet Services has reviewed the pricing available through O'Reilly and other vendors, and has determined that O'Reilly pricing continues to be the most competitive;

Whereas, contracts awarded through a BuyBoard Local Government Online Purchasing Cooperative contract have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, departments have budgeted for automotive repair parts in the adopted fiscal year 2020 budget – purchases made under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various departments upon use by Fleet Services; 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 automotive repair parts from O'Reilly Auto Parts of Springfield, Missouri, in the estimated annual amount of \$80,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 the procurement of online auction services for the sale of City surplus property for FY2020 from GovDeals, Inc. of Montgomery, Alabama, with an estimated annual revenue amount of \$150,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of the use of this online auction service will provide for the continued disposal of surplus City property through GovDeals, Inc. (GovDeals) during FY2020 utilizing BuyBoard contract #541-17, which is effective until August 31, 2020. Based on this contract expiring during FY2020, Staff will be monitoring the re-bidding of this contract and taking appropriate action to ensure there is no lapse in service. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

GovDeals provides the marketing of surplus items using a nationwide web application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City. Consistent with prior years, staff is recommending that the 12.5% commission charged by GovDeals on sales be absorbed as follows: 10% by the purchaser of the surplus goods and 2.5% by the City.

GovDeals has provided online auction services to the City for 8 years, and staff has been pleased with the online functionality and the quality of service provided by GovDeals. Accordingly, staff is recommending that Council authorize the continued use of the GovDeals online auction services for FY2020.

FISCAL IMPACT: Based on historical revenues, it is estimated that revenues generated from the sale of City surplus property for FY2020 will total approximately \$150,000.

Revenue generated from the sale of auction items will be booked to a revenue account for the respective fund responsible for the assets sold. The 2.5% fee absorbed by the City will be charged to the Purchasing Department budget in account #110-1300-515-2623, Other Contracted Services. Since it is not known exactly the volume of items to be sold each year, a budget amendment will be prepared for the fees as items are sold to appropriate funds from the revenue account to account 110-1300-515-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9793-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONLINE AUCTION SERVICES WITH GOVDEALS, INC. OF MONTGOMERY, ALABAMA IN THE ESTIMATED ANNUAL REVENUE AMOUNT OF \$150,000, FOR THE SALE OF CITY SURPLUS PROPERTY DURING FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, GovDeals, Inc. (GovDeals) provides the marketing of surplus items using a nationwide web application, email notification of the availability of items to commodity-specific vendors, collection of proceeds from the winning bidders, and submission of the net proceeds to the City;

Whereas, consistent with prior years, Staff recommends that the 12.5% commission charged by GovDeals on sales be absorbed as 10% by the purchaser and 2.5% by the City;

Whereas, GovDeals has provided online auction services to the City for eight years, Staff has been pleased with the online functionality and quality of service, and recommends Council authorize the purchase of online auction services with GovDeals, Inc. for fiscal year 2020;

Whereas, GovDeals has a contract through BuyBoard Local Government Online Purchasing Cooperative which is effective until August 31, 2020 - contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, revenue generated from the sale of auction items will be applied to a revenue account for the respective fund responsible for the assets sold - the 2.5% fee absorbed by the City will be charged to the Purchasing Department in Account No. 110-1300-515-2623; and

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

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

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

Part 2: The City Council authorizes the purchase of online auction services for the sale of City surplus property from GovDeals, Inc. of Montgomery, Alabama, with an estimated annual revenue amount of \$150,000, for fiscal year 2020.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Haley & Olson, P.C., for fiscal year 2020, for the provision of legal services associated with various condemnation proceedings, in the estimated annual amount of \$160,000.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: In September 2016, Council authorized a professional services agreement with Haley & Olson, P.C., for the provision of legal services for condemnation proceedings.

In FY 2019, condemnation proceeding expenditures are estimated to reach \$120,000. Due to the number of properties requiring condemnation proceedings, as well as the continued implementation of needed infrastructure projects, Staff anticipates more properties will require condemnation proceedings. Due to the nature of these proceedings, legal assistance from Haley & Olson, will continue to be needed on an ongoing basis. Therefore, Staff recommended utilizing an annual contract with Haley & Olson for their services. Despite the need for condemnation proceedings, Staff will continue to negotiate with property owners in the hopes of coming to an agreed settlement.

FISCAL IMPACT: Funding is available in the capital projects and account numbers in the estimated amounts shown:

Project Description	Account #	Project #	Estimated Legal Services
Outer Loop – IH35 to Wendland	795-9800-531-6863 795-9600-531-6863	101000	\$ 15,000
Outer Loop, Phase IIIB	365-3400-531-6813	101121	3,000
Outer Loop, Phase VI	795-9600-531-6557	101585	25,000
Poison Oak	365-3400-531-6886	101715	85,000
Outer Loop, Phase IV	365-3400-531-6813	101714	10,000
North Pea Ridge, Phase 1	365-3400-531-6985	101713	10,000
Avenue C Expansion	795-9600-531-6892	101841	12,000
Haley & Olson, P.C.			\$ 160,000

This expenditure may vary between projects and will only be utilized on properties that have been approved by Council for eminent domain condemnation proceedings.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9794-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH HALEY & OLSON, P.C. OF WACO, TEXAS, IN THE ESTIMATED AMOUNT OF \$160,000, FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH VARIOUS CONDEMNATION PROCEEDINGS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in September 2016, Council authorized a professional services agreement with Haley & Olson, P.C. to provide legal services associated with condemnation proceedings;

Whereas, due to the number of properties requiring condemnation proceedings, as well as the continuous implementation of needed infrastructure projects, Staff anticipates more properties will require condemnation proceedings – in fiscal year 2019, condemnation proceeding expenditures are estimated to reach \$120,000;

Whereas, due to the nature of these proceedings, legal assistance from Haley & Olson, will continue to be needed on an ongoing basis however, Staff will continue to negotiate with property owners in the hopes of coming to agreed settlements;

Whereas, Staff recommends Council authorize a professional services agreement with Haley & Olson, P.C., in the estimated amount of \$160,000;

Whereas, funding is available in the capital projects and account numbers in the estimated amounts shown:

Project Description	Account No.	Project No.	Estimated Legal Services
Outer Loop – IH35 to Wendland	795-9800-531-6863 795-9600-531-6863	101000	\$ 15,000
Outer Loop, Phase IIIB	365-3400-531-6813	101121	3,000
Outer Loop, Phase VI	795-9600-531-6557	101585	25,000
Poison Oak	365-3400-531-6886	101715	85,000
Outer Loop, Phase IV	365-3400-531-6813	101714	10,000
North Pea Ridge, Phase I	365-3400-531-6985	101713	10,000
Avenue C Expansion	795-9600-531-6892	101841	12,000
	Haley & Olson, P.C.		\$ 160,000

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a professional services agreement with Haley & Olson, P.C., in the estimated amount of \$160,000 for the provision of legal services associated with various condemnation proceedings for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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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 professional services agreement with Clark & Fuller, PLLC, of Temple, for the design services needed to construct a new equipment parking area and equipment storage bays at the new Parks Department offices, in the amount of \$57,733.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On June 20, 2019, Council authorized the purchase of the MW Builders facility located at 1701 N. General Bruce Drive with a planned use of consolidating the Parks & Recreation divisions. The property includes 9.1 acres, of which a significant portion of this acreage is behind a secured and gated entrance, and an area that is needed to store City Parks maintenance equipment, but based on its unimproved nature, the area would not be accessible during or following inclement weather. Staff is recommending the addition of some flatwork and an open bay equipment storage on the unimproved acreage. To move forward with these improvements, Staff is requesting the engagement of Clark & Fuller, PLLC, to design the improvements.

The proposed project will consist of a new 4,800 square foot open bay facility for equipment storage, and a new 41,000 square foot parking area. The equipment storage area will consist of 20 covered parking bays, which will be used to park trailers, mowers and other maintenance equipment to protect them from the sun and other inclement weather. The paved parking will allow vehicle access to the newly built bays and an existing storage building.

As reflected in Clark & Fuller's attached proposal, Clark & Fuller's proposed scope of the services includes: topographic surveying, engineering, architectural design, geotechnical requirements, project bidding, construction administration, and onsite daily inspections.

The proposed timeline for the project design phase is 110 calendar days from the authorization of notice to proceed. Clark & Fuller has provided a preliminary opinion of probable of \$555,160.10 with an estimated 210 calendar days for construction completion.

FISCAL IMPACT: The 2019 Combination Tax & Revenue Certificates of Obligation Bonds to be used to fund this project were sold on August 15, 2019. The sale closed on September 10, 2019.

Funding for the professional services agreement with Clark & Fuller, PLLC for the design services needed to construct a new equipment parking area and equipment storage bays in the amount of \$57,733 is appropriated in account 365-4100-551-6424, project 102111, as follows:

	PARD Building 102111 365-4100-551-6424	PARD Building Furniture 102141 365-4100-551-6424	PARD Building Signage 102144 365-4100-551-6424	Total
Project Budget	\$ 2,690,043	\$ 16,188	\$ 11,826	\$ 2,718,057
Encumbered/Committed to Date	(2,025,246)	(13,541)	(11,820)	(2,050,407)
Professional Services Agreement - Clark & Fuller	(57,733)	-	-	(57,733)
Remaining Project Funds	\$ 607,264	\$ 2,647	\$ 6	\$ 609,917

ATTACHMENTS:

[Clark & Fuller, Professional Services Proposal Resolution](#)

August 14, 2019

City of Temple
Director of Parks and Recreation
Kevin Beavers
2 North Main, Suite 201
Temple, TX 76501



Re: Professional Services Proposal for the 2019 City of Temple Parks Department – New Equipment Parking Area and Building Addition(s)

Dear Mr. Beavers,

We would like to thank the City of Temple for the opportunity to submit an engineering proposal for the 2019 City of Temple Parks Department New Equipment Parking Area and Building Addition(s).

It is our understanding that this project will consist of a new 4,800 sq. ft. building and a new 41,000 sq. ft. paved parking area to be constructed at the New City of Temple Parks Department offices located north of Nugent Avenue and adjacent to the IH 35 access drive. The new parking area will be utilized by the City of Temple Parks Department to park and store construction vehicles and equipment and the new building(s) are based upon the following:

- 4,800 sq. ft building (24 ft. x 200 ft.)
 - However, based on site drainage requirements, the building may be divided into two (2) separate buildings. Each 24'x100' with 20'x24' bays.
 - We are assuming that the building will be a pre-engineered metal building supplied and erected by a metal building supplier.
- 15' TOS in front and 13' TOS in back with gutters and downspouts in back to direct storm water away from the building
- 5' eave extension in front to help block rainfall
- No overhead doors and the building shall be open in front
- We are assuming that the building(s) will have a 5' split-faced CMU wainscoat with smooth steel panels above on the rear and sides of the building.
- Structural Slab Foundation with columns sitting on piers
- Lighting within each bay and some exterior lighting
- Several power outlets per bay
- No Plumbing
- No Mechanical (HVAC)

Clark & Fuller, PLLC will complete design topography surveys, geotechnical borings, pavement and site parking designs, architectural and structural designs, construction document preparation, bidding assistance, and on-site daily inspection services. The proposed timeline for the project design phase is 110 calendar days from the authorization of notice to proceed and we estimate the time to construct the new improvements to be approximately 210 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Architectural, and Surveying Services, for a Lump Sum Amount not to exceed \$57,733.00. We estimate the total cost of the construction to be \$555,160.10 and we estimate the total cost of construction including professional services and contingencies to be \$612,893.10. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,

Monty L. Clark, P.E., CPESC



EXHIBIT “A”
Professional Services Proposal for
2019 City of Temple Parks Department New Equipment
Parking Area & Building Addition(s)



Scope of Professional Services

Topographic Surveying Services:	\$ 6,000.00
<ul style="list-style-type: none">• Provide Project Elevation Benchmark(s)• Locate Existing Rights of Ways and Property Boundaries• Prepare Design Topography Surveys for Engineers Parking & Building Designs	
Professional Engineering & Architectural Design Services:	\$ 30,533.00
<ul style="list-style-type: none">• Research Existing Utilities• Provide Preliminary Parking Alignment & Building(s) Location for City of Temple Comment and Approval• Drainage Analysis and Detention Pond Design (as required)• Prepare 100% Design Construction Documents for Bidding and Construction• Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction• Attend and Facilitate Project Coordination with the City Staff and/or TxDOT• Provide Architectural Building Designs and Specifications• Provide Structural Foundation Designs and Specifications• Provide Electrical Design and Lighting Plan and Specifications for new building addition(s)• Provide Project Coordination with Oncor Electric	
Geotechnical Services:	\$ 6,950.00
<ul style="list-style-type: none">• Provide Engineering Analysis and Report to include:<ul style="list-style-type: none">▪ Boring location plan▪ Boring logs with subsurface stratification<ul style="list-style-type: none">○ Approx. (4) bores 5' depth○ Approx. (1) bore for new building foundation(s)▪ Subsurface exploration procedures▪ Encountered subsurface conditions▪ Summarized laboratory data▪ Groundwater levels observed during and at completion of drilling▪ Pavement material recommendations▪ Subgrade preparation for pavement areas	
Project Bidding Phase:	\$ 950.00
<ul style="list-style-type: none">• Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department• Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department• Attend and Facilitate a Pre-Bid Meeting• Respond to Contractors Request For Information• Prepare and Issue Necessary Addenda• Attendance at Bid Opening• Review Contractor Bids for conformance to Engineers Plans• Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project• Provide Engineers Sealed Opinion of Probable Cost and Estimated Number of Days to Construct• Attendance at City of Temple Council Meeting for Construction Project Award	

Construction Administration Services:**\$ 2,200.00**

- Attend and facilitate a Pre-Construction Meeting
- Review all Contractor Submittals
- Provide Construction Administration and Project “Site” Visits to assist contractor with field construction questions
- Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI’s)
- Review Contractor Applications for Payment and insure conformance with percentage of construction complete
- Execute Necessary Change Orders
- Attend Final Project Inspection
- Project Acceptance Letter
- Provide Final Inspection Punch List
- Prepare Record Drawings

Daily Onsite Construction Inspection Services**\$ 11,100.00**

- Provide Daily On-Site Project Representation and Inspection Services

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Licensed Professional Structural Engineer	\$ 210.00/hr.
Licensed Professional Architect	\$ 125.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%



215 North Main Street, Temple, TX 76501
254.899.0899 www.clark-fuller.com F-10384

**Preliminary Opinion of Probable Cost for Budget - City of Temple Parks
Department New Equipment Parking Area & Building Addition(s)**

Date: 8-14-2019

New Pavement Construction

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	L.S.	\$ 8,000.00	100%	\$ 8,000.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 13,750.00	100%	\$ 13,750.00
3. Storm Water Pollution Prevention Plan & Implementation	L.S.	\$ 3,250.00	100%	\$ 3,250.00
4. Compacted Subgrade	S.Y.	\$ 2.75	5232	\$ 14,388.00
5. Compacted Crushed Limestone Base (10")	S.Y.	\$ 14.00	5232	\$ 73,248.00
6. 3" HMAC Pavement	S.Y.	\$ 18.95	5000	\$ 94,750.00
7. Connection to Existing Roadway	EA.	\$ 3,250.00	1	\$ 3,250.00
8. Unclassified Earthwork and Excavation	C.Y.	\$ 15.50	1810	\$ 28,055.00

SUBTOTAL CONSTRUCTION: \$ 238,691.00

New Building Construction

Item Description	Unit	Unit Cost	Quantity	Total
1. Site Preparation and Clearing	L.S.	\$ 1,500.00	100%	\$ 1,500.00
2. Site Mobilization, Bonding, and Insurance	L.S.	\$ 9,500.00	100%	\$ 9,500.00
3. New Building and Foundation (4800 s.f.)	L.S.	\$ 240,000.00	100%	\$ 240,000.00
4. Site Grading Allowance	L.S.	\$ 15,000.00	1	\$ 15,000.00

SUBTOTAL CONSTRUCTION: \$ 266,000.00

10% CONSTRUCTION CONTINGENCY \$ 50,469.10

TOTAL CONSTRUCTION: \$ 555,160.10

5.5% DESIGN AND PROFESSIONAL SERVICES: \$ 30,533.00

TOPOGRAPHIC SURVEYING SERVICES: \$ 6,000.00

CONSTRUCTION SURVEYING SERVICES: Not Included

GEOTECHNICAL SERVICES: \$ 6,950.00

PROJECT BIDDING SERVICES: \$ 950.00

CONSTRUCTION ADMINISTRATION SERVICES AND PREPARATION OF AS BUILTS: \$ 2,200.00

DAILY ON-SITE PROJECT REPRESENTATION AND INSPECTION SERVICES: \$ 11,100.00

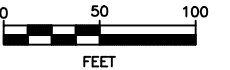
TOTAL PS&E: \$ 57,733.00

TOTAL CONSTRUCTION WITH PS&E: \$ 612,893.10

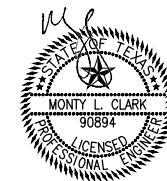


Not Included within the OPC:

- * Costs to purchase or install parking lighting, & wiring
- * Costs to provide parking signage or striping
- * Right of Way Acquisition or Right of Way Services



2019 CITY OF TEMPLE PARKS DEPARTMENT PARKING AREA PROJECT



7-29-19



RESOLUTION NO. 2019-9795-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS IN THE AMOUNT OF \$57,733, FOR THE DESIGN SERVICES NEEDED TO CONSTRUCT AN EQUIPMENT PARKING AREA AND EQUIPMENT STORAGE BAYS AT THE NEW PARKS DEPARTMENT OFFICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 20, 2019, Council authorized the purchase of the MW Builders facility located at 1701 North General Bruce Drive with a planned use of consolidating the Parks & Recreation divisions - the property includes approximately 9.1 acres, of which a significant portion of this acreage is behind a secured and gated entrance, and an area that is needed to store City Parks maintenance equipment, but based on its unimproved nature, the area would not be accessible during or following inclement weather;

Whereas, Staff is recommending the addition of some flatwork and an open bay equipment storage on the unimproved acreage - to move forward with these improvements, Staff is requesting the engagement of Clark & Fuller, PLLC, to design the improvements;

Whereas, the proposed project will consist of a new 4,800 square foot open bay facility for equipment storage, and a new 41,000 square foot parking area;

Whereas, the equipment storage area will consist of 20 covered parking bays, which will be used to park trailers, mowers and other maintenance equipment to protect them from the sun and other inclement weather;

Whereas, the paved parking will allow vehicle access to the newly built bays and an existing storage building;

Whereas, Clark & Fuller's proposed scope of services includes: topographic surveying, engineering, architectural design, geotechnical requirements, project bidding, construction administration and onsite daily inspections;

Whereas, Staff recommends Council authorize a professional services agreement with Clark & Fuller, PLLC, in the amount of \$57,733, for the design services needed to construct a new equipment parking area and equipment storage bays;

Whereas, the 2019 Combination Tax & Revenue Certificates of Obligation Bonds to be used to fund this project were sold August 15, 2019 and the sale closed September 13, 2019;

Whereas, funding for the professional services agreement is available in Account No. 365-4100-551-6424, Project No. 102111; 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 Interim City Attorney, to execute a professional services agreement with Clark & Fuller, PLLC, in the amount of \$57,733, for the design services needed to construct an equipment parking area and equipment storage bays.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition and relocation services for the Avenue C Improvement and Expansion Project, in an amount not to exceed \$296,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, and pedestrian and bike amenities.

At this time, Staff anticipates right-of-way will be needed from 31 properties, including 14 relocations. Staff has received a proposal for land acquisition and relocation services from Stateside Right of Way Services, Inc. (Stateside).

Stateside will offer multiple services during the acquisition process, including, but not limited to, project management, appraisal services, negotiations and closings, and relocation services.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$296,400 for land acquisition and relocation services for the Avenue C Improvement and Expansion Project. The not to exceed amount does not include all condemnation services that may be required. Stateside will provide such services at the request of the City.

FISCAL IMPACT: Funding for the professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$296,400 for acquisition and relocation services for the Avenue C Improvement and Expansion Project is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, account 795-9600-531-6892, project 101841.

ATTACHMENTS:

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



August 22, 2019

City of Temple, Texas
Christina A. Demirs
Deputy City Attorney, Right of Way
2 North Main, Suite 308
Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Relocation, Title Curative and Closings in
Temple, Texas – Avenue C

RIGHT OF WAY SCOPE OF SERVICES

Acquisition / Negotiation:

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

Set up Files: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

- Initial Offer Packet: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Appraisal District website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- Counteroffer: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.
- Final Offer Letter: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

Title/Closing:

Stateside will complete title / closing with Monteith Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
 - Review Commitment and supporting documents
 - Vesting Deeds will be verified with ownership shown on the Commitment
 - Secretary of State information will be researched for Corporations, LLC or other entity information
 - Lien information and clouded or complicated title issues will be noted for:
 - Long lead time issues
 - Condemnation by Publication actions needed
 - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a check request or wire transfer with the Settlement Statement as per the U.S. Department of Housing and Urban Development (HUD-1) and their contact information for the purchase price and closing costs will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.
- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

Condemnation Support Services:

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.

Pass-Through Costs:

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

Relocation:

Stateside will complete residential and business relocations for \$4,000 each.

- Acquisitions that may require the displacement of residential or business occupants will have a relocation analysis prepared before initiating negotiations.
 - The Agent will inspect the proposed acquisition site to determine if any relocation assistance may be required. If relocation assistance is required, at the appropriate time the Agent will contact each potential displacee to conduct a personal interview to include: length of residency, how the length of residency was determined (i.e. lease agreement, utility bills), number of persons occupying the dwelling and the condition of the property.
 - The Agent will begin to identify any unique relocation assistance problems requiring special consideration and update the City of possible problems and proposed solutions for displacees. For residential displacees, the Agent will determine if an adequate supply of comparable replacement dwellings will exist at the time displacement occurs. For non-residential displacees, the Agent will determine if suitable replacement sites exist and begin assessing problems that may be encountered in relocating to a replacement site.
 - The Agent will physically inspect the real property to determine if buildings or structures are occupied, vacant, or if personal property is located on the real property.
 - The displacees will be informed, in writing, of the Relocation Assistance Program.
- The Agent will prepare and submit a relocation supplement packet to the City for approval.
- A Notice of Relocation Eligibility will be prepared by the Agent for each displacee indicating the following:
 - The date initiation of negotiations occurred.
 - That they may be eligible to receive relocation benefits.
 - That residential displacees will not be required to vacate until at least one (1) decent, safe and sanitary comparable replacement dwelling is made available.
 - That business displacees must provide reasonable advance notice of their move date, moving options and access for reasonable and timely inspections to monitor the move to the new location.
 - That the occupant will receive written notice to vacate no less than ninety (90) days before displacement is required. When a ninety (90) day notice is given at the beginning of negotiations and a specific date is not included, a subsequent thirty (30) day written notice will be given with a specific date. If the occupant moves and vacates the property at least thirty (30) days in advance of the time the property will be needed by the City, no thirty (30) day notice is required.
 - The name and telephone number of the Agent assigned to them.
- Every effort will be made to personally deliver the Notice of Eligibility to each eligible displacee within ten (10) working days of the initiation of negotiations. If personal delivery cannot be made, the Notice of Eligibility will be sent by certified mail, return receipt requested or by a courier service that confirms receipt of delivery. When the notice is mailed, the Agent will attempt to personally contact the displacee as soon as feasible. A log will be maintained of all contacts with the displacee indicating the date of the contact and a brief summary of the discussion.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:**Appraisal Services:**

- Appraisals 31 parcels \$ 116,400
- The Appraisal total amount: \$ 116,400**

Acquisition and Relocation Services:

The fees will be submitted on a milestone basis:

- Negotiation Services – up to 31 acquisitions - @ \$4,000 each **\$ 124,000**
- Relocation Services – up to 14 relocations @ \$4,000 each **\$ 56,000**
- The Acquisition and Relocation amount: \$ 180,000**

The Stateside total amount is not to exceed: \$ 296,400

Milestone Payments:

The fees will be submitted on a milestone basis:

- **Acquisition**
 - Set up 20% per parcel
 - Offer Packet 50%
 - Final Offer/Closing 20%
 - File Close Out/Submit for ED 10%
- **Residential**
 - Set up 20% per relocation
 - Interview 20% per relocation
 - Submit Replacement Payment Packet to City of Temple 40%
 - Move Out and Inspection 20%
- **Appraisals**
 - Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely,

STATESIDE RIGHT OF WAY SERVICES, L.L.C.

A handwritten signature in blue ink that reads "Diane Valek". The signature is written in a cursive, flowing style.

Diane Valek
President

Project Parcel	Type	Initial offer fee	Update fee	Acquisition	Parts	Imp?	Imp. Impact?	CAD acct	Parcel Address	Owner
06	land	\$ 2,900	\$ 2,300	fee	1			34234	301 S MARTIN LUTHER KING JR DR	DAWSON, WAYNE & WENDELL WILSON
07	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	53202	407 E C AVE	AVILA, HORTENCIA MONRROY
08	land	\$ 2,900	\$ 2,300	fee	1			129092	302 S 10TH ST	DAWSON, WAYNE
09	land	\$ 2,900	\$ 2,300	fee	1			70580	303 S 10TH ST	DEGRATE REALTY LLC
12	land	\$ 2,900	\$ 2,300	TCE	1			113394	606 E C AVE	SUSTAITA, ARNOLD
13	commercial	\$ 5,500	\$ 4,400	fee	1	Y	Y	109775	517 E C AVE	ST JAMES MASONIC LODGE #71
14	land	\$ 2,900	\$ 2,300	fee	1			114549	601 E C AVE	ST. JAMES LODGE NO. 71
15	land	\$ 2,900	\$ 2,300	fee	1			115168	611 E C AVE	COCKRELL, SKIP
16	land	\$ 2,900	\$ 2,300	fee	1			115169	613 E C AVE	COCKRELL, SKIP
17	land	\$ 2,900	\$ 2,300	fee, TCE	1			115170	615 E C AVE	COCKRELL, SKIP
18	commercial	\$ 5,500	\$ 4,400	TCE	1	Y	Y	22805	702 E C AVE	COCKRELL, HORACE M
19	land	\$ 2,900	\$ 2,300	TCE	1			22785	710 E C AVE	COCKRELL TRUCKING INC
24	commercial	\$ 5,500	\$ 4,400	fee, TCE	1	Y	Y	105609	701 E C AVE	SHEPPARD, ALTON L JR
25	land	\$ 2,900	\$ 2,300	fee	1			57123	703 E C AVE	SHEPPARD, ALTON L JR
26	land	\$ 2,900	\$ 2,300	fee	1			79465	705 E C AVE	SHEPPARD, ALTON L JR
27	land	\$ 2,900	\$ 2,300	fee	1			21072	707 E C AVE	CITY OF TEMPLE
28	commercial	\$ 5,500	\$ 4,400	fee	1	Y	Y	35215	713 E C AVE	HUETE, DAVID RANDOLFO ETUX SANDRA BETINA ALVARENGA
29	land	\$ 2,900	\$ 2,300	fee	1			36331	717 E C AVE	JOHNSON, TONY JR & HORACIO SAMUEL ESCAMILLA JR
30	land	\$ 2,900	\$ 2,300	fee	1			36327	719 E C AVE	TEJADA, LUIS ALBERTO & MARISSA S
37	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	70900	803 E C AVE	COHEN, BARRY S
38	commercial	\$ 5,500	\$ 4,400	fee	1	Y	Y	77028	805 E C AVE	THOMAS, TIMOTHY & ARACELI
39	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	17696	807 E AVE C	PEREZ, ARACELI GARCIA
40	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	75489	815 E AVE C	SANDOVAL, MARTIN J ETUX KATHY
41	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	102757	817 E C AVE	SANDOVAL, MIGUEL S
42	land	\$ 2,900	\$ 2,300	fee	1			68978	819 E C AVE	WADADLI D LLC
43	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	107109	903 E C AVE	DE PAZ OSORIO, ARNULFO
48	land	\$ 2,900	\$ 2,300	fee	1			33502	905 E C AVE	VICTORY MINISTRY
49	land	\$ 2,900	\$ 2,300	fee	1			36457	306 S 18TH ST	TEMPLE TEXAS VICTORY MINISTRIES INC
50	commercial	\$ 5,500	\$ 4,400	fee	1	Y	N?	77029	1001 E C AVE	VICTORY MINISTRIES OF TEMPLE INC
51	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	78442	1003 E C AVE	NEALY, MARGRETT
52	single family	\$ 3,900	\$ 3,100	fee	1	Y	Y	27756	1015 E C AVE	AVILA, HORTENCIA ET AL
53	land	\$ 2,900	\$ 2,300	fee	1			27755	302 S 20TH ST	AVILA, HORTENCIA ET AL
32	Total	\$116,400	\$92,600							

RESOLUTION NO. 2019-9796-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$296,400, FOR ACQUISITION AND RELOCATION SERVICES FOR THE AVENUE C IMPROVEMENT AND EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project will follow the concepts of the Downtown Masterplan created in 2013 to explore options for development of a revised corridor street section to include elements such as landscaping, signage, monuments, pedestrian and bike amenities;

Whereas, at this time, Staff anticipates right of way will be needed from approximately 31 properties, including 14 relocations;

Whereas, Staff received a proposal for the land acquisition services from Stateside Right of Way Services, Inc. ("Stateside") of Temple, Texas who will offer multiple services during the acquisition process, including, but not limited to, project management, appraisal services, negotiations, closings and relocation services;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$296,400 for acquisition and relocation services for the Avenue C Improvement and Expansion Project - the not to exceed amount does not include condemnation services that may be required which Stateside will provide at the request of the City;

Whereas, funding for this agreement is available in in the Reinvestment Zone No. 1 Financing and Project Plans, Line 414, Account No. 795-9600-531-6892, Project No. 101841; 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 Interim City Attorney, to execute a professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in the amount of \$296,400, for acquisition and relocation services for the Avenue C Improvement and Expansion 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(T)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a services agreement to maintain Hillcrest Cemetery during FY2020 with Heart of Texas Landscape & Irrigation Co. Inc. of Belton, in the estimated annual amount of \$131,250.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this services agreement with Heart of Texas Landscape & Irrigation Co., Inc. (HOT) will provide for the mowing and maintenance services needed during FY2020 to maintain Hillcrest Cemetery after Green Ackors defaulted on the services agreement that Council awarded to them on April 18, 2019, for a contract term that was supposed to run through September 30, 2020.

Soon after the agreement commenced with Green Ackors in May 2019, Staff began having problems with Green Ackors' timeliness of completing work at Hillcrest Cemetery. At a meeting on July 3rd with Brent Ackors, owner of Green Ackors, Staff learned that Green Ackors was not going to be able to fulfill their commitment under the services agreement and indicated that they would only be able to continue mowing and maintaining Hillcrest Cemetery through September 2019.

In response to Mr. Ackors notice of termination of the services agreement, Staff developed a plan to solicit new proposals for the mowing and maintenance services at Hillcrest. The evaluation criteria as defined within the Request for Proposals (RFP) were as follows:

- Proposed pricing – 50%
- Demonstrated understanding of the scope of work – 15%
- Experience and reputation of maintaining cemeteries or other like-kind facilities – 15%
- Adequacy of skilled staffing to timely delivery services – 10%
- Availability of appropriate equipment to perform work – 10%

The RFP requested pricing based on an estimated 20 maintenance cycles in a fiscal year. The 20 cycles represent service every two weeks during the growing season between March and November. During times of the year such as July and August when the grass has slowed or stopped growing, the frequency can be reduced for cost savings.

Three proposals were received on August 1, 2019, with the following proposed pricing:

<u>Business Name</u>	<u>Area A</u>	<u>Area B</u>	<u>Total</u>
• Landscapes Designs and Lawn Care (Jarrell, Texas)	\$102,000	\$12,000	\$114,000 (\$5,700/cycle)
• Heart of Texas Landscape & Irrigation Co. (Belton, Texas)	\$116,000	\$ 9,000	\$125,000 (\$6,250/cycle)
• Fernando Leija (Belton, Texas)	\$ 78,000	\$ 8,000	\$ 86,000 (\$4,300/cycle)

The two areas are defined as follows:

- **Area A** (~60 acres) is considered the main part of the cemetery with historical and active gravesites. This area requires mowing to a height of 2-1/2" and weed-eating around all grave markers/headstones, trees, and fence.
- **Area B** (~8 acres) is the large open field that runs along East Shell Avenue across from Miller park. Shredding is allowed in this area.

A proposal evaluation committee with representation from four City departments evaluated the three proposals based on the evaluation criteria defined above. Based on HOT's demonstrated understanding of the work, their proposed staffing plan, HOT's sound reputation of performing work for the City, and HOT's experience maintaining other cemeteries, the evaluation committee is recommending award of the services agreement to HOT.

Heart of Texas Landscape also provided the City a cost for optional mowing during the off season of December through February. The pricing for additional mows is at the same rate as their base proposal of \$6,250/cycle.

This proposed agreement will commence October 1, 2019, and continue through September 30, 2020, with the option for four one-year renewals, if mutually agreed to by the City and HOT.

FISCAL IMPACT: Funding for the services agreement with Heart of Texas Landscape & Irrigation Co., Inc. for the ground maintenance at Hillcrest Cemetery in the estimated amount of \$131,250 per year (base amount of \$125,000 plus one additional "off season" mow cycle of \$6,250) is available in account 110-3540-552-2623

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9797-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH HEART OF TEXAS LANDSCAPE & IRRIGATION CO. INC. OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$131,250 FOR MOWING AND MAINTENANCE OF HILLCREST CEMETERY FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, soon after the agreement commenced with Green Ackors in May 2019, Staff began having problems with Green Ackors' timeliness of completing work at Hillcrest Cemetery;

Whereas, at a meeting on July 3, 2019 with Brent Ackors, owner of Green Ackors, Staff learned that Green Ackors was not going to be able to fulfill its commitment under the services agreement and indicated that they would only be able to continue mowing and maintaining Hillcrest Cemetery through September 2019;

Whereas, in response to Mr. Ackors' notice of termination of the services agreement, Staff developed a plan to solicit new proposals for the mowing and maintenance services at Hillcrest;

Whereas, three proposals were received on August 1, 2019 - based on Heart of Texas Landscape & Irrigation Co. (HOT) demonstrating an understanding of the work, their proposed staffing plan, HOT's sound reputation of performing work for the City, and HOT's experience maintaining other cemeteries, Staff recommends Council authorize a services agreement with Heart of Texas Landscape & Irrigation Co., Inc. in the estimated annual amount of \$131,250 for fiscal year 2020;

Whereas, Heart of Texas Landscape also provided the City a cost for optional mowing during the off season of December through February - the pricing for additional mows is at the same rate as their base proposal of \$6,250/cycle;

Whereas, this proposed agreement will commence October 1, 2019, and continue through September 30, 2020, with the option for four 1-year renewals, if mutually agreed to by both parties;

Whereas, funding for this services agreement is available in Account No. 110-3540-552-2623; 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 Interim City Attorney, to execute a services agreement with Heart of Texas Landscape & Irrigation Co. Inc. of Belton, Texas in the estimated annual amount of \$131,250, for the mowing and maintenance of Hillcrest Cemetery.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 services agreement for heating, ventilation, and cooling maintenance and repair services for FY2020 with Temple Heat & Air of Temple in the estimated annual amount of \$70,000.

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

ITEM SUMMARY: Authorization of this services agreement will provide for as-needed heating, ventilation, and cooling (HVAC) maintenance and repair services for city facilities during FY2020 by Temple Heat & Air.

As shown on the attached bid tabulation, on August 1, 2019, the City received two bids for HVAC maintenance and repair services. As allowed by Local Government Code Chapter 252, the bid stated that the award of the services agreement will be to the company providing the “best value” to the City. Accordingly, in addition to price, bids were evaluated on the experience and reputation of bidder providing like-kind service to other entities, proposed brand of replacement HVAC units and parts, and skilled staffing available to deliver services in a timely basis.

An evaluation committee was formed to evaluate the bids. After evaluating the bid submittals, the committee unanimously selected Temple Heat & Air as the bidder providing the best value to the City. Temple Heat & Air has provided the City with HVAC services for many years, and Staff finds them to be a responsive and responsible vendor.

The proposed services agreement is for a one-year period commencing on October 1, 2019, and is renewable for four additional one-year periods, if agreed to by the City and Temple Heat & Air.

FISCAL IMPACT: HVAC services are ordered on an as-needed basis. Departments have budgeted for HVAC services in the adopted FY2020 Budget. The estimated annual expenditure for HVAC maintenance and repair services based on historical expenditures is \$70,000.

ATTACHMENTS:

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

**Tabulation of Bids Received
on August 1, 2019 at 2:30 p.m.
HVAC Maintenance and Repair Services
Bid# 13-04-20**

	BIDDERS	
	Temple Heat & Air Temple, TX	Capstone Mechanical Waco, TX
Description		
Material (Cost plus %) \$0-\$100	50%	25%
Material (Cost plus %) \$101-\$500	45%	25%
Material (Cost plus %) \$501-\$1,000	40%	25%
Material (Cost plus %) \$1,001-\$5,000	35%	25%
Material (Cost plus %) \$5,001-and up	30%	25%
Rental Equipment (Cost plus %)	15%	10%
Labor (Straight Time)	\$60 / hour	\$79 / hour
Labor (Nights and Weekends)	\$90 / hour	\$118.50 / hour
Labor (Holidays)	\$120 / hour	\$158 / hour
Acknowledgement of Addendum (1)	No	No
Credit Check Authorization	Yes	Yes
Exceptions	No	No
Local Preference	Yes	N/A

Recommended for Council Award

RESOLUTION NO. 2019-9798-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SERVICES AGREEMENT WITH TEMPLE HEAT AND AIR OF TEMPLE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$70,000, FOR HEATING, VENTILATION, AND COOLING MAINTENANCE AND REPAIR SERVICES FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 1, 2019, Staff received two bids for heating, ventilation, and cooling (HVAC) maintenance and repair services with Temple Heat & Air of Temple's bid shown to provide the best value to the City - the City has done business with Temple Heat & Air for many years and finds them to be a responsive and responsible vendor;

Whereas, this agreement is for a one-year period commencing October 1, 2019, and is renewable for four additional one-year periods, if agreed to by both parties;

Whereas, HVAC services are ordered on an as-needed basis and departments have budgeted for HVAC services in the adopted fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a services agreement with Temple Heat & Air of Temple, Texas in the estimated annual amount of \$70,000, for heating, ventilation, and cooling maintenance and repair services for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 service through Grande Communications Networks LLC, of Dallas, for high-speed data services to ten city facilities, in the amount of \$90,000.

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

ITEM SUMMARY: Grande Communications (formerly Centrovision) currently provides us with high-speed data services to multiple City departments which include the Municipal Court, Utility Business Office, Fire Station 8/EOC, Fire Station 3, Public Works, Fleet Services, Purchasing, Airport, Mayborn Center, Animal Services, Fire Station 7, Wilson Park and added the new Parks Admin facility at 1701 North General Bruce to this contract. They have provided us with a service at these facilities where we have a comprehensive plan to avoid catastrophic outages at all city locations.

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

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

FISCAL IMPACT: Funding is available in the FY 2020 Operating Budget in account 110-1900-519-2610 in the amount of \$90,000 for continued voice, data and internet services through Grande Communications Networks LLC.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9799-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING HIGH-SPEED DATA SERVICES IN THE AMOUNT OF \$90,000, THROUGH GRANDE COMMUNICATIONS NETWORKS, LLC, OF DALLAS, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Grande Communications (formerly Centrovision) currently provides the City with high-speed data services to multiple City facilities;

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

Whereas, as part of the City's plan to diversify services, Staff recommends Council authorize continued high-speed data services to multiple City facilities through Grande Communications Networks, LLC in the amount of \$90,000;

Whereas, funding is available for these data services in the fiscal year 2020 Operating Budget in Account No. 110-1900-519-2610; and

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

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

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

Part 2: The City Council authorizes high-speed data services, in the amount of \$90,000, from Grande Communications Networks, LLC of Dallas, Texas.

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

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a six-month extension to an agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 64.7¢ per liquid pound in the estimated amount of \$90,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Chlorine dioxide/sodium chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process. Due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining a chemical feed system for the chlorine dioxide/sodium chlorite at the conventional and membrane plants.

On April 18, 2013, Council authorized an agreement through September 30, 2018, to Siemens Industry, Inc. (now Evoqua Water Technologies, LLC) to provide the necessary feed system and sodium chlorite. On September 6, 2018, Council authorized a one-year extension to this agreement, making the current expiration date September 30, 2019. Staff desires to solicit proposals for a new agreement in early FY2020 with the vision of upgrading the equipment by March 31, 2020, a time at which water demand is lower than the summer months. As such, Staff is requesting a six-month extension to the current Evoqua contract at price for the sodium chlorite consistent with FY2019 at 64.7¢ per liquid pound.

FISCAL IMPACT: Funding for water treatment plant chemicals are included in the adopted FY2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,134,292, of which it is expected that approximately \$90,000 will be used to purchase chlorine dioxide/sodium chlorite.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9800-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SIX-MONTH EXTENSION TO THE SERVICES AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC OF SARASOTA, FLORIDA IN THE ESTIMATED AMOUNT OF \$90,000, FOR THE SERVICE/SUPPLY OF CHLORINE DIOXIDE/SODIUM CHLORITE AT A COST OF 64.7¢ PER LIQUID POUND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, chlorine dioxide/sodium chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process;

Whereas, due to the nature of this chemical, it must be carefully stored and requires the use of a chemical feed system, and accordingly, the City has historically contracted out to a supplier the requirements of maintaining a chemical feed system for the chlorine dioxide/sodium chlorite at the conventional and membrane plants;

Whereas, on April 18, 2013, Council authorized a services agreement with Siemens Industry, Inc. (now Evoqua Water Technologies, LLC) through September 30, 2018, to provide the necessary feed system and sodium chlorite;

Whereas, on September 6, 2018, Council authorized a one-year extension to this agreement, making the current expiration date September 30, 2019 - Staff will solicit proposals for a new agreement in early fiscal year 2020 with the vision of upgrading the equipment by March 31, 2020, a time at which water demand is lower than the summer months;

Whereas, Staff recommends Council authorize a six-month extension to the current services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, at a price of 64.7¢ per liquid pound in the estimated amount of \$90,000;

Whereas, funding for water treatment plant chemicals are included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; 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 Interim City Attorney, to execute a six-month extension to the services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, in the estimated amount of \$90,000, for the service/supply of chlorine dioxide/sodium chlorite at a cost of 64.7¢ per liquid pound.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 an agreement for yearly service through AT&T Corporation, of Dallas, for voice, data and internet services, in the amount of \$215,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

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

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

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

FISCAL IMPACT: Funding is available in the FY 2020 Operating Budget in account 110-1900-519-2610 in the amount of \$215,000 for continued voice, data and internet services through AT&T Corporation.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9801-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS AUTHORIZING AN AGREEMENT FOR YEARLY VOICE, DATA, AND INTERNET SERVICES THROUGH AT&T CORPORATION, OF DALLAS, TEXAS IN THE AMOUNT OF \$215,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

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

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

Whereas, funding for these services is available in in the fiscal year 2020 Operating Budget in Account No. 110-1900-519-2610 for continued voice, data, and internet services through AT&T Corporation; and

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

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

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

Part 2: The City Council authorizes the City Manager or her designee, after approval as to form by the Interim City Attorney, to execute an agreement with AT&T corporation of Dallas, Texas for yearly voice, data, and internet services in the amount of \$215,000.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kayla Landeros, Interim City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a settlement agreement in the amount of \$83,728.40.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order to amicably resolve an ongoing employment matter, staff recommends entering into a settlement agreement with a City employee in the amount of \$83,728.40 and accepting that employee's tendered resignation. The settlement amount represents the amount the employee would be entitled to for one year's worth of leave and salary under Texas Local Government Code Chapter 143. Entering into the settlement agreement also allows the employee's position to be immediately filled. The settlement agreement is in the best interests of the City.

FISCAL IMPACT: Salary, accrual payouts (vacation and sick leave), and City benefit costs related to the settlement agreement total \$100,339.81:

Settlement to Employee	\$ 83,728.40
City's Benefit Costs	<u>16,611.41</u>
Total Settlement	<u>\$ 100,339.81</u>

A budget adjustment is being presented to Council to appropriate funding for the City's benefit costs related to the settlement agreement. Upon approval of the budget adjustment, funding for the total costs associated to the settlement agreement will be available within the associated department's salary and benefit accounts.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-2031-521-12-20		Personnel Benefits / Retirement/Pension	\$ 13,925			
110-2031-521-12-21		Personnel Benefits / Social Security	1,215			
110-2031-521-12-23		Personnel Benefits / Worker Compensation	1,474			
110-1500-515-65-31		Contingency - Judgments & Damages			11,616	
110-1500-515-65-32		Contingency - Fund Balance			4,000	
110-1500-515-26-84		Contracted Srvcs / Hill Country			998	
TOTAL.....			\$ 16,614		\$ 16,614	

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

To appropriate funding for City benefit costs related to settlement agreement with a City employee in the amount of \$83,728.40. Total salary, payouts and benefits for this agreement is \$100,339.81.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

09/19/19

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2019-9802-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A SETTLEMENT AGREEMENT IN THE AMOUNT OF
\$83,728.40; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in order to amicably resolve an ongoing employment matter, Staff recommends entering into a settlement agreement with a City of Temple employee in the amount of \$83,728.40, and accepting that employee's tendered resignation;

Whereas, the settlement amount represents the amount the employee would be entitled to for one year's worth of leave and salary under Texas Local Government Code Chapter 143 - entering into the settlement agreement also allows the employee's position to be immediately filled;

Whereas, the settlement agreement is in the best interests of the City;

Whereas, salary, accrual payouts (vacation and sick leave), and City benefit costs related to the settlement agreement total \$100,339.81;

Whereas, funds are available, but an amendment is being presented to Council to appropriate funding for the City's benefit costs related to the settlement agreement - upon approval, funding for the total costs associated with the settlement agreement will be available within the associated department's salary and benefit accounts; and

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

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 Interim City Attorney, to execute a settlement agreement with a City of Temple employee in the total amount of \$83,728.40.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks Director
Kayla Landeros, Interim City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with the Belton Independent School District to utilize the tennis facilities at Crossroads Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to Chapter 791 of the Texas Government Code, the City is proposing entering into an interlocal agreement with Belton Independent School District ("BISD") to allow Lake Belton Middle School tennis students to utilize the tennis facilities at Crossroads Park. This would assist BISD by saving time and transportation costs in transporting the students to Belton High School.

BISD would not be required to reimburse the City for facility usage; however, if any City staff time is required, the BISD would be required to reimburse the City. BISD would be required to comply with facility usage guidelines, such as tennis court shoes only. BISD would have priority over general public use for practice and scheduled matches. City staff will establish a method to notify the public which courts are being used by BISD and at what times. BISD would be permitted to host tournaments at Crossroads Park with advanced notice and provided there are no preexisting conflicts and approval from the Parks Department is obtained.

The City anticipates that Belton Middle School will no longer need to utilize the Crossroads Park tennis facilities after the new BISD high school is constructed and open for use.

FISCAL IMPACT: If any City staff time is required to facilitate this agreement, BISD will be required to reimburse all associated salary and benefits.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9803-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELTON INDEPENDENT SCHOOL DISTRICT TO UTILIZE THE TENNIS FACILITIES AT CROSSROADS PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to Chapter 791 of the Texas Government Code, the City is proposing entering into an interlocal agreement with Belton Independent School District (“BISD”) to allow Lake Belton Middle School tennis students to utilize the tennis facilities at Crossroads Park - this would assist BISD by saving time and transportation costs in transporting the students to Belton High School;

Whereas, BISD would not be required to reimburse the City for facility usage; however, if any City staff time is required, BISD would be required to reimburse the City for all associated salary and benefits - BISD would be required to comply with facility usage guidelines;

Whereas, BISD would have priority over general public use for practice and scheduled matches - Staff will establish a method to notify the public which courts are being used by BISD and at what times;

Whereas, BISD would be permitted to host tournaments at Crossroads Park with advanced notice and provided there are no preexisting conflicts and approval from the Parks Department is obtained;

Whereas, the City anticipates that Belton Middle School will no longer need to utilize the Crossroads Park tennis facilities after the new BISD high school is constructed and open for use; 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 Interim City Attorney, to execute an Interlocal Agreement with the Belton Independent School District to utilize the tennis facilities at Crossroads Park.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(AA)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing two CDBG-funded demolition contracts for 10 residential structures with Sierra Contracting Corporation of Round Rock in the amount of \$62,100.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Included in the City's Community Development Block Grant (CDBG) Action Plan is funding for demolition of structures, with the focus on eliminating spot blight. Council's approval of these two demolition contracts will provide for the demolition 10 residential structures.

Two Invitations to Bid were released on August 22, 2019, for the 10 demolitions: (1) eight residential demolitions with no asbestos abatement and (2) two residential demolitions that include asbestos abatements. As shown on the attached bid tabulation #1, on September 5, 2019, five bids were received for the demolition of the following eight residential structures and/or accessory structures:

- 908 East Avenue A
- 716 South Henderson Street
- 916 South Henderson Street
- 704 South 10th Street
- 512 East Avenue I
- 307 East Avenue I
- 1416 South 5th Street
- 1204 South 41st Street

In addition, as shown on the attached bid tabulation #2, on September 5, 2019, six bids were received for the demolition and asbestos abatement of the following two residential structures and accessory structures:

- 721 South 16th Street
- 816 South Henderson Street

The low bidder for both bids was Sierra Contracting Corporation (Sierra). Sierra has previously performed demolitions for the City, and Staff found them to be a responsive and responsible vendor. Accordingly, staff recommends award of the two demolition contracts to Sierra. The work associated with these contracts will be completed within 30 days of the notice to proceed that will be executed after execution of the demolition contracts.

FISCAL IMPACT: Funding in the amount of \$62,100 for the demolition contracts with Sierra Contracting Corporation is available in the Community Development Block Grant Demolition/Special Project, account 260-6100-571-2698.

ATTACHMENTS:

[Bid Tabulation #1](#)
[Bid Tabulation #2](#)
[Resolution](#)

Bid Tabulation #1
on September 5, 2019 at 3:00 pm
Demolition of Eight Residential Structures (CDBG Funded)
Bid# 61-09-19

	Bidders				
	Sierra Contracting Corp Round Rock, TX	Haulbrooke, Inc Schertz, TX	Garrett Demolition, Inc Burleson, TX	HCS Inc Commercial General Contractor Waco, TX	Building Abatement Demolition, Co., Inc Leander, TX
Description					
908 E Avenue A	\$6,800.00	\$7,400.00	\$6,944.00	\$25,610.00	\$11,704.00
716 S Henderson	\$7,000.00	\$7,400.00	\$5,836.00	\$22,815.00	\$10,552.00
916 S Henderson	\$6,500.00	\$6,400.00	\$5,911.00	\$24,745.00	\$11,158.00
704 S 10th Street	\$3,500.00	\$5,400.00	\$5,316.00	\$17,175.00	\$6,324.00
512 E Avenue I	\$5,000.00	\$6,400.00	\$5,435.00	\$21,795.00	\$11,925.00
307 E Avenue I	\$5,000.00	\$5,800.00	\$5,320.00	\$19,865.00	\$8,353.00
1416 S 5th Street	\$800.00	\$2,400.00	\$1,607.00	\$6,006.00	\$3,281.00
1204 S 41st Street	\$3,500.00	\$5,400.00	\$3,890.00	\$16,455.00	\$2,510.00
Total Bid Price	\$38,100.00	\$46,600.00	\$40,259.00	\$154,466.00	\$65,807.00
Exceptions	No	No	No	Non Responsive	No
Bid Bond	Yes	Yes	Yes	Non Responsive	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Non Responsive	Yes
Credit Check Authorization	Yes	Yes	Yes	Non Responsive	Yes
CDBG Statement of Bidder's Qualifications	Yes	Yes	Yes	Non Responsive	No
CDBG Noncollusion	Yes	Yes	Yes	Non Responsive	Yes
CDBG Contractor Certifications	Yes	Yes	Yes	Non Responsive	Yes
Local Preference	No	No	No	Non Responsive	No
Addendum #1	Yes	No	No	Yes	Yes

Recommended for Council Award.

Bid Tabulation #2
on September 5, 2019 at 2:30 pm
Asbestos Abatement and Demolition of Two Residential Structures located at 721 S 16th St & 816 S Henderson St (CDBG
Funded)
Bid# 61-08-19

	Bidders					
	Sierra Contracting Corp Round Rock, TX	Horsley Specialties, Inc Garland, TX	Building Abatement Demolition Co., Inc Leander, TX	Haulbrooke, Inc Schertz, TX	Garrett Demolition, Inc Burleson, TX	HCS Inc Commercial General Contractor Waco, TX
Description						
721 S 16th Street	\$8,000.00	\$12,000.00	\$14,450.00	\$12,800.00	\$13,261.00	\$27,400.00
816 S Henderson St	\$16,000.00	\$18,550.00	\$20,150.00	\$15,900.00	\$16,295.00	\$26,210.00
Total Bid	\$24,000.00	\$30,550.00	\$34,600.00	\$28,700.00	\$29,556.00	\$53,610.00
Exceptions	No	No	No	No	No	No
Bid Bond	Yes	Yes	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes	Yes
CDBG Statement of Bidder's Qualifications	Yes	Yes	No	Yes	Yes	Yes
CDBG Noncollusion	Yes	Yes	Yes	Yes	Yes	Yes
CDBG Contractor Certifications	Yes	Yes	Yes	Yes	Yes	Yes
Local Preference	No	No	No	No	No	No
Addendum #1	Yes	No	Yes	No	Yes	Yes

Recommended for Council Award

RESOLUTION NO. 2019-9804-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING TWO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED DEMOLITION CONTRACTS WITH SIERRA CONTRACTING CORPORATION OF ROUND ROCK, TEXAS IN THE AMOUNT OF \$62,100, FOR THE DEMOLITION OF TEN RESIDENTIAL STRUCTURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, two Invitations to Bid were released on August 22, 2019, for 10 demolitions: (1) eight residential demolitions with no asbestos abatement, and (2) two residential demolitions that include asbestos abatements;

Whereas, on September 5, 2019, Staff received five bids for the demolition of the following eight residential structures and/or accessory structures:

908 E Avenue A	916 S Henderson Street
512 E Avenue I	1416 S 5 th Street
716 S Henderson Street	704 S 10 th Street
307 E Avenue I	1204 S 41st Street

Whereas, on September 5, 2019, Staff received six bids for the demolition and asbestos abatement of the following two residential and accessory structures:

721 S 16 th Street	816 S Henderson Street
-------------------------------	------------------------

Whereas, the low bidder for both bids was Sierra Contracting Corporation (Sierra) of Round Rock, Texas - Sierra has previously performed demolitions for the City, and Staff found them to be a responsive and responsible vendor;

Whereas, Staff recommends Council authorize two Community Development Block Grant funded demolition contracts for 10 residential structures with Sierra Contracting Corporation of Round Rock, Texas in the amount of \$62,100;

Whereas, funding for the demolitions is available in the Community Development Block Grant Demolition/Special Project Account No. 260-6100-571-2698;

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 Interim City Attorney, to execute two Community Development Block Grant funded demolition contracts with Sierra Contracting Corporation of Round Rock, Texas in the amount of \$62,100, for the demolition of ten residential.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(BB)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing release of a 4,612 square foot portion of a 20-foot public utility easement shown in the Aubrey Subdivision, an addition to the City of Temple, Bell County, Texas, as recorded in Cabinet D, Slide 3-C, of the Plat Records of Bell County, Texas, located generally at 3805 South General Bruce Drive.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The applicant JPH Land Surveying requests the release of a 4,612 square foot portion of a public utility easement to facilitate the development of the Aubrey's Crossing Amending Plat subdivision.

Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that this portion of the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services.

FISCAL IMPACT: None

ATTACHMENTS:

[Survey containing metes and bounds of the area to be released](#)
[Aubrey Subdivision Plat \(showing original easement\)](#)
[Resolution](#)



(PAGE 1 OF 3)

EXHIBIT “___”
DESCRIPTION

FIELD NOTES for a 4,612 square feet tract, situated in Lot 2, Block 1, *AUBREY'S CROSSING AMENDING PLAT*, an addition to the City of Temple, Bell County, Texas, as recorded in Year 2019, Plat No. 117, of the Plat Records of Bell County, Texas, being a portion of a 20' Public Utility Easement shown on *AUBREY SUBDIVISION*, an addition to the City of Temple, Bell County, Texas, as recorded in Cabinet D, Slide 3-C, of the said Plat Records of Bell County, Texas; the subject tract being more particularly described as follows:

COMMENCING at a Texas Department of Transportation (*type II*) monument found, at the north corner of said Lot 2 and an angle point of a tract described as Parcel 12 in a Special Warranty Deed to the State of Texas for the widening of Interstate Highway 35 and Loop 363, recorded under Volume 5621, Page 98, of the Deed Records of Bell County, Texas, **THENCE** SOUTH 74° 45' 45" EAST along the common line of said Lot 2 and said Parcel 12, a distance of 218.48 feet to the north line of said 20' Public utility Easement and the **POINT OF BEGINNING**;

THENCE SOUTH 74° 45' 45" EAST along the common line of said Lot 2 and said Parcel 12, over and across said 20' Public Utility Easement, a distance of 33.64 feet, to the south line of said 20' Public Utility Easement, from which a Texas Department of Transportation (*type II*) monument found at a northeast corner of said Lot 2 bears SOUTH 74° 45' 45" EAST, a distance of 39.87 feet;

Dallas-Fort Worth
785 Lonesome Dove Trail
Hurst, Texas 76054
(817)431-4971
Firm #10019500

Austin
1516 E. Palm Valley Blvd., Ste. A4
Round Rock, Texas 78664
(512)778-5688
Firm #10194073

Abilene
500 Chestnut Street, Suite 702
Abilene, Texas 79602
(325)672-7420
Firm #10193867

THENCE through the interior of said Lot 2 the following bearings and distances:

1. SOUTH 68° 45' 16" WEST, along the south line of said 20' Public Utility Easement, a distance of 244.12 feet;
2. NORTH 21° 23' 54" WEST along the west line of said 20' Public Utility Easement, a distance of 20.00 feet, from which a 5/8 inch rebar found at a north corner of said Lot 2 and the southwest corner of said Parcel 12 bears NORTH 21° 23' 54" WEST, a distance of 132.84 feet;
3. NORTH 68° 45' 16" EAST along the north line of said 20' Public Utility Easement, a distance of 217.12 feet to the **POINT OF BEGINNING**, enclosing 4,612 square feet.

The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone, NAD83)

Cole Strevey
Registered Professional
Land Surveyor No. 6731
cole@jphls.com
August 12, 2019

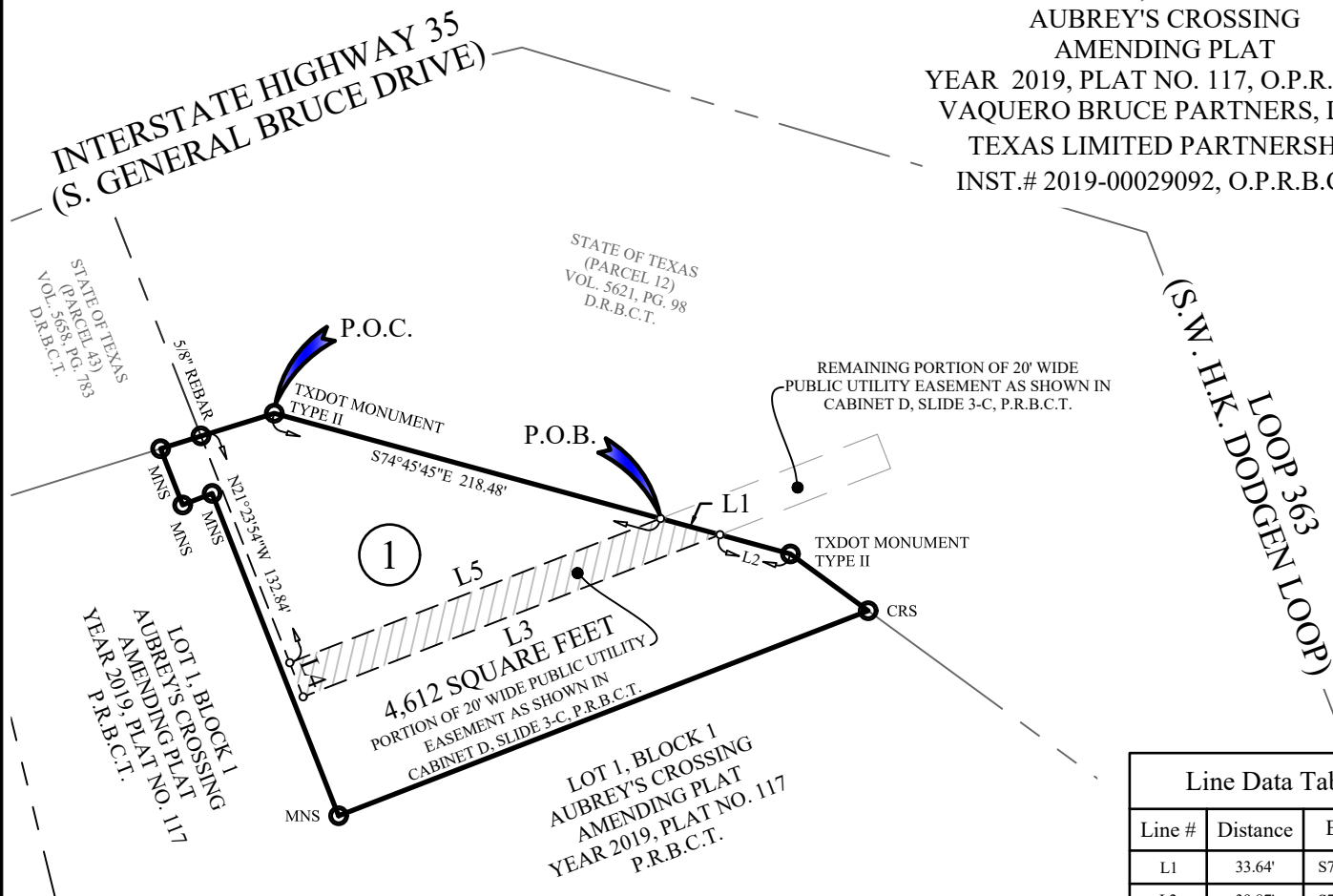


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(512)778-5688
Firm #10194073

Abilene
500 Chestnut Street, Suite 702
Abilene, Texas 79602
(325)672-7420
Firm #10193867

LOT 2, BLOCK 1
AUBREY'S CROSSING
AMENDING PLAT
YEAR 2019, PLAT NO. 117, O.P.R.B.C.T.
VAQUERO BRUCE PARTNERS, LP, A
TEXAS LIMITED PARTNERSHIP
INST.# 2019-00029092, O.P.R.B.C.T.



Line Data Table		
Line #	Distance	Bearing
L1	33.64'	S74°45'45\"E
L2	39.87'	S74°45'45\"E
L3	244.12'	S68°45'16\"W
L4	20.00'	N21°23'54\"W
L5	217.12'	N68°45'16\"E

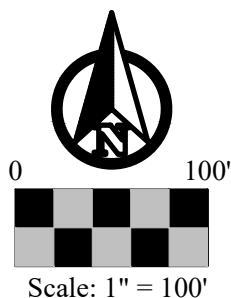
LEGEND OF ABBREVIATIONS

P.R.B.C.T. Plat Records of Bell County, Texas
O.P.R.B.C.T. Official Public Records of Bell County, Texas
D.R.B.C.T. Deed Records of Bell County, Texas
POB/POC Point of Beginning/Point of Commencing

MONUMENTS / BEARING BASIS

- Calculated point (Not found or set)
- Found monuments are as noted
- The bearings shown hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83).

CRS ○ 1/2\" rebar stamped \"JPH Land Surveying\" set
MNS ○ Mag nail & washer stamped \"JPH Land Surveying\" set



Cole Strevey
Registered Professional
Land Surveyor No. 6731
cole@jphls.com
August 12, 2019



EXHIBIT SHOWING
4,612 SQUARE FEET

SITUATED IN
LOT 2, BLOCK 1
AUBREY'S CROSSING
AMENDING PLAT

CITY OF TEMPLE
BELL COUNTY, TEXAS

JPH Job No.
2019.022.012 3813 S General Bruce Dr. Temple, Bell Co.,
Tx-ESMT RELEASE.dwg
© 2019 JPH Land Surveying, Inc. - All Rights Reserved
1516 E. Palm Valley Blvd., Ste. A4, Round Rock, Texas 78664
Telephone (817) 431-4971 www.jphlandsurveying.com
TBPLS Firm #10019500 #10194073 #10193867
DFW | Austin | Abilene

INTERSTATE HIGHWAY 35

(ROW VARIES, 92' B-B)

S. GENERAL BRUCE DRIVE

(ROW VARIES, 26' B-B)

N68°43'44"E 207.39' N77°15'52"E 94.43'

60.02' 100.00' 47.37' 53.95' 40.48' 131.01'

1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP

2.226 ACRES

LOT 1 0.689 ACRES 30000.000 S.F.

LOT 2 0.689 ACRES 30000.000 S.F.

LOT 3 0.848 ACRES 36964.571 S.F.

321°22'22"E 300.00' 321°22'22"E 300.00' 321°22'22"E 205.64'

20' PUBLIC UTILITY EASEMENT 143.35' 20' PUBLIC UTILITY EASEMENT

1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP

694.46' 394.46' 344.06'

S68°43'44"W 344.06'

1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP 1/2" IRS 1/2" CAP

2.461 ACRES

LOT 1 2.461 ACRES 107197.913 S.F.

LOT 2 2.461 ACRES 107197.913 S.F.

LOT 3 2.461 ACRES 107197.913 S.F.

LOT 4 2.461 ACRES 107197.913 S.F.

LOT 5 2.461 ACRES 107197.913 S.F.

LOT 6 2.461 ACRES 107197.913 S.F.

LOT 7 2.461 ACRES 107197.913 S.F.

LOT 8 2.461 ACRES 107197.913 S.F.

LOT 9 2.461 ACRES 107197.913 S.F.

LOT 10 2.461 ACRES 107197.913 S.F.

LOT 11 2.461 ACRES 107197.913 S.F.

LOT 12 2.461 ACRES 107197.913 S.F.

LOT 13 2.461 ACRES 107197.913 S.F.

LOT 14 2.461 ACRES 107197.913 S.F.

LOT 15 2.461 ACRES 107197.913 S.F.

LOT 16 2.461 ACRES 107197.913 S.F.

LOT 17 2.461 ACRES 107197.913 S.F.

LOT 18 2.461 ACRES 107197.913 S.F.

LOT 19 2.461 ACRES 107197.913 S.F.

LOT 20 2.461 ACRES 107197.913 S.F.

LOT 21 2.461 ACRES 107197.913 S.F.

LOT 22 2.461 ACRES 107197.913 S.F.

LOT 23 2.461 ACRES 107197.913 S.F.

LOT 24 2.461 ACRES 107197.913 S.F.

LOT 25 2.461 ACRES 107197.913 S.F.

LOT 26 2.461 ACRES 107197.913 S.F.

LOT 27 2.461 ACRES 107197.913 S.F.

LOT 28 2.461 ACRES 107197.913 S.F.

LOT 29 2.461 ACRES 107197.913 S.F.

LOT 30 2.461 ACRES 107197.913 S.F.

LOT 31 2.461 ACRES 107197.913 S.F.

LOT 32 2.461 ACRES 107197.913 S.F.

LOT 33 2.461 ACRES 107197.913 S.F.

LOT 34 2.461 ACRES 107197.913 S.F.

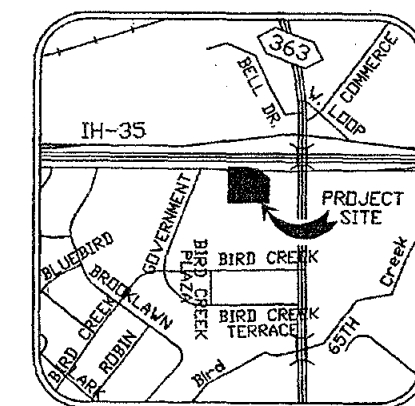
LOT 35 2.461 ACRES 107197.913 S.F.

ZONING: L1

THIS PROPERTY IS NOT WITHIN THE SPECIAL FLOOD HAZARD AREA AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION MAP NO. 480034-0005-C.

BENCHMARK ELEV. 625.49
TXDOT #40 BRASS CAP MONUMENT
WEST SIDE OF IH-35 50' NORTH OF BROOKLAWN DRIVE

NOTE: 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 No. 117. The theta angle at said monument is 01°30'56". The Combined Correction Factor (CCF) is 0.999853. Published City Coordinates are N=10371997.21, E=3217451.07. The tie from the above City Monument to the POB of the 2.226 acre tract is N68°58'21"E, 710.81 feet. Grid Distance= Surface Distance X CCF. Geodetic North= Grid North + theta angle.



VICINITY MAP

STATE OF TEXAS

COUNTY OF TRAVIS

I, THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS AUBREY SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

Charles Aubrey Smith, Jr.
CHARLES AUBREY SMITH, JR.

STATE OF TEXAS

COUNTY OF TRAVIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 26th DAY OF April, 2004 BY CHARLES AUBREY SMITH, JR.

NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL. Approval does not constitute acceptance. Persons performing this design and construction are responsible for following generally accepted engineering standards and procedures to protect the lives, health and property and welfare of the public.

David L. Smith 8/17/04
CITY ENGINEER DATE

I, THE UNDERSIGNED, DIRECTOR OF UTILITIES OF THE CITY OF TEMPLE, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE WATER AND WASTEWATER MASTER PLANS AND APPLICABLE ORDINANCES AND HEREBY RECOMMEND APPROVAL.

Anthony D. Duml 8-18-04
DIRECTOR OF UTILITIES DATE

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS 18th DAY OF August, 2004

Mark E. Jorg
CHAIRPERSON

STATE OF TEXAS

COUNTY OF BELL

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

Victor D. Turley
VICTOR D. TURLEY, P.E.
NO. 32525

STATE OF TEXAS

COUNTY OF BELL

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

Victor D. Turley
VICTOR D. TURLEY, R.P.L.S.
NO. 2475

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS 4th DAY OF May, A.D. 2004

BELL COUNTY TAX APPRAISAL DISTRICT
Penney D. Lewis

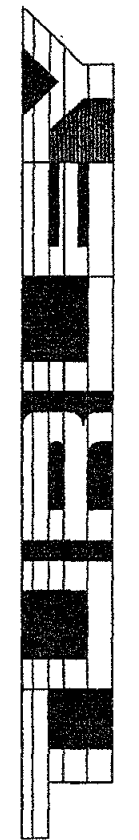
FINAL PLAT FOR: AUBREY SUBDIVISION

3 LOTS, 1 BLOCK

OUT OF AND A PART OF THE
GEORGE GIVENS SURVEY, ABSTRACT #345
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

2.226 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

TRACT SURVEYED MAY 28, 2003.



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400
E-MAIL: VDTURLEY@AOL.COM (254) 773-3998

FINAL PLAT OF:

AUBREY SUBDIVISION
GEORGE GIVENS SURVEY, ABSTRACT NO. 345
CITY OF TEMPLE, BELL COUNTY, TEXAS

A.S.C. MANAGEMENT
3724 JEFFERSON, SUITE 306
AUSTIN, TEXAS 78731

REVISIONS

DATE	BY	REVISIONS
03/28/04	JRG	CITY COMMENTS
04/22/04	JRG	CITY COMMENTS

DATE: 03/15/04

DRN. BY: JRG

REF.: 7835-D
9593-D
03225

FIELD BOOK

JOB NO.: 04018

SHEET 1 OF 2

COMPUTER DWG. NO. 04018

11252-D

DRAWING NUMBER

RESOLUTION NO. 2019-9805-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RELEASE OF AN APPROXIMATELY 4,612 SQUARE-FOOT PORTION OF A 20-FOOT PUBLIC UTILITY EASEMENT SHOWN IN THE AUBREY SUBDIVISION, AN ADDITION TO THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AS RECORDED IN CABINET D, SLIDE 3-C, OF THE PLAT RECORDS OF BELL COUNTY, TEXAS, LOCATED GENERALLY AT 3805 SOUTH GENERAL BRUCE DRIVE, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, JPH Land Surveying, requests the release of an approximately 4,612 square-foot portion of a public utility easement to facilitate the development of the Aubrey's Crossing Amending Plat subdivision;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that this portion of the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services;

Whereas, Staff recommends Council authorize the release of an approximately 4,612 square-foot portion of a 20-foot public utility easement shown in the Aubrey Subdivision, an addition to the City of Temple, Bell County, Texas, as recorded in Cabinet D, Slide 3-C, of the Plat Records of Bell County, Texas, located generally at 3805 South General Bruce Drive; 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 release of an approximately 4,612 square-foot portion of a 20-foot public utility easement shown in the Aubrey Subdivision, an addition to the City of Temple, Bell County, Texas, as recorded in Cabinet D, Slide 3-C, of the Plat Records of Bell County, Texas, located generally at 3805 South General Bruce Drive.

