



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, DECEMBER 19, 2019

3:30 P.M.

AGENDA

CITY COUNCIL WORKSHOP 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, December 19, 2019.
2. Receive a presentation on the updated Parks Master Plan.
3. *The City Council will enter into executive session to seek the advice of its attorney on pending or contemplated litigation or a settlement offer regarding two anticipated claims pursuant to Texas Government Code Section 551.071 and will conduct a private consultation with its attorney on a matter in which the duty of the attorney to the Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Local Government Code 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. PRESENTATIONS & SPECIAL RECOGNITIONS

3. Presentation by Shay Luedeke, Tax Assessor Collector, of the Child Safety Funds collected in the amount of \$83,550.63.

IV. REPORTS

4. Receive the Temple Economic Development Corporation Annual Report.

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.

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

Minutes

- (A) [November 7, 2019 Special & Regular Called Meeting](#)
- (B) [December 5, 2019 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (C) [2019-9925-R](#): Consider adopting a resolution authorizing a construction contract with Mid-American Golf and Landscape, Inc., of Lee's Summit, Missouri, to replace an existing pump station at Sammons Golf Course, in the amount of \$361,441.
- (D) [2019-9926-R](#): Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, to design improvements for Phase IV of the City of Temple Corporate Hangar area, in an amount not to exceed \$126,700.
- (E) [2019-9927-R](#): Consider adopting a resolution authorizing an agreement with Cooksey Communications, Inc. to provide strategic communications consulting services including a marketing and communications audit and assessment, policies update, and communications planning, in an estimated amount of \$50,000.
- (F) [2019-9928-R](#): Adopt a resolution authorizing an interlocal agreement to fund the study of the feasibility of aquifer storage and recovery projects within Bell County.
- (G) [2019-9929-R](#): Consider adopting a resolution authorizing an interlocal agreement with National Intergovernmental Purchasing Alliance Company, dba OMNIA Partners Public Sector, of Franklin, Tennessee, to enable the City to utilize contracts competitively procured by OMNIA Partners.
- (H) [2019-9930-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for environmental planning services for Phase 5 of the Outer Loop in the amount of \$64,300.
- (I) [2019-9931-R](#): Consider adopting a resolution authorizing contract amendment #4 to the professional services agreement with Kasberg, Patrick & Associates, LP, for environmental planning services for Phase 6 of the Outer Loop, in the amount of \$51,700.
- (J) [2019-9932-R](#): Consider adopting a resolution authorizing contract amendment number two to the professional services agreement with Kasberg, Patrick & Associates, LP, for the Veterans Memorial Blvd. Improvements Project in the deductive amount of \$148,319.50.
- (K) [2019-9933-R](#): Consider adopting a resolution authorizing an increase to the estimated expenditure from \$40,000 to \$105,000 for interim City Attorney services provided by Naman, Howell, Smith & Lee, PLLC.
- (L) [2019-9934-R](#): Consider adopting a resolution approving change order #8 with Choice Builders, LLC of Temple to provide utilities and site work at Crossroads Park tennis courts, in the amount of \$155,000.
- (M) [2019-9935-R](#): Consider amending resolution 2019-9861-R to relocate the easement granted to Atmos Energy Corporation to construct aboveground gas pipeline facilities as part of the replacement of an existing gas pipeline.
- (N) [2019-9936-R](#): Consider adopting a resolution authorizing the City Manager to accept funding through the Texas School Safety Center at Texas State University, for the purpose of enforcing Subchapter 161 Texas Health and Safety Code, in the amount of \$11,125, and to execute any associated interlocal agreement.

- (O) [2019-9937-R](#): Consider adopting a resolution authorizing the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$141,000.
- (P) [2019-9938-R](#): Consider adopting a resolution authorizing the purchase of FARO 3D system to be able to reconstruct crime/traffic scenes for the Police Department from FARO Technologies, Incorporate of Lake Mary, Florida in the amount of \$57,203.85.
- (Q) [2019-9939-R](#): Consider adopting a resolution authorizing the purchase of an integrated catchment, hydraulic and hydrologic modeling solution with Innovyze Inc. of Portland, Oregon, in the amount of \$74,160.
- (R) [2019-9940-R](#): Consider adopting a resolution authorizing the purchase of an annual subscription for a recruiting/application services and learning management system cloud-based platform from Cornerstone OnDemand, Inc. of Santa Monica, California, in the amount of \$73,857.
- (S) [2019-9941-R](#): Consider adopting a resolution authorizing the annual purchase of computer replacement hardware for FY 2020 from GovConnection, Inc., of Merrimack, New Hampshire, in the estimated annual amount of \$126,000.
- (T) [2019-9942-R](#): Consider adopting a resolution authorizing the purchase of 116 metal refuse containers from Wastequip Manufacturing Company, LLC of Beeville, in the amount of \$164,672.
- (U) [2019-9943-R](#): Consider adopting a resolution authorizing the purchase of a 16-foot cutting width mower from Professional Turf Products, L.P. of Euless, in the amount of \$101,924.87, as well as, declare an official intent to reimburse the expenditures with the issuance of 2020 Limited Tax Notes.
- (V) [2019-9944-R](#): Consider authorizing payment of the Water System Fee to the Texas Commission on Environmental Quality for operation of Temple's water system, in the amount of \$83,349.

Ordinances – Second & Final Reading

- (W) [2019-5010](#): SECOND & FINAL READING – FY-20-1-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a veterinary hospital and kennels at 610 Hilliard Road, Temple, Texas.

Misc.

- (X) [2019-9945-R](#): Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for the year ending September 30, 2019.
- (Y) [2019-9946-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.

VI. REGULAR AGENDA

ORDINANCES – SECOND READING / PUBLIC HEARING

6. **2019-5011:** SECOND READING – PUBLIC HEARING – FY-20-3-ZC: Consider an ordinance adopting a site development plan and rezoning from Agricultural and Single Family-Three to Planned Development-General Retail on 0.348 +/- acres and Planned Development-General Retail with a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue, on 0.108 +/- acres and 1.456 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Prairie View Road and east of Westfield Boulevard.
7. **2019-5012:** SECOND READING – PUBLIC HEARING – FY-20-5-ZC: Consider adopting an ordinance authorizing a rezoning from Central Area to Planned Development-Central Area zoning district with a site development plan, to allow a brewery for alcohol sales at 8 South 1st Street.
8. **2019-5013:** SECOND READING – PUBLIC HEARING – FY-20-4-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a microbrewery for alcohol sales at 8 South 1st Street.

ORDINANCES – FIRST READING / PUBLIC HEARING

9. **2019-5014:** FIRST READING – PUBLIC HEARING: Consider approving an ordinance adopting the Temple Parks & Recreation Department's Youth Programs Standards of Care and approving the 2019 annual report.

RESOLUTIONS

10. **2019-9947-R:** Consider authorizing a resolution adopting the 2019 Parks, Recreation, Open Space and Trails Master Plan prepared by Halff and Associates, Inc. of Austin, Texas.

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 9:30 AM, December 16, 2019. This notice was posted in a public place at 9:40 AM, this same day.



Deputy City Secretary

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.*



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #5(A-B)
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DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Deputy City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) November 7, 2019 Special & Regular Called Meeting
- (B) December 5, 2019 Special & Regular Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

[November 7, 2019 Special & Regular Called Meeting Minutes / Video](#)
[December 5, 2019 Special & Regular Called Meeting Minutes / Video](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(C)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Mid-American Golf and Landscape, Inc., of Lee's Summit, Missouri, to replace an existing pump station at Sammons Golf Course, in the amount of \$361,441.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2016, the vertical pump on the south side of the Sammons Golf Course was replaced. There is a second vertical pump station adjacent to Lake Jim Thornton on the golf course that was installed in 1987, and this pump has reached the end of its useful life. Both pump stations provide irrigation for the golf course. Authorization of this construction contract with Mid-American Golf and Landscape, Inc. (Mid-American) will allow for the replacement of this second pump located on the north side of Lake Jim Thornton.

