



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, FEBRUARY 6, 2020

4:00 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, February 6, 2020.
2. Discuss "Chapter 11, Cemeteries," of the City of Temple's Code of Ordinances.
3. Receive an update on Low Income Housing Tax Credit Program, and receive a presentation on projects requesting local government support for their tax credit applications.

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

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. AWARDS & SPECIAL RECOGNITIONS

3. Presentation by Judge David Blackburn, of the Fiscal Year 2019 Hotel Motel Tax, collected in the amount of \$82,018.57.
4. Recognition of Skeebo Reichert for his life saving efforts.
5. Recognition of Keisha Sholars for her life saving efforts.

IV. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) [2020-9956-R](#): Consider adopting a resolution authorizing a construction contract with CSP Utilities, LLC, dba Cornerstone Plumbing, of Waco, to construct the Azalea Drive Drainage Improvements, in the amount of \$1,224,006.15.
- (B) [2020-9957-R](#): Consider adopting a resolution authorizing a construction contract for the re-plastering of the original aquatic amenities at Lions Junction Family Water Park with Progressive Commercial Aquatics, Inc. of Houston, in the amount of \$103,604.

- (C) [2020-9958-R](#): Consider adopting a resolution authorizing a five-year services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at the water treatment plant.
- (D) [2020-9959-R](#): Consider adopting a resolution authorizing a lease agreement with William Maedgen for lease of T-hangar #23 at the Draughon-Miller Central Texas Regional Airport.
- (E) [2020-9960-R](#): Consider adopting a resolution authorizing a lease agreement with Luke Wimmer for lease of T-hangar #63 at the Draughon-Miller Central Texas Regional Airport.
- (F) [2020-9961-R](#): Consider adopting a resolution authorizing a lease agreement with David Hill for lease of T-hangar #82 at the Draughon-Miller Central Texas Regional Airport.
- (G) [2020-9962-R](#): Consider adopting a resolution authorizing a Possession and Use Agreement for rights-of-way, permanent utility easements, and temporary construction easements necessary for the construction of the Poison Oak Road Expansion Project and authorizing the payment of the consideration for the Possession and Use Agreement and credit towards acquisition of the right-of-way, permanent utility easement, and temporary construction easement, in an amount not to exceed \$85,104.
- (H) [2020-9963-R](#): Consider adopting a resolution authorizing a change order with R. T. Schneider Construction Company, Ltd., for services to construct Hogan Road from State Highway 317 to South Pea Ridge Road, in the amount of \$3,665.
- (I) [2020-9964-R](#): Consider adopting a resolution authorizing the acceptance of a donation of a 0.606-acre permanent wastewater easement from Cedon Realty, Ltd. and granting two temporary construction easements to Cedon Realty, Ltd. necessary for the construction of a new sanitary sewer main extension to provide service for 7777 and 7687 South General Bruce Drive.
- (J) [2020-9965-R](#): Consider adopting a resolution accepting the donation of 1.2697 acres of right-of-way and a 0.1360-acre public utility easement from Temple Independent School District for the North 31st Street with Interstate Highway 35 Connection Project.
- (K) [2020-9966-R](#): Consider adopting a resolution authorizing a one-year renewal to the fuel management contract with FleetCor Technologies Operating Company, LLC, dba Fuelman, of Norcross, Georgia.
- (L) [2020-9967-R](#): Consider adopting a resolution authorizing the payment of the annual invoice from the Brazos River Authority, which covers the availability of 9,453 acre-feet of water to the City for 2020, in the amount of \$131,491.23.
- (M) [2020-9968-R](#): Consider adopting a resolution authorizing the purchase of a 28-foot mobile stage from Century Industries, LLC of Sellersburg, Indiana, in the amount of \$121,241.

Ordinances – Second & Final Reading

- (N) **2020-5016:** SECOND & FINAL READING – FY-20-8-ZC: Consider adopting an ordinance authorizing a rezoning from Two Family & Heavy Industrial zoning districts to Planned Development-Light Industrial with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.
- (O) **2020-5017:** SECOND & FINAL READING: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code Section 4.5.1, “Residential Dimensional Standards, Single Family Detached Dwelling,” to allow 20 foot minimum front yard setbacks in SF-1 and SF-2 zoning districts and 10 foot minimum side (corner) yard setbacks for SF-1, SF-2 and SF 3 zoning districts.

Misc.

- (P) **2020-9969-R:** Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.
- (Q) **2020-9970-R:** Consider adopting a resolution assigning supervision of the City Secretary’s office to the City Attorney’s office.

V. REGULAR AGENDA

ORDINANCES – SECOND & FINAL READING

- 7. **2020-5015:** SECOND & FINAL READING – FY-20-7-ZC: Consider an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development-Single Family-One on 102.290 +/- acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood.

ORDINANCES – FIRST READING – PUBLIC HEARING

- 8. **2020-5018:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance titled, "Chapter 11, Cemeteries," of the City of Temple's Code of Ordinances.

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 1:00 PM, January 31, 2020. This notice was posted in a public place at 1:10 PM, this same day.



Interim 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

02/06/20
Item #6(A)
Consent Agenda
Page 1 of 2

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 a construction contract with CSP Utilities, LLC, dba Cornerstone Plumbing, of Waco, to construct the Azalea Drive Drainage Improvements, in the amount of \$1,224,006.15.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: On July 20, 2017 Council authorized a professional services agreement with Clark & Fuller in the amount of \$115,217.68 to design and bid the construction of new storm sewer improvements, consisting of approx. 1,050 L.F. of 60" HDPE, 800 L.F. of 48" RCP, 550 L.F. of 24" RCP, and 385 L.F. of 18" RCP, in the vicinity of Azalea Drive and Oak Creek Park. See attached Project Map for reference.

As shown on the attached bid tabulation, five bids were received on January 21, 2020, for construction of these new drainage improvements. The bids ranged from the low bid of \$1,224,006.15 to \$1,637,147.00. The Opinion of Probable Construction Cost was \$1,250,000. As stated in the attached recommendation letter, Clark & Fuller has evaluated the bids and recommends awarding the construction contract to the low bidder, CSP Utilities, LLC, dba Cornerstone Plumbing. Time allotted for construction is 260 calendar days.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate additional funding for a contract with CSP Utilities, LLC dba Cornerstone Plumbing, to construct the Azalea Drive Drainage Improvements. After approval of the budget adjustment, funding in the amount of \$1,224,006.15 will be available in project 101636, as shown below:

	<u>353-2900-534-6712</u>	<u>292-2900-534-6312</u>	<u>Total</u>
Budget	\$ 1,146,133	\$ 137,389	\$ 1,283,522
Budget Adjustment	145,000	-	145,000
Encumbered/Committed to Date	(39,232)	(135,810)	(175,042)
CSP Utilities, LLC	(1,224,006)	-	(1,224,006)
Remaining Project Funds	\$ 27,895	\$ 1,579	\$ 29,474

ATTACHMENTS:

Bid Tabulation
Recommendation Letter
Project Map
Budget Adjustment
Resolution



Azalea Drive Drainage Improvements



Bid Date: January 21, 2020

No.	Item Description			CSP Utilities L.L.C. dba Cornerstone Plumbing		Bell Contractors INC.		TTG Utilities, LP		Patin Construction, LLC		Emerson Construction Company, INC	
		Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
1	Site R.O.W. Preparation & Clearing	30	STA	\$ 342.00	\$ 10,260.00	\$ 1,365.91	\$ 40,977.30	\$ 1,000.00	\$ 30,000.00	\$ 8,500.00	\$ 255,000.00	\$ 1,404.00	\$ 42,120.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 11,500.00	\$ 11,500.00	\$ 47,592.79	\$ 47,592.79	\$ 53,000.00	\$ 53,000.00	\$ 75,000.00	\$ 75,000.00	\$ 38,880.00	\$ 38,880.00
3	Storm Water Pollution Prevention Plan	100%	LS	\$ 10,600.00	\$ 10,600.00	\$ 6,884.82	\$ 6,884.82	\$ 7,700.00	\$ 7,700.00	\$ 7,500.00	\$ 7,500.00	\$ 4,320.00	\$ 4,320.00
4	Traffic Control Plan	100%	LS	\$ 12,400.00	\$ 12,400.00	\$ 19,730.63	\$ 19,730.63	\$ 17,800.00	\$ 17,800.00	\$ 7,500.00	\$ 7,500.00	\$ 10,800.00	\$ 10,800.00
5	Trench Safety Plan	100%	LS	\$ 12,500.00	\$ 12,500.00	\$ 27,126.00	\$ 27,126.00	\$ 12,000.00	\$ 12,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,780.00	\$ 3,780.00
6	Excavate and Locate Existing Utilities	100%	LS	\$ 8,000.00	\$ 8,000.00	\$ 16,794.46	\$ 16,794.46	\$ 14,800.00	\$ 14,800.00	\$ 25,000.00	\$ 25,000.00	\$ 28,512.00	\$ 28,512.00
7	Demolish and Remove Existing Concrete Junction Box	1	EA	\$ 9,500.00	\$ 9,500.00	\$ 1,679.45	\$ 1,679.45	\$ 2,610.00	\$ 2,610.00	\$ 3,500.00	\$ 3,500.00	\$ 2,055.00	\$ 2,055.00
8	Demolish and Remove Existing 36" Reinforced Concrete Pipe	160	LF	\$ 59.38	\$ 9,500.80	\$ 56.85	\$ 9,096.00	\$ 18.00	\$ 2,880.00	\$ 50.00	\$ 8,000.00	\$ 43.00	\$ 6,880.00
9	Demolish, Remove, and Replace Standard 24" Concrete Curb and Gutter	975	LF	\$ 18.46	\$ 17,998.50	\$ 27.50	\$ 26,812.50	\$ 30.00	\$ 29,250.00	\$ 60.00	\$ 58,500.00	\$ 42.00	\$ 40,950.00
10	Sawcut, Remove, and Replace Existing Reinforced Concrete Sidewalk Section	30	SY	\$ 170.00	\$ 5,100.00	\$ 61.55	\$ 1,846.50	\$ 115.00	\$ 3,450.00	\$ 100.00	\$ 3,000.00	\$ 155.00	\$ 4,650.00
11	Sawcut, Remove, and Replace Existing HMAc Pavement	1785	SY	\$ 57.71	\$ 103,012.35	\$ 42.12	\$ 75,184.20	\$ 21.00	\$ 37,485.00	\$ 40.00	\$ 71,400.00	\$ 22.00	\$ 39,270.00
12	Sawcut, Remove, and Replace Existing Reinforced Concrete Pavement	275	SY	\$ 78.18	\$ 21,499.50	\$ 79.43	\$ 21,843.25	\$ 155.00	\$ 42,625.00	\$ 100.00	\$ 27,500.00	\$ 130.00	\$ 35,750.00
13	Furnish and Install New Grass Sod Disturbed by Construction	100%	LS	\$ 18,800.00	\$ 18,800.00	\$ 20,309.81	\$ 20,309.81	\$ 30,100.00	\$ 30,100.00	\$ 10,000.00	\$ 10,000.00	\$ 17,280.00	\$ 17,280.00
14	Furnish and Install New Hydromulch Grass Seeding at Locations Disturbed by Const	100%	LS	\$ 8,000.00	\$ 8,000.00	\$ 12,022.82	\$ 12,022.82	\$ 17,000.00	\$ 17,000.00	\$ 7,500.00	\$ 7,500.00	\$ 17,712.00	\$ 17,712.00
15	Remove and Relocate Existing 8" Water Main	3	EA	\$ 2,500.00	\$ 7,500.00	\$ 6,008.12	\$ 18,024.36	\$ 8,550.00	\$ 25,650.00	\$ 5,000.00	\$ 15,000.00	\$ 2,272.00	\$ 6,816.00
16	Remove and Relocate Existing Water Service	10	EA	\$ 1,500.00	\$ 15,000.00	\$ 3,320.66	\$ 33,206.60	\$ 1,500.00	\$ 15,000.00	\$ 1,000.00	\$ 10,000.00	\$ 816.00	\$ 8,160.00
17	Remove, Replace, and / or Reconstruct Existing Mailbox	6	EA	\$ 950.00	\$ 5,700.00	\$ 1,192.32	\$ 7,153.92	\$ 3,000.00	\$ 18,000.00	\$ 500.00	\$ 3,000.00	\$ 432.00	\$ 2,592.00
18	Remove, Replace, and / or Reconstruct Existing Landscaping Stone Wall	1	EA	\$ 6,500.00	\$ 6,500.00	\$ 2,844.63	\$ 2,844.63	\$ 4,600.00	\$ 4,600.00	\$ 5,000.00	\$ 5,000.00	\$ 1,620.00	\$ 1,620.00
19	Provide New Stone Rip Rap (12" Average Diameter)	72	SY	\$ 135.00	\$ 9,720.00	\$ 19.23	\$ 1,384.56	\$ 88.00	\$ 6,336.00	\$ 50.00	\$ 3,600.00	\$ 99.00	\$ 7,128.00
20	Provide Temporary Chain Link Fencing	125	LF	\$ 25.00	\$ 3,125.00	\$ 17.91	\$ 2,238.75	\$ 23.00	\$ 2,875.00	\$ 10.00	\$ 1,250.00	\$ 12.00	\$ 1,500.00
21	6' Wide Decomposed Granite Pathway with Stone Banding	60	LF	\$ 92.00	\$ 5,520.00	\$ 60.56	\$ 3,633.60	\$ 135.00	\$ 8,100.00	\$ 100.00	\$ 6,000.00	\$ 27.00	\$ 1,620.00
22	New Connection To Existing Storm Sewer	15	EA	\$ 2,500.00	\$ 37,500.00	\$ 1,708.61	\$ 25,629.15	\$ 2,500.00	\$ 37,500.00	\$ 5,000.00	\$ 75,000.00	\$ 773.00	\$ 11,595.00
23	New Connection To Existing Reinforced Concrete Curb Inlet	4	EA	\$ 2,000.00	\$ 8,000.00	\$ 1,708.61	\$ 6,834.44	\$ 2,600.00	\$ 10,400.00	\$ 8,500.00	\$ 34,000.00	\$ 773.00	\$ 3,092.00
24	New Cast-In-Place Concrete Headwall With Energy Dissipators	1	EA	\$ 18,000.00	\$ 18,000.00	\$ 7,724.54	\$ 7,724.54	\$ 6,500.00	\$ 6,500.00	\$ 15,000.00	\$ 15,000.00	\$ 13,230.00	\$ 13,230.00
25	New 8'x8' Precast Concrete Junction Box with Heavy Duty Lid Assembly	1	EA	\$ 9,500.00	\$ 9,500.00	\$ 12,709.75	\$ 12,709.75	\$ 13,200.00	\$ 13,200.00	\$ 15,000.00	\$ 15,000.00	\$ 22,511.00	\$ 22,511.00
26	New 7'x7' Precast Concrete Junction Box with Heavy Duty Lid Assembly	3	EA	\$ 8,700.00	\$ 26,100.00	\$ 12,271.92	\$ 36,815.76	\$ 13,000.00	\$ 39,000.00	\$ 12,500.00	\$ 37,500.00	\$ 24,511.00	\$ 73,533.00
27	New 7'x7' Type "E" (Tabletop) Storm Inlet with Heavy Duty Lid Assembly	2	EA	\$ 11,125.00	\$ 22,250.00	\$ 18,021.92	\$ 36,043.84	\$ 15,400.00	\$ 30,800.00	\$ 16,000.00	\$ 32,000.00	\$ 32,376.00	\$ 64,752.00
28	New 6'x6' Precast Concrete Junction Box with Heavy Duty Lid Assembly	6	EA	\$ 3,800.00	\$ 22,800.00	\$ 6,687.71	\$ 40,126.26	\$ 6,650.00	\$ 39,900.00	\$ 8,500.00	\$ 51,000.00	\$ 7,256.00	\$ 43,536.00
29	New Precast 15' Reinforced Concrete Curb Inlet	14	EA	\$ 5,000.00	\$ 70,000.00	\$ 6,900.36	\$ 96,605.04	\$ 8,200.00	\$ 114,800.00	\$ 10,000.00	\$ 140,000.00	\$ 7,954.00	\$ 111,356.00
30	Cast-In-Place 15' Reinforced Concrete Curb Inlet	5	EA	\$ 11,200.00	\$ 56,000.00	\$ 7,566.45	\$ 37,832.25	\$ 10,200.00	\$ 51,000.00	\$ 15,000.00	\$ 75,000.00	\$ 13,364.00	\$ 66,820.00
31	New 60" Dual Wall HDPE Storm Sewer	1050	LF	\$ 265.00	\$ 278,250.00	\$ 252.84	\$ 265,482.00	\$ 245.00	\$ 257,250.00	\$ 150.00	\$ 157,500.00	\$ 511.00	\$ 536,550.00
32	New 48" RCP Class III Storm Sewer	800	LF	\$ 270.00	\$ 216,000.00	\$ 336.90	\$ 269,520.00	\$ 290.00	\$ 232,000.00	\$ 300.00	\$ 240,000.00	\$ 280.00	\$ 224,000.00
33	New 24" RCP Class III Storm Sewer	550	LF	\$ 154.00	\$ 84,700.00	\$ 153.37	\$ 84,353.50	\$ 155.00	\$ 85,250.00	\$ 125.00	\$ 68,750.00	\$ 164.00	\$ 90,200.00
34	New 18" RCP Class III Storm Sewer	385	LF	\$ 142.00	\$ 54,670.00	\$ 145.99	\$ 56,206.15	\$ 145.00	\$ 55,825.00	\$ 85.00	\$ 32,725.00	\$ 132.00	\$ 50,820.00
35	New 48" RCP Class III 15 degree bend	1	EA	\$ 3,500.00	\$ 3,500.00	\$ 847.32	\$ 847.32	\$ 4,100.00	\$ 4,100.00	\$ 3,000.00	\$ 3,000.00	\$ 1,487.00	\$ 1,487.00
36	New 24" RCP Class III 45 degree bend	1	EA	\$ 2,000.00	\$ 2,000.00	\$ 789.82	\$ 789.82	\$ 2,000.00	\$ 2,000.00	\$ 1,250.00	\$ 1,250.00	\$ 526.00	\$ 526.00
37	New 18" RCP Class III 45 degree bend	2	EA	\$ 1,500.00	\$ 3,000.00	\$ 732.32	\$ 1,464.64	\$ 1,600.00	\$ 3,200.00	\$ 750.00	\$ 1,500.00	\$ 372.00	\$ 744.00
Total Base Bid					\$ 1,224,006.15		\$ 1,375,371.41		\$ 1,363,986.00		\$ 1,585,475.00		\$ 1,637,147.00