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

PASSED AND APPROVED this the 19th day of September, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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

09/19/19
Item #7(CC1)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for hauling and disposal of sludge for FY2020 with S&M Vacuum and Waste, Ltd. of Killeen in the estimated annual amount of \$247,500.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization to renew this services agreement will provide continued hauling and disposal of sludge from the City's Membrane and Conventional Water Treatment Plants during FY2020 at a rate of 3¢ per gallon. The hauling and disposal of sludge varies seasonally depending on water production and the turbidity of the raw water in the river.

On September 1, 2016, the City Council authorized a services agreement with S&M Vacuum and Waste, Ltd. for the hauling and disposal of sludge. On September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the service provided by S&M Vacuum and Waste, Ltd. and recommends that Council authorize an extension to the services agreement. This will be the third one-year renewal authorized under this contract, with one year remaining.

FISCAL IMPACT: Funding is available in the adopted FY2020 Budget in account 520-5100-535-2338 in the amount of \$247,500 for the service agreement with S&M Vacuum and Waste for the hauling and disposal of sludge.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9806-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH S&M VACUUM & WASTE, LTD, OF KILLEEN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$247,500, FOR THE HAULING AND DISPOSAL OF SLUDGE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, the City Council authorized a services agreement with S&M Vacuum and Waste, Ltd. for the hauling and disposal of sludge at a rate of 3¢ per gallon from the City's Membrane and Conventional Water Treatment Plants;

Whereas, on September 7, 2017 and September 6, 2018, Council authorized one-year extensions to the agreement which expires September 30, 2019 – the original bid allowed for four additional one-year renewals and the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the service provided by S&M Vacuum and Waste, Ltd. and recommends Council authorize a one-year renewal to the services agreement;

Whereas, this renewal will be the third one-year renewal authorized under this agreement, with one renewal remaining;

Whereas, funding is available in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2338; 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 Interim City Attorney, to execute a one-year renewal to the services agreement with S&M Vacuum & Waste, Ltd., of Killeen, Texas in the estimated annual amount of \$247,500, for the hauling and disposal of sludge for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 construction contract for concrete repair and construction services for FY2020 with Wilson Construction Services, LLC of Belton, in the estimated annual amount of \$240,000.

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

ITEM SUMMARY: Authorization to renew this construction contract will provide for the continued as-needed concrete repair and construction services by Wilson Construction Services, LLC during FY2020.

On September 15, 2016, City Council authorized a construction contract for concrete repair and construction to Wilson Construction Services, LLC. On September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current contract will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 15, 2016, Council Agenda Item Memorandum #5(L1).

Wilson Construction Services, LLC has provided as-needed concrete repair and construction services to the City since October 2013, and staff has been pleased with their responsiveness and quality of work. Accordingly, staff recommends that Council authorize an extension to the construction contract. This will be the third renewal available under this contract, with one year remaining.

FISCAL IMPACT: Each department with concrete repair and construction needs has budgeted for this construction service in the adopted FY2020 Budget. Staff estimates an annual expenditure of \$240,000 under this contract based on recent year expenditures.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9807-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$240,000, FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 15, 2016, Council authorized a construction contract for concrete repair and construction with Wilson Construction Services, LLC – on September 7, 2017 and September 6, 2018, Council authorized one-year renewals to the construction contract which expires September 30, 2019;

Whereas, in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Wilson Construction Services, LLC has provided as-needed concrete repair and construction services to the City since October 2013, and Staff has been pleased with their responsiveness and quality of work;

Whereas, Staff recommends Council authorize a one-year renewal to the construction contract with Wilson Construction - this will be the third renewal available under this contract, with one renewal remaining;

Whereas, each department with concrete repair and construction needs has budgeted for these services in the adopted fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to the construction contract with Wilson Construction Services, LLC of Belton, Texas in the estimated amount of \$240,000, for concrete repair and construction services for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for aggregate base for FY2020 with Heartland Quarries, LLC dba Heartland Aggregates (formerly known as Superior Crushed Stone) of Austin, in the estimated annual amount of \$225,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this agreement will allow for the continued purchase of aggregate base from Heartland Aggregates during FY2020 at a cost of \$11.50 per ton for delivered base and \$5.50 per ton for base picked up by City staff.

On September 17, 2015, Council authorized an annual purchase agreement for aggregate base with Superior Crushed Stone (now known as Heartland Aggregates). On September 1, 2016, September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 17, 2015, Council Agenda Item Memorandum #3(P-6).

Staff is pleased with the aggregate base and service provided by Heartland Aggregates and believe the current pricing provides a good value. Accordingly, staff recommends that Council authorize an extension to the agreement. This will be the fourth and final renewal available under this agreement.

FISCAL IMPACT: Aggregate base is ordered on an as-needed basis. Departments have budgeted for this material in the adopted FY2020 Budget. Staff estimates an annual expenditure of \$225,000 under this contract based on FY2019 expenditures and the addition of a Street Reconstruction Crew in FY2020.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9808-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH HEARTLAND QUARRIES, LLC DBA HEARTLAND AGGREGATES (FORMERLY KNOWN AS SUPERIOR CRUSHED STONE) OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$225,000, FOR THE PURCHASE OF AGGREGATE BASE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2015, Council authorized an annual purchase agreement for aggregate base with Superior Crushed Stone (now known as Heartland Aggregates) at a cost of \$11.50 per ton for delivered base, and \$5.50 per ton for base picked up by City staff;

Whereas, on September 1, 2016, September 7, 2017, and September 6, 2018, Council authorized one-year renewals to the agreement which expires September 30, 2019 - the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the aggregate base and service provided by Heartland Aggregates and believes the current pricing provides a good value for the City;

Whereas, Staff recommends that Council authorize a one-year renewal to the purchase agreement - this will be the fourth and final renewal available under this agreement;

Whereas, aggregate base is ordered on an as-needed basis and departments have budgeted for this material in the fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to the purchase agreement with Heartland Quarries, LLC dba Heartland Aggregates (formerly known as Superior Crushed Stone) of Austin, Texas, in the estimated annual amount of \$225,000, for the purchase of aggregate base for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Richard Wilson, PE, City Engineer
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement for public infrastructure construction materials testing for FY2020 with Langerman Foster Engineering Company, LLC of Waco, in the estimated annual amount of \$200,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this professional services agreement will provide continued construction materials testing services by Langerman Foster Engineering Company, LLC (LFE) during FY2020 for all infrastructure projects, both City-initiated and subdivision-related.

On September 1, 2016, the City Council authorized a professional services agreement with LFE for construction material testing that includes, but not limited to, density of subgrade, base and hot mixed asphaltic concrete (MHAC) for roadway construction, gradation of subgrade and base material as well as HMAC, California Bearing Ratios (CBD), concrete strength and density and bedding of trench excavation for utility installations. This testing is essential to assure quality construction and compliance with City specifications and standards.

On September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2019. The original agreement allowed for four additional one-year extensions. To renew the agreement, LFE must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 1, 2016, Council Agenda Item Memorandum #4(Q3). Staff is satisfied with the services provided by LFE and recommends that Council authorize an extension to the professional services agreement. This will be the third one-year renewal authorized under this contract, with one year remaining.

If a capital infrastructure project is expected to incur more than \$50,000 in construction material testing fees, Staff will obtain authorization from Council prior to encumbering the testing fees for the project.

FISCAL IMPACT: Funding for the construction material testing services is included in the adopted FY2020 Budget in account 110-3900-533-2513, Special Services, in the amount of \$40,000 for subdivision testing. Costs related to testing for City-funded capital infrastructure projects will be funded out of the respective capital accounts, and based on the planned projects for FY2020, Staff is estimating that fees of approximately \$160,000 will be encumbered for capital projects that begin construction in FY2020 and have expected construction material testing fees of less than \$50,000 per project.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9809-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PROFESSIONAL SERVICES AGREEMENT WITH LANGERMAN FOSTER ENGINEERING COMPANY, LLC OF WACO, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$200,000, FOR PUBLIC INFRASTRUCTURE CONSTRUCTION MATERIALS TESTING FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2016, Council authorized a professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas for construction material testing that includes, but is not limited to, density of subgrade, base and hot mixed asphaltic concrete for roadway construction, gradation of subgrade and base material as well as hot mixed asphaltic concrete, California Bearing Ratios, concrete strength and density and bedding of trench excavation for utility installations;

Whereas, this testing is essential to assure quality construction and compliance with City specifications and standards;

Whereas, on September 7, 2017 and September 6, 2018, Council authorized one-year extensions to the agreement - the current agreement expires September 30, 2019 and the original agreement allowed for four additional one-year renewals;

Whereas, in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff has been satisfied with the services provided by Langerman Foster and recommends Council authorize a one-year renewal to the professional services agreement - this will be the third one-year renewal authorized under this contract, with one renewal remaining;

Whereas, funding for construction materials testing services is included in the adopted fiscal year 2020 budget in Account No. 110-3900-533-2513; 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 Interim City Attorney, to execute a one-year renewal to the professional services agreement with Langerman Foster Engineering Company, LLC of Waco, Texas in the amount of \$200,000, for public infrastructure construction materials testing for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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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 one-year renewal to the services agreement for the mowing and maintenance of various parks, trails, roadways, and planters for FY2020 with Heart of Texas Landscape & Irrigation Company, Inc. of Belton, in the estimated annual amount of \$196,090.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: Authorization to renew this services agreement with Heart of Texas Landscape & Irrigation Company, Inc (HOT) will provide for mowing and maintenance of several roadway areas, walking trails, right-of-way's, park detention/drainage areas, landscaping/planter areas and a few City facility locations during FY2020. The areas mowed and maintained by HOT are primarily west of IH35.

On September 7, 2017, City Council authorized an annual services agreement with Heart of Texas Landscape & Irrigation Co, Inc for the mowing and maintenance of various parks, trails, roadways, and planters throughout the City. On September 6, 2018, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four one-year extensions. To renew the agreement, HOT must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 7, 2017, Council Agenda Item Memorandum #4(II).

The City has done business with HOT for the past several years and is pleased with the services they provide. Accordingly, staff recommends Council authorize an extension to their agreement. This will be the second one-year renewal authorized under the agreement, with two years remaining.

FISCAL IMPACT: Funding for this services agreement with Heart of Texas Landscape & Irrigation Company in the amount of \$196,090 is included in the adopted FY2020 Budget in the amount of \$138,980 in Reinvestment Zone account #110-3595-552-2623 and in the amount of \$57,110 in Parks account #110-3500-552-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9810-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH HEART OF TEXAS LANDSCAPE & IRRIGATION CO. INC. OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$196,020 FOR MOWING AND MAINTENANCE OF VARIOUS PARKS, TRAILS, ROADWAYS, AND PLANTERS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 7, 2017, City Council authorized a services agreement with Heart of Texas Landscape & Irrigation Co, Inc (areas primarily west of IH35) for the mowing and maintenance of several roadway areas, walking trails, right of ways, park detention/drainage areas, landscaping/planter areas and a few City facility locations;

Whereas, on September 6, 2018, Council authorized a one-year extension to the agreement which expires September 30, 2019 - the original bid allowed for four additional one-year renewals to the agreement, but in order to renew the agreements, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with Heart of Texas Landscape & Irrigation Co, Inc. for the past several years and is pleased with the services they provide;

Whereas, Staff recommends Council authorize a one-year renewal to the services agreement with Heart of Texas Landscaping - this will be the second one-year renewal authorized under the agreement, with two renewals remaining;

Whereas, funding for this services agreement is included in the adopted fiscal year 2020 budget in the Reinvestment Zone Account No. 110-3500-552-2623, and the Parks Department, Account No. 110-3500-552-2623; 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 Interim City Attorney, to execute a one-year renewal to the services agreement with Heart of Texas Landscape & Irrigation Co., Inc. of Belton, Texas in the estimated annual amount of \$196,020, for the mowing and maintenance of various parks, trails, roadways, and planters for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Director of Utility Billing
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for the processing of utility bills and accounts receivable statements for FY2020 with DataProse, LLC of Coppell, in the estimated annual amount of \$186,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this services agreement will provide continued processing of the City's utility bills and account receivable statements by DataProse, LLC during FY2020.

On September 1, 2016, City Council authorized a services agreement with DataProse, LLC for the processing of approximately 29,000 utility statements and delinquency notices per month for the Utility Business Office and approximately 400 accounts receivable statements per month for the Finance Office. On September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current contract will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The line item costs for DataProse's services are as follows:

Statement Processing/Printing/Paper/Envelopes	\$.09 per statement
Second Side Printing (optional)	\$.04 per statement
Inserting Extra Items with Statement	\$.005 per page
Presorted Postage Rate	\$.376 (billed based on 'actual' USPS rates)

Staff is satisfied with the services provided by DataProse, LLC and recommends that Council authorize an extension to the services agreement. This will be the third one-year renewal authorized under this contract, with one year remaining.

FISCAL IMPACT: Funding is available in the adopted FY2020 Budget in account 520-5800-535-2623 in the amount of \$183,000 and in account 110-1200-515-2128 in the amount of \$3,000, for a total of \$186,000, for the service agreement with DataProse for the processing of utility bills and accounts receivable statements.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9811-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH DATAPROSE, LLC OF COPPELL, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$186,000, FOR THE PROCESSING OF UTILITY BILLS AND ACCOUNTS RECEIVABLE STATEMENTS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Utility Business Office generates approximately 29,000 utility statements and delinquency notices per month, and the Finance Department generates approximately 400 accounts receivable statements per month;

Whereas, on September 1, 2016, Council authorized a services agreement with DataProse, LLC for the processing of utility bills and accounts receivable statements – on September 7, 2017 and September 6, 2018, Council authorized one-year extensions to the agreement which expires September 30, 2019;

Whereas, the original bid allowed for four one-year renewals in which the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by DataProse, LLC and recommends that Council authorize a one-year renewal to the services agreement – this will be the third one-year renewal authorized under this agreement, with one renewal remaining;

Whereas, funding is available in the adopted fiscal year 2020 budget in Account No. 520-5800-535-2623 and Account No. 110-1200-515-2128; 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 Interim City Attorney, to execute a one-year renewal to the services agreement with DataProse, LLC of Coppell, Texas in the estimated annual amount of \$186,000, for the processing of utility bills and accounts receivable statements for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Director of Utility Billing
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for water meters for FY2020 with Fortiline Waterworks of Round Rock, in the estimated annual amount of \$180,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase during FY2020 of several types of water meters that are installed on customer service lines from Fortiline Waterworks.

On September 21, 2017, the City Council authorized an annual purchase agreement for water meters with Fortiline Waterworks. On September 6, 2018, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-1).

The City has done business with Fortiline for several years and is pleased with the product and service provided. In addition, staff believes the prices offered are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with two years remaining.

FISCAL IMPACT: Meters are purchased on an as needed basis and are accounted for in the Utility Warehouse's inventory account. The meters are charged to departmental expenditure accounts as they are issued to the Water Metering Department. Based on historical usage, it is estimated that \$180,000 in water meters will be purchased during FY2020.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9812-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH FORTILINE WATERWORKS OF ROUND ROCK, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$180,000, FOR THE PURCHASE OF WATER METERS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized an annual purchase agreement for water meters with Fortiline Waterworks of Round Rock, Texas - on September 6, 2018, Council authorized a one-year extension to the agreement which expires September 30, 2019;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with Fortiline for several years and is pleased with the product and service provided - Staff also believes the prices offered are still a good value for the City;

Whereas, Staff recommends Council authorize a one-year renewal to the agreement with Fortiline Waterworks - this will be the second one-year renewal authorized under this agreement, with two renewals remaining;

Whereas, meters are purchased on an as-needed basis and are accounted for in the Utility Warehouse's inventory account – meters are charged to departmental expenditure accounts as they are issued to the Water Metering Department; 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 Interim City Attorney, to execute a one-year renewal to the purchase agreement with Fortiline Waterworks of Round Rock, Texas in the estimated annual amount of \$180,000, for the purchase of water meters for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for vehicle and equipment tires for FY2020 with Southern Tire Mart, LLC of Columbia, Mississippi (formerly known as Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service), in the estimated annual amount of \$160,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of tires needed for the City of Temple's Fleet Services Department during FY 2020 from Southern Tire Mart, LLC.

On September 21, 2017, the City Council authorized an annual purchase agreement for vehicle and equipment tires with Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service (now known as Southern Tire Mart). On September 6, 2018, Council authorized a one-year extension to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 21, 2017, Council Agenda Item Memorandum #3(Q-2).

The City has done business with Southern Tire Mart for several years and is pleased with the product and service provided and believes the prices offered are still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with two years remaining.

FISCAL IMPACT: Departments have budgeted for tires in their departmental automotive repair & maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. The estimated annual expenditure of \$160,000 is based on historical expenditures.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9813-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH SOUTHERN TIRE MART, LLC (FORMERLY KNOWN AS BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC dba GCR TIRES AND SERVICE) OF COLUMBIA, MISSISSIPPI, IN THE ESTIMATED ANNUAL AMOUNT OF \$160,000, FOR VEHICLE AND EQUIPMENT TIRES FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 21, 2017, Council authorized an annual purchase agreement for vehicle and equipment tires with Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service of Nashville, Tennessee (“GCR”);

Whereas, on September 6, 2018 Council authorized a one-year extension to the agreement - the current agreement will expire on September 30, 2019;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with Southern Tire Mart for the past few years and is pleased with the product and service provided, and believes the prices offered are still a good value to the City;

Whereas, Staff recommends Council authorize a one-year renewal to the purchase agreement - this will be the second one-year renewal authorized under this agreement, with two one-year renewals remaining;

Whereas, each department with vehicles has budgeted for tires in their fiscal year 2020 budget – tires purchased under this agreement will be purchased into a Fleet Maintenance inventory account and charged to various accounts; 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 Interim City Attorney, to execute a one-year renewal to the purchase agreement with Southern Tire Mart, LLC (formerly known as Bridgestone Americas Tire Operations, LLC dba GCR Tires and Service) of Columbia, Mississippi, in the estimated annual amount of \$160,000, for vehicle and equipment tires for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for electric motor and pump repair services for FY2020 with Austin Armature Works of Buda, in the estimated annual amount of \$125,000.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Authorization to renew this services agreement with Austin Armature Works for FY2020 will provide continued electric motor and pump repair services primarily for the City's water treatment and distribution system, but also for the recreational and building mechanical facilities throughout the City.

On October 18, 2018, Council authorized a services agreement with Austin Armature Works for electric motor and pump repair services on an as-needed basis using a fixed rate guarantee for materials and labor as follows:

Material markup over cost	18%
Shop Labor	\$75/hour
Field Labor	\$75/hour

The current contract will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is satisfied with the services provided by Austin Armature Works and recommends that Council authorize an extension to the services agreement. This will be the first one-year renewal authorized under this contract, with three years remaining.

FISCAL IMPACT: The adopted FY2020 Budgets for the Water Treatment Plant and Parks include funding for pump and motor repairs within their repairs and maintenance accounts. Estimated annual expenditure based on historical expenditures: \$125,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9814-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT WITH AUSTIN ARMATURE WORKS OF BUDA, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$125,000, FOR ELECTRIC MOTOR AND PUMP REPAIR SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 18, 2018, Council authorized a services agreement with Austin Armature Works of Buda, Texas for electric motor and pump repair services on an as-needed basis using a fixed rate guarantee for materials and labor;

Whereas, the current agreement expires September 30, 2019 - the original bid allowed for four additional one-year renewals to the agreement, but in order to renew the agreements, each vendor must agree to hold its prices firm for an additional year, which Austin Armature is willing to do;

Whereas, Staff is satisfied with the services provided by Austin Armature Works and recommends Council authorize an extension to the services agreement - this will be the first one-year renewal authorized under the agreement, with three renewals remaining;

Whereas, the fiscal year 2020 budgets for the Water Treatment Plant and Parks include funding for pump and motor repairs within the repairs & maintenance accounts; 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 Interim City Attorney, to execute a one-year renewal to the services agreement with Austin Armature Works of Buda, Texas in the estimated annual amount of \$125,000, for electric motor and pump repair services.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Leigh Gardner, Library Director

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing one-year renewals to annual purchase agreements for the purchase of library books, DVDs, MP3s, and books on CD for FY2020 with Baker & Taylor, Inc. of Charlotte, North Carolina, Brodart Co. of Williamsport, Pennsylvania, Complete Books & Media Supply, LLC of Cedar Park, and Ingram Library Services, LLC of La Vergne, Tennessee, in the estimated annual amount of \$115,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew these annual purchase agreements will allow for the purchase of certain library books, DVDs, MP3s, and books on CD for FY2020. Books are also purchased throughout the year from other vendors that have exclusive publisher and distribution rights.

On September 6, 2018, Council awarded annual purchase agreements to Baker & Taylor, Inc., Brodart Co., Complete Books & Media Supply, LLC, and Ingram Library Services, LLC. The current agreements expire on September 30, 2018. The original bid allowed for four one-year extensions. In order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. A summary of the pricing and distribution of awards by vendor is as follows:

	<u>Primary Award</u>	<u>Secondary Award</u>
Hard Backs, Trade Books	Ingram, 47.5%	Brodart, 46.5%
Paper Backs, Mass Market	Ingram, 41%	Brodart, 40%
Paper Backs, Trade	Ingram, 41%	Brodart, 40%
Paper Backs, Pre-Bound	Ingram, 30%	Brodart, 23%
Library Bindings	Complete Books, 25%	Baker & Taylor, 24.1%
Books on CD, Abridged	Ingram, 46%	Baker & Taylor, 45.6%
Books on CD, Unabridged	Ingram, 46%	Baker & Taylor, 45.6%
DVDs	Baker & Taylor, 31.6%	Ingram, 31%
Compact Discs (Music)	Baker & Taylor, 27.1%	Ingram, 25%
MP3s	Ingram, 46%	Baker & Taylor, 45.6%

Note: %'s noted are Discount from Publisher's Price List

Staff is satisfied with the products and services provided by the vendors listed above and recommends Council authorize extensions to their agreements. This will be the first one-year renewal under this agreement, with three years remaining.

FISCAL IMPACT: Funding for the purchase of library books, DVDs, MP3s, and books on CD is included in the adopted FY2020 Budget in the following accounts: 110-4000-555-2225, Books & Periodicals; 110-4000-555-2226, Reference Books; 110-4000-555-2522, Micro Film/Audio Visual. Estimated expenditure under these purchase agreements is based on historical expenditures of \$115,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9815-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ANNUAL PURCHASE AGREEMENTS WITH VARIOUS VENDORS, IN THE ESTIMATED ANNUAL AMOUNT OF \$115,000, FOR THE PURCHASE OF LIBRARY BOOKS, DVDS, MP3S, AND BOOKS ON CD FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2018, Council awarded annual purchase agreements to Baker & Taylor, Inc., Brodart Co., Complete Books & Media Supply, LLC, and Ingram Library Services, LLC - the current agreements expire September 30, 2019;

Whereas, the original bid allowed for four one-year extensions - in order to renew the agreement, the vendors must agree to hold their prices firm for an additional year, which they are willing to do;

Whereas, a summary of the pricing and distribution of awards by vendor is as follows:

	<u>Primary Award</u>	<u>Secondary Award</u>
Hard Backs, Trade Books	Ingram, 47.5%	Brodart, 46.5%
Paper Backs, Mass Market	Ingram, 41%	Brodart, 40%
Paper Backs, Trade	Ingram, 41%	Brodart, 40%
Paper Backs, Pre-Bound	Ingram, 30%	Brodart, 23%
Library Bindings	Complete Books, 25%	Baker & Taylor, 24.1%
Books on CD, Abridged	Ingram, 46%	Baker & Taylor, 45.6%
Books on CD, Unabridged	Ingram, 46%	Baker & Taylor, 45.6%
DVDs	Baker & Taylor, 31.6%	Ingram, 31%
Compact Discs (Music)	Baker & Taylor, 27.1%	Ingram, 25%
MP3s	Ingram, 46%	Baker & Taylor, 45.6%

Whereas, Staff is satisfied with the products and services provided by the vendors listed above and recommends Council authorize extensions to their agreements - this will be the first one-year renewal under the agreements, with three renewals remaining;

Whereas, funding is available for these purchases in the adopted fiscal year 2020 budget in Account Nos. 110-4000-555-2225, 110-4000-555-2226 and 110-4000-555-2522; 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 Interim City Attorney, to execute one-year renewals to the purchase agreements with Baker and Taylor, Inc., of Charlotte, North Carolina, Brodart Co., of Williamsport, Pennsylvania, Complete Books & Media Supply, LLC of Cedar Park, Texas, and Ingram Library Services, LLC of La Vergne, Tennessee, in the estimated annual amount of \$115,000, for the purchase of library books, DVDs, MP3s, and books on CD for fiscal year 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 19th day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for oil and lubricants for FY2020 with Arnold Oil Company of Austin, LP, dba Arnold Oil Company of Waco, in the estimated annual amount of \$90,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of oils and lubricants from Arnold Oil Company of Waco during FY2020.

On October 4, 2018, Council authorized an annual purchase agreement with Arnold Oil Company of Waco for the purchase of oil and lubricants. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the October 4, 2018, Council Agenda Item Memorandum Item #3(AA).

Staff is pleased with the product and service provided by Arnold Oil Company and believes the price is still a good value. Accordingly, Staff recommends Council authorize an extension to this agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: Departments have budgeted for oils and lubricants in their FY2020 departmental automotive repair and maintenance accounts. Purchases under this agreement will be purchased into a Fleet Maintenance inventory account and charged out to the various department accounts upon use by Fleet Services. Estimated annual expenditure: \$90,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9816-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH ARNOLD OIL COMPANY OF AUSTIN, LP, dba ARNOLD OIL COMPANY OF WACO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$90,000, FOR THE PURCHASE OF OILS AND LUBRICANTS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2018, Council authorized an annual purchase agreement with Arnold Oil Company of Waco for the purchase of oil and lubricants - the current agreement expires September 30, 2019;

Whereas, the original bid allowed for four additional one-year extensions - in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it are willing to do;

Whereas, Staff is pleased with the product and service provided by Arnold Oil Company and believes the price is still a good value and recommends Council authorize an extension to this agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, departments have budgeted for oils and lubricants in their departmental automotive repair and maintenance accounts in the adopted fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to the purchase agreement with Arnold Oil Company of Austin, LP dba Arnold Oil Company of Waco, Texas in the estimated annual amount of \$90,000, for the purchase of oils and lubricants for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kenny Henderson, Transportation Director
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a purchase agreement for hot mix asphalt for FY2020 with Texas Material Group, Inc. of Cedar Park (formerly known as Oldcastle Materials Texas, Inc. and also APAC-Texas, Inc/Wheeler Companies), in the estimated annual amount of \$90,000.

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

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of hot mix asphalt from Oldcastle Materials Texas, Inc. at a cost of \$66.50 per ton during FY2020.

On September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot mix asphalt from APAC-Texas, Inc/Wheeler Companies (now known as Texas Material Group, Inc. and previously also known as Oldcastle Materials Texas, Inc.). On September 1, 2016, September 7, 2017, and September 6, 2018, Council authorized one-year extensions to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do.

Staff is pleased with the product and service provided by Texas Material Group, Inc., and staff believes the price is still a good value. Accordingly, staff recommends Council authorize an extension to the agreement. This will be the fourth and final renewal under the agreement.

FISCAL IMPACT: This annual agreement is utilized primarily by the Streets & Drainage Departments. Departments have budgeted for this material in the adopted FY2020 Budget. Based on historical usage, the estimated annual expenditure is \$90,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9817-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE ANNUAL PURCHASE AGREEMENT WITH TEXAS MATERIAL GROUP, INC., (FORMERLY OLDCASTLE MATERIALS TEXAS, INC. AND APAC-TEXAS, INC./WHEELER COMPANIES) OF CEDAR PARK, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$90,000, FOR THE PURCHASE OF HOT MIX ASPHALT FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2015, Council authorized an annual purchase agreement for the purchase of hot mix asphalt at a cost of \$66.50 per ton from APAC-Texas, Inc./Wheeler Companies (now known as Texas Material Group, Inc. and previously also known as Oldcastle Materials Texas, Inc.);

Whereas, on September 1, 2016, September 7, 2017 and September 6, 2018, Council authorized one-year renewals to the agreement which expires September 30, 2019 - the original bid allowed for four additional one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff has been pleased with the product and service provided by Texas Material Group, Inc., believes the price is still a good value for the City and recommends Council authorize a one-year renewal to the services agreement – this will be the fourth and final renewal under the agreement;

Whereas, this purchase agreement is primarily utilized by the Streets and Drainage Departments and those departments have budgeted for this material in their adopted fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to the annual purchase agreement with Texas Material Group, Inc. (formerly known as Oldcastle Materials Texas, Inc. and also APAC-Texas, Inc./Wheeler Companies) of Cedar Park, Texas in the estimated annual amount of \$90,000, for the purchase of hot mix asphalt for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 purchase agreement for various forms of rock and top soil during FY2020 with Heartland Quarries, LLC, dba Heartland Aggregates, of Austin, in the estimated annual amount of \$85,000.

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

ITEM SUMMARY: Authorization to renew this purchase agreement will allow for the continued purchase of various forms of rock and top soil from Heartland Quarries, LLC dba Heartland Aggregates during FY2020.

On September 6, 2018, Council awarded an annual purchase agreement to Heartland Aggregates for various forms of rock and top soil. The current agreement will expire on September 30, 2019. The original bid allowed for four one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the September 6, 2018, Council Agenda Item Memorandum, Item #3(J-5).

Staff is pleased with the product and service provided by Heartland Aggregates and believes the price is still a good value. Accordingly, Staff recommends Council authorize an extension to this agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: Various rock and top soil will be ordered on an as-needed basis. Departments have budgeted for these materials in several accounts in the adopted FY2020 Budget. Estimated annual expenditure based on historical expenditures is \$85,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9818-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO AN ANNUAL PURCHASE AGREEMENT WITH HEARTLAND QUARRIES, LLC, DBA HEARTLAND AGGREGATES OF AUSTIN, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$85,000, FOR VARIOUS FORMS OF ROCK AND TOP SOIL FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2018, Council awarded an annual purchase agreement to Heartland Aggregates for various forms of rock and top soil - the current agreement expires September 30, 2019;

Whereas, the original bid allowed for four one-year extensions – in order to renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do;

Whereas, Staff is pleased with the product and service provided by Heartland Aggregates and believes the price is still a good value and recommends Council authorize a one-year renewal to the annual purchase agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, various forms of rock and top soil are purchased on an as-needed basis and departments which utilize this product have budgeted for these materials in the adopted fiscal year 2020 budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to an annual purchase agreement with Heartland Quarries, LLC, dba Heartland Aggregates of Austin, Texas in the estimated annual amount of \$85,000 for various forms of rock and top soil for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 services agreement for non-clerical temporary employment services for FY2020 with Stafflink, Inc. dba Link Staffing Services of Houston, in the estimated annual amount of \$75,000.

STAFF RECOMMENDATION: Adopt a resolution as described in item description.

ITEM SUMMARY: Renewal of this services agreement with Link Staffing Services will provide for non-clerical temporary employment services that are routinely needed by the Parks & Recreation and Public Works Departments.

On October 5, 2017, City Council authorized a services agreement for non-clerical temporary employment services with Link Staffing Services. On September 20, 2018, Council authorized a one-year renewal to the agreement. The current agreement will expire on September 30, 2019. The original bid allowed for four one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The hourly rates under the contract are as follows: Light & Heavy Manual Laborer, \$14.50; Food Service, \$13.05; and Equipment Operator, \$22.79.

The City has done business with Link Staffing Services for past two years, and Staff is pleased with the services they have provided. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the second one-year renewal authorized under this agreement, with two years remaining.

FISCAL IMPACT: Departments have budgeted for temporary employment services in the FY2020 Operating Budget. This contract will be used on an as-needed basis. Staff estimates an annual expenditure of \$75,000 under this contract based on needs for temporary employment services in recent years.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9819-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE SERVICES AGREEMENT FOR NON-CLERICAL TEMPORARY EMPLOYMENT SERVICES IN THE ESTIMATED ANNUAL AMOUNT OF \$75,000, WITH STAFFLINK, INC. dba LINK STAFFING SERVICES OF HOUSTON, TEXAS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 5, 2017, Council authorized a services agreement for non-clerical temporary employment services with Stafflink, Inc., dba Link Staffing Services - on September 20, 2018, Council authorized a one-year renewal to the agreement which expires September 30, 2019;

Whereas, the original bid allowed for four one-year renewals and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, the City has done business with Link Staffing Services for the past two years, and has been pleased with the services they have provided;

Whereas, Staff recommends Council authorize a one-year renewal to the services agreement with Stafflink, Inc., dba Link Staffing Services of Houston, Texas in the estimated annual amount of \$75,000, for non-clerical temporary employment services for fiscal year 2020;

Whereas, this will be the second one-year renewal authorized under this agreement, with two renewals remaining;

Whereas, departments which utilize temporary employment services have budgeted for these services in their departmental accounts – this agreement will be used on an as-needed basis; 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 Interim City Attorney, to execute a one-year renewal to the services agreement with Staff Link, Inc., dba Link Staffing Services of Houston, Texas in the estimated annual amount of \$75,000, for non-clerical temporary employment services for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim 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 purchase agreement for protective footwear for FY2020 with Cochran, Blair & Potts of Belton in the estimated annual amount of \$55,000.

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

ITEM SUMMARY: Renewal of this purchase agreement will allow for the continued purchase of protective boots and shoes from Cochran, Blair & Potts during FY2020 for City employees who work in an environment where there is a danger of foot injuries.

On October 1, 2015, the City Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of protective footwear. On September 1, 2016, September 7, 2017, September 6, 2018, Council authorized one-year extensions to the contract. The current agreement will expire on September 30, 2019. The original bid allowed for four additional one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The detailed Bid Tabulation is attached to the October 1, 2015, Council Agenda Item Memorandum #5(J).

Staff is pleased with the product and service provided by Cochran, Blair & Potts, and Staff believes the prices offered are still a good value. Accordingly, Staff recommends Council authorize an extension to the agreement. This will be the fourth and final renewal under the agreement.

FISCAL IMPACT: Work boots and shoes are purchased on an as-needed basis. Departments have budgeted for work boots/shoes in the adopted FY2020 Budget. The estimated annual expenditure for work boots and shoes based on historical spending is approximately \$55,000.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9820-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE PURCHASE AGREEMENT WITH COCHRAN, BLAIR & POTTS OF BELTON, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$55,000, FOR THE PURCHASE OF PROTECTIVE FOOTWEAR FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 1, 2015, Council authorized an annual purchase agreement with Cochran, Blair & Potts for the purchase of protective footwear – on September 1, 2016, September 7, 2017 and September 6, 2018, Council authorized one-year extensions to the agreement which expires September 30, 2019;

Whereas, the original bid allowed for four additional one-year renewals and in order to renew the purchase agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is pleased with the product and service provided by Cochran, Blair & Potts, believes that the prices offered are still a good value to the City, and recommends Council authorize a one-year renewal to the purchase agreement - this will be the fourth and final renewal under the agreement;

Whereas, work boots and shoes are ordered on an as-needed basis and departments have budgeted for this expense in their departmental clothing and uniforms account in the fiscal year 2020 adopted budget; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute a one-year renewal to the purchase agreement with Cochran, Blair & Potts of Belton, Texas in the estimated annual amount of \$55,000, for protective footwear for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Director of Public Works
Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a services agreement for industrial and high voltage electrical services for FY2020 with T. Morales Company Electric & Controls, Ltd of Florence, in the estimated annual amount of \$50,000.

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

ITEM SUMMARY: Authorization to renew this services agreement will provide for continued industrial and high voltage electrical services by T. Morales Company Electric & Controls, Ltd (T. Morales) at the Water Treatment Plants and other city facilities during FY2020. Industrial electrical service is defined as all electrical service repair services needed at the Water Treatment Plants as well as all high voltage repairs (i.e. greater than 600 volts) needed at other city facilities.

On September 6, 2018, Council authorized an annual services agreement with T. Morales for providing as-needed industrial electrical services. The current agreement will expire on September 30, 2019. The original bid allowed for four one-year extensions. To renew the agreement, the vendor must agree to hold their prices firm for an additional year, which they are willing to do. The pricing under the current agreement is structured as follows:

Materials, Rental Equipment, Contracted Labor	Cost plus 15%
Labor, Master Electrician/Journeyman (straight time)	\$70 per hour
Labor, Master Electrician/Journeyman (overtime)	\$105 per hour
Labor, Apprentice (straight time)	\$57 per hour
Labor, Apprentice (overtime)	\$70 per hour
Company Owned Equipment-Bucket Truck	\$100 per hour
Company Owned Equipment-Skid Loader	\$80 per hour

Staff is satisfied with the services provided by T. Morales and recommends Council authorize an extension to the services agreement. This will be the first one-year renewal authorized under this agreement, with three years remaining.

FISCAL IMPACT: Departments have budgeted for electrical services in the FY2020 Operating Budget. This contract will be used on an as-needed basis. The estimated annual expenditure of \$50,000 is based on historical expenditures.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2019-9821-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL SERVICES AGREEMENT WITH T. MORALES COMPANY ELECTRIC & CONTROLS, LTD. OF FLORENCE, TEXAS IN THE ESTIMATED ANNUAL AMOUNT OF \$50,000, FOR INDUSTRIAL AND HIGH VOLTAGE ELECTRICAL SERVICES FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2018, Council authorized an annual services agreement with T. Morales for providing as-needed industrial electrical services - the current agreement expires September 30, 2019;

Whereas, the original bid allowed for four one-year extensions and in order to renew the agreement, the vendor must agree to hold its prices firm for an additional year, which it is willing to do;

Whereas, Staff is satisfied with the services provided by T. Morales and recommends Council authorize an extension to the services agreement - this will be the first one-year renewal authorized under this agreement, with three renewals remaining;

Whereas, departments have budgeted for electrical services in the fiscal year 2020 Operating Budget and will be used on an as-needed basis; 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 Interim City Attorney, to execute an annual services agreement with T. Morales Company Electric & Controls, Ltd. of Florence, Texas in the estimated annual amount of \$50,000, for industrial and high voltage electrical services for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



CITY COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. / DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager
Nanette Rodriguez, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying a meet and confer agreement with the Temple Police Association.

STAFF RECOMMENDATION: Adopt resolution as presented.

ITEM SUMMARY:

Overview of Meet & Confer. The “meet & confer” process is governed by Chapter 142 of the Local Government Code. Chapter 142 allows a “police officers’ association” to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process. The meet and confer process allows the City to meet & confer with the recognized police officers’ association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment. The meet and confer deliberations must occur in meetings open to the public. The City and a police officers’ association are not required to reach agreement on any particular topic. An agreement on any issue must be in writing and ratified by the Council and a majority of the police officers. A written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process.

Members of the City Administration negotiating team include:

Erin Smith, Assistant City Manager, Lead Negotiator
Nanette Rodriguez, Deputy City Attorney
Jeff Clark, Deputy Police Chief
Traci Barnard, Director of Finance
Tara Raymore, Director of Human Resources

Members of the Temple Police Association (TPA) negotiating team include:

Chris Jones, Training Coordinator-CLEAT, Lead Negotiator
Larry Wilkey, Sergeant, TPA President
Marlon Reed, Corporal
Corey Powell, Detective
Casey Sheppard, Detective

Overview of the Draft Agreement. In compliance with the terms of the FY 2019 meet and confer agreement, City Administration and TPA began meeting in December 2018 to adopt the ground rules and discuss any issues with the current agreement.

The FY 2020 agreement includes articles covering the 12 issues:

1. Association Business
2. Additional Deputy Chief Position
3. Military Leave Time Account
4. Compensation
5. Overtime
6. Higher Classification Pay / Rank Structure
7. Education Incentives for Promotion
8. Lateral Entry Program
9. Individual Vehicle Assignment Program (IVAP)
10. Physical Fitness Program
11. Disciplinary Actions and Appeals
12. Grievance Procedure

In March 2019, the Agreement was ratified to extend the current agreement six months from March 31, 2019 to September 30, 2019 to allow time for City administration and TPA to work together to complete the compensation study. In the current agreement, both Parties agreed to diligently work together to develop the criteria for a professionally prepared compensation study to be conducted in fiscal year 2019 that will include a full study of the City of Temple's Civil Service Pay Plan structure including, but not limited to, an evaluation of the step system and compression between steps.

The draft agreement proposes the following:

- Substantive changes to three issues (Article 5 – Overtime Compensation; Article 7 – Promotional Process; and Article 8 – Lateral Entry Program);
- Non-substantive changes to two issues (Article 4 – Compensation and Article 14 – Duration of Agreement); and
- Addition of a new issue (Physical Fitness Program)

The election for proposed draft agreement to extend the termination date passed and the next step in the process is City Council consideration.

Summary of Changes.

Article 4: Compensation

Non-Substantive Change

- Establishes an agreement that City Administration and TPA will work together to develop criteria for a professionally prepared compensation study in fiscal year 2021 for implementation in fiscal year 2022.
- City Administration and TPA agree to meet no later than January 15, 2021, to discuss the progress of the study and begin the process of negotiating a successor agreement.

Article 5: Overtime

Substantive Change

The current agreement provides a minimum of two hours of overtime compensation for call-outs and court appearances prior to, or after an officer's regularly scheduled shift; however, the agreement does not reference extensions of duty or prior to duty in regard to unscheduled overtime. The draft agreement proposes establishing the following definitions in Section 6 – Unscheduled Overtime:

- **Call-Outs** – time the Department requires an officer to return to duty status, on an unscheduled basis, 15 minutes or more after the officer's shift ends to work outside of the officer's regularly scheduled work hours.
- **Extension of Duty** – time the Department requires an officer to remain on duty, or to return to duty on an unscheduled basis less than 15 minutes after the end of their prior regular shift, or during their unpaid lunch hour.
- **Prior to Duty** – time the Department requires an officer to report to duty, on an unscheduled basis, less than one hour prior to the officer's regular shift.

The draft agreement also includes clarifications for how officers will be compensated for their time in regard to Extensions of Duty and Prior to Duty.

- Non-exempt officers who work Extensions of Duty are entitled to additional regular compensation (AR) for the actual time worked. If the officer's total time worked for the relevant work period exceeds 80 hours, the Extension of Duty will be compensated at overtime rates.
- Non-exempt officers who work Prior to Duty shall be entitled to guaranteed overtime compensation (OT) for a minimum of one hour. Time worked in this circumstance shall begin when the notification is received and continue until the beginning of the officer's regular shift.

Article 7: Promotional Process

Substantive Change

Article 7 of the current Meet and Confer Agreement is entitled Promotional Incentives for Education. It amended Chapter 143 by allowing additional points on promotional exams for officers with advanced certifications and/or degrees.

During the negotiations, TPA presented proposed changes to Article 7 to address concerns about a lack of clarity in the promotional process. The proposed changes to this issue include the following:

- Changing the name of the article to Promotional Process.
- Confirming the requirement that a police officer must meet the requirements set forth in Chapter 143.028 and 143.031 of the Texas Local Government Code to be eligible to take a promotional examination.
- Confirming that each promotional examination is open to each officer who, for at least two years immediately before the date the promotional examination is held, has continuously held a position in the Temple Police Department in the classification that is immediately below the other position.

- Clarifying that the probationary period does not count toward the two years of continuous Departmental service in the classification immediately below the tested position for new hires and lateral hires;
- Include the Local Rule that states the two-year eligibility requirement to take the promotional exam is determined as of the posted date of the written exam because this is exactly the same as the cutoff date for educational incentive and seniority points;
- Changing the minimum passing score on the written promotional exam to 70 points before the addition of seniority points or educational incentive points;
- Requiring officers to submit documentation of any educational or certification achievements to the Training Sergeant by 5:00 p.m. on the date of the written exam in order to be eligible to receive educational incentive points on the exam;
- Establishing 5:00 p.m. on the date of the written exam as the cutoff point for eligible educational incentive points; and
- Establishing 5:00 p.m. on the date of the written exam as the cutoff point for determining seniority for the purpose of additional seniority points on the exam.
- Including a calculation to determine final eligibility list score.

Article 8: Lateral Entry Program

Substantive Change

- Officers hired under the Lateral Entry Program prior to October 1, 2019 will be placed in a step within the compensation plan reflecting their current position within the Department with no reduction in salary. Changing the lateral transfer time in rank salary adjustment requirement to allow officers hired prior to October 1, 2019, to advance within the Temple Police Department compensation chart according to their time in rank within the Department after October 1, 2019.
- Changing the maximum credit for applicants with prior municipal police service in a city with a population of 30,000 or more to provide one credit year for each full year of police service not to exceed five credit years (current agreement is 10 years).
- Changing the maximum credit for applicants with prior municipal police service in a city with a population of less than 30,000 to provide one credit year for each two full years of prior police service, not to exceed three credit years (current agreement is five years).
- Applicants with prior field deputy service with a county sheriff's office with a population of 175,000 or more will receive one credit year for each full year of field deputy service, not to exceed five credit years (current agreement is 10 years).
- Changing the maximum credit for applicants with prior field service experience with any TCOLE certified organization other than a municipal police organization or a county sheriff's office to provide one credit year for each two full years of prior field service, not to exceed three credit years (current agreement is five years).
- Establishing that applicants who receive prior service credit will advance to the next pay grade on the same basis as any other Temple Police officer in that pay grade without respect to the applicant's actual service in the Temple Police Department. The current agreement requires officers hired under the Lateral Entry Program to remain in the assigned starting pay grade until they have the required years of actual service with the Temple Police Department to advance to the next pay grade.

Article 10: Physical Fitness Program

Substantive Change – New Issue

Overview:

This Article establishes a minimum physical fitness standard as a condition of employment to maintain high professional standards.

Key Provisions:

- Establishes that officers must achieve a VO2 max of at least 25% on the DPS Rowing Test.
- Changes the requirement in the general orders that all officers, regardless of hiring date, must take and pass an annual physical fitness test as a condition of employment.
- Prior to January 1, 2020, establishes that officers must take and pass the DPS 2,000-meter rowing test for the purpose of establishing a baseline passing rate for all officers.
- Effective January 1, 2020, establishes that officers must take and pass one of the following rowing test options of their choice during the Department's annual physical fitness testing:
 - DPS Concept 2 2,000-meter Rowing Test,
 - DPS Concept 2 500-meter Rowing Test, or
 - DPS Concept 2 4-minute Rowing Test.
- Commits the City to provide a Paramedic or EMT to be present during scheduled rowing tests and to observe officers for one hour after completing the test.
- Establishes that officers of all ranks that are required to meet the Physical Fitness Standard are authorized, subject to prior supervisory approval, to utilize their lunch break for the purpose of working out during their regularly scheduled shift, regardless of Department assignment.
- Clarifies that the Temple Police Department's on-site workout facility is an approved location for obtaining points to be used for any City fitness-based financial incentive program.
- Establishes that off-duty officers are authorized to use assigned City vehicles on the way to and from work for travel to and from physical fitness facilities located no more than seven miles outside the Temple city limits in accordance with IVAP rules and policies.

Overview of the Articles.

Article 1: Association Business

Proposed by TPA

Overview:

This Article is intended to establish provisions that enable the Association to adequately represent Association members and administer the terms of the Agreement.

Key Provisions:

- Recognizes TPA as the sole and exclusive bargaining agent for all covered police officers;
- Allows TPA access to the Departmental new hire orientation to explain and answer questions about the Association, the Agreement, and the meet & confer process;
- Establishes a three-member team designed to be advisory to the Police Chief;

- One member is to be appointed by the Police Chief and two members by the Association President;
- Commits the City to continue its Association dues deduction program;
- Allows the Association reasonable access to the premises of the Department for the purpose of administering this Agreement;
- Permits the Association to install one bulletin board (at their expense) at each police facility to facilitate communication by the Association to its members;
- Allows the Association to utilize the City's email system to communicate with police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions;
- Establishes an Association Business Leave Time Pool to be used for the purpose of conducting Association business. This provision allows officers the option of donating two hours of accrued vacation leave to the Pool each calendar year;
- Commits the City to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer sessions between the City and the Association; Police Administration may adjust Association member's schedules to accommodate meeting attendance.

Article 2: Additional Deputy Chief Position

Proposed by City Administration

Overview:

This Article authorizes the creation of an additional appointed Deputy Police Chief position to enable the future alignment of the Departmental command structure into three bureaus: Patrol, Investigations, and Administration.

Key Provisions:

- Allows the creation of a single additional Deputy Chief position in addition to the two Deputy Chief positions authorized by Section 143.014(c) of the Local Gov't Code;
- Establishes minimum standards that the person appointed to the additional Deputy Chief position must meet and extends these standards to the subsequent appointment of any person to a Deputy Chief position;
- Establishes a procedure for posting a vacancy in a Deputy Chief position a minimum of 10 calendar days in order to allow eligible candidates to express interest in the position by submitting documentation of their qualification to the Chief;
- The final appointment remains solely the Police Chief's discretion.

Article 3: Military Leave Time Account

Proposed by TPA

Overview:

This Article is intended to clarify the provisions for administration of the City's Military Leave Time Account.

Key Provisions:

- Reiterates the requirements of Chapter 143.074 of the Local Gov't Code relating to Military Leave Time Accounts;
- Clarifies that a police officer wishing to donate accrued time to the Military Leave Time Account must do so on a form provided by the City;
- Requires the City to provide a report to the Association each December that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Article 4: Compensation

Proposed by TPA

Overview:

This Article is intended to communicate the City's commitment to a maintaining a fair and competitive pay and compensation package, with due regard for fiscal restraints and sustainability.

Key Provisions:

Establishes an agreement that City Administration and TPA will work together to establish a compensation study to be conducted in fiscal year 2021 for implementation in fiscal year 2022 that will include a full study of the City of Temple's Civil Service Pay Plan structure including, but not limited to, an evaluation of the step system and compression between steps. The Parties agree to meet not later than January 15, 2021, to discuss the progress of the study and begin the process of negotiating a successor agreement.

Article 5: Overtime

Proposed by City of Temple and TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing overtime compensation.

Key Provisions:

- Establishes an agreement that the overtime exemption provided for by the FLSA known as the 7(k) exemption is adopted by the City;
- Establishes the maximum work period to be used as 14 days and the maximum number of hours worked without overtime pay within the work period at 80 hours;
- Commits the City to provide guaranteed overtime for overtime assignments subject to contractual agreements with third parties;
- Requires overtime assignments that will be compensated at guaranteed time and half to be identified and posted as such in advance;
- States that overtime assignments for City sponsored events (such as the Christmas Parade) will not be guaranteed overtime assignments;

- Clarifies that if an officer takes leave during a work period and later is required to work an overtime assignment which is not guaranteed overtime during that same work period, s/he may choose to apply the overtime assignment to their regular hours in lieu of using leave time;
- Includes definitions for Call-Outs, Extension of Duty, and Prior to Duty;
- Provides a minimum of two hours of overtime compensation for Call-Outs and court appearances prior to, or after an officer's regularly scheduled shift;
- Provides that officers who work Extensions of Duty are entitled to additional regular compensation for actual time worked, unless the total time worked exceed 80 hours then the officers will be compensated at overtime rates.
- Provides that officers who work Prior to Duty are entitled to guaranteed overtime compensation for a minimum of one hour.
- Requires overtime assignments that will be compensated in the form of compensatory leave to be identified and posted as such in advance;
- Allows officers to choose paid overtime or compensatory time for overtime assignments in which the form of compensation has not been identified in advance;
- Maintains the Police Chief's authority to implement flex time in managing the Department's budget;
- Commits supervisors to work with officer to schedule flex time off, subject to the needs of the Department.

Article 6: Higher Classification / Rank Structure

Proposed by TPA

Overview:

This Article is intended to establish a uniform Departmental policy governing the temporary designation of an officer to perform the duties of a higher rank.

Key Provisions:

- Requires a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness, or injury;
- Allows a Lieutenant to designate a Corporal to be temporarily designated as "Acting Sergeant/Field Supervisor" when the Lieutenant determines an additional field supervisor is necessary to meet staffing needs;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation;
- Requires that the officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;

- Allows a Lieutenant to designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant, for training and mentoring purposes and not to meet a Departmental staffing need;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation will have immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant;
- Establishes that a Mentoring Sergeant will not receive higher classification pay during the designation period;
- Establishes that the designation will be made on a rotating basis to all Corporals within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Allows a Sergeant to be temporarily designated to perform the administrative duties of a Lieutenant/Watch Commander when a Lieutenant will be absent or unavailable for at least 28 consecutive days;
- Requires the designation to be noted in writing on the Duty Roster;
- Establishes that a person serving in this temporary designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation;
- Requires that the designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation;
- Establishes that the designation will be made on a rotating basis to all Sergeants within the Unit, but the Police Chief retains discretion to deviate from the order of the list;
- Retains authority for the Police Chief to designate a Watch Commander for a period of less than 28 days, based on Departmental needs;
- Establishes authority for the Police Chief to temporarily assign an officer to perform the duties of a position in the next higher rank when a position has been funded, but not yet created by the governing body or when there is a vacancy in an existing position for which no promotional list exists;
- Establishes that a person serving in this temporary assignment shall have full authority and responsibility for performing all of the duties of the higher rank for the duration of the assignment;
- Requires that an officer temporarily assigned to a position in the next higher rank shall be paid the base salary of the higher rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the assignment.

Article 7: Promotional Process

Proposed by TPA

Overview:

This Article establishes incentives to encourage and recognize continuing education as a way to improve professionalism for both officers and the Department.

Key Provisions:

- Includes the requirement that a police officer must meet the requirements set forth in Chapter 143.028 and 143.031 of the Texas Local Government Code to be eligible to take a promotional examination.
- Includes language stating that each promotional examination is open to each officer who, for at least two years immediately before the date the promotional examination is held, has continuously held a position in the Temple Police Department in the classification that is immediately below the other position.
- Clarifies that the probationary period does not count toward the two years of continuous Departmental service in the classification immediately below the tested position for new hires and lateral hires;
- Includes the Local Rule that states the two-year eligibility requirement to take the promotional exam is determined as of the posted date of the written exam;
- Changes the minimum passing score on the written promotional exam to 70 points before the addition of seniority points or educational incentive points;
- Requires officers to submit documentation of any educational or certification achievements to the Training Sergeant by 5:00 p.m. on the date of the written exam in order to be eligible to receive educational incentive points on the exam;
- Establishes additional points for promotional candidates for continuing education as follows:
 - 0.50 points for an Advanced Peace Officer Certificate;
 - 1.0 points for having completed 60 college hours credit
 - 1.5 points for a Master Peace Officer Certificate;
 - 2.0 points for having received an Associate degree;
 - 3.0 points for having received a Bachelor's degree or higher
- Establishes 5:00 p.m. on the date of the written exam as the cutoff point for eligible educational incentive points; and
- Establishes 5:00 p.m. on the date of the written exam as the cutoff point for determining seniority for the purpose of additional seniority points on the exam.
- Includes a calculation to determine final eligibility list score.

Article 8: Lateral Entry Program

Proposed by City Administration

Overview:

This Article establishes an expedited process for hiring qualified applicants with previous law enforcement experience.

Key Provisions:

- Establishes the following eligibility requirements to be eligible for hire under this program:
 - have a current TCOLE license;
 - be currently employed with a law enforcement agency;
 - have an honorable standing within their current department;
 - not be under any type of investigation with their current department;
 - have three or more years of work experience with a comparable law enforcement agency
 - take and pass the locally given Civil Service exam; and

- complete and pass a background investigation and the City of Temple hiring process.
- Requires that an eligibility list for lateral applicants be maintained and that the score from the locally given Civil Service exam be used to rank applicants on that list;
- Allows the Police Chief the authority to give preference in selection to any person on the lateral eligibility list based on the applicant's years of experience and type of experience;
- Allows the Police Chief to fill a vacant within the Department by selecting an applicant from the lateral eligibility list, or by following the process defined in section 143.026 of the Texas Local Government Code;
- Establishes that actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes or seniority purposes;
- Establishes the lateral transfer time in rank salary adjustment requirement to allow officers hired prior to October 1, 2019, to advance within the Temple Police Department compensation chart according to their time in rank within the Department after October 1, 2019.
- Establishes that applicants hired under this program, once they have successfully completed the Probationary classification, will be placed in the pay grade on the compensation plan commensurate with their full-time prior service as a police officer, as follows:
 - Applicants with prior municipal service in a City with a population of 30,000 or greater will receive one credit year for each full year of police service, not to exceed five credit years;
 - Applicants with prior municipal service in a City with a population of less than 30,000 will receive one credit year for each two full years of police service, not to exceed three credit years;
 - Applicants with prior service in a Sheriff Department in a County with a population of 175,000 or greater will receive one credit year for each full year of police service, not to exceed five credit years;
 - Applicants with other prior service will receive one credit year for each two full years of police service, not to exceed three credit years.
 - The credited time is for starting salary only and does not count as time served with the Temple Police Department for any other purposes including benefits, step pay, etc.

Article 9: Individual Vehicle Assignment Program (IVAP)

Proposed by TPA

Overview:

This Article establishes a policy for administering the City's Individual Vehicle Assignment Program (IVAP) and establishes the eligibility criteria for take-home patrol vehicles.

Key Provisions:

- Establishes requirements to be eligible to participate in the IVAP program;
- Allows an officer participating in IVAP to take a vehicle home, provided that the officer's residence is no more than 7 miles outside the Temple city limits;
- Establishes a fee of \$23 per pay period for officers participating in the take-home vehicle program who reside outside the city limits;
- Provides the following exceptions to the distance and fee requirements:

- Any officer who resides .5 mile or less outside the City and is currently allowed to take a vehicle home is exempt from the payment of the fees unless the officer moves more than .5 mile outside the city limits after the effective date of this Agreement
- Any officer who is assigned a take home vehicle because of their duty assignment (e.g. K-9 Officers) and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees
- CID Supervisors and CID Detectives are exempt from the distance limitations and the payment of the fees when they are on-call unless they are eligible and elect to fully participate in the take-home vehicle program

Article 10: Physical Fitness Program

Proposed by TPA

Overview:

This Article establishes a minimum physical fitness standard as a condition of employment to maintain high professional standards.

Key Provisions:

- Establishes that officers must achieve a VO2 max of at least 25% on the DPS Rowing Test.
- Changes the requirement in the general orders that all officers, regardless of hiring date, must take and pass an annual physical fitness test as a condition of employment.
- Prior to January 1, 2020, establishes that officers must take and pass the DPS 2,000-meter rowing test for the purpose of establishing a baseline passing rate for all officers.
- Effective January 1, 2020, establishes that officers must take and pass one of the following rowing test options of their choice during the Department's annual physical fitness testing:
 - DPS Concept 2 2,000-meter Rowing Test,
 - DPS Concept 2 500-meter Rowing Test, or
 - DPS Concept 2 4-minute Rowing Test.
- Commits the City to provide a Paramedic or EMT to be present during scheduled rowing tests and to observe officers for one hour after completing the test.
- Establishes that officers of all ranks that are required to meet the Physical Fitness Standard are authorized, subject to prior supervisory approval, to utilize their lunch break for the purpose of working out during their regularly scheduled shift, regardless of Department assignment.
- Clarifies that the Temple Police Department's on-site workout facility is an approved location for obtaining points to be used for any City fitness-based financial incentive program.
- Establishes that off-duty officers are authorized to use assigned City vehicles on the way to and from work for travel to and from physical fitness facilities located no more than seven miles outside the Temple city limits in accordance with IVAP rules and policies.

Article 11: Disciplinary Actions & Appeals

Proposed by City Administration

Overview:

This Article establishes a policy for disciplinary actions and appeals within the Department.

Key Provisions:

- For suspensions of 36 hours or less, allows an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Limits the appeal for suspensions of 36 hours or less to the Civil Service Commission;
- Establishes that suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed;
- For suspensions of 37-120 hours, establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service. Suspensions served in this manner may not be appealed;
- Allows the Police Chief and an officer to agree to a suspension of 121-720 hours and establishes that the Police Chief may allow an officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension. Suspensions served in this manner may not be appealed;
- Allows the Police Chief to require an officer be evaluated by a qualified professional designated by the Police Chief. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Police Chief may:
 - in lieu of or in combination with a suspension or demotion, require that the officer successfully complete the recommended program (an officer retains right to appeal)
 - offer an “alternative disciplinary agreement” to the officer under which the officer would accept demotion or suspension of up to 720 hours and agree to successfully complete the recommended program of counseling and/or rehabilitation
 - offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a “Last Chance Agreement” which would include, in addition to any provisions agreed upon by the Police Chief and officer, a probationary period not to exceed one year, during which if the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal;
- Allows an officer to request an opportunity to be evaluated by a qualified physician, psychiatrist or psychologist in order to seek counseling and/or rehabilitation. The officer’s request will toll the 180-day deadline for imposing discipline. The Department Head may consider any counseling and/or rehabilitation voluntarily undertaken by an officer under this section before imposing any discipline;
- Codifies the Loudermill Hearings process followed by the Department in protection of the due process rights of an officer facing any level of formal discipline;
- Establishes procedures for appeal hearings before Hearing Examiners to facilitate the efficient and effective conclusion of such appeals including an agreement that a hearing examiner will be selected within 10 days of the receipt of a list of Hearing Examiners and that the Hearing Examiner selected shall render a decision within 30 business days of the conclusion of the hearing;

- Allows a Hearing Examiner the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of 15 days, and time already served between the imposition of discipline and the appeal decision
 - (overrides the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the *City of Waco v. Kelley* case).

Article 12: Grievance Procedure

Proposed by TPA

Overview:

This Article establishes a dispute resolution procedure to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement.

Key Provisions:

- Requires that a dispute be presented in writing to the Police Chief or his designee;
- Requires an officer to initiate a request for dispute resolution with the Association Executive Board and disallows an officer from filing a dispute directly with the City;
- Establishes a 15-day timeline for an officer to file a claim or dispute from the date they knew or should have reasonably known the facts giving rise to the dispute;
- Establishes a 5-step process for disputes by the Association Executive Board or police officer:
 - Step 1: Association Executive Board
 - Step 2: Police Chief
 - Step 3: City Manager
 - Step 4: Mediation
 - Step 5: Arbitration
- Establishes a process for the City to enforce Association compliance with this Agreement through notification and subsequent options including termination of agreement.

Ratification & Term of the Agreement. A meet and confer agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officers' association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement. The Temple Police Association conducted a ratification election from September 4th to September 9th. During that election, 108 police officers voted "yes" to the ratification of the meet and confer agreement, 22 police officers voted "no", and 19 police officers did not vote which constitutes as a "no" vote.

If this resolution is adopted by the City Council, the agreement will become effective immediately and continue in effect until September 30, 2021.

FISCAL IMPACT: Below is a table outlining the fiscal impact of the meet and confer agreement for each of the eleven issue points. This agreement becomes effective immediately and continues in effect until September 30, 2021.

Issue	Fiscal Impact	Funded In FY 2020
Article 1: Association Business	Not Applicable	N/A
Article 2: Additional Deputy Chief Position	Base salary plus benefits: \$146,338	Yes
Article 3: Military Leave Time Account	Not Applicable	N/A
Article 4: Compensation	Compensation study funded in FY 2019. Compensation study results implemented in FY 2020. The increase proposed in the FY 2020 budget is \$938,059. This amount includes salary and benefits.	Yes Yes
Article 5: Overtime	3 rd Party reimbursed overtime and benefits is estimated for FY 20 at \$522,927	Yes
Article 6: Higher Classification / Rank Structure	Step up pay: \$9,798	Yes
Article 7: Educational Incentives for Promotion	Not Applicable	N/A
Article 8: Lateral Entry Program	Not Applicable	N/A
Article 9: Individual Vehicle Assignment Program (IVAP)	The estimated net cost based on officers who are currently employed by the City is \$32,404.	Yes
Article 10: Disciplinary Actions & Appeals	Not Applicable	N/A
Article 11: Grievance Procedure	Not Applicable	N/A
Article 12: Physical Fitness Program	The estimated net cost based on officers who are currently employed by the City is nominal.	N/A

ATTACHMENTS:

[Draft Agreement
Resolution](#)

MEET & CONFER AGREEMENT
BETWEEN
THE CITY OF TEMPLE, TEXAS
AND
TEMPLE POLICE ASSOCIATION

CITY OF TEMPLE FISCAL YEAR
October 1, 2019 through September 30, 2021

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DEFINITIONS

1. "Agreement" refers to this Meet and Confer Agreement, negotiated between the City of Temple and the Temple Police Association.
2. "Association" means the Temple Police Association.
3. "City" means the City of Temple.
4. "College hours" "Degree" or "College Degree" means credit hours or degree from a college or university recognized by the Southern Association of Colleges and Schools or a similar regional association recognized and approved by the United States Department of Education.
5. "Commission" means the Firefighters' and Police Officers' Civil Service Commission of the City of Temple.
6. "Day(s)" means calendar days, unless otherwise specified.
7. "Department" means the Police Department of the City of Temple.
8. "Department Head" means the administrative head of the Police Department or the Chief of Police, including any interim or acting Chief of Police.
9. "Director" means the Director of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
10. "Dues" means the cost of membership in the Association.
11. "FY" means financial year.
12. "Guaranteed Overtime" refers to assignments compensated at a rate of time and a half, without regard to the number of hours worked in a pay period.
13. "IVAP" means the Individual Vehicle Assignment Program.
14. "Local rules" refers to the Rules and Regulations of the City of Temple Firefighters' and Police Officers' Civil Service Commission.
15. "Party" or "Parties" means the City of Temple and the Temple Police Association.
16. "Police Officer" or "Officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or other law, and who is employed by the City of Temple Police Department.
17. "TCOLE" means the Texas Commission on Law Enforcement, or its successor organization.
18. "TLGC" means the Texas Local Government Code.

ARTICLE 1

Association Business

Section 1. Intent. In adopting this article, the Parties acknowledge and agree to the following provisions for the purpose of enabling the Association to adequately represent Association members and administer the terms of the Agreement.

Section 2. Recognition. The City recognizes the Temple Police Association (TPA) as the sole and exclusive bargaining agent for all covered police officers, pursuant to section 142.053 et. seq. Texas Local Government Code, excluding the Department Head, employees of the Temple Police Department who are exempt under section 142.058(b) Texas Local Government Code, and employees occupying appointed positions pursuant to section 143.014 Texas Local Government Code. The Agreement is intended to include all permanent paid employees of the Temple Police Department who have been hired in substantial compliance with the provisions of Chapter 143 of the Texas Local Government Code, but does not include civilian employees, other employees, or those excluded above. The Agreement is not intended to, and does not, deny local control by the City, or restrict or diminish the management rights of the City, except as expressly provided by the Agreement under section 142.059 of the Texas Local Government Code.

Section 3. Association Access to New Hires. The Association shall have the right to meet with new officers during the Academy and/or Departmental in-house employee orientation sessions to ensure they have received a copy of the Agreement, and to be able to explain and answer questions about the Association, the Agreement, and the meet and confer process.

Section 4. Labor Relations

1. To improve communications between the Department Head and the Association, and to facilitate resolution of issues related to implementing the provisions of this Agreement, the Department Head shall establish an Advisory Team comprised of three (3) members, including one (1) member of the Department designated by the Department Head, and two (2) members of the Department designated by the Association. The Association and the Department Head may designate a substitute representative to the Team in the event that the designated Team member is unable to attend a meeting. The Department Head or his designee will meet with this Team at least once every three (3) months. The purpose of the Team is advisory to the Department Head, and to provide police managers input on City and Departmental policy, procedures, and employee issues.
2. The Association President or the Department Head may request additional meetings when issues arise that warrant concern or discussion. The Department Head retains discretion regarding the scheduling of additional meetings.
3. Members of the Advisory Team will not be required to use leave in order to attend Team meetings. Members of the Advisory Team will not receive overtime compensation for attendance at Team meetings.

Section 5. Association Rights and Indemnification

- (a) Dues Deduction. Upon receipt of a signed authorization from an officer on a form supplied by the City, the dues and assessments to the Association and affiliated state organizations that existed on the date of this Agreement shall be deducted from each member officer's pay. Officers who are not members are not obligated to pay Association dues. Officers who are currently having dues deducted as of the execution date of this Agreement are not required to submit a new dues deduction form.

The dues deduction shall be remitted promptly to the Treasurer of the Association. The City agrees to provide a list of those members for whom deductions are made each month. The association may change the amount of the deduction for those employees who have authorized payroll deductions by providing the City with a letter, at least thirty (30) days in advance of the change, from the Association President advising the City that the amount of the dues deduction has changed pursuant to the requirements of the Association's Constitution and Bylaws. The Association will promptly refund to the City any amount paid to the Association in error on account of this dues deduction provision.

- (b) Indemnification. As a condition of being granted and continuing payroll deduction of dues, the Association shall indemnify the City and any departments of the City, and hold it harmless against any and all claims, demands, suits, or other form of liability that may arise out of, or by reason of, any actions taken by the City or any department of the City for any purpose of complying with the provisions of this Agreement.
- (c) Association Access to Premises. Subject to reasonable advance notice from the Association and approval from the Department Head or his designee, the Association may be permitted reasonable access to the premises of the Department and the Police Academy for the purpose of administering this Agreement, including but not limited to Departmental in-house employee orientation. Such visits shall be limited to the purpose for which approval was granted and shall be conducted in a manner that does not interfere with the functions of the Department or Academy.

The Association's access to the Department facilities and equipment to communicate with its membership shall include the use of one (1) bulletin board installed at the main police station and one (1) board at each police facility. The Department Head must approve in advance the size of, and materials used for, said bulletin boards. All costs incurred in the purchase, installation, and maintenance of said bulletin boards shall be at the Association's expense. All posted materials must be directly related to Association business. The following guidelines shall apply to materials properly posted on the bulletin boards:

1. recreation and social affairs of the Association;
2. Association meetings;
3. Association elections;

4. reports of Association Committees;
5. rulings or policies of the state or national Association, without added commentary, and
6. Legislative enactments and judicial decisions affecting public employee labor relations, without added commentary.
7. At no time shall the bulletin boards contain any political endorsement, whether at the local, state, or federal level.
8. The Department Head or his designee retains the right to remove material which is not directly related to Association, or is offensive or inappropriate.

(d) Communications. Subject to the Temple Police Department General Orders, the City's administrative Regulations, and the applicable provisions of this Agreement, the Association may utilize electronic communications ("E-mail") to communicate with Temple police officers regarding issues related to provisions of the Agreement and upcoming meet and confer sessions in accordance with the following restrictions and limitations:

1. Association email communications shall relate solely to the following subjects:
 - i. issues related to the Agreement;
 - ii. issues related to upcoming meet and confer sessions;
 - iii. issues related to the grievance policy, and
 - iv. Association meetings for the purpose of discussing issues related to the Agreement, upcoming meet and confer negotiations, and/or the grievance policy.
2. Email communications shall not contain any political commentary, any solicitation for membership in, or financial contributions to, any special interest organization or political action organization, or derogatory or offensive propaganda or commentary which reflects negatively upon the City, its officials, its employees, City employee associations or groups, or upon citizens of the City. On a case-by-case basis, the Department Head or his designee may consider requests from individual officers for approval to distribute email communications regarding solicitations of officers (or their families) needing financial or other forms of assistance.
3. In the event of a violation, the Department Head shall notify the Association of the violation. Subsequent violations of these guidelines will subject the Association to the loss of the privilege of using the City's electronic communications system. Such loss will not be subject to review by any administrative or judicial body, or the grievance process.

Section 6. Association Business Leave Time Pool

- (a) Time Off for Association Business. An Association Business Leave Pool shall be created for the purpose of conducting Association business, defined herein as time spent

adjusting grievances, attending the annual conference of state affiliated organizations, the Association's Executive Board meetings, and regular Association business meetings.

While Temple Police officers are on Association Business Leave, they shall not wear Temple Police Department uniforms or insignia of any kind.

- (b) Establishment of Association Leave Time Pool. The Association Business Leave (ABL) Pool shall be funded during the first pay date of each calendar year by reduction of accrued vacation leave in the amount of two (2) hours for each member of the Temple Police Association who provides notice in writing to the City at least thirty (30) calendar days prior to the beginning of that calendar year of his/her wish to donate said hours to the ABL Pool. Once a contribution has been made to the ABL Pool, there shall be no transfer of leave back into any individual officer's leave account, and there will be no cash payout for any remaining time in the Pool. Unused ABL Pool hours will remain in the Pool to be utilized the following year. ABL Pool hours shall never have any cash or surrender value. The City will track contributions to and deductions from the ABL Pool.
- (c) Use of Association Leave Time Pool. The Association President shall request any use of Association business leave in writing, and submit the request in advance for approval by the Department Head. The Department Head may waive the requirement that the request and approval be in writing. Requests for ABL time shall be made as far in advance as is practicable, but no less than forty-eight (48) hours prior to the date for which leave is requested. There shall be no entitlement for overtime pay for any hours worked on Association business, as such time is not for the benefit of the City, but for the sole benefit of the Association. Unless approved by the Department Head, not more than two (2) members may be on ABL at the same time, and such leave may be cancelled by the Department Head in the event of any emergency or shortage of manpower, as determined by the Department Head. Cancellation of ABL time by the Department Head under these circumstances shall not be subject to review by any administrative or judicial body, or the grievance process.
- (d) Indemnification. The association shall indemnify the City, its officials and employees, and hold them harmless against any and all claims, demands, suits, or other forms of liability that may arise out of, or by reason of, any actions taken by the City for any purpose of complying with the provisions of this section.