As shown on the attached bid tabulation, on December 5, 2019, one bid was received for the construction project from Mid-American in the amount of \$361,441. As indicated in the attached engineer's letter of recommendation, the receipt of only one bid was both surprising and disappointing given that four other contractors attended the pre-bid meeting and showed interest in the project. Based on the engineer's estimate of probable cost being \$423,188, even with the lack of multiple bids, the consulting engineer and Staff believe that the pricing received from Mid-American is fair and reasonable, and Mid-American has a well-regarding reputation.

A major element of the project is extending the existing pipe to the deepest part of the lake in order to have access to additional water to irrigate the course. Currently, the pipe is in the small channel next to the pump station, and during drought periods, this channel gets cut off from the main body of the lake. As part of the project, Mid-American will bore under the tee boxes on the 18th hole and extend the pipe out to reach the deepest part of the lake, which will increase the amount of water that can be drawn out of the lake and eliminate the need to purchase potable city water during times of limited rain fall.

Construction of this project is expected to be complete by the end of June 2020. based on 180. designated construction days.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate funding for the construction contract with Mid-American Golf and Landscape, Inc. to replace an existing pump station at Sammons Golf Course. Funding in the amount of \$361,441 will be available in account 362-3100-551-6840, project 102002, as follows:

Project Budget	\$	28,000
Budget Adjustment		361,641
Encumbered/Committed to Date		(28,200)
Mid-American Golf and Landscape, Inc.		(361,441)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

- [Rabroker Associates, PC Letter of Recommendation](#)
- [Bid Tabulation](#)
- [Budget Adjustment](#)
- [Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager
M. Sean Parker, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Kasberg, Patrick and Associates, LP, to design improvements for Phase IV of the City of Temple Corporate Hangar area, in an amount not to exceed \$126,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will consist of constructing a proposed 130 foot by 112-foot concrete hangar apron, roadway extension, storm water improvements, water/wastewater extensions, and other miscellaneous improvements for Phase IV of the City of Temple Corporate Hangar area at the Draughon-Miller Central Texas Regional Airport. Work to be performed under this contract consists of providing professional engineering services for design and preparation of plans, specifications and estimate, as well as bidding, construction administration and on-site representation.

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

Design	\$ 62,100
Bidding Services	5,000
Construction Administration	27,100
On-Site Representation	<u>32,500</u>
TOTAL	<u>\$ 126,700</u>

Timeframe for design is four months from the Notice to Proceed. The preliminary opinion of probable construction cost is \$1,370,000.

The Airport Advisory Board recommended approval to the Reinvestment Zone Board regarding this agreement at the December 10th meeting. The Reinvestment Zone Board recommended approval to the City Council regarding this agreement at the December 11th meeting.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 511, account 795-9500-531-6558, project 101800, to design improvements for Phase IV of the City of Temple Corporate Hangar area, in an amount not to exceed \$126,700 as shown below:

Project Budget	\$	1,500,000
Encumbered/Committed to Date		-
KPA Professional Services Agreement		<u>(126,700)</u>
Remaining Project Funds	\$	<u>1,373,300</u>

ATTACHMENTS:

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



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Heather Bates, Director of Marketing & Communications

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Cooksey Communications, Inc. to provide strategic communications consulting services including a marketing and communications audit and assessment, policies update, and communications planning, in an estimated amount of \$50,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple Marketing and Communications Department staff reached out to 14 strategic communications firms throughout the state with demonstrated experience in communications audits/assessments as well as the creation of communications plans and policies for state/local governmental agencies. Staff received five informal proposals based on the City's requested needs and Cooksey Communications, Inc. was chosen as the most qualified firm to meet the City's needs, timeline, and budget. Work to be performed under this contract consists of a communications assessment as well as strategic communications planning services and communications policy review for the City of Temple.

Consultant services recommended under this professional services agreement include an internal assessment of the City's Marketing and Communications staffing and resources, review and recommendations based on the City's brand guidelines, an inventory and assessment of the City's external communications, social media, and digital media assets, an assessment of the City's Code Red and Civic Send platforms, an assessment of the City's community engagement efforts and needs, a benchmark of the City's performance relative to five peer cities, a review, assessment, and revision of the City's Marketing and Communications policies and the creation of community engagement policies, guidance on policies related to community sponsorship and advertising, updating the City's social media policies, development of strategic communications, community engagement, and social media plans, and development of a crisis communications plan.

FISCAL IMPACT: Funding is available in the FY 2020 Operating Budget in account 110-6700-519-2616 to fund this professional services agreement with Cooksey Communications, Inc. in an estimated amount of \$50,000.

ATTACHMENTS:
[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager

ITEM DESCRIPTION: Adopt a resolution authorizing an interlocal agreement to fund the study of the feasibility of aquifer storage and recovery projects within Bell County.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple was approached by Bell County about participating in a study to identify potential project sites for aquifer storage and recovery (ASR). In general terms ASR is the storage of unused surface water underground for recovery in the future. ASR has the potential to help the City extend its available water capacity into the future beyond the currently projected year 2070. The proposed interlocal agreement authorizes Phase 1 of a three-phase study. The City of Temple's contribution is \$2,778.

There are a total of nine parties participating in this agreement including: Bell County, Texas; City of Temple, Texas; Bell County Water Control Improvement District #1 (WCID#1); Central Texas Water Supply Corporation (CTWSC); Brazos River Authority (BRA), City of Rogers, Texas; City of Belton, Texas; Fort Hood; and the Clearwater Underground Water Conservation District ("CUWCD").

FISCAL IMPACT: Funding in the amount of \$2,778 is available in account 520-5000-535-2616 to fund the City's share of the study of the feasibility of aquifer storage and recovery projects.

ATTACHMENTS:

[ILA](#)
[Project Proposal](#)
[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with National Intergovernmental Purchasing Alliance Company, dba OMNIA Partners Public Sector, of Franklin, Tennessee, to enable the City to utilize contracts competitively procured by OMNIA Partners.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this agreement will allow for staff to evaluate and purchase goods and services utilizing contracts competitively procured by National Intergovernmental Purchasing Alliance Company, dba OMNIA Partners Public Sector (OMNIA Partners), a purchasing cooperative for public agencies.

On May 24, 2018, OMNIA Partners announced its acquisition of Communities Program Management, LLC, the organization that manages the operations of the US Communities Government Purchasing Alliance cooperative program. OMNIA Partners is a national group purchasing organization that includes four subsidiaries: National IPA (formerly TCPN), Prime Advantage, Corporate United, and US Communities. Historically, the City has utilized the National IPA, TCPN and US Communities cooperative programs.

It is staff's desire to be able to evaluate and consider purchasing goods and services utilizing cooperative contracts procured by OMNIA Partners. In order to facilitate the evaluation of these available cooperative contracts the City must exercise the attached Master Intergovernmental Cooperative Purchasing Agreement with OMNIA Partners.

State law encourages participation in cooperatives to eliminate duplication of efforts, thereby saving taxpayers' dollars. In accordance with the Council-adopted Monetary Guidelines, staff will bring forth to Council any proposed purchase greater than \$50,000.

FISCAL IMPACT: There is no membership fee for the City to utilize contracts for goods and services procured through OMNIA Partners.

ATTACHMENTS:

[OMNIA Partners Master Intergovernmental Cooperative Purchasing Agreement Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, P.E., CFM, Director of Public Works
Richard Wilson, P.E., CFM, CityEngineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for environmental planning services for Phase 5 of the Outer Loop in the amount of \$64,300.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The Outer Loop south of FM 2305 is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH-35. Phase 3A at Adams Avenue has recently been constructed and Phase 3B to extend the Outer Loop just south of Jupiter Drive is now under construction. Phases 4 through 6 will continue the arterial roadway southward with Phase 5 consisting of 3,700 linear feet of roadway beginning just south of the future connection of Poison Oak Road (see Project Map).

On October 4, 2018, Council authorized a contract with KPA, in the amount of \$519,150 for professional services required for final design of proposed improvements to Phase 5 of the Outer Loop.

On January 16, 2019, KTMPO allocated available Category 7 federal funds for Outer Loop West Phase 1, internally referred to as Phase 4 of the Outer Loop. The environmental assessment services as described below are required by TxDOT for all phases of the Outer Loop since it's part of a package of projects.