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

January 28, 2020

City of Temple Engineering
Jered Staton, EIT
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple – 2017 Azalea Drive Drainage Improvements

Dear Mr. Staton,

On January 21, 2020 we received five (5) bids for the City of Temple – 2017 Azalea Drive Drainage Improvements. We have reviewed each bid for accuracy and completeness. CSP Utilities LLC dba Cornerstone Plumbing submitted a Base Bid totaling \$1,224,006.15. The submitted bid total makes them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet for detailed information.*

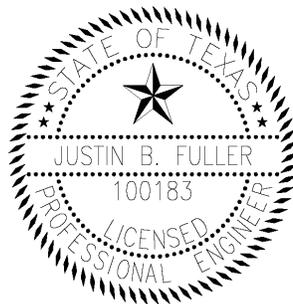
The engineer's project estimate, for the City of Temple – 2017 Azalea Drive Drainage Improvements Project, was \$1,250,000.00.

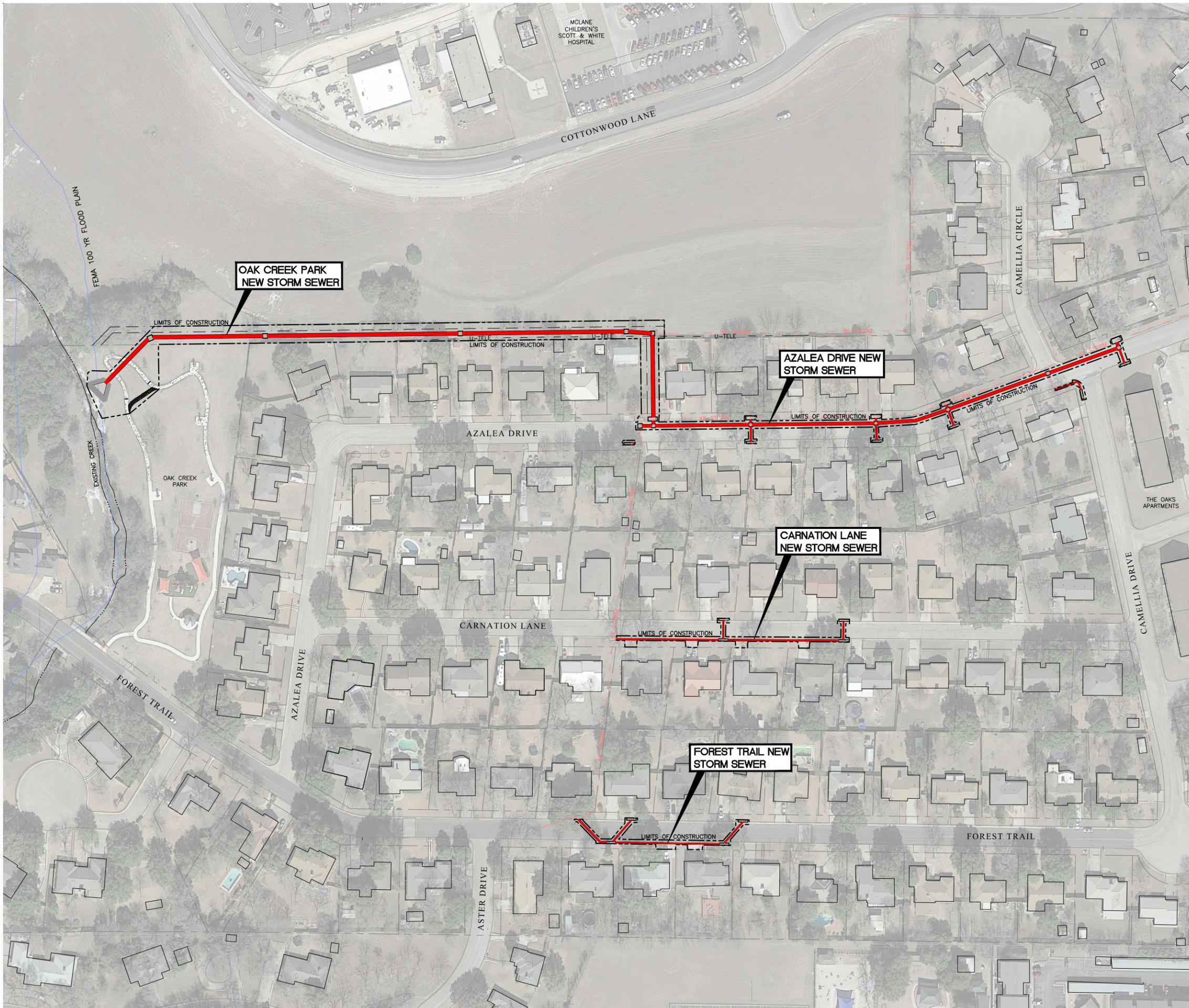
We have no prior experience working with CSP Utilities LLC dba Cornerstone Plumbing. Therefore, we have called to verify references. We did not receive any negative references. We are recommending that the City of Temple award the contract to CSP Utilities LLC dba Cornerstone Plumbing and we look forward to working with them on this project.

Sincerely,



Justin Fuller, P.E., CFM



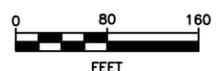


LEGEND

- NEW STORM SEWER
- - - NEW STORM SEWER
- LIMITS OF CONSTRUCTION
- FEMA 100 YEAR FLOODPLAIN

NOTES

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



Date:

Revisions
Remarks:

OVERALL SITE PLAN 11-25-19

DRAWING STATUS
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF JUSTIN B. FULLER P.E. 100183, CLARK & FULLER, PLLC FIRM NO. F-10384...
 THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR ANY OTHER PROJECT.
 ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.
 EOR: CONSTRUCTION
 FINL: DRAWINGS

CITY OF TEMPLE
 2017 AZALEA DRIVE
 DRAINAGE IMPROVEMENTS
 TEMPLE, TEXAS



Project No: 171766.01
 Plot Date: 11-25-19
 Drawn By: ECB
 Designed By: JBF

C3.1

RESOLUTION NO. 2020-9956-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CSP UTILITIES, LLC, DBA CORNERSTONE PLUMBING, OF WACO, TEXAS IN THE AMOUNT OF \$1,224,006.15, TO CONSTRUCT THE AZALEA DRIVE DRAINAGE IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 20, 2017, Council authorized a professional services agreement with Clark & Fuller in the amount of \$115,217.68 to design and bid the construction of new storm sewer improvements, consisting of approximately 1,050 linear feet of 60-inch HDPE, 800 linear feet of 48-inch RCP, 550 linear feet of 24-inch RCP, and 385 linear feet of 18-inch RCP, in the vicinity of Azalea Drive and Oak Creek Park;

Whereas, on January 21, 2020, five bids were received for construction of these new drainage improvements - Clark & Fuller has evaluated the bids and recommends awarding the construction contract to the low bidder, CSP Utilities, LLC, dba Cornerstone Plumbing;

Whereas, Staff recommends Council authorize a construction contract with CSP Utilities, LLC, dba Cornerstone Plumbing, of Waco, Texas in the amount of \$1,224,006.15 to construct the Azalea Drive Drainage Improvements;

Whereas, funds are available for this project, but an amendment to the fiscal year 2020 budget is necessary to transfer the funds to Account No. 353-2900-534-6712 and Account No. 292-2900-534-6312, Project No. 101636; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a construction contract with CSP Utilities, LLC, dba Cornerstone Plumbing, of Waco, Texas in the amount of \$1,224,006.15 to construct the Azalea Drive Drainage Improvements.