Section 7. Negotiating Time for Negotiating Team Members. The City agrees to pay up to a maximum of five members of the Association's meet and confer team their regular pay for attendance at meet and confer meetings between the City and the Association. If subcommittees are jointly assigned to work on specific matters, Association members of the subcommittee shall receive their regular pay during joint subcommittee meetings. Association team member time spent preparing for meetings, or attending internal Association meetings, will not be paid by the City. Police administration may adjust Association representatives' schedules in order to minimize overtime expense.

ARTICLE 2

Creation of Additional Deputy Chief Position

Section 1. Intent. In adopting this article, the Parties agree to the creation of a single additional Deputy Chief position in addition to the two (2) Deputy Chief positions authorized by Section 143.014(c) Texas Local Government Code. The Parties believe this additional position is necessary to align the Departmental command structure with the organization of the Department into three (3) bureaus (Patrol, Investigations, and Administration) and to efficiently address the continued growth of the Department and the community.

Section 2. Minimum Standards. In addition to the minimum standards required by Sections 143.013(b) and 143.014(d) Texas Local Government Code, the person appointed to the additional Deputy Chief position must have:

1. obtained a minimum educational level of a Bachelor's degree within two (2) calendar years from the date the Meet and Confer Agreement is approved by the Parties.
2. successfully completed a major law enforcement management school, e.g., the FBI National Academy, Southern Police Institute, or be able to complete this requirement within the first eighteen (18) months of promotion to the position;
3. served in the rank of Sergeant or above, and have demonstrated effective supervision, leadership and management of the personnel under their control;
4. obtained the level of Master Peace Officer Certification by the Texas Commission on Law Enforcement (TCOLE) or its successor.

The Parties agree that these minimum standards shall apply to the subsequent appointment of any person to a Deputy Chief position.

Section 3. Procedure. Upon a vacancy in any Deputy Chief position, the position will be posted for a period of ten (10) calendar days during which eligible candidates may submit documentation of their qualifications, e.g., resumes, transcripts, certifications, for review by the Department Head. The Parties agree that the final appointment will be made solely at the Department Head's discretion and that this procedure is not intended to, and does not, provide a basis for appeal of the appointment.

Section 4. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 3

Military Leave Time Account

Section 1. City to Maintain Account.

- (a) The City of Temple shall maintain a military leave time account for the police department. The account shall benefit a police officer who:
 - (1) is a member of the Texas National Guard or the armed forces reserves of the United States;
 - (2) was called to active federal military duty while serving as a police officer for the City; and
 - (3) has served on active duty for a period of 3 continuous months or longer.
- (b) A police officer may donate any amount of accumulated vacation, holiday, sick, or compensatory leave time to the military leave time account to help provide salary continuation for police officers who qualify as eligible beneficiaries of the account under this Article.
- (c) A police officer who wishes to donate time to an account under this section must authorize the donation in writing on a form provided by the police department and approved by the City.
- (d) The City shall equally distribute the leave time donated to the military leave time account among all police officers who are eligible beneficiaries of that account. The City shall credit and debit the applicable military leave time account on an hourly basis, regardless of the cash value of the time donated or used.
- (e) A police officer who wishes to use military leave from the military leave time account shall submit the request in writing.
- (f) In December of each year, the City shall provide a report to the Association that includes the current balance of the military leave time account and the amount of leave used by each police officer from the account during the previous year.

Section 2. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 4

Compensation Study

Article 4 - COMPENSATION STUDY

Section 1. Intent. The Parties agree to continue to work diligently together to establish a compensation study to be conducted in fiscal year 2021 for implementation in fiscal year 2022 that will include a full study of the City of Temple's Civil Service Pay Plan structure including, but not limited to, an evaluation of the step system and compression between steps.

The Parties agree to meet not later than January 15, 2021, to discuss the progress of the study and begin the process of negotiating a successor agreement.

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ARTICLE 5

Overtime Compensation

Section 1. Intent. In adopting this Article, the Parties agree to the creation of a uniform Departmental policy governing overtime compensation, consistent with Section 142.0015 Texas Local Government Code, the Fair Labor Standards Act (FLSA), and City policy.

Section 2. General Guidelines.

- a. The allocation of budgeted overtime funds is solely within the discretion of the Department Head.
- b. Nothing in this Agreement is intended to, and this Agreement does not, limit the Department Head's discretion to assign employees as necessary to achieve Departmental objectives.

Section 3. Overtime Exception. The Parties understand and agree that the overtime exemption provided for by the FLSA known as the 7(k) exemption is hereby adopted by the City and shall be used to determine an applicable work period for purposes of overtime under the FLSA for certain work groups. The City reserves the right to make an initial determination regarding whether an overtime exemption applies, based on its own evaluation, or based on a request for an evaluation from the Department of Labor (DOL).

Section 4. Amendment of Work Period. The City reserves any and all rights to alter or amend the work period, if to do so serves the legitimate governmental and management interests of the City. The Parties agree that the maximum work period that will be utilized by the City is a fourteen (14) day period. The maximum number of hours that will be worked without overtime pay within a 14-day work period will be eighty (80).

Section 5. Scheduled Overtime Assignments.

- a. All scheduled overtime assignments subject to contractual agreements with third parties will be compensated at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period.
- b. Other overtime assignments for which compensation will be at a guaranteed rate of time and a half, without regard to the number of hours worked by an officer during that pay period, shall be identified and posted as such in advance.
- c. All scheduled overtime assignments for City events will be paid at time and half, unless an officer has worked less than 80 hours during the relevant pay period. In the event that an officer scheduled to work a City event has not worked 80 hours due to taking sick or vacation leave during that pay period, the officer will be compensated at his regular hourly rate for the City event. The officer shall have the option to elect whether to apply straight "additional regular" time in lieu of the leave taken, or to

receive additional compensation for working the City event, but in no case shall the officer be compensated at the rate of time and a half.

- d. Supervisors shall not require officers who are scheduled to work a City event to take flex days prior to the City event in order to avoid paying the officers overtime for working the City assignment.

Section 6. Unscheduled Overtime.

a. Definitions

1. Call-Outs – time the Department requires an officer to return to duty status, on an unscheduled basis, fifteen (15) minutes or more after the officer's shift ends to work outside of the officer's regularly scheduled work hours.
2. Extension of Duty – time the Department requires an officer to remain on duty, or to return to duty on an unscheduled basis less than fifteen (15) minutes after the end of their prior regular shift, or during their unpaid lunch hour.
3. Prior to Duty – time the Department requires an officer to report to duty, on an unscheduled basis, less than one (1) hour prior to the officer's regular shift.

- b. Non-exempt officers who respond to a Call-Out shall be entitled to a minimum of two (2) hours of guaranteed overtime compensation (OT), regardless of actual time worked. Time worked in this circumstance shall begin when the notification is received and continue until the officer is cleared from the call.
- c. Non-exempt officers who work Extensions of Duty are entitled to additional regular compensation (AR) for the actual time worked, unless total time worked exceeds eighty (80) hours for that work period. If the officer's total time worked for the relevant work period exceeds eighty (80) hours, the Extension of Duty will be compensated at overtime rates. Time worked in this circumstance shall begin at the end of the immediate prior regular shift, or, if the officer's unpaid lunch is interrupted, when the officer is notified to return to duty, and continue until the officer is cleared from the call.
- d. Non-exempt officers who work Prior to Duty shall be entitled to guaranteed overtime compensation (OT) for a minimum of one (1) hour. Time worked in this circumstance shall begin when the notification is received and continue until the beginning of the officer's regular shift.
- e. If an officer is required to work unscheduled overtime, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time, or

paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.

- f. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.

Section 7. Court Appearances. An officer who makes a required court-related appearance prior to, or after his/her regularly scheduled shift, is guaranteed a minimum of 2 hours of overtime compensation, regardless of the actual time spent in court. Time worked, in this circumstance, includes scheduled report time until released by the court.

Section 8. Compensatory Time. The Parties agree to the following:

- a. Overtime assignments for which compensation will be in the form of compensatory time off in lieu of paid overtime shall be identified and posted as such in advance.
- b. Unless an overtime assignment has been posted as a compensatory time assignment, compensation for that assignment shall be paid overtime.
- c. If an officer is required to work an overtime assignment for which the form of compensation has not been identified prior to the start of the overtime assignment, the officer shall have the opportunity to elect whether (s)he will be compensated with compensatory time or paid overtime for that assignment, subject to leave balance restrictions. If the supervisor does not flex the officer's time, the overtime slip submitted by the officer will be processed as submitted. No supervisor shall amend a payment form submitted by an officer for such an assignment without the officer's prior consent.
- d. If the supervisor does flex the officer's time, the supervisor will work with the officer to schedule the flex time off, subject to the needs of the Department.
- e. This section is not intended to limit the Department Head's ability to assign officers to work overtime assignments paid with compensatory time off as necessary to meet Departmental objectives.
- f. This section is not intended to limit the Department Head's authority to implement flex time in managing the Department's budget.
- g. Subject to staffing needs, supervisors and officers will schedule compensatory time off at a mutually agreeable time.

Section 9. Administrative Challenge. Nothing in this Agreement shall prevent or preclude an individual officer or class of officers from exercising their administrative rights to challenge the

application of an exemption using applicable DOL procedures and protocols. Further, nothing in the Agreement shall prevent or preclude the City from defending its application of an exemption.

Section 10. Preemption

It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

This Article supersedes Section 142.0015(j) Texas Local Government Code and any and all other contrary state provisions to allow the adoption of the FLSA 7(k) overtime exemption and provide for an alternate work period.

The Commission shall adopt Local Rules in accordance with this Article upon approval by City Council.

ARTICLE 6

Temporary Duties in Higher Classification/Rank Structure

Section 1. Intent and Scope. The Parties acknowledge that an officer's experience, training and performance contribute significantly to his/her efficiency and ability, and the Department's ability to meet public safety needs. The Parties agree that temporarily designating an officer to perform the duties of a higher rank may be necessary to meet Departmental staffing needs and can also provide the officer a unique and valuable training opportunity as part of career development.

Section 2. Corporal Rank

- (a) Acting Sergeant – When no Sergeant or Lieutenant is available to act as a field supervisor for a shift due to absence, illness or injury, a Corporal shall be designated as “Acting Sergeant/Field Supervisor” for that shift. When no Sergeant is available to act as a field supervisor for a shift due to absence, illness or injury, and the Lieutenant determines an additional field supervisor is needed to meet staffing needs, the Lieutenant may designate a Corporal as an “Acting Sergeant/Field Supervisor” for that shift.
 - 1. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 2. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Sergeant rank for the duration of the designation.
 - 3. The officer designated as Acting Sergeant shall be paid the base salary of the Sergeant rank, plus the officer's own longevity and seniority pay, educational incentive pay and certification pay during the period of the designation.
 - 4. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.
 - 5. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating an Acting Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
 - 6. If no list is available, the designation will be made on the basis of seniority.
- (b) Mentoring Sergeant – A Lieutenant may designate a Corporal to act as Mentoring Sergeant under the supervision of a Sergeant or Lieutenant.
 - 1. The designation is specifically intended for training and mentoring purposes, as part of a comprehensive career development plan. The Mentoring Sergeant designation is not to be made for the purpose of meeting Departmental staffing needs.
 - 2. The designated Corporal will have the immediate authority of a Sergeant for the duration of the designation, however ultimate authority and responsibility for the shift remains with the available Sergeant or Lieutenant.
 - 3. The designation shall be made by a Lieutenant, Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
 - 4. The Mentoring Sergeant shall not receive higher classification pay during the designation period.

5. The designation shall be made on a rotating basis to all Corporals, from a list which will be distributed to the Unit.
6. The Department Head, or his designee, retains discretion to deviate from the order of names on the list when designating a Mentoring Sergeant. This decision is not subject to appeal and shall not be the basis for a grievance.
7. If no list is available, the designation will be made on the basis of seniority.

Section 3. Sergeant Rank

Watch Commander – When a Lieutenant will be absent or unavailable for a period of at least twenty-eight (28) consecutive days, the Department Head, or his designee, may designate a Sergeant to perform the administrative duties of a Lieutenant/Watch Commander.

- a. The designation shall be made by a Deputy Chief, or the Department Head, and be noted in writing on the Duty Roster.
- b. A person serving in this designation shall have full authority and responsibility for performing all of the duties of the Lieutenant rank for the duration of the designation.
- c. The designated Watch Commander shall be paid the base salary of the Lieutenant rank, plus the officer's own longevity and seniority pay, educational incentive pay, and certification pay during the period of the designation.
- d. The designation shall be made on a rotating basis from a list of Sergeants. If no list is available, the designation shall be made on the basis of seniority. The Department Head retains discretion to deviate from the order of names on the list when designating a Watch Commander. This decision is not subject to appeal and shall not be the basis for a grievance.
- e. The Department Head retains authority to designate a Watch Commander, pursuant to this section, for a period of less than twenty-eight (28) days, based on Departmental needs.

Section 4. Temporary Performance of Duties in a Higher Rank

In order to meet immediate Departmental staffing needs, the Department Head shall have the authority to temporarily assign an officer to perform the duties of a position in the next higher rank under the following circumstances:

- a. when that position has been funded, but not yet created or authorized by the City's governing body, or
- b. when there is a vacancy in an existing position for which no promotional list exists. An officer temporarily assigned under this subsection has no property right or interest, in law or equity, to continued employment in the temporarily assigned position, and will be demoted to the position (s)he occupied prior to the temporary assignment immediately upon determination of the officer occupying the first position on the eligibility list. This subsection does not preclude back-pay due to the person

who is ultimately promoted to fill the position from the promotional list once established.

Assignments made pursuant to this provision are temporary in nature, and specifically intended to address immediate, pressing Departmental staffing needs. Assignments made pursuant to this provision are expressly limited to such period of time as is necessary for the City to formally create the position by ordinance or complete the process of creating a promotional list for the position.

A person temporarily serving in a higher rank shall have full authority and responsibility for performing all of the duties of the assigned rank for the duration of the assignment.

Under no circumstances is this provision intended to, and it does not, circumvent the express intent of Chapter 143 of the Texas Local Government Code, which specifies that promotions are to be made solely through the promotional testing process.

An officer temporarily assigned to a position in the next higher rank under this provision shall be paid the base salary of the rank to which (s)he has been temporarily assigned, and the officer's own longevity or seniority pay, educational incentive pay and certification pay for the period of the temporary assignment.

Under no circumstances is this provision intended to, and it does not, authorize the Department Head to, directly or indirectly, create a position that has not been funded by the City's governing body.

Section 5. Preemption. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 6. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 7

Promotional Process

Section 1. Intent. The Parties agree that it is the goal of the Department to maintain high professional standards through an objective, fair and competitive promotional process. Further, continuing education is encouraged and recognized as a way to improve professionalism for both officers and the Department. For this reason, the Parties agree to incentivize educational and certification achievement by awarding additional promotional points to eligible officers.

Section 2. Eligibility for Police Department Promotional Examination

- (a) A police officer must meet the requirements set forth in Chapter 143.028 and 143.031 of the Texas Local Government Code to be eligible to take a promotional examination. Each promotional examination is open to each officer who, for at least two (2) years immediately before the date the promotional examination is held, has continuously held a position in the Temple Police Department in the classification that is immediately below, in salary, the classification for which the examination is to be held, or other positions as specified by the Commission.
- (b) To be eligible to take a promotional examination, probationary officers, including officers hired under the Lateral Entry Program established in Article 8 of this Agreement, must successfully complete the applicable probationary period and subsequently serve two (2) continuous years in the classification immediately below the classification for which the examination is to be held.

The probationary period for officers who attend the Academy extends for one (1) full year following completion of the Academy. The probationary period for all other new hires, including officers hired under the Lateral Entry Program established in Article 8 of this Agreement, extends for one (1) full year after the date of hire.

- (c) The two (2) year eligibility requirement to take the promotional examination will be determined based on time served in the appropriate classification as of the date of the written examination.

Section 3. Promotional Examination Grades

- (a) Scores on the written promotional examinations will be based upon a maximum of one hundred (100) points. Examination may consist of more than 100 questions. Scores for each promotional examination will be calculated by assigning one (1) point, or an equal portion of one (1) point for each question so that the maximum possible score on the examination is one hundred (100) points. The score will be determined entirely by the correctness of each examinee's answers to the questions. Only those examinees achieving a raw score of seventy (70) points or more on the written examination, before the addition of seniority or educational incentive points, will be determined to have passed the

examination, and qualified to be included on the eligibility list and proceed to the Assessment Center.

- (b) **Seniority Points.** Each examinee is entitled to receive one (1) point for each year of seniority as a classified officer in his department, up to a maximum of ten (10) points. Seniority points will be calculated for whole years of service only. No credit for partial years will be given. The number of seniority points an officer is entitled to receive will be established based on the officer's tenure in the Department as of 5:00 p.m. on the date of the written examination. An anniversary that occurs after 5 p.m. on the date of the written exam will not result in an additional seniority point for purposes of calculating the officer's final score on the eligibility list.

Officers hired under the Lateral Entry Program in Article 8 of this Agreement will receive credit for seniority based on their time in service in the Department as of 5:00 p.m. on the date of the written examination. Time in service in another department will not result in additional seniority points for purposes of calculating the officer's final score on the eligibility list.

- (c) **Educational Incentive Points.** Additional points on promotional exams will be added as follows:

In addition to the points a promotional candidate is entitled to receive under Chapter 143.033 Tex. Local Gov't Code for seniority, promotional candidates are also entitled to receive points for continuing education:

- Level 1 – 0.5 point for having received an Advanced Certificate issued by the Texas Commission on Law Enforcement (TCOLE);
- Level 2 – 1.0 point for having completed 60 college credit hours with a passing grade from an accredited institution of higher education, college, or university
- Level 3 – 1.5 points for having received a Master Peace Officer certificate issued by TCOLE;
- Level 4 – 2.0 points for having received an Associate's Degree from an accredited institution of higher education, college, or university, and
- Level 5 – 3.0 points for having received a Bachelor's Degree or higher from an accredited institution of higher education, college, or university.

A promotional candidate is entitled to receive the points only for the highest level attained listed above.

All educational incentive points will be awarded based on the candidate's documented eligibility to receive the points as of 5 p.m. on the date of the written exam, not the Assessment Center.

Documentation of educational incentive points that the candidate may be eligible to receive during the promotional process must be submitted to the Training Sergeant no later than 5 p.m. on the date of the written exam. Documentation of education or certification achievements submitted after 5 p.m. on the date of the written exam will not result in additional points on the examination.

Section 4. Calculation of Final Eligibility List Score. The eligibility list will be established using the following procedures to arrive at a final score:

- (a) Forty (40) percent of the raw written exam score will be added to sixty (60) percent of the assessment center score.
- (b) One point for each year of seniority as a classified officer in the Department, up to a maximum of ten (10) points, will be added to the established sum of the raw written exam and assessment center score.
- (c) Additional educational incentive points as described in Section 3 (c), above, will be added to the established sum of the raw written exam score, assessment center score, and seniority points.
- (d) Each participant will be ranked on the eligibility list based on their final total score as determined in (a) – (c) in this section. The person with the highest final score will be ranked number one, the person having the second highest final score being ranked number two, and so forth.

Section 5. Preemption. The provisions of this Article preempt all contrary local ordinances, administrative directives, legislation or rules adopted by the State or by a political subdivision, including a Civil Service Commission.

It is the specific intent of the Parties to the Agreement that any express written provision that provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 8

Lateral Entry Program

Section 1. Intent and Scope. The Parties acknowledge that the ability to attract and hire qualified candidates is beneficial to the Association, the Department and City. The Parties agree that an expedited process for hiring qualified applicants with previous law enforcement experience will support and enhance this goal.

Section 2. Eligibility Requirements. To be eligible for hiring under this Article, an applicant must:

1. have a current TCOLE license;
2. be currently employed with a law enforcement agency;
3. have an honorable standing within their current department;
4. not be under any type of investigation with their current department;
5. have three (3) or more years of work experience with a municipal, county, or state law enforcement agency in a community comparable in size and population to the City of Temple;
6. complete and pass a background investigation, and the City of Temple hiring process;
7. successfully complete a modified Field Training Program of not less than eight (8) weeks, and
8. successfully complete a twelve (12) month probationary period.

The Department Head's final determination regarding whether an applicant meets the Lateral Entry Program criteria shall be final. The decision is not subject to appeal to the Commission and shall not be the basis of a grievance under this Agreement.

Section 3. Guidelines

1. **Hiring:** An eligibility list for lateral applicants shall be maintained in addition to an entry-level eligibility list. The score to be placed on the lateral eligibility list for each lateral applicant shall be the applicant's score from the locally given Civil Service exam. That score will be used to rank applicants on the lateral eligibility list, however, the Department Head may give preference in selection to any person on the lateral eligibility list based on the applicant's years of experience and type of experience. The lateral eligibility list shall expire at the discretion of the Department Head. To fill a vacant position within the Department, the Department Head may select an applicant from the lateral eligibility list, or follow the process defined in section 143.026 of the Texas Local Government Code.
2. **Promotional Eligibility:** The Lateral Entry Program is for pay purposes only, and actual work experience in another law enforcement agency will not be considered for promotional eligibility purposes.
3. **Salary:** Upon successful completion of the Probationary classification, applicants hired under this lateral entry program will be placed in the current pay grade on the Temple Police Department compensation plan commensurate with their full-time service as a police officer.

Officers hired under this section prior to October 1, 2019, will advance within the Temple Police Department compensation chart according to their time in rank within the Department from October 1, 2019.

Applicants with prior municipal police service in a city with a population of 30,000 or more will receive one (1) credit year for each full year of police service not to exceed five (5) credit years. Applicants with prior municipal police service in a city with a population of less than 30,000 will receive one (1) credit year for each two (2) full years of prior police service, not to exceed three (3) credit years. Applicants with prior field deputy service with a county sheriff's office with a population of 175,000 or more will receive one (1) credit year for each full year of field deputy service, not to exceed five (5) credit years. Applicants with prior field service experience with any TCOLE certified organization other than a municipal police organization or a county sheriff's office will receive one (1) credit year for each two (2) full years of prior field service, not to exceed three (3) credit years.

The "credited time" will not count as time served in the Temple Police Department for any purpose(s) except determining the starting pay grade. For example, it will not count towards any benefits, assignment, promotions, longevity or retirement. Applicants who receive prior service credit will advance to the next pay grade on the same basis as any other Temple Police officer in that pay grade without respect to the applicant's actual service in the Temple Police Department.

4. Seniority: Seniority will be based on the applicant's date of hire within the Department. No credit for prior service outside the Department will be granted for seniority purposes.

Section 4. Preemption

It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

The Commission shall adopt Local Rules in accordance with this Article upon approval by City Council.

ARTICLE 9

Individual Vehicle Assignment Program (IVAP)

Section 1. Intent. In adopting this article, the Parties agree to implement an Individual Vehicle Assignment Program for the purpose of providing take-home patrol vehicles to eligible officers. The Parties recognize the benefits of reduced vehicle maintenance expense, reduced response times, crime deterrence and enhanced police presence in neighborhoods where the vehicles are located.

Section 2. Eligibility.

- (a) For an officer to be eligible for the IVAP program, the officer must:
 - 1. be employed as a Temple Police Officer;
 - 2. have successfully completed all phases of the Field Training Program, and
 - 3. have been assigned a designated vehicle.
- (b) Except as provided by Section 5, an officer participating in the IVAP program is eligible to take a vehicle home, providing the officer's residence is no more than seven (7) miles outside the Temple city limits.

Section 3. Applicable Guidelines.

- (a) Vehicles will be assigned, when available, to new officers on the basis of their civil service ranking.
- (b) In addition to the eligibility standards established in Section 2, officers assigned a vehicle shall abide by Temple Police Department General Orders, Chapter 803, "Police Vehicles," as amended.

Section 4. Fee. Except as provided by Section 5, officers who are assigned a vehicle in the IVAP program and elect to take that vehicle home shall be assessed a fee for the use of the vehicle as follows:

- 1. Officers residing within the city limits – no charge
- 2. Officers residing outside the city limits but no more than seven (7) miles outside the city limits - \$23/pay period

Section 5. Exceptions.

- (a) Any officer who resides .5 miles or less outside the City and is assigned a vehicle that the officer elects to take home at the time this Agreement is adopted is exempt from the payment of the fees described in Section 4, unless the officer moves more than .5 miles outside the city limits after the effective date of this Agreement.
- (b) Any officer who is assigned a take home vehicle because of their assignment and who resides outside the city at the time this Agreement is adopted is exempt from the distance limitations and the payment of the fees described in this Article. Officers who are assigned a take home vehicle because of their assignment after the effective date of this Agreement may be assessed the fees described in Section 4 as a condition for accepting the position. The city may impose residential distance restrictions on officers as a

condition of eligibility for assignment to future positions in which an assigned vehicle and the ability to respond in a timely manner is a requirement for the position.

(c) One (1) Criminal Investigation Division Supervisor and three (3) Criminal Investigation Division Detectives assigned by the Department Head are exempt from the distance limitations and the payment of fees described in this Article as follows:

1. If an officer in one of the above listed positions lives more than seven (7) miles from the city limits, the officer may utilize an assigned vehicle and take that vehicle home when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4 for the use of the vehicle while on-call.
2. Any officer who is assigned to one of the above listed positions and lives outside the city limits, but within seven (7) miles from the city limits and does not elect to take the vehicle home and pay the fees described in Section 4, may utilize a take-home vehicle when the officer is on-call, and the officer is exempt from the payment of the fees described in Section 4.

Section 6. Adoption and Publication of Rules. The Department shall adopt rules in accordance with this article upon approval by the City Council.

ARTICLE 10

Physical Fitness Program

Section 1. Intent. The Parties agree that it is the goal of the Department to maintain high professional standards. Establishment of a minimum physical fitness standard as a condition of employment is necessary to reduce instances of work-related illness and injury, and to ensure that officers are physically prepared to safely perform essential law enforcement duties. Supporting officers' efforts to meet and exceed the minimum fitness standard is recognized as a way to maintain officer and Departmental professionalism.

Section 2. General Guidelines As a condition of employment, all officers shall take and pass an annual physical fitness test. The Department uses the DPS Rowing Test as the physical fitness test designed to objectively evaluate the officer's physical fitness level and state of readiness to perform the duties of a police officer while minimizing the risk of injury. The Rowing Test measures an officer's maximum aerobic capacity (VO2 max), which is a direct reflection of physical fitness. Officers must achieve a VO2 max of at least 25% on a scale that is adjusted for each individual's age, weight, and gender in order to pass.

Prior to January 1, 2020, officers must take and pass the DPS 2,000-meter rowing test for the purpose of establishing a baseline passing rate for all officers.

Effective January 1, 2020, officers must take and pass one of the following rowing test options of their choice during the Department's annual physical fitness testing:

DPS Concept 2 2,000-meter Rowing Test;

DPS Concept 2 500-meter Rowing Test, or

DPS Concept 2 4-minute Rowing Test.

If an officer is on an approved leave or medical limitation during the time of the annual Rowing Test, the officer will have thirty (30) days to complete the testing, or at a time that is convenient to the Department at its sole discretion, when released back to full duty.

The officer will perform a timed rowing test, as described above, on the Concept 2 Rower under the supervision of trained members of the Temple Police Department and a paramedic or EMT. The officer's best timed performance, adjusted for his or her weight, age, and gender, will be used to evaluate the officer's physical fitness. The officer will remain onsite for medical observation for one (1) hour following completion of the rowing test.

The City of Temple will provide a Paramedic or EMT to be present during any testing or administering of the Physical Fitness Program, and to observe officers for up to one hour after completing the test. Participating officers will be allowed to recover on site for one (1) hour following the physical fitness test. No person shall require a participating officer to engage in any police activity, or leave the designated testing and recovery area, within one (1) hour following completion of the test.

Incumbent officers who fail the Rowing Test at a time when successful completion is a condition of employment shall be subject to the following:

- a. No more than three remedial tests may be taken in a given test cycle.
- b. The first remedial test must be taken within 30 days from the initial test.
- c. The second remedial test must be taken within 60 days from the first remedial test.
- d. The third remedial test must be taken within 90 days from the second remedial test.
- e. All officers in the Police Department are subject to Section 143.081 of the Local Government Code and Section 81 of the Temple Fire Fighters' and Police Officers' Civil Service Commission Rules and Regulations.

Section 3. Incentives.

- a. Officers of all ranks that are required to meet the Physical Fitness Standard are authorized, subject to prior supervisory approval, to utilize their lunch break for the purpose of working out during their regular scheduled shift, regardless of Department assignment.
- b. If there are patrol shortages or emergencies, Department leadership will work with the TPA President or his/her designee to implement a rotation-like schedule that would allow for adjustments to provide patrol officers an opportunity utilize their lunch break for the purpose of working out during their regular scheduled shift.
- c. The Department's on-site workout facility is an approved location for obtaining points to be used for any City fitness-based financial incentive program. A copy of the sign-in sheet reflecting the time and date of the officer's workout will serve as approved documentation proving eligible fitness activity using the Department's facility.
- d. Officers, when off duty, are authorized to use assigned City vehicles on the way to or from work for travel to and from physical fitness facilities located no more than 7 miles outside the city limits of Temple, as long as the purpose of travel is physical fitness. IVAP rules and policies shall be adhered to when utilizing the assigned City vehicle. Officers will not use their City vehicles on their regular days off.
- e. Nothing in this Article is intended to, and this Article does not, limit the Department Head's discretion to assign employees as necessary to achieve Departmental objectives.

Section 4. Preemption. The provisions of this Article preempt all contrary local ordinances, administrative directives, legislation or rules adopted by the State or by a political subdivision, including a Civil Service Commission.

It is the specific intent of the Parties to the Agreement that any express written provision that provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 11

Disciplinary Actions and Appeals

Section 1. Intent. In adopting this article, the Parties understand and agree that most officers will make some errors during their career involving rule violations, including those who are good, professional police officers. The Parties agree that some disciplinary suspensions are for the purpose of reinforcing the need for compliance with Departmental standards and not necessarily as punishment.

Section 2. Suspensions of Thirty-Six (36) Hours or Less.

- (a) The Parties agree that when an officer is suspended for 36 hours or less, the officer may choose one of two methods of dealing with the suspensions as set out below:
 - 1. Suspensions that may not be appealed. The officer may forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. In the event an officer has received a disciplinary suspension within the preceding 24-month period, the officer may only forfeit vacation, compensatory, or holiday time with the Department Head's permission. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal.
 - 2. Suspensions that may be appealed. The officer may appeal the suspension solely to the Civil Service Commission. If the officer chooses to appeal the suspension, the hearing will be conducted as set forth in Section 143.053 Texas Local Government Code.
- (b) Consideration of Suspensions of 36 Hours or Less. The Parties agree that disciplinary suspensions of 36 hours or less that were imposed on or after the effective date of this Agreement will no longer be considered for purposes of transfer or promotion after 24 months have passed from the date the suspension ended, without regard to whether the suspension was appealed. After the 24 months have passed, the Department Head shall notify the Civil Service Commission in writing. A copy of the notification document shall be included in the Internal Affairs Division (IAD) investigative file or the file maintained by the Director, whichever is appropriate, and the Department shall enter a notation reflecting this.
- (c) The Parties agree that the Department and the Civil Service Commission will not alter, destroy, conceal, or remove any documents related to the temporary suspension, including but not limited to the notice of temporary suspension that was filed with the Commission as required by Section 143.052(c) Texas Local Government Code, or the IAD investigative file itself. The original suspension paperwork shall still be subject to open records requests and as evidence to negate any civil liability claim.

Section 3. Suspensions of Thirty-Seven (37) to One Hundred and Twenty (120) Hours. The Parties agree that, when an officer is suspended for 37 to 120 hours, the officer may choose one of two methods for dealing with the suspension, as set out below:

1. Suspensions that may not be appealed. The Department Head may allow the officer to forfeit vacation, compensatory, or holiday time equal to the length of the suspension, to serve the suspension with no loss of paid salary and no break in service for purposes of seniority, retirement, or promotion. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as “guaranteed overtime” assignments. Approval of the use of vacation, compensatory, or holiday time will be noted in the suspension paperwork. The officer must agree that there is no right to appeal the suspension before any administrative or judicial body if this method of suspension is chosen, and the officer must sign a waiver of appeal.
2. Suspensions that may be appealed. The officer may appeal the suspension to the Civil Service Commission, or a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 4. Suspensions of One Hundred and Twenty-One (121) to Seven Hundred and Twenty (720) Hours. The Parties agree that, when an officer is suspended for 121 to 720 hours, one of the two following methods for dealing with the suspension will be used:

1. Mutually Agreed. Either the Department Head or the officer facing discipline may offer to impose or accept a suspension without pay for a period from one hundred and twenty-one (121) to seven hundred and twenty (720) hours. If the officer accepts the mutually agreed suspension, there shall be no right to appeal the suspension to any administrative or judicial body, and the officer must sign a waiver of appeal. It is also understood and agreed that, if the Department Head permits the forfeit of vacation, compensatory, or holiday time for suspension, said vacation, compensatory, or holiday time shall be considered as equal discipline to unpaid hours of suspension. In no case will sick leave be substituted for unpaid hours of suspension. The forfeited vacation, compensatory, or holiday time will not constitute hours worked. Forfeiture of vacation, compensatory, or holiday time will not preclude an officer from being paid overtime at the rate of time and a half for those overtime assignments that have been identified as “guaranteed overtime” assignments.
2. Not Agreed. If the Department Head imposes a suspension under this section, the officer may appeal to the Civil Service Commission or to a Hearing Examiner as provided in Section 143.057 Texas Local Government Code.

Section 5. Alternative Discipline by the Department Head.

- (a) In considering appropriate disciplinary action involving suspension of at least 37 hours, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may, as an alternative to demotion, or temporary or indefinite suspension, or in combination with demotion or temporary suspension, require that the officer successfully complete the recommended program. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
- (b) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer fails or refuses to enter into the program, or, after entering the program of counseling and/or rehabilitation, the officer fails or refuses to complete the program, or fails to submit to mandatory alcohol or drug testing, the officer may be indefinitely suspended for failing or refusing to complete the program, or for failing or refusing to submit to mandatory alcohol or drug testing.
- (c) The officer has the right to appeal to the Civil Service Commission or to a third party Hearing Examiner any discipline imposed under this section by filing an appeal notice in accordance with the provisions of Chapter 143.
- (d) On appeal, the Commission or Hearing Examiner shall have the same duties and powers set forth in Chapter 143 but shall not have the power to substitute a program of counseling and/or rehabilitation different from the program imposed by the Department Head, or to substitute any period of suspension for the required program of counseling and/or rehabilitation.

Section 6. Alternative Discipline by Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer the opportunity to enter into an alternative disciplinary agreement under which the officer would accept demotion or a temporary suspension of up to seven hundred and twenty (720) hours and agree to successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
- (b) The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick

leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.

- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for agreed alternative discipline, the officer may not appeal any terms of the Agreement or the disciplinary action. If the officer fails to complete the program of counseling and/or rehabilitation without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (d) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 7. Last Chance Agreement

- (a) In considering appropriate disciplinary action, the Department Head may require that an officer be evaluated by a qualified professional designated by the Department Head. If that professional recommends a program of counseling and/or rehabilitation for the officer, the Department Head may offer the officer, as an alternative to indefinite suspension, the opportunity to enter into a Last Chance Agreement.
- (b) The Agreement may include the following provisions in addition to any other provisions agreed upon by the Department Head and the officer.
 - 1. The officer shall successfully complete the program of counseling and/or rehabilitation recommended by the qualified professional designated by the Department Head.
 - 2. The program of counseling and/or rehabilitation will be completed on the officer's off-duty time, unless the Department Head approves the use of accrued vacation leave or sick leave. The officer shall be responsible for paying all costs of the program of counseling and/or rehabilitation which are not covered by the officer's health insurance plan.
 - 3. The officer shall agree to a probationary period not to exceed one (1) year, with the additional requirement that if, during the probationary period, the officer commits the same or a similar act of misconduct, the officer will be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (c) If the officer's misconduct involves alcohol or substance abuse related behavior, the Department Head may require that the officer submit to mandatory alcohol or drug testing for a specified period of time. If the officer accepts the opportunity for a Last Chance Agreement, the officer may not appeal any terms of the Agreement. Successful

completion of a counseling and/or rehabilitation program will be specifically defined in the Agreement.

- (d) If the officer fails to successfully complete the agreed upon program, without good cause, the officer may be indefinitely suspended without right of appeal regarding the Agreement or the disciplinary action before any administrative or judicial body.
- (e) In considering whether the officer had good cause for failing to complete the program, the Department Head will consider whether the officer was prevented from completing the program by circumstances not reasonably within his/her control, e.g. serious illness or death in the family, unavailability of the professional.

Section 8. Officer's Request for Professional Evaluation

- (a) Prior to completion of an Internal Affairs investigation or the imposition of any discipline, the officer may independently request an opportunity to be evaluated by a qualified physician, psychiatrist or psychologist in order to seek counseling and/or rehabilitation.
- (b) The officer's request will toll the 180-day deadline for imposing discipline under Section 143.052(h) Texas Local Government Code for the duration of time required for the officer to be evaluated and complete any program of counseling and/or rehabilitation.
- (c) The officer shall be responsible for paying all costs of the program of the evaluation and counseling and/or rehabilitation which are not covered by the officer's health insurance plan. The evaluation and the program of counseling and/or rehabilitation will be completed on the officer's accrued vacation and/or sick and/or compensatory leave time.
- (d) If the officer has insufficient accrued vacation and/or sick and/or compensatory leave time to successfully complete the evaluation and any program of counseling and/or rehabilitation, the officer shall complete the evaluation and/or the program while on unpaid leave.
- (e) The Department Head may consider any counseling and/or rehabilitation voluntarily undertaken by an officer under this section before imposing any discipline.

Section 9. Due Process – Loudermill Hearings

- (a) The Parties acknowledge the importance of protecting the due process rights of an officer facing any level of formal discipline. The essential components of due process include the officer's right to have adequate notice of the allegations against him/her, the factual basis for the allegations, and an opportunity to be heard by the Department Head prior to the imposition of discipline. This process is also important to the Department Head in determining the nature of the alleged violations, the unique circumstances of the individual officer, the appropriate level of discipline, and the fairness and consistency of disciplinary actions throughout the Department.

(b) Following completion of an Internal Affairs investigation, the Department Head shall conduct the following meetings:

1. Initial Meeting – Delivery of Notice of Proposed Discipline: After review of the Internal Affairs investigation and related documents, the Department Head shall draft a Notice of Proposed Discipline. This document shall contain the text of any Civil Service rules, Departmental General Orders, City personnel policies, City ordinances, City Charter provisions, state or federal laws the officer is alleged to have violated, along with a detailed description of how the officer's conduct violated said policies, rules or laws. Any documents or recordings that form the basis for the allegations shall be attached to the Notice as exhibits. The Notice will also state the level of discipline the Department Head is proposing to impose. The Notice of Proposed Discipline is not a public document, is not subject to an open records request and is confidential by law pursuant to section 143.089(g) of the Texas Local Government Code. At the initial hearing, the Notice will be delivered to the officer. The officer's counsel may attend this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without assistance of counsel, the Department Head will read the full text of the Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice of Proposed Discipline and have an opportunity to ask any questions. The Department Head will then schedule a date and time for the second meeting. The date of the second meeting will be on the 5th business day following the first meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the second meeting must be held no later than the 8th business day after the first meeting.
2. Second Meeting – The Officer's Response: After a period of time during which the officer may review the allegations against him/her and the evidence in support of the allegations, the officer will have an opportunity to present his/her side of the case to the Department Head. The officer may present mitigating evidence, in any form, that he/she believes to be relevant and/or helpful to Department Head in coming to a fair and consistent disciplinary decision. The evidence presented by the officer, to the extent it has not already been publicly released or is considered 'super-public' pursuant to Chapter 552 of the Texas Government Code, is not public information, not subject to an open records request and is confidential by law pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may be present at this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. After the officer has completed his/her presentation, the Department Head will schedule a date and time for the final meeting. The date of the final meeting will be on the 5th

business day following the second meeting. If any necessary party is not available to meet on the 5th business day, the meeting will be scheduled for the next business day when all necessary parties are available, provided that the final meeting must be held no later than the 8th business day after the second meeting.

3. Final Meeting – Disciplinary Decision: After review of the evidence presented by the officer, the Department Head shall carefully consider the allegations and the officer's evidence. The purpose of the final meeting is to deliver the Department Head's decision regarding the appropriate level of discipline to be imposed. If formal discipline in the form of a demotion, suspension or an indefinite suspension is to be imposed, the Department Head shall draft a Notice and Order of Demotion, Suspension or Indefinite Suspension, as appropriate, for delivery to the officer at this meeting. This document, including any supporting exhibits, is a public document and is subject to an open records request. Any remedial measure other than a demotion, suspension, or indefinite suspension imposed by the Department Head is confidential by law, pursuant to section 143.089 of the Texas Local Government Code. The officer's counsel may attend this meeting. The Internal Affairs investigator, the officer's supervisor and the Department's legal advisor will also be present. The meeting will be recorded by the Department Head. The officer or his counsel may also record the meeting. If the officer appears without assistance of counsel, and formal discipline is to be imposed, the Department Head will read the full text of the final Notice aloud at the meeting. If the officer appears with counsel, the Notice will not be read aloud, but will be delivered to the officer's counsel. After the Notice has been read, or delivered to the officer's counsel, the officer will sign acknowledging receipt of the Notice and Order. The officer will leave with a signed copy of the Notice and Order.

Section 10. Texas Local Government Code, Section 143.057– Hearing Examiner Retained for Suspensions in Excess of Thirty-Six (36) Hours.

- (a) The City recognizes that during the term of this Agreement, officers have the right to an appeal of an indefinite suspension before a Hearing Examiner as provided in section 143.057 of the Texas Local Government Code. During the term of this Agreement, the Parties specifically agree to retain this right of appeal, as modified herein, notwithstanding any change to section 143.057 which may occur as a result of court or legislative action.
- (b) It is the express intention of this provision that an officer may not appeal to a Hearing Examiner pursuant to section 143.057, Texas Local Government Code unless the suspension exceeds thirty-six (36) hours, or is an indefinite suspension, or a demotion.

Section 11. Procedures for Hearings Before Commission and Hearing Examiners

- (a) It is expressly agreed that Commission hearings and hearings before Hearing Examiners under section 143.057 are informal administrative hearings and are not subject to

discovery or evidentiary processes. Specifically, it is understood that neither the Texas Rules of Evidence (TRE) nor the Texas Rules of Court (TRC) apply to such hearings.

- (b) The burden of proof shall be by a preponderance of the evidence.
- (c) If the Department calls a witness to testify during a hearing and that witness has given a statement to Internal Affairs regarding the pending case, then the Department will supply a copy of that statement to the officer's counsel at the time the witness is called to testify.

Section 12. Appeal Procedures Before Hearing Examiners

- (a) The Parties recognize and agree that protracted, unnecessary delay of disciplinary appeals to third-party Hearing Examiners dilutes the primary instructive function of the underlying discipline.
- (b) The Parties agree that the following procedures are intended to promote the efficient and effective conclusion of such appeals.
 - 1. The Parties agree to select a third-party Hearing Examiner:
 - a. by agreement, no later than ten (10) business days from the date the officer's notice of appeal is filed with the Director of the Civil Service Commission, or
 - b. from a list of seven (7) Hearing Examiners provided by the American Arbitration Association. The Director will request the list within ten (10) business days of receipt of the officer's notice of appeal. The Director will send the list by email to the officer's counsel and counsel for the City within ten (10) business days of receipt. The selection process will be completed no later than ten (10) business days from the date the list is received by counsel, using a process of alternately striking names from the list, with the officer's counsel making the initial strike.
 - 2. Failure by the officer's counsel to comply with the requirements of subsection (a)(1) or (a)(2) of this Section 12 shall be deemed a withdrawal of officer's appeal.
 - 3. The Department shall furnish the charge letter to the Hearing Examiner by delivering a copy far enough in advance so that the Hearing Examiner receives the copy at least five (5) business days prior to the start of the hearing.
 - 4. The officer may furnish a position statement to the Hearing Examiner by delivering copies to the Hearing Examiner and the Department far enough in advance so that the Hearing Examiner and the Department receive the copies at least five (5) business days prior to the start of the hearing.

5. At the close of the presentation of evidence to the Hearing Examiner, the Hearing Examiner shall render a decision within thirty (30) business days.
6. Post-hearing briefs shall only be allowed by mutual agreement of the Parties, and shall be sent simultaneously to both the Hearing Examiner and the opposing side using the same mutually agreed method.
7. Expenses - It is agreed that the City and the officer disciplined under this Article shall equally share the expenses associated with a third-party Hearing Examiner. The cost of an expert witness or any other witness not employed by the City is to be paid by the Party that subpoenas that witness. In the event a Party desires a court reporter, that Party shall bear 100% of that cost. In the event the officer is not a member of the Association, and therefore financially responsible for his/her share of any fees, the officer shall deposit with the Director of the Civil Service Commission his/her share of the fees three (3) days prior to the Hearing Examiner's deadline to cancel. Failure to deposit the funds shall result in the appeal being dropped.

In the event the fees for a hearing exceed the deposited amount, the non-Association member shall pay the remaining amount due within thirty (30) days of receipt of the bill, or authorize the City to deduct the amount due from his/her next four (4) paychecks.

Section 13. Jurisdiction of Hearing Authority to Modify Discipline

- (a) In addition to the authority provided by section 143.053 Texas Local Government Code, the Parties agree that the Civil Service Commission, or a Hearing Examiner appointed pursuant to section 143.057 Texas Local Government Code and the provisions of this Agreement, shall have the authority to impose a disciplinary suspension of any length of time, including suspensions in excess of fifteen (15) days, and time already served between the imposition of discipline and the appeal decision.
- (b) It is the specific intent of the Parties to override the judicial limitation imposed on the authority of the Commission or Hearing Examiner by the case styled *City of Waco v. Kelley*, 309 S.W.3d 536 (Tex.2010), which restricts the jurisdiction of the hearing authority to imposing only indefinite suspensions, temporary suspensions of fifteen (15) calendar days or less, or restoring the officer's former position.
- (c) It is not the intent of the Parties to modify any right or privilege of further appeal or appellate review that is otherwise authorized by law to review the decision of the Commission or Hearing Examiner.

Section 14. Preemption. The provisions of this Article preempt all contrary local ordinances, administrative directives, legislation or rules adopted by the State or by a political subdivision, including a Civil Service Commission. It is the specific intent of the Parties to the Agreement that any express written provision that specifically provides for a procedure, standard, or practice other than what is provided for in Subchapter D, Chapter 143 of the Texas Local Government

Code is intended to override the applicable statutory provision as allowed by Subchapter C, Chapter 142 of the Texas Local Government Code.

Section 15. Adoption and Publication of Rules. The Commission shall adopt Local Rules in accordance with this article upon approval by the City Council.

ARTICLE 12

Grievance Procedure

Section 1. Intent and Scope of Procedure. The Parties acknowledge that from time to time, disagreements between the Parties may arise as to the application or interpretation of this Agreement. The Parties therefore agree that the purpose of this dispute resolution procedure is to provide a just and equitable method for resolving disagreements between the Parties regarding the application or interpretation of the provisions of this Agreement. Only matters involving the interpretation, application, or alleged violations of a specified provision of this Meet and Confer Agreement shall be subject to this dispute resolution procedure. Any matter for which the right of appeal or review is afforded by Chapter 143 of the Texas Local Government Code are excluded from the scope of this Article.

Section 2. Application of Procedure

- (a) If the Association has a dispute with the City regarding this Agreement, the Association Executive Board, or the Association President's designee, should reduce the dispute to writing and deliver it to the City's designated representative, who shall be its Department Head or his designee.
- (b) A police officer may not file a request for contract dispute resolution directly with the City. All resolution requests must be approved and come from the Association Executive Board.
- (c) Each dispute shall be submitted in writing, and must include, at a minimum, the following information:
 - 1. a brief statement of the dispute, and the facts or events on which it is based;
 - 2. the section(s) of the Agreement alleged to have been violated;
 - 3. the remedy or adjustment sought, and
 - 4. the bargaining unit member's signature or, if filed by the Association Executive Board, the signature of the Association President or his designee.
- (d) Any claim or dispute by a police officer or group of police officers under this Agreement which includes a claim for pay or benefits for any past pay periods, must be filed by the employee with the Association Executive Board within fifteen (15) business days of the date when the officer(s) knew or reasonably should have known of the claim. Disputes by the Association Executive Board or police officer shall proceed as follows:

Step 1. An aggrieved police officer must initiate a dispute with the Association Executive Board within fifteen (15) business days of the date upon which the police officer knew of or reasonably should have known of the facts giving rise to the dispute. A copy of the notice or receipt of the dispute shall be forwarded to the Department Head by the Association Executive Board within three (3) business days of the receipt of the dispute. The Association Executive Board shall within their sole discretion determine if a dispute exists within fifteen (15) business days of receipt of the dispute.

If the Association determines that no dispute exists, the grievance will be deemed denied, and the Association shall notify the Department Head in writing that no further proceedings will be necessary. If the Association Executive Board determines that the dispute is valid, the Association will notify the Department Head of such, and forward a copy of the grievance to the Department Head within fifteen (15) business days after their determination.

Step 2. Any grievance found to be valid by the Association Executive Board shall be submitted to the Department Head within fifteen (15) business days of the Step 1 decision. After receipt of the dispute, the Department Head shall, within fifteen (15) business days, submit his/her response in writing to the Association Executive Board. If there is no timely reply from the Department Head, the grievance is deemed denied and will proceed to Step 3.

Step 3. If the dispute is not resolved in Step 2, the Association Executive Board shall advance the dispute in writing to the City Manager or his/her designee within fifteen (15) days from receipt of the Step 2 decision by the Department Head. The City Manager or designated representative shall review the matter and render a decision in writing to the Association Executive Board and the Department Head within fifteen (15) business days of the receipt of the dispute in Step 3. The City Manager or designee may, at his/her discretion, conduct a conference to further explore the merits of the dispute and to explore resolution options.

Step 4. If the dispute is not resolved in Step 3, either Party shall have the right to seek mediation of the dispute by requesting the same in writing within fifteen (15) business days from the City Manager's response. The mediation will proceed before either a mediator with the Federal Mediation and Conciliation Service, or before a mutually agreed mediator. The mediation shall be held in available City of Temple facilities.

Step 5. If the dispute is not resolved at Step 4, the Association Executive Board shall have fifteen (15) business days from the date mediation concludes to determine whether it will pursue the dispute under this Article through arbitration. Under this step, the Association Executive Board must deliver a letter indicating its election to proceed to arbitration to the Department Head and the City Manager within three (3) business days of that election.

Section 3. Arbitration Option.

- (a) The Parties have agreed that all disputes under this Agreement, which concern the application and interpretation of this Agreement, shall be submitted to final and binding arbitration, and the Parties exclude from this Agreement disputes involving statutory application and interpretation for rights and claims not arising under sections 142 or 143 of the Texas Local Government Code.
- (b) The terms of the Agreement, and any factual issues which are determinative in applying the Agreement, shall be the sole province of the designated arbitrator, and his or her decision shall be final. However, the City will only agree to arbitration on the condition that legal issues which are determinative in any contract dispute are subject to judicial review. This represents an agreement by the Parties to submit disputes to arbitration

within its scope, and otherwise preserves the existing jurisdiction of Texas Courts over any contract rights and claims not exclusively committed to arbitration.

- (c) The Parties have agreed that questions of law, which involve either the interpretation and application of state statutes or the application of legal principles from Texas appellate court opinions (or the failure to properly apply such legal principles or opinions) to controversies under this article shall be submitted initially to arbitration, but that either Party shall have a limited right of appeal from an arbitration award in the Courts, solely for the purpose of reviewing disputed issues of law. No such appeal from arbitration shall include review of any factual determinations by the arbitrator, including credibility of witnesses or weight of the evidence. If an appeal from arbitration based on erroneous application of the law is not successful, the appealing Party shall bear all costs of such appeal.
- (d) If a dispute is submitted to arbitration, within seven (7) business days, the Department Head and/or the City and the Association may mutually agree on the selection of an arbitrator or, if unable to agree, within thirty (30) days shall select an arbitrator by alternately striking names from the Parties' pre-determined panel of six (6) qualified neutral arbitrators. The process will be as follows: the Association shall strike the first name under this article with the first dispute brought under this Article. Thereafter, the first strike shall alternate between the Parties. Should any panel member subsequently refuse or be unable to continue to serve on the panel, the Parties may mutually agree to his replacement. The remaining members of the panel will continue to serve for the duration of the Agreement. The arbitration should be held at the earliest available date, but may be continued for good cause shown, or upon mutual agreement.
- (e) Upon written request delivered at least fourteen (14) calendar days prior to the date of the hearing, a Party to the proceeding shall provide, no later than seven (7) days prior to the hearing, to the opposing Party the names and addresses of witnesses expected to be called at the hearing. In the absence of good or excusable cause, the arbitrator may exclude the testimony of a witness upon the failure of a party to disclose such a witness. The Parties, in writing, may request discovery from each other concerning the grievance. Should the opposing Party not agree to provide the requested information within seven (7) calendar days of the request, the request shall be deemed denied. The requesting Party may then apply to the arbitrator, who shall order such discovery consistent with, but not bound by, the rules of discovery in Texas civil cases. In considering the application, the arbitrator shall consider the burden and expense of producing the information, the need of the requesting Party, the amount of time available prior to the hearing, and such other matter as he may deem material. In no event shall discovery be requested within thirty-five (35) calendar days prior to the hearing, unless agreed to by the Parties.
- (f) The hearing shall be held in available facilities of the City of Temple and shall be conducted informally, without strict evidentiary or procedural rules. The conduct of the hearing shall be governed by the standard rules of the American Arbitration Association. The arbitrator shall consider and decide only the issue(s) in the dispute statement or submitted in writing by agreement of the Parties. The hearing shall be concluded as

expeditiously as possible and the arbitrator's written decision shall be based on a preponderance of the evidence within thirty (30) days after close of the hearing, or after receipt of post-hearing briefs, if applicable.

Section 4. Decision Final and Binding.

- (a) If arbitration is selected, the Parties specifically agree that the arbitrator's authority shall be strictly limited to interpreting and applying the explicit provisions of this Agreement. The arbitrator shall not have authority to modify the Agreement or create additional provisions not included in the Agreement.
- (b) The Parties agree that neither the City nor the Association shall have *ex parte* communications with the arbitrator concerning any matter involved in the dispute submitted to the arbitrator. Each Party shall be responsible for its own expenses in preparing for and representing itself at arbitration, but the fees and expenses of the arbitrator shall be borne equally by the Parties.
- (c) The written decision of the arbitrator shall be final and binding on both Parties and may not be appealed by either Party, except for any decision procured by fraud or collusion, or which exceeds the arbitrator's jurisdiction, or which is based on legal conclusions or interpretations which are clearly contrary to existing law.

Section 5. Mutual Extension. All deadlines within this article may be extended by mutual agreement of the Parties.

Section 6. Grievances of Non-Association Members. Grievances of Non-Association members must follow the same procedure outlined by this article. A Non-Association member is entitled to be represented by counsel at the hearing at his or her own expense. However, should the grievance of a Non-Association member require that Association resources be used, the Non-Association member will be required to pay all expenses incurred while pursuing final disposition of their grievance. These shall include costs for payment of Arbitrator fees, counsel fees, and any other fees directly related to the grievance. All disciplinary appeals shall follow the procedures as outlined in chapter 143 of the Local Government Code, or those procedures set out elsewhere in this Agreement.

Section 7. Association Compliance with Agreement. If the Association fails to comply with and adhere to its respective obligations under this Agreement, the City shall notify, in writing, the Association of the alleged failure. No breach of the Agreement may be found to have occurred if the alleged failure by the Association is remedied within thirty (30) business days of the receipt of such notice. If the Association does not remedy the alleged failure within thirty (30) days of the receipt of such notice, the City may (i) terminate this Agreement by the delivery of written notice to the Association; (ii) enforce specific performance of the Agreement; and/or (iii) pursue any remedies available to it at law or in equity.

ARTICLE 13
SAVINGS CLAUSE

Should any provision of this Agreement be found to be inoperative, void or invalid by a court of competent jurisdiction, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement, it being the intention of the Parties that no portion of this Agreement or provision herein shall become inoperative or fail by reason of the invalidity of any other portion or provision.

ARTICLE 14
DURATION OF AGREEMENT

This Agreement shall become effective after ratification by the affected employees pursuant to a vote conducted by the Temple Police Association, and upon approval by the City Council after compliance with any procedural or publication requirements imposed by law. It shall continue in effect until September 30, 2021; provided however, the Agreement may be extended by mutual consent of the Parties.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED TO HAVE THIS AGREEMENT TO BE SIGNED BY THEIR DULY AUTHORIZED REPRESENTATIVES ON THIS ____ DAY OF _____, 2019.

THE CITY OF TEMPLE

TEMPLE POLICE ASSOCIATION

Brynn Myers, City Manager
Temple City Manager

Larry Wilkey, President,
Temple Police Association

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

RESOLUTION NO. 2019-9822-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A MEET AND CONFER AGREEMENT WITH THE TEMPLE POLICE ASSOCIATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the “meet & confer” process is governed by Chapter 142 of the Local Government Code - Chapter 142 allows a “police officers association” to file a petition with the City requesting that the City recognize the association as the sole and exclusive bargaining agent for all officers and adopt the meet & confer process;

Whereas, the meet and confer process allows the City to meet & confer with a police officers association over wages, salaries, rates of pay, hours of work, or other terms and conditions of employment and must occur in a meeting open to the public;

Whereas, the City and a police officers association are not required to reach agreement on any particular topic, and an agreement on any issue must be in writing and ratified by the Council and a majority of the police officers;

Whereas, a written meet & confer agreement preempts all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules and allows variation of civil service rules regarding hiring requirements, pay, benefits, promotion standards, and the disciplinary process;

Whereas, in compliance with the terms of the fiscal year 2019 Meet and Confer Agreement, City Administration and Temple Police Association (“TPA”) began meeting in December, 2018 to adopt the ground rules and discuss any issues with the current agreement;

Whereas, the fiscal year 2020 agreement includes articles covering 12 issues listed below:

- 1) Association Business
- 2) Additional Deputy Chief Position
- 3) Military Leave Time Account
- 4) Compensation
- 5) Overtime
- 6) Higher Classification Pay / Rank Structure
- 7) Education Incentives for Promotion
- 8) Lateral Entry Program
- 9) Individual Vehicle Assignment Program (IVAP)
- 10) Physical Fitness Program
- 11) Disciplinary Actions and Appeals
- 12) Grievance Procedure

Whereas, in March 2019, the Agreement was ratified to extend the current agreement six months from March 31, 2019 to September 30, 2019, to allow time for City administration and TPA to work together to complete the compensation study - in the current agreement, both Parties agreed to diligently work together to develop the criteria for a professionally prepared compensation study to be conducted in fiscal year 2019 that will include a full study of the City of Temple's Civil Service Pay Plan structure including, but not limited to, an evaluation of the step system and compression between steps;

Whereas, the draft agreement proposes the following:

- Substantive changes to 3 issues (Article 5 – Overtime Compensation; Article 7 – Promotional Process; and Article 8 – Lateral Entry Program),
- Non-substantive changes to 2 issues (Article 4 – Compensation and Article 14 – Duration of Agreement), and
- Addition of a new issue (Physical Fitness Program);

Whereas, a Meet and Confer Agreement is enforceable and binding if the governing body of the municipality ratifies the agreement by a majority vote and the recognized police officer's association ratifies the agreement by conducting a secret ballot election at which the majority of the police officers who would be covered by the agreement favored ratifying the agreement;

Whereas, a ratification election was held from September 4, 2019 to September 9, 2019 and the results of the meet and confer agreement extension election are as follows:

108 – For
22 – Against
19 – Did not vote (results in an against vote)

Whereas, this Meet and Confer Agreement will become effective immediately and continue in effect until September 30, 2021;

Whereas, all costs associated with this agreement are budgeted for in the associated accounts in the fiscal year 2020 budget; and

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

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

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

Part 2: The City Council ratifies a Meet and Confer Agreement with the Temple Police Association, as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Justin Brantley, Solid Waste Director
Kirk Scopac, Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the repair of a solid waste brush truck by Texas Pack + Load of San Antonio in the estimated amount of \$81,383.86.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: Asset #14614, a 2018 Freightliner brush/bulk truck with a Peterson TL-3 body, was involved in an accident in January of 2019. Authorization of this repair will enable the repair of this truck so it can be placed back into service.

Due to the complexity of this equipment and the depth of repair needed, a local body shop or truck repair center cannot make this repair. More importantly, Petersen Industries, the original manufacturer of the body, has designated Texas Pack + Load as the only provider of Petersen Industry parts and service in Texas.

With the authorization of this repair by Texas Pack + Load, it is anticipated that the brush/bulk truck will be back in service in November 2019.

FISCAL IMPACT: In April 2019, the City received insurance proceeds to cover the repair cost of the brush truck. Funding for these repairs is appropriated in account 110-2320-540-2516.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9823-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE REPAIR OF A SOLID WASTE BRUSH TRUCK BY TEXAS PACK + LOAD, OF SAN ANTONIO, TEXAS IN THE ESTIMATED AMOUNT OF \$81,383.86; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Asset No. 14614 a 2018 Freightliner brush/bulk truck with a Peterson TL-3 body, was involved in an accident in January of 2019 and the repair of this truck will enable it to be placed back into service - due to the complexity of this equipment and the depth of repair needed a local body shop or truck repair center cannot make this repair;

Whereas, Petersen Industries, the original manufacturer of the body, has designated Texas Pack + Load as the only provider of Petersen Industry parts and service in Texas;

Whereas, Staff recommends Council approve the repair of a solid waste brush truck through Texas Pack + Load in the amount of \$81,383.86 - it is anticipated that the brush/bulk truck will be back in service in November 2019;

Whereas, in April 2019, the City received insurance proceeds to cover the repair cost of the brush truck and funding is appropriated in Account No. 110-2320-540-2516; 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 repair of a solid waste truck by Texas Pack + Load of San Antonio, Texas in the amount of \$81,383.86 and authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents required for this repair.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Tara Raymore, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution authorizing the funding of employee insurance policies from the following vendors for FY 2020:

1. Medical & Pharmacy Insurance Plans from Scott and White Health Plan of Temple;
2. Dental Insurance Plans from United Concordia Companies, Inc. of Harrisburg, Pennsylvania;
3. Vision Fully Insured Policy from Standard Insurance Company of Portland, Oregon;
4. Flexible Spending Account, Dependent Spending Account, Cafeteria 125 Plan, and Health Savings Account administrative services from Discovery Benefits, LLC of Fargo, North Dakota;
5. Consolidated Omnibus Budget Reconciliation Act administrative services from Discovery Benefits, LLC of Fargo, North Dakota;
6. Basic Life, Voluntary Life and Accidental Death and Dismemberment policies from Standard Insurance Company of Portland, Oregon;
7. Short-Term and Long-Term Disability insurance from Standard Insurance Company of Portland, Oregon; and
8. Accident, Critical Illness, Hospital Indemnity and Cancer insurance plans from The Guardian Life Insurance Company of America of New York, New York.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On July 11, 2019, the Employee Benefits Trust received a presentation outlining the proposals received for Medical, Pharmacy, Dental, Vision, COBRA, FSA, Dependent Spending Account, HSA, Basic Life, Voluntary Life, Accidental Death & Dismemberment, Short-Term and Long-Term Disability. The Employee Benefits Trust voted to authorize the purchase of the following insurances as recommend by staff:

- A. Medical and Pharmacy:** A one-year contract with Baylor Scott & White Health Plan for four fully insured plan options, that would be in effect from October 1, 2019 through September 30, 2020.

- B. **Dental:** A one-year contract with United Concordia Company for two fully insured plan options that would be in effect from October 1, 2019 through September 30, 2020.
- C. **Vision:** A one-year contract with Standard Insurance Company for fully-insured vision insurance that would be in effect from October 1, 2019 through September 30, 2020.
- D. **FSA, Dependent Spending Account, Cafeteria Plan, and HSA:** A one-year contract with Discovery Benefits, LLC for the administrative services that would be in effect from October 1, 2019 through September 30, 2020.
- E. **COBRA:** A one-year contract with Discovery Benefits, LLC. that would be in effect from October 1, 2019 through September 30, 2020.
- F. **Basic Life, Voluntary Life, & AD&D:** A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020.
- G. **Short-Term and Long-Term Disability:** A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020.
- H. **Accident, Critical Illness, Hospital Indemnity and Cancer Insurance:** A one-year renewal of this contract from October 1, 2019 through September 30, 2020.

FISCAL IMPACT: Funding of employee insurance policies for FY 2020 is listed below.

(NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Proposed FY 20 Budget Amounts	Insurance Type
<i>Employees:</i>	
\$ 4,525,329	Medical/Prescription
366,131	Health Savings Account
93,774	Dental
46,826	Basic Life
10,421	AD&D
110,342	Long Term Disability
<i>Retirees:</i>	
\$ 166,471	Medical/Prescription - Retirees < age 65
3,831	Dental - Retirees < age 65
\$ 5,323,125	TOTAL

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9824-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FUNDING OF EMPLOYEE INSURANCE POLICIES FROM VARIOUS VENDORS FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 11, 2019, the Employee Benefits Trust received a presentation outlining the proposals received for Medical, Pharmacy, Dental, Vision, Consolidated Omnibus Budget Reconciliation Act (COBRA), Flexible Spending Account (FSA), Dependent Spending Account, Health Savings Account (HSA), Basic Life, Voluntary Life, Accidental Death & Dismemberment (AD&D), Short-Term and Long-Term Disability - the Employee Benefits Trust voted to authorize the purchase of the following insurances as recommend by Staff;

- A. Medical and Pharmacy: A one-year contract with Baylor Scott & White Health Plan for four fully insured plan options, that would be in effect from October 1, 2019 through September 30, 2020;
- B. Dental: A one-year contract with United Concordia Company for two fully insured plan options that would be in effect from October 1, 2019 through September 30, 2020;
- C. Vision: A one-year contract with Standard Insurance Company for fully-insured vision insurance that would be in effect from October 1, 2019 through September 30, 2020;
- D. FSA, Dependent Spending Account, Cafeteria Plan, and HSA: A one-year contract with Discovery Benefits, LLC for the administrative services that would be in effect from October 1, 2019 through September 30, 2020;
- E. COBRA: A one-year contract with Discovery Benefits, LLC that would be in effect from October 1, 2019 through September 30, 2020;
- F. Basic Life, Voluntary Life, & AD&D: A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020;
- G. Short-Term and Long-Term Disability: A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020; and
- H. Accident, Critical Illness, Hospital Indemnity and Cancer Insurance: A one-year renewal of this contract from October 1, 2019 through September 30, 2020;

Whereas, with the adoption of the fiscal year 2020 budget, Staff recommends Council fund the cost of these benefits awarded, in addition to allowing for the biweekly transfer of contributions made by the City and by employees/retirees to the trust; and

Whereas, the fiscal year 2020 cost for all policies and services is \$5,323,125; and

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

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

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

Part 2: The City Council approves funding the rates for medical and prescription insurance for employees and pre-65 retirees, as well as Health Savings Account, Dental, Basic Life Insurance, Accidental Death & Dismemberment, and Long-Term Disability Insurance for fiscal year 2020 as follows:

- A. Medical and Pharmacy: A one-year contract with Baylor Scott & White Health Plan for four fully insured plan options, that would be in effect from October 1, 2019 through September 30, 2020;
- B. Dental: A one-year contract with United Concordia Company for two fully insured plan options that would be in effect from October 1, 2019 through September 30, 2020;
- C. Vision: A one-year contract with Standard Insurance Company for fully-insured vision insurance that would be in effect from October 1, 2019 through September 30, 2020;
- D. FSA, Dependent Spending Account, Cafeteria Plan, and HSA: A one-year contract with Discovery Benefits, LLC for the administrative services that would be in effect from October 1, 2019 through September 30, 2020;
- E. COBRA: A one-year contract with Discovery Benefits, LLC that would be in effect from October 1, 2019 through September 30, 2020;
- F. Basic Life, Voluntary Life, & AD&D: A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020;
- G. Short-Term and Long-Term Disability: A one-year contract with Standard Insurance Company that would be in effect from October 1, 2019 through September 30, 2020; and
- H. Accident, Critical Illness, Hospital Indemnity and Cancer Insurance: A one-year renewal of this contract from October 1, 2019 through September 30, 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(GG)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-19-21-ZC: Consider adopting an ordinance authorizing a rezoning from Neighborhood Services zoning district to Planned Development-General Retail zoning district, with a Site Development Plan, to allow a microbrewery with outdoor seating and play areas, on 2.239 +/- acres, located at 3508 South 5th Street.

PLANNING & ZONING COMMISSION RECOMENDATION: At its August 5, 2019 Planning & Zoning Commission meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the Planned Development, per staff's recommendation.

STAFF RECOMMENDATION: Based on the following, staff recommends approval to rezone approximately 2.239 +/- acres from Neighborhood Services (NS) to Planned Development-General Retail (PD-GR):

1. Through agreed upon conditions between the applicant and staff to minimize and mitigate any possible impacts to neighboring residential properties;
2. The proposed GR base zoning designation will allow the proposed alcohol sales to be in compliance with Section 5 of the Unified Development Code (UDC);
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.
5. The request is compatible with adjacent zoning districts.

Staff Recommends approval of the proposed Planned Development Rezoning, subject to the following conditions:

1. Consistent with Site Development Plan attached as Exhibit A;
2. To specifically allow brewing to take place on the property;
3. Requiring a minimum 15-foot wide landscape buffer and 8-foot tall privacy fence along the common boundary with existing single-family residential uses.
4. Requiring preservation of existing trees on the City's approved tree list with an estimated 8-inch diameter at breast height (dbh) in the outdoor seating area as shown on the attached site plan, in the 15-foot landscape buffer areas, and where possible in the landscaped areas around the parking lot.

The original staff recommendation for the August 5th Planning & Zoning meeting included a condition requiring an easement to provide access to the brewhouse parking lot from entrance drive into Bell Tower Apartments. The applicant was in agreement and had begun discussions with Bell Tower prior to applying for rezoning. Since that meeting, the bank providing financing for Bell Tower has refused to allow the easement to go forward, and staff has removed that requirement from the list of recommended conditions. The brewhouse will have a driveway onto South 5th Street as the sole entrance.

ITEM SUMMARY: The applicant, Jesse Stelzer, requests a rezoning from NS to PD-GR for construction of the Friars Creek Brewhouse. Mr. Stelzer proposes to brew beer for consumption in the taproom or in the outdoor seating area. The existing NS zoning does not permit any establishment to operate where more than 75% of the gross revenue comes from sales of alcohol for consumption on the premises. GR zoning does permit the sale of alcohol for on-premise consumption subject to approval of a Conditional Use Permit. The brewhouse will have an indoor taproom as well as a fenced outdoor seating area. Mr. Stelzer intends to have food trucks on site as an additional attraction to the customers.

The Planned Development will specifically allow brewing to take place on the property. UDC Sec. 5.1 allows for establishments that sell alcohol but does not clearly define a small-scale brewing operation. The applicant plans to produce less than 1,000 barrels of beer annually, in batches not larger than five barrels. The product will be for purchase on-site with no plans for external distribution. In comparison, BJ's Brewery on East Central Avenue is a commercial-scale brewery, located in Light Industrial (LI) zoning that produces approximately 1,300 barrels per month for distribution. The proposed GR zoning for the Friars Creek Brewhouse is more compatible with neighboring residential uses, with PD conditions to mitigate any potential impacts or conflicts.

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

Future Land Use Map (CP Map 3.1)

The subject property is within the Suburban Commercial land use district and a strip of Parks and Open Space. The Suburban Commercial district is intended to promote greater aesthetic value along gateways, emphasizes landscaping, and building designs that are residential in appearance. The Park and Open Space designates land to be available for the public use and enjoyment. Given the nature of the proposed development and its location adjacent to the Friars Creek Trail, the request is in compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from South 5th Street, shown as a minor arterial. Access will be from a driveway directly onto South 5th Street. The request is in compliance with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Water is available through an existing 3-inch water line on South 5th. Water is also available through the anticipated extension of a 12-inch water line across South 5th and into Bell Tower. Sewer is available from an 8-inch sewer line that runs through the center of the subject property.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts an existing City-Wide Spine Trail, Friars Creek Trail, that ends immediately to the west of the subject property, and a planned extension of said trail to the north. The attached site plan shows a 6' sidewalk to be constructed along South 5th Street, with sidewalks connecting to the trail to be constructed along the Bell Tower Apartments driveway.