On May 15, 2019, the City approved a contract amendment with KPA in the amount of \$9,900 for the Environmental Investigation to determine the environmental scope of Outer Loop projects from Phase 4 to IH-35 and to prepare the Classification Letter required by the National Environmental Policy Act (NEPA). On August 1, 2019, TxDOT Environmental Affairs approved the Classification Letter request for an Environmental Assessment (EA).

On December 11, 2019, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize this contract amendment to the professional services agreement.

This contract amendment includes services to complete the required EA, including the following tasks and costs:

Preparation of EA documents and FONSI	\$ 8,000
Archeological Coordination with TxDOT	1,000
Historical Project Coordination, Survey & Report	5,000
Biological Evaluation and HazMat ISA	2,000
WOTUS Delineation	5,000
Section 4(f), 6(f) and Community Impact Analysis	11,000
Indirect, Cumulative, Noise & Air Quality Analysis	12,300
Public Involvement Meeting & Hearing	13,000
Project Management & Progress Reports	<u>7,000</u>
TOTAL	<u>\$ 64,300</u>

See the Engineer’s Proposal for further details. The current OPC is \$8,880,000 for roadway and utilities with a projected bid date in FY 2025.

The Reinvestment Zone Board recommended approval to the City Council regarding this contract amendment at the December 11th board meeting.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 316, account 795-9600-531-6813, project 101824, to fund contract amendment #1 for environmental planning services for Phase 5 of the Outer Loop in the amount of \$64,300 as shown below:

Project Budget	\$ 2,820,000
Encumbered/Committed to Date	(871,865)
Contract Amendment #1 - KPA	(64,300)
Remaining Project Funds	<u>\$ 1,883,835</u>

The City will be applying for grant funding for the construction of the future phases of the Outer Loop.

ATTACHMENTS:

- [Engineer’s Proposal](#)
- [Contract Amendment](#)
- [Project Map](#)
- [Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing contract amendment #4 to the professional services agreement with Kasberg, Patrick & Associates, LP, for environmental planning services for Phase 6 of the Outer Loop, in the amount of \$51,700.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The Outer Loop south of FM 2305 is a critical north-south arterial that will connect the Adams Avenue growth corridor to IH-35. Phase 3A at Adams Avenue has been constructed and Phase 3B to extend the Outer Loop just south of Jupiter Drive is now under construction. Phases 4 through 6 will continue the arterial roadway southward with Phase 6 extending from Old Waco Road to IH-35. (see Project Map).

On March 2, 2017, Council authorized a professional services agreement with KPA in the amount of \$391,906 for preliminary design of Phase 6 of the Outer Loop, which is now complete. On June 26, 2017 and April 6, 2018, the City approved contract amendment #1 in the amount of \$13,600 for acquisitions of rights-of-entry for investigation, design purposes and for adding design time to the contract. On April 6, 2018, the City approved contract amendment #2 for additional design time. On October 25, 2018, Council authorized contract amendment #3 in the amount of \$816,400 for final design.

On January 16, 2019, KTMPO allocated available Category 7 federal funds for Outer Loop West Phase 1, internally referred to as Phase 4 of the Outer Loop. The environmental assessment services as described below are required by TxDOT for all phases of the Outer Loop since it's part of a package of projects.

On May 15, 2019, the City approved a contract amendment with KPA in the amount of \$9,900 for the Environmental Investigation to determine the environmental scope of Outer Loop projects from Phase 4 to IH-35 and to prepare the Classification Letter required by the National Environmental Policy Act (NEPA). On August 1, 2019, TxDOT Environmental Affairs approved the Classification Letter request for an Environmental Assessment (EA).

On December 11, 2019, the Reinvestment Zone No. 1 Board approved to recommend that Council authorize Contract Amendment #4 to the professional services agreement.

Contract Amendment #4 includes services to complete the required EA, including the following tasks and costs:

Preparation of EA documents and FONSI	\$ 7,000
Archeological Coordination with TxDOT	500
Historical Project Coordination, Survey & Report	3,000
Biological Evaluation and HazMat ISA	1,000
WOTUS Delineation	4,000
Section 4(f), 6(f) and Community Impact Analysis	3,500
Indirect, Cumulative, Noise & Air Quality Analysis	13,700
Public Involvement Meeting & Hearing	13,000
Project Management & Progress Reports	<u>6,000</u>
TOTAL	<u>\$ 51,700</u>

See the Engineer’s Proposal for further details. The current OPC is \$15,125,000 for roadway and utilities with a projected bid date in FY 2025.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 320, account 795-9600-531-6557, project 101585, to fund contract amendment #1 for environmental planning services for Phase 6 of the Outer Loop in the amount of \$51,700 as shown below:

	Project Budget	\$ 3,340,000
	Encumbered/Committed to Date	(1,613,593)
	Contract Amendment #1 - KPA	(51,700)
	Remaining Project Funds	<u>\$ 1,674,707</u>

The City will be applying for grant funding for the construction of the future phases of the Outer Loop.

ATTACHMENTS:

- [Engineer’s Proposal](#)
- [Contract Amendment](#)
- [Project Map](#)
- [Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing contract amendment number two to the professional services agreement with Kasberg, Patrick & Associates, LP, for the Veterans Memorial Blvd. Improvements Project in the deductive amount of \$148,319.50.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The original contract to provide survey, design and construction phase services was authorized by City Council on October 1, 2015 in the amount of \$896,700. Contract amendment #1, which deducted construction phase services, was authorized by City Council on July 7, 2016 in the deductive amount of \$275,000.

The attached proposal would deduct final design, electrical design and landscape design, but will add preliminary drainage design services of Friars Creek from Loop 363 to Veterans Memorial Boulevard for a total deductive amount of \$148,319.50.

Delete:

Final Design	(\$131,320.00)
Electrical Design	(44,667.00)
Landscape Design	<u>(90,832.50)</u>
Total to be deleted	(266,819.50)

Add:

30% Drainage Design	<u>118,500.00</u>
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Net deductive contract amendment	<u>(\$148,319.50)</u>
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The Reinvestment Zone Board recommended approval to the City Council regarding this contract amendment at the December 11th board meeting.

Please see the project map and engineer's proposal for further details.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 461, account 795-9500-531-6567, project 101263, for net deductive contract amendment #2 for the Veterans Memorial Blvd. Improvements as shown below:

Project Budget	\$	473,898
Encumbered/Committed to Date		(622,217)
Net Contract Amendment #2 - KPA		148,319
Remaining Project Funds	\$	<u><u>-</u></u>

The net effect of the deductive contract amendment is to add the preliminary design services of Friars Creek from Loop 363 to Veterans Memorial Boulevard in the amount of \$118,500.

ATTACHMENTS:

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



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase to the estimated expenditure from \$40,000 to \$105,000 for interim City Attorney services provided by Naman, Howell, Smith & Lee, PLLC.

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

ITEM SUMMARY: On May 6, 2019, Kayla Landeros announced her resignation as the City Attorney of Temple and accepted a position as a member of Naman, Howell, Smith & Lee, PLLC. On July 18, 2019, Council authorized the engagement of Naman, Howell, Smith & Lee, PLLC, in the estimated amount of \$40,000, for interim city attorney services until a new city attorney was appointed. Katherine Davis was appointed by the Council on November 7, 2019, as the new City Attorney, and Ms. Davis started her employment with the City on December 9, 2019, which ended the need for interim city attorney services from Naman, Howell, Smith & Lee, PLLC.

More interim city attorney services were needed from Naman, Howell, Smith & Lee, PLLC than was originally estimated. Accordingly, Staff is requesting that Council authorize an increase in the expenditure for interim city attorney fees from \$40,000 to \$105,000 to cover the interim city attorney services provided by Naman, Howell, Smith & Lee, PLLC from August 2019 thru December 8, 2019.

FISCAL IMPACT: Funding is available in account 110-1600-512-2616 for the engagement of Naman, Howell, Smith & Lee, PLLC to provide interim city attorney services.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks & Recreation

ITEM DESCRIPTION: Consider adopting a resolution approving change order #8 with Choice Builders, LLC of Temple to provide utilities and site work at Crossroads Park tennis courts, in the amount of \$155,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this change order will provide the utilities and site work for a restroom facility with a small climate-controlled office space at the tennis court area of Crossroads Park. We currently have six tennis courts with parking along Prairie View Road. A key item that is missing is a restroom for tennis players as well as users of the trail system within the park.