Part 3: The City Council authorizes an amendment to the fiscal year 2020 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Chuck Ramm, Assistant Director of Parks and Recreation, CPRP

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract for the re-plastering of the original aquatic amenities at Lions Junction Family Water Park with Progressive Commercial Aquatics, Inc. of Houston, in the amount of \$103,604.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this construction contract will provide for the re-plastering of the three original aquatic features at Lions Junction Family Water Park, including the Lazy River, Leisure Pool, and Catch Pool. The waterpark is approaching its 12th summer of service and the typical life span for plaster surfacing is approximately ten years for commercial pools such as Lions Junction. While evaluating the current condition of the facility this project was identified as a priority for FY20 due to the beginning stages of delamination, which is the process of plaster popping off, peeling, and changing color.

The plaster replacement process will include saw-cutting around all existing water line tile and full stripping of the current plaster coating. The contractor will pressure wash the pool before new plaster is applied. The vendor will then acid wash the new plaster and scrub excess residue before the pool is re-filled with water. The City will be responsible for draining and refilling the pool, brushing, vacuuming, and balancing of chemicals at completion of the project.

Progressive Commercial Aquatics, Inc. has been awarded BuyBoard Contract No. 533-17, which staff is recommending using for this project. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the construction contract with Progressive Commercial Aquatics, Inc. to re-plaster the original aquatic amenities at Lions Junction Family Water Park in the amount of \$103,604 is available in account 110-5932-551-6364, project 102083, as follows:

Project Budget	\$	120,000
Progressive Commercial Aquatics		(103,604)
Remaining Funds Available	\$	16,396

ATTACHMENTS:

[Progressive Commercial Aquatics, Inc. Quote Resolution](#)



Project Name: Lions Junction Replaster
Attn: Richard Fibish
Date: 1/9/20
Buyboard#533-17

Splash Pool (Lazy River leisure pool)

- Saw cut around all existing waterline tile and full strip the current plaster coating per the city due to delamination.
- Provide all dumpsters required for all debris from pool.
- Pressure wash pool before plaster is laid.
- Apply plaster in Tier 1 quartz. (super blue)
- Acid wash new plaster and scrub excess residue before the pool is filled.
- Remove all debris from the site.
- **Owner is responsible for draining AND refilling the pool, brushing, vacuuming and balancing.

Total: \$95,304

Labor: 6 guys x \$95/hr x 10hrs/day x 14 days = \$79,800

Materials: \$15,504

Plunge Pool for slides

- Saw cut around all existing waterline tile and full strip the current plaster coating per the city due to delamination.
- Provide all dumpsters required for all debris from pool.
- Pressure wash pool before plaster is laid.
- Apply plaster in Tier 1 quartz. (super blue)
- Acid wash new plaster and scrub excess residue before the pool is filled.
- Remove all debris from the site.
- Owner is responsible for draining AND refilling the pool, brushing, vacuuming and balancing.

Total: \$9,000

Labor: guys x \$95/hr x 10hrs/day x 3 days = \$5,700

Materials: \$3,300

Grand Total with discount if done at the same time: \$100,804

****Please add \$2,800 to the grand total for payment and performance bond.**

****5 year warranty against manufacturers defects through the manufacturer.**

*****If you choose to do both pools at the same time I can remove \$3,500 from the total due to not having as many trip charges and mobilization.**

*****If there is any crack repair that needs to be done it will \$35/linear FT.**

*****If you wish for us to recaulk any expansion joints in the pool then we will quote that at that time if the city does not want to caulk them themselves.**

*****Does not include replacement of waterline tile as that can fall off during chipping from vibration, that will be an additional cost but we will try and save the tile the best we can.**

****Does not include any drain covers or lights, if drain covers are over 7 years old then those will need to be changed as well and would be quoted separate.**

Thank you,

Myles Phelps

Progressive Commercial Aquatics, Inc.

15616 Schmidt Loop Manor, Texas 78653 (512) 278-0801 Fax (512) 350-2154

Website www.proaquatic.com E-Mail: mylesproaquatic@gmail.com

RESOLUTION NO. 2020-9957-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH PROGRESSIVE COMMERCIAL AQUATICS, INC. OF HOUSTON, TEXAS IN THE AMOUNT OF \$103,604.00, FOR THE RE-PLASTERING OF THE ORIGINAL AQUATIC AMENITIES AT LIONS JUNCTION FAMILY WATER PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, authorization of this construction contract will provide for the re-plastering of the three original aquatic features at Lions Junction Family Water Park, including the Lazy River, Leisure Pool, and Catch Pool - the waterpark is approaching its 12th summer of service and the typical life span for plaster surfacing is approximately ten years for commercial pools such as Lions Junction;

Whereas, while evaluating the current condition of the facility this project was identified as a priority for fiscal year 2020 due to the beginning stages of delamination, which is the process of plaster popping off, peeling, and changing color;

Whereas, the plaster replacement process will include saw-cutting around all existing water line tile and full stripping of the current plaster coating - the contractor will pressure wash the pool before new plaster is applied;

Whereas, the vendor will then acid wash the new plaster and scrub excess residue before the pool is re-filled with water - the City will be responsible for draining and refilling the pool, brushing, vacuuming, and balancing chemicals at completion of the project;

Whereas, Progressive Commercial Aquatics, Inc. has been awarded BuyBoard Contract No. 533-17, which Staff is recommending using for this project as contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding is available for this construction contract in Account No. 110-5932-551-6364, Project No. 102083; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a construction contract with Progressive Commercial Aquatics, Inc. of Houston, Texas in the amount of \$103,604.00, utilizing a BuyBoard contract, for the replastering of the original aquatic amenities at Lions Junction Family Water Park.

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

PASSED AND APPROVED this the 6th day of February, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a five-year services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at the water treatment plant.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Authorization of this services agreement with Evoqua Water Technologies, LLC, (Evoqua) will provide for new chlorine dioxide generation equipment at the water treatment plant along with a supply agreement for sodium chlorite. Chlorine dioxide is generated from sodium chlorite, and it is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process.

On January 21, 2020, three proposals were received for the service/supplier for chlorine dioxide/sodium chlorite: Evoqua Water Technologies, LLC of Sarasota, Florida; International Dioxide, Inc. of North Kingstown, Rhode Island; and Thornton, Musso, and Bellemin of Zachary, Louisiana. A proposal evaluation committee was formed to evaluate the three proposals based on the following pre-defined evaluation criteria: company and assigned staff qualifications and experience (15%); company and assigned staff reputation (15%); how well the proposed equipment and product meets the present and future needs of the City (15%); how well the proposed equipment implementation plan, product plan, and support services plan meets the City's needs (15%); and sodium chlorite pricing (40%).

The committee is unanimously recommending the award of a services agreement to Evoqua based on their reputation in providing this product and service to the City over the past 12 years, their proposed equipment, their service plan, and their pricing structure. The initial pricing of the sodium chlorite will be at 81.7¢ per pound for the first two years with future year pricing adjusted based on usage and a published government index rate. The proposed agreement will have a term of 5 years with the option for five one-year renewals, if agreed to by Evoqua and the City.

The water treatment plant has purchased an average of 276,000 pounds of sodium chlorite per year over the last three fiscal years. Accordingly, the estimated annual spend for the proposed contract using the last three-year average is approximately \$225,000 at 81.7¢ per pound.

The proposed agreement will commence upon installation and activation of the new chlorine dioxide generation equipment, which will most likely happen in April 2020.

FISCAL IMPACT: Water Treatment Plant chemicals are purchased on an as-needed basis throughout the fiscal year. Funding for Water Treatment Plant chemicals is included in the adopted FY 2020 Budget in account 520-5100-535-2118, Chemicals/Compressed Gases, in the amount of \$1,081,372. It is estimated that approximately \$211,879 will be spent to purchase sodium chlorite during FY 2020.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9958-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR SERVICES AGREEMENT WITH EVOQUA WATER TECHNOLOGIES, LLC OF SARASOTA, FLORIDA FOR CHLORINE DIOXIDE GENERATION EQUIPMENT AND SODIUM CHLORITE FOR THE WATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, authorization of this services agreement with Evoqua Water Technologies, LLC, (Evoqua) provides for new chlorine dioxide generation equipment at the water treatment plant along with a supply agreement for sodium chlorite - chlorine dioxide/sodium chlorite is used as a pre-oxidant for the taste and odor, iron, manganese and trihalomethanes in the potable drinking water treatment process;

Whereas, on January 21, 2020, three proposals were received for the service/supplier for chlorine dioxide/sodium chlorite and a proposal evaluation committee was formed to evaluate the three proposals based on the following pre-defined evaluation criteria: company and assigned staff qualifications & experience; company and assigned staff reputation; how well the proposed equipment and product meets the present and future needs of the City; how well the proposed equipment implementation plan, product plan, and support services plan meets the City's needs; and sodium chlorite pricing;

Whereas, the committee is unanimously recommending the award of a services agreement to Evoqua based on their reputation in providing this product and service to the City over the past 12 years, their proposed equipment, their service plan, and their pricing structure - the initial pricing of the sodium chlorite will be at 81.7¢ per pound for the first two years with future year pricing adjusted based on usage and a published government index rate;

Whereas, the proposed agreement will have a term of 5 years with the option for five one-year renewals, if agreed to by Evoqua and the City, and which will commence upon installation and activation of the new chlorine dioxide generation equipment, which is expected in April 2020;

Whereas, the water treatment plant has purchased an average of 276,000 pounds of sodium chlorite per year over the last three fiscal years - the estimated annual spend for the proposed contract using the last three-year average is approximately \$225,000 at 81.7¢ per pound;

Whereas, Staff recommends Council authorize a five-year services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the provision of new chlorine dioxide generation equipment and a supply of sodium chlorite for the water treatment plant;

Whereas, funding for water treatment plant chemicals are included in the adopted fiscal year 2020 budget in Account No. 520-5100-535-2118; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a five-year services agreement with Evoqua Water Technologies, LLC of Sarasota, Florida, for the provision of new chlorine dioxide generation equipment and a supply of sodium chlorite for the water treatment plant.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

M. Sean Parker, Airport Director
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with William Maedgen for lease of T-hangar #23 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: William Maedgen has requested to lease T-hangar #23 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$185 per month, due on the 1st day of the month. Mr. Maedgen has been paying the rent on T-hangar #23 and has repaired the aircraft and purchased it from the prior tenant's widow, Vanny Bolsins, following her husband's death. Ms. Bolsins has provided a Bill of Sale and the aircraft is now registered in Mr. Maedgen's name.

Mr. Maedgen will be leasing T-Hangar #23, which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Aeronca
Model:	7AC
Engine Manufacturer:	Cont Motor
Engine Model:	A&C65 Series
U.S. Registration No./Tail #:	N82498

The initial term of this lease agreement will be for 12 months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of February 10, 2020.

Mr. Maedgen agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft. Mr. Maedgen further understands that commercial activity is prohibited in the T-hangar.

Pursuant to the lease agreement, Mr. Maedgen will: timely pay rent, store only aircraft and items related to aeronautical operations on the leased premises, grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs, furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar, keep the premises in a good and orderly condition, comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport, and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Annual lease revenue of \$2,220 for rental of T-Hangar #23 will be deposited into account 110-0000-446-3021.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9959-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AIRPORT HANGAR LEASE AGREEMENT WITH WILLIAM MAEDGEN, IN THE AMOUNT OF \$185 PER MONTH, FOR THE USE OF T-HANGAR NO. 23 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, William Maedgen has requested to lease T-hangar No. 23 at the Airport for aircraft storage and aeronautical purposes - the rent for this T-hangar will be \$185 per month, due on the 1st day of each month;

Whereas, William Maedgen will be leasing T-hangar No. 23 which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Aeronca
Model:	7AC
U.S. Registration No./ Tail No.:	N82498

Whereas, Staff recommends Council authorize a 12-month airport T-hangar lease agreement with William Maedgen, at the rental rate of \$185 per month, with an effective date of February 10, 2020;

Whereas, the lease may be renewed for additional 12-month terms at the agreement of the parties, as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions;

Whereas, William Maedgen agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft – William Maedgen further understands that commercial activity is prohibited in the T-hangar;

Whereas, pursuant to the lease agreement, William Maedgen, will: timely pay rent; store only aircraft and items related to aeronautical operations on the leased premises; grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs; furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar; keep the premises in a good and orderly condition; comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport; and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured,

Whereas, this is an as-is lease, and the City will not be making any adjustments or upgrades to the space;

Whereas, the City will receive annual lease revenue of \$2,200.00, which will be deposited into Account No. 110-0000-446-3021; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute an airport T-hangar lease agreement with William Maedgen, in the amount of \$185 per month for the use of T-hangar No. 23 at the Draughon-Miller Central Texas Regional Airport, effective February 10, 2020.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

M. Sean Parker, Airport Director
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with Luke Wimmer for lease of T-hangar #63 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Luke Wimmer has requested to lease T-hangar #63 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$210 per month, due on the 1st day of the month.