DEVELOPMENT REGULATIONS: The attached site plan shows appropriate setbacks for the base GR zoning in addition to the proposed landscaping. The Planned Development conditions will enhance and strengthen the standard requirements for buffering, screening, landscaping, and tree preservation. The applicant is agreeable to the conditions as the trees and natural surroundings will provide for a shaded, pleasant area in which customers may relax while consuming food and beverages sold in the proposed brewhouse.

DEVELOPMENT REVIEW COMMITTEE (DRC): The Development Review Committee reviewed the case on July 25, 2019 and found no significant issues. Public Works has determined that water and wastewater service to the property will be adequate to serve the business and won't be negatively impacted.

PUBLIC NOTICE: Fourteen notices were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday August 1, 2019, at 12:00 PM, one notice in agreement has been received. An update regarding late notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

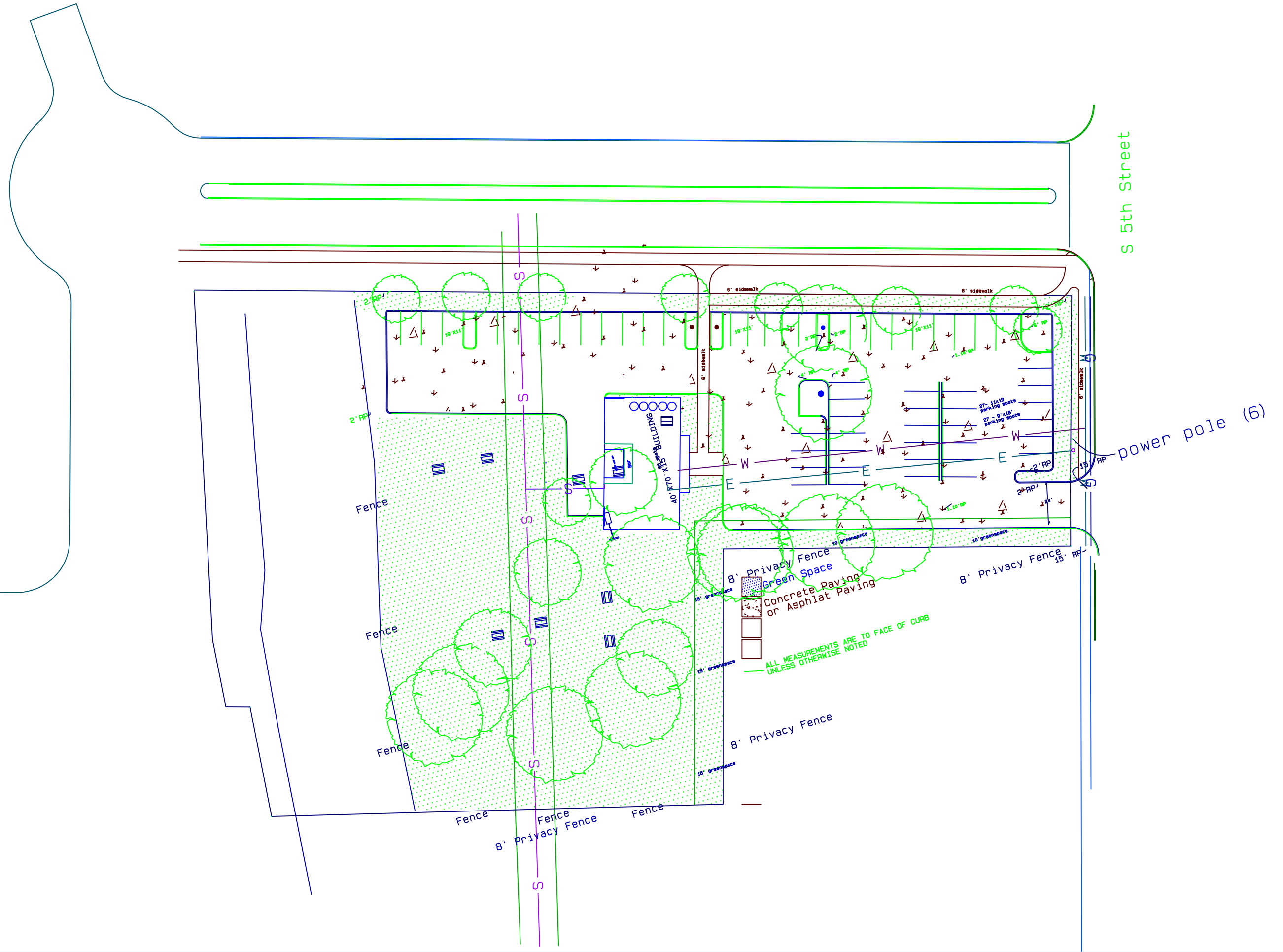
The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Friars Creek Brewhouse Site Plan \(Exhibit A\)](#)
[Compliance Table](#)
[Site and Surrounding Property Photos](#)
[Maps](#)
[Current Plat](#)
[Returned Property Notices](#)
[Ordinance](#)

SITE PLAN - EXHIBIT A



UDC Code Section 3.5.4	Criteria met?	Discussion
A. The conditional use is compatible with and not injurious to the use and enjoyment of the property and does not significantly diminish or impair property values within the immediate area.	Yes	The previous building renovation and proposed site development will continue to enhance the aesthetics of this property. The development of a microbrewery will be an attraction throughout the immediate area.
B. The establishment of the conditional use does not impede normal and orderly development and improvement of surrounding vacant property.	Yes	Operation of a microbrewery will will not impede development or improvements on the surrounding properties.
C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.	Yes	Public Works has determined that water and wastewater service to the property will be adequate and won't be negatively impacted. The property fronts onto a minor arterial street and has access to the adjacent trail.
D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.	Yes	The property will have driveway connection to S. 5 th Street, and adequate parking is shown on the site plan. Driveway will be right-turn in and right-turn out due to the divided median on S. 5 th Street. No issues with circulation were noted during review of the conditional use permit.
E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.	Yes	Staff does not anticipate that the proposed microbrewery will create offensive odors, fumes, dust, noise, or vibration.
F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.	Yes	Any exterior lighting proposed will be required to meet the provisions of UDC 7.1.8 with regard to glare. Compliance for exterior lighting will be addressed during review of the building plans.
G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes	Conditions to the rezoning will preserve existing trees and add landscape buffers. Compliance with UDC Section 7.4 will be confirmed during review of the building permit.



Facing west from S. 5th Street



Facing northwest from S. 5th Street



Facing southwest towards adjacent residential property



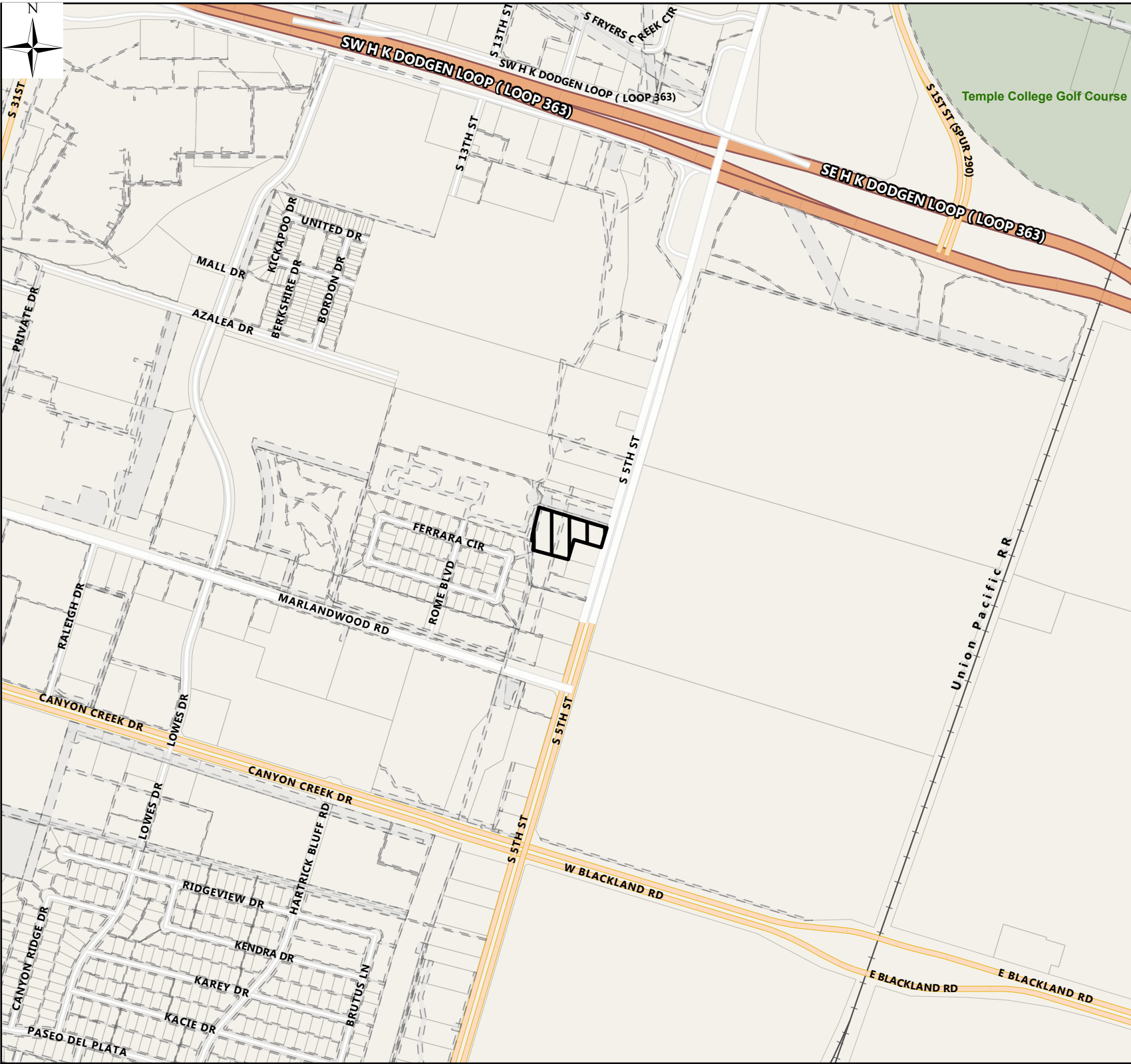
Large tree located within subject property



Friars Creek Trail – adjacent to subject property



Friars Creek as it enters the subject property



NS to PD-GR

VICINITY MAP

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST

Transportation

Streets

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

Temple Municipal Boundary

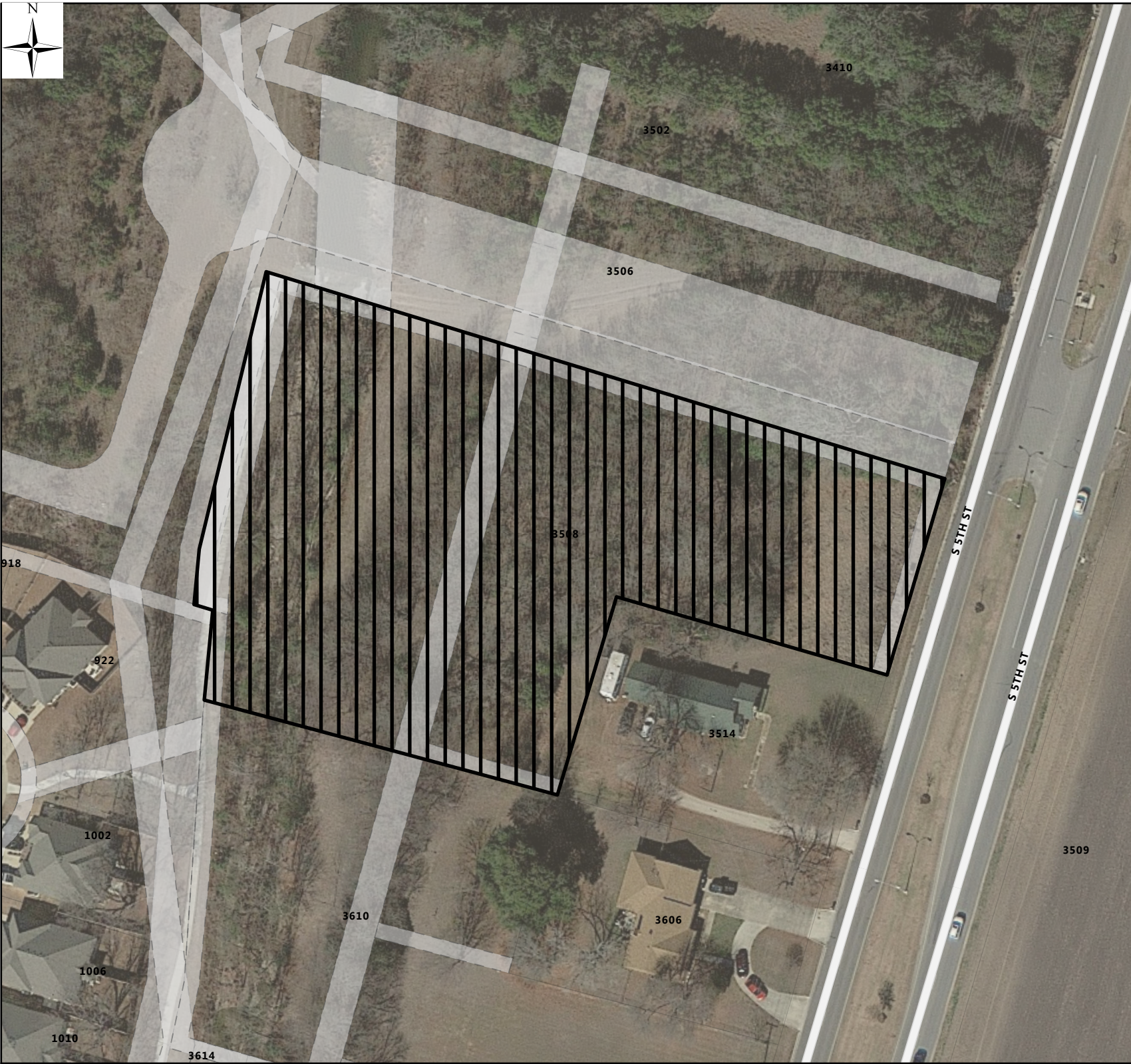
Parcel Features

- Parcels
- Production.SDE.Easement

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

jdeckman
Date: 7/16/2019





NS to PD-GR

AERIAL MAP

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST

Transportation

Streets

— MINOR ARTERIAL

— Temple Municipal Boundary

Parcel Features

— Parcels

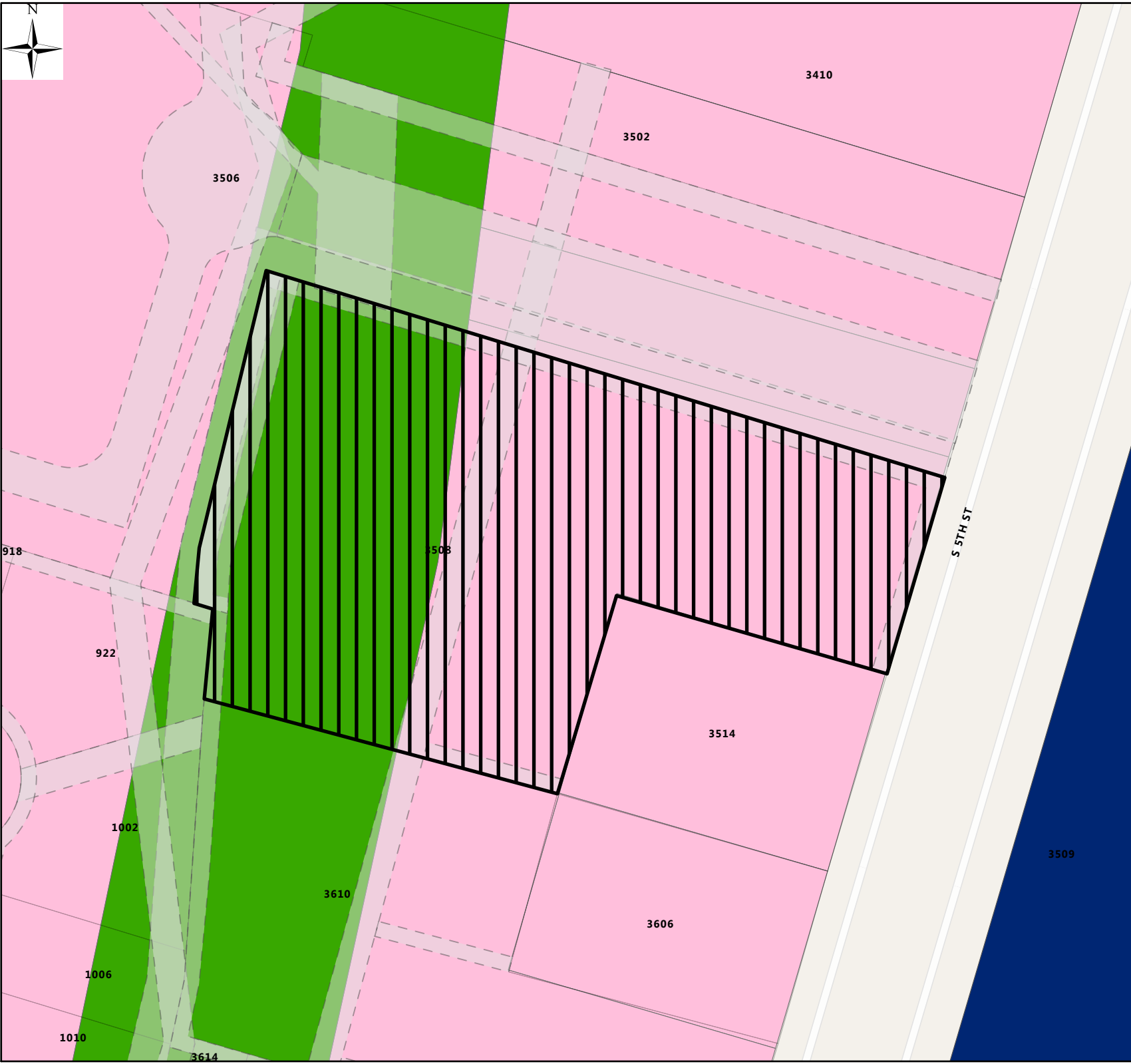
— Production.SDE.Easement

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jdeckman

Date: 7/16/2019





NS to PD-GR FUTURE LAND USE MAP

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST

Transportation

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

Parcel Features

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

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jdeckman
Date: 7/16/2019

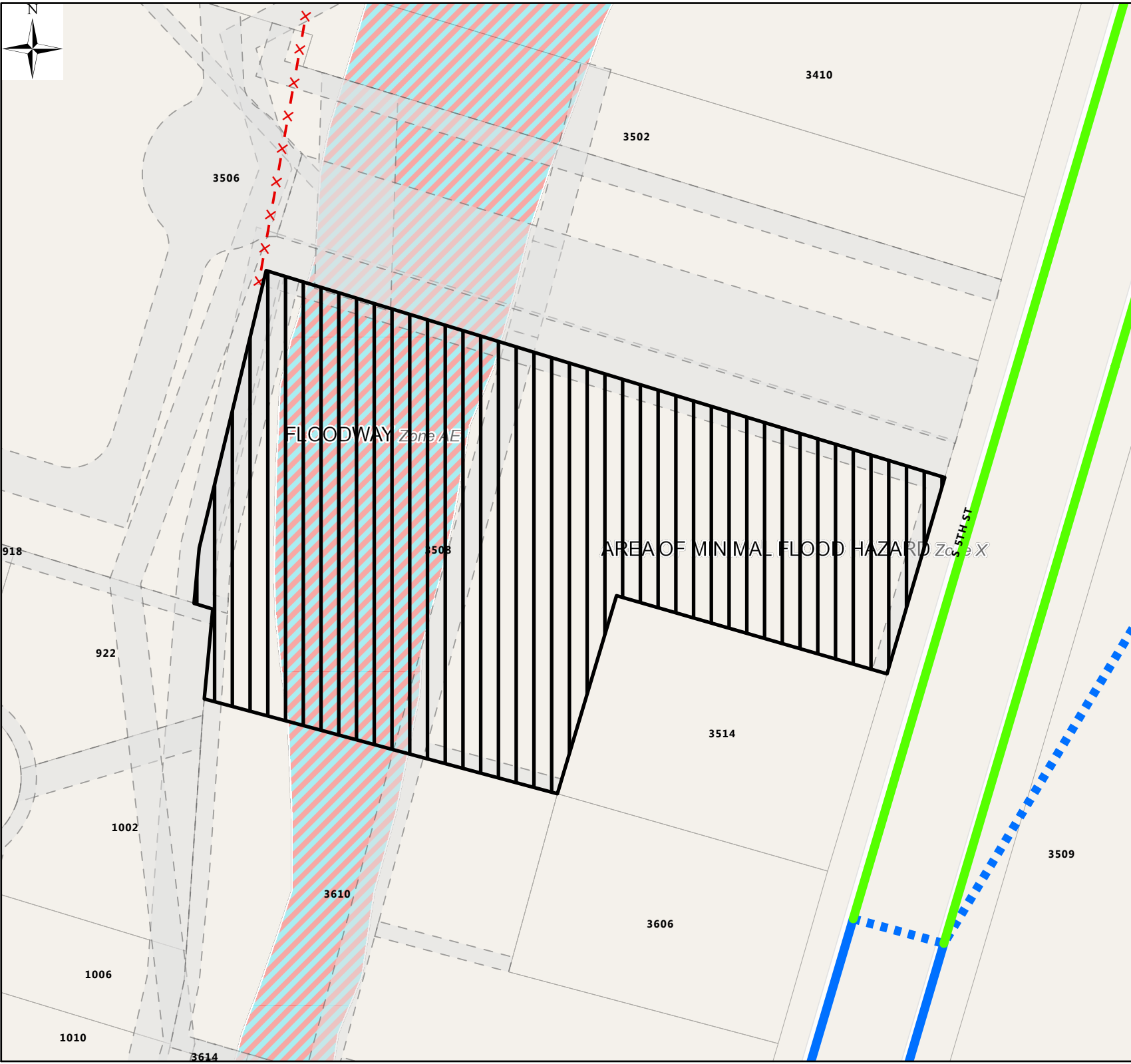




NS to PD-GR
**THOROUGHFARE
AND TRAILS MAP**

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST



**Parcel
Features**

Parcels

Thoroughfare Plan

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector

Trails Master Plan

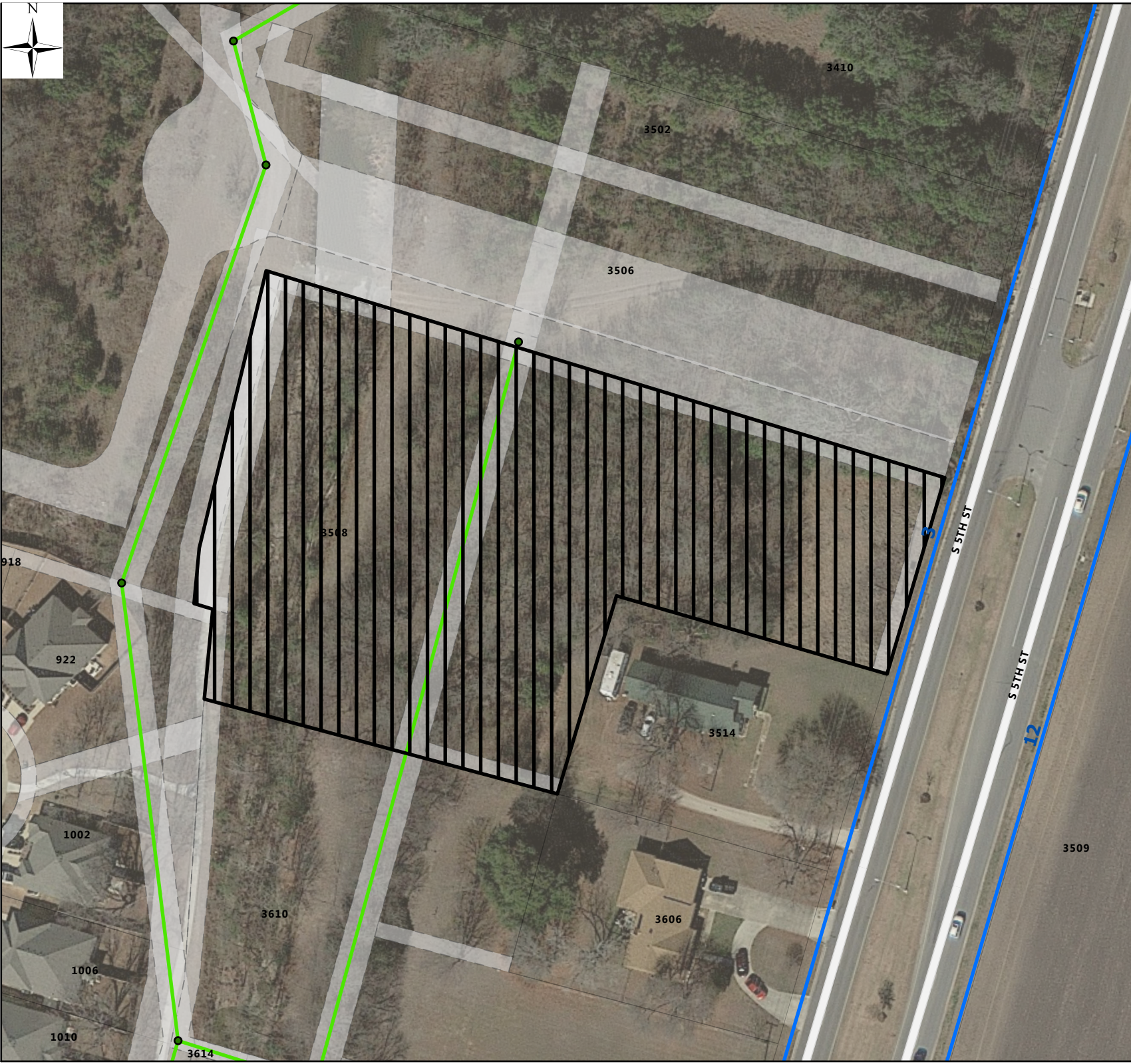
- EXISTING, CITY WIDE SPINE

- EXISTING, COMMUNITY WIDE CONNECTOR
- EXISTING, LOCAL CONNECTOR
- PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- Easement

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jdeckman
Date: 7/16/2019





NS to PD-GR

UTILITY MAP

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST

Sewer

- Manhole
- Gravity Main

WaterDistribution

- ⊕ Hydrant
- Main

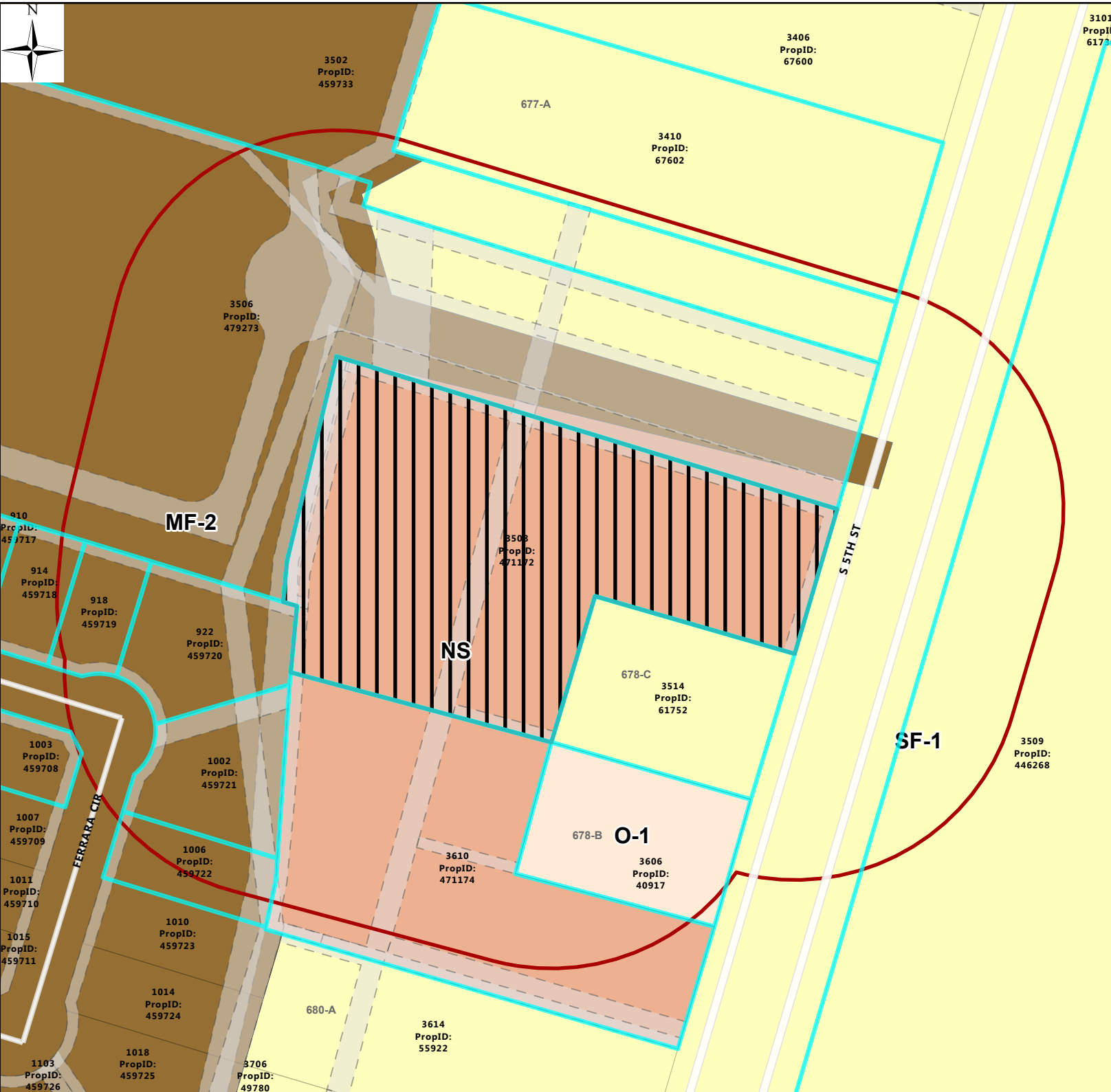
Parcel Features

- Parcels
- Easement

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jdeckman
Date: 7/16/2019





NS to PD-GR

200' NOTIFICATION MAP

Zoning Case:
FY-19-21-ZC

Address :
3508 S. 5th ST

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Easement
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

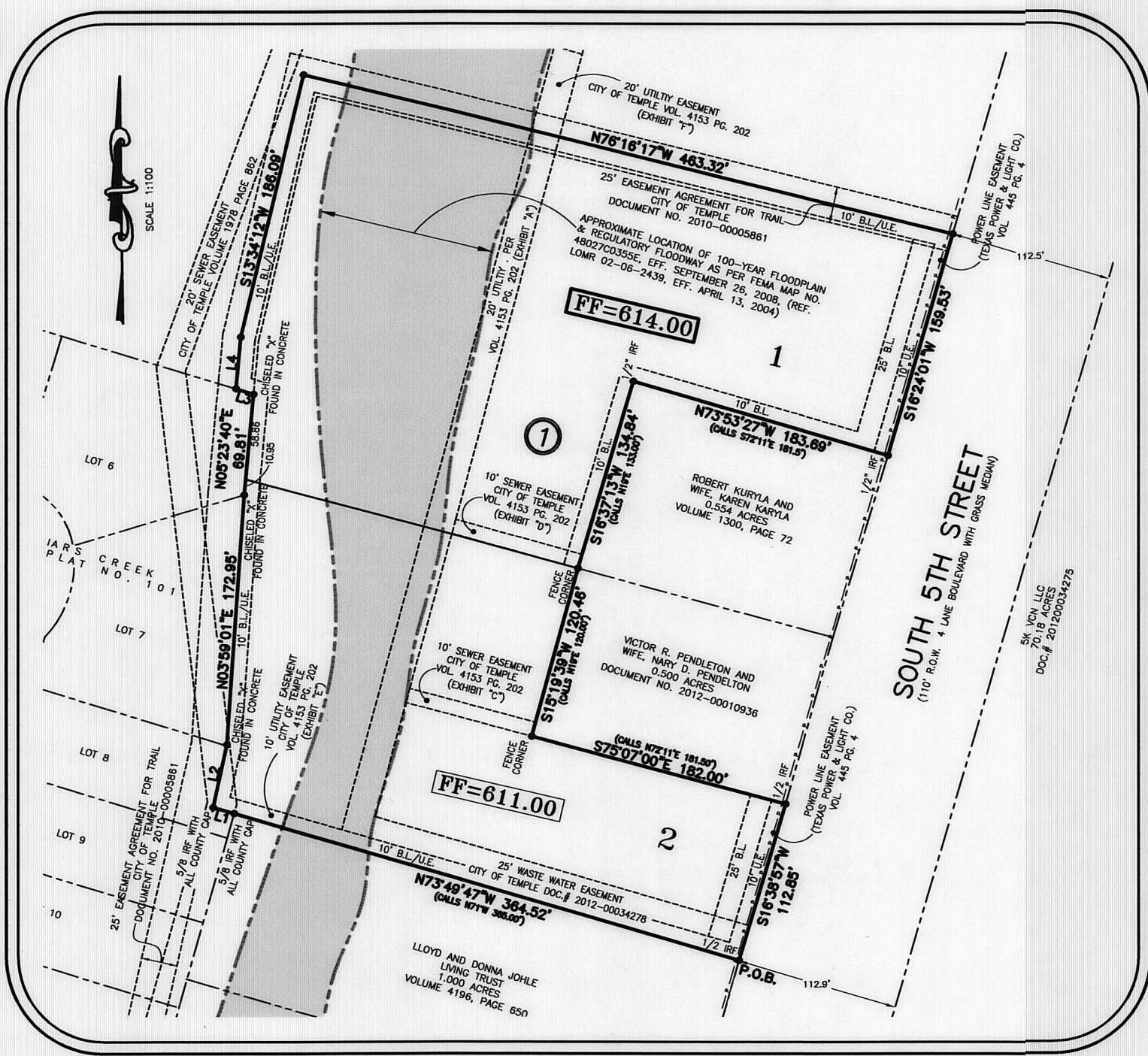
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jdeckman

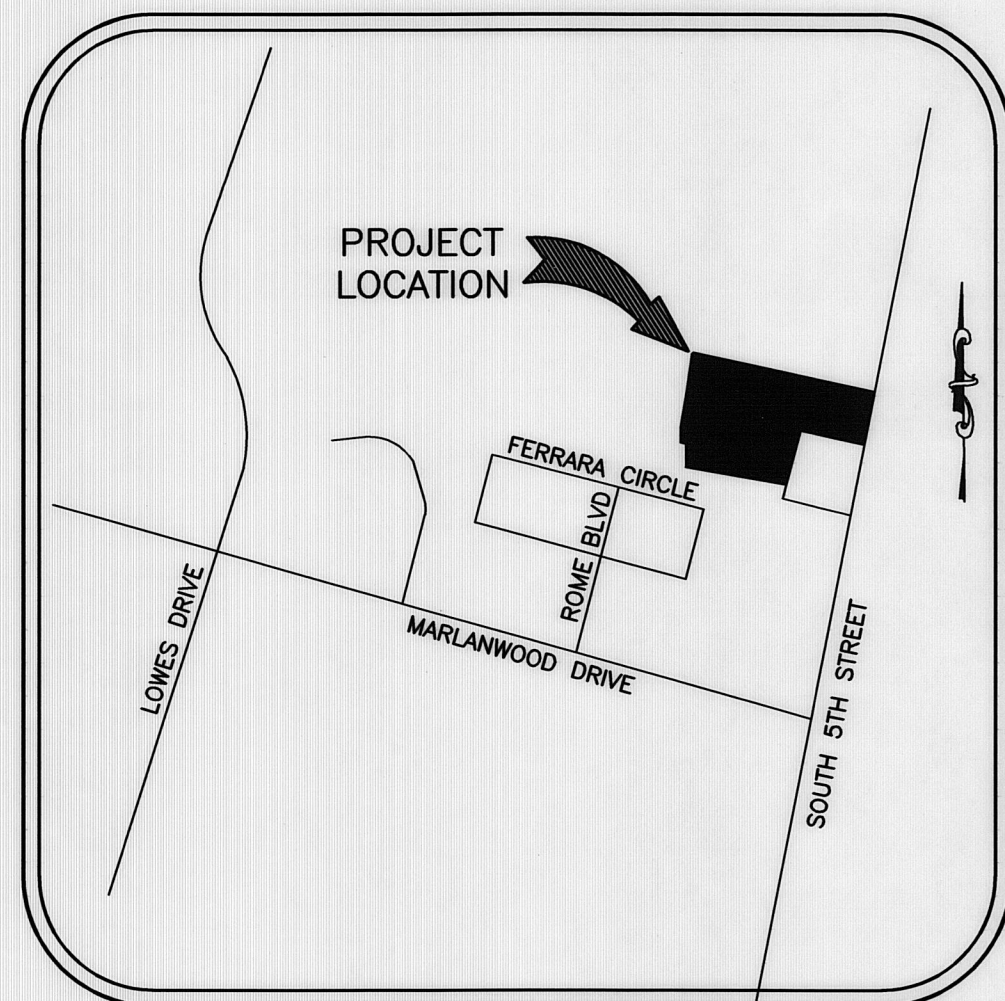
Date: 7/16/2019



2017
11/21



ORIGINAL CONFIGURATION OF LOTS 1 AND 2 AKINS PLAT, YEAR 2016 PLAT NUMBER 85, PLAT RECORDS OF BELL COUNTY, TEXAS.



VICINITY MAP
N.T.S.

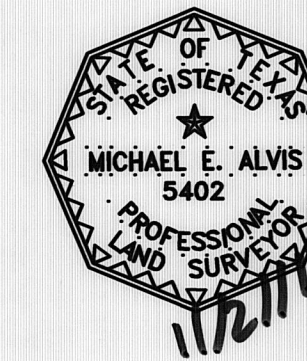
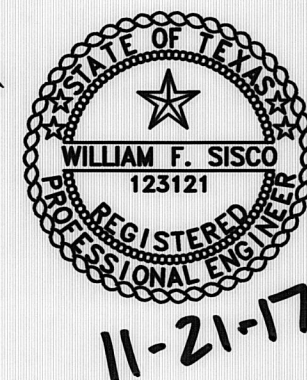
NOTES:

1. ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET UNLESS NOTED OTHERWISE.
2. BUILDING SET BACK LINES ARE AS SHOWN.
3. PUBLIC UTILITY EASEMENTS ARE AS SHOWN.
4. FF=MINIMUM FINISHED FLOOR ELEVATION FOR LOTS DESIGNATED HEREON.
5. THIS PROJECT IS REFERENCED IN NAD 1983, CENTRAL TEXAS STATE PLANE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.
6. ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 909; THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 31' 56"; THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853; PUBLISHED CITY COORDINATES ARE X = 3,227,892.21, Y = 10,361,166.86, THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. 16° 18' 15" E., 1263.85 FEET.
7. THIS PROPERTY IS WITHIN THE SPECIAL FLOOD HAZARD AREA AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION MAP NO. 48027C0355E, AND 48027C0365E DATED SEPTEMBER 26, 2008.
8. A 6 FOOT WIDE SIDEWALK SHALL BE REQUIRED ALONG SOUTH 5TH STREET.



- TE - TRAIL EASEMENT
BL - BUILDING LINE
UE - UTILITY EASEMENT
POB - POINT OF BEGINNING
① - BLOCK DESIGNATION

Parcel Line Table		
Line #	Length	Direction
L3	12.77	N73° 02' 30"W
L4	36.30	N5° 22' 44"E



STATE OF TEXAS
COUNTY OF Dallas

AMERICAN REALTY SERVICES INC., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS AKINS PLAT, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

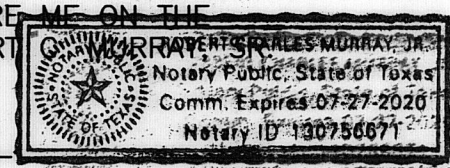
AMERICAN REALTY SERVICES INC.
A TEXAS CORPORATION

Robert C. Murray, Sr.
ROBERT C. MURRAY, SR., PRESIDENT

STATE OF TEXAS
COUNTY OF Dallas

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 27 DAY OF Nov., 2017 BY ROBERT C. MURRAY, SR., PRESIDENT

Robert C. Murray, Sr.
NOTARY PUBLIC



THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS THE 5th DAY OF December, 2017.

Bruce P. Chamberlain
SECRETARY TO PLANNING & ZONING COMMISSION

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS THE 5th DAY OF December, 2017.

William F. Sisco
CHAIRPERSON

STATE OF TEXAS
COUNTY OF BELL

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

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

STATE OF TEXAS
COUNTY OF BELL

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

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

TAX CERTIFICATE

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE 30th DAY OF December, 2017.

Meagan Brown
BY: MEAGAN BROWN
BELL COUNTY TAX APPRAISAL DISTRICT

RECORDATION

FILED FOR RECORD THIS THE 5 DAY OF December, 2017.

IN YEAR 2017 PLAT # 1164, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT #2017-50714 OFFICIAL RECORDS OF BELL COUNTY, TEXAS.

FINAL PLAT: AKINS PLAT REPLAT NO. 1

BEING A REPLAT OF LOT 1 BLOCK 1 OF AKINS PLAT
YEAR 2016, PLAT NUMBER 85

2.239 ACRES

OUT OF AND PART OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14
A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

2.239 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES.

THE PURPOSE OF THIS REPLAT IS TO ADJUST THE NORTH LOT LINE OF LOT 1, BLOCK 1 TO ACCOMMODATE PROPOSED IMPROVEMENTS ON THE ADJACENT TRACT.



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
www.turley-inc.com
301 N. 3rd St. 76801
TEMPLE, TEXAS
SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1685

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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.

AKINS PLAT
REPLAT NO. 1
5TH STREET
MAXIMO MORENO SURVEY, ABSTRACT NO. 14
CITY OF TEMPLE, BELL COUNTY, TEXAS
PREPARED FOR:
AMERICAN REALTY SERVICES INC.
3603 HIGH MESA DRIVE
DALLAS TX, 75234

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:
MRG
DATE:
10/13/2017
COMPUTER FILE NAME:
16-206 REPLAT
REFERENCE DRAWING NUMBERS:

JOB NUMBER:
16-206
DRAWING NUMBER:
13178-D
PAGE #
01



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

61752
KURLA, ROBERT C
3514 S 5TH ST
TEMPLE, TX 76502-1911

Zoning Application Number: FY-19-21-ZC

Case Manager: Jason Deckman


Location: 3508 S. 5th Street

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

I ☒ agree

() disagree with this request

Comments:


Signature

ROBERT C. KURLA
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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



Number of Notices Mailed: 14

Date Mailed: July 23, 2019

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

ORDINANCE NO. 2019-4988
(FY-19-21-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM NEIGHBORHOOD SERVICES ZONING DISTRICT TO PLANNED DEVELOPMENT-GENERAL RETAIL ZONING DISTRICT, WITH A SITE DEVELOPMENT PLAN, TO ALLOW A MICROBREWERY WITH OUTDOOR SEATING AND PLAY AREAS, ON APPROXIMATELY 2.239 ACRES, LOCATED AT 3508 SOUTH 5TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Jesse Stelzer, requests this rezoning from Neighborhood Services zoning district to Planned Development-General Retail zoning district, with a Site Development Plan, for the construction of the Friars Creek Brewhouse, on approximately 2.239 acres, located at 3508 South 5th Street;

Whereas, Mr. Stelzer proposes to brew beer for consumption in the taproom or in the outdoor seating area and the existing NS zoning does not permit any establishment to operate where more than 75% of the gross revenue comes from sales of alcohol for consumption on the premises;

Whereas, General Retail zoning does permit the sale of alcohol for on-premise consumption subject to approval of a Conditional Use Permit - the brewhouse will have an indoor taproom as well as a fenced outdoor seating area and Mr. Stelzer intends to have food trucks on site as an additional attraction to the customers;

Whereas, the Planned Development will specifically allow brewing to take place on the property – Unified Development Code Sec. 5.1 allows for establishments that sell alcohol but does not clearly define a small-scale brewing operation;

Whereas, the applicant plans to produce less than 1,000 barrels of beer annually, in batches no larger than 5 barrels - the product will be for purchase on-site with no plans for external distribution;

Whereas, the proposed General Retail zoning for the Friars Creek Brewhouse is more compatible with neighboring residential uses, with Planned Development conditions to mitigate any potential impacts or conflicts;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, recommends approval of the rezoning from Neighborhood Services zoning district to Planned Development-General Retail zoning district, with a Site Development Plan, to allow a microbrewery with outdoor seating and play areas, on approximately 2.239 acres, located at 3508 South 5th 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:

- Consistent with Site Development Plan attached as Exhibit A;
- To allow brewing to take place on the property, but the sale of alcohol for on-premise consumption will only be allowed with the approval of a Conditional Use Permit;
- Requiring a minimum 15-foot wide landscape buffer and 8-foot tall privacy fence along the common boundary with existing single-family residential uses; and
- Requiring preservation of existing trees on the City's approved tree list with an estimated 8-inch diameter at breast height in the outdoor seating area as shown on the attached site plan, in the 15-foot landscape buffer areas, and where possible in the landscaped areas around the parking lot; 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 approves of the rezoning from Neighborhood Services zoning district to Planned Development-General Retail zoning district, with a Site Development Plan, to allow a microbrewery with outdoor seating and play areas, on approximately 2.239 acres, located at 3508 South 5th 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:

- Consistent with Site Development Plan attached as Exhibit A;
- To allow brewing to take place on the property, but the sale of alcohol for on-premise consumption will only be allowed with the approval of a Conditional Use Permit;
- Requiring a minimum 15-foot wide landscape buffer and 8-foot tall privacy fence along the common boundary with existing single-family residential uses; and
- Requiring preservation of existing trees on the City's approved tree list with an estimated 8-inch diameter at breast height in the outdoor seating area as shown on the attached site plan, in the 15-foot landscape buffer areas, and where possible in the landscaped areas around the parking lot.

Part 3: The City Council approves the Site Development Plan which is 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 **5th** day of **September, 2019.**

PASSED AND APPROVED on Second Reading on the **19th** day of **September, 2019.**

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(HH)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-19-20-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a Site Plan to allow a microbrewery for alcohol sales, with a waiver for distance to residential property, on 2.239 +/- acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: During its August 5, 2019 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval per staff's recommendation.

STAFF RECOMMENDATION: Based on the following analysis that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15; and
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages.

Staff recommends approval of the requested Conditional Use Permit and associated distance waiver to allow establishments where greater than 75% of the gross revenue is from the sale of all alcoholic beverages for on-premise consumption, subject to the following conditions:

1. Sale of all alcoholic beverages for on-premise consumption be contained within the developed site of Lot 1, Block 1, Aikins Plat Replat No. 1 subdivision, located at 3508 South 5th Street;
2. Approval by City Council of a waiver from the distance requirement for alcohol sales.
3. Compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages; and
4. Compliance with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.
5. Requiring closing time to be set not later than 11:00pm with any outside entertainment to cease by 10:00pm in order to prevent any disturbance to adjacent properties.

ITEM SUMMARY: The applicant, Jesse Stelzer, requests a Conditional Use Permit to allow the sale of alcoholic beverages at Friars Creek Brewhouse, with a waiver for distance to residential property. Mr. Stelzer proposes to brew beer for consumption in the taproom or in the outdoor seating area.

BACKGROUND: An establishment with over 75% gross revenue derived from the sale of all alcoholic beverages in the GR zoning district is subject to approval of a Conditional Use Permit. This CUP is contingent on approval of a proposed Planned Development Rezoning. The CUP is compatible with requested PD-GR zoning, with the necessary conditions to mitigate possible impacts on neighboring properties. The proposed brewhouse will be in compliance with UDC Section 5.3.15, as well as Chapter 4 of the City Code.

UDC Section 5.3.15 provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages.

- The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,
- The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.
- *The establishment must not be within 300 feet of a public park or any residentially zoned or developed lot. (UDC 5.3.15.B)*

The applicant is requesting a waiver from the 300-foot distance in UDC 5.3.15.B. As shown on the attached map, the subject property is located next to both residential and non-residential uses and zoning districts in a corridor designated on the Future Land Use Map as Suburban Commercial. South 5th is designated as a minor arterial with a divided median to accommodate future commercial traffic.

The separation requirement of 300-feet is identified by Section 109.33 of the Texas Alcoholic Beverage Code, codified locally by the City of Temple in Chapter 4, Alcoholic Beverages, of the Code of Ordinances. In addition, while relief from this distance requirement is provided for as a *variance* by state law, the determination is made locally by the City Council by a separate resolution.

The applicant has provided a letter explaining why the distance requirement should be waived. The letter can be summarized as follows:

- Will be a family-friendly environment (as opposed to a bar or night-club)
- Will provide fenced outdoor seating with games, food trucks, and a play area for children
- Will be an attractive destination located along Friars Creek Trail
- Will provide a community gathering place along a developing corridor

Additionally, the UDC states:

The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:

- Incompatible with the surrounding uses of property; or*
- Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend, and the City Council may impose additional conditions of approval.*

Further, Chapter 4 of the City Code requires that all establishments with alcoholic beverage sales with on-premise consumption are not within a straight-line distance of 300 feet of a place of worship, public school or public hospital. None of the identified uses are within 300 feet of the proposed brewhouse. The closest is the existing Silverstone Park on Waters Dairy Road, located approximately 4,200 +/- feet to the south. Compliance to Chapter 4 standards are required and are included as a condition.

Adherence to both UDC Section 5.3.15 & Chapter 4 in their entirety is included by reference in the Ordinance as conditions of approval. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

SUBDIVISION / SITE DEVELOPMENT: The attached site plan includes provisions for an eight-foot privacy fence and 15-foot landscape buffer facing the residential property. The entire outdoor seating area will be enclosed by a fence for safety. The site plan shows adequate parking and access with an entrance on South 5th Street as well as through an easement on the entrance to the planned Bell Tower Apartments.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed the proposed conditional use permit on July 25, 2019. Engineering noted that construction of the Friars Creek Brewhouse will be dependent on construction of the Bell Tower Apartments and extension of the water line across South 5th Street. The applicant is working closely with Bell Tower staff.

PUBLIC NOTICE: Fourteen properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday August 1, 2019, at 12:00 PM, one notice in disagreement has been received. Staff will provide an update regarding late responses, if necessary.

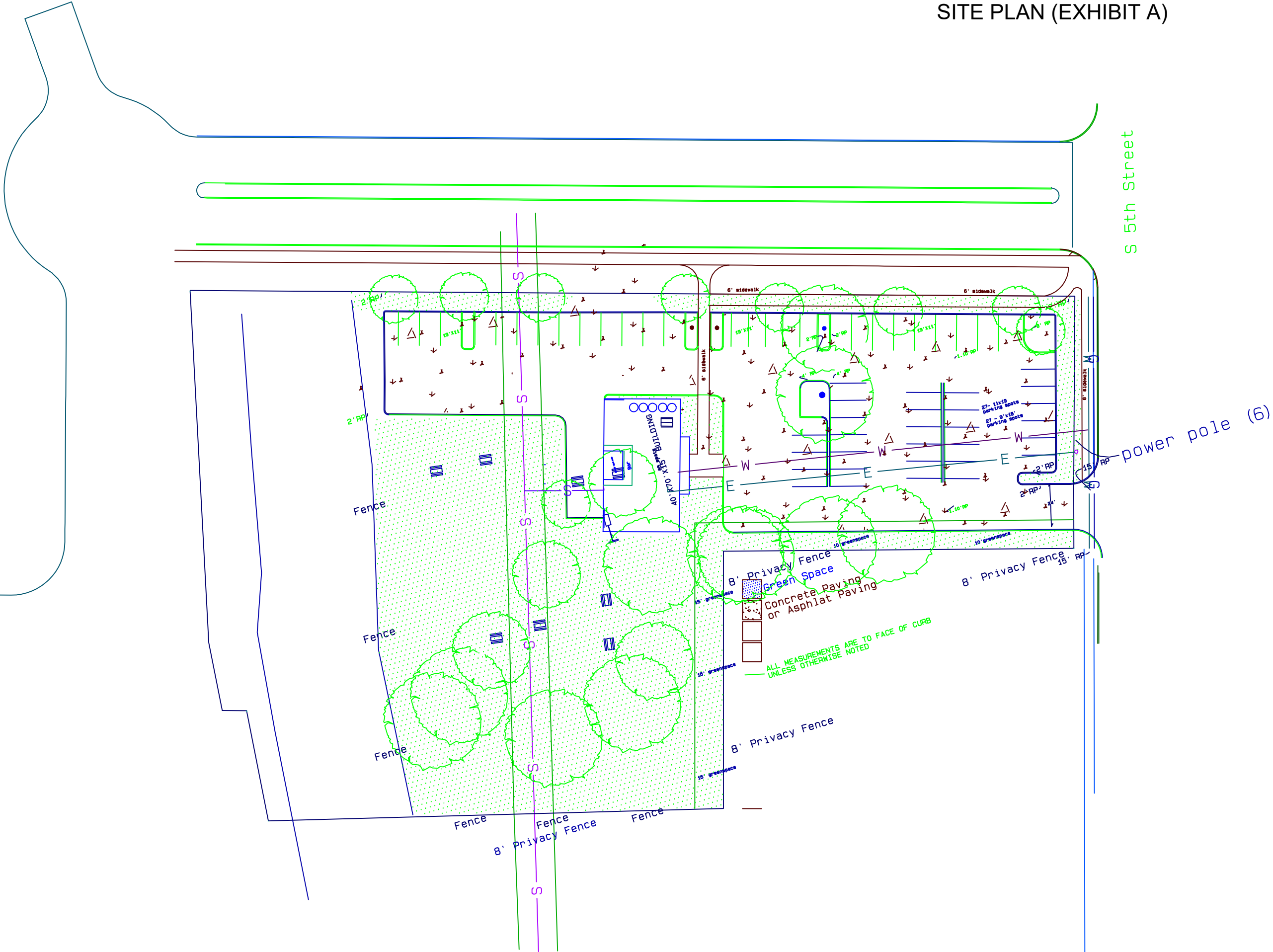
The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Friars Creek Brewhouse Site Plan \(Exhibit A\)](#)
[Applicant letter](#)
[UDC Section 5.3.15 – Alcoholic Beverage Sales with On-Site Consumption](#)
[Chapter 4 – Code of Ordinances – Alcoholic Beverages](#)
[Site and Surrounding Property Photos](#)
[Notification Map](#)
[Aerial Map](#)
[Current Plat](#)
[Returned Property Notices](#)
[Ordinance](#)

SITE PLAN (EXHIBIT A)



To Whom It May Concern:

Concerning Friar's Creek Brewhouse obtaining a waiver to sell beer within 300' of a residence. I believe that Friar's Creek Brewhouse will bring a fun and safe environment for families to spend time together and with the community around them. This will not be a place where people come to get drunk. This will be a place where someone can come in have one of our craft beers, sodas, a coffee or tea, and eat some food from one of the food trucks. They can also enjoy the activities on the property such as corn hole, indoor games, children's playscape, and mini dog park. I believe the community could benefit from having a location to meet, play games, let their pets play and socialize. Right now, there is no other establishment of this kind in south Temple. Friar's Creek Brewhouse will bring people to this area to help support not only my business but all the businesses that will be and are in this area.

I want a community atmosphere at my establishment. Enforcing this regulation would cause me to move my location away from the community in south Temple and would hurt my business. People like the feeling of being part of something as seen by the popularity of establishments like Barrow Brewing, Bold Republic, and Hat Creek Burgers. I want to bring this same community minded type establishment to the city of Temple.

I also talked to two of the residences next to the property. The owner of the property next to Friar's Creek didn't really have an opinion or comment about a brewery opening next door. The owner of the second property so the south thought it was a great idea and sounded excited about it. I also talked to some walkers on Friar's Creek trail and they thought it was a good idea and also thought the area needed something like this.

UDC Code Section 3.5.4	Criteria met?	Discussion
A. The conditional use is compatible with and not injurious to the use and enjoyment of the property and does not significantly diminish or impair property values within the immediate area.	Yes	The previous building renovation and proposed site development will continue to enhance the aesthetics of this property. The development of a microbrewery will be an attraction throughout the immediate area.
B. The establishment of the conditional use does not impede normal and orderly development and improvement of surrounding vacant property.	Yes	Operation of a microbrewery will will not impede development or improvements on the surrounding properties.
C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.	Yes	Public Works has determined that water and wastewater service to the property will be adequate and won't be negatively impacted. The property fronts onto a minor arterial street and has access to the adjacent trail.
D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.	Yes	The property will have driveway connection to S. 5 th Street, and adequate parking is shown on the site plan. Driveway will be right-turn in and right-turn out due to the divided median on S. 5 th Street. No issues with circulation were noted during review of the conditional use permit.
E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.	Yes	Staff does not anticipate that the proposed microbrewery will create offensive odors, fumes, dust, noise, or vibration.
F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.	Yes	Any exterior lighting proposed will be required to meet the provisions of UDC 7.1.8 with regard to glare. Compliance for exterior lighting will be addressed during review of the building plans.
G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes	Conditions to the rezoning will preserve existing trees and add landscape buffers. Compliance with UDC Section 7.4 will be confirmed during review of the building permit.

1. Commission means the City of Temple.
2. Executive Director and Chief Clerk means the Director of Public Works.
3. Permit, when referring to City's administration of Registration requirements, means Conditional Use Permit.

5.3.14 Recycling Collection Location or Operation

A recycling operation inside a building, recycling operation outside a building and recycling collection location may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The buying and receiving area must be set back a minimum of 50 feet from the public street right-of-way.
- B. A minimum separation of 75 feet is required between any processing operation and the property line of any adjacent property zoned for residential purposes.
- C. The internal circulation area within a tract used for a recycling collection location must consist of a non-permeable surface of either asphalt or concrete.

5.3.15 Alcoholic Beverage Sales for On-Premise Consumption

An establishment with alcoholic beverage sales for on-premise consumption may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The following standards apply to all establishments with on-premise consumption of alcoholic beverages.
 1. The permittee must design and operate the establishment in such a manner that the use of the premises does not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
 2. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension. Nothing in this Section herein permits the sale of

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

alcoholic beverages prior to the issuance of an applicable permit or license issued by the Texas Alcoholic Beverage Commission.

3. The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its Conditional Use Permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
4. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
5. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.
6. The establishment must provide adequate parking spaces in accordance with the standards in Sec. 7.5.
7. The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
8. The City Council may deny or revoke a Conditional Use Permit in accordance with Sec. 3.5 if it affirmatively determines that the issuance of the permit is:
 - a. Incompatible with the surrounding uses of property; or
 - b. Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants.

Article 5: Use Standards

Sec. 5.3. Specific Use Standards

9. A Conditional Use Permit runs with the property and a change in the owner or lessee of a permitted establishment does not affect the Conditional Use Permit.
 10. All Conditional Use Permits must be further conditioned that the permit may be canceled, suspended or revoked in accordance with the revocation clause set forth in paragraph 8 above.
 11. The use must comply with City of Temple Code of Ordinances, Chapter 4, "Alcoholic Beverages."
- B.** In addition to the standards in subsection A above, the following standards apply to all establishments where the gross revenue from the sale of alcoholic beverages for on-premise consumption is 75% or more of the total gross revenue of the establishment.
1. The establishment must not be within 300 feet of a public park or any residentially zoned or developed lot.
 2. The distance between the establishment where alcoholic beverages are sold and a protected use listed in (B)(1) must be measured in a straight, direct line from the property line of the establishment to the nearest property line of a property where a protected use is located.
 3. An establishment in a multi-storied building on other than the ground floor must be treated as though it were on the ground floor for purpose of the measurement between property lines.

[Ord. 2017-4830 Chapter 4 & Ord. 2017-4829]

5.3.16 Outdoor Shooting Range

An outdoor shooting range may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A.** Only handguns (pistols and revolvers) are permitted to be used at the outdoor shooting range. No shotguns, rifles or automatic weapons are permitted at the range.
- B.** No armor piercing or incendiary ammunition is allowed.
- C.** Ammunition larger than 0.460 caliber is not allowed.

Chapter 4

ALCOHOLIC BEVERAGES

State law reference -- Alcoholic Beverage Code § 1.01 et seq.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

“City” means the City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, or designees.

“City Council” means the City’s elected governing body.

“City Manager” means the City’s city manager or their designee.

“License or permit” means a license or permit granted by the Texas Alcoholic Beverage Commission.

“Licensee or permittee” means a person holding a license or permit granted by the Texas Alcoholic Beverage Commission.

“Private school” means a private school, including a parochial school, that:

- (a) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
- (b) has more than 100 students enrolled and attending courses at a single location.

ARTICLE II. EXTENDED HOURS

Sec. 4-2. Extended hours.

- (a) Pursuant to Sections 105.03(d) and 105.05(d) of the V.C.T.A., Alcoholic Beverage Code, as amended, the City adopts extended hours sales of alcoholic beverages in any part of the City as follows:

- (1) A holder of a mixed beverage late hours permit may sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.
- (2) A holder of a retail dealer's on-premise late hours license may sell, offer for sale, and deliver beer between midnight and 2 a.m. on any day.

State law reference -- V.T.C.A., Alcoholic Beverage Code § § 105.03, 105.05, and 105.06.

ARTICLE III. ALCOHOLIC BEVERAGE SALES NEAR SCHOOL, CHURCH, OR HOSPITAL

Sec. 4-3. Sales near school, church, or hospital.

- (a) The sale of alcoholic beverages is prohibited at a place of business that is located within:
 - (1) 300 feet of a church, public or private school, or public hospital;
 - (2) 1,000 feet of a private school if City Council receives a request from the governing body of the private school.
- (b) Subsection (a)(1) does not apply to the holder of:
 - (1) a license or permit who also holds a food and beverage certificate issued by the Texas Alcoholic Beverage Commission covering a premise that is located within 300 feet of a private school; or
 - (2) a license or permit covering a premise where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53, as amended, (i.e. a package store) and that is located within 300 feet of a private school.
- (c) Subsection (a)(2) does not apply to the holder of:
 - (1) a retail on-premises consumption permit or license if less than 50% of the gross receipts for the premises is from the sale or service of alcoholic beverages;
 - (2) a retail off-premises consumption permit or license if less than 50% of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages;

- (3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in V.T.C.A., Alcoholic Beverage Code Chapter 102, as amended;
- (4) a license or permit issued under V.T.C.A., Alcoholic Beverage Code Chapters 27 (Temporary and Special Wine and Beer Retailer's Permit), 31 (Caterer's Permit), or 72 (Temporary Licenses), all as amended, who is operating on the premises of a private school; or
- (5) a license or permit covering a premise where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53, as amended, (i.e. a package store) and that is located within 1,000 feet of a private school.

(Prior Code, § 4-2; Ord. No. 2017-4830)

State law reference -- V.T.C.A., Alcoholic Beverage Code § 109.33.

Sec. 4-4. Measurement of distances for church and public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital will be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(Prior Code, § 4-3; Ord. No. 2009-4323)

State law reference -- Similar provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(b).

Sec. 4-5. Measurement for public and private school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school will be:

- (a) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (c) As to any business who held a license or permit on September 1, 1983, the measurement of the

distance between the place of business of the dealer and a public or private school will be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(Prior Code, § 4-4; Ord. No. 2017-4830)

State law reference -- Similar provisions, V.T.C.A., Alcoholic Beverage Code § 109.33(b), (d).

Sections 4-6--4-10. Reserved.

ARTICLE IV. MUNICIPAL FEES AND REGISTRATION

State law reference -- Authority to require licenses and permits and fees, V.T.C.A., Alcoholic Beverage Code § § 11.38; 61.36.

Sec. 4-11. Municipal fees and City registration.

- (a) A municipal fee is levied in the amount of one-half the state fee for each license or permit issued for premises located within the City, except as otherwise provided by state law. The municipal fees must be paid to the City when the license or permit fees are paid to the state.
- (b) The City will issue a certificate of registration under this Section to a licensee or permittee authorizing the sale of alcoholic beverages under this Chapter and a license or permit, if the licensee or permittee:
 - (1) pays the fees established by Subsection (a); and
 - (2) provides the City with a copy of the license or permit.
- (c) A person who sells an alcoholic beverage at a business location before the person receives a certificate of registration from the City as provided by this Section commits a Class C misdemeanor.
- (d) The City's certificate of registration must be displayed in a conspicuous place at all times on the licensed or permitted premises. It is unlawful for a person in charge of such premises to fail to display this certificate of registration.

(Prior Code, § 4-11; Ord. No. 2009-4323)

State law reference -- Authority for license and permit fees, V.T.C.A. Alcoholic Beverage Code § 11.38; § 61.36.

Sections 4-12--4-20. Reserved.

ARTICLE V. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

Sec. 4-21. Sale of alcoholic beverages on City property prohibited except where specially permitted.

- (a) City Property. It is unlawful for any person to sell alcoholic beverages in any public park of the City, or on or in other publicly owned property, save and except that the City and concessionaires or caterers having a contract with the City to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed or permitted by the state, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The City Manager may authorize a special event permit for the sale of alcoholic beverages on City property other than a City park.
- (b) Criteria for Permits. The City Council may from time to time by resolution establish criteria for special event permit applications and approvals under this Section.

(Prior Code, § 4-21; Ordinance No. 2009-4323)

ARTICLE VI. ENFORCEMENT

Sec. 4-22. Criminal offense.

- (a) A person violating a provision of this Chapter commits a Class C misdemeanor for each separate violation for each day, or part of a day, during which the violation is committed, continued, or permitted. Each offense is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (b) A culpable mental state is hereby not required to prove an offense under this Chapter.



Facing west from S. 5th Street



Facing northwest from S. 5th Street



Facing southwest towards adjacent residential property



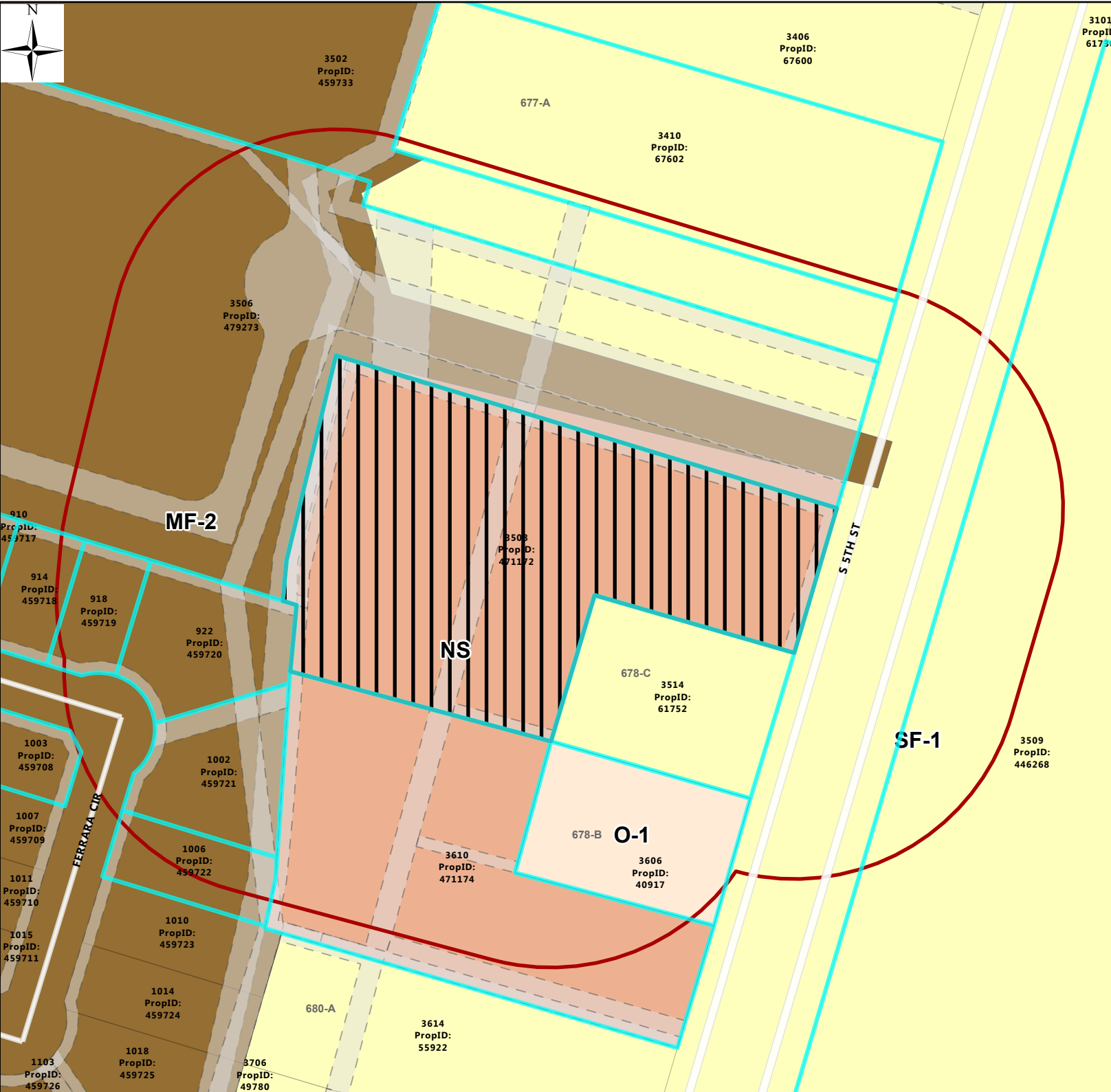
Large tree located within subject property



Friars Creek Trail – adjacent to subject property



Friars Creek as it enters the subject property



Conditional Use
Permit - Alcohol

200' NOTIFICATION MAP

Zoning Case:
FY-19-20-ZC

Address :
3508 S. 5th ST

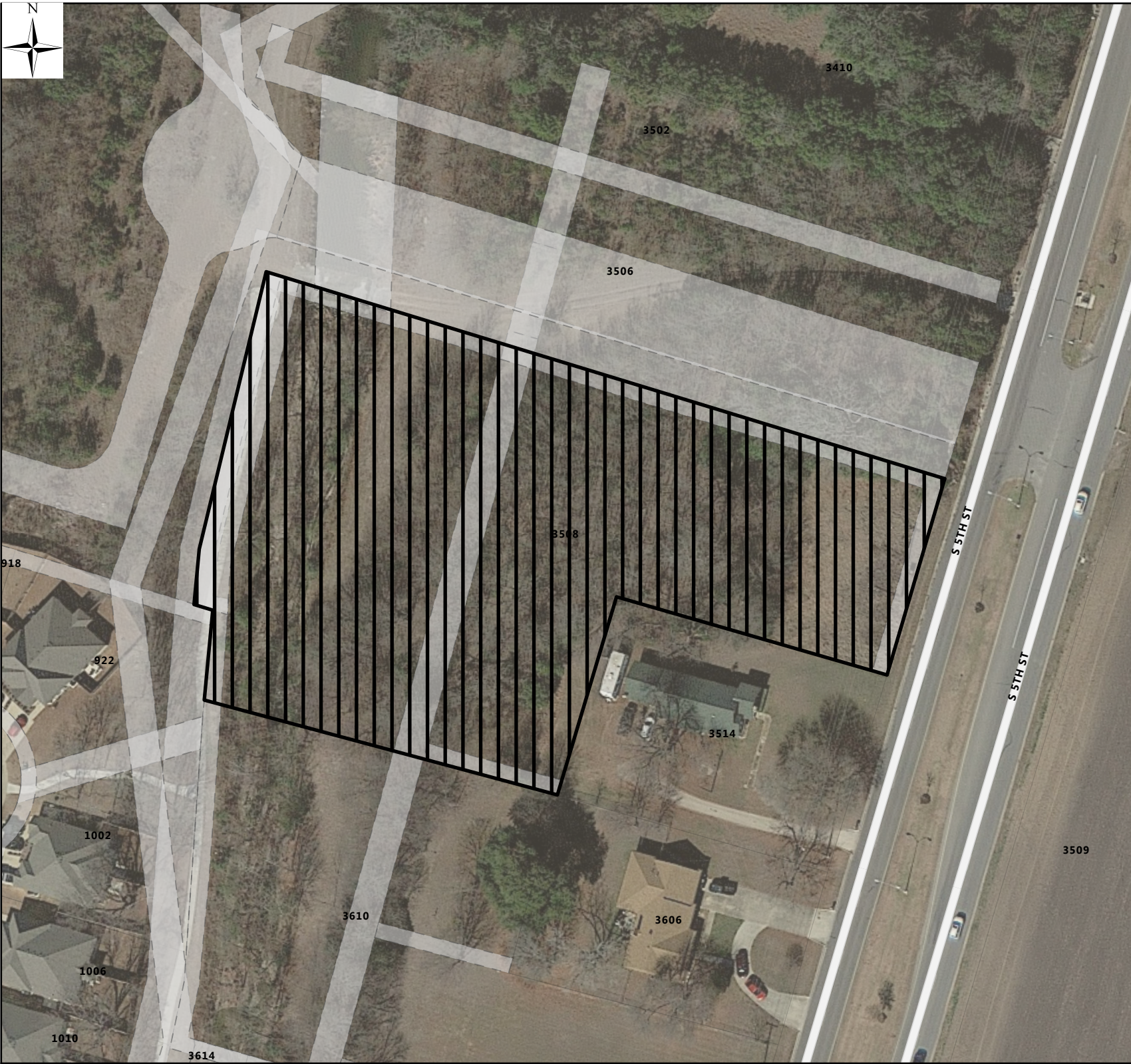
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Easement
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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

jdeckman

Date: 7/16/2019





Conditional Use
Permit - Alcohol

AERIAL MAP

Zoning Case:
FY-19-20-ZC

Address :
3508 S. 5th ST

Transportation

Streets

— MINOR ARTERIAL

— Temple Municipal Boundary

Parcel Features

— Parcels

— Production.SDE.Easement

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

jdeckman
Date: 7/16/2019





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

471174
PENDLETON, VICTOR R & NARY D
5415 SOUTHERN CROSSING DR
TEMPLE, TX 76502

Zoning Application Number: FY-19-20-ZC

Case Manager: Jason Deckman

Location: 3508 South 5th 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:

I own property that borders this proposal on the south side: ID 471174. My property is used as a mental health treatment facility. Activities are often conducted outside. The proposal as stated does not contain an 8' privacy fence on the south side to provide privacy to my clients. I cannot approve of this proposal without consideration for the privacy of my patients. I want to avoid having mental health patients receiving treatment in plain view of people drinking alcohol.