Council originally authorized a contract with Choice Builders, LLC on March 1, 2018, for the construction of the civil components of Crossroads Park in the amount of \$7,091,236.60. To date, seven change orders have been executed under this construction contract totaling \$503,878.59. With this proposed change order totaling \$155,000, the adjusted contract value will be \$7,750,115.19, and change orders will represent 9.3% of the original value of the contract.

As indicated in the attached letter of recommendation, Kasberg, Patrick, and Associates, LP of Temple, along with City staff have reviewed this change order and is in support of it.

It is anticipated that Staff will be coming back to Council in January with a recommendation related to the addition of the restroom building adjacent to the Crossroads tennis courts.

FISCAL IMPACT: Funding for change order #8 with Choice Builders, LLC to provide utilities at the Crossroads Park tennis courts in the amount of \$155,000 is available as shown below:

	City Funding 101311	RZ #1 Funding 101005	Total Funding
	362-3500-552-6402	795-9500-531-6867	
		795-9800-531-6867	
Project Budget	\$ 14,313,691	\$ 6,825,000	\$ 21,138,691
Encumbered/Committed to Date	(13,941,913)	(6,733,810)	(20,675,723)
Choice Builders, LLC Change Order #8	(155,000)	-	(155,000)
Remaining Project Funds	\$ 216,778	\$ 91,190	\$ 307,968

ATTACHMENTS:

- [KPA Recommendation Letter](#)
- [Change Order #8](#)
- [Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider amending resolution 2019-9861-R to relocate the easement granted to Atmos Energy Corporation to construct aboveground gas pipeline facilities as part of the replacement of an existing gas pipeline.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Atmos Energy Corporation (Atmos) is the local natural gas delivery provider and currently has natural gas facilities (facilities) in existing easements throughout the City. Atmos recently began a project to upgrade and replace one their existing pipeline facilities. A portion of this pipeline is located in an easement on City of Temple property near Charter Oak Drive and Cryer Lane. As part of the replacement project, Atmos sought an Aboveground Facilities Easement Agreement with the City. The above ground facilities area is also called a surface site area. The City and Atmos agreed to a 50-foot x 50-foot, or 0.057-acre, easement to replace a smaller existing surface site on the same City property. Atmos compensated the City \$5,000.00 for the easement.

After further design review, Atmos contacted the City seeking to move the location of the easement. The size of the easement will remain the same. The Public Works Department has reviewed the proposed new location of Atmos's replacement gas pipeline and has indicated it will not interfere with existing City infrastructure.

FISCAL IMPACT: On November 21, 2019, Atmos Energy Corporation paid the City \$5,000 for the easement. Proceeds received were deposited into account 110-0000-461-0423, Sale of Land.

ATTACHMENTS:

[Proposed Easement Agreement](#)
[Survey and Field Notes for Easement Property](#)
[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to accept funding through the Texas School Safety Center at Texas State University, for the purpose of enforcing Subchapter 161 Texas Health and Safety Code, in the amount of \$11,125, and to execute any associated interlocal agreement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Texas law prohibits the sale or distribution of tobacco products to any person under the age of 21. The City has received grant funding from the Texas School Safety Center (TxSSC) at Texas State University for the enforcement of underage tobacco sales in the amount of \$11,125. The police department proposes to use funding from the TxSSC to conduct covert investigations into the possible illegal sales of tobacco products to minors that violate the Health and Safety Code, §161.082. All activity under the grant must be reported on a monthly basis to TxSSC. The TxSSC is acting on behalf of the Department of State Health Services.

The purpose of this funding is to enforce Subchapter 161 Texas Health and Safety Code, 161.082 – Sale of cigarettes, e-cigarette, or tobacco products to persons younger than 21 years of age prohibited: Proof of age required. This is the seventh year in a row the City has received funding.

FISCAL IMPACT: TxSSC will reimburse contracted law enforcement agencies \$125.00 for each correct and completed controlled buy/sting and follow-up reported on the Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report form (TEP-102 (Rev 6/20/2019)). The police department plans to conduct investigations at rate of 100% of the permitted outlets, meaning that 89 investigations are planned for all the tobacco permitted retail outlets and vape stores. The Agreement is effective upon execution of this contract and shall terminate on August 2020.

The City has been awarded \$11,125 in grant funds under this agreement. A budget adjustment is being presented to Council for approval to appropriate funding in the amount of \$11,125. It is estimated that it will cost \$4,450 in overtime hours as well as operational and fuel costs of \$1,000 for police vehicles. The total estimated expense is \$5,450. The remaining revenue would pay officer's overtime for conducting compliance inspections on retail locations and provide education services to the public in the area of state laws pertaining to tobacco sales to persons under the age of 21.

ATTACHMENTS:

[Interlocal Cooperation Contract](#)
[Budget Adjustment](#)
[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$141,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In April 2017, Council authorized a professional services agreement with KPA to analyze and update Temple's Water Master Plan. The results of this study concluded that replacement of the existing 250,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity will address the low pressure and water quality concerns in the area.

The project design requires approximately one acre for the new tank. A property that meets the necessary engineering design and environmental requirements has been identified. The City contacted the owner of the property and made an offer to purchase approximately one acre and an access and public utility easement. After negotiations, the City and Owner reached an agreement to purchase the 0.997-acre site and easement for \$152,002 (\$3.50/sf). The City will convey to the Owner the current site of the Pepper Creek Elevated Storage Tank upon completion of the new tank and demolition of the old. The current site is approximately 0.23-acre and the agreed fair market value is \$1.40/sf, or \$14,026. This amount will be credited towards the City's purchase of the property, resulting in a net sales price of \$137,976. Local Government Code § 272.001(b)(3) permits the City to exchange land originally acquired for a public purpose for other land to be used for a public purpose, including transactions partly for cash.

At this time, Staff is asking for authorization to purchase the of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$141,000.

The property is addressed as 11934 FM 2305 Temple, Texas and has Bell CAD ID Nos. 193710 and 123203.

FISCAL IMPACT: Funding for the purchase of property necessary for the construction of the Pepper Creek Elevated Storage Tank and authorizing closing costs associated with the purchase in an estimated amount of \$141,000 is available in account 520-5900-535-6110, project 102145.

ATTACHMENTS:

[Survey](#)
[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of FARO 3D system to be able to reconstruct crime/traffic scenes for the Police Department from FARO Technologies, Incorporate of Lake Mary, Florida in the amount of \$57,203.85.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple Police Department's current equipment and software that the traffic and detective unit use to reconstruct crime/traffic scenes will be obsolete as of January 2020. The current equipment and software are approximately 12 to 15 years old. Beginning next year, updates, including support, will no longer be offered at that time. After extensive research, the Police Department learned that most Texas agencies have moved from the current 2D technology that we currently use, to utilizing 3D technology. The two main distributors of that technology are the FARO system and the Leica system. The cost of the Leica system is greater than the price of the FARO system. The FARO system has been proven to reduce the time spent on processing crime and accident scenes. Man-hours are saved due to the ability of the FARO system to take measurements, calculate formulas from the measurements, produce diagrams and reenactments.

The purchase of the FARO system is being recommended for purchase from FARO Technologies, Inc. utilizing the cooperative purchasing through GSA contract #GS-07F-197GA. Contracts awarded through GSA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: A budget adjustment is being presented to Council to appropriate funding for the FARO system through state seized funds in the amount of \$57,204. After approval of the budget adjustment, funding will be available in account 110-2041-521-6229, project number 102201, as follows:

Project Budget	\$	-
Budget Adjustment		57,204
Encumbered/Committed to Date		-
FARO Technologies		(57,204)
Remaining Project Funds Available	\$	-

ATTACHMENTS:
[Budget Adjustment Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Richard Wilson, City Engineer
Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an integrated catchment, hydraulic and hydrologic modeling solution with Innovyze Inc. of Portland, Oregon, in the amount of \$74,160.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently has an updated water distribution model completed every ten years or more through an engineering firm. The City funded a position within the Engineering department for the purpose of completing water distribution models on an ongoing basis in an effort to avoid water asset failures. The first phase of the project was approved for modeling of water distribution systems in May of 2019. This will be the second phase in an effort to have a fully integrated water, sewer and catchment modeling software.