Mr. Wimmer will be leasing T-Hangar #63, which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Piper
Model:	PA-28-151
Engine Manufacturer:	Lycoming
Engine Model:	0-320 Series
U.S. Registration No./Tail #:	N813SS

The initial term of this lease agreement will be for 12 months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of February 10, 2020.

Mr. Wimmer agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft. Mr. Wimmer further understands that commercial activity is prohibited in the T-hangar.

Pursuant to the lease agreement, Mr. Wimmer will: timely pay rent, store only aircraft and items related to aeronautical operations on the leased premises, grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs, furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar, keep the premises in a good and orderly condition, comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport, and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Annual lease revenue of \$2,520 for rental of T-Hangar #63 will be deposited into account 110-0000-446-3021.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2020-9960-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AIRPORT HANGAR LEASE AGREEMENT WITH LUKE WIMMER, IN THE AMOUNT OF \$210 PER MONTH, FOR THE USE OF T-HANGAR NO. 63 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Luke Wimmer has requested to lease T-hangar No. 63 at the Airport for aircraft storage and aeronautical purposes - the rent for this T-hangar will be \$210 per month, due on the 1st day of each month;

Whereas, Luke Wimmer will be leasing T-hangar No. 63 which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Piper
Model:	PA-28-151
U.S. Registration No./ Tail No.:	N813SS

Whereas, Staff recommends Council authorize a 12-month airport T-hangar lease agreement with Luke Wimmer, at the rental rate of \$210 per month, with an effective date of February 10, 2020;

Whereas, the lease may be renewed for additional 12-month terms at the agreement of the parties, as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions;

Whereas, Luke Wimmer agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft – Luke Wimmer further understands that commercial activity is prohibited in the T-hangar;

Whereas, pursuant to the lease agreement, Luke Wimmer, will: timely pay rent; store only aircraft and items related to aeronautical operations on the leased premises; grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs; furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar; keep the premises in a good and orderly condition; comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport; and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured,

Whereas, this is an as-is lease, and the City will not be making any adjustments or upgrades to the space;

Whereas, the City will receive annual lease revenue of \$2,520.00, which will be deposited into Account No. 110-0000-446-3021; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s office, to execute an airport T-hangar lease agreement with Luke Wimmer, in the amount of \$210 per month for the use of T-hangar No. 63 at the Draughon-Miller Central Texas Regional Airport, effective February 10, 2020.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

M. Sean Parker, Airport Director
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement with David Hill for lease of T-hangar #82 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: David Hill has requested to lease T-hangar #82 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$250 per month, due on the 1st day of the month. Mr. Hill bought out the business relationship that had previously been leasing T-Hangar #82 and has provided evidence of this transaction. Mr. Hill has been the person responsible for paying the t-hangar rent and has a credit card on file for billing. The aircraft is registered to Blackhill Aviation Division, LLC

Mr. Hill will be leasing T-Hangar #82, which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Cirrus Design Corp
Model:	SR22T
Engine Manufacturer:	Cont Motor
Engine Model:	TSIO-550-K
U.S. Registration No./Tail #:	N84RB

The initial term of this lease agreement will be for 12 months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of February 10, 2020.

Mr. Hill agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft. Mr. Hill further understands that commercial activity is prohibited in the T-hangar.

Pursuant to the lease agreement, Mr. Hill will: timely pay rent, store only aircraft and items related to aeronautical operations on the leased premises, grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs, furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar, keep the premises in a good and orderly condition, comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport, and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Annual lease revenue of \$3,000 for rental of T-Hangar #82 will be deposited into account 110-0000-446-3021.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9961-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AIRPORT HANGAR LEASE AGREEMENT WITH DAVID HILL, IN THE AMOUNT OF \$250 PER MONTH, FOR THE USE OF T-HANGAR NO. 82 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, David Hill has requested to lease T-hangar No. 82 at the Airport for aircraft storage and aeronautical purposes - the rent for this T-hangar will be \$250 per month, due on the 1st day of each month;

Whereas, David Hill will be leasing T-hangar No. 82 which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Cirrus Design Corp.
Model:	SR22T
U.S. Registration No./ Tail No.:	N84RB

Whereas, Staff recommends Council authorize a 12-month airport T-hangar lease agreement with David Hill, at the rental rate of \$250 per month, with an effective date of February 10, 2020;

Whereas, the lease may be renewed for additional 12-month terms at the agreement of the parties, as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions;

Whereas, David Hill agrees to use the T-hangar solely for aircraft hangar purposes and aeronautical operations and understands that the hangar space is for storage of an operable airworthy aircraft – David Hill further understands that commercial activity is prohibited in the T-hangar;

Whereas, pursuant to the lease agreement, David Hill, will: timely pay rent; store only aircraft and items related to aeronautical operations on the leased premises; grant the City the right to enter the T-hangar at any time for inspection, repairs, additions, alterations, or repairs; furnish a duplicate key or combination to the Airport Director for any lock used to secure the T-hangar; keep the premises in a good and orderly condition; comply with all terms of the lease agreement and all ordinances, rules, regulations of the City and the Airport; and maintain the required liability insurance as evidenced by a current certificate of insurance that names the City as an additional insured,

Whereas, this is an as-is lease, and the City will not be making any adjustments or upgrades to the space;

Whereas, the City will receive annual lease revenue of \$3,000.00, which will be deposited into Account No. 110-0000-446-3021; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s office, to execute an airport T-hangar lease agreement with David Hill, in the amount of \$250 per month for the use of T-hangar No. 82 at the Draughon-Miller Central Texas Regional Airport effective February 10, 2020.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Possession and Use Agreement for rights-of-way, permanent utility easements, and temporary construction easements necessary for the construction of the Poison Oak Road Expansion Project and authorizing the payment of the consideration for the Possession and Use Agreement and credit towards acquisition of the right-of-way, permanent utility easement, and temporary construction easement, in an amount not to exceed \$85,104.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

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

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

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

The City needs rights of way, permanent utility easements, and temporary constructions easements on three tracts land owned by an individual owner. Appraisals were conducted on the properties and offers made to the owner based on the appraisals. Negotiations are in progress to acquire the needed rights-of-way and easements. However, in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement while the parties continue to work towards a purchase agreement for the property. As consideration for the Possession and Use Agreement, the City will pay the property owner \$85,104. This amount will be credited towards the final acquisition price for the needed rights of way and easements.

FISCAL IMPACT: Funding is available for the Possession and Use Agreement, which is necessary for the construction of the Poison Oak Road Expansion Project in an amount not to exceed \$85,104 in account 365-3400-531-6886, projects 101715.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9962-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A POSSESSION AND USE AGREEMENT FOR RIGHTS OF WAY, PERMANENT UTILITY EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS NECESSARY FOR CONSTRUCTION OF THE POISON OAK ROAD EXPANSION PROJECT AND AUTHORIZING THE PAYMENT OF CONSIDERATION FOR THE POSSESSION AND USE AGREEMENT AND CREDIT TOWARDS ACQUISITION OF THE RIGHT OF WAY, PERMANENT UTILITY EASEMENT, AND TEMPORARY CONSTRUCTION EASEMENT, IN AN AMOUNT NOT TO EXCEED \$85,104.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

Whereas, the City has acquired seventeen rights of way and is coordinating closing with three property owners;

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

Whereas, the State of Texas is in the process of conveying right of way to the City - negotiations continue with the remaining property owners;

Whereas, the City needs rights of way, permanent utility easements, and temporary construction easements on three tracts of land owned by a single owner - appraisals were conducted on the properties and offers made to the owner based on the appraisals and negotiations are in progress to acquire the needed rights of way and easements;

Whereas, in order to meet the construction schedule, the City and the Owner have agreed to enter into a Possession and Use Agreement while the parties continue to work towards a purchase agreement for the property - as consideration for the Possession and Use Agreement, the City will pay the property owner \$85,104.00 and this amount will be credited towards the final acquisition price for the needed rights of way and easements;

Whereas, Staff recommends Council authorize a Possession and Use Agreement for rights of way, permanent utility easements, and temporary construction easements necessary for the construction of the Poison Oak Road Expansion Project and authorizing the payment of the consideration for the Possession and Use Agreement and credit towards acquisition of the right of way, permanent utility easement, and temporary construction easement, in an amount not to exceed \$85,104.00;

Whereas, funding is available for this agreement in Account No. 365-3400-531-6886, Project No. 101715; and

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

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

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

Part 2: The City Council authorizes a Possession and Use Agreement for rights of way, permanent utility easements, and temporary construction easements necessary for the construction of the Poison Oak Road Expansion Project and authorizing the payment of consideration for the Possession and Use Agreement and credit towards acquisition of the right of way, permanent utility easement, and temporary construction easement, in an amount not to exceed \$85,104.00, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary to accept this donation.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(H)
Consent Agenda
Page 1 of 2

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 a change order with R. T. Schneider Construction Company, Ltd., for services to construct Hogan Road from State Highway 317 to South Pea Ridge Road, in the amount of \$3,665.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The City of Temple's Transportation Capital Improvement Program includes capacity and connectivity improvements to Hogan Road. These improvements include reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road to a three-lane collector roadway with a 10' sidewalk and improved waterlines. See attached project map. Council authorized professional services with MRB Group (MRB), formally BSP Engineers, Inc., to design, bid, and administer construction phase services for these improvements.

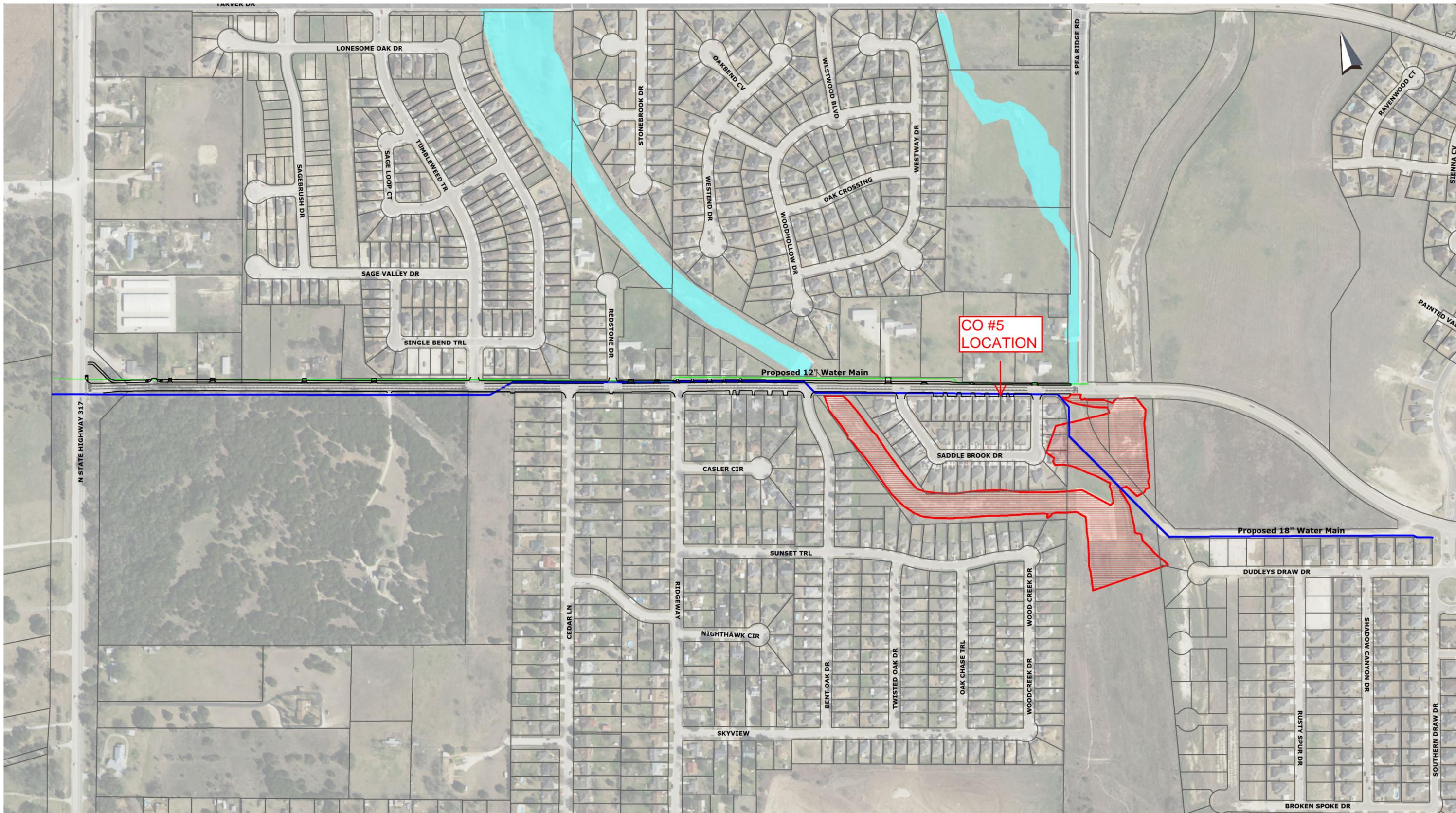
In January 2019, Council authorized a construction contract with RTS for \$3,222,041.73. In May 2019, Council authorized deductive change order #1 in the amount of \$78,381.80. Change orders #2-4, totaling \$49,271.64, were previously approved by Staff. The attached change order #5 includes items to install an additional drainage inlet and must be approved by Council as the net change on the contract amount, considering change orders #2-4, now exceeds the \$50,000 threshold. MRB's attached recommendation letter addresses the constructability issues. Time has also been added for delay of sidewalk construction due to sewer construction for Westside Village Subdivision. Change order #5 increases the contract amount to \$3,196,596.57, resulting in a net 0.8% decrease.