Victor Pendleton
Signature

Dr. Victor Pendleton, Psychologist
Print Name

Feel free to contact me if needed _____ **(Optional)**

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

Number of Notices Mailed: 14

Date Mailed: July 23, 2019

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

ORDINANCE NO. 2019-4989
(FY-19-20-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT WITH A SITE PLAN TO ALLOW A MICROBREWERY FOR ALCOHOL SALES, WITH A WAIVER FOR DISTANCE TO RESIDENTIAL PROPERTY, ON APPROXIMATELY 2.239 ACRES, SITUATED IN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, BELL COUNTY, TEXAS, LOCATED AT 3508 SOUTH 5TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Jesse Stelzer, requests a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages at Friars Creek Brewhouse with a waiver for distance to residential property - Mr. Stelzer proposes to brew beer for consumption in the taproom or in the outdoor seating area;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration to the planned development conditions, recommends approval of the requested Conditional Use Permit, subject to the following conditions:

- Sale of all alcoholic beverages for on-premise consumption be contained within the developed site of Lot 1, Block 1, Aikins Plat Replat No. 1 subdivision, located at 3508 South 5th Street;
- Approval by City Council of a waiver from the distance requirement for alcohol sales;
- Compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
- Compliance with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption;
- Requiring closing time to be set not later than 11:00pm with any outside entertainment to cease by 10:00pm in order to prevent any disturbance to adjacent properties;

Whereas, UDC Section 5.3.15 provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages, including that the establishment must not be within 300 feet of a public park or any residentially zoned or developed lot;

Whereas, the property which is the subject of this Conditional Use Permit is within 300 feet of residentially zoned property, therefore the applicant is requesting a variance from the distance requirement;

Whereas, The Texas Alcoholic Beverage Code (TABC) establishes procedures for granting a variance to adopted distancing requirements under Section 109.33(e) which states that Council may allow a variance if the Council determines that enforcement of the distance requirement is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community;

Whereas, the applicant has provided a letter to Staff explaining why the distance requirement should be waived – the letter can be summarized as follows:

- The establishment will be a family-friendly environment and not a bar or night-club;
- The establishment will provide fenced outdoor seating with games, food trucks, and a play area for children;
- The establishment is intended to be an attractive destination located along Friars Creek Trail; and
- The establishment will provide a community gathering place along a development corridor.

Whereas, Staff is supportive of the distance waiver request as long as the CUP conditions proposed above are met; 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 approves a Conditional Use Permit with a Site Plan to allow a microbrewery for alcohol sales, with a waiver for distance to residential property, on approximately 2.239 acres, situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 3508 South 5th Street and subject to the following conditions:

- Sale of all alcoholic beverages for on-premise consumption be contained within the developed site of Lot 1, Block 1, Aikins Plat Replat No. 1 subdivision, located at 3508 South 5th Street;
- Compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages;
- Compliance with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption; and
- Requiring closing time to be set not later than 11:00pm with any outside entertainment to cease by 10:00pm in order to prevent any disturbance to adjacent properties.

Part 3: The City Council approves the Site Development Plan which is 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 **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(II)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-19-18-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural zoning to Light Industrial zoning for 146.852 +/- acres, addressed as 5200 Old Howard Road.

PLANNING & ZONING COMMISSION RECOMENDATION: At its August 5, 2019 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the rezoning per staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from AG to LI district for the following reasons:

1. The proposed LI zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
2. The property is bordered on the east by the Northwest Industrial Park;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The applicant, Aldrich-Thomas Group, on behalf of the Byrne Family Trust, requests rezoning of 146.852 +/- acres from Agricultural (AG) zoning district to Light Industrial (LI) zoning district. The subject property is currently unplatted and undeveloped.

While no end-user has been formally identified, the property is proposed to be developed with industrial uses. There are a number of residential and non-residential uses that are permitted by-right or with a conditional use permit (CUP). A comparison between the existing and proposed zoning districts, is shown in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within both the Suburban Commercial Future Land Use Map (FLUM) designation and the Industrial FLUM designation. Although, the Suburban Commercial designation is appropriate for office and retail service zoning districts, the property is largely within the Industrial designation, which is appropriate for the community's manufacturing, warehousing/ distribution and light industrial areas. The subject property is not within the Northwest Industrial Park, as defined by UDC section 8.2.3D.2a, since the western boundary of the park ends at Wendland Road and Moores Mill Road, but it is adjacent to it. However, the area's anticipated land uses are likely to remain industrial in nature. The area should be evaluated with the new Comprehensive Plan, in the event the request is approved by City Council. Therefore, the request is in partial compliance with the FLUM.

Thoroughfare Plan (CP Map 5.2)

The subject property fronts along Moores Mill Road and follows the Old Howard Road alignment toward the south, both of which are proposed major arterials. This is the alignment for Phase 3 of the proposed Outer Loop and is scheduled for improvements under the Transportation Capital Improvement Program (TCIP) starting in 2023. Access can also be taken from Wendland Road, a proposed minor arterial on the eastern boundary of the property.

Availability of Public Facilities (CP Goal 4.1)

Waste water is available from an existing 8-inch sewer line in Wendland Road. Water is available from an existing 12-inch water line in Wendland Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed City-wide spine trail is shown on the Trails Master Plan along Moores Mill Road. The proposed trail follows the Old Howard alignment toward the south. The proposed trail requires a minimum 6-foot sidewalk. Compliance with the Trails Master Plan and sidewalks will be addressed at the platting stage.

SUBDIVISION PLAT: A subdivision plat will be required for this property prior to development. The plat will address needed connection to public facilities, right-of-way and trail development.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast, the current development standards for AG with the proposed LI standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

PUBLIC NOTICE: Sixteen notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday August 27, 2019, at 9:00 AM, two notices in agreement and one notice in disagreement have been received.

The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Surveyor Boundary Maps (Exhibit A)

Photos

Tables

Maps

Outer Loop Schedule

Returned Property Notices

P&Z Excepts (August 5, 2019)

Ordinance

RIGHT OF WAY PARCEL
Byrne Family Revocable Living Trust
John L. Byrne and Billie G. Byrne, Co-Trustees

Survey showing 15,858 ACRE, situated in the M. A. YOUNG SURVEY, ABSTRACT 937, the J. B. DANIEL SURVEY, ABSTRACT 259 and the HENRY MILLARD SURVEY, ABSTRACT 552, Bell County, Texas, being a portion of a called 164.732 acre tract conveyed to the Byrne Family Revocable Living Trust, John L. Byrne and Billie G. Byrne, Co-Trustees, in Document Number 2007-00048897, Official Public Records of Real Property, Bell County, Texas, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 15,858 Acre tract.



• Denotes 5/8" Iron Rod with "ACS" Cap Set, unless otherwise noted.

OLD HOWARD ROAD
(Rec. N 55°50'34" E 141.45')
S 51°59'11" W 154.75'

17.5' Temporary Easement

JOHN L. BYRNE and BILLIE G. BYRNE
CO-TRUSTEES OF THE BYRNE FAMILY REVOCABLE LIVING TRUST
CALLED 164.732 ACRES
(DOC # 2007-00048897)

JOHN L. BYRNE and BILLIE G. BYRNE
CO-TRUSTEES OF THE BYRNE FAMILY REVOCABLE LIVING TRUST
CALLED 164.732 ACRES
(DOC # 2007-00048897)

MOORES MILL ROAD
(Rec. S 73°05'15" E 1658.93')
S 14°43'06" N 215.50'

17.5' Temporary Construction Easement

WENDLAND ROAD
N 31°21'06" W 101.44'

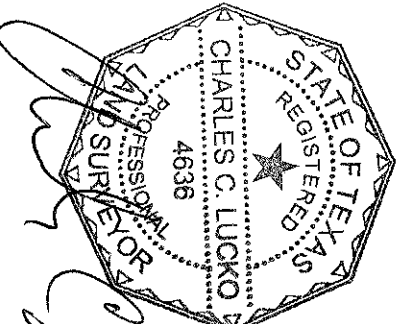
1 1/4" Metal Pipe Found
N 73°12'56" W 145.28'
(Rec. N 70°52'19" W)

CITY OF TEMPLE
CALLED 344.34 ACRES
(DOC # 2008-00025128)

LINE	BEARING	DISTANCE	RECORD CALL
L1	N 34°17'44" E	70.64'	
L2	N 05°42'11" N	44.92'	
L3	S 73°05'15" E	66.13'	S 70°52'14" E
L4	S 05°42'11" E	44.92'	
L5	S 30°42'11" E	70.64'	

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2425.00'	630.88'	624.10'	N 74°53'41" E	145°54'21"
C2	382.50'	76.11'	75.45'	N 00°51'17" E	13°08'57"
C3	267.50'	50.32'	50.24'	S 00°18'52" E	10°46'34"
C4	2425.00'	461.85'	461.15'	S 28°17'52" E	10°54'44"

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 coordinates are referenced to City Monument No. III. The theta angle at City Monument No. III is 01° 32' 04". The combined correction factor (CCF) is 0.949844. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference line from City monument No. III to the northeast corner of this 15,858 acre tract is N 64°43'32" W 40.24 feet. Published City coordinates for project reference point III are N 103°47'46.252" E = 3228.216.66.



1303 South 21st Street
Temple, Texas 76504
254-718-2212 Killen 254-634-4636
Fax 254-714-1608
Tx. Firm Lic. No. 10023600

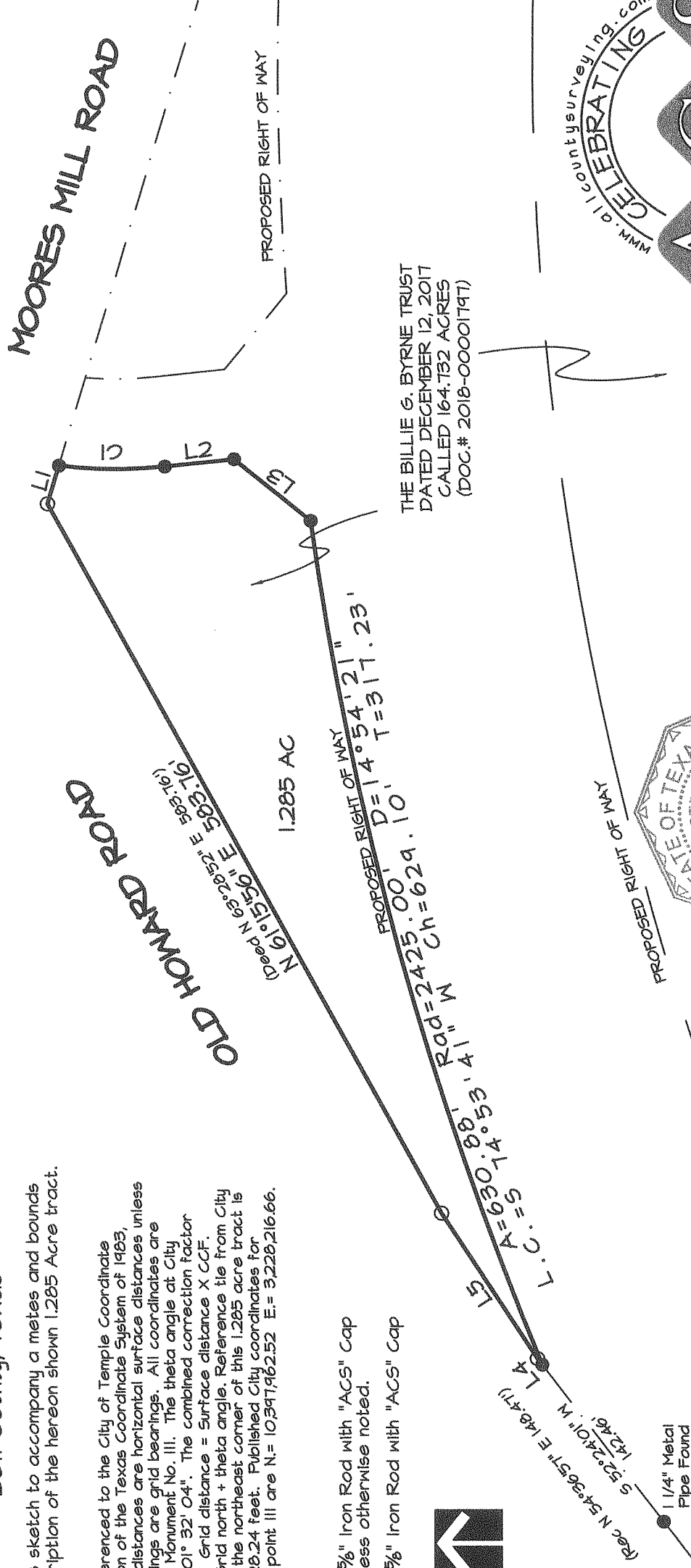
Survey showing 15,858 ACRE, situated in the M. A. YOUNG SURVEY, ABSTRACT 937, the J. B. DANIEL SURVEY, ABSTRACT 259 and the HENRY MILLARD SURVEY, ABSTRACT 552, Bell County, Texas, being a portion of a called 164.732 acre tract conveyed to the Byrne Family Revocable Living Trust, John L. Byrne and Billie G. Byrne, Co-Trustees, in Document Number 2007-00048897, Official Public Records of Real Property, Bell County, Texas, Bell County, Texas.

Copyright 2015 All County Surveying, Inc.
Plot Date: 11-14-2015
Survey completed: 04-22-2014
Scale: 1" = 500'
Job No.: B071412
Drawn by: MDH
Surveyor: CCL #4636

This sketch to accompany a metes and bounds description of the hereon shown 1.285 Acre tract.

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 coordinates are referenced to City Monument No. III. The theta angle at City Monument No. III is $0^{\circ} 32' 04''$. The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance \times CCF. Geodetic north = Grid north + theta angle. Reference tie from City Monument No. III to the northeast corner of this 1.285 acre tract is N $73^{\circ} 45' 04''$ W, 2328.24 feet. Published City coordinates for project reference point III are N = 10397462.52 E = 3228216.66.

- Denotes $\frac{5}{8}$ " Iron Rod with "ACS" Cap Found, unless otherwise noted.
- Denotes $\frac{5}{8}$ " Iron Rod with "ACS" Cap Set.

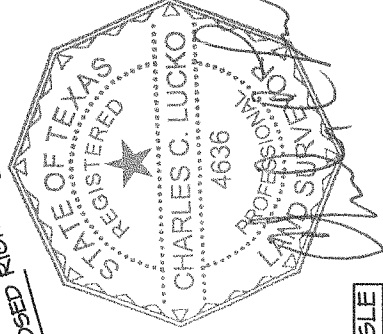


LINE	BEARING	DISTANCE	RECORD CALL
L1	S 73°05'15" E	28.78'	N 70°52'19" W 2290.27'
L2	S 05°42'11" E	49.92'	
L3	S 39°17'49" W	70.69'	
L4	N 52°24'01" E	5.69'	N 54°36'57" E 148.47'
L5	N 56°43'23" E	124.87'	N 58°56'19" E 124.87'

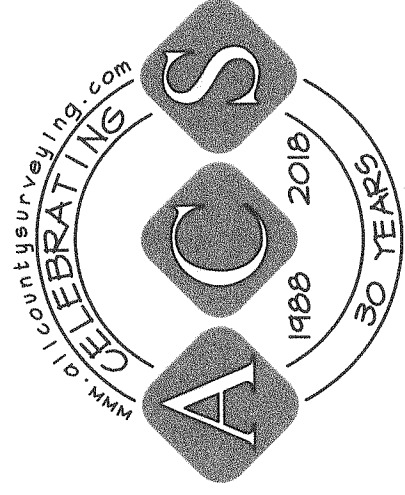
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	332.50'	76.11"	75.95'	S 00°51'17" W	13°06'57"

Plot Date: 08-22-2018

Survey completed: 09-23-2015
Scale: 1" = 100'
Job No.: 182006
Dwg No.: 182006 Parcel 11
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2018 All County Surveying, Inc.



THE BILLIE G. BYRNE TRUST
DATED DECEMBER 12, 2017
CALLED 164.732 ACRES
(DOC.# 2018-00001797)



Tx. Firm No. 10023600
4330 South 5th Street
Temple, Texas 76502
254-778-2272 Killean 254-634-4636
Fax 254-774-7608

Survey showing 0.742 ACRES, situated in the
M. A. YOUNG SURVEY, ABSTRACT No. 937,
Bell County, Texas

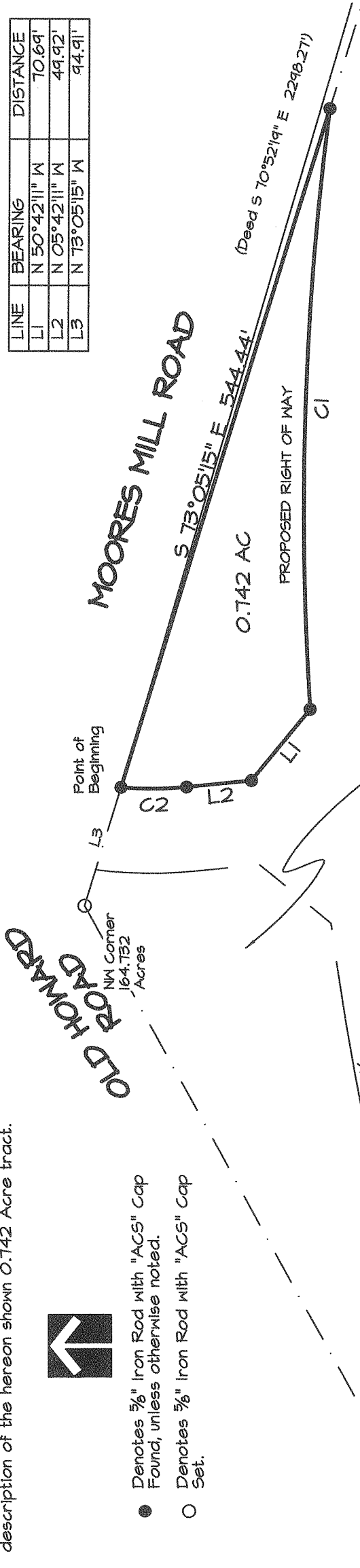
This sketch to accompany a metes and bounds
description of the hereon shown 0.742 Acre tract.



- Denotes 3/8" Iron Rod with "ACS" Cap
Found, unless otherwise noted.
- Denotes 3/8" Iron Rod with "ACS" Cap
Set.

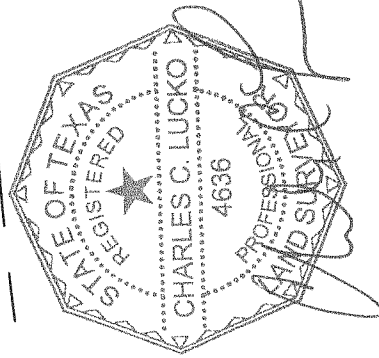
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2425.00'	461.85'	461.15'	N 88°17'52" W	10°54'44"
C2	261.50'	50.32'	50.24'	N 00°18'52" W	10°46'39"

LINE	BEARING	DISTANCE
L1	N 50°42'11" W	70.69'
L2	N 05°42'11" W	49.92'
L3	N 73°05'15" W	94.91'



THE BILLIE G. BYRNE TRUST
DATED DECEMBER 12, 2017
CALLED 164.732 ACRES
(DOC.# 2018-00001797)

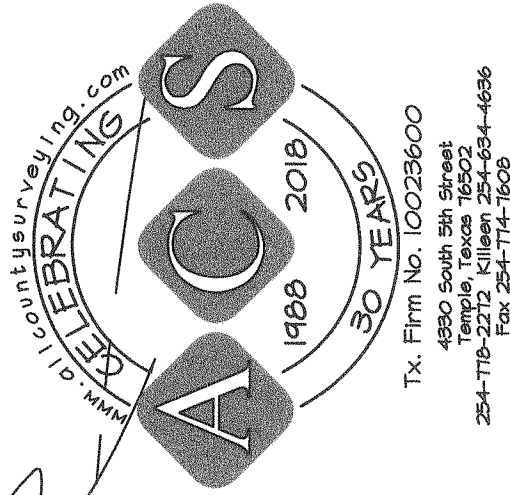
PROPOSED RIGHT OF WAY



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 coordinates are referenced to City Monument No. III. The theta angle at City Monument No. III is 01° 32' 04". The combined correction factor (CCF) is 0.999849. Grid distance = Surface distance x CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. III to the northwest corner of this 0.742 acre tract is N 73°46'51" W 2233.34 feet. Published City coordinates for project reference point III are N= 10,397,962.52 E= 3,228,216.66.

Survey completed: 09-23-2015
Scale: 1" = 100'
Job No.: 182006
Dwg No.: 182006 Parcel 1
Drawn by: MDH
Surveyor: CCL # 4636
Copyright 2018 All County Surveying, Inc.

Plot Date: 08-22-2018

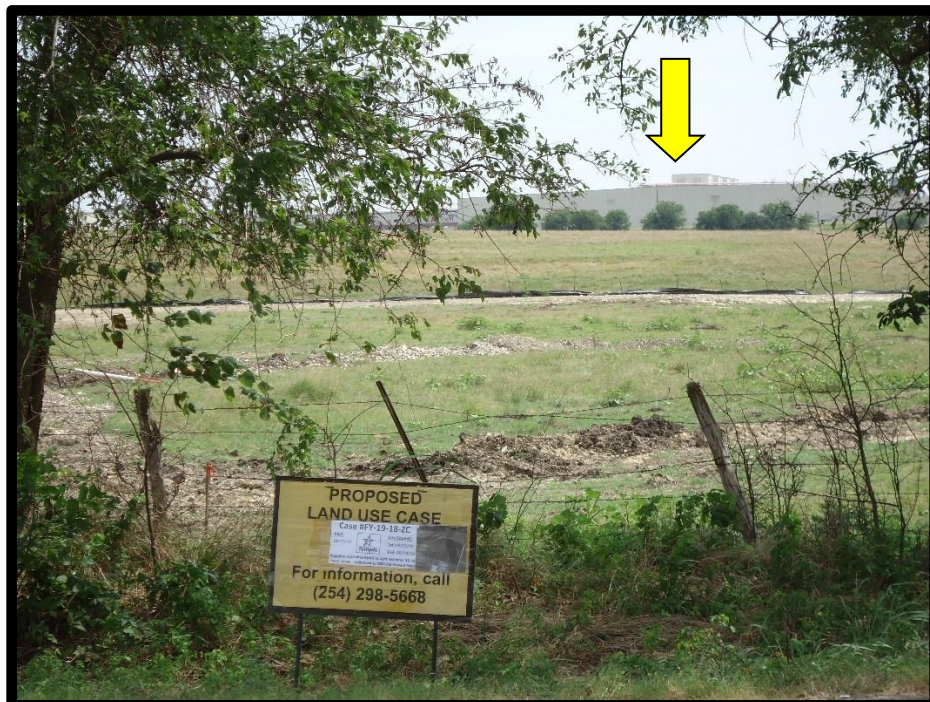


Tx. Firm No. 10023600
4330 South 5th Street
Temple, Texas 76702
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608

Site & Surrounding Property Photos



Site: Undeveloped (AG)



South – Looking Across Site toward HEB Distribution Center (Arrow) (LI)



East – Undeveloped & Scattered Single Family Residences on Acreage (AG)



North – Undeveloped (Intersection of Old Howard Rd & Moores Mill) (AG)



West – Undeveloped (Along Old Howard Rd) (AG)

Tables

**Permitted & Conditional Uses Table
Comparison between AG & LI**

Use Type	Agricultural (AG)	Light Industrial (LI)
Agricultural Uses	Farm, Ranch or Orchard	Farm, Ranch or Orchard
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Home for the Aged (CUP)	Family or Group Home Home for the Aged Recreational Vehicle Park (CUP)
Retail & Service Uses	None	Most Retail & Service Uses Alcoholic Beverage Sales, Off-premise Consumption, Package Store (CUP)
Office Uses	None	Offices
Commercial Uses	None	Most Commercial Uses Mini Storage Warehouse
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP)	Temporary Asphalt & Concrete Batching Plat (CUP) Light Manufacturing Distribution Center Slaughterhouse or Meat Packing Plant Wholesale Storage and Sales Recycling Collection Location
Recreational Uses	None	Park or Playground Beer & Wine - On Premise Consumption < 75% from revenue All Alcohol - On Premise Consumption >75% from Revenue (CUP)
Vehicle Service Uses	None	Auto Leasing, Rental Auto Sales - New & Used (Outside Lot) Car Wash Vehicle Servicing (Minor & Major)
Restaurant Uses	None	With & Without Drive-In
Overnight Accommodations	RV Park (CUP)	Hotel or Motel

Surrounding Property Uses

	Surrounding Property & Uses		
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial & Industrial	AG	Undeveloped
North	Industrial	AG & ETJ	Scattered SF Residential Uses
South	Industrial	LI	H*E*B Distribution & Retail Support Center
East	Industrial	LI	Northwest Industrial Park
West	Suburban Commercial	AG & ETJ	Scattered SF Residential Uses

Comprehensive Plan Compliance

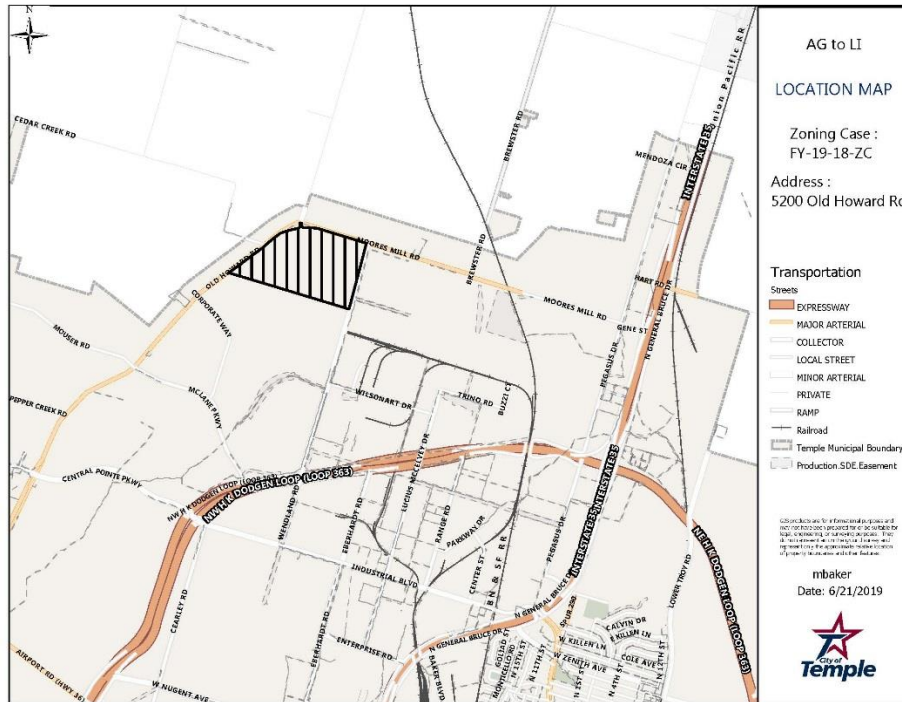
Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	PARTIAL
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Dimensional Standards

	<u>Current (AG) Non-Residential</u>	<u>Proposed (LI) Non-Residential</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50 Feet	30 Feet from Centerline
Side Setback	20 Feet	0 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	0 Feet
Max Building Height	3 Stories	ALH

ALH – Any Legal Height not prohibited by other laws

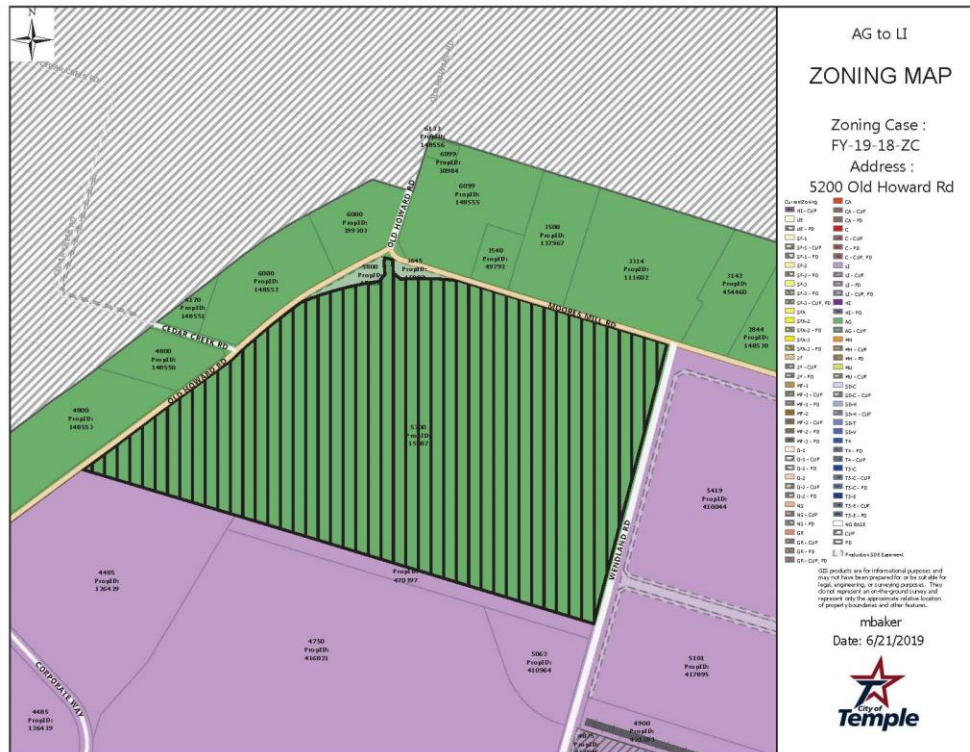
Maps



Location Map



Aerial Map



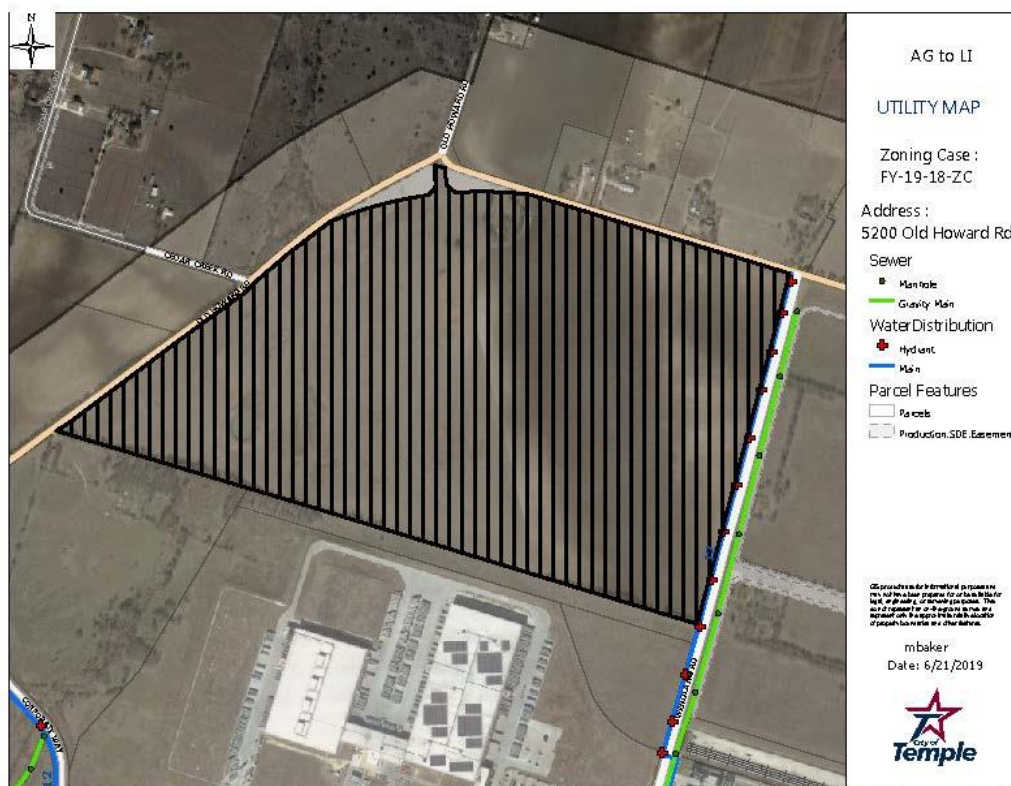
Zoning Map



Future Land Use Map

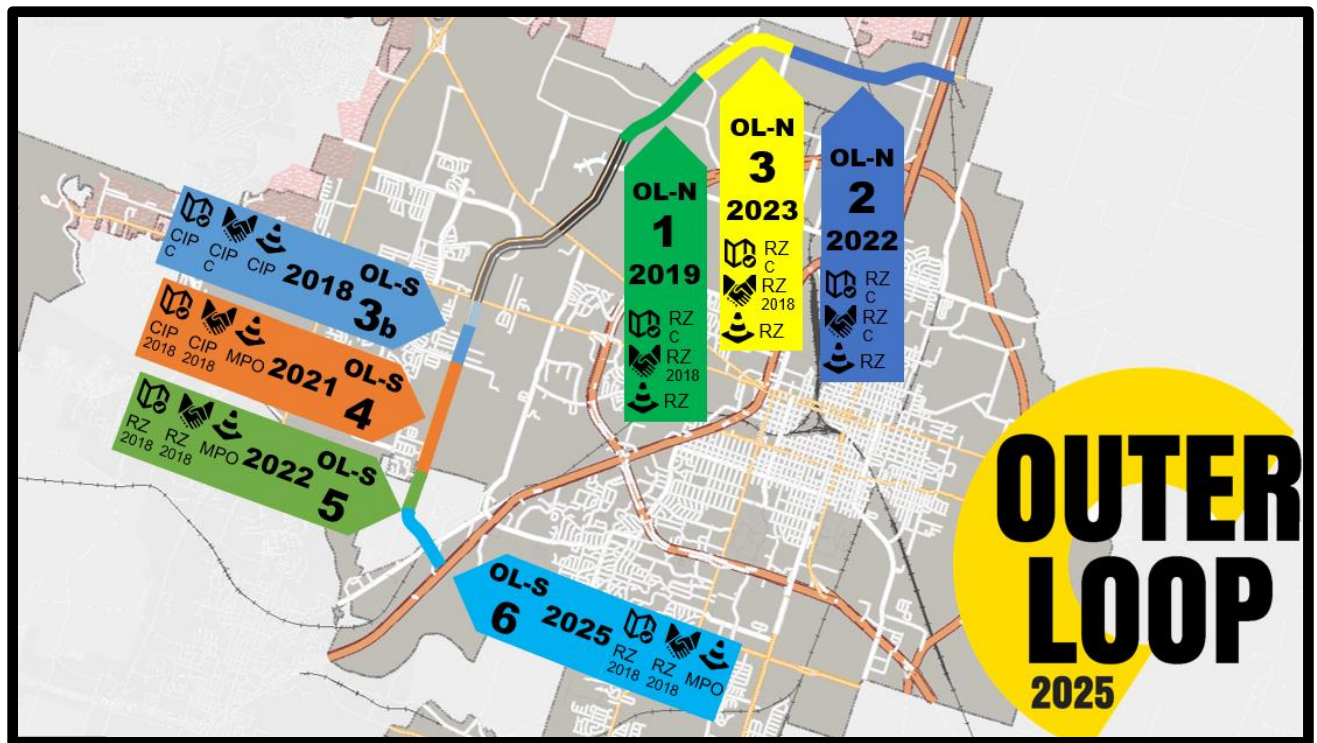


Thoroughfare & Trails Map

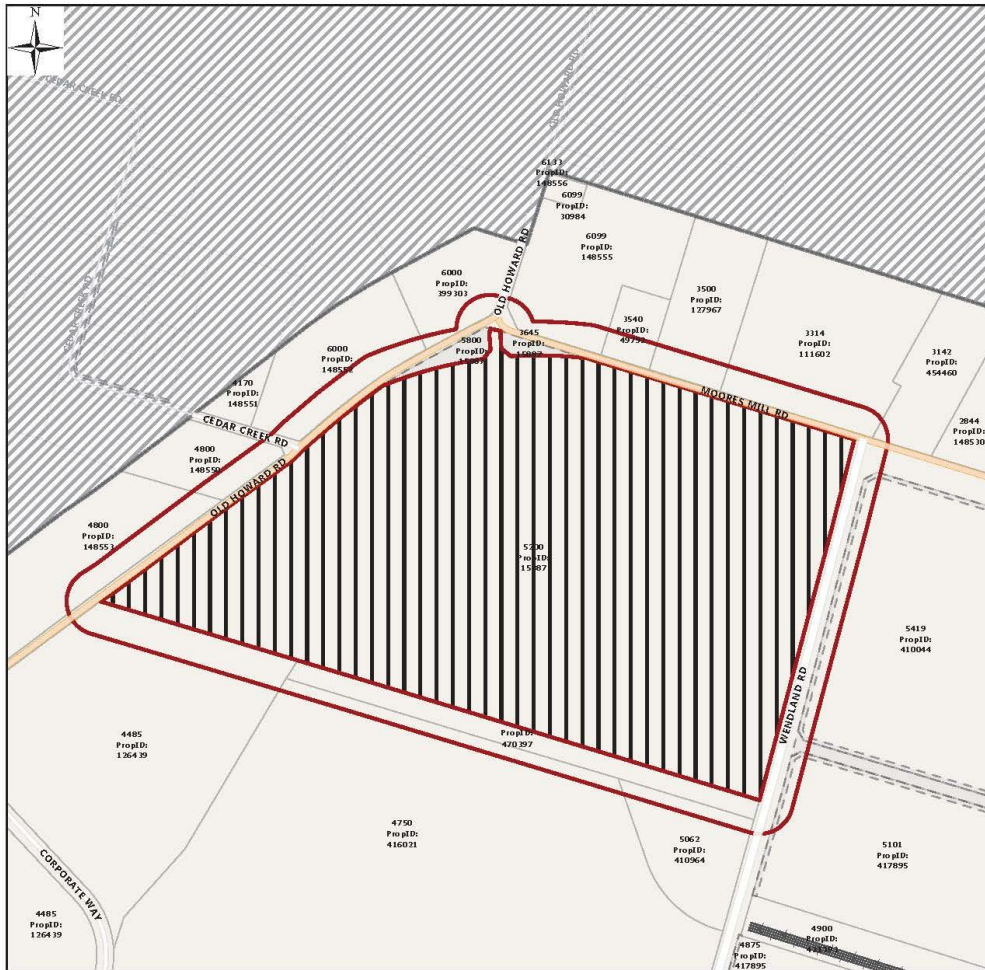


Utility Map

Transportation Capital Improvement Program



Outer Loop (TCIP) Schedule



AG to LI
200'
NOTIFICATION MAP

Zoning Case :
FY-19-18-ZC
Address :
5200 Old Howard Rd

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

mbaker
Date: 6/21/2019



Notification Map



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

399303
NOWAK, DONNA MARIE
1103 WHITEWATER DR
BERTRAM, TX 78605-4182

Zoning Application Number: FY-19-18-ZC

Case Manager: Mark Baker

Location: 5200 Old Howard Road

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

I ☐ agree

☒ disagree with this request

Comments: After much consideration, I disagree for the following reasons.

- 1) Unknown type of industrial businesses that might purchase the property having a direct impact on my property value. 2) No weight limitation on structures. 3) Heavy traffic that would restrict access to my property. (Prop ID 399303) Would a traffic light be installed at Old Howard and Moores Mill Rd?

Signature

Print Name

lady.dnowak@gmail.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, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

RECEIVED

AUG 5 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 16

Date Mailed: July 23, 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**

148552
JUDD, MARCIA ANN
102 KINGSBURY WAY
HEWITT, TX 76643-4215

Zoning Application Number: FY-19-18-ZC

Case Manager: Mark Baker

Location: 5200 Old Howard Road

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

I ☒ agree

() disagree with this request

Comments:

Marcia Judd
Signature

Marcia Judd
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

RECEIVED
AUG 05 2019
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PLANNING & DEVELOPMENT

Number of Notices Mailed: 16

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

RECEIVED
AUG 05 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

15887
BYRNE, BILLIE G TRUST
3510 E 32ND ST APT 4
TULSA, OK 74135-4422

Zoning Application Number: FY-19-18-ZC

Case Manager: Mark Baker

Location: 5200 Old Howard Road

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

I ☒ agree

() disagree with this request

Comments:

John K. Byrne - Trustee
Signature

JOHN K. BYRNE -
Print Name TRUSTEE

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

Number of Notices Mailed: 16

Date Mailed: July 23, 2019

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, AUGUST 5, 2019**

ACTION ITEMS

Item 6: FY-19-18-ZC – Hold a public hearing to discuss and recommend action on a rezoning request from Agricultural (AG) zoning to Light Industrial (LI) zoning for 146.852 +/- acres, addressed as 5200 Old Howard Road.

Mr. Baker stated this item is scheduled to go forward to City Council for first reading on September 5, 2019 and second reading on September 19, 2019.

Aerial and Vicinity Map shown.

Mr. Baker stated that a subdivision plat is required prior to construction.

Zoning Map shown and found to be in compliance.

Future Land Use Map is shown and found to be in partial compliance.

Existing Water and Sewer map shown and found to be in compliance.

Water is supplied through 12-inch lines within Wendland Road, and sewer is supplied with eight-inch lines within Wendland Road.

Thoroughfare Plan and Trails Map are shown and found to be in compliance.

Site Photos shown.

Agricultural (AG) and Light Industrial (LI) Developmental standards comparison table shown.

Comparison table between AG and LI uses shown.

Sixteen notices were mailed in accordance with all state and local regulations with one response returned in agreement and one notice returned in disagreement.

Compliance Summary table shown.

Staff recommends approval of the request for a rezoning from AG to LI District.

Chair Langley opened the public hearing.

Mr. Matt Stephens, 5200 Old Howard Road, Temple, Texas, stated he is concerned over future projects coming to his area and his lack of understanding concerning these. Mr. Stephens brought his response forms to the meeting tonight and denies the applicant's his approval for this rezoning.

Mr. Jeffer Ware, 2600 Moore's Mill Road, Temple, Texas, discussed his concerns regarding destroying our neighborhoods, public communication, and his desire not to see Temple turn into Austin.

There being no further speakers, the public hearing was closed.

Vice Chair Ward made a motion to approve Item 6, **FY-19-18-ZC**, per Staff recommendation and Commissioner Castillo made a second.

Motion passed: (6:0)

Commissioners Armstrong, Jeanes, and Marshall absent.

DRAFT

ORDINANCE NO. 2019-4990
(FY-19-18-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING
DISTRICT TO LIGHT INDUSTRIAL ZONING DISTRICT ON
APPROXIMATELY 146.852 ACRES, ADDRESSED AS 5200 OLD HOWARD
ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN
EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Aldrich-Thomas Group, on behalf of the Byrne Family Trust, requests rezoning of approximately 146.852 acres from Agricultural zoning district to Light Industrial zoning district, addressed as 5200 Old Howard Road - the subject property is currently unplatted and undeveloped;

Whereas, while no end-user has been formally identified, the property is proposed to be developed with industrial uses - there are a number of residential and non-residential uses that are permitted by-right or with a Conditional Use Permit (CUP);

Whereas, at its August 5, 2019 meeting, the Planning and Zoning Commission recommended approval of the rezoning from Agricultural zoning district to Light Industrial zoning district on approximately 146.852 acres, addressed as 5200 Old Howard Road, 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.

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 of the rezoning from Agricultural zoning to Light Industrial zoning for approximately 146.852 acres, addressed as 5200 Old Howard Road, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(JJ)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-19-22-ZC: Consider adopting an ordinance amending Ordinance 2016-4810 to add 35 +/- acres to the existing 42.066 +/- acres and rezoning all 77.066 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts.

PLANNING & ZONING COMMISSION RECOMENDATION: At its August 5, 2019 Planning & Zoning Commission meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the Planned Development, per staff's recommendation.

Public comments were made related to increased traffic on Tanglehead Drive, increased construction activity in the area and suggested uses of the property for recreation or preservation of open space.

STAFF RECOMMENDATION: Based on the following, staff recommends approval to rezone approximately 35 +/- acres from Agricultural (AG) and to amend Ordinance 2016-4810 for the following reasons:

1. Through agreed upon conditions between the applicant and staff for the three base-zoning districts, proposed land use will have reduced impacts upon the existing Hills of Westwood and Meadows neighborhoods;
2. The proposed zoning designations provide for a better compatibility and the MF-2 portion will be buffered from the existing single family uses by the proposed SF-2 portion;
3. The request complies with the Thoroughfare Plan upon future extensions of Westfield Boulevard and Tanglehead Drive; and
4. Public facilities are available to serve the subject property.

Staff Recommends approval of the proposed rezoning and amendment to Ordinance 2016-4810, subject to the following conditions:

1. Substantial compliance with Site Development Plan attached as Exhibit A;
2. Substantial compliance to the proposed Westfield Boulevard extension and Tanglehead Drive alignment and descriptive cross-sections attached as Exhibit B;
3. Compliance with the Planned Development Standards and specific General Retail (GR), Multi-Family (MF-2) and Single-Family (SF-2) standards as described by Exhibit C
4. Site / Development Plan review by the Planning & Zoning Commission and approval by City Council for the MF-2 portion will be required prior to the issuance of a building permit
5. A 25-foot wide landscape buffer is required along the common boundary of the Planned Development and the MF-2 zoned portion, where adjacent to existing single-family residential uses.
6. Preservation of existing trees with a minimum 8-inch diameter at breast height (dbh) or greater in coordination with the City of Temple for determination of which trees to preserve (including removal of invasive species) and whether additional landscaping is needed in conjunction with other buffering and screening requirements.

ITEM SUMMARY: The applicant, Turley Associates, on behalf of the First Baptist Church – Temple, requests rezoning approximately 35 +/- acres, of land from Agricultural (AG) and amending Ordinance 2016-4810 consisting of approximately 42 +/- acres for a new Planned Development, consisting collectively of 77.450 +/- acres within the First Baptist Church West

If approved by City Council, the Planned Development ordinance will contain the Site Development Plan (Exhibit A), the roadway alignment plan (Exhibit B) and mutually-agreed upon Planned Development conditions (Exhibit C). While Exhibit A shows the proposed district locations, the exhibit also contains a maximum percentage of its related land use. A summary breakdown is as follows:

1. **General Retail GR** (10.556 +/- Ac)
 - a. As allowed per UDC Section 5.1
 - b. Maximum 16% of total 77 Ac.
2. **Multi-Family MF-2** (9.309 +/- Ac.)
 - a. Age restricted (55 and Older),
 - b. Various single family residential and assisted living uses, (two stories Maximum)
 - c. Single story Maximum within 50-feet of existing residential use
 - d. Maximum 14% of total 77 Ac.
3. **Single Family Residential SF-2** (57.585 +/- Ac.)
 - a. Proposed for approximately 270 single family homes
 - b. 70% or more of total 77 Ac.

A table showing the proposed Planned Development land uses for the two zoning districts as well as a range of permitted uses in the GR district has been attached.

COMPREHENSIVE PLAN (CP) COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. A table summarizing the following discussion is attached.

Future Land Use Map (CP Map 3.1)

The subject property is entirely within the Suburban Residential land use district. The Suburban Residential district is intended for mid-sized single family lots with an emphasis on green spaces and a separation between dwelling units. While General Retail and Multi-Family zoning is supported by other Future Land Use Map designations, it can be interpreted that collectively the three districts provide support to each other and therefore, the request is in partial compliance with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from West Adams Avenue (FM2305), an arterial which will only provide immediate access to the GR-zoned portion. Access to the multi-family and single-family portions would be from the proposed extension of Westfield Boulevard, which will ultimately connect to Iron Gate Drive. While this section of Westfield Boulevard is a proposed minor arterial, according to the Thoroughfare Plan, it is anticipated to be renamed and will be addressed with the forthcoming subdivision plat. Additionally, access will be provided by the extension of Tanglehead Drive and terminating with the Westfield Boulevard.

Circulation from the extension of Westfield Boulevard into the Hills of Westwood, subdivision to the south of the subject property, is proposed to connect through an undeveloped lot at Iron Gate Drive and ultimately connect to Tarver Road. Exhibit B reflect design for Westfield Boulevard to be extended south of West Adams Avenue as a minor arterial (92-foot ROW) reducing down to 60-foot ROW as an oversized collector at its connection with Iron Gate Drive on the southern boundary of the development.

Westfield Boulevard Extension:

- 92-feet ROW – 71-feet (back of curb to back of curb), then reduces down
- 60-feet ROW – 36-feet (back of curb to back of curb)
- Extension of 2,750 Lineal Feet of roadway length

The proposed extension of Tanglehead Drive, a local street, is the proposed boundary between the multi-family and single-family segments of the planned development. Increased circulation will be provided by the extension of Tanglehead Drive with the through access to Old Waco Road. The extension of Tanglehead is required due to connectivity and projection of street requirements (UDC Section 8.2.1D.4). Reclassification to a collector requires a Thoroughfare Plan amendment and may be consideration with the current Comprehensive Plan update. In the cases of both Westfield Boulevard and Tanglehead Drive, the timing of improvements will be tied to Certificate of Occupancy for each segment of the Planned Development in order to ensure timely construction.

As a result of the applicant's commitment to extensions of Westfield Boulevard and Tanglehead Drive, which are required by both the Thoroughfare Plan and the subdivision plat process related to connectivity, the proposed Planned Development is in compliance with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Water is available through an existing 3-inch water line along West Adams Avenue and an 8-inch water line along Tanglehead Drive. Sewer is available through the extension of a 12-inch sewer line along West Adams Avenue and an 8-inch sewer line that would need to be extended from Tanglehead Drive.

Temple Trails Master Plan Map and Sidewalks Ordinance

Trails Master Plan depicts an existing City-Wide Spine Trail on the north side of West Adams Avenue. However, arterial streets require a 6-foot sidewalk on both sides. Similar to the timing of the extension of Westfield Boulevard and Tanglehead Drive, timing of improvements is tied to the issuance of Certificate of Occupancy to ensure construction, see Exhibit C.

SUBDIVISION PLAT: A master preliminary subdivision plat was reviewed by the Development Review Committee on August 19, 2019. The plat proposes the following:

- 270 Single Family (SF-2) lots (Approximately 70% of the 77.45 +/- Acres)
- Five General Retail (GR) lots (10.556 +/- Acres)
- One Multi-Family (MF-2) lot – Variety of age-restricted senior housing styles and related assisted senior living facilities, (9.309 +/- Acres)

DEVELOPMENT STANDARDS: While both residential and non-residential setbacks are provided for in UDC Section 4.5, the attached table compares the Planned Development residential setbacks in the SF-2 and MF-2 districts. GR standards are base standards provided for in UDC Section 4.6. Additional Development standards are provided in Exhibit C.

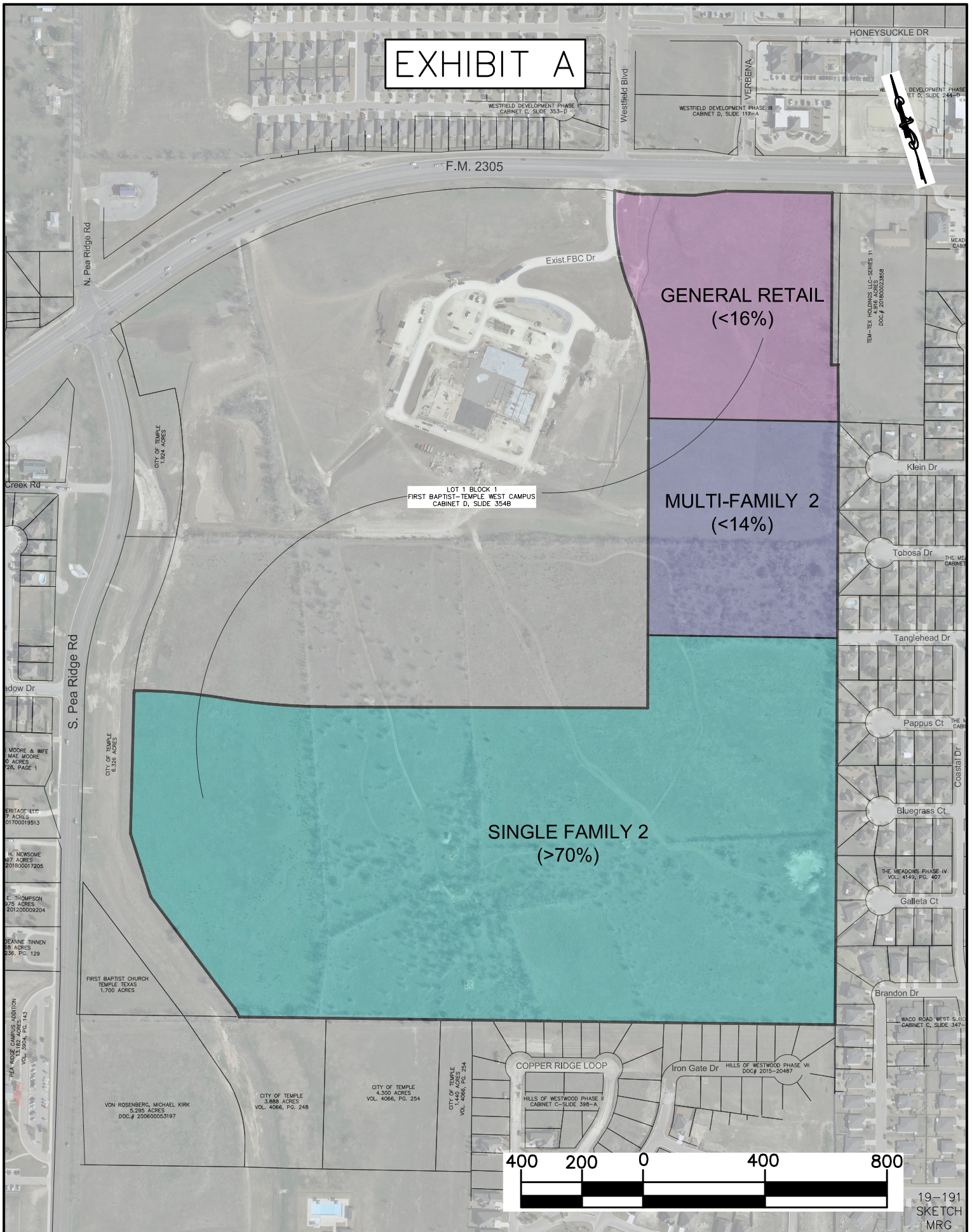
PUBLIC NOTICE: One-Hundred and One (101) notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday August 27, 2019, at 9:00 AM, four notices in disagreement and 12 notices in agreement, multiple properties include the same property owner, have been received.

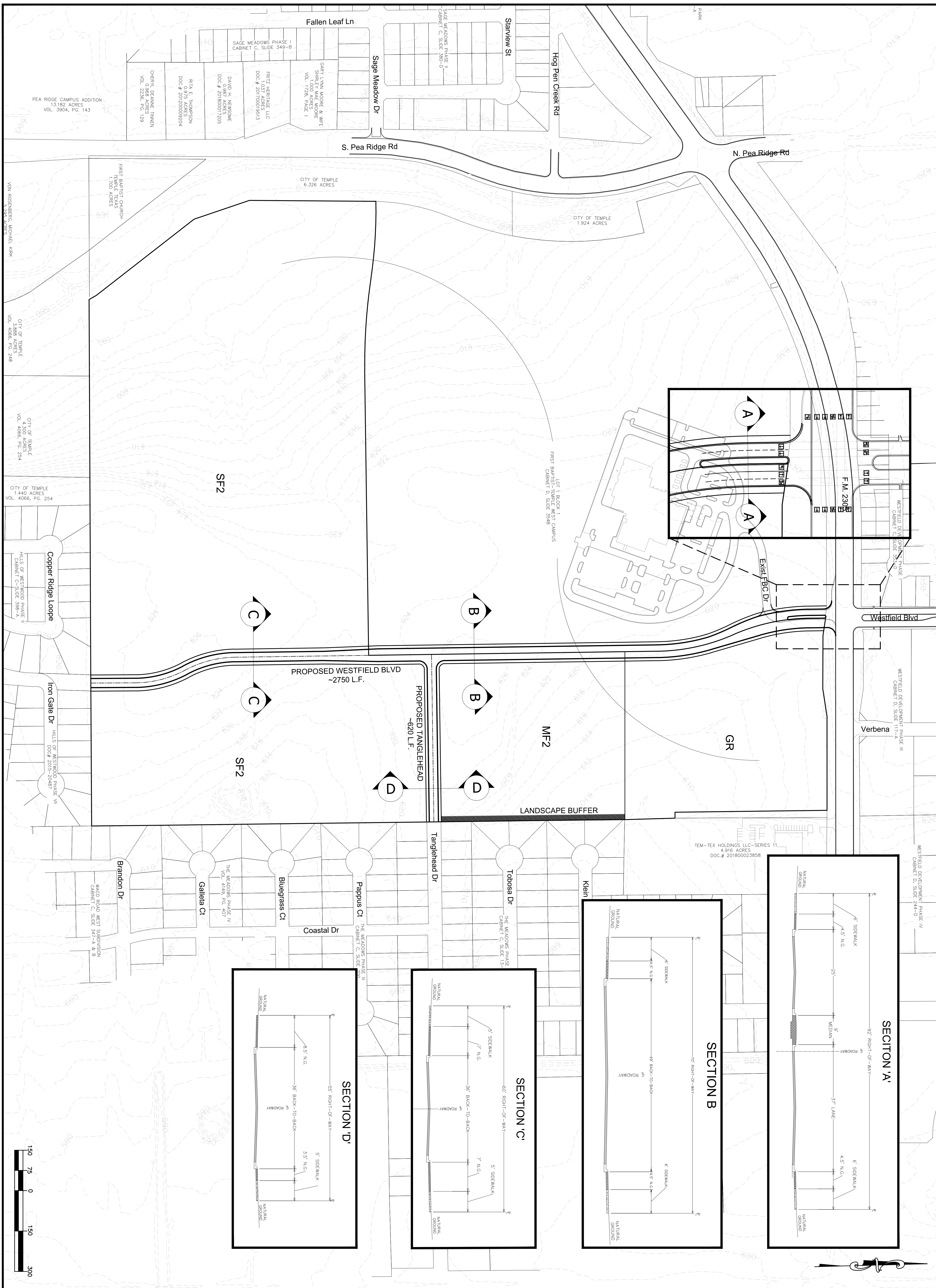
The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Planned Development/ Site Development Plan \(Exhibit A\)](#)
[Alignment Cross Sections for Westfield Blvd extension & Tanglehead Dr \(Exhibit B\)](#)
[Planned Development and Zoning District Conditions of Approval \(Exhibit C\)](#)
[Photos](#)
[Tables](#)
[Maps](#)
[Ordinance 2016-4810](#)
[Returned Property Notices](#)
[P&Z Excerpts \(August 5, 2019\)](#)
[Ordinance](#)





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.



TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St.
TEMPLE, TEXAS 76501

254.773.2400
www.turley-inc.com

TBPE No. F-1658 • TBPLS No. 10056000

EXHIBIT B:
WESTFIELD BLVD. &
TANGLEHEAD DRIVE
CITY OF TEMPLE, BELL COUNTY, TEXAS

Exhibit B

[illegible]

EXHIBIT C

Planned Development – General Retail

- Single Family Dwelling 2 – at least 70% of 77.45 acres
- Multiple-Family Dwelling 2 (Age Restricted) – no more than 14% of 77.45 acres
- General Retail – no more than 16% of 77.45 acres

PD Conditions:

1. See Exhibit A for approximate site distributions.
2. See Exhibit B for approximate Westfield Boulevard and Tanglehead Drive alignment and cross sections.
3. Base zoning on at least 70% of area to be SF 2.
4. Base zoning on no more than 14% of area to be MF 2 with an age restriction to 55 years with additional site plan approval required prior to development.
5. Base zoning on no more than 16% of area to be GR
6. PD must comply with all other UDC code requirements unless exceptions are requested at platting.
7. Westfield Boulevard shall be substantially complete from West Adams to the southern edge of each phase of development prior to issuance of Certificate of Occupancy for corresponding phase.
8. Westfield Boulevard shall be constructed to the design standards as follows:
 - a. Between West Adams and Tanglehead – Arterial Street with 6-foot sidewalks on both sides
 - b. Between Tanglehead and South Property Line – Transition from Arterial to Collector Street with 5-foot sidewalks on both sides
 - c. No single-family driveways shall directly access Westfield Boulevard
9. Tanglehead Drive shall be constructed to the design standards as follows:
 - a. Between Westfield Boulevard and East Property Line – Collector street with a 5-foot sidewalk on one side
 - b. No single-family driveways shall directly access Tanglehead Boulevard

SF-2 Conditions:

1. Streets (other than Westfield Boulevard and Tanglehead Drive) to be 55-feet right of way with 31-feet back of curb to back of curb, and with a 5-foot sidewalk on one side of non-cul-de-sac streets and a 7-foot landscaped strip between the curb and sidewalk.
2. Trees (2-inch diameter at breast height) planted, two per lot, one located in the public frontage on the front and one located in the rear between the building lines.
3. Each front yard shall be sodded to include public frontage adjacent to each lot. The homeowner shall maintain the landscape including in the adjacent right of way up to the curb line. The HOA shall have general oversight and enforcement ability regarding said maintenance.
4. Sidewalks and landscaping shall be installed when homes are constructed and prior to issuance of Certificate of Occupancy.

5. A landscape subdivision entryway with monument sign will be provided at the intersection of Westfield Boulevard and Tanglehead Drive. The HOA shall maintain the entryway and monument sign.
6. Privacy or decorative fences on all boundary perimeters except Westfield Boulevard and Tanglehead Drive (see note 7) to be installed no later than at the time of home construction.
7. Fencing along Tanglehead Drive and Westfield Boulevard shall consist of decorative fencing to complement the aesthetics of the landscaped entryway to be built by the developer with development of each adjacent phase of the subdivision. Examples of perimeter fencing include wrought iron style fencing, wood privacy fence with masonry columns at lot corners, etc. Decorative fencing must be constructed prior to first issuance of Certificate of Occupancy in each phase. The HOA shall maintain perimeter fencing along Tanglehead and Westfield Boulevard.
8. Where space allows along Tanglehead Drive and Westfield Boulevard, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The HOA shall maintain trees and landscaping along Tanglehead Drive and Westfield Boulevard between the property line and the back of curb.
9. Minimum setbacks shall be as follows:
 - a. 20-foot front setbacks
 - b. 5-foot standard side setbacks
 - c. 10-foot side setbacks adjacent to streets

MF-2 Conditions:

1. MF-2 zoning is restricted to uses intended for occupants 55-year and older uses. Proposed uses include, but are not limited to, assisted living, independent living, home for the aged, attached and detached living units, multiple unit townhomes/garden homes/etc., dining, health, recreation and shared community center type facilities.
2. Total unit count is limited to 20 units per acres (according to MF-2 guidelines).
3. Building height is limited to 2 stories with an additional limitation of 1-story within 50 feet of an existing single family residential primary structure.
4. Any fencing along Tanglehead and Westfield Boulevard to consist of decorative fencing to complement the aesthetics of the site development plan and the adjacent single-family fence and landscaping aesthetics. The perimeter fence must be constructed prior to issuance of Certificate of Occupancy. The owner shall maintain perimeter fencing along Tanglehead and Westfield Boulevard.
5. Where space allows along Tanglehead Drive and Westfield Boulevard, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The adjacent owner shall maintain trees and landscaping along Tanglehead Drive and Westfield Boulevard between the property line and the back of curb.

6. An enhanced landscape buffer is required along common boundaries with single family as described below (excludes proposed single family south of Tanglehead Drive and west of Westfield Boulevard):
 - a. 15-foot minimum width
 - b. Required planting per 250 square feet
 - i. 1 canopy tree
 - ii. 2 small trees (50% evergreen)
 - iii. 5 supplemental shrubs (50% evergreen)
 - c. Plantings shall be selected from the approved planting list per the UDC
 - d. The required landscaping may be reduced by 30% when used in combination with a masonry wall or fence that is a minimum 6 feet in height, constructed of wood, wrought iron or galvanized ornamental steel and located behind the landscape area.
 - e. Existing trees located within the enhanced landscape buffer shall be protected and incorporated into the buffer if they are a Large Canopy or Median Canopy Tree species as identified in the UDC and are at least 8" diameter at breast height. Protected existing trees shall reduce the required planting trees one for one.
7. Site landscape design and layout shall incorporate existing trees, to the extent possible, if they are a Large Canopy or Medium Canopy Tree species as identified in the UDC and are at least 8" diameter at breast height. For this purpose, "to the extent possible" generally means trees that fall within proposed landscape areas that can be protected and incorporated into the landscape design without unreasonable efforts by the site developer. It does not intend to mean that existing trees shall dictate the location of structures, drives, etc.

GR Conditions:

1. Unless otherwise indicated in the UDC, fencing is not required along Westfield Boulevard; however, any fencing that is provided along Westfield Boulevard shall consist of decorative fencing (as described above). Said fencing must be constructed prior to issuance of Certificate of Occupancy for adjacent uses. The adjacent owner shall maintain fencing along Westfield Boulevard.
2. Where space allows along Westfield Boulevard, trees (2-inch diameter at breast height) shall be planted between the property line and the curb on 50-foot spacing. The adjacent owner shall maintain trees and landscaping along Westfield Boulevard between the property line and the back of curb.
3. No common boundaries are anticipated between GR and SF uses; however, if a common boundary is present then an enhanced landscape buffer is required as described above.
4. Free standing signage bases to primarily consist of masonry and/or decorative metal elements.
5. A 6-foot sidewalk shall be constructed along West Adams prior to issuance of Certificates of Occupancy.