InfoWorks ICM is an advanced integrated catchment modeling software. You can model complex hydraulic and hydrologic network elements quickly, accurately, and collaboratively. InfoWorks ICM helps you plan for capacity improvements, system expansions, and emergency scenarios.

InfoWorks ICM enables engineers to create a unified model that contains notable elements in both natural and constructed channels. Adding manholes, pipes, inlets, bridges, sluices, weirs and pumps lets you accurately model for 1D hydrodynamic simulations and 2D simulations in urban environments and river floodplains, all in a single software solution.

A Review team within the Public Works and GIS staff reviewed multiple vendors and the InfoWater Pro Suite software was selected in May of this year. Staff is recommending the approval of the InfoWorks ICM software for a completely integrated solution through the same software provider that is the leader in the industry.

FISCAL IMPACT: Funding for the purchase of an integrated catchment, hydraulic and hydrologic modeling solution software with Innovyze Inc., in the amount of \$74,160 is available as follows:

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Amount</u>
Innovyze ICM - Software	520-5400-535-6221	102055	\$30,900
Innovyze ICM - Software	292-2900-534-6221	102055	30,900
Innovyze ICM - Maintenance	292-2900-534-2338	N/A	6,180
Innovyze ICM - Maintenance	520-5400-535-2338	N/A	6,180
Total Funds Available			<u>\$ 74,160</u>

ATTACHMENTS:
[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of an annual subscription for a recruiting/application services and learning management system cloud-based platform from Cornerstone OnDemand, Inc. of Santa Monica, California, in the amount of \$73,857.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization to purchase software subscriptions from Cornerstone OnDemand, Inc. (Cornerstone) will provide recruiting/application services and learning management system.

Based on a formal Request for Proposal (RFP) process that was completed in 2015, on September 3, 2015, Council authorized the purchase of a learning management platform from Cornerstone, an online software company that specializes in management systems for HR departments. In 2017, the City expanded the use of the Cornerstone platform by implementing Cornerstone's recruitment/application module. Staff recommends the continued use of the current software through 2021. In 2021 the City will go live with a new Human Resources and Payroll Suite from Ceridian Dayforce that will replace the Cornerstone software.

Cornerstone manufactures its cloud-based platform, and Cornerstone only sells its platform direct to customers. Accordingly, Staff is recommending the purchase of the Cornerstone subscriptions as a single source procurement as allowed under the Local Government Code §252.022(a)(7).

FISCAL IMPACT: Funding for the learning management system, recruiting, and onboarding subscriptions from Cornerstone OnDemand in the amount of \$73,857 is included in the adopted FY 2020 Operating Budget as follows:

<u>Description</u>	<u>Account #</u>	<u>Amount</u>
Cornerstone LMS Yearly Subscription (General Fund 82.9%)	110-1900-519-2515	\$ 42,328.74
Cornerstone LMS Yearly Subscription (Drainage Fund 2.18%)	292-2900-534-2515	1,113.11
Cornerstone LMS Yearly Subscription (H/M Fund 2.92%)	240-4400-551-2515	1,490.95
Cornerstone LMS Yearly Subscription (Water/Wastewater Fund 12.00%)	520-5000-535-2515	6,127.20
Cornerstone Recruiting/OnBoarding Suite	110-1900-519-2515	14,297.00
Choice Customer Success Package (General Fund 82.9%)	110-1900-519-2515	7,046.50
Choice Customer Success Package (Drainage Fund 2.18%)	292-2900-534-2515	185.30
Choice Customer Success Package (H/M Fund 2.92%)	240-4400-551-2515	248.20
Choice Customer Success Package (Water/Wastewater Fund 12.00%)	520-5000-535-2515	1,020.00
Total Funds Available		\$ 73,857.00

ATTACHMENTS:
[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the annual purchase of computer replacement hardware for FY 2020 from GovConnection, Inc., of Merrimack, New Hampshire, in the estimated annual amount of \$126,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

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

It is anticipated in FY 2020 that 120 desktop and laptop computer replacements will be purchased. The desktops and laptops to be replaced are currently four to five-years old.

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

FISCAL IMPACT: A budget adjustment is presented for Council approval to appropriate Technology funds in the amount of \$126,000 for the purchase of Dell desktops, laptops, and tablets from GovConnection, Inc. The funds will be appropriated in account 351-1900-519-2221, Computer Equipment.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Justin Brantley, Solid Waste Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 116 metal refuse containers from Wastequip Manufacturing Company, LLC of Beeville, in the amount of \$164,672.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Each year the Solid Waste Division purchases new metal frontload, sideload, and roll-off refuse containers both for new service and for regular container replacement, for both garbage and recycling services. This recommended purchase is for seven-3cyd frontload containers, eight-4cyd frontload containers, 14-6cyd frontload containers, 53-8cyd frontload containers, six-3cyd sideload containers, nine-4cyd sideload containers, one-20cyd roll-off container, seven-30cyd roll-off containers, and eleven-40cyd roll-off containers.

Wastequip, LLC has been awarded Houston-Galveston Area Council (H-GAC) Contract No. RH08-18 on August 1, 2018. Contracts awarded through H-GAC have been competitively procured and meet the statutory procurements requirements for Texas municipalities.

The City has procured containers from Wastequip for many years, and staff has found them to be a responsible vendor.

FISCAL IMPACT: Funding has been appropriated in the FY 2020 Operating Budget as follows:

Description	Account #	Budget	Proposed Expenditure
Frontload Metal Containers	110-2350-540-2211	\$48,197	\$43,497.00
Sideload Metal Containers	110-2360-540-2211	20,381	17,881.00
Roll-Off Containers	110-2370-540-2211	75,738	75,726.50
Roll-Off Containers	110-3795-524-2211	8,681	8,680.50
Recycle Metal Containers	110-2380-540-2211	19,716	18,887.00
	Total	\$172,713	\$164,672.00

ATTACHMENTS:

[Resolution](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Fleet Services Director
Kevin Beavers, Parks & Leisure Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 16-foot cutting width mower from Professional Turf Products, L.P. of Euless, in the amount of \$101,924.87, as well as, declare an official intent to reimburse the expenditures with the issuance of 2020 Limited Tax Notes.

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

ITEM SUMMARY: The Parks Department has a batwing mower that has been identified for routine replacement in the FY2020 Budget. The equipment mows multiple TxDOT and high-profile areas throughout the city. Staff is recommending the purchase of a Toro Groundsmaster 5900, a 16-foot cutting width batwing mower, which will allow the transition of Asset #13379 into the reserve mower fleet and the sale of Asset #12815, a 2008 mower.

Professional Turf Products, L.P. has been awarded contract #529-17 by BuyBoard, which Staff is recommending for this purchase. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: This mower is being funded with the issuance of the 2020 Limited Tax Notes. We are declaring an official intent to reimburse for this purchase. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding for the purchase of a 16-foot mower from Professional Turf Products in the amount of \$101,924.87 will be available in account 364-3500-552-6222, project 102209, as follows:

Project Budget	\$	102,000
Encumbered/Committed to Date		-
Batwing Mower - Professional Turf Products		(101,925)
Remaining Project Funds Available	\$	75

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, Assistant Public Works Director
Carrie Weir, Deputy Utilities Director

ITEM DESCRIPTION: Consider as authorizing payment of the Water System Fee to the Texas Commission on Environmental Quality for operation of Temple's water system, in the amount of \$83,349.

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

ITEM SUMMARY: The TCEQ requires public water systems within the State of Texas to pay a Water System Fee for services provided by the commission. These services are invoiced annually in accordance with TAC 30 Chapter 290.51. This fee provides for general revenue in support of TCEQ's public water systems activities.

This year's water system fee is \$83,349. Payment is due within 30 days of invoice receipt. Late payments are subject to penalty.

FISCAL IMPACT: Funding is available in the FY 2020 Operating Budget in the amount of \$83,349 in account 520-5100-535-2616 to pay the TCEQ Water System Fee.

ATTACHMENTS:

[Resolution](#)



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DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-1-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a veterinary hospital and kennels at 610 Hilliard Road, Temple, Texas.