FISCAL IMPACT: Funding for change order #5 with R.T. Schneider Construction Company in the amount of \$3,665 for Hogan Road from State Highway 317 to South Pea Ridge Road is available as shown below:

Hogan Road Widening			
100952			
	365-3400-531-6857	561-5200-535-6983	Total
Project Budget	\$ 2,712,077	\$ 1,799,780	\$ 4,511,857
Encumbered/Committed to Date	(2,371,831)	(1,682,954)	(4,054,785)
R.T. Schneider C.O. #5	(3,665)	-	(3,665)
Remaining Project Funds	\$ 336,581	\$ 116,826	\$ 453,407

ATTACHMENTS:

- [Project Map](#)
- [Recommendation Letter](#)
- [Change Order](#)
- [Resolution](#)



**City of Temple
Hogan Road Widening**

PRJ# 2303
01/11/2019

Legend

- FEMA Zone AE
- FEMA Zone Floodway
- Proposed 12" Water Main
- Proposed 18" Water Main



January 24, 2020

City of Temple, Engineering
Attn.: Ms. Sharon Carlos
3210 East Ave. H, Bldg. A
Temple, Texas 76501

Re: Hogan Rd Widening Including 18" and 12" Water Mains

Dear Ms. Carlos,

This letter is in support of Change Order No. 5 and explains the requested amounts.

Item 1. Mob/Bond/Insurance - This item will cover cost from remobilizing to complete the CO #5 work, as well as, Bonding and Insurance.

Item 37. 2x2 Sump Inlet with Heavy Duty Grate - This item will need to be installed near an OnCor Electrical Box due to the location and elevation of the box. The Sump Inlet will prevent the electrical box from being submerged with water in the case of a heavy rain storm.

Please let me know if you have any further questions regarding these items.

Sincerely,

A handwritten signature in black ink that reads "Anthony D. Beach".

Anthony D. Beach, P.E.

CHANGE ORDER

PROJECT: **Hogan Road Widening Including 18' and 12" Water Mains**
 OWNER: **City of Temple**
 CONTRACTOR: **RT Schneider Construction Co LTD**
 ENGINEER: **BSP Engineers**
 CHANGE ORDER #: **Five (5)**

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ADDITIONS:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
1	Mob/Bond/Ins.	1	LS	\$ 915.00	\$ 915.00
37	2x2 Sump Inlet and Heavy Duty Grate	1	EA	\$ 2,750.00	\$ 2,750.00
Total Additions:					\$ 3,665.00

DEDUCTIONS:

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
N/A	N/A	0	N/A	\$ -	\$ -
Total Deletions:					\$ -

Change Order Total: \$ 3,665.00

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

Original Contract Amount:	\$ 3,222,041.73
Previous Change in Contract Amount:	\$ (29,110.16)
Change in Contract Amount:	\$ 3,665.00
Revised Contract Amount:	\$ 3,196,596.57
Original Contract Time:	425 Days
Previous Change in Contract Time:	26 Days
Change in Contract Time:	33 Days
Revised Contract Time:	484 Days
Original Final Completion Date:	May 2, 2020
Revised Final Completion Date:	June 30, 2020

Recommended by:	Recommended by:
_____	<i>Anthony D. Buel</i> 1/24/2020
Project Manager (City Staff) Date	Architect/Engineer Date
Agreed to:	Approved by City of Temple:
<i>Dona Zang</i> 01/24/2020	_____
Contractor Date	City Manager Date
Approved as to form:	Approved by Finance Department:
_____	_____
City Attorney's Office Date	Finance Date

RESOLUTION NO. 2020-9963-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LLC OF BELTON, TEXAS IN THE AMOUNT OF \$3,665.00, FOR SERVICES REQUIRED TO CONSTRUCT HOGAN ROAD FROM STATE HIGHWAY 317 TO SOUTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple's Transportation Capital Improvement Program includes capacity and connectivity improvements to Hogan Road - these improvements include reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road, to a three-lane collector roadway with a 10-foot sidewalk and improved waterlines;

Whereas, Council authorized a professional services agreement with MRB Group (MRB), formerly BSP Engineers, Inc. to design, bid, and administer construction phase services for these improvements - in January 2019, Council authorized a construction contract with R.T. Schneider Construction Company, LLC (RTS) for \$3,222,041.73;

Whereas, in May 2019, Council authorized deductive Change Order No. 1 in the amount of \$78,381.80 - Change Orders 2-4 totaling \$49,271.64 were previously approved by Staff;

Whereas, Change Order No. 5 includes items to install an additional drainage inlet and must be approved by Council as the net change on the contract amount, considering Change Orders 2-4, now exceeds the \$50,000 threshold and increases the contract amount to \$3,196,596.57, resulting in a net 0.8% decrease;

Whereas, Staff recommends Council authorize a change order to the construction contract with R.T. Schneider Construction Company, LLC of Belton, Texas in the amount of \$3,665.00, for services required to construct Hogan Road from State Highway 317 to South Pea Ridge Road;

Whereas, funding for this change order is available in Account No. 365-3400-531-6857, Project No. 100952; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a change order to the construction contract with R.T. Schneider Construction Company, LLC of Belton, Texas in the amount of \$3,665.00, for services to construct Hogan Road from State Highway 317 to South Pea Ridge Road.

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

PASSED AND APPROVED this the 6th day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the acceptance of a donation of a 0.606-acre permanent wastewater easement from Cedon Realty, Ltd. and granting two temporary construction easements to Cedon Realty, Ltd. necessary for the construction of a new sanitary sewer main extension to provide service for 7777 and 7687 South General Bruce Drive.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Cedon Realty, Ltd, a Texas limited partnership, (Cedon) owns the properties located at 7777 and 7687 South General Bruce Drive, Temple, legally described as Lots 1 and 2, Block 1, Cedon Addition 2, of record in Cabinet D, Slide 166-C, Plat Records of Bell, Texas. Cedon is interested in constructing a wastewater line extension to serve its property as well as surrounding properties. Cedon's property is located along the route of the City's current Leon River Trunk Sewer project and Cedon will connect to the new trunk sewer line once it has been installed.

The City and Cedon have executed a Developer Participation Agreement to share in the cost of constructing the wastewater line extension. The Developer Participation Agreement with Cedon Realty, Ltd. was approved by Council on February 15, 2018. The City's participation will not exceed \$36,750.68 or 30% of the actual cost of the wastewater line extension, whichever is less.

Cedon has agreed to donate a 0.0606-acre permanent easement to the City in the location of the new wastewater line extension. Additionally, project construction requires a 0.029-acre and 0.128-acre temporary construction easement on City property.

The addresses and Bell CAD IDs of the properties where the permanent easement is located are:

7777 South General Bruce Drive, #392555
7687 South General Bruce Drive, #392564

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are expected to be nominal.

ATTACHMENTS:

[Cost Share Agreement](#)
[Resolution](#)

L-9337
4-2-2018

DEVELOPER PARTICIPATION AGREEMENT

Construction of Wastewater Line Extension- Connection to Leon River Trunk Sewer

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter "the City") and Cedon Realty, Ltd. (hereinafter "Developer"), land developer of real property located at 7777 South General Bruce Drive, Temple, Texas.

Whereas, the City and Developer desire to execute this Developer Participation Agreement pursuant to Texas Local Government Code §§ 212.071-212.074;

Whereas, Developer owns property located at 7777 South General Bruce Drive in southwest Temple and is interested in constructing a wastewater line extension which would serve its property, as well as surrounding properties in the same area;

Whereas, Developer's property is located along the route of a current City wastewater line project known as the Leon River Trunk Sewer project and Developer proposes to connect to the new trunk sewer line once it has been installed and estimates the cost of this construction to be \$122,502.60;

Whereas, pursuant to Chapter 212 of the Texas Local Government Code, Section 212.072, the City may participate in the construction at a level not to exceed 30% of the cost of the public improvements, capping the City's participation at \$36,750.68 or 30% of the actual costs of the sewer line extension, whichever is less;

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

Therefore, City and Developer agree as follows:

- 1. Purpose.** The City and Developer desire to share in the cost of constructing public improvements, to include a wastewater line extension, connecting Developer's property to the City's Leon River Trunk Sewer Project.
- 2. Developer's Obligations.** Developer will construct a wastewater line extension ("the Project"), further described in Exhibit A, attached hereto and incorporated herein for all purposes, to connect to the Leon River Trunk Sewer project once it is installed. This wastewater line extension would serve Developer's property as well as surrounding properties in the same area.

Pursuant to Texas Local Government Code Chapter 212, Developer understands that the City will pay for the cost of extending the wastewater line at a not to exceed amount of \$36,750.68, or 30% of the actual costs of the wastewater line extension, whichever is less (referred to herein as the "Not to Exceed Amount"). The City shall contribute no more than the Not to Exceed Amount and Developer shall bear the cost, if any, of the wastewater line extension construction which exceeds the City's contribution under Section 3 below. Developer agrees to provide full documentation to the City of the actual amounts spent towards eligible costs (as described in Section 3). Subject to verification of such records by the City, the City agrees to reimburse Developer for construction of the Project up to the Not to Exceed Amount.

- 3. City's Obligations.** The City agrees to reimburse the Developer for construction of the wastewater line extension up to the Not to Exceed Amount of \$36,750.68, or 30% of the actual costs of the

wastewater line extension, whichever is less, as outlined above. Final payment will be made to Developer once satisfactory documentation showing funds expended has been received and the City has accepted the improvements.

Developer bears 100% of the cost of improvements over the Not to Exceed Amount. Eligible expenses to be reimbursed by the City include the cost of labor and materials for the Project as outlined in Exhibit A, provided that the total reimbursement by the City cannot exceed the Not to Exceed Amount.

After acceptance of the said improvements, the City shall maintain those improvements at its own expense, subject to any warranties by the contractors or maintenance bonds on said improvements.

4. **Developer's Certifications.** Developer certifies by executing this agreement that Developer does not and will not knowingly employ undocumented workers as that term is defined in Section 2264.001(4) of the Texas Government Code. In the event Developer is convicted of a violation of 8 U.S.C Section 1324 a(f) (relating to federal criminal penalties and injunctions for a pattern or practice employing unauthorized aliens), Developer shall repay the amount of the fee waivers, lien releases, and in-kind services received under this Agreement, with interest at a rate of 5% per annum, not later than the 120th day after the date the City notifies Developer of the violation. Notwithstanding anything to the contrary herein, this Section shall survive the expiration or termination of this Agreement.

Developer certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

Developer certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. Developer further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189.

5. **Assignment.** Developer shall have the right to assign this Agreement as collateral for the financing of the construction of the Project, and in the event that Developer is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the Project, and receive a contribution from the City in an amount not to exceed \$36,750.68, or 30 % of the actual cost of construction, whichever is less, upon final acceptance of the improvements by the City.
6. **Availability of Records.** Developer agrees to make its books and other records related to construction of the project available for inspection by the City during reasonable business hours.
7. **Performance Bond.** Developer or its contractor must execute a performance bond with the City as beneficiary for the construction and completion of the said improvements outlined above. The bond shall also be executed by a corporate surety and shall be in compliance with Chapter 2253 of the Texas Government Code.

Executed on this the 19th day of March, 2018.

City of Temple, Texas

Cedon Realty, Ltd.

[Signature]

Brynn Myers
City Manager

[Signature]
By: Don Al Ringler
Title: Partner

Attest:



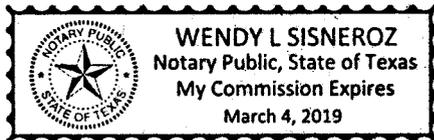
Approved as to Form:

[Signature]
Lacy Borgeson
City Secretary

[Signature]
City Attorney's Office

State of Texas §
County of Bell §

This instrument was acknowledged before me on the 2 day of April, 2018 by Brynn Myers, City Manager, for the City of Temple, a Texas home rule City.