Site & Surrounding Property Photos



Site: Undeveloped (Looking East) (PD)



Site: Undeveloped (Looking East) (PD)



**South: Undeveloped – Proposed Iron Gate Drive Access Point,
Hills of Westwood, subdivision (SF-3)**



**South: Iron Gate Drive
Hills of Westwood, subdivision (Circa 2016) (SF-3)**



**South: Existing Single-Family Residential Uses
Hills of Westwood, subdivision (Circa 2016) (SF-3)**



**East: Future Tanglehead Drive Access Point
The Meadows, subdivision (SF-3)**



**East: Existing Single-Family Residential Uses on Tanglehead Drive
The Meadows, subdivision (Circa 2016) (SF-3)**



**North: Existing Retail and Service Uses along West Adams Ave
(Circa 2016) (GR & PD)**

Tables

Planned Development Proposed Uses (Comparison between GR, SF2 & MF-2)

Use Type	General Retail (GR)
Agricultural Uses	Farm, Ranch or Orchard
Residential Uses	Single Family Residence (Detached & Attached) Industrialized Housing Family or Group Home Duplex Townhouse Home for the Aged (No CUP)
Retail & Service Uses	Most Retail & Service Uses Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
Commercial Uses	Plumbing Shop Upholstery Shop Kennel without Veterinary Hospital (CUP) Indoor Flea Market
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP) Laboratory, medical, dental, scientific or research Recycling collection location
Recreational Uses	Park or Playground Beer & Wine (On Premise Consumption) < 75%
Educational & Institutional Uses	Social Svc. Shelter (CUP) Child Care (No CUP) Place of Worship Hospital
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used (Outside Lot) Car Wash Vehicle Servicing (Minor)
Restaurant Uses	With & Without Drive-In
Overnight Accommodations	Hotel or Motel
Transportation Uses	Emergency Vehicle Service Helistop

Use Type	Single-Family 2 (SF2)	Multi-Family Two (MF-2)
Agricultural Uses	Farm, Ranch or Orchard	Same as SF-2
Residential Uses	Single Family Residence (Detached) Industrialized Housing	Age-Restricted (> 55 Yrs.) Single Family (detached and attached) Triplex Family or Group Home Assisted Living Home for the Aged Townhomes
Retail & Service Uses	None	None
Commercial Uses	None	None
Industrial Uses	Temporary Asphalt & Concrete Batching Plant (CUP)	None
Recreational Uses	None	None
Vehicle Service Uses	None	None
Residential Uses	None	None
Overnight Accommodations	None	None
Transportation Uses	None	None

Surrounding Property Uses

Surrounding Property & Uses			
Direction	FLUP	Zoning	Current Land Use
Site	Suburban Residential	AG, GR, SFA-3 & MF-2	Undeveloped
North	Auto-Urban Residential	GR & SF-2 (PD)	SF Residential & Retail / Service Uses
South	Auto-Urban Residential	SF-3	Undeveloped & SF Residential Uses
East	Auto-Urban Residential	NS (PD) & SF-1 & SF-3	Retail Service & SF Residential Uses
West	Suburban Residential	AG, GR & SF-2	Church, SF Residential Uses & Undeveloped Land

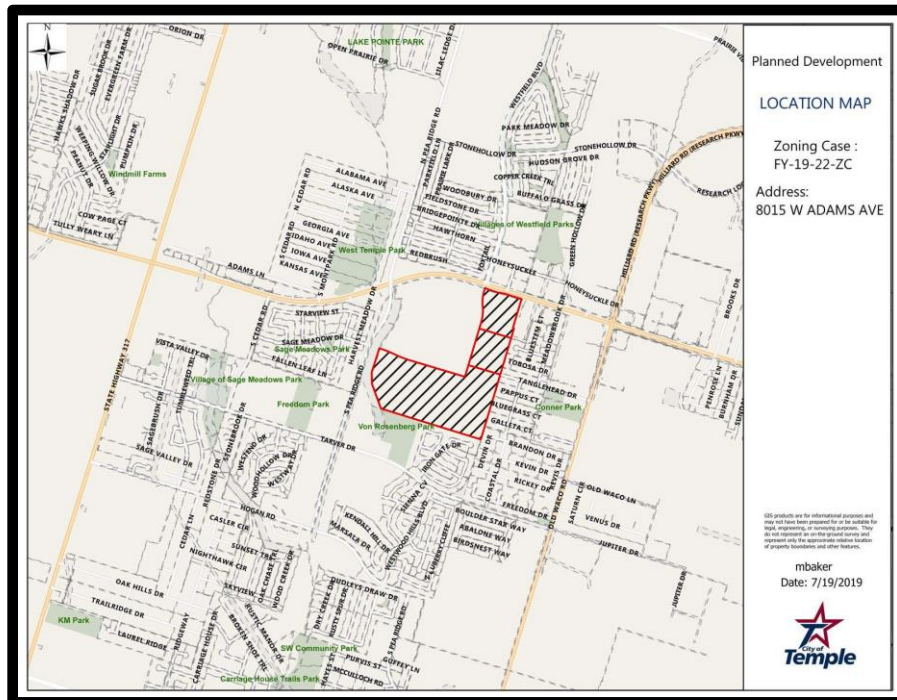
Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	PARTIAL
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Proposed PD Development Standards (GR, MF-2 & SF-2)

	<u>Proposed (GR)</u>	<u>Proposed (MF-2)</u>	<u>Proposed (SF-2)</u>
Minimum Lot Size	N/A	Maximum 20 Dwelling Units Per Acre (DUAC)	5,000 SF
Minimum Lot Width	N/A	60 Feet	50 Feet
Minimum Lot Depth	N/A	120 Feet	100 Feet
Front Setback	15 Feet	15 Feet	20 Feet Reduced from 25
Side Setback	10 Feet	10 Feet	5 Feet
Side Setback (corner)	10 Feet	10 Feet	10-feet Reduced from 15
Rear Setback	0 Feet	0 Feet	10 Feet
Max Building Height	3 Stories	2 Stories	2 ½ Stories

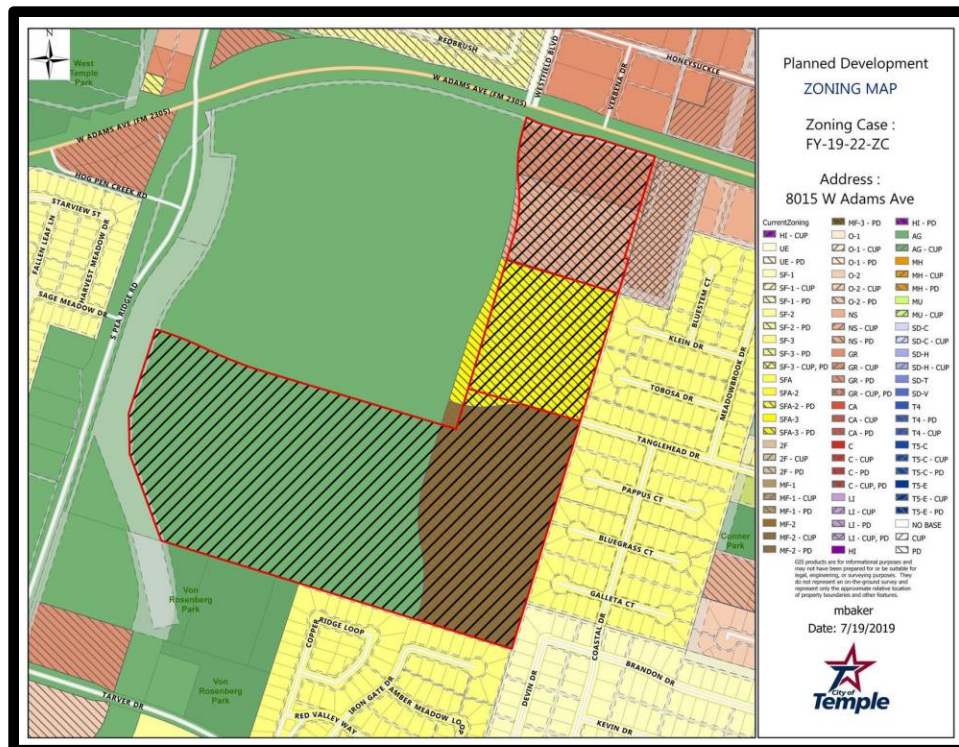
Maps



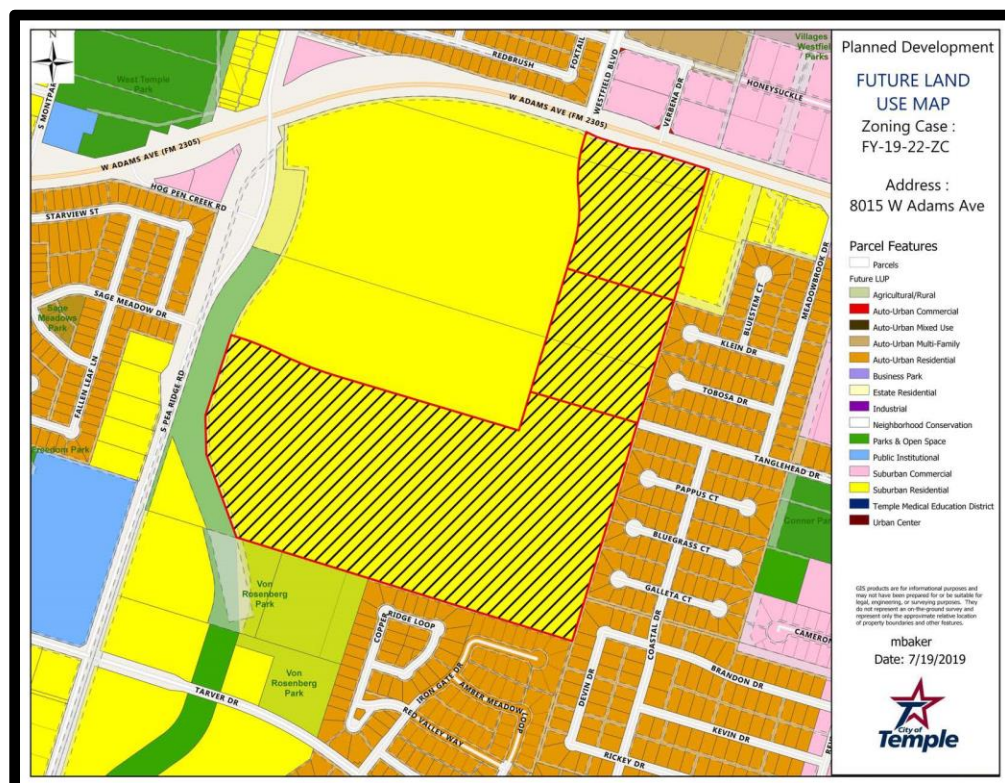
Location Map



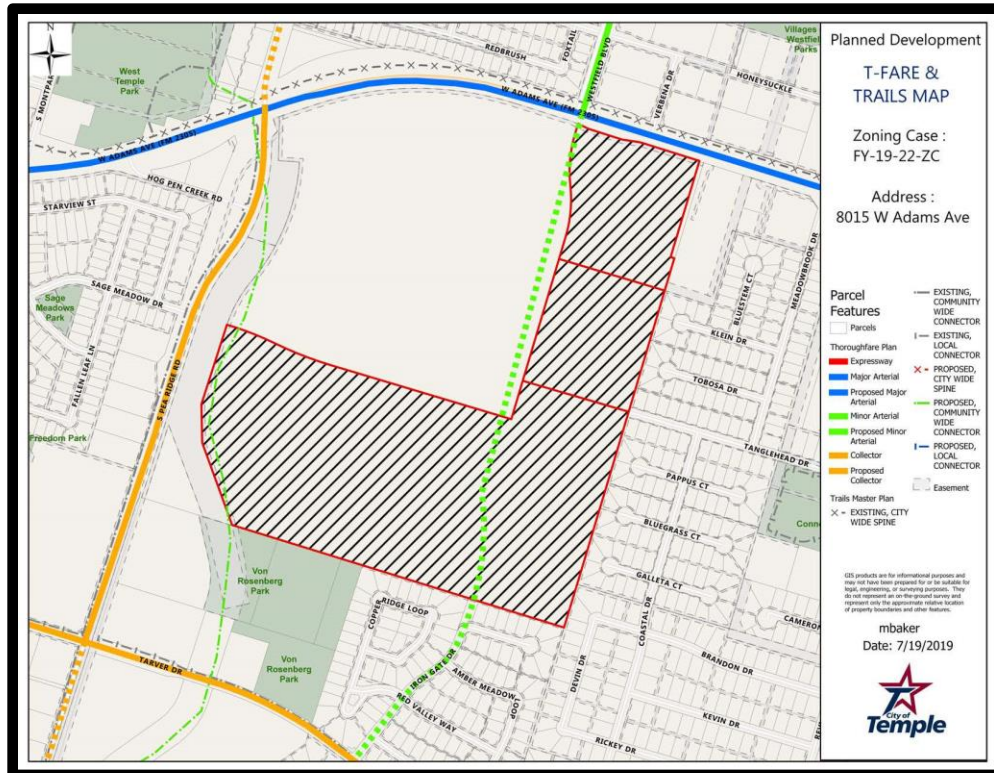
Aerial Map



Zoning Map



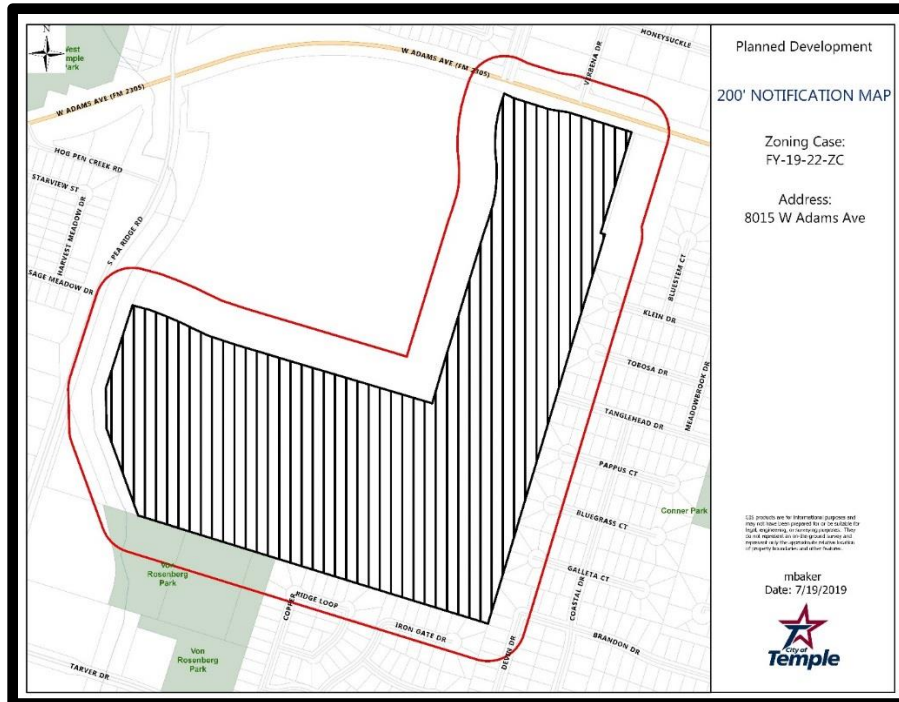
Future Land Use Map



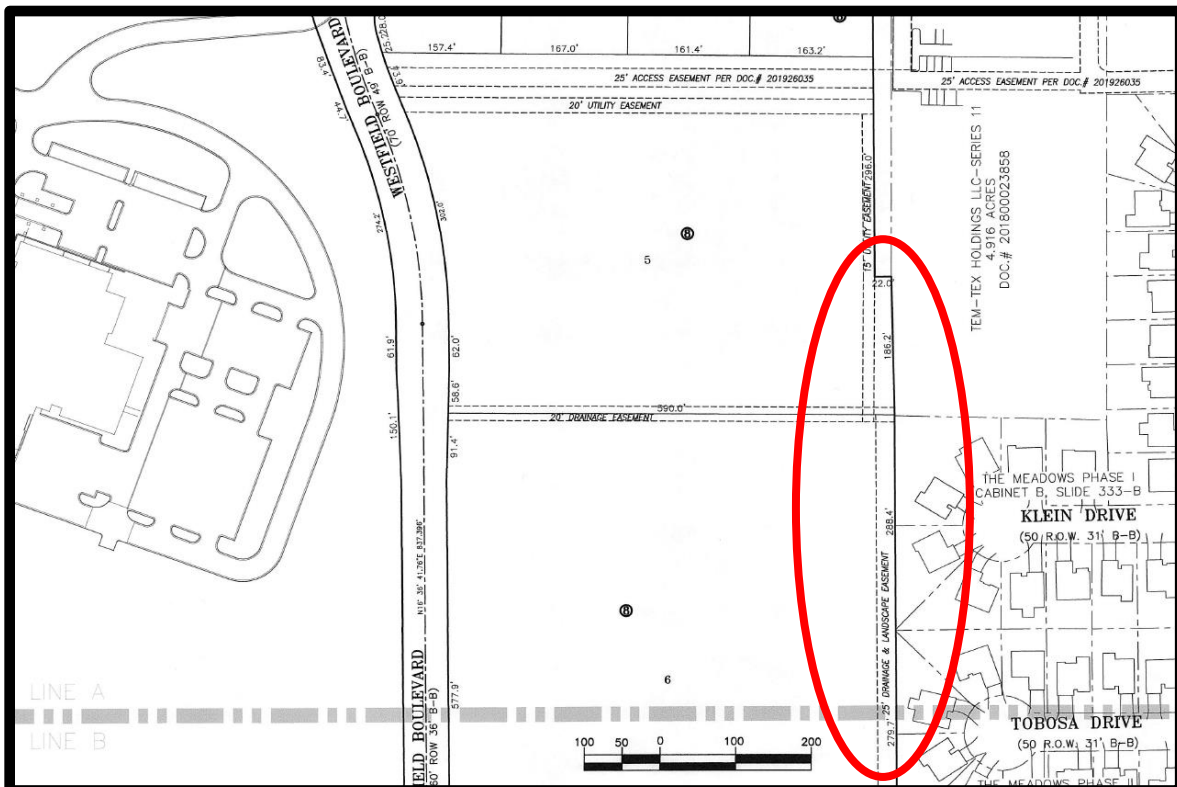
Thoroughfare & Trails Map



Utility Map



Notification Map



**Localized Inset Map of 25-foot Drainage & Landscape Easement
Proposed Preliminary Master Plat (Currently in Review)**

ORDINANCE NO. 2016-4810

(PLANNING NO. Z-FY-16-43)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO PLANNED DEVELOPMENT – SINGLE FAMILY ATTACHED-THREE, MULTI-FAMILY-TWO, NEIGHBORHOOD SERVICE AND GENERAL RETAIL DISTRICTS ON APPROXIMATELY 42.066 ACRES, LOT 1, BLOCK 1, FIRST BAPTIST-TEMPLE WEST CAMPUS, LOCATED AT 8015 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to Planned Development - Single Family Attached-Three (PD-SFA-3), Multi-Family-Two (PD-MF-2), Neighborhood Service (PD-NS) and General Retail (PD-GR) Districts on approximately 42.066 acres, lot 1, Block 1, First Baptist-Temple West Campus, located at 8015 West Adams Avenue, as outlined in the map and field notes attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 3: The Planned development will be subject to the following conditions:

1. Enhanced landscape standards are required. There must be a continuous landscape buffer along the common boundary between non-residential or multiple-family uses or zoning districts and residential uses or zoning districts in accordance with the following table:

TYPE	MINIMUM WIDTH	MINIMUM PLANTING PER 100 SQUARE FEET
I	30 feet	3 canopy trees 10 small trees (50% evergreen) 14 Supplemental shrubs (50%
II	20 feet	3 canopy trees 13 small trees (50% evergreen) 16 Supplemental shrubs (50% evergreen)
III	15 feet	3 canopy trees 16 small trees (50% evergreen) 18 Supplemental shrubs (50% evergreen)

- a. The required landscaping may be reduced by 30% when used in combination with a masonry wall or fence that is a minimum of 6 feet in height, constructed of wood, wrought iron or galvanized ornamental steel and located behind the landscape area;
2. A detailed development plan and/or subdivision plat must be submitted for review and consideration to the Planning & Zoning Commission and City Council prior to submittal for a building permit: and,
3. Building height is limited to 3 stories at the landscape buffer of the multi-family-zoned (MF-2) tract, nearest to the existing single family residential uses.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

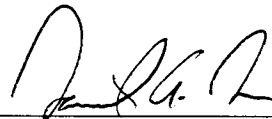
Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6th day of October, 2016.

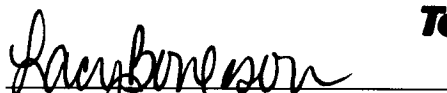
PASSED AND APPROVED on Second Reading on the 20th day of October, 2016.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

ATTEST:


Lacy Borgeson
City Secretary

APPROVED AS TO FORM:


Kayla Landeros
City Attorney

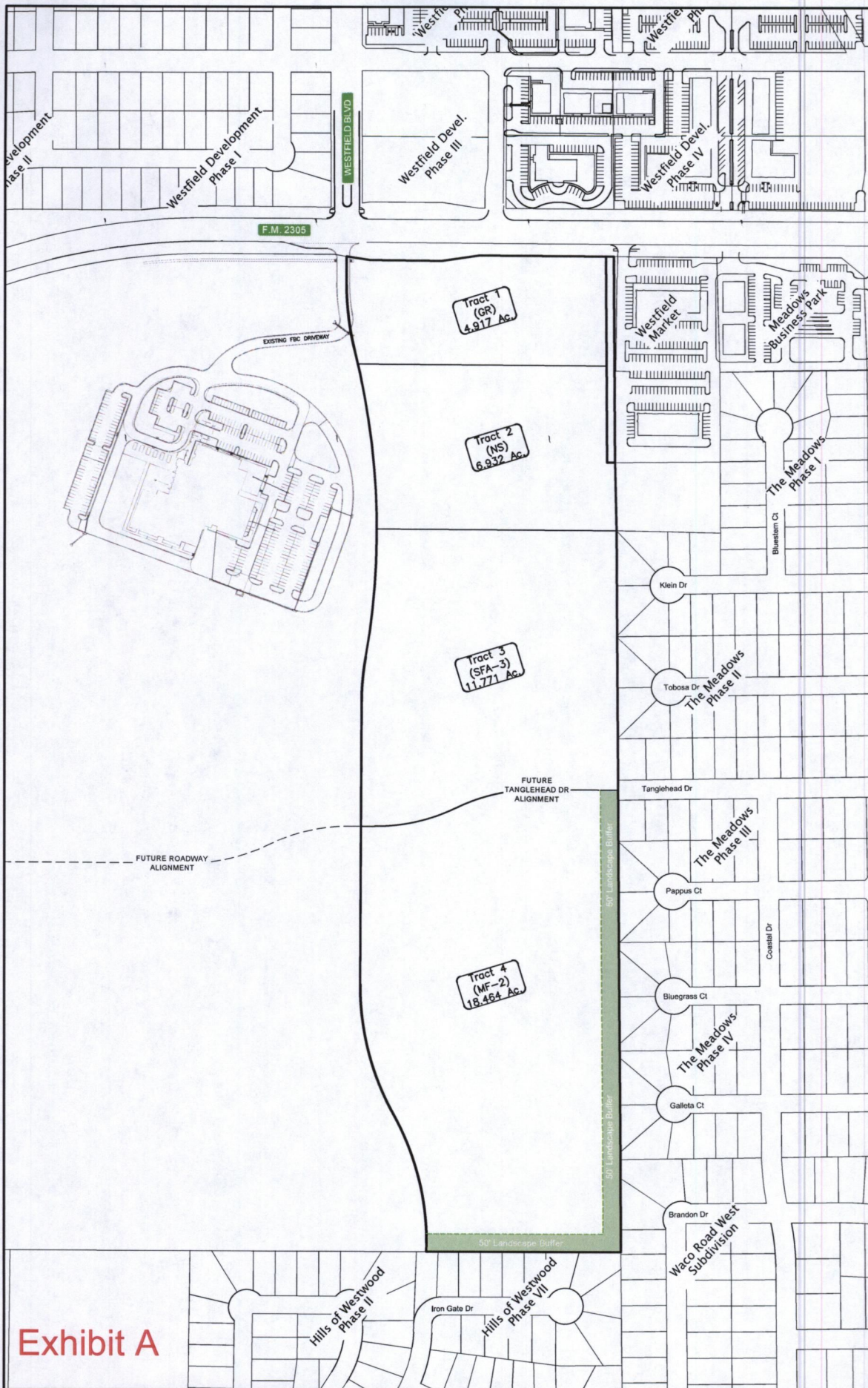


Exhibit A

TURLEY
TURLEY ASSOCIATES, INC.
 ENGINEERING • PLANNING • SURVEYING
 501 N. 3rd St. 78501 254.773.2400
 TEMPLE, TEXAS 78501 www.turley-inc.com fax 254.773.3998
 SURVEY FIRM NO. 10064000 • ENGINEERING FIRM NO. 1006

FIRST BAPTIST TEMPLE
 ZONING EXHIBIT

ADDRESS:
 8015 WEST ADAMS AVE
 SUBDIVISION:
 FIRST BAPTIST-TEMPLE, WEST
 CITY:
 TEMPLE

LOT:
 01
 BLOCK:
 01
 SCALE:
 1:300
 STATE:
 TX

DATE:
 08/29/16
 JOB NO.:
 16-676
 DWN. BY:
 T.JAHOS



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

231179
WARE, RITA ETVIR DESMOND
7316 GALLETA CT
TEMPLE, TX 76502

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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 complete this form to indicate whether you are in favor of the possible rezoning of the property described in the attached notice, and provide any additional comments you may have.

I ☒ agree

() disagree with this request

Comments:

Rita Ware
Signature

RITA WARE
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this completed form to the address below, no later than **August 5, 2019.**

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

RECEIVED

JUL 26 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 2019

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



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

363161
BRADFORD, JACOB BRETT ETUX BAILEY, MCKENNA
620 COPPER RIDGE LP
TEMPLE, TX 76502

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

I ☐ agree

☒ disagree with this request

Comments:

I purchased this home only 3 months ago. One of the major selling points and the reason the price was higher was due to the view in my back yard. Was told at time of purchase that there was no plans to develop the land. This would lessen the value of my home right after purchasing it.

Signature

Print Name

Mr JB Bradford@gmail.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, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED

JUL 29 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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

135076
RODRIGUEZ, GRACIELA
7320 TOBOSA DR
TEMPLE, TX 76502-8503

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

I ☒ agree

() disagree with this request

Comments:

I agree based on mature trees next to our property line will not be removed and only single story buildings will be within 50 ft. of property line. ~~two story within 100' of property line if possible~~.
(No)

Signature

Print Name

Grace Rodriguez
512-470-2630 marod46@yahoo.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, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

RECEIVED
JUL 29 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

363165
MARTINEZ, ARAMIS ETUX LIDUVINA
712 COPPER RIDGE LOOP
TEMPLE, TX 76502



Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave


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

I ☐ agree

☒ disagree with this request

Comments:

This proposal will eliminate the view for which we
paid our property and we are paying over inflated taxes.


Signature

ARAMIS MARTINEZ
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

Number of Notices Mailed: 101

Date Mailed: July 23, 2019

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



1126

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

408816
WESTFIELD CAPITAL LLC & KIELLA DEVELOPMENT INC
15 N MAIN ST
TEMPLE, TX 76501-7629

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

Bob Branch

Signature

WESTFIELD CAPITAL LLC
By: Bob Branch

Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED

JUL 31 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

363163
SODEK, JOHNNY R JR ETUX KIM L
704 COPPER RIDGE LP
TEMPLE, TX 76502-5098



Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

If this rezoning takes place we will be selling our house and moving. We thought this would be the place we would retire in.
Kim Sodek (house) Kim Sodek
Signature Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

463413
KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED

AUG 01 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

392972
KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED
AUG 01 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

385948
TEM-TEX INVESTMENTS LTD
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED

AUG 01 2019

CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

115118
TEM-TEX HOLDINGS LLC - SERIES 11
PO BOX 1344
TEMPLE, TX 76503

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED

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CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

Date Mailed: July 23, 2019

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

473248
TEM-TEX HOLDINGS LLC - SERIES 11
C/O TEM-TEX HOLDINGS LLC
PO BOX 1344
TEMPLE, TX 76503

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

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

392974
KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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

_____**(Optional)**

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

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CITY OF TEMPLE
PLANNING & DEVELOPMENT

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



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

167231
TETZLAFF LIVING TRUST
C/O TETZLAFF, ALFRED & NANCY JO TRUSTEES
1011 PRENTISS
BELTON, TX 76513

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

Nancy Jo Tetzlaff Trustee
Signature *Tetzlaff Living Trust*

NANCY JO TETZLAFF TRUSTEE
Print Name *TETZLAFF LIVING TRUST*

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

RECEIVED
AUG 02 2019
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Number of Notices Mailed: 101

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

RECEIVED
AUG 02 2019
CITY OF TEMPLE
PLANNING DEPARTMENT

441150
FIRST BAPTIST CHURCH TEMPLE TEXAS
8015 W ADAMS AVE UNIT A
TEMPLE, TX 76501-5510

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

Marianne Barrett
Signature

Marianne Barrett FBC
Print Name Financial Asst

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

RECEIVED
AUG 12 2019
PLANNING DEPARTMENT
CITY OF TEMPLE

441149
FIRST BAPTIST CHURCH TEMPLE TEXAS
8015 W ADAMS AVE UNIT A
TEMPLE, TX 76501-5510

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

Marianne Barrett
Signature

Marianne Barrett-FBC Financial Asst
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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

Number of Notices Mailed: 101

Date Mailed: July 23, 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**

135077
MOORE, DYLAN G ETUX KATHERINE L
7324 TOBOSA DR
TEMPLE, TX 76502

Zoning Application Number: FY-19-22-ZC

Case Manager: Mark Baker

Location: 8015 W. Adams Ave

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:

Rezone request poses unwanted construction, neighborhood congestion, destruction of natural habitat and wildlife, levels current watershed, which threatens homes, eliminates future green space for public use. I strongly disagree with rezoning and current zoning for residential housing.

Dylan Moore
Signature

Dylan Moore
Print Name

Dylangmoore@gmail.com 254-541-8486 (Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019.**

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



Number of Notices Mailed: 101

Date Mailed: July 23, 2019

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, AUGUST 5, 2019**

ACTION ITEMS

Item 10: FY-19-22-ZC – Hold a public hearing to discuss and recommend action to rezone 38 +/- acres of Agricultural (AG) zoned land and amend Ordinance 2016-4810 by rezoning the 42.066 +/- acres currently zoned General Retail (PD-GR), Neighborhood Service (PD-NS), Single Family Attached Three (SFA-3) and Multi-Family Two (MF-2) to Planned Development General Retail (PD-GR), Multi-Family Two (MF-2) and Single Family Two (SF-2) districts, with limitations on the MF-2 portion to senior housing and assisted living not exceeding 2 stories within the First Baptist Church West Campus, accompanied by a corresponding site development plan and addressed as 8015 West Adams Avenue.

Mr. Baker stated this item is scheduled to go forward to City Council for first reading on September 5, 2019 and second reading on September 19, 2019.

Aerial Site Plan Shown.

Ordinance No. 2016-4810 is shown authorizing rezoning from AG District to a Planned Development-Single Family Attached-Three (PD-SFA-3), Multi-Family Two (MF-2), Neighborhood Service (NS), and General Retail (GR) District for the subject property.

Binding Site Plan and Exhibits A and B are shown.

Zoning Map shown and found to be in compliance.

Future Land Use Map shown and found to be in partial compliance.

Existing Water and Sewer Map is shown and found to be in compliance.

Thoroughfare Plan and Trails Map shown and found to be in compliance.

Proposed Roadway Extension Map and 25-foot landscape buffer site plan shown.

Final design of “Project-Related Improvements” to be addressed by subdivision plat.

Developer efforts for Westfield Boulevard Extension provide compliance to Thoroughfare Plan.

Buffering and Screening Considerations are:

- Landscape standards for single family residential lots
- Street landscaping
- Walls and privacy fencing

- Twenty-five-foot landscape buffer including preservation of eight-inch diameter or larger trees along eastern boundary of Multi-Family-Two portion

Buffering Aerial Map shown.

On-Site photos shown.

General Retail allowed uses table shown.

Single-Family Two and Multi-Family-Two allowed uses table shown.

Proposed Planned Development Standards table is shown.

One Hundred and one notices were mailed in accordance with all state and local regulations with eleven responses returned in agreement and four responses returned in disagreement.

Compliance Summary table is shown.

Staff recommends approval of the combined requested rezoning from AG and Amendment Ordinance No. 2016-4810 to Planned Development General Retail (PD-GR), Multi-Family Two (MF-2) and Single-Family-Two (SF-2) with the following Conditions of Approval:

1. Consistent with Site Development Plan attached as Exhibit A;
2. Substantial compliance to the proposed Westfield Boulevard extension and Tanglehead Drive alignment and descriptive cross-sections attached as Exhibit B;
3. Compliance to Planned Development Standards and specific General Retail (GR), Multi-Family (MF-2) and Single-Family (SF-2) standards as described by Exhibit C
4. Site / Development Plan review by the P&Z and approval by City Council for the MF-2 portion will be required prior to the issuance of a building permit
5. A 25-foot wide landscape buffer is required along the common boundary of the PD and the MF-2 zoned portion, where adjacent to existing single-family residential uses.
6. Preservation of existing trees with a minimum eight-inch diameter at breast height (DBH) or greater in coordination with the City of Temple for determination of which trees to preserve (including removal of invasive species) and whether additional landscaping is needed in conjunction with other buffering and screening requirements.

Agreed Upon Planned Development Conditions of Approval (Exhibit C):

- Percentages of land development devoted to GR, MF-2 & SF-2;
- Extensions to Westfield Boulevard and Tanglehead Drive (ROW, sidewalk and timing of improvements);
- Individual single-family lot landscaping;
- Buffering and screening (25-foot drainage and landscape easement);
- Privacy fencing;
- ROW landscaping - plant numbers and spacing;
- MF-2 portion with land use for age restricted senior housing and assisted living facilities;
- Building height limits on the MF-2 portion (two story and one story within 50-feet of eastern boundary of MF-2)

- MF-2 portion with land use for age restricted senior housing and assisted living facilities;
- Building height limits on the MF-2 portion (two story and one story within 50-feet of eastern boundary of MF-2)

Chair Langley opened the public hearing.

Mr. David Barrows, 7317 Tanglehead Drive, Temple, Texas, expressed concern for traffic changes this rezoning could result in as well as the decrease in “green space” for this area. Mr. Barrows requested a traffic study be conducted for Tanglehead Drive and requested this rezoning case be tabled until the traffic study can be completed and reviewed. Mr. Barrows also suggested construction of a cul-de-sac at the west end of Tanglehead Drive and explained the advantages of having an access at Pea Ridge Road.

Mr. Dylan Moore, 7324 Tobosa Drive, Temple, Texas, discussed flooding issues, wildlife transformation, and traffic changes, and suggested a better use of this property as a walking/bike trail or park. Mr. Moore expressed displeasure of the disturbance this construction will create with his property.

Ms. Christina Rodriguez, 7321 Tanglehead, Drive, Temple, Texas, expressed concern for the possible increase in traffic on Tanglehead in relation to the safety of her three small children and suggested an access be opened to Pea Ridge Road.

Mr. Michael Rodriguez, 7320 Tobosa Drive, Temple, Texas, discussed concern regarding the height/type of fence proposed as construction will be close to his property and discussed the number of stories to be allowed for this construction.

Mr. Victor Turley, applicant’s engineer, 301 North Third Street, Temple, Texas, explained that the fence and building plans will be designed as a part of the development plans that will be determined at a later time. He stated the two-story construction will be 50-feet from the property line and these development plans will come back to the P&Z for approval at a later time.

Mr. Baker reviewed Condition No. 4 again of Exhibit C.

Mr. David Barrows, reaffirmed that this is a rezoning case and would like Mr. Turley to consider access from Pea Ridge Road.

Chair Langley discussed the easement issue of this property.

Mr. Barrows, further stated that a bridge could be build over this easement area.

There being no further speakers, the public hearing was closed.

Vice Chair Ward made a motion to approve Item 10, **FY-19-22-ZC**, per Staff recommendation and Commissioner Fetting made a second.

Motion passed: (6:0)

Commissioners Armstrong, Jeanes, and Marshall absent

ORDINANCE NO. 2019-4992
(FY-19-22-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE 2016-4810 TO ADD APPROXIMATELY 35 ACRES TO THE EXISTING 42.066 ACRES AND REZONING ALL 77.066 ACRES, LOCATED AT 8015 WEST ADAMS AVENUE, TO PLANNED DEVELOPMENT GENERAL RETAIL, MULTI-FAMILY TWO, AND SINGLE FAMILY TWO DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, on behalf of the First Baptist Church – Temple has requested an amendment to Ordinance 2016-4810 to add approximately 35 acres to the existing 42.066 acres and to rezone all 77.066 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts;

Whereas, once approved by City Council, the Planned Development Ordinance will contain the Site Development Plan (Exhibit A), the roadway alignment plans (Exhibit B) and mutually-agreed upon Planned Development conditions (Exhibit C) - Exhibit ‘A’ shows the proposed district locations and contains a maximum percentage of its related land use - a summary breakdown is as follows:

1. **General Retail GR** (approximately 10.556 acres)
 - a. As allowed per UDC Section 5.1; and
 - b. Maximum 16% of total 77 acres;
2. **Multi-Family MF-2** (approximately 9.309 acres)
 - a. Age restricted (55 and older);
 - b. Various single family residential and assisted living uses, (2 stories maximum);
 - c. Single story maximum within 50 feet of existing residential use;
 - d. Maximum 14% of total 77 acres;
3. **Single Family Residential SF-2** (approximately 57.585 acres)
 - a. Proposed for approximately 270 single family homes; and
 - b. 70% or more of a total 77 acres;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, recommends approval of the rezoning of approximately 77.066 acres, addressed as 8015 West Adams Avenue, currently zoned Agricultural zoning district, General Retail zoning district, Neighborhood Service zoning district, Single Family Attached Three zoning district, and Multi-Family Two zoning district, to Planned Development General Retail zoning district, Multi-Family Two zoning district, and Single Family Two zoning district, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes, and subject to the following conditions:

- Substantial compliance with Site Development Plan attached as Exhibit A;
- Substantial compliance with the proposed Westfield Blvd extension and Tanglehead Drive alignment and descriptive cross-sections attached as Exhibit B;
- Compliance with the Planned Development Standards and specific General Retail, Multi-Family, and Single-Family standards as described by Exhibit C;
- Site / Development Plan review by the Planning & Zoning Commission and approval by Council for the Multi-Family Two portion will be required prior to the issuance of a building permit;
- A 25-foot wide landscape buffer is required along the common boundary of the Planned Development and the Multi-Family Two zoned portion, which are adjacent to existing single-family residential uses;
- Preservation of existing trees with a minimum 8-inch diameter at breast height or greater in coordination with the City for determination of which trees to preserve (including removal of invasive species), and whether additional landscaping is needed in conjunction with other buffering and screening requirements; 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 approves an amendment to Ordinance 2016-4810 to add approximately 35 acres to the existing 42.066 acres and to rezone all 77.066 acres, located at 8015 West Adams Avenue, to Planned Development General Retail, Multi-Family Two, and Single Family Two districts, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(KK)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Amanda Rice, Deputy City Attorney
Brian Kosel, Building Official

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance repealing the City's Code of Ordinances, Chapter 34, "Swimming Pools."

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing to repeal the City's Code of Ordinances, Chapter 34, "Swimming Pools," for the reasons outlined below:

Chapter 34 adopted the 1985 edition of the Standard Swimming Pool Code, which was published by the Southern Building Code Congress International, Inc., as it existed at the time and as later revised. The last year the Standard Swimming Pool Code was updated was 1999. The Standard Swimming Pool Code regulates the minimum requirements for the design, construction, alteration, repair, and maintenance of swimming pools, spas, and other aquatic facilities. Chapter 34 includes several local amendments to the Standard Swimming Pool Code, including setting a fee schedule for the installation of swimming pools and specifying barrier heights.

On May 1, 2019, the Texas Legislature passed HB 2858, which amended Chapter 214 of the Texas Local Government Code and adopted the *International Swimming Pool and Spa Code* (ISPSC) as the uniform swimming pool and spa code for use in municipalities in Texas. The ISPSC applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a municipality that elects to regulate pools and spas. The ISPSC is more comprehensive than the Standard Swimming Pool Code and includes up-to-date regulations related to swimming pool and spa construction and safety measures to protect the public health and safety.

HB 2858 takes effect on September 1, 2020. Municipalities may choose to adopt the ISPSC and make local amendments to this code prior to the effective date. After September 1, 2020, Chapter 34 of the City's Code would be preempted.

Staff recommends moving forward with the adoption of the 2015 *International Swimming Pool and Spa Code* with local amendments at this time as part of the proposed amendments to Chapter 7 of the City's Code of Ordinances, which is also set for first reading by City Council at this September 5, 2019 council meeting, and repealing the current swimming pool regulations contained in Chapter 34. As part of the adoption of the 2015 *International Swimming Pool and Spa Code* in Chapter 7, proposed local amendments include a section allowing City Council to set permit fees by resolution, specifying allowable swimming pool locations and barrier heights, and setting the maximum depth for an on-ground residential pool.

If Council approves, Chapter 34 will be repealed and retitled, "Chapter 34 - Reserved."

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Current Chapter 34](#)

[Ordinance to repeal Chapter 34 – to be provided](#)

[Ordinance](#)



Chapter 34

SWIMMING POOLS

Sec. 34-1. Adoption of Standard Swimming Pool Code.

Sec. 34-2. Additional provisions.

Chapter 34

SWIMMING POOLS

Sec. 34-1. Adoption of Standard Swimming Pool Code.

The City of Temple, Texas, hereby adopts as Chapter 34 of the City Code, entitled, "Swimming Pools," as part of its building regulations, the Standard Swimming Pool Code, 1985 Edition, of the Southern Building Code Congress International, Inc., as it now exists and as it may be revised from time to time, save and except Sections 105.1.4, 105.6, 106.1, 107.1, 304.1, 308.2, 309 and 315. Additions to the Standard Swimming Pool Code, Southern Building Code International, Inc., 1985 Edition, shall be incorporated in the Code, including Sections 105.3.7, 304.1.1, 304.1.2, 304.1.3, 308.2.1, 308.2.2 and 318.

Sec. 34-2. Additional provisions.

The following be, and hereby are, adopted as Sections 105.1.4, 105.3.7, 105.6, 106.1, 304.1, 304.1.1, 304.1.2, 304.1.3, 308.2, 308.2.1, 308.2.2, 309, 315 and 318 to be used in conjunction with the Standard Swimming Pool Code, Southern Building Code Congress International, Inc., 1985 Edition, as adopted hereinabove, as it applies within the City of Temple, Texas:

(a) *105.1.4.* No person shall permit any other person to do or cause or permit to be done any swimming pool work under any permit secured by such persons.

(b) *105.3.7.* No portion of a swimming pool outside a building shall be located at a distance of less than five (5) feet from any side or rear property line, measured from the property line to the outside wall of the pool. Pumps, filters and pool water disinfection equipment installations shall be located in conformity with the zoning regulations controlling accessory buildings.

(c) *105.6. Schedule of fees.* For each swimming pool:

Public \$40.00

Private 25.00

Electrical and plumbing fees will be in accordance with ordinances implemented by the building official.

(d) *106.1. Inspection required.* All swimming pool installations or alterations, including equipment, piping and appliances, shall be subject to inspection by the administrative authority to ensure compliance with all the requirements of this code.

(e) *304.1. Materials.* Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light-colored finish and easily cleaned surfaces. The floor or bottom surfaces of the pool shall have a nonslip finish

as smooth as possible.

304.1.1. Underground swimming pools shall be designed to withstand pressure from without the pool of two thousand two hundred (2,200) pounds per square foot.

304.1.2. The pool wall may be vertical for thirty (30) inches from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point and thirty (30) inches.

304.1.3. All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before returned to the pool.

(f) 308.2. *Disposal:*

308.2.1. Swimming pool water may be disposed of through either the public sanitary sewer or the storm drain system, provided a storm drain is located within five hundred (500) feet of the pool and no point of water collection is located at any point along the five hundred (500) feet.

308.2.2. Wastewater (backwash) from a swimming pool shall be disposed of through a public sanitary sewer. A deep seal trap shall be installed on the lower terminus of the building drain and the tall piece from the trap shall extend a minimum of three (3) inches above finished grade and below finished floor grade. This trap need not be vented if within ten (10) feet of the building drain. The connection between the filter waste discharge piping and the trap shall be made by means of an indirect connection.

(g) 309. *Separation tank.* A separation tank of an approved type may be used in lieu of the aforementioned means of wastewater disposal when connected as a reclamation system only when swimming pool water is disposed of through the storm drain system.

(h) 315. *Enclosure required.* All outdoor private swimming pools shall be enclosed by a fence at least five (5) feet high. All outdoor public swimming pools shall be enclosed by a fence at least six (6) feet high. All gates shall be equipped with a self-closing and self-latching device. The fence and gates shall be constructed of weather-resistant material. If wire is to be used, such wire shall be of a size of at least nine (9) gauge. If the fence is constructed in the form of a mesh, one side of the mesh shall be not more than six (6) inches long. Fence posts shall be decay- or weather-resistant and shall be set in concrete bases. It shall not be necessary to construct a fence if a pool is to be located in an area already closed by a fence and gates meeting the above requirements.

These provisions shall apply to all swimming pools constructed or installed after the effective date of this section as provided in the Charter of the City of Temple, Texas; swimming pools constructed or installed prior to the effective date of this section shall be governed by the swimming pool fence regulations as they existed at the time of construction or installation.

(i) *318. Safety equipment.* Every swimming pool shall be equipped with one or more throwing ring buoys (U.S. Coast Guard approved) not more than fifteen (15) inches in diameter and having sixty (60) feet of three-sixteenths-inch line attached, and one or more light but strong poles with "shepherd's hook" ends and not less than twelve (12) feet in length, for making reach assists or rescues.

ORDINANCE NO. 2019-4993

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING CHAPTER 34 “SWIMMING POOLS” OF THE CITY OF TEMPLE’S CODE OF ORDINANCES; 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 Council repeal Chapter 34 – Swimming Pools of the Code of Ordinances;

Whereas, Chapter 34 adopted the 1985 edition of the Standard Swimming Pool Code, which was published by the Southern Building Code Congress International, Inc., as it existed at the time and as later revised - the last year the Standard Swimming Pool Code was updated was 1999;

Whereas, the Standard Swimming Pool Code regulates the minimum requirements for the design, construction, alteration, repair, and maintenance of swimming pools, spas, and other aquatic facilities - Chapter 34 includes several local amendments to the Standard Swimming Pool Code, including setting a fee schedule for the installation of swimming pools and specifying barrier heights;

Whereas, on May 1, 2019, the Texas Legislature passed House Bill 2858, which amended Chapter 214 of the Texas Local Government Code and adopted the International Swimming Pool and Spa Code (ISPSC) as the uniform swimming pool and spa code for use in municipalities in Texas - the ISPSC applies to all construction, alteration, remodeling, enlargement, and repair of swimming pools and spas in a municipality that elects to regulate pools and spas;

Whereas, the ISPSC is more comprehensive than the Standard Swimming Pool Code and includes up-to-date regulations related to swimming pool and spa construction and safety measures to protect the public health and safety;

Whereas, House Bill 2858 takes effect on September 1, 2020 and municipalities may choose to adopt the ISPSC and make local amendments to this Code prior to the effective date - after September 1, 2020, Chapter 34 of the City's Code would be preempted;

Whereas, Staff recommends moving forward with the adoption of the 2015 International Swimming Pool and Spa Code with local amendments at this time as part of the proposed amendments to Chapter 7 of the City’s Code of Ordinances, which is also set for first reading by City Council at this September 5, 2019 Council meeting, and repealing the current swimming pool regulations contained in Chapter 34;

Whereas, as part of the adoption of the 2015 International Swimming Pool and Spa Code in Chapter 7, proposed local amendments include a section allowing City Council to set permit fees by resolution, specifying allowable swimming pool locations and barrier heights, and setting the maximum depth for on-ground residential pools;

Whereas, once repealed, Chapter 34 will be retitled “Chapter 34 – Reserved”; 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 repeals Chapter 34 – Swimming Pools of the Code of Ordinances.

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 **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Amanda Rice, Deputy City Attorney
Brian Kosel, Building Official

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance amending the City's Code of Ordinances, Chapter 7, "Buildings," to adopt updated model codes, specify amendments to the adopted model codes, and simplify and clarify language and terms contained therein.

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 7, "Buildings." The amendments include the adoption of the 2015 *International Building Code*, 2015 *International Existing Building Code*, 2015 *International Residential Code*, 2015 *International Plumbing Code*, 2015 *International Mechanical Code*, 2015 *International Fuel Gas Code*, 2015 *International Energy Conservation Code*, and 2015 *International Swimming Pool and Spa Code* along with the necessary local amendments to each.

Generally, proposed amendments to Chapter 7, broken down by article, include:

- Article I – Authority:
 - Establishing the model codes used by the City of Temple.
- Article II – Building Board of Appeals:
 - Establishing the Building Board of Appeals, its policies and procedures.
- Article III – Building Code:
 - Adopting the 2015 *International Building Code* (IBC).
 - Amending the IBC to align with current local standards including:
 - Replacing ICC Electrical Code references with the 2017 National Electrical Code and City of Temple Electrical Code, Chapter 10.
 - Deleting certain permit exemptions.
- Article IV – Existing Building Code:
 - Adopting the 2015 *International Existing Building Code* (IEBC).
 - Amending the IEBC to align with current local standards including:
 - Inserting the City of Temple name where necessary.
 - Deleting certain section pertaining to annual permit records and work exempt from permitting.

- Article V – Mechanical Code:
 - Adopting the 2015 *International Mechanical Code* (IMC)
 - Amending the IMC to align with local standards including:
 - Inserting the City of Temple as the jurisdiction name.
- Article VI – International Residential Code
 - Adopting the 2015 *International Residential Code* (IRC).
 - Amending the IRC to align with local standards including:
 - Replacing ICC Electrical Code references with the 2017 National Electrical Code and City of Temple Electrical Code, Chapter 10
 - Deleting certain exemptions from permitting.
 - Removing the requirement for masonry inspections.
 - Clarifying handrail and window fall protection requirements.
 - Removing mandatory requirement for residential fire sprinkler systems.
 - Amending foundation anchorage requirements.
 - Modifying the acceptable material insulation values.
 - Modifying air leakage requirements.
 - Modifying energy efficiency requirements.
- Article VII – Plumbing Code:
 - Adopting the 2015 *International Plumbing Code* (IPC).
 - Amending the IPC to align with local standards including:
 - Requiring the installation of a sewer yard line cleanout.
 - Referring landscape irrigation requirements to Article XI, “Landscape Irrigation Standards,” of this Chapter.
 - Clarifying sewer venting requirements.
 - Specifying persons eligible to apply for plumbing permits.
- Article VIII – Swimming Pool Code:
 - Adopting the 2015 *International Swimming Pool and Spa Code* (ISPSC)
 - Amending the ISPSC to align with local standards including:
 - Specifying allowable swimming pool locations.
 - Specifying appropriate barrier heights.
 - Specifying maximum depth for an onground residential pool.
- Article IX – Gas Code:
 - Adopting the 2015 *International Fuel Gas Code* (IFGC).
 - Amending the IFGC to incorporate minor administrative changes.
- Article X – Energy Code:
 - Adopting the 2015 *International Energy Conservation Code* (IECC)
 - Amending the IECC to align with local standards including:
 - Clarifying residential energy efficiency installation and testing requirements.
- Article XI – Landscape Irrigation Standards:
 - Modifying certain sections to allow for the use of double-check valve backflow prevention assemblies.
- Article XII – Enforcement:
 - No changes other than the article number.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Current Chapter 7

Clean copy of amended Chapter 7

Ordinance

CHAPTER 7

BUILDINGS

ARTICLE I - ADMINISTRATION

Sec. 7-1. Building official.

Whenever reference is made to the duties of “certain officials” named within the 2009 International Building Code, the 2009 International Residential Code, the 2009 International Plumbing Code, 2009 International Mechanical Code, 2009 International Fuel Gas Code, and the 2009 International Energy Conservation Code, adopted in this Chapter, that designated official of Temple, Texas, who has duties corresponding to those of the named official in said Codes shall be deemed to be the responsible official insofar as enforcing the provisions of said Codes are concerned.

Sec. 7-2. Building Board of Appeals.

(a) *Creation and Appointment.* A Board is hereby established to be called the Building Board of Appeals (referred to in the 2009 International Building Code as the *Building Board of Adjustments and Appeals*), which will consist of 13 members. The City Council must appoint all Board members. The City Council must appoint, when possible, two architects or engineers, one person from the mechanical or air conditioning trade, two master plumbers, two persons from the building industry which may include a general contractor, engineer or other person at large from the building industry, two licensed master electricians, one licensed journeyman electrician, one representative of the electric distributor, and two persons at large representing no specific trade.

(b) *Term of Office.* All members shall be appointed for four year terms, except that the two licensed master electricians, one licensed journeyman electrician, and one representative of the electric distributor appointed in 2014 shall have an initial term of one year. After their initial one year term, those Board members will be appointed for four year terms. The City Council will fill vacancies by appointment. When any member of the Board has been absent from the regular meeting of such Board for three (3) or more consecutive times, without just cause, as determined by the Board or the City Council, the member’s office shall become vacant, and the chairman or acting chairman of the Board must certify such record of absence and vacancy to the City Council which will appoint a new member to fill the vacancy.

(c) *Procedures and Quorum.* Seven members of the Board constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Building Official, Plumbing Official, or Electrical Official, affirmative votes of the majority present, but not less than five affirmative votes, are required. A Board member is prohibited from taking any action in a case in which he has a conflict of interest as that term may be defined in the City Charter, in Chapter 171 of the Local Government Code, or in other applicable laws or statutes.

(d) *Records.* The Building Official will act as secretary of the Building Board of Appeals and make a detailed record of all its proceedings. The record must set forth the reasons for the Board's decisions, the vote for each participating member, the absence of a member and any failure of a member to vote.

(e) *Procedure.* The Board must establish rules and regulations for its own procedures not inconsistent with the provisions of this Chapter. The Board shall meet at regular intervals to be determined by the chairman, or, in any event, the Board shall meet within ten (10) days after notice of appeal has been received.

(f) *Advisory Responsibility of the Board.* The Board shall submit to the City Council such recommendations for the improvement and revision of the 2009 *International Building Code*, the 2009 *International Mechanical Code*, the 2009 *International One and Two Family Dwelling Code*, the 2009 *International Plumbing Code*, the 2009 *International Gas Code*, 2009 *International Energy Code* or the 2009 *International Fire Code* as it may deem necessary and proper in light of the development of new materials, methods or techniques which would result in better and more economical installations, and to keep abreast of new developments in applicable portions of the 2009 *International Building Code*, the 2009 *Mechanical Code*, the 2009 *One and Two Family Dwelling Code*, the 2009 *International Plumbing Code*, the 2009 *International Gas Code*, the 2009 *International Energy Code* and the 2009 *International Fire Code*. All requests for use of materials or methods not covered in this Code must be fully supported by factual evidence, or prior approval from a recognized testing agency or such other impartial qualified authority acceptable to the Board.

(g) The Building Board of Appeals must carry out all functions and responsibilities assigned to the Board in Chapter 10 of the City Code. The process for appealing a decision of the Electrical Official to the Building Board of Appeals is set forth in Chapter 10.

(h) All of the functions of the Historic Preservation Board as set forth in Chapter 17 of the City Code are hereby assigned and must be performed by the Building Board of Appeals.

Sec. 7-3. Appeals; Time limit.

(a) Whenever the Building Official, or his designee, rejects or refuses to approve the mode or manner of construction purposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this Code do not apply, or that an equally good more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code, or any of the regulations thereunder have been misconducted or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official or his designee to the Building Board of Appeals. Notice of appeal shall be in writing and filed with the Building Official within ninety (90) days after decision is rendered by the Building Official. A fee of ten dollars (\$10.00) must accompany the notice of appeal.

(b) In case of a building or structure, which, in the opinion of the Building Official is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period. The Building Official will provide notice of appeal forms for use by the public.

Sec. 7-4. Decisions of the Building Board of Appeals.

(a) *Variances and Modifications.*

(1) The Building Board of Appeals, when so appealed to and after hearing, may grant a variance to the application of any provision of the 2009 *International Building Code*, the 2009 *International Residential Code*, the 2009 *International Plumbing Code*, the 2009 *International Mechanical Code*, the 2009 *International Fuel Gas Code*, and the 2009 *Energy Conservation Code* to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and the interpretation of the Building Official or his designee should be modified or reversed.

(2) A decision of the Building Board of Appeals to vary the application of any provision of this Code or to modify an order the Building Official or his designee must specify the manner in which the variance or modification is made, the conditions upon which it is made and the reason for the variance or modification.

(b) *Decisions.*

(1) Every decision of the Building Board of Appeals is final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision must be in writing and must indicate the record vote of the Board members. Every decision must be promptly filed in the Office of the Building Official, and will be open to public inspection; a certified copy must be sent by mail or otherwise to the appellant and a copy kept publicly posted in the Office of the Building Official for two (2) weeks after filing.

(2) The Building Board of Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.

(3) If a decision of the Building Board of Appeals reverses or modifies a refusal, order or disallowance of the Building Official or his designee, or varies the application of any provisions of this Code, the Building Official or his designee must immediately take action in accordance with such decision.

Sec. 7-5 – 7-20. Reserved.

ARTICLE II - ADMINISTRATION

Sec. 7-21. Building Code.

The City of Temple adopts, as part of its Building Regulations, the 2009 *International Building Code*, as it now exists and as it may be revised from time to time, including appendices. A copy of the *International Building Code* is maintained in the office of the Building Official.

Sec. 7-22. Amendments.

What follows are additions, deletions and amendments to the 2009 *International Building Code*.

- (a) *Permits*. Chapter 1, "Scope and Administration," Section 105, "Permits," Subsection 105.2 "Work exempt from a permit" is amended as follows:

Delete sections 1, 2, and 6.

- (b) *Temporary Structures and Uses*. Chapter 1, "Scope and Administration," Section 108 "Temporary Structures and Uses," Subsection 108.3 "Temporary Power" is amended as follows:

Delete the "ICC Electrical Code" and replace with 2008 *National Electrical Code* and City of Temple Electrical Code.

- (c) *Fees*. Chapter 1, "Scope and Administration," Section 109 "Fees," Subsection 109.1 "Permit Fees" shall be amended as follows:

109. Permit Fees.

The City Council must adopt by resolution a schedule of the permit fees required or authorized by the 2009 *International Building Code*, a copy of which shall be maintained in the office of the Building Official.

- (d) *Board of Appeals*. Chapter 1, "Scope and Administration," Section 113 "Board of Appeals," shall be deleted and replaced with Section 7-2, "Building Board of Appeals" found within this document.

- (e) *Private garages*. Chapter 4, "Special Detailed Requirements Based on Use and Occupancy," Section 406, "Motor-Vehicle-Related Occupancies," Subsection 406.1 "Private garages and carports," 406.1.2 (2) shall be amended as follows:

The fire separation distance shall be changed from 5 to 10 feet.

Sec. 7-23 – 7-40. Reserved

ARTICLE III - MECHANICAL CODE

Sec. 7-41. Adopted.

The City of Temple adopts as part of its buildings regulations the 2009 *International Mechanical Code* as it now exists and as it may be revised from time to time. A copy of the 2009 *International Mechanical Code* is maintained in the office of the Building Official.

Sec. 7-42 – 7-60. Reserved.

ARTICLE IV - 2009 INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS

Sec. 7-61. Adopted.

The City of Temple adopts as part of its building regulations the 2009 *International Residential Code for One and Two Family Dwellings* as it now exists and as it may be revised from time to time. A copy of the 2009 *International Residential Code for One and Two Family Dwellings* is maintained in the office of the Building Official.

Sec. 7-62. Amendments.

The City of Temple adopts certain amendments to the 2009 *International Residential Code for One and Two Family Dwellings* which amendments are maintained in the office of the Building Official.

- (a) *Work exempted from permits.* Chapter 1, “Scope and Administration,” Section R105, “Permits,” R105.2 “Work exempt from permit” shall be amended as follows:

(1) Sections 1, 2, 3, 4, 5 and 10 shall be deleted.

(2) R105.2(3) be amended as follows:

The reference to four feet shall be replaced with two feet.

(3) Any reference to the “ICC Electrical Code” is deleted and replaced with 2008 *National Electrical Code* and City of Temple Electrical Code, Chapter 10.

- (b) *Manufacturers installation instructions.* Chapter 1, “Scope and Administration,” Section R106, “Construction Documents,” R106.1.2. Manufacturer’s installation instructions shall be amended by deleting the words “on the job site.”

- (c) *Manufacturer’s installation instructions.* Chapter 1, “Scope and Administration,” Section R106, “Construction Documents,” R106.3.1 “Approval of construction documents” shall be amended to read as follows:

When the building official issues a permit, the construction documents shall be made available and shall be open to inspection by the Building Official or his or her authorized representative.

- (d) *Frame and Masonry Inspection*. Chapter 1, "Scope and Administration," Section R109 "Inspections," R109.1.4 "Frame and masonry inspection" shall be amended by deleting the word masonry throughout the entire section.
- (e) *Certificate of Occupancy*. Chapter 1, "Scope and Administration," Section R110, "Certificate of Occupancy," shall be amended by deleting Sections R110.1; R110.3; R110.4; and R110.5
- (f) *Board of Appeals*. Chapter 1, "Scope and Administration," Section R112 "Board of Appeals," shall be deleted and replaced with Section 7-2, "Building Board of Appeals" found within this document.
- (g) *Attics*. Chapter 2, "Definitions," "Attic, Habitable," shall be amended by deleting the reference to "unfinished."
- (h) *Handrails*. Chapter 3, "Building Planning," Section R311, "Means of Egress," Subsection R311.8.3, "Handrails required," R311.8.3.1, "Height," shall be amended to delete 34 and 38 inches and replace with 28 and 36 inches respectively.
- (i) *Foundation Anchorage*. Chapter 4, "Foundations," Section R403, "Footings," Subsection R403.1. "General," R403.1.6, "Foundation anchorage," shall be amended as follows:

Shall extend a minimum of 8" inches in length (178mm) into concrete or grouted cells of concrete masonry units.
- (j) *Foundation Elevation*. Chapter 4, "Foundations," Section R403, "Footings," Subsection R403.1, "General," R403.1.7 "Footing on or adjacent to slope," R403.1.7.3, "Foundation elevation," shall be deleted and individuals must comply with the City's drainage ordinance.
- (k) *Truss design drawings*. Chapter 5, "Floors," Section R502, "Wood floor framing," Subsection R502.11, "Wood Trusses," R502.11.4 "Truss design drawings," shall be amended by deleting the words "and approved," and replaced with "on request."
- (l) *Weepholes*. Chapter 7, "Wall Covering," Section R703, "Exterior Covering," Subsection R703.7, "Stone and masonry veneer, generally," 703.7.6, "Weepholes" shall be amended so as to delete the reference to "33 inches" and replace with "a maximum of 48 inches."
- (m) *Energy Efficiency*. Chapter 11, "Energy Efficiency," Section N1104, "Lighting System," Subsection N1104.1, "Lighting Equipment," shall be deleted until enforcement is mandated by the State.

- (n) *Plumbing generally.* Chapter 29, “Water Supply and Distribution,” In all instances, only copper or pex-al-pex shall be used under a concrete slab.
- (o) *Water distribution pipe.* Chapter 29 “Water Supply and Distribution,” Section P2905, “Materials, joints and connections,” Subsection P2905.5, “Water Distribution Pipe” shall be amended by deleting “Brass pipe, Polybutylene (PB) plastic pipe and tubing, Polypropylene (PP) plastic pipe or tubing to be used for both hot and cold water,” and adding “Aluminum Shielded pex pipe.”
- (p) *Electrical.* Chapters 34-41 shall be deleted and all references shall be replaced with Chapter 10, Electrical Code, of the City of Temple Code of Ordinances.

Sec. 7-63 – 7-80. Reserved.

ARTICLE V - PLUMBING CODE

Sec. 7-81. Adopted.

The City of Temple adopts as part of its building regulations the 2009 *International Plumbing Code* as it now exists and as it may be revised from time to time. A copy of the 2009 *International Plumbing Code* is maintained in the office of the Building Official.

Sec. 7-82. Amendments.

The City of Temple adopts certain amendments to the 2009 *International Plumbing Code*, which amendments are maintained in the Office of the Building Official.

(a) Appendix A. Plumbing Fees.

The City Council must adopt by resolution a schedule of the permit fees required or authorized by the 2009 *International Plumbing Code*, a copy of which will be maintained in the office of the Building Official.

(b) Table 906.1. The distance from water closet to vent stack is five feet (5'). If the depth of the flow line of sewer yard is more than 24" at any point, double wyes or combination wyes & 1/8 bends are to be used. A sewer yard line clean out is to be installed at junction of sewer yard line and City sewer.

TABLE 906.1 DISTANCE OF FIXTURE TRAP FROM VENT

Size of Fixture	Size of Trap	Falls Per Foot	Distance from Trap
1 1/4"	1 1/4"	1/4"	4'

1 ½"	1 ¼"	¼"	4'
1 ½"	1 ½"	¼"	4'
2"	1 ½"	¼"	5'
2"	2"	¼"	5'
*3"	3"	1/8"	5'
*4"	4"	1/8"	5'

* Floor Drains Only 10' & 12' on 3" and 4"

(c) Chapter 6, "Water Supply and Distribution," Chapter 7, " Sanitary Drainage," and Chapter 9, "Vents," shall be amended as follows:

- (1) All references to air admittance valves shall be deleted.
- (2) All sinks and washer connections to have a cleanout at or near the foot of each vented waste or soil stack.
- (3) A dishwashing machine shall not be directly connected to a drainage system.
- (4) Cold water distribution ASTM D3309-85B may be used in readily accessible places only, not in walls, in or under slab foundations, or in attics.

Sec. 7-83. Plumbing Installation or Maintenance by Homeowner.

Nothing in this Chapter shall prevent a homeowner from installing or maintaining plumbing within his own property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Chapter, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees thereof.

Section 7-84. Who May Obtain a Permit.

Permits may be issued *only* to the following:

- (a) Master plumber licensed by the State of Texas of Plumbing Examiners;
- (b) Property owner, for plumbing work to be done by him in a building owned and occupied by him as his home;
- (c) Appliance dealer or dealer's employee, for connecting appliances to existing piping installation;
- (d) Licensed landscape architects and irrigators.

Sec. 7-85 – 7-93. Reserved.

ARTICLE VI - GAS CODE

Sec. 7-94. Adopted.

The City of Temple adopts as part of its Building regulations, the 2009 *International Fuel Gas Code* as it exists now and as it may be revised from time to time. A copy of the 2009 *International Fuel Gas Code* is maintained in the office of the Building Official.

Sec. 7-95. Amendments.

The City of Temple adopts certain amendments to the 2009 *International Fuel Gas Code*, which amendments are maintained in the Office of the Building Official.

(a) The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2009 *International Fuel Gas Code*, a copy of which shall be maintained in the office of the Building Official.

(b) *Air Testing Lines*. Chapter 4, “Gas Piping Installations,” Section 406, “Inspection, testing and purging,” Subsection 406.4 “Test pressure measurement,” shall be amended as follows:

The test with a diaphragm gage on gas house piping and service lines shall be made by closing all openings and subjecting the pipes to an air pressure of 3 to 5 ounces for at least fifteen (15) minutes under a constant temperature, the piping shall be considered sufficiently tight.

ARTICLE VII - ENERGY CODE

Sec. 7-96. Adopted.

The City of Temple adopts as part of its building regulations the 2009 *International Energy Code* as it now exists and as it may be revised from time to time. A copy of the 2009 *International Energy Code* is maintained in the office of the Building Official.

Sec. 7-97 Amendments.

The City of Temple adopts certain amendments to the 2009 *International Energy Code*, which amendments are maintained in the Office of the Building Official.

(a) Chapter 4, “Residential Energy Code,” Table 402.1.1, “Insulation and Fenestration Requirements by Components,” shall be amended by deleting requirements found in the “Glazed Fenestration SHGC” in “Climate Zone 2,” until the state mandates these requirements.

Sec. 7-98 – 7-99. Reserved.

ARTICLE VIII - LANDSCAPE IRRIGATION STANDARDS

Sec. 7-100. Definitions.

The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise.

(a) *Air gap* - A complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

(b) *Backflow prevention* - The mechanical prevention of reverse flow, or back siphonage, of nonpotable water from an irrigation system into the potable water source.

(c) *Backflow prevention assembly* - Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

(d) *Completion of irrigation system installation* - When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

(e) *Consulting* - The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

(f) *Cross-connection* - An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

(g) *Design* - The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

(h) *Design pressure* - The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

(i) *Emission device* - Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

(j) *Employed* - Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A

person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 U.S.C., §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

(k) *Head-to-head spacing* - The spacing of spray or rotary heads equal to the manufacturer's published radius of the head.

(l) *Health hazard* - A cross-connection or potential cross-connection with an irrigation system that involves any chemical additives that may, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects or when an irrigation system services property that is also served by an on-site sewage facility (septic system).

(m) *Hydraulics* - The science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

(n) *Installer* - A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

(o) *Irrigation inspector* - A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

(p) *Irrigation plan* - A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

(q) *Irrigation services* - Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

(r) *Irrigation system* - An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

(s) *Irrigation technician* - A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

(t) *Irrigation zone* - A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade

ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

(u) *Irrigator* - A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

(v) *Landscape Irrigation* - The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

(w) *License* - An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

(x) *Mainline* - A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

(y) *Maintenance checklist* - A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

(z) *Major maintenance, alteration, repair, or service* - Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

(aa) *Master valve* - A remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

(bb) *Matched precipitation rate* - The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

(cc) *New installation* - An irrigation system installed at a location where one did not previously exist.

(dd) *Pass-through contract* - A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

(ee) *Potable water* - Water that is suitable for human consumption.

(ff) *Pressure Vacuum Breaker* - An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

(gg) *Reclaimed water* - Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

(hh) *Records of landscape irrigation activities* - The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

(ii) *Reduced Pressure Principle Backflow Prevention Assembly* - An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

(jj) *Static water pressure* - The pressure of water when it is not moving.

(kk) *Supervision* - The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

(ll) *Water conservation* - The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

(mm) *Zone flow* - A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

(nn) *Zone valve* - An automatic valve that controls a single zone of a landscape irrigation system.

Sec. 7-101. Valid license required.

(a) Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code, or as defined by Title 22 of the Texas Administrative Code, Chapter 365 and required by Chapter 1301 of the Texas Occupations Code.

(b) **Exemptions.** A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1) if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344 regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention and isolation valves. A home or property owner must obtain a permit from the City, submit an irrigation plan, use an individual with a valid license to install backflow prevention devices, and submit test results of the backflow prevention device to the City. The City may, at any point, adopt more stringent requirements for a home or property owner who installs an irrigation system. See Texas Occupations Code §1903.002 for other exemptions to the licensing requirement.

Sec. 7-102. Permit required.

(a) Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the City is required to obtain a permit from the City. Any applicant must submit a plan with the application demonstrating that the plan and irrigation system meet the requirements of this Chapter. Any plan approved for a permit must be in compliance with the requirements of this chapter. Construction Safety administers the permit program in conjunction with the Water Department's approval of tested systems. Permit formats and processes are amended from time to time by the Construction Safety Department.

(b) A person is exempt from the requirement set forth in subsection (a) if the person is installing any of the following:

- (1) An irrigation system that is an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code;
- (2) An irrigation system used on or by an agricultural operation as defined by Section 251.002, Agriculture Code; or
- (3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

Sec. 7-103. Backflow prevention methods and devices.

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by the American Society of Sanitary Engineers, the Foundation for Cross-Connection Control and Hydraulic Research,

University of Southern California, the Uniform Plumbing Code, or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(b) In new installations of landscape irrigation systems one of the following methods must be used to prevent backflow:

(1) Reduced pressure principle backflow prevention assemblies may be used if:

- a. the device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and
- b. drainage is provided for any water that may be discharged through the assembly relief valve.

(2) Pressure vacuum breakers may be used if:

- a. no back-pressure condition will occur; and
- b. the device is installed at a minimum of 12 inches above any sprinklers as measured from the retracted position from the top of the sprinkler.

(c) Existing irrigation systems which are not of the type listed in 7-103(b) may remain, however upon replacement, homeowner must comply with the required devices listed in 7-103(b).

(d) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter. The following situations have been deemed by the City to create a health hazard:

- (1) When chemicals are added to an irrigation system which is connected to the potable water supply; or
- (2) When an irrigation system services property that is also served by an on-site sewage facility (septic system).

(e) If an irrigation system is connected to a potable water supply through a pressure vacuum breaker or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

(f) The irrigator shall ensure the backflow prevention device is tested by a licensed Backflow Prevention Assembly Tester prior to being placed in service and the test results

provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.

Sec. 7-104. Specific conditions and cross-connection control.

(a) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly.

(b) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly.

(c) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.

(d) If any new irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

- (1) all irrigation piping and valves must meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);
- (2) any connections using a private or public potable water source that is not the City's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and
- (3) any water from the irrigation system that is applied to the surface of the area utilized by the On-Site Sewage Facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the On-Site Sewage Facilities system from operating effectively.

Sec. 7-105. Water conservation.

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in Section 7-100.

Sec. 7-106. Irrigation plan design: minimum standards.

(a) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations.

During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- (1) diminish the operational integrity of the irrigation system;
- (2) violate any requirements of this ordinance; and
- (3) go unnoted in red on the irrigation plan.

(b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- (1) the irrigator's seal, signature, and date of signing;
- (2) all major physical features and the boundaries of the areas to be watered;
- (3) a North arrow;
- (4) a legend;
- (5) the zone flow measurement for each zone;
- (6) location and type of each:
 - a. controller; and
 - b. sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);
- (7) location, type, and size of each:
 - a. water source, such as, but not limited to a water meter and point(s) of connection;
 - b. backflow prevention device;
 - c. water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
 - d. valve, including but not limited to, zone valves, master valves, and isolation valves;

- e. pressure regulation component; and
- f. main line and lateral piping.

(8) the scale used; and

(9) the design pressure.

Sec. 7-107. Design and installation: minimum requirements.

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

(3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the *Uniform Plumbing Code* (Section 316) or the *International Plumbing Code* (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not onsite, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

Sec. 7-108. Completion of irrigation system installation.

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(a) a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;

(b) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

- (1) the manufacturer's manual for the automatic controller, if the system is automatic;
- (2) a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;
- (3) a list of components, such as the nozzle, or pump filters, and other such components that require maintenance and the recommended frequency for the service; and
- (4) the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(c) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink.

(d) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

Sec. 7-109. Maintenance, alteration, repair, or service of irrigation systems.

(a) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(d) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

Sec. 7-110. Reclaimed water.

Reclaimed water may be utilized in landscape irrigation systems if:

- (a) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- (b) the irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
- (c) the irrigation system is installed using purple components;
- (d) the domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i) (relating to Appendices);
- (e) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER"; and
- (f) backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the City's water provider.

Sec. 7-111. Advertisement requirements.

- (a) All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigator's license number in the form of "LI_____" in a contrasting color of block letters at least two inches high, on both sides of the vehicle.
- (b) All forms of written and electronic advertisements for irrigation services must display the irrigator's license number in the form of "LI_____." Any form of advertisement, including business cards, and estimates which displays an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.
- (c) The name, mailing address, and telephone number of the TCEQ must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

Sec. 7-112. Contracts.

- (a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on

Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us." All contracts must include the irrigator's seal, signature, and date.

(b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission On Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: www.tceq.state.tx.us."

(c) An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required) shall hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.

(d) The contract must include the dates that the warranty is valid.

Section 7-113. Warranties for Systems.

(a) On all installations of new irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.

(b) An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us."

(c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a

warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information.

Sec. 7-114. Duties and responsibilities of city irrigation inspectors.

A licensed irrigation inspector shall enforce the ordinance of the City, and shall be responsible for:

- (a) verifying that the appropriate permits have been obtained for an irrigation system and that the irrigator and installer or irrigation technician, if applicable, are licensed;
- (b) inspecting the irrigation system;
- (c) determining that the irrigation system complies with the requirements of this chapter;
- (d) determining that the appropriate backflow prevention device was installed, tested, and test results provided to the City;
- (e) investigating complaints related to irrigation system installation, maintenance, alteration, repairs, or service of an irrigation system and advertisement of irrigation services; and
- (f) maintaining records according to this chapter.

Sec. 7-115. Items not covered by this ordinance.

Any item not covered by this ordinance and required by law shall be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, and any other applicable state statute or Texas Commission on Environmental Quality rule.

Sec. 7-116. Fees.

The City Council may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the City's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. The City Council shall adopt by resolution a schedule of the permit fees required or authorized. This schedule of fees is entitled Construction Permit Fees and is updated from time to time by Resolution. It is kept at City offices and also available online.

ARTICLE IX - ENFORCEMENT

Sec. 7-117. Enforcement.

- (a) The City shall have the power to administer and enforce the provisions of this Chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails to comply therewith, or with any of the requirements thereof, is

subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this Chapter is declared to be a nuisance.

(b) Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding \$2000.00. Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a Class C misdemeanor, punishable by a fine of up to \$2000.00.

(c) Nothing in this Chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) Other available relief.

CHAPTER 7

BUILDINGS

ARTICLE I - AUTHORITY

Sec. 7-1. Building official.

Whenever reference is made to the duties of “officials” named within the 2015 *International Building Code*, 2015 *International Existing Building Code*, 2015 *International Residential Code*, 2015 *International Plumbing Code*, 2015 *International Mechanical Code*, 2015 *International Fuel Gas Code*, 2015 *International Energy Conservation Code*, and 2015 *International Swimming Pool and Spa Code* adopted in this Chapter or within this Chapter, that designated official of Temple, Texas, who has duties corresponding to those of the named official shall be deemed to be the responsible official to enforce the provisions of the applicable code.

ARTICLE II - BUILDING BOARD OF APPEALS

Sec. 7-2. Building Board of Appeals.