PLANNING & ZONING COMMISSION RECOMMENDATION: During the meeting on November 4, 2019, the Planning & Zoning Commission voted 7 to 1 to recommend approval per staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of for the following reasons:

1. The request is compatible with surrounding and anticipated uses;
2. Public facilities are available to serve the property; and
3. Demonstrated compliance with the CUP review criteria in UDC Section 3.5.4.

Staff recommends Approval of the Conditional Use Permit subject to the following conditions:

1. Substantial compliance with the Site Plan, attached as Exhibit A
2. Construction of a 6' sidewalk with 4' planting strip along Hilliard Road
3. Fenced areas shown on the Site Plan will be screened by a 6' solid privacy fence
4. Animals allowed outside will be limited to the supervised exercise of dogs within the fenced areas shown on the site plan
5. Animals will be housed only within the first floor of the primary structure as shown on the attached floor plan
6. No livestock on the property
7. That the Director of Planning may be authorized to approve minor changes to the site plan, which may include but are not limited to: building footprint configuration, exterior building materials, and landscaping

ITEM SUMMARY: The applicant proposes to convert the residential home at 610 Hilliard Road into a veterinary hospital. The property is zoned Agricultural, which allows for the use, subject to a Conditional Use Permit.

BACKGROUND: The homes along this section of Hilliard Road were constructed in 1999 and were subject to deed restrictions constraining the future development of any of the properties to residential use only. These deed restrictions were released by the five owners in April 2019 and recorded in the property records of Bell County on August 19th, 2019.

The applicant proposes to convert the residence to a veterinary hospital with exam rooms, surgery, treatment areas, offices, and indoor kennel areas for cats and dogs. In consideration of the welfare of the animals as well as respect for the neighbors, no animals will be kept outdoors. However, animals under the care of a doctor may receive supervised exercise in the outdoor fenced area shown on the site plan. As a condition of approval, the outdoor fenced areas will be screened by a 6-foot-tall solid privacy fence.

While the property is zoned Agricultural, the proximity to nearby residential may not be appropriate for large animals or livestock. Staff has included a condition limiting treatment to smaller household pets.

DEVELOPMENT REGULATIONS: The veterinary hospital use is listed under the retail category in the Use Tables in UDC Section 5.1. The change in use from residential to non-residential requires application of certain development regulations. The site plan shows two fenced yards, a widened driveway, and parking areas. At a minimum, 15 parking spaces will be required according to the ratios listed in UDC 7.5.4 and 15 spaces are shown on the plan. Other requirements for building standards will be applied during permitting.

DEVELOPMENT REVIEW COMMITTEE (DRC): Members of the DRC reviewed the proposed conditional use permit and site plan. The issues identified were screening of areas used for exercising animals, sidewalks, parking, and impact on the neighboring residential properties.

PUBLIC NOTICE: Eleven notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday, November 18, 2019 at 12:00 pm, two notices in agreement have been received. Staff will provide an update to Council if necessary.

The newspaper printed notice of the Planning and Zoning Commission public hearing on October 24, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Plan \(Exhibit A\)](#)

[Maps](#)

[Conditional Use Permit Review Criteria Table \(UDC Section 3.5.4 \(A-G\)\)](#)

[Site Photos](#)

[Returned Property Notices](#)

[Recorded Release of Deed Restrictions](#)

[Ordinance](#)



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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for the year ending September 30, 2019.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: FY 2019 was a successful year for the Reinvestment Zone No. 1. After completing infrastructure improvements in the Temple Industrial Park funded by the RZ, we saw Niagara Bottling Company open its doors and begin operations in October 2019, with East Penn Manufacturing set to begin construction on their new facility in 2020. The long-awaited Santa Fe Plaza and Santa Fe Market Trail reached full completion this year, bringing our vision to life and enticing more people to attend events in Downtown. Crossroads Park continues to take shape before our eyes, ready to open in Spring 2020. The new Draughon-Miller Central Texas Regional Airport taxiway is complete, and work will begin in 2020 on the North 31st Street Project to Temple High School. The Outer Loop continues to be built mile by mile, with the RZ providing funding for several phases of the project in West Temple. With so many major milestones this year, we are proud to present to you the 2019 Reinvestment Zone No. 1 Annual Report.

State law requires the submission of an annual report to the taxing units within the Reinvestment Zone No.1 (Zone), and to the State Comptroller's office. The report includes the following schedules and statements: Balance Sheet, Revenues, Expenditures, and Changes in Fund Balance, Appraised Taxable Value, Tax Levy, and Tax Collections – By Entity, Schedule of Capital Assets, Outstanding Bonds (Principal & Interest), Tax Increment Base and Current Captured Appraised Value, Financing Plan, Summary Financing Plan with Detailed Project Plan and Map of Reinvestment Zone No. 1 Boundaries.

A few financial highlights and notes for FY 2019 are as follows:

Total assets: \$39,943,574

The amount includes \$16,197,684 of 'investments on hand' and \$21,420,673 of restricted investments from bond proceeds.

Total Liabilities: \$1,659,852

The total includes amounts payable to contractors for construction contracts for public improvements.

Total Fund Balance: \$38,283,722

The fund balance is the 'equity' of the RZ#1 and represents the difference between total assets and total liabilities. The total amount includes \$2,102,595 restricted for a debt service reserve fund that was established to enhance the credit of the 2018 Revenue Bonds. \$21,140,505 represents the net bond proceeds available at the end of the fiscal year. The remaining \$15,040,622 is committed to public improvements as identified in the Financing Plan.

Total Revenues: \$19,848,879

Tax increment revenues totaled \$17,664,211. The first reimbursement from Temple Independent School District in the amount of \$625,000 was received in FY 2019 for their share of the North 31st Street Project. Revenue from the sale of land for economic development in the Industrial Rail Park totaled \$197,846. Grant revenue includes \$330,284 received from the US Environmental Protection Agency for construction of Little Elm Sewer Trunk.

Total Expenditures: \$25,707,843

Total expenditures include \$1,773,693 of administrative expenses. Capital Improvements expenditures for the year total \$16,723,751. Total debt service for the year was \$7,210,399.

The total budget for expenditures totaled \$53,109,301. When comparing actual expenditures to budgeted expenditures, a favorable variance of \$27,401,458 remains. Of this amount, \$27,245,507 will be carried forward/rolled to the FY 2020 budget.

The financial information contained in this report was presented to the Reinvestment Zone No. 1 Board at the December 11, 2019 board meeting. The annual report will be mailed to the chief executive officer of each taxing unit that participates in the Reinvestment Zone No. 1 and to the State Comptroller as required by state law.

FISCAL IMPACT: Attached is the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for the year ending September 30, 2019.

ATTACHMENTS:

[Annual Report
Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #5(Y)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2019-2020 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$120,982.

ATTACHMENTS:

[Budget Amendments
Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #6
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING – FY-20-3-ZC: Consider an ordinance adopting a site development plan and rezoning from Agricultural and Single Family-Three to Planned Development-General Retail on 0.348 +/- acres and Planned Development-General Retail with a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue, on 0.108 +/- acres and 1.456 +/- acres, situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, located at Prairie View Road and east of Westfield Boulevard.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its November 18, 2019, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the site development plan and requested rezoning Agricultural (AG) and Single Family-Three (SF-3) to Planned Development-General Retail (PD-GR) on 0.348 +/- acres and Planned Development-General Retail (PD-GR) with a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue, on 0.108 +/- acres and 1.456 +/- acres, per staff recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the following uses, conditions, and exceptions within each proposed Planned Development-General Retail (PD-GR) district:

1. Allowance of the following uses by right within the PD-GR districts:
 - All uses identified in Sec. 5.1 Use Table that are permitted in the General Retail District (GR)
 - Vertical Mixed Use allowing for multifamily elements and general retail elements to be combined in a single multi-story building (**UDC Section 5.1 waived**)
 - Multiple Family Dwelling-3 (**UDC Section 5.1 waived**)
2. Approval of a Conditional Use Permit for alcoholic beverage sales where the sale of all alcoholic beverages for on premise consumption may be up to 50% on designated PD-GR districts (0.108 acres and 1.456 acres) along Prairie View Road, as shown on the Site Development Plan
3. Provision of a continuous buffer, along the common boundary between nonresidential or multiple-family uses and residential district only (**buffering from internal uses is waived**) will be the responsibility of the non-residential developer at permitting - eliminating the required continuous buffering along the common boundary between nonresidential or multiple-family

uses and residential uses (**UDC Section 7.7.4: Landscaping Standards** location waived above)

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning and Conditional Use Permit request is scheduled for 1st Reading on December 5, 2019 and 2nd Reading on December 19, 2019.