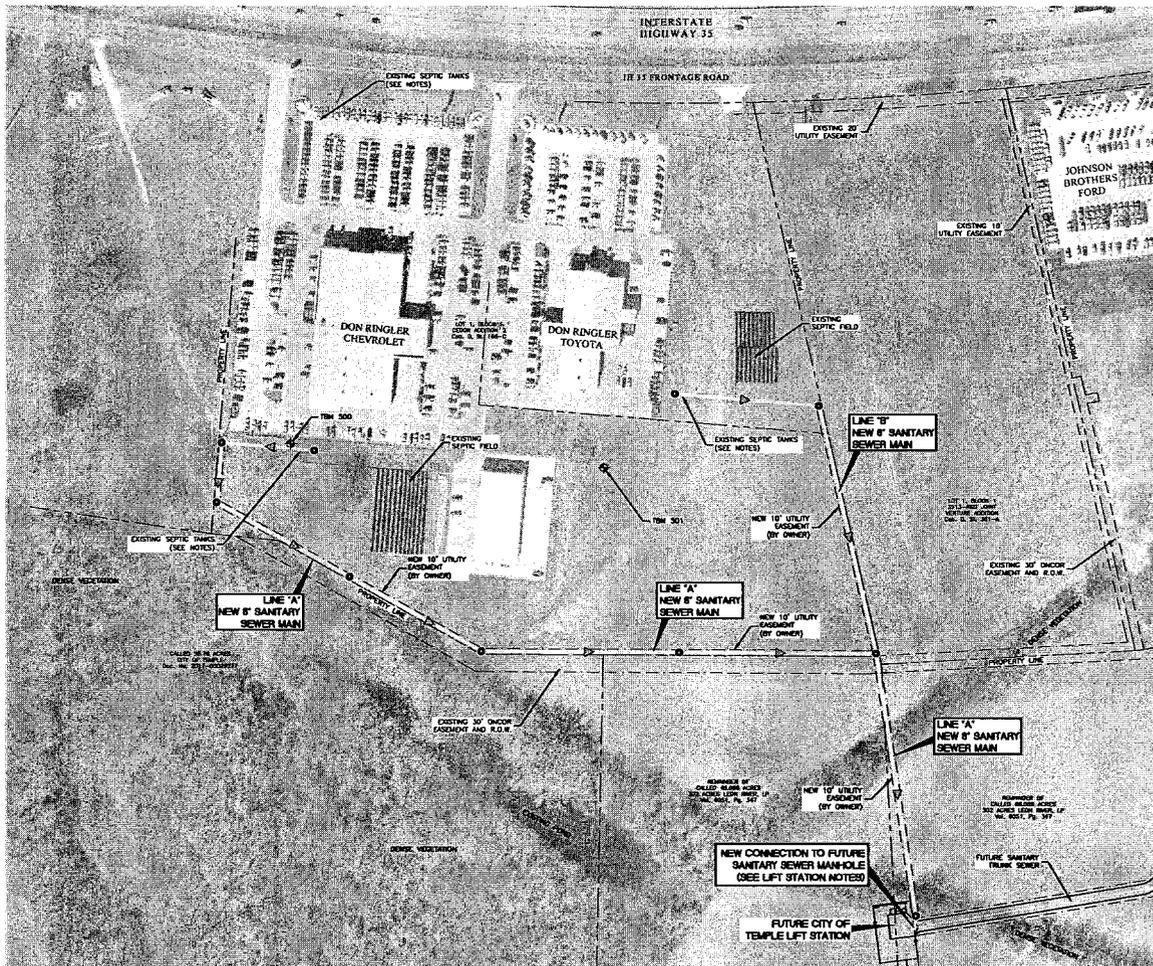
[Signature]
Notary Public

State of Texas §
County of Bell §

This instrument was acknowledged before me on the 19th day of March, 2018 by Don Al Ringler, Partner, for Cedon Realty, Ltd.



[Signature]
Notary Public



LEGEND

- NEW SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER MANHOLE
- ▶ SANITARY SEWER DIRECTIONAL FLOW ARROW

NOTES

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE LOCATION OF EXISTING UTILITIES, PUBLIC RECORDS, RECORDS, ETC. WITH OWNER.
2. EXISTING UTILITIES WERE LOCATED BY FIELD INVESTIGATION/PRELIMINARY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY MARKING AND REDUCED TO OWNERS AND APPROPRIATE UTILITY COMPANY.

SEPTIC SYSTEM NOTES

1. IF A SEPTIC SYSTEM IS RESPONSIBLE TO DISCONNECT, REPAIR, REPLACE, MAINTAIN, OR REMOVE EXISTING SEPTIC SYSTEM FOR ALL COUNTY HEALTH DEPARTMENT REQUIREMENTS.
2. IF A SEPTIC SYSTEM IS RESPONSIBLE TO CONNECT TO EXISTING SANITARY SEWER SERVICES TO NEW SANITARY SEWER MAIN.

LIFT STATION NOTES

1. PRIOR TO CONSTRUCTION AND/OR TESTING OF WORK, THE CONTRACTOR SHALL COORDINATE STATUS OF LIFT STATION CONSTRUCTION WITH CITY OF TEMPLE ENGINEERING DEPARTMENT. ANY DISCREPANCIES OR OMISSIONS SHOULD BE IMMEDIATELY REPORTED TO PROJECT ENGINEER.

BENCHMARK INFORMATION

NO.	DESCRIPTION	ELEVATION
300	TRIANGLE ON SW CORNER OF CONCRETE TRANSFORMER PAD	463.42
501	TRIANGLE WITH PUNCH SET ON SW CORNER OF CONCRETE TRANSFORMER PAD	443.48



Date:	Revisions:
	Remarks:

DRAWING STATUS

DON RINGLER CHEVROLET
NEW SANITARY SEWER
MAIN EXTENSION
TEMPLE, TEXAS

CLARK & FULLER
CIVIL ENGINEERING DESIGN & PLANNING

PROJECT NO. 11182-0001
DATE: 11-27-17
DRAWN BY: [Name]
CHECKED BY: [Name]

CIVIL SITE PLAN

C3.1



BELL CONTRACTORS, INC.
Since 1977

November 29, 2017

Name
Company
Address
City

Phone:
FAX:
Mobile:
e-mail:

Bid proposal for Sewer at "Don Ringler New Sanitary Sewer" in Temple, Texas.

Unit #	Description	Quantity	Unit	Unit Price	Amount
II	Sewer				
1	Sewerline-8" SDR26 (13)	2614	LF	\$ 29.20	\$ 76,328.80
2	Sewer-Connect to Existing Manhole w/ Drop (1)	1	EA	\$ 1,400.00	\$ 1,400.00
3	Sewer-Manhole-4' - 16.57', 16.62', 17.15', 9.52', 11.07', 5.01	10	EA	\$ 3,100.00	\$ 31,000.00
4	Sewer-Service Connection (2)	2	EA	\$ 920.00	\$ 1,840.00
5	Sewer-Cap-8" (1)	1	EA	\$ 400.00	\$ 400.00
6	Sewer - Remove & Abandon Existing Septic System (2)	2	EA	\$ 1,600.00	\$ 3,200.00
7	Silt Fence (4)	1778	LF	\$ 2.10	\$ 3,733.80
8	Seeding	1	LS	\$ 4,600.00	\$ 4,600.00
	Total-Sewer				\$ 122,502.60
	Total				\$ 122,502.60

RESOLUTION NO. 2020-9964-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE DONATION OF AN APPROXIMATELY 0.606-ACRE PERMANENT WASTEWATER EASEMENT FROM CEDON REALTY, LTD. AND GRANTING TWO TEMPORARY CONSTRUCTION EASEMENTS TO CEDON REALTY, LTD., WHICH ARE NECESSARY FOR THE CONSTRUCTION OF A NEW WASTEWATER LINE EXTENSION TO PROVIDE SERVICE FOR 7777 AND 7687 SOUTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Cedon Realty, Ltd, a Texas limited partnership, (Cedon) owns the properties located at 7777 and 7687 South General Bruce Drive, Temple, legally described as Lots 1 and 2, Block 1, Cedon Addition 2, of record in Cabinet D, Slide 166-C, Plat Records of Bell, Texas;

Whereas, Cedon wants to construct a wastewater line extension to serve its property as well as surrounding properties - Cedon's property is located along the route of the City's current Leon River Trunk Sewer project and Cedon will connect to the new trunk sewer line once it has been installed;

Whereas, the City and Cedon have executed a Developer Participation Agreement, approved by Council on February 15, 2018, to share in the cost of constructing the wastewater line extension - the City's participation will not exceed \$36,750.68 or 30% of the actual cost of the wastewater line extension, whichever is less;

Whereas, Cedon has agreed to donate an approximately 0.606-acre permanent easement to the City in the location of the new wastewater line extension - additionally, project construction requires an approximately 0.029-acre and 0.128-acre temporary construction easement on City property;

Whereas, Staff recommends Council authorize the acceptance of the donation of an approximately 0.606-acre permanent wastewater easement from Cedon Realty, Ltd. and grant two temporary construction easements to Cedon Realty, Ltd., which are necessary for the construction of a new wastewater line extension to provide service for 7777 and 7687 South General Bruce Drive;

Whereas, the addresses of the properties are:

- 7777 S. General Bruce Drive, Bell CAD ID No. 392555 and
- 7687 S. General Bruce Drive, Bell CAD ID No. 392564;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land, which are expected to be nominal; and

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

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

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

Part 2: The City Council authorizes the acceptance of the donation of an approximately 0.606-acre permanent wastewater easement from Cedon Realty, Ltd. and granting two temporary construction easements to Cedon Realty, Ltd. necessary for the construction of a new wastewater line extension to provide service for 7777 and 7687 South General Bruce Drive.

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s office, to execute any documents that may be necessary to accept this donation.

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

PASSED AND APPROVED this the 6th day of February, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution accepting the donation of 1.2697 acres of right-of-way and a 0.1360-acre public utility easement from Temple Independent School District for the North 31st Street with Interstate Highway 35 Connection Project.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The City is in the process of designing the North 31st Street with Interstate Highway 35 (IH-35) Connection Project. The project will begin at Calhoun Avenue connecting to the IH-35 Frontage Road at Bray Street and include a roundabout connection to North 31st Street and IH-35 Frontage Road at Temple High School. The planned improvements include drainage, water utilities, wastewater, landscaping, pedestrian facilities, roundabout with art feature, striping, and signage. The improvements will improve traffic flow in the area and enhance connectivity between North 31st and Interstate Highway 35.

The design requires right-of-way, drainage easements, and public utility easements from six property owners. The City needs a 0.5787-acre, a 0.691-acre right-of-way, and a 0.1360-acre public utility easement from TISD. TISD has agreed to donate the rights of way and easement to the City. Therefore, an appraisal will not be conducted for these acquisitions.

The addresses and Bell CAD IDs of the properties are:

415 North 31st Street, #115214 and #115217
711 North 31st Street, #115203
811 North 31st Street, #132772

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which are expected to be nominal.

ATTACHMENTS:

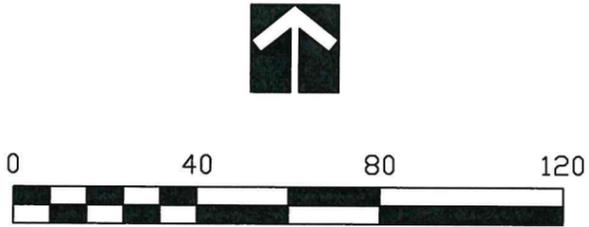
[Surveys](#)
[Resolution](#)

NORTH 31st STREET PROJECT - TRACT G7 - 2
 TEMPLE INDEPENDENT SCHOOL DISTRICT

Survey showing 0.0691 ACRE, situated in the C. S. MASTERS SURVEY, ABSTRACT 550, Bell County, Texas, embracing a portion of the remainder of a called 7.68 Acre tract conveyed to Temple Independent School District in Volume 1256, Page 438, Deed Records of Bell County, Texas and a portion of Lot 1, Block 1, T.I.S.D. SUBDIVISION NO. 1, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet B, Slide 331-A, Plat Records of Bell County, Texas, TOGETHER WITH a 0.1360 Acre Utility Easement, being adjacent and parallel to the east line of said 0.0691 Acre tract.

This sketch to accompany a metes and bounds description of the hereon shown 0.0691 Acre and 0.1360 Acre tracts.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	402.00'	90.65'	12°55'13"	S 23°23'27" W	90.46'
C2	417.00'	145.33'	19°58'05"	S 26°54'54" W	144.59'



- - 5/8" Iron Rod w/cap stamped "ACS" Set (unless otherwise noted)
- ▲ - Calculated Point

NORTH 31st STREET
 (70' ROW) (Asphalt Surface)
 Unable to locate record information for this roadway

0.0691 ACRE OF LAND
 (3010 sq. ft.)

0.1360 Acre Utility Easement
 (5926 sq. ft.)

REMAINDER OF CALLED 7.68 ACRES
 TEMPLE INDEPENDENT SCHOOL DISTRICT
 Vol. 1256, Pg. 438



Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

This sketch represents a survey made on the ground. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Survey completed: 03-13-2019
 Scale: 1" = 40'
 Job No.: 192024.1
 Dwg No.: 192024.1 - TISD 2
 Drawn by: SLW
 Surveyor: CCL #4636
 Copyright 2020 All County Surveying, Inc.