- (a) *Creation and Appointment.* A Board is hereby established to be called the Building Board of Appeals, which will consist of 13 members. The City Council must appoint all Board members. The City Council must appoint, when possible, two architects or engineers, one person from the mechanical or air conditioning trade, two master plumbers, two persons from the building industry which may include a general contractor, engineer or other person at large from the building industry, two licensed master electricians, one licensed journeyman electrician, one representative of the electric distributor, and two persons at large representing no specific trade.
- (b) *Term of Office.* All members shall be appointed for four year terms, except that the two licensed master electricians, one licensed journeyman electrician, and one representative of the electric distributor appointed in 2014 shall have an initial term of one year. After their initial one year term, those Board members will be appointed for four year terms. The City Council will fill vacancies by appointment. When any member of the Board has been absent from the regular meeting of such Board for three (3) or more consecutive times, without just cause, as determined by the Board or the City Council, the member’s office shall become vacant, and the chairman or acting chairman of the Board must certify such record of absence and vacancy to the City Council which will appoint a new member to fill the vacancy.
- (c) *Procedures and Quorum.* Seven members of the Board constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the Building Official, Plumbing Official, or Electrical Official, affirmative votes of the majority present, but not less than five affirmative votes, are required. A Board member is prohibited from taking any action in a case in which he has a conflict of interest as that term may be defined in the

City Charter, in Chapter 171 of the Texas Local Government Code, as amended, or in other applicable laws or statutes.

- (d) *Records.* The Building Official will act as secretary of the Building Board of Appeals and make a detailed record of all its proceedings. The record must set forth the reasons for the Board's decisions, the vote for each participating member, the absence of a member, and any failure of a member to vote.
- (e) *Procedure.* The Board must establish rules and regulations for its own procedures not inconsistent with the provisions of this Chapter. The Board shall meet at regular intervals to be determined by the chairman, or, in any event, the Board shall meet within ten (10) days after notice of appeal has been received.
- (f) *Advisory Responsibility of the Board.* The Board shall submit to the City Council such recommendations for the improvement and revision of the 2015 *International Building Code*, 2015 *International Existing Building Code*, 2015 *International Mechanical Code*, 2015 *International Residential Code*, 2015 *International Plumbing Code*, 2015 *International Fuel Gas Code*, 2015 *International Energy Conservation Code*, 2015 *International Swimming Pool and Spa Code*, and the City's currently adopted fire code as it may deem necessary and proper in light of the development of new materials, methods, or techniques which would result in better and more economical installations and to keep abreast of new developments in applicable portions of the same. All requests for use of materials or methods not covered in this Code must be fully supported by factual evidence or prior approval from a recognized testing agency or such other impartial qualified authority acceptable to the Board.
- (g) The Building Board of Appeals must carry out all functions and responsibilities assigned to the Board in Chapter 10 of the City Code. The process for appealing a decision of the Electrical Official to the Building Board of Appeals is set forth in Chapter 10.
- (h) All of the functions of the Historic Preservation Board as set forth in Chapter 17 of the City Code are hereby assigned and must be performed by the Building Board of Appeals.

Sec. 7-3. Appeals; Time limit.

- (a) Whenever the Building Official, or his designee, rejects or refuses to approve the mode or manner of construction purposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of this Code do not apply, or that an equally good more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code, or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the Building Official or his designee to the Building Board of Appeals. Notice of appeal shall be in writing and filed with the Building Official within ninety (90) days after decision is rendered by the Building Official. A fee of ten dollars (\$10.00) must

accompany the notice of appeal. The Building Official will provide notice of appeal forms for use by the public.

- (b) In case of a building or structure, which, in the opinion of the Building Official is unsafe or dangerous, the Building Official may, in his order, limit the time for such appeal to a shorter period.

Sec. 7-4. Decisions of the Building Board of Appeals.

(a) *Variances and Modifications.*

- (1) The Building Board of Appeals, when so appealed to and after hearing, may grant a variance to the application of any provision of the 2015 *International Building Code*, 2015 *International Existing Building Code*, 2015 *International Residential Code*, 2015 *International Plumbing Code*, 2015 *International Mechanical Code*, 2015 *International Fuel Gas Code*, 2015 *International Energy Conservation Code*, 2015 *International Swimming Pool and Space Code*, and the City's currently adopted fire code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and the interpretation of the Building Official or his designee should be modified or reversed.
- (2) A decision of the Building Board of Appeals to vary the application of any provision of this Code or to modify an order the Building Official or his designee must specify the manner in which the variance or modification is made, the conditions upon which it is made, and the reason for the variance or modification.

(b) *Decisions.*

- (1) Every decision of the Building Board of Appeals is final, subject, however, to such remedy as any aggrieved party might have at law or in equity. The decision must be in writing and must indicate the record vote of the Board members. Every decision must be promptly filed in the Office of the Building Official and will be open to public inspection; a certified copy must be sent by mail or otherwise to the appellant and a copy kept publicly posted in the Office of the Building Official for two (2) weeks after filing.
- (2) The Building Board of Appeals must, in every case, reach a decision without unreasonable or unnecessary delay.
- (3) If a decision of the Building Board of Appeals reverses or modifies a refusal, order, or disallowance of the Building Official or his designee or varies the application of any provisions of this Code, the Building Official or his designee must immediately act in accordance with such decision.

Sec. 7-5 – 7-20. Reserved.

ARTICLE III - BUILDING CODE

Sec. 7-21. Building Code.

The City of Temple adopts, as part of its Building Regulations, the 2015 *International Building Code*, as it now exists and as it may be revised from time to time, including appendices. A copy of the 2015 *International Building Code* is maintained in the office of the Building Official.

Sec. 7-22. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Building Code*, which amendments are maintained in the office of the Building Official:

- (a) *Electrical Code references.* All references to the "ICC Electrical Code" found within the 2015 *International Building Code* shall be deleted and replaced with references to the 2017 *National Electrical Code* and the City of Temple, Electrical Code, Chapter 10.
- (b) *Title.* Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (c) *Permits.* Chapter 1, "Scope and Administration," Section 105, "Permits," Subsection 105.2, "Work exempt from a permit," is amended as follows:

Delete sections 1, 2, 4, and 6.

- (d) *Fees.* Chapter 1, "Scope and Administration," Section 109, "Fees," Subsection 109.2, "Schedule of permit fees," shall be amended as follows:

109.2. Schedule of permit fees.

- (1) On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City Council.
 - (2) The City Council will adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Building Code*, a copy of which shall be maintained in the office of the Building Official.
- (e) *Board of Appeals.* Chapter 1, "Scope and Administration," Section 113, "Board of Appeals," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.

- (f) *Electrical*. Chapter 27, "Electrical," shall be deleted in its entirety and all references shall be replaced with the 2017 National Electrical Code and Chapter 10, Electrical Code, of the City of Temple Code of Ordinances.

ARTICLE IV - EXISTING BUILDING CODE

Sec. 7-23. Adopted.

The City of Temple adopts as part of its building regulations the 2015 *International Existing Building Code* as it now exists and as it may be revised from time to time. A copy of the 2015 *International Existing Building Code* is maintained in the office of the Building Official.

Sec. 7-24. Amendments.

The City of Temple adopts the following amendments to the *International Existing Building Code*, which amendments are maintained in the office of the Building Official:

- (a) *Title*. Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (b) *Annual permit records*. Chapter 1, "Scope and Administration," Section 105, "Permits," Subsection 105.1.1, "Annual permit," shall be deleted in its entirety.
- (c) *Annual permit records*. Chapter 1, "Scope and Administration," Section 105, "Permits," Subsection 105.1.2, "Annual permit records," shall be deleted in its entirety.
- (d) *Work exempt from permit*. Chapter 1, "Scope and Administration," Section 105, "Permits," Section 105.2, "Work exempt from permit," Subsection "Building" shall be amended as follows:
 - (1) Subsection 1 shall be deleted.
- (e) *Fees*. Chapter 1, "Scope and Administration," Section 108, "Fees," Subsection 108.2, "Schedule of permit fees," shall be amended as follows:

108.2. Schedule of permit fees.

- (1) On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City Council.
- (2) The City Council will adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Existing Building Code*, a copy of which shall be maintained in the office of the Building Official.

(f) *Board of Appeals.*

Chapter 1, "Scope and Administration," Section 112, "Board of Appeals," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.

Sec. 7-25 – 7-40. Reserved

ARTICLE V - MECHANICAL CODE

Sec. 7-41. Adopted.

The City of Temple adopts as part of its building regulations the 2015 *International Mechanical Code* as it now exists and as it may be revised from time to time. A copy of the 2015 *International Mechanical Code* is maintained in the office of the Building Official.

Sec. 7-42. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Mechanical Code*, which amendments are maintained in the office of the Building Official:

- (a) *Title.* Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (b) *Fee schedule.* Chapter 1, "Scope and Administration," Section 106, "Permits," Subsection 106.5, "Fees," Subsection, 106.5.2, "Fee schedule," shall be amended by removing the subsection in its entirety and replacing it with the following language:

106.5.2 Fee schedule.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Mechanical Code*, a copy of which shall be maintained in the office of the Building Official.

- (c) *Board of Appeals.* Chapter 1, "Scope and Administration," Section 109, "Means of Appeal," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.

Sec. 7-43 – 7-60. Reserved.

ARTICLE VI - INTERNATIONAL RESIDENTIAL CODE

Sec. 7-61. Adopted.

The City of Temple adopts as part of its building regulations the 2015 *International Residential Code* as it now exists and as it may be revised from time to time. A copy of the 2015 *International Residential Code* is maintained in the office of the Building Official.

Sec. 7-62. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Residential Code*, which amendments are maintained in the office of the Building Official:

- (a) *Electrical code references.* All references to the "ICC Electrical Code" and the 2014 *National Electrical Code* found within the 2015 *International Residential Code* shall be deleted and replaced with references to the 2017 *National Electrical Code* and the City of Temple, Electrical Code, Chapter 10.
- (b) *Title.* Chapter 1, "Scope and Administration," Section R101, "General," Subsection R101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (c) *Work exempted from permits.* Chapter 1, "Scope and Administration," Section R105, "Permits," Subsection R105.2, "Work exempt from permit," Subsection "Building" shall be amended as follows:

- (1) Subsections 1, 2, 4, 5, and 10 shall be deleted.

- (2) Subsection (3) shall be amended as follows:

- The reference to four feet shall be replaced with two feet (609.6 mm).

- (d) *Manufacturer's installation instructions.* Chapter 1, "Scope and Administration," Section R106, "Construction Documents," Subsection R106.1.2, "Manufacturer's installation instructions," shall be amended by deleting the words "on the job site."
- (e) *Construction documents available.* Chapter 1, "Scope and Administration," Section R106, "Construction Documents," Subsection R106.3.1, "Approval of construction documents," shall be amended to read as follows:

- When the Building Official issues a permit, the construction documents shall be made available and shall be open to inspection by the Building Official or his or her authorized representative.

- (f) *Fees.* Chapter 1, "Scope and Administration," Section R108, "Fees," Subsection R108.2, "Schedule of permit fees," shall be amended as follows:

R108.2. Schedule of permit fees.

- (1) On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City Council.
 - (2) The City Council will adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Residential Code*, a copy of which shall be maintained in the office of the Building Official.
- (g) *Frame and Masonry Inspection*. Chapter 1, “Scope and Administration,” Section R109 “Inspections,” Subsection R109.1.4, “Frame and masonry inspection,” shall be amended to read as follows:
- R109.1.4 Frame inspection.**
- Inspection of framing shall be made after the roof, framing, firestopping, draftstopping, and bracing are in place and after the plumbing, mechanical, and electrical rough inspections are approved.
- (h) *Certificate of Occupancy*. Chapter 1, “Scope and Administration,” Section R110, “Certificate of Occupancy,” shall be amended by deleting Subsections R110.1; R110.3; R110.4; and R110.5
- (i) *Board of Appeals*. Chapter 1, “Scope and Administration,” Section R112, “Board of Appeals,” shall be deleted and replaced with Article II, “Building Board of Appeals,” found within this Chapter.
- (j) *Attics*. Chapter 2, "Definitions," Section R202, “Definitions,” “Attic, Habitable,” shall be amended by deleting the phrase “or unfinished area.”
- (k) *Self-closing devices*. Chapter 3, "Building Planning," Section R302, "Fire-resistant Construction," Subsection R302.5, "Dwelling-garage opening and penetration protection," Subsection R302.5.1, "Opening protection," shall be amended by deleting the phrase, "equipped with a self-closing device."
- (l) *Handrails*. Chapter 3, “Building Planning,” Section R311, “Means of Egress,” Subsection R311.8.3, “Handrails required,” Subsection R311.8.3.1, “Height,” shall be amended to delete 34 inches (864 mm) and 38 inches (965 mm) and replace with 28 inches (711.2 mm) and 36 inches (914.4 mm) respectively.
- (m) *Guard Requirement*. Chapter 3, "Building Planning," Section R312, "Guards and Window Fall Protection," Subsection R312.1, "Guards," Subsection R312.1.1, "Where required," shall be amended to read as follows:

Guards shall be located along open-side walking surfaces of all decks, porches, and balconies, including stairs, ramps, and landings, that are located more than 30 inches (762

mm) measured vertically to the floor or *grade* below. Insect screening shall not be considered as a *guard*.

- (n) *Window Fall Protection Devices*. Chapter 3, "Building Planning," Section R312, "Guards and Window Fall Protection," Subsection R312.2, "Window fall protection," shall be amended to read as follows:

R312.2 Window fall protection.

Where window fall protection devices are provided, the devices shall be installed in accordance with Section R312.2.1.

R312.2.1 Window opening control devices.

Window opening control devices shall comply with ASTM F2090. The window opening control device, after operation to release the control device allowing the window to fully open, shall not reduce the net clear opening area of the window unit to less than the area required by Section R310.2.1.

- (o) *Residential fire sprinkler systems*. Chapter 3, "Building Planning," Section R313, "Automatic Fire Sprinkler Systems," shall be deleted in its entirety.
- (p) *Exceptions to mezzanine openness*. Chapter 3, "Building Planning," Section R325, "Mezzanines," Subsection R325.5, "Openness," shall be amended by deleting the exceptions to the Subsection R325.5.
- (q) *Foundation Anchorage*. Chapter 4, "Foundations," Section R403, "Footings," Subsection R403.1, "General," Subsection R403.1.6, "Foundation anchorage," shall be amended as follows:
- (1) The sentence, "Bolts shall extend a minimum of 7 inches (178 mm) into concrete or grouted cells of concrete masonry units," shall be deleted and replaced with the sentence: "Bolts shall extend a minimum of eight inches (203.2 mm) in length into concrete or grouted cells of concrete masonry units."
 - (2) An exception shall be added to the list of exceptions and shall read as follows:
 3. Where the basic wind speed in accordance with Figure R301.2(4)A does not exceed 115 miles per hour (51 m/s), the seismic design category is A or B and Method GB in accordance with Section R602.10 is used for a braced wall line on the interior of the dwelling, anchor bolts shall not be required for the wood sole plates of the braced wall panels. In these cases, positive anchorage with approved fasteners must be used.
- (r) *Foundation Elevation*. Chapter 4, "Foundations," Section R403, "Footings," Subsection R403.1, "General," Subsection R403.1.7, "Footings on or adjacent to slopes," Subsection

R403.1.7.3, “Foundation elevation,” shall be deleted and persons must comply with the City’s drainage ordinance.

- (s) *Truss design drawings.* Chapter 5, “Floors,” Section R502, “Wood Floor Framing,” Subsection R502.11, “Wood trusses,” Subsection R502.11.4, “Truss design drawings,” shall be amended by deleting the words “and approved” and replacing it with the phrase “on request.”
- (t) *Weepholes.* Chapter 7, “Wall Covering,” Section R703, “Exterior Covering,” Subsection R703.8, “Anchored stone and masonry veneer, general,” Subsection R703.8.6, “Weepholes” shall be amended so as to delete the phrase, “33 inches (838 mm),” and replace with phrase “48 inches (1219.2 mm).”
- (u) *Insulation and Fenestration Requirements by Component.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.1 (R402.1), "General (Prescriptive)," Subsection N1102.1.2 (R402.1.2), "Insulation and fenestration criteria," Table N1102.1.2 (R402.1.2), "Insulation and Fenestration Requirements by Component," shall be amended by:

- (1) Deleting the value "38" from the cell located in the Climate Zone 2 Row (Row 3) and the Ceiling *R*-Value Column (Column 5) and replacing it with the value "30."
- (2) Adding a Climate Zone row named, "2 Compliance Path #2" below the Climate Zone 2 Row to read as follows:

2 Compliance Path #2 ^j	0.40	0.65	0.25	30	13	4/6	13	0	0	0
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- (3) Deleting the Wood Frame Wall *R*-Value column and replacing it with the following column:

WOOD FRAME WALL <i>R</i> -VALUE
13
13
20 or 13 + 5 ^{h,i}
20 or 13 + 5 ^{h,i}
20 or 13 + 5 ^{h,i}
20+5 or 13+10 ^{h,i}
20+5 or 13+10 ^{h,i}

- (4) Adding a footnote "j" to the table's footnote section to read as follows:

- j. When using Climate Zone 2 Compliance Path #2, the following requirements must also be met:

1. Maximum duct leakage of 6 CFM/100ft² at 25 Pa
2. Maximum building leakage of 6 ACH50 at 50 Pa
3. Minimum A/C SEER rating of 16 for all cooling systems

(v) *Air leakage.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.4 (R402.4), "Air leakage (Mandatory) shall be amended by:

- (1) Deleting the wording, "(Mandatory)," from the Subsection N1102.4 (R402.4).
- (2) Removing the references to "Sections N1102.4.1 through N1102.4.5" and replacing them with references to "Sections N1102.4.1 through N1102.4.4."
- (3) Adding the following exception before N1102.4.1 (R402.4.1), "Building thermal envelope:"

Exception. Two-family dwelling units and townhouses shall be permitted to comply with the 2015 *International Energy Conservation Code* Subsection C402.5.

(w) *Equivalent U-factors.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.1 (R402.1), "General (Prescriptive)," Subsection N1102.1.4 (R402.1.4), "U-Factor alternative," Table N1102.1.4 (R402.1.4), "Equivalent U-Factors" shall be amended by:

- (1) Deleting the value "0.030" from the cell located in the Climate Zone 2 Row (Row 3) and the Ceiling U-Factor Column (Column 4) and replacing it with the value "0.035."
- (2) Adding a Climate Zone row named, "2 Compliance Path #2" below the Climate Zone 2 Row to read as follows:

2 Compliance Path #2 ^d	0.40	0.65	0.035	0.084	0.165	0.064	0.360	0.477
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- (3) Deleting the value "0.050" from the cell located in the Climate Zone 5 and Marine 4 Row (Row 6) and the Basement Wall U-Factor column (Column 8) and replacing it with the value "0.059."
- (4) Adding a footnote "d" to the table's footnote section to read as follows:

- d. when using Climate Zone 2 Compliance Path #2, the following requirements must also be met:
 1. Maximum duct tightness of 6 CFM/100ft² at 25 Pa
 2. Maximum building tightness of 6 ACH50 at 50 Pa
 3. Minimum A/C SEER rating of 16 for all systems

(x) *Installation.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.4 (R402.4), "Air leakage (Mandatory), Subsection

N1102.4.1 (R402.4.1), "Building thermal envelope," Subsection N1102.4.1.1 (R402.4.1.1) shall be amended by adding the wording, "(Mandatory)," after the word "Installation" in the title of Subsection N1102.4.1.1 (R402.4.1.1).

- (y) *Testing for air leakage.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.4 (R402.4), "Air leakage (Mandatory), Subsection N1102.4.1 (R402.4.1), "Building thermal envelope," Subsection N1102.4.1.2 (R402.4.1.2), "Testing," shall be amended by deleting the first sentence of Subsection N1102.4.1.2 (R402.4.1.2) and replacing it with a sentence that reads as follows:

The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding six air changes per hour in Climate Zones 1 through 8.

- (z) *Leakage rate.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.4 (R402.4), "Air leakage (Mandatory), Subsection N1102.4.1 (R402.4.1), "Building thermal envelope," shall be amended by adding an additional subsection to read as follows:

N1102.4.1.3 (R402.4.1.3) Leakage rate (Prescriptive).

The building or dwelling unit shall have an air leakage rate not exceeding six air changes per hour in Climate Zones 1 through 8 when tested in accordance with Subsection N1102.4.1.2.

- (aa) *Energy Efficiency.* Chapter 11, "Energy Efficiency," Section N1104 (R404), "Electrical Power and Lighting Systems," Subsection N1104.1 (R404.1), "Lighting Equipment (Mandatory)," shall be deleted in its entirety unless mandated by state law or regulations.

- (bb) *Specifications for the Standard Reference and Proposed Designs.* Chapter 11, "Energy Efficiency," Section N1105 (R405), "Simulated Performance Alternative (Performance)," Subsection N1105.5 (R405.5), "Calculation procedure," Table N1105.5.2(1) [R405.5.2(1)], "Specifications for the Standard Reference and Proposed Designs," shall be amended by changing the below specified rows of the table to read as follows:

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Vertical fenestration other than opaque doors	Total area ^h =	
	(a) 15% of the conditioned floor area	As proposed
	Orientation: equally distributed to four cardinal compass orientations (N, E, S, & W)	As proposed
	U-factor: as specified in Table N1102.1.4	As proposed

	SHGC: as specified in Table N1102.1.2 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.	As proposed
Heating systems ^{d,e}	Fuel type: same as proposed designed efficiencies	As proposed
	Electric: air-source heat pump with prevailing federal minimum standards	As proposed
	Non-electric furnaces: natural gas furnace with prevailing federal minimum standards	As proposed
	Non-electric boilers: natural gas boiler with prevailing federal minimum standards	As proposed
Cooling systems ^{d,f}	Fuel type: Electric	
	Efficiency: in accordance with prevailing federal minimum standards	As proposed
	Capacity: sized in accordance with Section N1103.7	As proposed
Service water heating ^{d,e,f}	Fuel type: same as proposed design	As proposed
	Efficiency: in accordance with prevailing federal minimum standards	Same as standard reference
	Use: gal/day = 30 + 10 x Nbr	Same as standard reference
	Tank temperature: 120°F	
Air exchange rate	<p>Air leakage rate of 6 air changes per hour in Climate Zones 1 through 8 at a pressure of 0.2 inches w.g. (50 Pa). The mechanical ventilation rate shall be in addition to the air leakage rate and the same as in the proposed design, but no greater than:</p> $0.01 \times \text{CFA} + 7.5 \times (\text{Nbr} + 1)$ <p>Where CFA = conditioned floor area NBR = number of bedrooms</p>	<p>For residences that are not tested the same air leakage rate as the standard reference design.</p> <p>For tested residences, the measured air exchange rate.^a</p> <p>The mechanical ventilation rate shall be in addition to the air leakage rate and shall be as proposed.</p>

	Energy recovery shall not be assumed for mechanical ventilation	
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(cc) *Mandatory requirement for code programs.* Chapter 11, "Energy Efficiency," Section N1101, "General," Subsection N1101.4 (R102.1.1), "Above code programs," shall be amended by deleting the following sentence, "The requirements identified as "mandatory" in this chapter, as applicable, shall be met."

(dd) *Projection factor.* Chapter 11, "Energy Efficiency," Section N1101, "General," Subsection N1101.6 (R202), "Defined terms," shall be amended by adding the definition of "Projection Factor" as follows:

PROJECTION FACTOR. The ratio of the horizontal depth of an overhang, eave, or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave, or permanently attached shading device.

(ee) *Glazed fenestration SHGC exception.* Chapter 11, "Energy Efficiency," Section N1102 (R402), "Building Thermal Envelope," Subsection N1102.3 (R402.3), "Fenestration (Prescriptive)," Subsection N1102.3.2 (R402.3.2), "Glazed fenestration SHGC," shall be amended by adding the following language and table at the end of section after the "Exception" paragraph:

N1102.3.2.1 (R402.3.2.1) Glazed fenestration SHGC exception.

In Climate Zones 1 through 4, permanently shaded vertical fenestration shall be permitted to satisfy the SHGC requirements. The projection factor of an overhang, eave, or permanently attached shading device shall be greater than or equal to the value listed in Table N1102.3.2.1 (R402.2.3.2.1) for the appropriate orientation. The minimum projection shall extend beyond each side of the glazing a minimum of 12 inches (304.8 mm). Each orientation shall be rounded to the nearest cardinal orientation (+/-45 degrees or 0.79 rad) for purposes of calculations and demonstrating compliance.

Table N1102.3.2.1 (R402.3.2.1) MINIMUM PROJECTION FACTOR REQUIRED BY ORIENTATION FOR SHGC EXCEPTION	
ORIENTATION	PROJECTION FACTOR
North	≥ 0.40
South	≥ 0.20
East	≥ 0.50
West	≥ 0.50

a. For the north orientation, a vertical projection located on the west-edge of the fenestration with equivalent PF ≥ 0.15 shall also satisfy the minimum projection factor requirement.

(ff) *Maximum Energy Rating Index.* Chapter 11, "Energy Efficiency," Section N1106 (R406), "Energy Rating Index," Subsection N1106.4 (R406.4), "ERI-based compliance," Table N1106.4 (R406.4), "Maximum Energy Rating Index," shall be amended by:

(1) Deleting the value "52" from the cell located in the Climate Zone 2 Row (Row 3) and the Energy Rating Index Column (Column 2) and replacing it with the values, "65, 63, 59^a."

(2) Adding a footnote "a" to the table's footnote section to read as follows:

a. Up to August 31, 2019, an Energy Rating Index (ERI) of 65 or lower is required, from September 1, 2019 to August 31, 2022, an ERI of 63 or lower is required, and on or after September 1, 2022, an ERI of 59 or lower is required.

(gg) *Private garages.* Chapter 24, "Fuel Gas," Section G2408 (305), "Installation," Subsection G2408.3 (305.5), "Private garages," shall be amended by deleting the subsection in its entirety.

(hh) *Electrical.* Part VIII, "Electrical," shall be deleted in its entirety and all references shall be replaced with the 2017 National Electrical Code and Chapter 10, Electrical Code, of the City of Temple Code of Ordinances.

Sec. 7-63 – 7-80. Reserved.

ARTICLE VII - PLUMBING CODE

Sec. 7-81. Adopted.

The City of Temple adopts as part of its building regulations the 2015 *International Plumbing Code* as it now exists and as it may be revised from time to time. A copy of the 2015 *International Plumbing Code* is maintained in the office of the Building Official.

Sec. 7-82. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Plumbing Code*, which amendments are maintained in the Office of the Building Official:

(a) *Title.* Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.

- (b) *Fee schedule.* Chapter 1, "Scope and Administration," Section 106, "Permits," Subsection 106.6, "Fees," Subsection, 106.6.2, "Fee schedule," shall be amended by removing the subsection in its entirety and replacing it with the following language:

106.6.2 Fee schedule.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Plumbing Code*, a copy of which shall be maintained in the office of the Building Official.

- (c) *Board of Appeals.* Chapter 1, "Scope and Administration," Section 109, "Means of Appeal," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.

- (d) *Multi-chapter amendments.* Chapter 6, "Water Supply and Distribution," Chapter 7, "Sanitary Drainage," and Chapter 9, "Vents," shall be amended as follows:

- (1) All sinks and washer connections must have a cleanout at or near the foot of each vented waste or soil stack.
- (2) A dishwashing machine must not be directly connected to a drainage system.
- (3) Cold water distribution ASTM D3309-85B may be used in readily accessible places only and may not be used in walls, in or under slab foundations, or in attics.

- (e) *Connections to lawn irrigation systems.* Chapter 6, "Water Supply and Distribution," Section 608, "Protection of Potable Water Supply," Subsection 608.16, "Connections, to the potable water system," Subsection 608.16.5, "Connections to lawn irrigation systems," shall be amended by deleting this Subsection in its entirety.

- (1) All irrigation systems shall be governed by Article XI, "Landscape Irrigation Standards," of this Chapter.

- (f) *Sewer yard line cleanouts.* Chapter 7, "Sanitary Drainage," Section 708, "Cleanouts," Subsection 708.1, "Cleanouts required," shall be amended by adding the following sentence at the end of the section:

A sewer yard line cleanout must be installed at the junction of a sewer yard line and the City sewer.

- (g) *Sewer yards.* Chapter 9, "Vents," Section 909, "Fixture Vents," Subsection 909.1, "Distance of trap from vent," shall be amended by adding the following language after the first paragraph in the subsection:

The distance from water closet to vent stack shall be 5 feet. If the depth of the flow line of sewer yard is more than 24 inches at any point, double wyes or combination wyes & 1/8

bends are to be used. A sewer yard line cleanout shall be installed at junction of sewer yard line and City sewer.

- (h) *Fixture Vents.* Chapter 9, "Vents," Section 909, "Fixture Vents," Subsection 909.1, "Distance of trap from vent," Table 909.1, "Maximum Distance of Fixture Trap from Vent," shall be amended by deleting the table in its entirety and replacing it with the table below:

TABLE 909.1

MAXIMUM DISTANCE OF FIXTURE TRAP FROM VENT

SIZE OF FIXTURE (inches)	SIZE OF TRAP (inches)	SLOPE (inch per foot)	DISTANCE FROM TRAP (feet)
1 ¼	1 ¼"	¼	4
1 ½	1 ¼	¼	4
1 ½	1 ½	¼	4
2	1 ½	¼	5
2	2	¼	5
*3	3	1/8	5
*4	4	1/8	5

For SI: 1 inch = 25.4mm, 1 foot = 304.8 mm, 1 inch per foot = 83.3 mm/m.

Sec. 7-83. Plumbing Installation or Maintenance by Homeowner.

Nothing in this Chapter shall prevent a homeowner from installing or maintaining plumbing within his own property boundaries, providing such plumbing work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of this Chapter, nor is it to be construed as exempting any such property owner from obtaining a permit and paying the required fees thereof.

Section 7-84. Persons Who May Obtain a Permit.

Permits may be issued *only* to the following persons:

- (a) A master plumber licensed by the State of Texas of Plumbing Examiners;
- (b) A property owner, for plumbing work to be done by the owner in a building owned and occupied by the owner as owner's homestead;
- (c) An appliance dealer or their employee, for the purpose of connecting appliances to existing piping installation; and
- (d) A licensed landscape architect or irrigator.

ARTICLE VIII - SWIMMING POOL CODE

Sec 7-85. Adopted.

The City of Temple adopts as part of its building regulations, the 2015 *International Swimming Pool and Spa Code* as it exists now and as it may be revised from time to time. A copy of the 2015 *International Swimming Pool and Spa Code* is maintained in the office of the Building Official.

Sec. 7-86. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Swimming Pool and Spa Code*, which amendments are maintained in the Office of the Building Official:

- (a) *Title.* Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (b) *Fee schedule.* Chapter 1, "Scope and Administration," Section 105, "Permits," Subsection 105.6, "Fees," Subsection, 105.6.2, "Fee schedule," shall be amended by removing the subsection in its entirety and replacing it with the following language:

106.6.2 Fee schedule.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Swimming Pool and Spa Code*, a copy of which shall be maintained in the office of the Building Official.

- (c) *Building Board of Appeals.* Chapter 1, "Scope and Administration," Section 108, "Means of Appeal," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.
- (d) *Location of pool.* Chapter 3, "General Compliance," Section 301, "General," shall be amended by adding a Subsection 301.2 that shall read as follows:

301.2 Location.

No portion of a swimming pool outside a building shall be located at a distance of less than five (5) feet from any side or rear property line, measured from the property line to the outside wall of the pool. Pumps, filters, and pool water disinfection equipment installations shall be located in conformity with the zoning regulations controlling accessory buildings.

- (e) *Subsection title change.* Chapter 3, "General Compliance," Section 305, "Barrier Requirements," Subsection 305.2, "Outdoor swimming pools and spas," shall be amended by the amending the title of Subsection 305.2 to read:

"305.2 Outdoor swimming pools and spas and indoor swimming pools."

- (f) *Barrier heights.* Chapter 3, "General Compliance," Section 305, "Barrier Requirements," Subsection 305.2, "Outdoor swimming pools and spas," Subsection 305.2.1, "Barrier height and clearances," Paragraph 1 (regarding height requirements) shall be amended to read as follows:

1. The top of the barrier shall be not less than 72 inches (1,830 mm) above grade where measured on the side of the barrier that faces away from a public pool or spa. The top of the barrier shall not be less than 60 inches (1,524 mm) above grade where measured on the side of the barrier that faces away from a residential pool or spa. Such heights shall exist around the entire perimeter of the barrier and for a distance of 36 inches (914 mm) measured horizontally from the outside of the required barrier.

- (g) *Onground residential pool structure.* Chapter 3, "General Compliance," Section 305, "Barrier Requirements," Subsection 305.5, "Onground residential pool structure as a barrier," Paragraph 1, shall be amended to read as follows:

1. Where only the pool wall serves as the barrier, the bottom of the wall is on grade, the top of the wall is not less than 60 inches (1,524 mm) above grade for the entire perimeter of the pool, the wall complies with the requirements of Section 305.2 and the pool manufacturer allows the wall to serve as a barrier.

Sec. 7-85 – 7-93. Reserved.

ARTICLE IX - GAS CODE

Sec. 7-94. Adopted.

The City of Temple adopts as part of its building regulations, the 2015 *International Fuel Gas Code* as it exists now and as it may be revised from time to time. A copy of the 2015 *International Fuel Gas Code* is maintained in the office of the Building Official.

Sec. 7-95. Amendments.

The City of Temple adopts the following amendments to the 2015 *International Fuel Gas Code*, which amendments are maintained in the Office of the Building Official:

- (a) *Title.* Chapter 1, "Scope and Administration," Section 101, "General," Subsection 101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (b) *Fee schedule.* Chapter 1, "Scope and Administration," Section 106 (IFCG), "Permits," Subsection 106.6, "Fees," Subsection, 106.6.2, "Fee schedule," shall be amended by removing the subsection in its entirety and replacing it with the following language:

106.6.2 Fee schedule.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Fuel Gas Code*, a copy of which shall be maintained in the office of the Building Official.

- (c) *Building Board of Appeals*. Chapter 1, "Scope and Administration," Section 109 (IFGC), "Means of Appeal," shall be deleted and replaced with Article II, "Building Board of Appeals," found within this Chapter.
- (d) *Air Testing Lines*. Chapter 4, "Gas Piping Installations," Section 406 (IFGS), "Inspection, Testing and Purging," Subsection 406.4 "Test pressure measurement," shall be amended by adding the following language after the first paragraph of the section:

The test with a diaphragm gage on gas piping and service lines shall be made by closing all openings and subjecting the pipes to an air pressure of 3 to 5 pounds per a square inch (psi) for at least fifteen (15) minutes under a constant temperature. After this test, if the test was successful, the piping shall be considered sufficiently tight.

ARTICLE X - ENERGY CODE

Sec. 7-96. Adopted.

The City of Temple adopts as part of its building regulations the 2015 *International Energy Conservation Code* as it now exists and as it may be revised from time to time. A copy of the 2015 *International Energy Conservation Code* is maintained in the office of the Building Official.

Sec. 7-97 Amendments.

The City of Temple adopts the following amendments to the 2015 *International Energy Conservation Code*, which amendments are maintained in the Office of the Building Official:

- (a) *Title*. Chapter 1, "Scope and Administration," Section C101, "Scope and General Requirements," Subsection C101.1, "Title," shall be amended by inserting the phrase, "The City of Temple," as the name of jurisdiction.
- (b) *Fee schedule*. Chapter 1, "Scope and Administration," Section C107, "Fees," Subsection C107.2, "Schedule of permit fees," shall be amended by removing the subsection in its entirety and replacing it with the following language:

C107.2 Schedule of permit fees.

The City Council shall adopt by resolution a schedule of the permit fees required or authorized by the 2015 *International Energy Conservation Code*, a copy of which shall be maintained in the office of the Building Official.

- (c) *Board of Appeals*. Chapter 1, “Scope and Administration,” Section C109, “Board of Appeals,” shall be deleted and replaced with Article II, “Building Board of Appeals,” found within this Chapter.
- (d) Chapter 4 (RE), “Residential Energy Efficiency,” Section R402, "Building Thermal Envelope," Subsection R402.4, "Air leakage (Mandatory)," Subsection R402.4.1, "Building thermal envelope," Subsection, "R402.4.1.2, "Testing," shall be amended by adding the following exception after the first full paragraph of the section:

Building envelope tightness and installed insulation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field inspected by the City. Where approved or required by the Building Official, an approved third party, independent from the installer, shall inspect and approve the air barrier, thermal envelope, and insulation installation per this section.

Sec. 7-98 – 7-99. Reserved.

ARTICLE XI - LANDSCAPE IRRIGATION STANDARDS

Sec. 7-100. Definitions.

The following words and terms, when used in this Article, have the following meanings, unless the context clearly indicates otherwise:

- (a) *Air gap* - A complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.
- (b) *Backflow prevention* - The mechanical prevention of reverse flow, or back siphonage, of non-potable water from an irrigation system into the potable water source.
- (c) *Backflow prevention assembly* - Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.
- (d) *Completion of irrigation system installation* - When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.
- (e) *Consulting* - The act of providing advice, guidance, review, or recommendations related to landscape irrigation systems.
- (f) *Cross-connection* - An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

- (g) *Design* - The act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.
- (h) *Design pressure* - The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.
- (i) *Emission device* - Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.
- (j) *Employed* - Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 U.S.C., §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.
- (l) *Health hazard* - A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable water supply, including an irrigation system that involves any chemical additives that may, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects and an irrigation system that is also served by an on-site sewage facility (septic system).
- (m) *Hydraulics* - The science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.
- (n) *Installer* - A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).
- (o) *Irrigation inspector* - A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

- (p) *Irrigation plan* - A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.
- (q) *Irrigation services* - Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.
- (r) *Irrigation system* - An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.
- (s) *Irrigation technician* - A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service, or supervise installation of an irrigation system, including the connection of such system in or to a private or public raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).
- (t) *Irrigation zone* - A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.
- (u) *Irrigator* - A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services, or supervises the installation of an irrigation system, including the connection of such system to a private or public raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.
- (v) *Landscape Irrigation* - The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.
- (w) *License* - An occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.
- (x) *Mainline* - A pipe within an irrigation system that delivers water from the water source to the individual zone valves.
- (y) *Maintenance checklist* - A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation

system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

- (aa) *Master valve* - A remote control valve located after the backflow prevention assembly that controls the flow of water to the irrigation system mainline.
- (bb) *Matched precipitation rate* - The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.
- (cc) *New installation* - An irrigation system installed at a location where one did not previously exist.
- (dd) *Pass-through contract* - A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.
- (ee) *Potable water* - Water that is suitable for human consumption.
- (ff) *Pressure Vacuum Breaker* - A backflow prevention assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly
- (gg) *Reclaimed water* - Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.
- (hh) *Records of landscape irrigation activities* - The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.
- (ii) *Reduced Pressure Principle Backflow Prevention Assembly* - A backflow prevention assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.
- (kk) *Supervision* - The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2015, an irrigation technician who is working

under the direction of a licensed irrigator to install, maintain, alter, repair, or service an irrigation system.

- (ll) *Water conservation* - The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.
- (mm) *Zone flow* - A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.
- (nn) *Zone valve* - An automatic valve that controls a single zone of a landscape irrigation system.

Sec. 7-101. Valid license required.

- (a) Any person who connects an irrigation system to the water supply within the City or the City's extraterritorial jurisdiction, commonly referred to as the ETJ, must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30 and required by Chapter 1903 of the Texas Occupations Code or as defined by Title 22 of the Texas Administrative Code, Chapter 365 and required by Chapter 1301 of the Texas Occupations Code, all as amended.
- (b) ***Exemptions.*** A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1), as amended, if he or she is performing irrigation work in a building or on a premises owned or occupied by the person as the person's home. A property owner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, as amended, regarding spacing, water pressure, spraying water over impervious materials, rain or moisture shut-off devices or other technology, backflow prevention, and isolation valves. A property owner must obtain a permit from the City, submit an irrigation plan, use an individual with a valid license to install backflow prevention assemblies, and submit test results of the backflow prevention assembly to the City. The City may, at any point, adopt more stringent requirements for a property owner who installs an irrigation system. A person may also be exempt from the licensing requirements of this Section if they meet another exemption under Texas Occupations Code §1903.002, as amended.

Sec. 7-102. Permit required.

- (a) Any person installing an irrigation system within the territorial limits or extraterritorial jurisdiction of the City is required to obtain a permit from the City. Any applicant must submit a plan with the application demonstrating that the plan and irrigation system meet the requirements of this Chapter. Any plan approved for a permit must be in compliance with the requirements of this Chapter. The City will administer the permit program and

approve tested systems. Permit formats and processes may be amended from time-to-time by the City.

(b) A person is exempt from the requirement set forth in subsection (a) if the person is installing any of the following:

(1) an on-site sewage disposal system, as defined by Section 366.002, Texas Health and Safety Code; or

(2) an irrigation system:

a. used on or by an agricultural operation as defined by Section 251.002, Texas Agriculture Code; or

b. connected to a groundwater well used by the property owner for domestic use.

Sec. 7-103. Backflow prevention methods and assemblies.

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention assembly must be approved by the American Society of Sanitary Engineers, the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, the Uniform Plumbing Code, or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention assembly must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(b) In new installations of landscape irrigation systems one of the following methods must be used to prevent backflow:

(1) Double-check-valve backflow prevention assemblies (DCVAs) may only be used where no health hazards exist;

a. DCVAs may not be used on premises containing an on-site sewage facility or an irrigation system that uses injectors or pumps to apply fertilizer or other agricultural chemicals.

b. If a DCVA is installed below ground:

(i) the DCVA must be in a secure enclosure;

(ii) test cocks must be plugged, except when the double check valve is being tested;

- (iii) test cock plugs must be threaded, water-tight, and made of non-ferrous material;
 - (iv) a y-type strainer is installed on the inlet side of the double check valve;
 - (v) there must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and
 - (vi) there must be space on the side of the double check valve to test and repair the double check valve.
- (2) Reduced pressure principle backflow prevention assemblies may be used if:
 - a. the assembly is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and
 - b. drainage is provided for any water that may be discharged through the assembly relief valve.
- (3) Pressure vacuum breakers may be used if:
 - a. no back-pressure condition will occur; and
 - b. the assembly is installed at a minimum of 12 inches above any sprinklers as measured from the retracted position from the top of the sprinkler.
- (c) If an irrigation system is connected to a potable water supply through a pressure vacuum breaker or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.
- (d) Existing irrigation systems that have backflow assemblies installed that are not in compliance with Subsection 7-103(b) may remain on a premises; however, when replacement is required, property owners must replace the assembly with a backflow assembly that complies with Subsection 7-103(b).
- (e) Backflow prevention assemblies used in irrigation systems must be tested in accordance with the testing requirements under Chapter 38 of the City's Code of Ordinance, Article VI, Cross Connection Control.
- (f) The irrigator must ensure the backflow prevention assembly is tested by a person holding a current Backflow Prevention Assembly Tester (BPAT) license issued by TCEQ prior to being placed in service and provide the test results to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of the assembly's testing.

Sec. 7-104. Specific conditions and cross-connection control.

- (a) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly.
- (b) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced pressure principle backflow prevention assembly.
- (c) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow prevention assembly.
- (d) If any new irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, as amended, then:
 - (1) all irrigation piping and valves must meet the separation distances from the on-site sewage facility system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10), as amended;
 - (2) any connections using a private or public potable water source that is not the City's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.1, as amended; and
 - (3) any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area to ensure that there is no excess water that would prevent the on-site sewage facility system from operating effectively.

Sec. 7-105. Water conservation.

All irrigation systems must be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in Section 7-100.

Sec. 7-106. Irrigation plan design: minimum standards.

- (a) An irrigator must prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. An irrigator must provide a drawing showing the actual installation of the irrigation system to the irrigation system owner after all new irrigation system installations. During the installation of the irrigation system,

variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- (1) diminish the operational integrity of the irrigation system;
 - (2) violate any requirements of this Chapter; and
 - (3) go unnoted in red on the irrigation plan.
- (b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.
- (c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:
- (1) the irrigator's seal, signature, and date of signing;
 - (2) all major physical features and the boundaries of the areas to be watered;
 - (3) a North arrow;
 - (4) a legend;
 - (5) the zone flow measurement for each zone;
 - (6) location and type of each:
 - a. controller; and
 - b. sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);
 - (7) location, type, and size of each:
 - a. water source, such as, but not limited to a water meter and point(s) of connection;
 - b. backflow prevention assembly;
 - c. water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, and micro-sprays;
 - d. valve, including but not limited to, zone valves, master valves, and isolation valves;
 - e. pressure regulation component; and
 - f. main line and lateral piping;

(8) the scale used; and

(9) the design pressure.

Sec. 7-107. Design and installation: minimum requirements.

- (a) Manufacturer's published performance limitations. No irrigation design or installation may require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.
- (b) Spacing.
 - (1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the devices. The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.
 - (2) New irrigation systems must not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.
 - (3) Narrow paved walkways, jogging paths, golf cart paths, or other small areas located in cemeteries, parks, golf courses, or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.
- (c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.
- (d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.
- (e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.
- (f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

- (g) Impervious materials. Irrigation systems may not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.
- (h) Master valve. When provided, a master valve must be installed on the discharge side of the backflow prevention assembly on all new installations.
- (i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings must be primed with a colored primer prior to applying the PVC cement in accordance with the *Uniform Plumbing Code* (Section 316) or the 2015 *International Plumbing Code* (Section 605, Materials, Joints and Connections).
- (j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall.
- (k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention assembly.
- (l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.
 - (1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.
 - (2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping must be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.
 - (3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.
- (m) Wiring irrigation systems.

- (1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.
 - (2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.
 - (3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.
 - (4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.
- (n) Water contained within the piping of an irrigation system is deemed to be non-potable. No pipes or connections used for drinking or domestic water use, such as, but not limited to, filling swimming pools or decorative fountains, may be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled, "Non-potable. Not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.
- (o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician must be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator is responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

Sec. 7-108. Completion of irrigation system installation.

- (a) Upon completion of the irrigation system installation, the irrigator or irrigation technician who provided supervision for the on-site installation must:
- (1) perform a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;
 - (2) obtain the signature of the irrigation system's owner or owner's representative on the maintenance checklist, if feasible, and sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator must note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigator must give the irrigation system owner or owner's representative the original maintenance checklist and maintain a duplicate copy of the maintenance checklist in the irrigator's records. The items on the maintenance checklist must include, but are not limited to:

- a. the manufacturer's manual for the automatic controller, if the system is automatic;
 - b. a seasonal (spring, summer, fall, and winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;
 - c. a list of components, such as the nozzle or pump filters and other like components, that require maintenance and the recommended frequency for the service; and
 - d. the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations, and orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time;"
- (3) affix a permanent sticker to each automatic controller installed that contains the irrigator's name, license number, company name, telephone number, and the dates of the warranty period. If the irrigation system is manual, the sticker must be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink; and
- (4) provide the irrigation plan indicating the actual installation of the system to the irrigation system's owner or owner's representative.

Sec. 7-109. Maintenance, alteration, repair, or service of irrigation systems.

- (a) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently performs any maintenance, alterations, repairs, or service on the same irrigation system.
- (b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.
- (c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, and service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the 2015 *International Plumbing Code* (Section 605).
- (d) When maintenance, alteration, repair, or service of an irrigation system involves excavation work at the water meter or backflow prevention assembly, an isolation valve must be installed if an isolation valve is not present.

Sec. 7-110. Reclaimed water.

Reclaimed water may be utilized in landscape irrigation systems if:

- (a) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- (b) the irrigation system does not spray water across property lines onto land that does not belong to the irrigation system's owner;
- (c) the irrigation system is installed using purple components;
- (d) the domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention assembly, in accordance with Title 30, Texas Administrative Code, Section 290.47(f), as amended;
- (e) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on or in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER;" and
- (f) backflow prevention on the reclaimed water supply line is in accordance with the regulations of the City.

Sec. 7-111. Advertisement requirements.

- (a) All vehicles used in the performance of irrigation installation, maintenance, alteration, repair, or service must display the irrigator's license number in the form of "LI_____" in a contrasting color of block letters at least two inches high, on both sides of the vehicle.
- (b) All forms of written and electronic advertisements for irrigation services must display the irrigator's license number in the form of "LI_____." Any form of advertisement, including business cards, and estimates that display an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.
- (c) The name, mailing address, and telephone number of the TCEQ must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and irrigation records are kept.

Sec. 7-112. Contracts.

- (a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price,

and contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us." All contracts must include the irrigator's seal, signature, and date.

- (b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-178), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's web site is: www.tceq.state.tx.us."
- (c) An individual who agrees by contract to provide irrigation services as defined in Title 30, Texas Administrative Code, Section 344.30 (relating to License Required), as amended, must hold an irrigator license issued under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations), as amended, unless the contract is a pass-through contract as defined in Title 30, Texas Administrative Code, Section 344.1(36) (relating to Definitions), as amended. If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator will still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this Chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.
- (d) The contract must include the dates that the warranty is valid.

Section 7-113. Warranties for Systems.

- (a) On all installations of new irrigation systems, an irrigator must present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator will be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator must provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.
- (b) An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us."

- (c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator must present the irrigation system's owner or owner's representative a written document that identifies the materials furnished in the maintenance, alteration, repair, or service. If a warranty is provided, the irrigator must abide by the terms. The warranty document must include the irrigator's name and business contact information.

Sec. 7-114. Duties and responsibilities of the City designees.

Persons designated by the City to inspect irrigation systems or enforce this article have the authority to:

- (a) verify that the appropriate permits have been obtained for irrigation systems and that the irrigators, irrigation system installers, or irrigation technicians, as applicable, are licensed;
- (b) inspect irrigation systems;
- (c) determine that irrigation systems comply with the requirements of this Chapter;
- (d) determine that the appropriate backflow prevention assemblies were installed, tested, and the test results were provided to the City;
- (e) investigate complaints related to irrigation system installation, maintenance, alteration, repairs, or service of irrigation systems, and advertisement of irrigation services; and
- (f) maintain records according to this Chapter.

Sec. 7-115. Items not covered by this ordinance.

Any item not covered by this Chapter and required by law will be governed by the Texas Occupations Code, the Texas Water Code, Title 30 of the Texas Administrative Code, both as amended, and any other applicable state statute or regulation or TCEQ rule.

Sec. 7-116. Fees.

The City Council may create a schedule of fees for obtaining and renewing an irrigation system permit. These fees will be in amounts sufficient to cover the City's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. The City Council may adopt by resolution a schedule of the permit fees required or authorized and update this schedule from time-to-time. All schedules of permit fees will be kept by the City.

ARTICLE XII - ENFORCEMENT

Sec. 7-117. Enforcement.

- (a) A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required, or causing the same to be done, is guilty of a Class C

misdemeanor or a civil violation. Each day or portion of a day the violation continues will be a separate offense.

(b) Criminal prosecution.

- (1) If this Chapter does not prescribe a culpable mental state for the commission of an offense, then a culpable mental state is not required to be alleged. Such offense will be punishable by a fine not to exceed five hundred dollars (\$500.00). Although not required, if a culpable mental state is alleged in the complaint of the offense and the offense relates to fire safety, zoning, or public health or sanitation, the offense will be punishable by a fine not to exceed two thousand dollars (\$2000.00).
- (2) If this Chapter does prescribe a culpable mental state for the commission of the offense and the offense relates to fire safety, zoning, or public health or sanitation, then a culpable mental state is required and the offense will be punishable by a fine not exceed two thousand dollars (\$2000.00).

(c) Civil remedies.

- (1) Nothing in this Chapter may be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Chapter and to seek remedies as allowed by law and equity, including, but not limited to the following:
 - a. Injunctive relief to prevent specific conduct that violates this Chapter or to require specific conduct that is necessary for compliance with this Chapter; and
 - b. Any other available relief, including civil penalties.
- (d) If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be unconstitutional, such holding will not affect the validity of the remaining portions of this Chapter.

ORDINANCE NO. 2019-4994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 7, "BUILDINGS," TO ADOPT UPDATED MODEL CODES, SPECIFY AMENDMENTS TO THE ADOPTED MODEL CODES, SIMPLIFY AND CLARIFY LANGUAGE AND TERMS CONTAINED THEREIN; 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 7, "Buildings" that includes the adoption of the 2015 *International Building Code*, 2015 *International Existing Building Code*, 2015 *International Residential Code*, 2015 *International Plumbing Code*, 2015 *International Mechanical Code*, 2015 *International Fuel Gas Code*, 2015 *International Energy Conservation Code*, and 2015 *International Swimming Pool and Spa Code*, along with the necessary local amendments to each;

Whereas, generally, proposed amendments to Chapter 7, broken down by article, include:

- Article I – Authority:
 - Establishing the model codes used by the City of Temple;
- Article II – Building Board of Appeals:
 - Establishing the Building Board of Appeals, its policies and procedures;
- Article III – Building Code:
 - Adopting the 2015 *International Building Code* (IBC);
 - Amending the IBC to align with current local standards including:
 - Replacing ICC Electrical Code references with the 2017 National Electrical Code and City of Temple Electrical Code, Chapter 10;
 - Deleting certain permit exemptions;
- Article IV – Existing Building Code:
 - Adopting the 2015 *International Existing Building Code* (IEBC);
 - Amending the IEBC to align with current local standards including:
 - Inserting the City of Temple name where necessary;
 - Deleting certain sections pertaining to annual permit records and work exempt from permitting;

- Article V – Mechanical Code:
 - Adopting the 2015 *International Mechanical Code* (IMC);
 - Amending the IMC to align with local standards including:
 - Inserting the City of Temple as the jurisdiction name;

- Article VI – International Residential Code:
 - Adopting the 2015 *International Residential Code* (IRC);
 - Amending the IRC to align with local standards including:
 - Replacing ICC Electrical Code references with the 2017 National Electrical Code and City of Temple Electrical Code, Chapter 10;
 - Deleting certain exemptions from permitting;
 - Removing the requirement for masonry inspections;
 - Clarifying handrail and window fall protection requirements;
 - Removing mandatory requirement for residential fire sprinkler systems;
 - Amending foundation anchorage requirements;
 - Modifying the acceptable material insulation values;
 - Modifying air leakage requirements;
 - Modifying energy efficiency requirements;

- Article VII – Plumbing Code:
 - Adopting the 2015 *International Plumbing Code* (IPC);
 - Amending the IPC to align with local standards including:
 - Requiring the installation of a sewer yard line cleanout;
 - Referring landscape irrigation requirements to Article XI, “Landscape Irrigation Standards,” of this Chapter;
 - Clarifying sewer venting requirements;
 - Specifying persons eligible to apply for plumbing permits;

- Article VIII – Swimming Pool Code:
 - Adopting the 2015 *International Swimming Pool and Spa Code* (ISPSC);
 - Amending the ISPSC to align with local standards including:
 - Specifying allowable swimming pool locations;
 - Specifying appropriate barrier heights;
 - Specifying maximum depth for an on-ground residential pool;

- Article IX – Gas Code:
 - Adopting the 2015 *International Fuel Gas Code* (IFGC);
 - Amending the IFGC to incorporate minor administrative changes;

- Article X – Energy Code:
 - Adopting the 2015 *International Energy Conservation Code* (IECC);
 - Amending the IECC to align with local standards including:
 - Clarifying residential energy efficiency installation and testing requirements;
- Article XI – Landscape Irrigation Standards:
 - Modifying certain sections to allow for the use of double-check valve backflow prevention assemblies;
- Article XII – Enforcement:
 - No changes other than the article number; 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 7, “Buildings” 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 **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(MM)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability, and workers' compensation insurance coverage for the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: The City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) since approximately 1981. TML-IRP is a risk pool formed by Texas cities to provide insurance-like coverage of potential claims. Our experience with TML-IRP has been very positive.

The proposed resolution authorizes the City's participation in TML-IRP for the FY19-20 at an estimated annual amount of \$816,378 for property and liability insurance and an estimated annual amount of \$559,872 for workers' compensation insurance. We have received a proposal from TML-IRP to continue our participation in the risk pool in the following areas:

- General Liability
- Real & Property
- Automobile Liability
- Law Enforcement Liability
- Errors & Omissions Liability
- Dishonestly/Crime
- Workers Compensation (to include volunteers and elected officials)

FISCAL IMPACT: TML-IRP's estimated annual amount for property and liability insurance is \$816,378, or \$800,500 with a 2% pre-pay discount. Since the City does take advantage of the 2% pre-pay discount, the FY 2020 Adopted Budget includes an appropriation of approximately \$845,207 for property and liability insurance. The additional amount budgeted will be used for changes to property and liability insurance coverage during the year if needed.

TML-IRP's estimated annual amount for workers' compensation insurance is \$559,872, or \$548,675 with a 2% pre-pay discount. The FY 2020 Adopted Budget includes an appropriation of \$573,328 for workers' compensation based on the FY 2020 budgeted salaries. Since workers' compensation is prepaid based on estimated salaries calculated by TML-IRP, a true-up will be provided in the spring of 2020 if needed.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2019-9825-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PARTICIPATION IN THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL TO PROVIDE PROPERTY, LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGE FOR THE CITY OF TEMPLE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has participated in the Texas Municipal League Intergovernmental Risk Pool (TML-IRP), a risk pool formed by Texas cities to provide insurance-like coverage of potential claims, since approximately 1981 – the City's experience with TML-IRP has been very positive;

Whereas, the City's continued participation in the risk pool will provide coverage in the areas of general liability, real & personal property, automobile liability, law enforcement liability, errors & omissions liability, dishonesty/crime, and workers' compensation (to include volunteers and elected officials), at an estimated annual amount of \$816,378 for property and liability insurance, and an estimated annual amount of \$559,872 for workers' compensation insurance;

Whereas, Staff believes the prices and services received by TML-IRP continue to be the best value for the City and recommends the City's continued participation for fiscal year 2020;

Whereas, TML-IRP's estimated annual amount for property and liability insurance is \$816,378, or \$800,500 with a 2% pre-pay discount - since the City takes advantage of the 2% pre-pay discount, the fiscal year 2020 adopted budget includes an appropriation of approximately \$845,207 for property and liability insurance;

Whereas, TML-IRP's estimated annual amount for workers' compensation insurance is \$559,872, or \$548,675 with a 2% pre-pay discount - the fiscal year 2020 adopted budget includes an appropriation of \$573,328 for workers' compensation based on the fiscal year 2020 budgeted salaries;

Whereas, since workers' compensation is prepaid based on estimated salaries calculated by TML-IRP, a true-up will be provided in the spring of 2020 if needed; 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 participation in the Texas Municipal League Intergovernmental Risk Pool for fiscal year 2020 to provide property, liability and workers' compensation coverage for the City of Temple.

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the Interim City Attorney, to execute any documents which may be necessary for the City's continued participation in TML-IRP for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #7(NN)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., Director of Public Works
Kenton Moffett, Assistant Director of Public Works

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of an annual invoice from Brazos River Authority in the amount of \$197,500 to secure the availability of 2,500 acre-feet of water per year to the City for FY 2020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to the System Water Availability Agreement between the Brazos River Authority (BRA) and the City, dated October 1, 2008, the City is allocated 2,500 acre-feet of water per year. This water is then treated at the City's treatment plant and pumped throughout the City.

Staff is seeking authorization to make this payment to BRA.

FISCAL IMPACT: Funding in the amount of \$197,500 is included in the proposed FY 2020 Operating Budget, account 520-5100-535-2651.

ATTACHMENTS:

[BRA invoice number FR00008697](#)
[Resolution](#)



Brazos
RIVER AUTHORITY

DEVELOP ★ MANAGE ★ PROTECT
WATER RESOURCES OF THE BRAZOS RIVER BASIN



4600 COBBS DRIVE ★ P.O. BOX 7555 ★ WACO, TEXAS 76714-7555
(254) 761-3100

Customer No. 7801
Invoice No. FR00008697
Invoice Date: 08/15/2019
Due Date: 09/15/2019

City of Temple
Attn: Purchasing-Accts Payable
3210 E. Avenue H - Bldg C
Temple, TX 76501

INVOICE

Vendor # 1318

Item/Description	Qty	UOM	Price	Amount
7801-03 SYSTEM WATER AVAILABILITY AGRT	2,500.00	AF	79.00	197,500.00

RECEIVED

AUG 19 2019

Purchasing
City of Temple, TX

520-5100-535-2651



Fast & Easy Pay Option



Total Amount Due: \$197,500.00

Save Postage & Time: Brazos River Authority now offers our customers an on-line payment option. Visit our website at www.brazos.org and click on 'Doing Business' then select 'Make an Online Payment' to pay by ACH (electronic check) via our secure website.

Please remit by due date to prevent additional late fees and finance charges.

Important Notice: There is a security flap on the back of this form showing your name, address, and customer account number. Please remove this security flap and return with your payment to the mailing address below. If unable to include this remittance flap, your customer account number must be written legibly on the check to ensure proper credit.

**Remit to: Brazos River Authority
P.O. Box 7555
Waco, Texas 76714-7555**

RESOLUTION NO. 2019-9826-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF AN ANNUAL INVOICE FROM BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$197,500, TO SECURE THE AVAILABILITY OF 2,500 ACRE-FEET OF WATER PER YEAR TO THE CITY OF TEMPLE FOR FISCAL YEAR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to the System Water Availability Agreement between the Brazos River Authority and the City of Temple dated October 1, 2008, the City is allocated 2,500 acre-feet of water per year;

Whereas, this water is then treated at the City's water treatment plant and pumped throughout the City;

Whereas, Staff recommends Council authorize payment of the annual invoice from the Brazos River Authority in the amount of \$197,500, which covers the availability of 2,500 acre-feet of water to the City of Temple for fiscal year 2020;

Whereas, funding for this annual invoice is appropriated in the fiscal year 2020 budget, Account No. 520-5100-535-2651; and

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

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

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

Part 2: The City Council authorizes payment of the annual invoice from Brazos River Authority in the amount of \$197,500, to secure the availability of 2,500 acre-feet of water to the City of Temple for fiscal year 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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Tara Raymore, Director of Human Resources

ITEM DESCRIPTION: Consider adopting a resolution amending the City of Temple Civil Service pay charts for Fire and Police, to be effective September 20, 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: A market study was conducted during the current fiscal year (FY19) and as a result of the market study, adjustments to the pay charts are recommended. The proposed pay chart adjustments will bring the compensation of both Fire and Police Civil Service positions to market.

FISCAL IMPACT: The FY 20 Operating Budget includes an allocation of \$902,326 for the implementation of the Fire Pay Plan and \$938,059 for the implementation of the Police Pay Plan. These amounts include benefits directly associated with the changes in the respective pay plans.

ATTACHMENTS:

[Proposed Fire Pay Chart](#)
[Proposed Police Pay Chart](#)
[Resolution](#)



City of Temple

Fire Department Pay Chart

FY 19-20

Job Title	Pay Step	Annual Pay
FD Cadet	Cadet	\$46,974
Firefighter	Probationary	\$49,446
	Civil Service	\$51,086
	1 Year	\$52,619
	3 Years	\$53,671
	5 Years	\$54,744
	7 Years	\$55,839
	9 Years	\$58,073
	11 Years	\$60,396
	14+ Years	\$63,295
Driver	Promotion	\$63,481
	3 Years	\$66,020
	5 Years	\$68,001
	7 Years	\$70,041
	9 Years	\$72,142
	11+ Years	\$74,306
Captain	Promotion	\$78,857
	3 Years	\$80,828
	5 Years	\$82,849
	7 Years	\$85,335
	9+ Years	\$88,321
Battalion Chief	Promotion	\$92,391
	3 Years	\$95,625
	5 Years	\$98,972
	7+ Years	\$103,920
Assistant Fire Chief	Promotion	\$107,557
	3 Years	\$112,935
	5+ Years	\$118,582

City of Temple

Fire Department Pay Chart

FY 19-20

Certification and Incentive Pay			
	Description		
FA	FIRE- ADVANCED	50.00	
FC	FIRE- CLOTHING	20.00	
FI	FIRE- INTERMEDIATE	25.00	
FM	FIRE- MASTERS	75.00	
FN	FIRE- MASTER	100.00	
FO	FIRE- MASTER ARSON	100.00	
FP	FIRE- PARAMEDIC	397.46	
FS	FIRE- SPECIAL	50.00	
F1	FIRE- EMT GRADE I	50.00	
F2	FIRE- EMT GRADE II	60.00	
F4	FIRE- 40 COLLEGE HRS	40.00	
F6	FIRE- 60 COLLEGE HRS	60.00	
F9	FIRE- 120 COLLEGE HRS	100.00	



City of Temple

Police Department Pay Chart

FY 19-20

Job Title	Pay Step	Annual Pay
Police Cadet	Cadet	\$46,160
Police Officer	Probationary	\$48,589
	Civil Service	\$55,217
	3 Years	\$57,978
	5 Years	\$59,717
	7 Years	\$61,509
	9 Years	\$63,354
	11 Years	\$65,255
	13 Years	\$67,212
	15+ Years	\$69,229
Corporal	Promotion	\$71,306
	3 Years	\$72,732
	5+ Years	\$74,187
Sergeant	Promotion	\$76,783
	3 Years	\$79,471
	5 Years	\$81,060
	7 Years	\$82,681
	9+ Years	\$84,335
Lieutenant	Promotion	\$88,552
	3 Years	\$92,979
	5+ Years	\$97,628
Deputy Chief	Promotion	\$108,514
	3 Years	\$113,940
	5+ Years	\$118,611

Certification and Incentive Pay			
Code	Description	Monthly Amt	Comment
A6	SHIFT DIFFRNTL	100.00	
A9	FTI	50.00	
PA	CERT ADVANCED	100.00	
PI	CERT INTERMED	50.00	
PL	LANGUAGE CERT	60.00	
PM	CERT MASTER PEACE OFC	150.00	
PR	CERT CPR	25.00	
P1	COLLEGE- >30 HRS	0.00	\$2 per 3 semester hours; max \$60 per month
P2	COLLEGE- ASSOC	100.00	
P3	COLLEGE- BACHELOR	150.00	
P4	COLLEGE- MASTERS	200.00	
P5	CLOTHING- UNIFORM	25.00	
P6	CLOTHING- PLAIN	60.00	

RESOLUTION NO. 2019-9827-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AMENDING THE CITY OF TEMPLE CIVIL SERVICE PAY CHARTS FOR FIRE
AND POLICE, TO BE EFFECTIVE SEPTEMBER 20, 2019; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, a market study was conducted during fiscal year 2019 and as a result of the market study, adjustments to the pay charts are recommended - the proposed pay chart adjustments will bring the compensation of both Fire and Police Civil Service positions to market rates as shown in Exhibits 'A' and 'B' attached hereto and incorporated herein for all purposes;

Whereas, the fiscal year 2020 Operating Budget includes an allocation of \$902,326 for the implementation of the Fire Pay Plan and \$938,059 for the implementation of the Police Pay Plan - these amounts include benefits directly associated with the changes in the respective pay plans; and

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

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

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

Part 2: The City Council amends the City of Temple Civil Service pay charts for Fire and Police, to be effective September 20, 2019 as shown in Exhibits 'A' and 'B' attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
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Consent Agenda
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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 \$46,508,303.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
September 19, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-0000-490-1070		Lease Proceeds / Other Financing	\$ 54,756	
110-3110-551-6213	101936	Capital Equipment / Automotive - Golf Cart GPS Screens		\$ 54,756
<p>To unappropriate lease proceeds related to the Golf Cart GPS screens that were authorized in the FY 2019 budget.</p> <p>*FY 2019 Budget - \$103,226 *FY 2019 Actual Capital Lease - \$48,470</p>				
240-4400-551-2721		Cost of Goods Sold / Food Products	\$ 10,725	
240-0000-445-1033		Civic Center / Catering Food Service		\$ 10,725
<p>To appropriate revenue and expenses associated to sale of food projects at Mayborn Convention Center for the remainder of FY 2019.</p>				
520-5000-535-1117		Salaries / Labor	\$ 44,302	
520-5000-535-6211	101890	Capital Equipment / Instruments/Special Equipment - Trailer	\$ 5,000	
520-5000-535-6213	101889	Capital Equipment / Automotive - Truck	\$ 43,000	
520-5000-535-2627		Contracted Services / Intragovernment Expense		\$ 92,302
110-0000-441-0813		Contractual Services - Proprietary Fund / Water & Wastewater Reimbursement	\$ 92,302	
110-3500-552-6211	101890	Capital Equipment / Instruments/Special Equipment - Trailer		\$ 5,000
110-3500-552-6213	101889	Capital Equipment / Automotive - Truck		\$ 43,000
110-3500-552-1117		Salaries / Labor		\$ 44,302
<p>The FY 2019 Budget authorized and funded an Irrigation Technician position and associated capital for Parks. Since this position and associated capital was part of the Water Conservation Program, funding was to be provided by Water/Wastewater Fund. The position has been vacant the majority of FY 2019 (position was filled effective 08/23/19). This budget adjustment will unappropriate the funding within General Fund, as well as reallocate funding within the Water/Wastewater Fund for the expenditures associated to the approved position and capital.</p>				
110-3300-519-2585		Other Services / Economic Development Agreements	\$ 25,755	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 25,755
<p>Per the 2013 Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation, and Buc-ee's, the City shall rebate, on a quarterly basis, an amount equal to 1.125% of the taxable sales generated by the Buc-ee's Travel Center. Taxable sales for filing periods of January 2019 through August 2019 are \$21,731,815, with a 1.125% rebate amount of \$244,483, and a 2.00% service fee credit of \$4,890. It is estimated that September 2019 taxable sales will be \$2,758,768 with an estimated 1.125% rebate amount of \$31,036, and a 2.00% service fee credit of \$621. The FY 2019 Budget included \$324,085 appropriation for the Chapter 380 Economic Development Agreement with Buc-ee's. This budget adjustment will appropriate the additional funds needed for the remainder of the fiscal year.</p>				
110-2310-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 17	
110-2320-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 12,694	
110-2330-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 29,063	
110-2350-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 12,037	
110-2370-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 14,225	
110-2380-540-2333		Repair & Maintenance / Auto & Equipment (Fleet Services)	\$ 5,425	
110-0000-444-2581		Landfill Contract / Waste Management Surcharge		\$ 73,461
<p>To appropriate additional Solid Waste revenues for Waste Management Surcharge in conjunction with increasing repair & maintenance for sanitation vehicles.</p>				
365-3400-531-6886	101715	Capital - Bonds / Poison Oak Improvements, Phase I & II	\$ 10,086,259	
365-3400-531-6888	101606	Capital - Bonds / Kegley Road Improvements, Phase II	\$ 5,650,000	
365-4100-551-6224	102111	Capital - Bonds / PARD Centralized Administration Building	\$ 2,690,043	
365-4100-551-6424	102141	Capital - Bonds / PARD Centralized Administration Building - Furniture	\$ 16,188	
365-4100-551-6424	102144	Capital - Bonds / PARD Centralized Administration Building - Signage	\$ 11,826	
365-5700-580-7314		Amortization & Bond Issue / Bond Discount	\$ 330,294	
365-5700-580-7312		Amortization & Bond Issue / Bond Issue Cost	\$ 105,059	
365-0000-490-1516		Bond Proceeds / Bond Proceeds		\$ 17,820,000
365-0000-490-1518		Bond Proceeds / Original Issue Premium		\$ 1,069,669
<p>To appropriate the Certificate of Obligation (CO) TCIP bond proceeds as authorized by Council on August 15, 2019.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
September 19, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
561-5400-535-6997	101922	Capital - Bonds / SSO Remediation Plan - City Wide SECAP - SSES	\$ 1,000,000	
561-5400-535-6997	101992	Capital - Bonds / SSO Remediation Plan - Friars Creek Assessment - SSES	\$ 1,000,000	
561-5100-535-6991	101948	Capital - Bonds / Pepper Creek Elevated Storage Tank	\$ 2,900,000	
561-5400-535-6941	101081	Capital - Bonds / Leon River Interceptor, Phase II	\$ 1,020,000	
561-5200-535-6939	100608	Capital - Bonds / Charter Oak Water Line, Phase II	\$ 3,000,000	
561-5100-535-6959	101619	Capital - Bonds / Water Treatment Plant Improvements, Task 4 (Dredging)	\$ 325,000	
561-5400-535-6925	101933	Capital - Bonds / Bird Creek Interceptor, Phase IV	\$ 12,000,000	
561-5000-535-6532		Capital - Bonds / Contingency	\$ 755,466	
561-5700-580-7312		Amortization & Bond Issue / Bond Issue Cost	\$ 129,324	
561-0000-373-0422		Bond Proceeds		\$ 22,129,790
To appropriate the Utility Revenue (UR) bond proceeds as authorized by Council on August 15, 2019.				
364-2300-540-6220	101908	Capital - Bonds / Sanitation Vehicles - Replace 2011 Peterbilt Frontload, Asset # 13276	\$ 349,500	
364-2300-540-6220	101906	Capital - Bonds / Sanitation Vehicles - Replace 2014 Freightliner/Heil Garbage, Asset # 13687	\$ 335,500	
364-2300-540-6220	101909	Capital - Bonds / Sanitation Vehicles - Replace 2008 International Work Star Sideload, Asset # 12581	\$ 295,500	
364-2300-540-6220	102022	Capital - Bonds / Sanitation Vehicles - Purchase Western Star 4700SB Rolloff	\$ 162,000	
364-3400-531-6222	102033	Capital - Bonds / Capital Equipment - Upgrade Asset # 13274 to Super Shot 125	\$ 52,000	
364-2300-540-6766	102059	Capital - Bonds / Software System Improvements - Routeware Software	\$ 105,500	
364-1500-515-6532		Capital - Bonds / Contingency	\$ 4,162	
364-5700-580-7314		Amortization & Bond Issue / Bond Discount	\$ 4,057	
364-5700-580-7312		Amortization & Bond Issue / Bond Issue Cost	\$ 25,029	
364-0000-490-1516		Bond Proceeds / Bond Proceeds		\$ 1,210,000
364-0000-490-1518		Bond Proceeds / Original Issue Premium		\$ 123,248
To appropriate the Limited Tax Notes (LTNs) proceeds as authorized by Council on August 15, 2019.				
110-2223-522-1119		Salaries / Overtime	\$ 10,020	
110-2230-522-1119		Salaries / Overtime	\$ 56,778	
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 66,798
To appropriate additional funds to cover shortage in Fire Personnel Services due to overtime.				
110-3620-560-2710		Costs of Goods Sold / Jet Fuel	\$ 264,148	
110-0000-446-1016		Fuel Sales / Jet Fuel		\$ 264,148
110-3620-560-2711		Costs of Goods Sold / AvGas	\$ 70,790	
110-0000-446-1011		Fuel Sales / AvGas		\$ 70,790
To appropriate additional revenue and costs of goods sold expenditures related to fuel sales at the Airport.				
110-1500-515-1150		Salaries / Separation Pay	\$ 279,172	
110-1500-515-1127		Salaries / Separation Pay Accrual	\$ 4,946	
110-0000-352-1345		Designated Capital Projects - Unassigned		\$ 284,118
To appropriate funds to cover the additional separation pay for General Fund employees in FY 2019, as well as the adjustment for vacation and sick leave accrual for General Fund employees.				
520-5100-535-2516		Other Services / Judgments & Damages	\$ 36,377	
520-0000-443-3054		Insurance Claims / Insurance Claims		\$ 36,377
To appropriate anticipated insurance proceeds from TML for replacement equipment that was damaged from the second lightning struck that occurred on 07/18/19 at the Water Treatment Plant.				
260-2200-522-2514		Other Services / Travel & Training	\$ 1,290	
260-0000-431-0261		State Grants / State Grants		\$ 1,290
To appropriate grant revenue and expenditures related to the receipt of grant funds from Texas A&M Forest Services for assisting in tuition for firefighters to attend TEEX structural collapse specialist training. This grant was approved by Council on 11/05/19.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
September 19, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-3250-551-2513		Other Services / Special Services	\$ 10,435	
110-0000-445-1885		Summit Recreation Fees / Tennis Fees		\$ 10,435
To appropriate revenue and expenditure related to group and private tennis lessons held at Summit Fitness Center during FY 2019.				
110-0000-352-1345		General Fund Designated Capital Projects - Debt Service	\$ 500,000	
110-0000-444-2582		Landfill Contract / Other		\$ 500,000
To designate revenue received upon issuance of landfill permit for future debt service use.				
561-5100-535-6990	101999	Capital - Bonds / Water Treatment Plant Clarifier # 4 Rehabilitation	\$ 456,138	
561-5200-535-6813	101997	Capital - Bonds / North Loop Water Line (to Niagra)		\$ 20,439
561-5200-535-6995	101950	Capital - Bonds / Garden District Utility Improvements		\$ 80,508
561-5200-535-6994	101949	Capital - Bonds / 57th Street - 43rd Street, Avenue R - Avenue Z Utility Improvements		\$ 236,200
561-5200-535-6996	101951	Capital - Bonds / West Temple Water Distribution Line		\$ 117,420
561-5200-535-6986	101715	Capital - Bonds / Poison Oak Utility Improvements		\$ 1,571
To reallocate Utility Revenue bond funding for the rehabilitation of Clarifier # 4 at the Water Treatment Plant.				
110-2031-521-2516		Other Services / Judgments & Damages	\$ 1,940	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 1,940
To appropriate insurance proceeds received from Progressive related to damages to asset # 13289 that occurred on 04/26/19.				
110-2100-529-2122		Supplies / Other	\$ 2,902	
110-0000-461-0841		Other / Donations/Gifts - Animal Shelter		\$ 2,902
To appropriate donations received for Animal Shelter.				
110-3500-552-6332	101202	Capital Buildings & Grounds / Park Fee Expenditures - Westfield Hike & Bike Trail	\$ 5,563	
110-0000-461-0830		Other / Other Revenue - Park Developer Fees		\$ 5,563
To appropriate Park Developer Fees for a cost sharing agreement with Kiella Development for the construction of sidewalks in the Villages of Westfield subdivision.				
365-3400-531-6886	101715	Capital - Bonds / Poison Oak Improvements, Phase I & II	\$ 713,741	
365-3400-531-6532		Capital - Bonds / Contingency		\$ 713,741
The Poison Oak Road project was funded with Certificate of Obligation (CO) TCIP bond proceeds as authorized by Council on August 15, 2019. The bonds will close on September 10, 2019. Additional funding was needed from the 2019 CO issue for the PARD Administrative building. Contingency funding from prior TCIP CO issues is available to "backfill" the amount needed to fully fund Poison Oak to its current budget of \$10,800,000.				
110-2011-521-6211	101893	Capital Equipment / Instruments/Special Equipment - Axon	\$ 1,085,000	
110-0000-490-1070		Lease Proceeds / Other Financing		\$ 1,085,000
110-5700-580-7122		Principal Retirement / Capital Lease - Principal	\$ 282,465	
110-5700-580-7224		Interest & Fiscal Charges / Capital Lease - Interest	\$ 24,590	
110-5900-521-2515		Other Services / Dues & Subscriptions		\$ 13,579
110-5900-521-6211	101893	Capital Equipment / Instruments/Special Equipment - Axon		\$ 293,476
To record the capital cost of the Axon Enterprise, Inc. integrated digital police evidence management solution. This budget adjustment also reclassifies the first year payment to the correct expenditure accounts.				
TOTAL AMENDMENTS			\$ 46,508,303	\$ 46,508,303

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
September 19, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	100,000
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		(96,000)
		Net Balance of Contingency Account	\$	4,000
		Beginning Judgments & Damages Contingency	\$	279,725
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(268,109)
		Net Balance of Judgments & Damages Contingency Account	\$	11,616
		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	\$	15,616
		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
		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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2019 BUDGET
September 19, 2019

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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. 2019-9828-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 19th day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #8
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, Interim City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing the City's Relocation Assistance Program.