ITEM SUMMARY: This rezoning request is to allow the expansion of a recent Planned Development district approved by City Council on June 1, 2017 with Ordinance No. 2017-4844. This rezoning request includes 0.348 acres of land zoned Single Family-Three (SF-3), 0.018 acres of land which was previously Prairie View Road right-of-way that has been deeded back to the applicants and zoned Agricultural (AG), and 1.456 acres of land zoned Planned Development-General Retail (PD-GR) for mixed-use dwelling/retail per Ordinance No. 2017-4844.

The **1.456-acre PD-GR district** is included in this request to allow a Conditional Use Permit (CUP) for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue. The **0.018-acre tract** is included in this CUP request sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue.

***Section 109.33: Sales Near School, Church, or Hospital* of Title 4 of the Texas Alcoholic Beverage Code. Distance requirements from schools, churches and hospitals are applicable.**

The site development plan shows both tracts exceed the 300' distance from the public BISD school to the southwest and Crossroads Community Park along the south side of Prairie View Road, per **Unified Development Code (UDC) Section 5.3.15: Alcoholic Beverage Sales for On-Premise Consumption.**

The previously approved 185-acre Planned Development established by Ordinance No. 2017-4844 was modeled after the nearby Westfield Master Plan. The applicant's design concept involves the integration of a mix of zonings and uses to create a unique planned community where residents have access to recreational amenities and shopping through a connected trail/sidewalk system modeled on the successful Westfield development to the south. The applicant proposes multiple elements into this planned development request to include:

1. Professional and retail shops;
2. Live/work mixed use dwelling/retail units;
3. Mix of residential development integrating single family detached and multi-family uses into a single planned community;
4. Vertical mixed uses including multifamily and restaurants; and
5. Pocket parks/green space dispersed throughout the development with interior sidewalk connectivity.

Planned Development: UDC Section 3.4.1 defines a Planned Development as:

"A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval."

A development plan is subject to review and approval as part of the Planned Development rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning ordinance of a Planned Development.

The applicants have provided a site development plan with this rezoning request. The development site plan shows the three areas proposed within this Planned Development-General Retail (PD-GR) request, as well as the two areas requesting a Conditional Use Permit for the sale of alcoholic beverages for on-site consumption, where the sale of alcohol may be up to 50% of the total revenue.

The site development plan also shows a 300-foot radius from the BSD property to ensure adequate distance separation associated with this CUP request.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance. In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

The applicant's rezoning request conforms with the planned development review criteria by addressing the following:

1. The Planned Development rezoning is being considered with a plat, currently being reviewed by DRC. Proposed streets and utility infrastructure will be constructed in conformance with the Design and Development Standards Manual. The applicant has not requested any exceptions to street or utility provision standards.
2. The applicant proposes a mixed-use higher density development project designed to provide opportunities for residents to access amenities and entertainment opportunities close to where they live as established by the adjacent property's recent rezoning with City Council approval of Ordinance No.2017-4844.
3. This area is characterized by the placement of similar uses to what is proposed. The area provides a mix of uses to include residential (varying densities), retail, office, public institutional (schools) and recreation uses. The applicant proposes similar vertical mixed use and multi-family uses similar to those allowed on nearby properties in the Westfield Master Plan.
4. The applicant proposes an interconnected network of sidewalks to allow safe pedestrian passage between retail, residential and recreational uses to include the nearby Crossroads Community Park.
5. Parking and loading concerns will be addressed with the building permits and related site plans.
6. The proposed Planned Development integrates open space with retail and mixed uses of varying intensities.
7. The subject site is served by multiple water and sewer lines.

Specific to this CUP request, a restaurant or other use that generates up to 50% of its total gross revenue from the sale of all alcoholic beverages for on-premise consumption is a compatible use subject to approval of a Conditional Use Permit.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *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,*
- *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.*

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.*

Adherence to UDC Section 5.3.15 in its 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.

DEVELOPMENT REVIEW COMMITTEE (DRC): The DRC reviewed this Conditional Use Permit (CUP) request on November 4, 2019. The site development plan satisfied the 300-foot distance requirement from the BSD property to the southwest.

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

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

The *Choices '08* City of Temple Comprehensive Plan shows this area as Agricultural/Rural. Although the requested general retail uses are not compliant with the Future Land Use Map, this request is compatible with the adjacent Planned Development-General Retail (PD-GR) zoning. This request is compatible with surrounding similar uses in the Westfield Master Plan and nearby.

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

The subject property fronts Prairie View Rd, a minor arterial. Minor arterials are appropriate for retail and mixed uses. Sidewalks exist on Westfield Boulevard and Prairie View Road.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer and water are available to the subject property through potential connections from both the south and north of the subject property.

PUBLIC NOTICE: Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Thursday, November 14, 2019, two notices have been returned in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

The newspaper printed the notice of the public hearing on November 7 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)

[Maps](#)

[Development Regulation Tables](#)

[Development/Site Plan Exhibits](#)

[Notification Response Letters](#)

[Ordinance](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #7
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Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING – FY-20-5-ZC: Consider adopting an ordinance authorizing a rezoning from Central Area to Planned Development-Central Area zoning district with a site development plan, to allow a brewery for alcohol sales at 8 South 1st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its meeting on November 18, 2019, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation.

STAFF RECOMMENDATION: Based on the following, staff recommends approval to rezone the property located at 8 South 1st Street from Central Area to Planned Development-Central Area (PD-CA):

1. The proposed PD-CA zoning designation will allow the proposed microbrewery use to be in compliance with Section 5 of the Unified Development Code (UDC);
2. The request complies with the Thoroughfare Plan; and
3. Public facilities are available to serve the subject property.

Staff Recommends approval of the proposed Planned Development Rezoning, subject to the following conditions:

1. Consistent with the site development plan attached as Exhibit A;
2. To specifically allow brewing to take place on the property and;
3. To define the use in the Central Area Zoning District as follows:
 - a. Microbrewery or Brewpub: An establishment which holds a permit from the Texas Alcoholic Beverage Commission (TABC) for brewing, fermentation, production, or processing of alcoholic beverages with a floor area of 10,000 square feet or less and an annual production of 2,000 barrels of beer (bbl) or less that takes place wholly inside a building. Alcoholic beverages may include beer and/or cider. A tasting or retail sales area with or without food service and/or outdoor seating is allowed. A facility that only provides tasting or retail sales of alcoholic beverages is included in this definition.

ITEM SUMMARY: The applicant, JD McBride, requests a rezoning from CA to PD-CA to allow development of Fire Base Brewing Company, a microbrewery in Downtown Temple. Mr. McBride proposes to brew beer for consumption in the taproom and an optional outdoor seating area in front of the business. Central Area zoning does permit the sale of alcohol for on-premise consumption, subject to approval of a Conditional Use Permit. Sales for off-premise consumption are permitted by right.

The Planned Development will specifically allow brewing to take place on the property. The defined use in the tables shown in UDC 5.1 allows for establishments that sell alcohol, but does not clearly define a small-scale brewing operation, such as a microbrewery. The applicant plans to produce approximately 1,000 bbl annually. Each batch will require roughly 200 gallons of water to produce 150 gallons of beer (~5 bbl). The applicant has no plans to distribute any products and will function strictly as a microbrewery with beer available for on-site purchase in downtown Temple. For purposes of comparison, BJ's Brewery on East Central Ave produces approximately 15,000 bbl per year and is located in Light Industrial (LI) zoning, which is appropriate for that scale of commercial production and distribution. The proposed PD-CA zoning is compatible with the surrounding area and is expected to attract more people to Downtown Temple.

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 shown as Urban Center on the Future Land Use Map. This designation is specific to the downtown area and is designed for the most intensive site development with an urban character. This request would involve internal renovation of the existing storefront building. The request is **in compliance** with the Future Land Use Map.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from South 1st Street, which is a local street. Public parking is available along South 1st Street as well as in several nearby public lots. The request is **in compliance** with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Utilities are located in the alley behind the subject property. Water is available through an 8-inch water line and sewer is available from an 8-inch sewer line.