Plot Date: 01-10-2020



ALL COUNTY SURVEYING, INC.
 Tx. Firm No. 10023600
 4330 South 5th Street
 Temple, Texas 76502
 254-778-2272 Killeen 254-634-4636
 Fax 254-774-7608
 www.allcountysurveying.com

REMAINDER OF CALLED 10 ACRES
 TEMPLE INDEPENDENT SCHOOL DISTRICT
 Vol. 892, Pg. 66

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

December 4, 2019

Surveyor's Field Notes for:

0.0691 ACRE OF LAND, situated in the **C. S. MASTERS SURVEY, ABSTRACT 550**, Bell County, Texas, embracing a portion of the remainder of a called 7.68 Acre tract conveyed to Temple Independent School District in Volume 1256, Page 438, Deed Records of Bell County, Texas and a portion of Lot 1, Block 1, T. I. S. D. SUBDIVISION NO. 1, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet B, Slide 331-A, Plat Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" found at the northwest corner of said 7.68 Acre tract, same being the southwest corner of said Lot 1, and being on the east line of North 31st Street;

THENCE, in a northerly direction, with the east line of said North 31st Street, **N 16° 48' 44" E – 127.19'**, to a 5/8" iron rod with cap stamped "ACS" set, for the northernmost corner of the herein described tract;

THENCE, in a southerly direction, severing said Lot 1 and said 7.68 Acre tract, as evidenced by 5/8" iron rods with caps stamped "ACS" set, the following calls:

1. **S 11° 45' 09" W – 121.40'**,
2. **S 16° 55' 51" W – 165.48'**, and
3. With a curve to the right; having a radius of **402.00'**, a delta angle of **12° 55' 13"**, and a long chord which bears **S 23° 23' 27" W – 90.46'**; an arc length of **90.65'**, to a 5/8" iron rod with cap stamped "ACS" set on the east line of said North 31st Street, for the southernmost corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said North 31st Street, same being the west line of said 7.68 Acre tract, **N 16° 48' 44" E – 249.08'**, to the **POINT OF BEGINNING** and containing 0.0691 Acre of Land.

Bearings cited herein are based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyor's sketch of the herein described 0.0691 Acre tract.

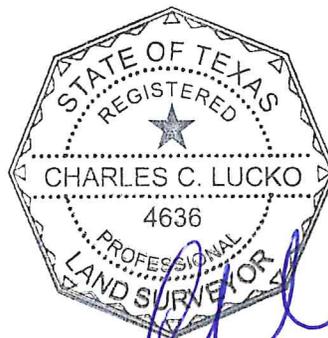
Surveyed March 13, 2019

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro190000/192000192024/
192024 - ROW-ESMTS/192024.1 - TISD 2.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

January 10, 2020

Surveyor's Field Notes for:

0.1360 ACRE OF LAND, situated in the **C. S. MASTERS SURVEY, ABSTRACT 550**, Bell County, Texas, embracing a portion of the remainder of a called 7.68 Acre tract conveyed to Temple Independent School District in Volume 1256, Page 438, Deed Records of Bell County, Texas and a portion of Lot 1, Block 1, T. I. S. D. SUBDIVISION NO. 1, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet B, Slide 331-A, Plat Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" set on the west line of said Lot 1, which bears N 16° 48' 44" E – 127.19' from a 5/8" iron rod with cap stamped "ACS" found at the northwest corner of said 7.68 Acre tract, same being the southwest corner of said Lot 1, and being on the east line of North 31st Street;

THENCE, in a northerly direction, with the east line of said North 31st Street, **N 16° 48' 44" E – 113.39'**, to a calculated point, for the northernmost corner of the herein described tract;

THENCE, in a southerly direction, severing said Lot 1 and said 7.68 Acre tract, the following calls:

1. **S 11° 45' 09" W – 290.20'**, a calculated point
2. **S 16° 55' 51" W – 110.76'**, a calculated point, and
3. With a curve to the right; having a radius of **417.00'**, a delta angle of **19° 58' 05"**, and a long chord which bears **S 26° 54' 54" W – 144.59'**; an arc length of **145.33'**, to a calculated point at the southwest corner of the remainder of said 7.68 Acre tract, for the southernmost corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said North 31st Street, same being the west line of said 7.68 Acre tract, **N 16° 48' 44" E – 52.52'**, to a 5/8" iron rod with cap stamped "ACS" set;

THENCE, in a northerly direction, leaving the east line of said North 31st Street, severing said 7.68 Acre tract and said Lot 1, as evidenced by 5/8" iron rods with caps stamped "ACS" set, the following calls:

1. With a curve to the left; having a radius of **402.00'**, a delta angle of **12° 55' 13"**, and a long chord which bears **N 23° 23' 27" E – 90.46'**; an arc length of **90.65'**,
2. **N 16° 55' 51" E – 165.48'**, and
3. **N 11° 45' 09" E – 121.40'**, to the **POINT OF BEGINNING** and containing 0.1360 Acre of Land.

Bearings cited herein are based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyor's sketch of the herein described 0.1360 Acre tract.

Surveyed March 13, 2019

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro190000/192000192024/
192024 - ROW-ESMETS/192024.1 - TISD 2 - UE.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

NORTH 31st STREET PROJECT - TRACT G7 - 1
 TEMPLE INDEPENDENT SCHOOL DISTRICT

Survey showing 0.5787 ACRE, situated in the C. S. MASTERS SURVEY, ABSTRACT 550, Bell County, Texas, embracing a portion of the remainder of a called 41.3 Acre tract conveyed to Temple Independent School District in Volume 862, Page 630, Deed Records of Bell County, Texas and a portion of the remainder of a called 10 Acre tract conveyed to Temple Independent School District in Volume 892, Page 66, Deed Records of Bell County, Texas

This sketch to accompany a metes and bounds description of the hereon shown 0.1279 Acre tract.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	402.00'	59.07'	8°25'11"	S 07°57'35" W	59.02'
C2	120.00'	90.64'	43°16'33"	S 04°39'01" E	88.50'
C3	120.00'	60.60'	28°55'59"	S 40°45'17" E	59.96'
C4	4.00'	7.52'	107°46'10"	N 70°53'38" E	6.46'
C5	4.00'	7.52'	107°46'10"	N 36°52'52" W	6.46'
C6	120.00'	60.60'	28°55'59"	S 74°46'03" W	59.96'
C7	120.00'	90.64'	43°16'33"	S 38°39'47" W	88.50'

LINE	BEARING	DISTANCE
L1	S 26°17'18" E	23.96'
L2	S 60°18'03" W	23.96'
L3	S 73°12'24" E	2.65'
L4	N 73°11'16" W	10.46'

(Rec. N 19°37'50" E)
 N 16°48'44" E 1016.48'
 S 17°01'50" W 69.73'

MATCHLINE - SHEET 2
 L3 MATCHLINE - SHEET 1

0.5787 ACRE OF LAND
 (25,207 sq. ft.)

NORTH 31st STREET
 (10' ROW) (Asphalt Surface)
 Unable to locate record information for this roadway

S 16°48'30" W 463.84'

REMAINDER OF CALLED 41.3 ACRES
 TEMPLE INDEPENDENT SCHOOL DISTRICT
 Vol. 862, Pg. 630



- - 5/8" Iron Rod w/cap stamped "ACS" Set (unless otherwise noted)
- ▲ - Calculated Point

POINT OF BEGINNING

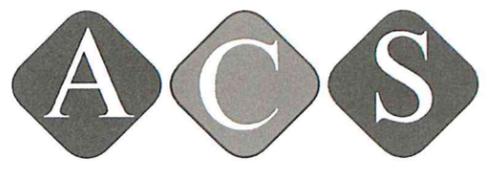


CALLLED 5 ACRES
 TEMPLE INDEPENDENT SCHOOL DISTRICT
 Vol. 2969, Pg. 55

SHEET 1 OF 2

Survey completed: 03-13-2019
 Scale: 1" = 40'
 Job No.: 192024.1
 Dwg No.: 192024.1 - TISD 1
 Drawn by: SLW
 Surveyor: CCL #4636
 Copyright 2020 All County Surveying, Inc.

Plot Date: 01-10-2020



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 Temple, Texas 76502
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NORTH 31st STREET PROJECT - TRACT G7 - 1
 TEMPLE INDEPENDENT SCHOOL DISTRICT

Survey showing 0.5787 ACRE, situated in the C. S. MASTERS SURVEY, ABSTRACT 550, Bell County, Texas, embracing a portion of the remainder of a called 41.3 Acre tract conveyed to Temple Independent School District in Volume 862, Page 630, Deed Records of Bell County, Texas and a portion of the remainder of a called 10 Acre tract conveyed to Temple Independent School District in Volume 892, Page 66, Deed Records of Bell County, Texas

This sketch to accompany a metes and bounds description of the hereon shown 0.1279 Acre tract.

REMAINDER OF CALLED 10 ACRES TEMPLE INDEPENDENT SCHOOL DISTRICT Vol. 892, Pg. 66

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	402.00'	59.07'	8°25'11"	S 07°57'35" W	59.02'
C2	120.00'	90.64'	43°16'33"	S 04°39'01" E	88.50'
C3	120.00'	60.60'	28°55'59"	S 40°45'17" E	59.96'
C4	4.00'	7.52'	107°46'10"	N 70°53'38" E	6.46'
C5	4.00'	7.52'	107°46'10"	N 36°52'52" W	6.46'
C6	120.00'	60.60'	28°55'59"	S 74°46'03" W	59.96'
C7	120.00'	90.64'	43°16'33"	S 38°39'47" W	88.50'

LINE	BEARING	DISTANCE
L1	S 26°17'18" E	23.96'
L2	S 60°18'03" W	23.96'
L3	S 73°12'24" E	2.65'
L4	N 73°11'16" W	10.46'



- - 5/8" Iron Rod w/cap stamped "ACS" Set (unless otherwise noted)
- ▲ - Calculated Point

Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

This sketch represents a survey made on the ground. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.



Charles C. Lucko

NORTH 31st STREET
 (70' ROW (Asphalt Surface))
 Unable to locate record information for this roadway

0.5787 ACRE OF LAND
 (25,207 sq. ft.)

REMAINDER OF CALLED 41.3 ACRES TEMPLE INDEPENDENT SCHOOL DISTRICT Vol. 862, Pg. 630

SHEET 2 OF 2

Survey completed: 03-13-2019
 Scale: 1" = 40'
 Job No.: 192024.1
 Dwg No.: 192024.1 - TISD 1
 Drawn by: SLW
 Surveyor: CCL #4636
 Copyright 2020 All County Surveying, Inc.

Plot Date: 01-10-2020



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 Tx. Firm No. 10023600
 4330 South 5th Street
 Temple, Texas 76502
 254-778-2272 Killeen 254-634-4636
 Fax 254-774-7608
 www.allcountysurveying.com

(Rec. N 19°37'50" E)
 N 16°48'44" E 1016.48'
 S 17°01'50" W 69.73'
 MATCHLINE - SHEET 2
 MATCHLINE - SHEET 1

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

December 4, 2019

Surveyor's Field Notes for:

0.5787 ACRE OF LAND, situated in the **C. S. MASTERS SURVEY, ABSTRACT 550**, Bell County, Texas, embracing a portion of the remainder of a called 41.3 Acre tract conveyed to Temple Independent School District in Volume 862, Page 630, Deed Records of Bell County, Texas and a portion of the remainder of a called 10 Acre tract conveyed to Temple Independent School District in Volume 892, Page 66, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" set on the west line of said 41.3 Acre tract, same being the east line of North 31st Street, which said iron rod set bears N 16° 48' 44" E – 349.45' from a steel spindle found at the southwest corner of a called 5 Acre tract conveyed to said Temple Independent School District in Volume 2969, Page 55, Official Public Records of Real Property, Bell County, Texas, of the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said North 31st Street, **N 16° 48' 44" E – 1016.48'** (Rec. N 19° 37' 50" E), to a 5/8" iron rod with cap stamped "ACS" set, for the northernmost corner of the herein described tract;

THENCE, in a southerly direction, as evidence by 5/8" iron rods with caps stamped "ACS" set, the following calls:

1. With a curve to the right; having a radius of **402.00'**, a delta angle of **08° 25' 11"**, and a long chord which bears **S 07° 57' 35" W – 59.02'**; an arc length of **59.07'**,
2. **S 16° 43' 50" W – 82.88'**,
3. With a curve to the left; having a radius of **120.00'**, a delta angle of **43° 16' 33"**, and a long chord which bears **S 04° 39' 01" E – 88.50'**; an arc length of **90.64'**,
4. **S 26° 17' 18" E – 23.96'**,
5. With a curve to the left; having a radius of **120.00'**, a delta angle of **28° 55' 59"**, and a long chord which bears **S 40° 45' 17" E – 59.96'**; an arc length of **60.60'**,
6. With a curve to the left; having a radius of **4.00'**, a delta angle of **107° 46' 10"**, and a long chord which bears **N 70° 53' 38" E – 6.46'**; an arc length of **7.52'**,
7. **S 17° 00' 33" W – 86.00'**,
8. With a curve to the left; having a radius of **4.00'**, a delta angle of **107° 46' 10"**, and a long chord which bears **N 36° 52' 52" W – 6.46'**; an arc length of **7.52'**,
9. With a curve to the left; having a radius of **120.00'**, a delta angle of **28° 55' 59"**, and a long chord which bears **S 74° 46' 03" W – 59.96'**; an arc length of **60.60'**,
10. **S 60° 18' 03" W – 23.96'**,
11. With a curve to the left; having a radius of **120.00'**, a delta angle of **43° 16' 33"**, and a long chord which bears **S 38° 39' 47" W – 88.50'**; an arc length of **90.64'**;
12. **S 17° 01' 30" W – 69.73'**,
13. **S 73° 12' 24" E – 2.65'**, and

Surveyor's Field Notes for **0.5787 ACRE** (continued):

14. **S 16° 48' 30" W – 463.84'**, to a 5/8" iron rod with cap stamped "ACS" set, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, **N 73° 11' 16" W – 10.46'**, to the **POINT OF BEGINNING** and containing 0.5787 Acre of Land.