STAFF RECOMMENDATION: Conduct a public hearing, and adopt the ordinance on first reading as presented in the item description, and set second and final reading for October 3, 2019.

ITEM SUMMARY: Texas Property Code § 21.046 requires a political subdivision of this state to provide a relocation advisory service to displaced individuals, families, businesses, farming and ranching operations, or nonprofit organizations as part of that political subdivision's cost of acquiring real property. The services provided must be compatible with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, 42 U.S.C.A 4601, et seq, commonly referred to as the "Act" or "Uniform Act."

Though the City has not formally adopted the provisions the Uniform Act, the City has adhered to the requirements of the Uniform Act in instances where citizens are displaced due to the City's acquisition of real property. The City is seeking to formally adopt the Uniform Act and any future amendments as its Relocation Assistance Program.

FISCAL IMPACT: The cost associated with the relocation assistance program is determined on a case by case basis. As stated above, the City has adhered to the requirements of the Uniform Act in instances where citizens are displaced due to the City's acquisition of real property.

ATTACHMENTS:

[Proposed Relocation Assistance Program Ordinance](#)
[Ordinance](#)

Relocation Assistance Program

The City of Temple adopts, as its Relocation Assistance Program, the provisions of the *Federal Uniform Relocation Assistance and Real Property Policies Act of 1970*, 42 U.S.C.A 4601, *et seq.*, as it now exists and as it may be revised from time to time, including appendices. A copy of the *Federal Uniform Relocation Assistance and Real Property Policies Act of 1970* is maintained in the office of the City Attorney and available on the City's website.

ORDINANCE NO. 2019-4995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, ESTABLISHING THE CITY'S RELOCATION ASSISTANCE
PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas Property Code § 21.046 requires a political subdivision of the State of Texas to provide a relocation advisory service to displaced individuals, families, businesses, farming and ranching operations, or nonprofit organizations as part of that political subdivision's cost of acquiring real property - the services provided must be compatible with the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, 42 U.S.C.A 4601, et seq, commonly referred to as the "Act" or "Uniform Act;"

Whereas, though the City has not formally adopted the provisions the Uniform Act, the City has adhered to the requirements of the Uniform Act in instances where citizens are displaced due to the City's acquisition of real property - the City is seeking to formally adopt the Uniform Act and any future amendments as its Relocation Assistance Program;

Whereas, the cost associated with the Relocation Assistance Program is determined on a case by case basis and as stated above and the City has adhered to the requirements of the Uniform Act in instances where citizens are displaced due to the City's acquisition of real property; 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 adopts the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, 42 U.S.C.A 4601, et seq, as the City of Temple's Relocation Assistance Program.

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 **19th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **3rd** day of **October**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #9
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-19-19-ZC: Consider adopting an ordinance authorizing a rezoning from Single Family One zoning district to Commercial zoning district on 5.92 +/- acres, addressed as 3308 and 3310 South 5th Street, Temple, Texas.

PLANNING & ZONING COMMISSION RECOMMENDATION: During their August 5, 2019 Planning & Zoning Commission meeting, impacts of the more intense uses allowed in Commercial zoning were discussed. The applicant concurred with staff's recommendation and agreed to modify his request. The Planning & Zoning Commission voted 6 to 0 to recommend rezoning to General Retail (GR).

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from SF-1 to General Retail (GR) district for the following reasons:

1. The applicant has agreed to modify the request from C to GR, based on discussion with staff.
2. The proposed GR zoning is compatible with surrounding zoning, existing and anticipated uses as well as future growth trends in the area;
3. The proposal is in compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The applicant, Jeremy Jirasek, requested rezoning of 5.92 +/- acres from Single Family One (SF-1) zoning district to Commercial (C) zoning district. A single unoccupied outbuilding is the only existing structure. Staff has identified that GR zoning will support less intense uses than the C zoning would allow. The types of uses allowed in GR will be more compatible with existing and anticipated development on the surrounding properties.

The subject property was previously developed for residential and has not been platted. While no end-user has been formally identified, the property is proposed to be developed for retail uses. There are various residential and non-residential uses that may be permitted in GR zoning. A comparison between the existing and proposed zoning districts is shown in the attached table.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within both the Suburban Commercial Future Land Use Map (FLUM) designation with a strip of Parks and Open Space designation where Friars Creek crosses the property. The Suburban Commercial district is intended to promote greater aesthetic value along gateways, emphasizes landscaping, and building designs that are residential in appearance. This designation is appropriate for office and retail service zoning districts, and supports future development being discussed for both sides of South 5th Street. Therefore, this request is in compliance with the FLUM.

Thoroughfare Plan (CP Map 5.2)

The subject property fronts along South 5th Street which is shown as a minor arterial. Future access may come when Azalea Drive is extended to South 5th Street. The new road segment is under consideration for addition to the Thoroughfare Plan as a collector and is listed on the KTMPO Metropolitan Transportation Plan. The GR zoning supports the type of retail uses that would be appropriate on a corner lot located at the junction of two primary roads. This request is in compliance with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Waste water is available from an existing 10-inch sewer line on the property. Water is available from an existing 3-inch water line running along the west side of South 5th Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

A proposed City-wide spine trail is shown on the Trails Master Plan along Friars Creek. The proposed extension of Azalea Drive may reflect the completed section to include bike lanes and meandering sidewalks to encourage residents to make shorter trips on foot or by bicycle. Compliance with the Trails Master Plan and sidewalks will be addressed at the platting stage.

SUBDIVISION PLAT: A subdivision plat will be required for this property prior to development. The plat will address needed connection to public facilities, right-of-way and trail development.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast, the current development standards for SF-1 with the proposed GR standards as provided for in UDC Sections 4.2, 4.5 and 4.5.1

PUBLIC NOTICE: Eleven notices, were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Thursday August 1, 2019, at 12:00 PM, one notice in agreement has been received. An update regarding late notices, will be provided at the Planning & Zoning Commission meeting, if necessary.

The newspaper printed notice of the public hearing on July 25, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Survey \(Exhibit A\)](#)

[Use Tables](#)

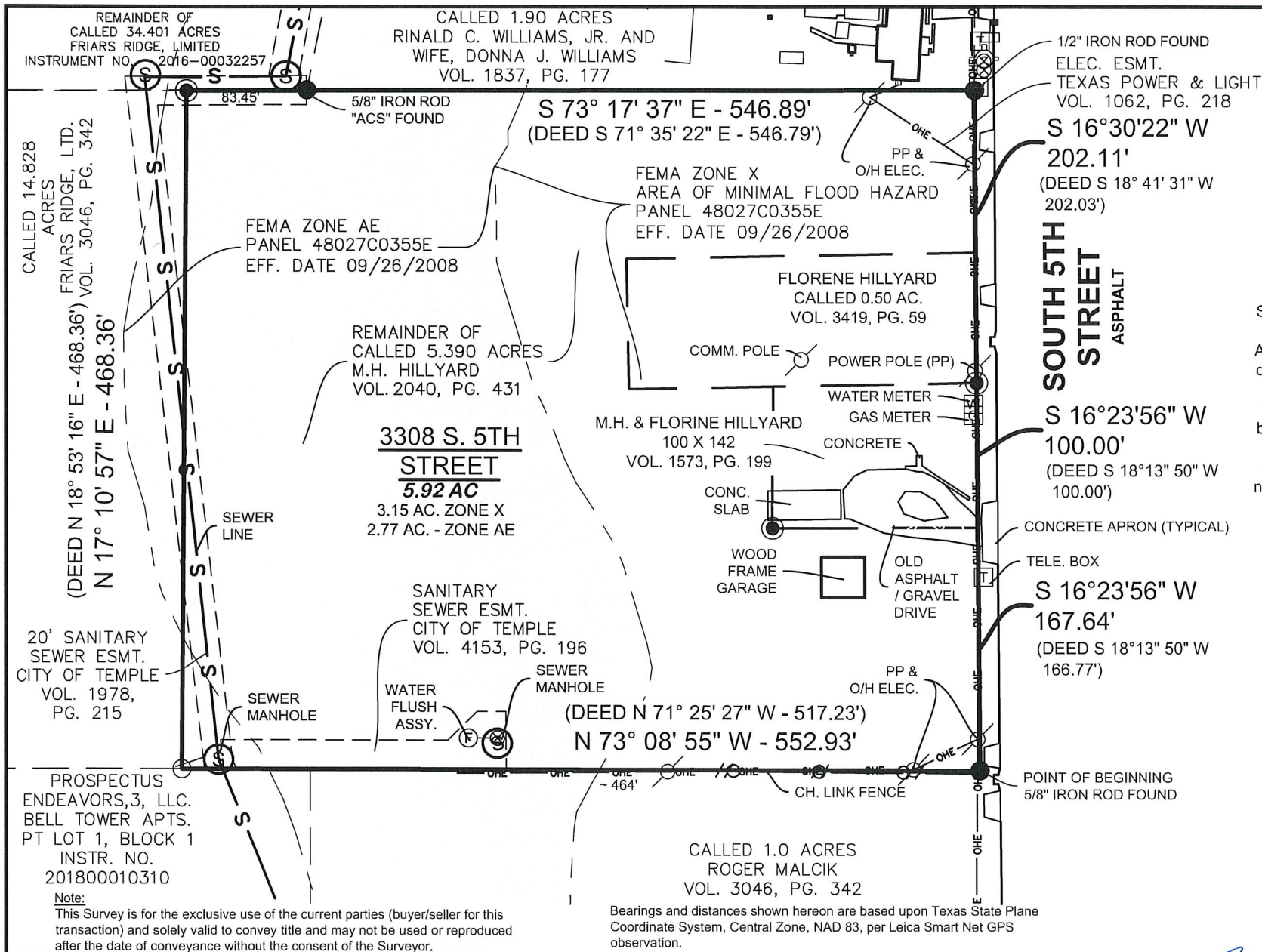
[Maps](#)

[Site Photos](#)

[KTMPO Azalea Drive Summary Sheet](#)

[Returned Property Notice](#)

[Ordinance](#)



LEGEND

- 1-1/2" IRON PIPE FOUND
- 5/8" IRON ROD FOUND
- 1/2" IRON ROD SET W/ CAP STAMPED "QUINTERO 10194110"

SCALE: 1" = 100'

UNLESS OTHERWISE NOTED

Note:

FEMA Floodplain data is shown per FEMA Map Panel 48027C0355E, effective date 09/26/2008, a publicly available map on the FEMA website. No certification is made by this firm as to the accuracy of the location of the Floodplain delineation shown hereon or that updated information has not been published by FEMA.

**** SEE METES AND BOUNDS ATTACHED "EXHIBIT A" ****

SURVEYOR'S SKETCH of a survey made on the ground on May 23, 2019, of that certain 5.92 acre tract of land situated in the Maximo Moreno Survey, Bell County, Texas, Abstract No. 14, and being all that remainder of a called 5.390 acre TRACT described in a deed to M.H. Hillyard, recorded in Volume 2040, Page 431, Deed Records of Bell County, Texas, all that called 0.50 acre tract described in a deed to Florene Hillyard recorded in Volume 3419, Page 59, Deed Records of Bell County, Texas and all that called 100 foot by 142 foot tract described in a deed to M.H. & Florine Hillyard, recorded in Volume 1573, Page 199, Deed Records of Coryell County, Texas. There are no shortages of areas, visible encroachments, protrusion, or overlapping of improvements, except as shown or noted hereon. Only the information shown on the recorded deed and title commitment was considered for this survey. **THIS SURVEY DOES NOT IMPLY ALL EASEMENTS AND SETBACK LINES HAVE BEEN RESEARCHED.** A review of all title records may find additional information.

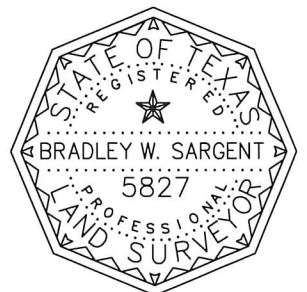
SURVEYOR'S NOTES & CERTIFICATION:

- To: Todd W. Kurio, Centraland Title Co.: This is to certify that this map or plat and the survey on which it is based substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Urban Condition II Land Survey.
- This survey was performed with the benefit of Title Commitment GF No. C1983293, with an issue date of May 28, 2019, provided by Centraland Title Company, Temple, Texas and based on the review of the Schedule B of the same, it is the Surveyor's limited opinion:
Item 10
a. Easement granted to Texas Power & Light Company by instrument recorded in Volume 1062, Page 218, Deed Records of Bell County, Texas. **AFFECTS SHOWN**
b. Easements to City of Temple, as recorded in Volume 1978, Page 215, Deed Records of Bell County, Texas and Volume 4153, Page 196, Official Public Records of Real Property of Bell County, Texas Records of Bell County, Texas. **AFFECTS - SHOWN**
- All buildings setback lines, easements, etc. established by the City of Temple codes or ordinances, or restrictive covenants, may not be shown hereon.



QUINTERO ENGINEERING, LLC
CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT
415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962
T.B.P.E. FIRM REGISTRATION NO. 14709
T.B.P.L.S. REGISTRATION NO. 10194110

Bradley W. Sargent 06/03/2019
Bradley W. Sargent, R.P.L.S.
Registered Professional Land Surveyor
R.P.L.S. No. 5827, Texas



Tables

**Permitted & Conditional Uses Table
Comparison between SF-1 & GR**

Use Type	Single-Family 1 (SF-1)	General Retail (GR)
Residential Uses	<ul style="list-style-type: none"> • Single Family Residence (Detached) Family or Group Home • Industrialized Housing 	<ul style="list-style-type: none"> • Single Family Residence (Detached or Attached) • Family or Group Home Home for the Aged • Recreational Vehicle Park (CUP) • Two-Family Dwelling
Retail & Service Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Most Retail & Service Uses • Alcoholic Beverage Sales, Off-premise Consumption, Package Store (CUP)
Office Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Offices
Commercial Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Print shop • Plumbing shop • Upholstery shop
Industrial Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Laboratory (Manufacturing, Medical, Dental, Scientific, or Research) • Recycling Collection (with Limitations)
Recreational Uses	<ul style="list-style-type: none"> • Park or Playground • Playfield or Stadium (CUP) 	<ul style="list-style-type: none"> • Park or Playground • Beer & Wine, On-Premise Consumption < 75% from revenue • All Alcohol, On-Premise Consumption >75% from Revenue (CUP)
Vehicle Service Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Auto Leasing, Rental • Car Wash • Minor Vehicle Servicing, with Limitations)
Restaurant Uses	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • With & Without Drive-In
Overnight Accommodations	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Hotel or Motel • RV Park (CUP)



SF-1 to C

VICINITY MAP

Zoning Case :
FY-19-19-ZC

Address:
3308 S. 5th St

Transportation

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
- Temple Municipal Boundary

Parcel Features

- Parcels
- Production.SDE.Easement

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

jdeckman
Date: 7/16/2019





SF-1 to C

AERIAL MAP

Zoning Case :
FY-19-19-ZC

Address:
3308 S. 5th ST

Transportation

Streets

MINOR ARTERIAL

Temple Municipal Boundary

Parcel Features

Parcels

Production.SDE.Easement

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jdeckman

Date: 7/16/2019





SF-1 to C FUTURE LAND USE MAP

Zoning Case :
FY-19-19-ZC

Address:
3308 S. 5th ST

Transportation

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

Parcel Features

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

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jdeckman
Date: 7/16/2019





SF-1 to C THOROUGHFARE AND TRAILS MAP

Zoning Case :
FY-19-19-ZC

Address:
3308 S. 5th ST

Parcel Features

Parcels

Thoroughfare Plan

Expressway

Major Arterial

Proposed Major Arterial

Minor Arterial

Proposed Minor Arterial

Collector

Proposed Collector

Trails Master Plan

EXISTING, CITY WIDE SPINE

EXISTING, COMMUNITY WIDE CONNECTOR

EXISTING, LOCAL CONNECTOR

PROPOSED, CITY WIDE SPINE

PROPOSED, COMMUNITY WIDE CONNECTOR

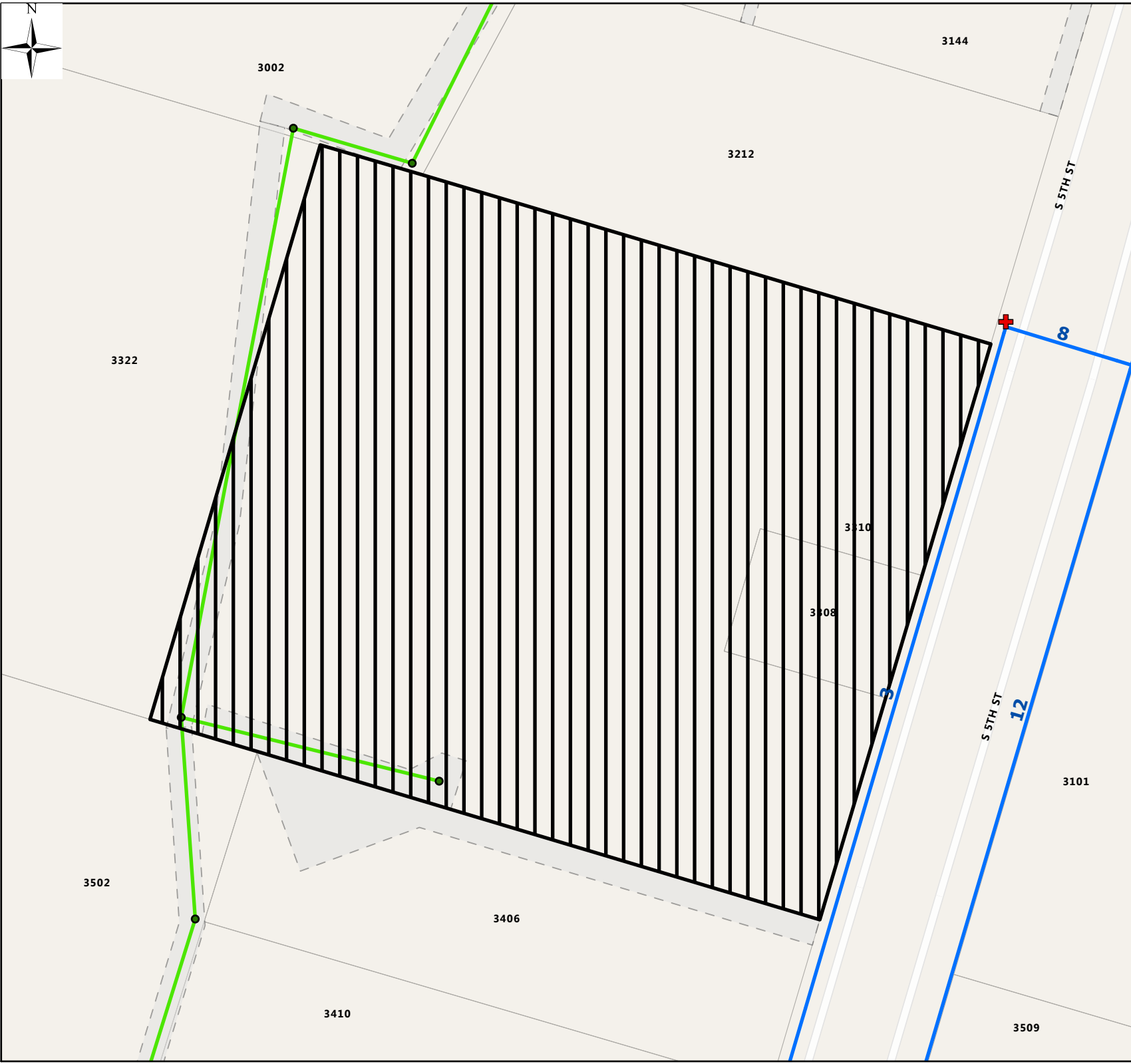
PROPOSED, LOCAL CONNECTOR

Easement

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jdeckman
Date: 7/16/2019





SF-1 to C

UTILITY MAP

Zoning Case :
FY-19-19-ZC

Address:
3308 S. 5th ST

Sewer

- Manhole
- Gravity Main

Water Distribution

- ✚ Hydrant
- Main

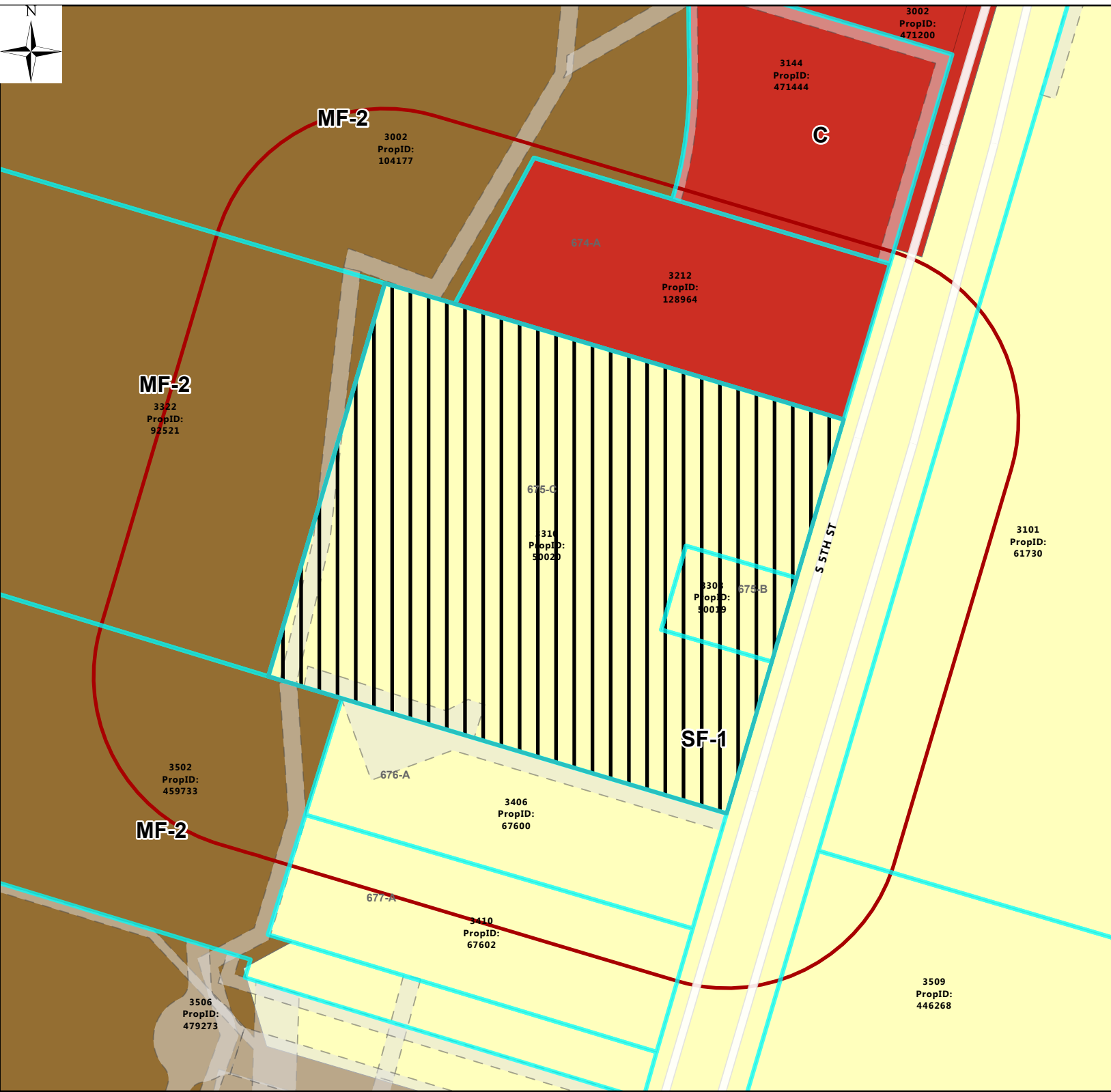
Parcel Features

- Parcels
- Easement

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jdeckman
Date: 7/16/2019





Address:
3308 S. 5th ST

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Easement
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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

jdeckman
Date: 7/16/2019





Facing west from S. 5th Street



Facing west along southern property line



Facing west along northern property line



Facing east across S. 5th Street



Facing north on frontage along S. 5th Street



Facing south on frontage along S. 5th Street

Azalea Drive

Lowes Dr to S 1st St

Project Highlights

Description Construct new two-lane major collector with continuous center-turn lane, 5' bike lanes and 6' sidewalks.

Scope Provide a convenient east-west connection near dense retail, planned residential growth and future mixed-use development in TMED-South.

Traffic Volume	Marlandwood	5,847
	Canyon Creek:	5,013
	S. 5th Street:	11,954
	Azalea Estimated:	8,522



Purpose and Needs

This road will support provide an east-west connection in a rapidly developing area of the city that includes four special generators: Temple Mall, Baylor-Scott & White, Temple College, and the VA. New high-rise apartments and subdivisions adjacent to dense retail area will add to existing congestion. Azalea Drive will allow local traffic to disperse across the road network, while restricting the design to two lanes is expected to create a traffic-calming effect. Including meandering sidewalks will provide multi-modal capability to and from the mixed-use development proposed in the new TMED-South District. A Developer Cost-share agreement will construct the first 0.25 miles.



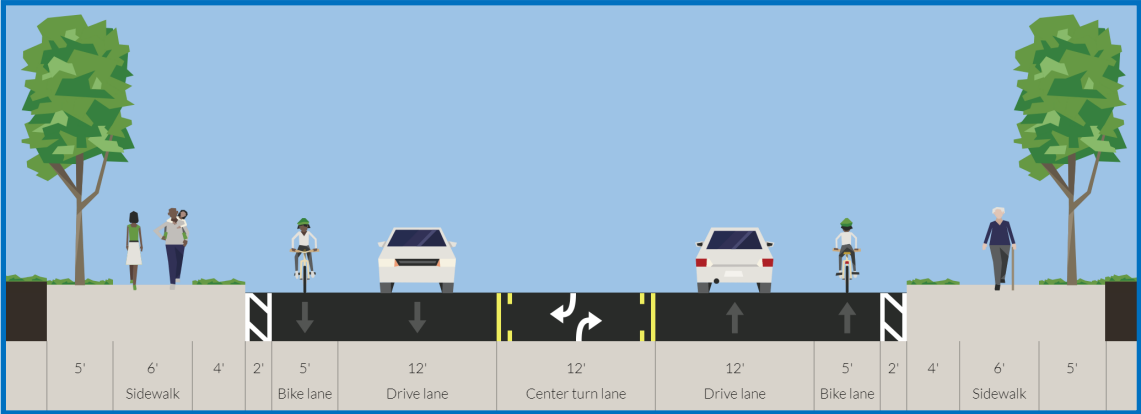
Project Cost

\$4,975,000

Local Priority

Project Readiness

Engineering	25%
Right of Way	25%
Environmental	0%
Utilities	0%



KTMPO Goals and Planning Factors

Mobility	Provide multiple options to access education and medical facilities	Provides additional connection between retail zones, residential areas and north-south arterials
Livability	Including bike lanes and sidewalks encourages alternate modes of transport	Connection to city trail along Friars Creek lets residents exercise in a natural environment
Safety	Continuous center-turn lane allows safe travel to and from the adjacent neighborhoods Limiting driveway access reduces points of conflict where vehicles enter and exit the roadway	Striped, dedicated bike lanes encourage motorists to share the road with bicycles Meandering sidewalks designed to be used by pedestrians of all ages and abilities
Economic Vitality	Facilitates development of previously land-locked properties, stimulating growth	Creates a key entrance from 31st Street retail corridor into the innovative TMED-South development
Regional Coordination	The city has leveraged a developer participation agreement to share the costs of designing and constructing the new roadway concurrent with development of a neighboring residential subdivision.	



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

67600
MALCIK, ROGER
3406 S 5TH ST
TEMPLE, TX 76502-1910

Zoning Application Number: FY-19-19-ZC

Case Manager: Jason Deckman

Location: 3308 and 3310 South 5th Street, Temple, Texas

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

I ☒ agree

() disagree with this request

Comments:

I agree with the possible rezoning from SF-1
to Commercial C as long as no Trump Branded
Tower is planned

Roger Malcik
Signature

Roger Malcik
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, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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

Number of Notices Mailed: 11

Date Mailed: July 23, 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**

128964
WILLIAMS, RINALDA C
2002 N HIGHWAY 95
LITTLE RIVER ACADEMY, TX 76554-2726

Zoning Application Number: FY-19-19-ZC

Case Manager: Jason Deckman

Location: 3308 and 3310 South 5th Street, Temple, Texas

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

I ☒ **agree**

() **disagree with this request**

Comments:

Rinalda C. Williams
Signature

Rinalda C. Williams
Print Name

254-913-9589 (Optional)
Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **August 5, 2019**.

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



Number of Notices Mailed: 11

Date Mailed: July 23, 2019

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

ORDINANCE NO. 2019-4991
(FY-19-19-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY ONE ZONING DISTRICT TO COMMERCIAL ZONING DISTRICT ON APPROXIMATELY 5.92 ACRES, ADDRESSED AS 3308 AND 3310 SOUTH 5TH STREET, TEMPLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Jeremy Jirasek, has requested rezoning of approximately 5.92 acres from Single Family One zoning district to Commercial zoning district - a single unoccupied outbuilding is the only existing structure;

Whereas, Staff has identified that General Retail zoning will support less intense uses than the Commercial zoning would allow - the types of uses allowed in General Retail will be more compatible with existing and anticipated development on the surrounding properties;

Whereas, the subject property was previously developed for residential and has not been platted - no end-user has been formally identified, however, the property is proposed to be developed for retail uses;

Whereas, the Planning and Zoning Commission recommends approval of the rezoning from Single Family One zoning district to General Retail zoning district on approximately 5.92 acres, addressed as 3308 and 3310 South 5th Street, Temple, Texas, 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.

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 rezoning from Single Family One zoning district to Commercial zoning district on approximately 5.92 acres, addressed as 3308 and 3310 South 5th Street, Temple, Texas, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **September**, 2019.

PASSED AND APPROVED on Second Reading on the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #10
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: FY-19-67-PLT: Consider adopting a resolution authorizing approval of the Final Plat of The Enclave at Lake Belton Phase I, a 43.237 +/- acre, 14-lot, 2-block, residential subdivision with a developer-requested exception to UDC Section 8.2J, related to maximum street grade, located south of Hwy 36 approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction.

STAFF RECOMMENDATION: Staff recommends approval of the final plat of The Enclave at Lake Belton, Phase I subdivision, and recommends approval of the requested exception to UDC Section 8.2J related to maximum street grades.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its September 3, 2019 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation.

ITEM SUMMARY: The applicant, Clark & Fuller Engineering, on behalf of the owner, Rancho Lago Development, is requesting consideration of the Final Plat of the Enclave at Lake Belton, Phase I and an exception to UDC Section 8.2J related to maximum street grades.

UDC Section 8.2J provides for a maximum street grade not to exceed 7.5%. Since this subdivision is within rolling hillside land within the ETJ in the vicinity of Lake Belton, it is necessary to exceed the maximum street grade. A combination of public and private streets are proposed. The maximum street grade proposed is 12% which is Bell County maximum allowed. Public Works does not have any objection to the exception to maximum street grades. The plat requires Bell County Commissioners Court approval prior to recordation, however to date, comments have not been received from Bell County.

City Council approved the preliminary plat and an exception related to park fees on June 20, 2019.

Phase I proposes the development of 43.237 +/- acres as follows:

- 14 lots, 2 Blocks (Residential)
- Smallest Lot - 0.927 +/- acre (Lot 4, Block 1)
- Largest Lot - 18.609 +/- acre (Lot 1, Block 1)

Water will be provided by The Grove Water Supply Corporation (WSC). Waste water will be provided by on-site septic. All lots meet the minimum requirement of 22,500 square feet, as required by UDC Section 8.2.7F.

Phase 1 proposes sole access to the 14 lots from State Highway 36 being from a 60-foot wide private roadway (Blanco Springs Road) leading into the subdivision. TxDOT has indicated that this will be the only allowed access and no additional access will be granted.

The Development Review Committee reviewed the final plat of The Enclave at Lake Belton, Phase I subdivision on July 25, 2019. The plat was deemed administratively complete on August 29, 2019.

Since the final plat requires an exception to the UDC, The City Council is the final plat review authority.

SCHOOL DISTRICT: Belton independent School District (BISD)

FISCAL IMPACT: N/A

ATTACHMENTS:

[Vicinity Map, Aerial & Street View Photo](#)

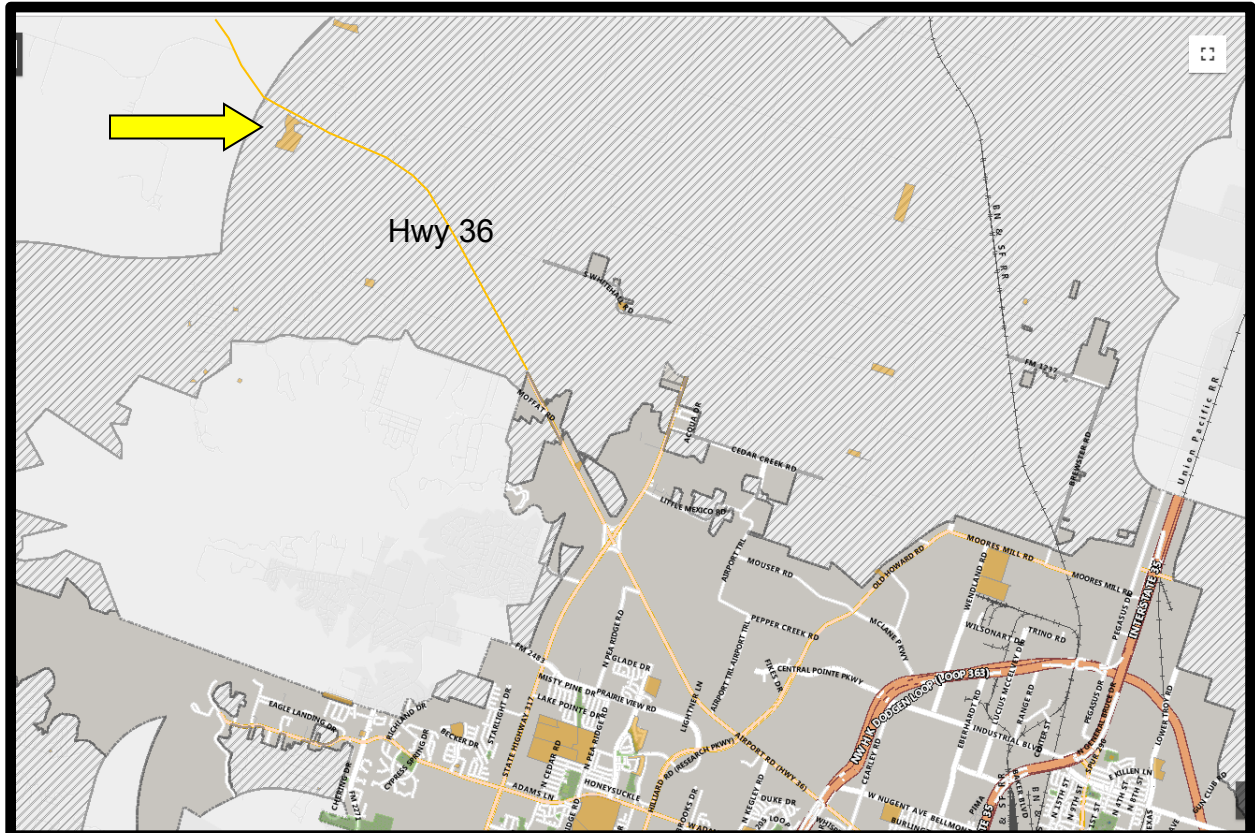
[Final Plat](#)

[Topo / Utility Plan](#)

[P&Z Excerpts \(September 3, 2019\)](#)

[Resolution](#)

Vicinity Map & Aerial Photo



Vicinity Map – Yellow Arrow points to Subject Property (City of Temple GIS Maps)



Aerial Photo – (City of Temple GIS Maps)



LEGEND

- PHASE II PROPOSED DEVELOPMENT
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED 6" PVC C900 DR 18 WATER MAIN
- PROPOSED 8" HDPE C906 DR 9 WATER MAIN

KEYED NOTES

- CAUTION!!! EXISTING POWER POLE/LIGHT POLE
- CAUTION!!! OVERHEAD ELECTRIC
- EXISTING FENCING (NOT TO BE DISTURBED)
- EXISTING WATER MAIN/METER
- EXISTING STORM SEWER
- NEW WATER MAIN (REFER TO PLAN AND PROFILE SHEETS FOR CONSTRUCTION)
- FURNISH AND INSTALL 1-NEW BULLHEAD WATER SERVICE (PER THE GROVE WSC REQUIREMENTS)
- FURNISH AND INSTALL 1-NEW SINGLE WATER SERVICE (PER THE GROVE WSC REQUIREMENTS)
- NEW STORM SEWER (REFER TO PLAN AND PROFILE SHEETS FOR CONSTRUCTION)
- NEW LIGHT POLE

CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING

**THE ENCLAVE AT LAKE BELTON
NEW SUBDIVISION**
TEMPLE ETJ, TEXAS

TOPO/UTILITY

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO: F-10384.

☒ FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
☐ FINAL DRAWINGS

Designed	JBF
Drafted	ECB
Project No	161684.01
Plot Date	8-26-19

1

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 3, 2019**

ACTION ITEMS

Item 4: FY-19-67-PLT – Consider and recommend action on the Final Plat of The Enclave at Lake Belton Phase I, a 43.237 +/- acre, 14-lot, 2-block, residential subdivision with a developer-requested exception to UDC Section 8.2J, related to maximum street grade, situated in the William Steele Survey, Abstract No. 742, and the George H Dumas Survey, Abstract No. 268, Bell County, Texas, located south of Hwy 36 approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction (ETJ).

Mr. Mark Baker, Principal Planner, stated this item is scheduled to go forward to City Council on September 19, 2019.

The subject property is located within the Extraterritorial Jurisdiction (ETJ) and there is no zoning.

DRC reviewed the proposed plat on July 25, 2019 and deemed it administratively complete on August 29, 2019.

Water is available through Grove Water Supply Corporation and waste water will be provided by on-site septic.

The subject property is located within the Belton Independent School District (BISD).

The application has requested an exception to UDC Section 8.2J – Maximum Street Grades:

Local Street – maximum street grade (7.5%)

Plat is located in an area that portions of road grades will exceed 7.5% (contains up to 12% grade which is Max allowed by Bell County)

Staff is supportive of the requested exception and no issues identified

Proposed plat and topo/utility map shown.

Staff recommends approval of the Final Plat of The Enclave at Lake Belton, Phase I and the requested exception to UDC Section 8.2J – Maximum Street Grades.

Commissioner Armstrong made a motion to approve Item 4, **FY-19-67-PLT**, per staff recommendation, and Commissioner Castillo made a second.

Motion passed: (7:0)

Commissioners Jeanes and Fettig absent.

RESOLUTION NO. 2019-9829-R
(FY-19-67-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE FINAL PLAT OF THE ENCLAVE AT LAKE BELTON PHASE I, AN APPROXIMATELY 43.237-ACRE, 14-LOT, 2-BLOCK, RESIDENTIAL SUBDIVISION WITH A DEVELOPER-REQUESTED EXCEPTION TO THE UNIFIED DEVELOPMENT CODE SECTION 8.2J, RELATED TO MAXIMUM STREET GRADE, LOCATED SOUTH OF HIGHWAY 36, APPROXIMATELY 1,000 FEET WEST OF THE LAKE BELTON BRIDGE IN TEMPLE'S NORTHWEST EXTRATERRITORIAL JURISDICTION ; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the final plat of The Enclave at Lake Belton Phase I, is an approximately 43.237-acre, 14-lot, 2-block, residential subdivision located south of Highway 36, approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction;

Whereas, the applicant, Clark & Fuller Engineering, on behalf of the owner, Rancho Lago Development, is requesting consideration of the final plat of The Enclave at Lake Belton Phase I, and an exception to Unified Development Code (UDC) Section 8.2J related to maximum street grades - Public Works does not have any objection to the exception to maximum street grades, and Council approved the preliminary plat and an exception related to park fees on June 20, 2019;

Whereas, the plat requires Bell County Commissioners Court approval prior to recordation, however to date, comments have not been received from Bell County;

Whereas, water will be provided by The Grove Water Supply Corporation and wastewater will be provided by on-site septic;

Whereas, all lots meet the minimum requirement of 22,500 square feet, as required by UDC Section 8.2.7F - Phase 1 proposes sole access to the 14 lots from State Highway 36 being from a 60-foot wide private roadway (Blanco Springs Road) leading into the subdivision, and TxDOT has indicated that this will be the only allowed access and no additional access will be granted;

Whereas, the Development Review Committee reviewed the final plat and deemed it administratively complete on August 29, 2019 and at its September 3, 2019 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the final plat and developer-requested exception to UDC Sec. 8.2J, related to maximum street grade;

Whereas, Staff recommends Council approve the final plat of The Enclave at Lake Belton Phase I, an approximately 43.237-acre, 14-lot, 2-block, residential subdivision with a developer-requested exception to Unified Development Code Section 8.2J, related to maximum street grade, located south of Highway 36 approximately 1,000 feet west of the Lake Belton Bridge in Temple's northwest Extraterritorial Jurisdiction; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of The Enclave at Lake Belton Phase I, with the above requested exception.

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

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

Part 2: The City Council approves the final plat of The Enclave at Lake Belton Phase I, an approximately 43.237-acre, 14-lot, 2-block, residential subdivision with a developer-requested exception to Unified Development Code Section 8.2J, related to maximum street grade.

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 **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
David Olson, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with Kiella Development, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements as part of the Hartrick Ranch subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Kiella Development, Inc. is in the process of platting and developing a 952 lot, single family residential subdivision known as Hartrick Ranch. The two tracts of land which are shown on the preliminary plat were annexed by the City on May 16, 2019 and rezoned June 6, 2019 to primarily PD-SF2 with 1.661 acres as PD-GR.

Construction of the proposed wastewater infrastructure will allow the City to extend wastewater services into the newly annexed areas of the City. Wastewater infrastructure improvements include a force main extension, lift station, and gravity line extension. The City would participate with the developer in the cost of construction of the wastewater improvements and contract directly with a consultant for the design.

The estimated cost for public improvements in the Hartrick Ranch development is \$15,763,260, which includes all public utilities and roadways. The estimated cost for construction of the wastewater improvements is \$3,505,150. The wastewater improvements are approximately 22.2% of the overall cost of public improvements for the development.

The City would participate in the wastewater improvements at a not to exceed amount of \$3,505,150. The City's participation is authorized under Texas Local Government Code, Chapter 212, Subchapter C titled "Developer Participation in Contract for Public Improvements." In accordance with Chapter 212, the City's participation would not exceed 30% of the total cost of public improvements in the proposed development.

This Developer Participation agreement would be contingent upon the successful annexation of adjacent property which is currently located in the City's ETJ and in the proposed trajectory of the sewer line improvements.

FISCAL IMPACT: FY 2020 Business Plan includes scheduled funding for the construction of a sanitary sewer line extension and wastewater collection system improvements per this agreement in the amount of \$3,505,150 in FY 2021 with Utility Revenue Bonds.

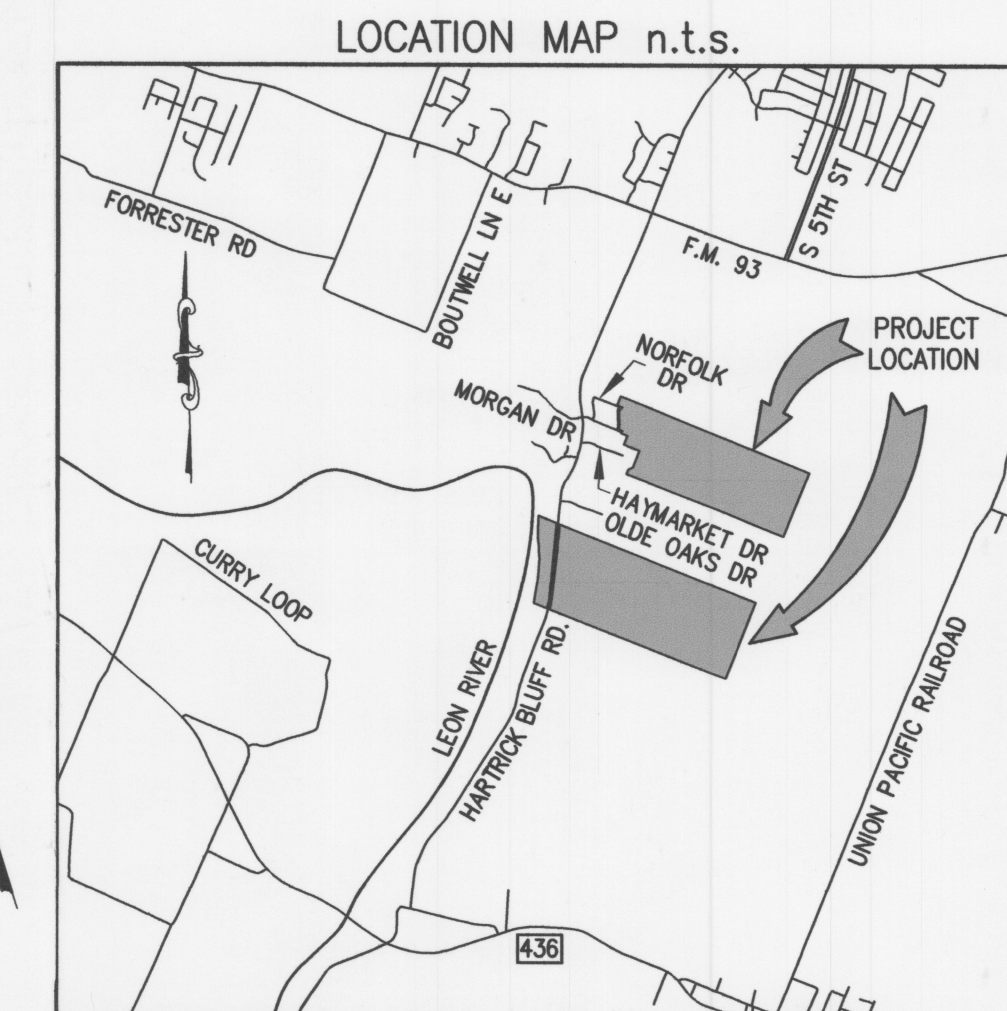
The City will contract directly with a consultant for the design of these improvements during FY 2020.

ATTACHMENTS:

[Attachment A- Hartrick Ranch Preliminary Plat](#)

[Attachment B- Engineer's Opinion of Probable Costs for Overall Public Infrastructure in Hartrick Ranch](#)

[Attachment C- Engineer's Opinion of Probable Costs for Construction of Wastewater Improvements Resolution](#)



ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
THE TIE ANGLE AT SAID CITY MONUMENT IS 01°30'47"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X=3,216,784.76 Y=10,341,981.47
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS
N65°49'38"E, 4752.70 FEET (12.541 ACRES)
N69°44'44"E, 7506.40 FEET (118.560 ACRES)
N86°23'57"E, 4808.72 FEET (160.047 ACRES)

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May 15, 2019

EXHIBIT III
Engineer's Opinion of Probable Cost for:
Hartrick Ranch
(South Tract) Section 1, 657 Lots

Item Description	Quantity	Units	Unit Cost	Item Cost
A. PROJECTED COST				
(1) Total Length of Local Roadway, including waterline and storm drain	24838	L.F.	\$350.00	\$8,693,300.00
(2) Total Length of Collector Roadway, including waterline and storm drain	2362	L.F.	\$500.00	\$1,181,000.00
PROJECTED COST				\$9,874,300.00
20% CONTINGENCY				\$1,974,860.00
			TOTAL	\$11,849,160.00

(North Tract) Section 2, 239 Lots

Item Description	Quantity	Units	Unit Cost	Item Cost
A. PROJECTED COST				
(1) Total Length of Local Roadway, including waterline and storm drain	6675	L.F.	\$350.00	\$2,336,250.00
(2) Total Length of Collector Roadway, including waterline and storm drain	1851	L.F.	\$500.00	\$925,500.00
PROJECTED COST				\$3,261,750.00
20% CONTINGENCY				\$652,350.00
			TOTAL	\$3,914,100.00
			PROJECT TOTAL	\$15,763,260.00

June 4, 2019

LITTLE RIVER BASIN
PHASE 1 - TRUNK SEWER, LIFT STATION & FORCEMAIN
(ESTIMATE BASED ON ECONOMIC DEVELOPMENT AGREEMENT)
PRELIMINARY OPINION
OF
PROBABLE CONSTRUCTION COST

Item No.	Description	Estimated Quantity	Unit Price	Extension Total
(1)	Mobilization, Bonds and Insurance	1 LS	\$140,000.00	\$140,000.00
(2)	Right-of-Way Preparation	253 STA	\$100.00	\$25,300.00
(3)	Clean-Up and Final Grading	25,300 L.F.	\$2.00	\$50,600.00
(4)	Trench Safety Plan	1 LS	\$5,000.00	\$5,000.00
(5)	Storm Water Pollution Prevention Plan (SW3P)	1 LS	\$5,000.00	\$5,000.00
(6)	SW3P Implementation	1 LS	\$51,000.00	\$51,000.00
(7)	Preparing Traffic Control Plan	1 LS	\$5,000.00	\$5,000.00
(8)	Traffic Control Plan Implementation	1 LS	\$8,000.00	\$8,000.00
(9)	Provide Record Drawings (AS-BUILTS)	1 LS	\$5,000.00	\$5,000.00
(10)	Trench Safety Plan Implementation (Pipe)	25,300 L.F.	\$2.00	\$50,600.00
(11)	Trench Safety (manholes/bore pits)	16,000 S.F.	\$2.00	\$32,000.00
(12)	24" Wastewater Line	500 L.F.	\$130.00	\$65,000.00
(13)	18" Wastewater Line	2,500 L.F.	\$100.00	\$250,000.00
(14)	15" Wastewater Line	2,100 L.F.	\$75.00	\$157,500.00
(15)	12" Wastewater Line	6,200 L.F.	\$65.00	\$403,000.00
(16)	5' Diameter Precast Manhole	13 EA	\$7,500.00	\$97,500.00
(17)	4' Diameter Precast Manhole	16 EA	\$4,500.00	\$72,000.00
(18)	30" Steel Encasement by Bore	200 L.F.	\$650.00	\$130,000.00
(19)	16" Steel Encasement by Bore	200 L.F.	\$325.00	\$65,000.00
(20)	Concrete Encasement	300 L.F.	\$70.00	\$21,000.00
(21)	8" Force Main (Initial)	14000 L.F.	\$65.00	\$910,000.00
(22)	Pressure Pipe Fittings	1 LS	\$28,000.00	\$28,000.00
(23)	Air Release Valve	4 EA	\$10,000.00	\$40,000.00
(24)	Little River Basin Lift Station (Initial)	1 LS	\$500,000.00	\$500,000.00
(25)	Miscellaneous	1 LS	\$70,000.00	\$70,000.00

SUBTOTAL CONSTRUCTION	\$3,186,500.00
CONSTRUCTION CONTINGENCY, CONSTRUCTION MANAGEMENT, OVERAGES, GNA & INSURANCE (10%)	\$318,650.00
TOTAL CONSTRUCTION	\$3,505,150.00

RESOLUTION NO. 2019-9830-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH KIELLA DEVELOPMENT, INC. TO CONSTRUCT A SANITARY SEWER LINE EXTENSION AND WASTEWATER COLLECTION SYSTEM IMPROVEMENTS AS PART OF THE HARTRICK RANCH SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kiella Development, Inc. is in the process of platting and developing a 952-lot, single family residential subdivision known as Hartrick Ranch - the two tracts of land were annexed by the City on May 16, 2019 and rezoned June 6, 2019 to primarily Planned Development Single Family Two with 1.661 acres as Planned Development General Retail;

Whereas, construction of the proposed wastewater infrastructure will allow the City to extend wastewater services into the newly annexed areas of the City - wastewater infrastructure improvements include a force main extension, lift station, and gravity line extension;

Whereas, the City will participate with the developer in the cost of construction of the wastewater improvements and contract directly with a consultant for the design - the wastewater improvements are approximately 22.2% of the overall cost of public improvements for the development - the City would participate in the wastewater improvements at a not to exceed amount of \$3,505,150;

Whereas, the estimated cost for public improvements in the Hartrick Ranch development is \$15,763,260, which includes all public utilities and roadways - the estimated cost for construction of the wastewater improvements is \$3,505,150;

Whereas, the City's participation is authorized under Texas Local Government Code, Chapter 212, Subchapter C titled "Developer Participation in Contract for Public Improvements" - in accordance with Chapter 212, the City's participation would not exceed 30% of the total cost of public improvements in the proposed development;

Whereas, this Developer Participation agreement would be contingent upon the successful annexation of adjacent property which is currently located in the City's Extraterritorial Jurisdiction and in the proposed trajectory of the sewer line improvements;

Whereas, Staff recommends Council authorize a Developer Participation Agreement with Kiella Development, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements;

Whereas, the fiscal year 2020 business plan includes scheduled funding for the construction of a sanitary sewer line extension and wastewater collection system improvements per this agreement in the amount of \$3,505,150 in fiscal year 2021 with Utility Revenue Bonds;

Whereas, the City will contract directly with a consultant for the design of these improvements during fiscal year 2020; 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 Interim City Attorney, to execute a Developer Participation Agreement with Kiella Development, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements as part of the Hartrick Ranch subdivision.

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 19th day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #12
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Brian Chandler, Director of Planning & Development
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution setting various fees established in Chapter 7 of the Code of Ordinances related to the regulation of building permits.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: House Bill 852 prohibits a municipality from considering the value of improvements in determination of residential building permit fees. As a result, the fees associated with Chapter 7 of the Code of Ordinances must be modified to comply with new guidelines. Proposed changes represented in the attached fee schedules will become effective October 1, 2019 and include the following:

- Separating of Remodeling, Alterations, Additions, Repairs, and Finish-Outs permits into Commercial, Residential, and Multi-Family categories.
- Revising residential and multi-family permit fees for remodeling, alterations, additions, repairs, and finish-outs.
- Including residential siding repairs in the building permit.
- Revising the Siding permit to a Commercial Siding permit.

FISCAL IMPACT: Many of these fees are currently assessed; however, adoption of this resolution will formalize these fees and the above proposed changes within the Code of Ordinance. Revenue generated from these fees depends on the number of fees assessed or permits issued each year.

ATTACHMENTS:

[Fee Schedule – Redlined](#)
[Fee Schedule – Clean](#)
[Resolution](#)



Permit Fee Schedule

New Single Family Residential & Duplex Construction

\$0.135 per square foot

This fee is calculated based on the total square footage under roof and includes permits for the structure, electrical, mechanical, plumbing, flatwork, certificate of occupancy, and plans review. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

New Commercial Construction

Building	\$35 base permit fee plus \$0.12 per square foot
Electrical	\$50 base permit fee plus \$0.01 per square foot
Mechanical	\$50 base permit fee plus \$0.01 per square foot
Plumbing	\$50 base permit fee plus \$0.01 per square foot
Plan Review Only	\$50 base permit fee plus \$0.01 per square foot

This category includes new townhouse, multi-family, & commercial construction including shell buildings, warehouses, and parking garages. This fee is calculated based on the total square footage under roof. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

Commercial Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$35 base permit fee plus \$4 per \$1,000 of job costs
Electrical	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Mechanical	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Plumbing	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Plan Review Only	\$50 base permit fee plus \$0.10 per \$1,000 of job costs

This category includes remodeling, alterations, additions, repairs, and finish-out for commercial construction.

Residential Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$35-70 base permit fee plus \$4 per \$1,000 of job costs
Electrical	\$50-55 base permit fee plus \$0.10 per \$1,000 of job costs
Mechanical	\$50-55 base permit fee plus \$0.10 per \$1,000 of job costs
Plumbing	\$50-55 base permit fee plus \$0.10 per \$1,000 of job costs

Plan Review Only \$~~50~~55 base permit fee ~~plus \$0.10 per \$1,000 of job costs~~

This category includes remodeling, alterations, additions, repairs, siding, and finish-out for residential construction.

~~**NOTE: Due to House Bill 852 Residential Remodeling, Alterations, Additions, Repairs, and Finish-Out fees are under review. Pricing will be updated once finalized.**~~

Multi-Family Remodeling, Alterations, Additions, Repairs, and Finish-Out

<u>Building</u>	<u>\$70 per unit for units 1 to 8</u>
	<u>\$50 per unit for units 9 to 16</u>
	<u>\$35 per unit for units 17 and up</u>
<u>Electrical</u>	<u>\$55 base permit fee per unit</u>
<u>Mechanical</u>	<u>\$55 base permit fee per unit</u>
<u>Plumbing</u>	<u>\$55 base permit fee per unit</u>

This category includes remodeling, alterations, additions, repairs, siding and finish-out for multi-family construction.

Miscellaneous

Annual Contractor Registration	\$80 annually
Accessory Structure	\$35
Approach	\$35
Carport, Shed, Deck, or Patio	\$35
Curb Cut	\$35
Demolition	\$55
Fence	\$35
Flatwork, Driveway, or Paving	\$35
House Moving	\$55
Lawn Irrigation	\$110
Manufactured Home Set-Up	\$110
Pool or Spa (In Ground)	\$110
Pool or Spa (Above Ground)	\$35
Re-inspection Fee (paid in person after 3rd time)	\$50
Retaining Wall	\$35
Roof (Residential)	\$35
Roof (Commercial)	\$35 base fee + \$4 per \$1,000 of job costs
<u>Commercial</u> Siding	\$35 base fee + \$4 per \$1,000 of job costs
Sign or Billboard	\$110
Solar Panel	\$35
Tap Administration Fee (Water, Sewer, Irrigation)	\$30
Temporary Pole	\$35

Temporary Use Permit Fee	\$35
Tower- New or Modification	\$35 base fee + \$4 per \$1,000 of job costs
Water Service Inspection Fee- Outside City Limits	\$50
Wireless Service in ROW- ROW Rate	\$250 per node, annually
Wireless Service in ROW- Small Cell or Node Fee	\$500 up to 5 nodes, \$250 for each add.
Wireless Service in ROW- Support Pole	\$1,000
Working Without a Permit	\$50 plus doubling of permit fees
Any Other Permit Required	\$50

Deposit – Wrecking Bond

Building not to exceed 5,000 sq. ft.	\$500
5,001 – 100,000 sq. ft.	\$1,500
100,001 sq. ft. or greater	\$5,000

This deposit is non-refundable after 6 months.

Deposit – Curb Cut Bond

Curb Cut Bond	\$3,000
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Fire Permit Fees

Above Ground Tank Install	\$105
Above Ground Tank Removal	\$60
Blasting Permit (one time)	\$100
Blasting Permit (annual)	\$1,030
Boarding Home	\$55
Burning	\$105
Day Care	\$45
Day Home	\$15
Family Care	\$25
Fire Alarm Installation	\$105
Fireworks	\$250
Foster Homes	\$40
Fuel Dispenser Replacement	\$80
Fuel Tank Installation	\$105
Fuel Tank Removal	\$60
Hauling or Transporting LPG	\$55
Hauling/Transporting Flammable or Combustible Liquid	\$50
Hospital	\$300
LPG Tank Hauling/Transport	\$55
LPG Tank Installation	\$55
New Fire Alarm Installation	\$105

Nursing Homes	\$65
Other New Suppression Systems	\$80
Public Displays Inside Malls	\$100
Smoke Control Systems	\$50
Sprinkler Installations	\$130
Sprinkler Installations with Fire Pump	\$180
Sprinkler Test Remodel	\$105
Standpipe Systems	\$105
Suppression System	\$80
Underground Installations	\$105
Underground Tank Install	\$105
Underground Tank Removal	\$60
Water Line Installation	\$105
Welding Permit	\$80



Permit Fee Schedule

New Single Family Residential & Duplex Construction

\$0.135 per square foot

This fee is calculated based on the total square footage under roof and includes permits for the structure, electrical, mechanical, plumbing, flatwork, certificate of occupancy, and plans review. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

New Commercial Construction

Building	\$35 base permit fee plus \$0.12 per square foot
Electrical	\$50 base permit fee plus \$0.01 per square foot
Mechanical	\$50 base permit fee plus \$0.01 per square foot
Plumbing	\$50 base permit fee plus \$0.01 per square foot
Plan Review Only	\$50 base permit fee plus \$0.01 per square foot

This category includes new townhouse, multi-family, & commercial construction including shell buildings, warehouses, and parking garages. This fee is calculated based on the total square footage under roof. This fee does not include permits for fences, storage buildings, accessory structures, lawn irrigation, or swimming pools.

Commercial Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$35 base permit fee plus \$4 per \$1,000 of job costs
Electrical	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Mechanical	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Plumbing	\$50 base permit fee plus \$0.10 per \$1,000 of job costs
Plan Review Only	\$50 base permit fee plus \$0.10 per \$1,000 of job costs

This category includes remodeling, alterations, additions, repairs, and finish-out for commercial construction.

Residential Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$70 base permit fee
Electrical	\$55 base permit fee
Mechanical	\$55 base permit fee
Plumbing	\$55 base permit fee

Plan Review Only \$55 base permit fee

This category includes remodeling, alterations, additions, repairs, siding, and finish-out for residential construction.

Multi-Family Remodeling, Alterations, Additions, Repairs, and Finish-Out

Building	\$70 per unit for units 1 to 8 \$50 per unit for units 9 to 16 \$35 per unit for units 17 and up
Electrical	\$55 base permit fee per unit
Mechanical	\$55 base permit fee per unit
Plumbing	\$55 base permit fee per unit

This category includes remodeling, alterations, additions, repairs, siding and finish-out for multi-family construction.

Miscellaneous

Annual Contractor Registration	\$80 annually
Accessory Structure	\$35
Approach	\$35
Carport, Shed, Deck, or Patio	\$35
Curb Cut	\$35
Demolition	\$55
Fence	\$35
Flatwork, Driveway, or Paving	\$35
House Moving	\$55
Lawn Irrigation	\$110
Manufactured Home Set-Up	\$110
Pool or Spa (In Ground)	\$110
Pool or Spa (Above Ground)	\$35
Re-inspection Fee (paid in person after 3rd time)	\$50
Retaining Wall	\$35
Roof (Residential)	\$35
Roof (Commercial)	\$35 base fee + \$4 per \$1,000 of job costs
Commercial Siding	\$35 base fee + \$4 per \$1,000 of job costs
Sign or Billboard	\$110
Solar Panel	\$35
Tap Administration Fee (Water, Sewer, Irrigation)	\$30
Temporary Pole	\$35
Temporary Use Permit Fee	\$35
Tower- New or Modification	\$35 base fee + \$4 per \$1,000 of job costs
Water Service Inspection Fee- Outside City Limits	\$50

Wireless Service in ROW- ROW Rate	\$250 per node, annually
Wireless Service in ROW- Small Cell or Node Fee	\$500 up to 5 nodes, \$250 for each add.
Wireless Service in ROW- Support Pole	\$1,000
Working Without a Permit	\$50 plus doubling of permit fees
Any Other Permit Required	\$50

Deposit – Wrecking Bond

Building not to exceed 5,000 sq. ft.	\$500
5,001 – 100,000 sq. ft.	\$1,500
100,001 sq. ft. or greater	\$5,000

This deposit is non-refundable after 6 months.

Deposit – Curb Cut Bond

Curb Cut Bond	\$3,000
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Fire Permit Fees

Above Ground Tank Install	\$105
Above Ground Tank Removal	\$60
Blasting Permit (one time)	\$100
Blasting Permit (annual)	\$1,030
Boarding Home	\$55
Burning	\$105
Day Care	\$45
Day Home	\$15
Family Care	\$25
Fire Alarm Installation	\$105
Fireworks	\$250
Foster Homes	\$40
Fuel Dispenser Replacement	\$80
Fuel Tank Installation	\$105
Fuel Tank Removal	\$60
Hauling or Transporting LPG	\$55
Hauling/Transporting Flammable or Combustible Liquid	\$50
Hospital	\$300
LPG Tank Hauling/Transport	\$55
LPG Tank Installation	\$55
New Fire Alarm Installation	\$105
Nursing Homes	\$65
Other New Suppression Systems	\$80
Public Displays Inside Malls	\$100

Smoke Control Systems	\$50
Sprinkler Installations	\$130
Sprinkler Installations with Fire Pump	\$180
Sprinkler Test Remodel	\$105
Standpipe Systems	\$105
Suppression System	\$80
Underground Installations	\$105
Underground Tank Install	\$105
Underground Tank Removal	\$60
Water Line Installation	\$105
Welding Permit	\$80

RESOLUTION NO. 2019-9831-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING VARIOUS FEES ESTABLISHED IN CHAPTER 7 OF THE CODE OF ORDINANCES RELATED TO THE REGULATION OF BUILDING PERMITS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, House Bill 852 prohibits a municipality from considering the value of improvements in determination of residential building permit fees - the fees associated with Chapter 7 of the Code of Ordinances must be modified to comply with new guidelines;

Whereas, proposed changes represented in the fee schedules, which will become effective October 1, 2019 and include the following:

- Separating of Remodeling, Alterations, Additions, Repairs, and Finish-Outs permits into Commercial, Residential, and Multi-Family categories;
- Revising residential and multi-family permit fees for remodeling, alterations, additions, repairs, and finish-outs;
- Including residential siding repairs in the building permit; and
- Revising the Siding permit to a Commercial Siding permit;

Whereas, Staff recommends that Council authorize the setting of various fees established in Chapter 7 of the Code of Ordinances related to the regulation of building permits;

Whereas, many of these fees are currently assessed; however, adoption of this Resolution will formalize these fees and the above proposed changes within the Code of Ordinance - revenue generated from these fees depends on the number of fees assessed or permits issued each year; 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 various fees as established in Chapter 7 of the Code of Ordinances related to the regulation of building permits and as outlined in Exhibit "A," attached hereto and incorporated herein for all purposes.

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

PASSED AND APPROVED this the **19th** day of **September**, 2019.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Interim City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

09/19/19
Item #13
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to the Park and Recreation Advisory Board to fill an unexpired term through March 1, 2022.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of September 1, 2019.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received by the City Secretary.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary - to be provided](#)
[Resolution](#)