Temple Trails Master Plan Map and Sidewalks Ordinance

Sidewalks are constructed along South 1st Street. An upcoming Reinvestment Zone project to reconstruct South 1st Street will increase the sidewalk width to ~15 feet, with street trees and planters.

DEVELOPMENT REGULATIONS: The attached site plan shows the internal layout of the brewery. A taproom and seating area covers most of the floor area, with the brewing equipment located at the rear of the building where utility connections are available. The Development Review Committee reviewed the case on November 6, 2019 and found no significant issues. Public Works has determined that discharge resulting from the brewery operations at this location will be minimal and will not have significant impact on the collection system or the wastewater treatment plant.

PUBLIC NOTICE: Sixteen 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 November 14, 2019, at 12:00 PM, four notices in agreement have been received. Staff will provide an update regarding late responses, if necessary.

The newspaper printed notice of the public hearing on November 7, 2019 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Plan \(Exhibit A\)](#)
[Site and Surrounding Property Photos](#)
[Maps](#)
[Returned Property Notices](#)
[Ordinance](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #8
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Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING – FY-20-4-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a microbrewery for alcohol sales at 8 South 1st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its meeting on November 18, 2019, the Planning & Zoning Commission voted 7 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;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages; and
3. The request is compatible with adjacent and anticipated uses in Downtown Temple.

Staff recommends approval of the requested Conditional Use Permit 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 8 South 1st Street;
2. Compliance with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption; and
3. Compliance with Chapter 4 of the City Code of Ordinances related to alcoholic beverages.

ITEM SUMMARY: The applicant, JD McBride, requests a Conditional Use Permit to allow the sale all alcoholic beverages for consumption on the premises at Firebase Brewing. Mr. McBride proposes to brew beer to be consumed at the taproom or an optional outdoor seating area. Beer will also be sold for off-premise consumption in the form of 'growlers' filled at the brewery.

BACKGROUND: An establishment with over 75% gross revenue derived from the sale of all alcoholic beverages for on-site consumption in the CA 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-CA zoning, with the necessary conditions to mitigate possible impacts on neighboring properties. The proposed microbrewery 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 sale of alcoholic beverages. Some of which include, but not limited to:

- 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)

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:

- 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, and*
- c. 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.

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.

DEVELOPMENT REVIEW COMMITTEE (DRC): The Development Review Committee reviewed the case on November 6, 2019 and found no significant issues. Public Works has determined that discharge resulting from the brewery operations at this location will be minimal and will not have significant impact on the collection system or the wastewater treatment plant.

PUBLIC NOTICE: Sixteen 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 Monday November 18, 2019, at 12:00 PM, fie notices in agreement have been received. Staff will provide an update regarding late responses, if necessary.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Plan \(Exhibit A\)](#)

[Site and Surrounding Property Photos](#)

[Maps](#)

[Returned Property Notices](#)

[Code Extracts – UDC 5.3.15 and Chapter 4](#)

[Ordinance](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #9
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Mike Hemker, Parks and Recreation Assistant Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider approving an ordinance adopting the Temple Parks & Recreation Department’s Youth Programs Standards of Care and approving the 2019 annual report.

STAFF RECOMMENDATION: Conduct a public hearing and adopt the ordinance on first reading as presented in the item description. Second reading will be scheduled for January 16, 2020.

ITEM SUMMARY: The Texas Human Resources Code Section 42.041(b)(14) establishes requirements to exempt municipal recreational programs for elementary age (ages 5-13) children from State child care licensing. In order to receive exempt status for a youth recreation program, a municipality must annually adopt standards of care by ordinance after a public hearing for such programs. The standards of care must be provided to the parents of each program participant, and the parents of participants must be informed that the program is not licensed by the state, and the program may not be advertised as a child care facility. The ordinance must include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

Some of the key elements of the City of Temple Standards of Care include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program;
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees;
- Requiring that, as soon as possible after employment, all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR);
- Providing training and orientation to program employees and a program-specific manual for each Youth Program;
- The ratio will be no greater than 20 participants per one leader;

- Assuring parents that they will be notified immediately if a:
 - 1) participant is injured;
 - 2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness);
 - 3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Requiring an annual report to the City Council on the overall status of the Youth Program and its operation relative to the adopted Standards of Care.

In 2019, average daily enrolled attendance at the afterschool sites was 305 participants. The summer camp average enrolled attendance increased slightly from the previous year from 253 to 269. All training and inspection requirements were met.

Each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including any recommendations of change to the Standards of Care.

Staff is recommending the following significant changes:

- Under Staffing Responsibilities and Training, Section 6.F and Section 8.F: The requirement for PARD personnel to be required to furnish or provide proof of a clear tuberculosis test has been deleted as it is not required (PARD facilities, or schools used for afterschool activities, are considered low risk for TB or no greater risk than the general public.)
- Under Section 13, Item E: Discipline was amended to provide that three or more incidents that require suspensions from the program may result in a child being expelled from the Youth Program. An expulsion from the program may only be appealed to the Department Director and the Director's decision is final.

FISCAL IMPACT: None

ATTACHMENTS:

[2019 Child Care Standards Report](#)
[2019 Child Care Standards Ordinance](#)



COUNCIL AGENDA ITEM MEMORANDUM

12/19/19
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Director of Parks and Recreation

ITEM DESCRIPTION: Consider authorizing a resolution adopting the 2019 Parks, Recreation, Open Space and Trails Master Plan prepared by Halff and Associates, Inc. of Austin, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 2014 Parks Master Plan was completed by Halff Associates, Inc. (“Halff”) and adopted by Council in December 2014. Typically, master plans have a shelf life of approximately 5-10 years before they need to be updated. In 2015, residents approved an approximate \$27.6 million bond package which addressed 20 plus projects that were included in the Master Plan. Due to completing a majority of the action items listed in the 2014 Parks Master Plan, new action items were needed to guide the future development of the park system.

At the same time, the City’s 2010 Hike and Bike Trails Master Plan needed to be updated as well. The only change since 2010 was a map amendment in 2012. Due to both plans requiring an update, staff determined that it was best to hire one consultant to merge the plans into one document.

A Parks Advisory Committee (PAC) composed of 15 citizens was assembled to help the Department and Halff update the master plan. Each Councilmember selected a district representative, and then the Department chose a wide array of individuals interested and knowledgeable in parks and recreation. The areas of interest came from the Parks and Recreation Advisory Board, Parks Foundation, Temple College, Temple Independent School District, Belton Independent School District, etc.

Staff began working on the master plan update in February 2019 and will conclude with Council adoption in December 2019 with key milestones listed below:

- Halff met with the PAC and Parks and Recreation staff in February 2019 to begin the process. A total of 4 meetings occurred with the PAC.
- Halff toured the park system in February 2019 to view the improvements and to see where growth was occurring.
- Two focus groups were held in March 2019 with the focus on park amenities and active recreation-indoor and outdoor.
- Two focus groups were held in April 2019 with the focus on trails and open space.

- Halff and City staff attended the Temple Bloomin Festival to conduct surveys regarding the City and Parks and Trails system.
- Two open houses were held in May 2019 for the public to have an opportunity to provide input.
- Phone conference calls between City staff and Halff were conducted approximately every two weeks for most of this plan update.
- The Parks and Recreation Advisory Board met on December 10, 2019 and voted to recommend to City Council the adoption of the 2019 Master Plan.
- Council will receive a presentation of the Parks and Trails Master Plan by Halff at the December 19, 2019 Council workshop.
- Council will vote on the adoption of the Master Plan on December 19, 2019 at the regularly scheduled Council meeting.

FISCAL IMPACT: Funding the professional services agreement with Halff Associates, Inc. to update the Parks, Recreation, and Open Space Master Plan as well as the Hike and Bike Master Plan in the amount not to exceed of \$79,500 was included in the prior FY 2019 budget, account 110-4100-551-2616.

The projects identified in the 2019 Parks, Recreation, Open Space and Trails Master Plan will be reviewed and prioritized for consideration in the future based on available funding sources.

ATTACHMENTS:

[Parks and Trails Master Plan
Resolution](#)