Bearings cited herein are based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

This metes and bounds description to accompany a Surveyor's sketch of the herein described 0.5787 Acre tract.

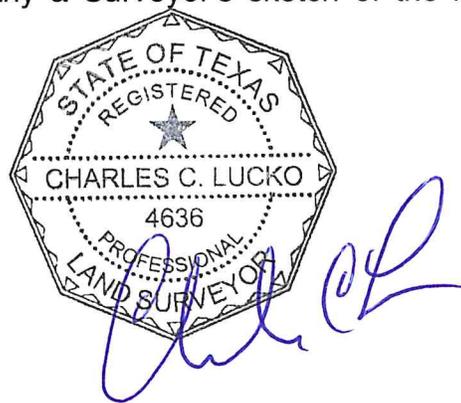
Surveyed March 13, 2019

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro190000/192000192024/
192024 - ROW-ESMTS/192024.1 - TISD 1.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

RESOLUTION NO. 2020-9965-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF A DONATION OF APPROXIMATELY 1.2697 ACRES OF RIGHT OF WAY AND A 0.1360-ACRE PUBLIC UTILITY EASEMENT FROM TEMPLE INDEPENDENT SCHOOL DISTRICT FOR THE NORTH 31ST STREET AND INTERSTATE HIGHWAY 35 CONNECTION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the process of designing the North 31st Street and Interstate Highway 35 (IH-35) Connection Project, which will begin at Calhoun Avenue, connect to the IH-35 Frontage Road at Bray Street, and include a roundabout connection for North 31st Street and IH-35 Frontage Road at Temple High School;

Whereas, the planned improvements include drainage, water utilities, wastewater, landscaping, pedestrian facilities, roundabout with art feature, striping, and signage and will improve traffic flow in the area and enhance connectivity between North 31st and Interstate Highway 35;

Whereas, the design requires right of way, drainage easements, and public utility easements from six property owners, including a total of approximately 1.2697 acres of right of way, and a 0.1360-acre public utility easement from TISD, which TISD has agreed to donate to the City negating the need for an appraisal;

Whereas, Staff recommends Council authorize the acceptance of the donation of approximately 1.2697 acres of right of way and a 0.1360-acre public utility easement from Temple Independent School District (TISD) for the North 31st Street and Interstate Highway 35 Connection Project;

Whereas, the addresses of the properties are:

- 415 North 31st Street, Bell CAD ID No. 115214 and Bell CAD ID No. 115217,
- 711 North 31st Street, Bell CAD ID No. 115203, and
- 811 North 31st Street, Bell CAD ID No. 132772;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land, which are expected to be nominal; and

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

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

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

Part 2: The City Council authorizes the acceptance of the donation of approximately 1.2697 acres of right of way and a 0.1360-acre public utility easement from Temple Independent School District (TISD) for the North 31st Street and Interstate Highway 35 Connection Project, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary to accept this donation.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to the fuel management contract with FleetCor Technologies Operating Company, LLC, dba Fuelman, of Norcross, Georgia.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: Approval of this contract renewal will allow for the continued purchase of fleet fuel and the usage of fuel management services from FleetCor Technologies Operating Company, LLC, dba Fuelman, through March 31, 2021.

Fuelman's fuel management services contract allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle's fueling, who fueled, where they fueled, and the price for that week. This system has worked very well for the City, and Staff desires to continue using the fuel management service through Fuelman.

The pricing under the contract is 11.5¢ per gallon for unleaded and 19.5¢ per gallon for diesel over the OPIS (Oil Price Information Services) rack price for each week, exclusive of freight and federal taxes. Freight varies in Temple with the majority being between two to three cents per gallon. City vehicles currently consume approximately 410,000 gallons of fuel per year. The historical spend under this contract has been approximately \$935,000 for both FY 2019 and FY 2018.

Council originally authorized a 14-month contract with Fuelman on December 20, 2018. This contract will expire on March 31, 2020. The contract provided for two one-year renewals. Fleetcor Technologies has been awarded National IPA contract # R161501 related to these services, which Staff is recommending using. Contracts awarded by National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding for the purchases made under the contract with FleetCor is included in the adopted FY 2020 Budget for each department that operates vehicles and equipment. The annual estimated expenditure for fuel and fuel management services under this contract is \$935,000, which is dependent upon fuel terminal rack pricing.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9966-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE FUEL MANAGEMENT CONTRACT WITH FLEETCOR TECHNOLOGIES OPERATING COMPANY, LLC, DBA FUELMAN, OF NORCROSS, GEORGIA; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, approval of this contract renewal will allow for the continued purchase of fleet fuel and the usage of fuel management services from FleetCor Technologies Operating Company, LLC, dba Fuelman (Fuelman), through March 31, 2021;

Whereas, Fuelman's fuel management services contract allows City vehicles to fill up at local convenience stores and provides fuel management services by providing the City with a weekly report showing each vehicle's fueling, who fueled, where they fueled, and the price for that week - this system has worked very well for the City, and Staff desires to continue using the fuel management service through Fuelman;

Whereas, the pricing under the contract is 11.5¢ per gallon for unleaded and 19.5¢ per gallon for diesel over the OPIS (Oil Price Information Services) rack price for each week, exclusive of freight and federal taxes - freight varies in Temple with the majority being between 2-3 cents per gallon;

Whereas, City vehicles currently consume approximately 410,000 gallons of fuel per year with a historical spend under this contract of approximately \$935,000 for both fiscal year 2019 and fiscal year 2018;

Whereas, Council originally authorized a 14-month contract with Fuelman on December 20, 2018 which will expire on March 31, 2020, and the contract provided for two one-year renewals;

Whereas, Fleetcor Technologies Operating Company, LLC has been awarded National IPA contract No. R161501 for these services, which Staff is recommending be used for this agreement - contracts awarded by National IPA have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

Whereas, funding for the purchases made under the contract with FleetCor is included in the adopted fiscal year 2020 budget for each department that operates vehicles and equipment - the estimated expenditure for fuel and fuel management services under this contract renewal for the 12 months ending March 31, 2021, is \$935,000; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney’s office, to execute a one-year renewal to the fuel management contract with FleetCor Technologies Operating Company, LLC of Norcross, Georgia, in the estimated amount of \$935,000 utilizing a National IPA contract.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kenton Moffett, P.E. – Assistant Director of Public Works
Carrie Weir – Deputy Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the payment of the annual invoice from the Brazos River Authority, which covers the availability of 9,453 acre-feet of water to the City for 2020, in the amount of \$131,491.23.

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

ITEM SUMMARY: Pursuant to Replacement Water Supply Agreement 7801-01 between the Brazos River Authority (BRA) and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year. The City is required to make an annual payment to the BRA for this water. The BRA has requested payment in the amount of \$131,491.23 for 2020. Staff is seeking authorization to make this payment to the BRA. The invoice requires payment by the end of February to avoid a late fee.

FISCAL IMPACT: Funding is appropriated in the FY2020 Operating Budget to fund payment of the invoice to Brazos River Authority in the amount of \$131,491.23 as shown below:

<u>Account</u>	<u>Description</u>	<u>Amount Available</u>
520-5100-535-2651	BRA - Water Services	\$131,491
	Total Funding Available	\$131,491

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9967-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL PAYMENT TO BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$131,491.23 FOR THE AVAILABILITY OF 9,453 ACRE- FEET OF WATER FOR THE CITY OF TEMPLE FOR 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to Replacement Water Supply Agreement 7801-01 between the Brazos River Authority (“BRA”) and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year;

Whereas, the City is required to make an annual payment to BRA for this option water and the amount due for 2020 is \$131,491.23;

Whereas, funding is appropriated for this annual invoice payment in the fiscal year 2020 Operating Budget in Account No. 520-5100-535-2651; and

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

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

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

Part 2: The City Council authorizes payment to the Brazos River Authority in the amount of \$131,491.23 for the availability of 9,453 acre-feet of option water for the City of Temple for 2020.

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Chuck Ramm, Assistant Director of Parks and Recreation, CPRP

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 28-foot mobile stage from Century Industries, LLC of Sellersburg, Indiana, in the amount of \$121,241.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to purchase a second mobile stage for the use of City and non-city special events and programs. An increase in the number of both City produced and private events has created un-meetable demand for the use of the City's current mobile stage.

The new mobile stage will allow the Parks Department the ability to produce additional events while at the same time being able to increase rentals to community groups and other organizations.

The new stage will offer two features that will make it more flexible for use and reduce staff time. The first feature is a hydraulic levelling mechanism which reduces the overall set-up and staff time by allowing for a single person setup. In addition, the new stage will be equipped with an 8,000-watt generator. This will allow for operation without the need to rent a generator when power is not readily available, thus making it usable in areas such as open park space and parking lots.

Century industries, LLC has been awarded GSA Contract No. GS-03F-017GA, which Staff is recommending using for this purchase. Contracts awarded through GSA have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

The City will take delivery of the new stage in May 2020.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate additional funding needed for the purchase of a mobile stage from Century Industries, Inc. After approval of the budget adjustment, funding in the amount of \$121,241 will be available in account 240-4600-551-6210, project 102106, as shown below:

Project Budget	\$	95,000
Budget Adjustment		26,241
Century Industries, Inc		(121,241)
Remaining Funds Available	\$	-

ATTACHMENTS:
[Budget Adjustment Resolution](#)

RESOLUTION NO. 2020-9968-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 28-FOOT MOBILE STAGE FROM CENTURY INDUSTRIES, LLC. OF SELLERSBURG, INDIANA IN THE AMOUNT OF \$121,241.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the increase in the number of both City-produced and private events has created a demand for the City's current mobile stage that can no longer be met;

Whereas, the purchase of a second mobile stage will allow the Parks Department to produce additional events while also increasing the availability of rentals to community groups and other organizations;

Whereas, the new stage will include a hydraulic levelling mechanism which reduces the overall set-up and staff time by allowing for a single person setup and will be equipped with an 8,000-watt generator, making it usable in areas such as open park space and parking lots;

Whereas, Century Industries, Inc. has been awarded GSA contract No. GS-03F-017GA, which has been competitively procured and meets the statutory procurement requirements for Texas municipalities, and which Staff recommends using for this purchase;

Whereas, funds are available for this project, but an amendment to the fiscal year 2020 budget is necessary to transfer the funds to Account No. 240-4600-551-6210, Project No. 102106 – if approved, the City will take delivery of the new stage in May 2020;

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

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

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

Part 2: The City Council authorizes the purchase of a 28-foot mobile stage from Century Industries, Inc. of Sellersburg, Indiana in the amount of \$121,241.00 utilizing a GSA contract, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for this purchase.

Part 3: The City Council authorizes an amendment to the fiscal year 2020 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(N)
Consent Agenda
Page 1 of 4

DEPT./ DIVISION SUBMISSION REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-8-ZC: Consider adopting an ordinance authorizing a rezoning from Two Family & Heavy Industrial zoning districts to Planned Development-Light Industrial with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Planned Development and development/ site plan with the following conditions:

1. A 15-foot wide buffer along the southern property boundary to be landscaped consistent with UDC Section 7.4, including the preservation of mature existing trees;
2. A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
3. A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
4. The total square footage of buildings shall not exceed 24,000 square feet;
5. Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
6. Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
7. The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
8. The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of two different materials – one as a base material at least three feet in height;
 - b. A parapet at least three feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
9. No outdoor storage is permitted;
10. Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations;
11. The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the 1.339 +/- acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and

12. Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council

PLANNING & ZONING COMMISSION RECOMMENDATION: At the December 16, 2019 Planning & Zoning Commission meeting, the Commission voted 7 to 0 to recommend approval for the requested Planned Development per staff's recommendation.

ITEM SUMMARY: The applicant, Turley Associates, on behalf of 30 Ventures LLC, would like to request a rezoning from Two Family (2F) & Heavy Industrial (HI) to Planned Development-Light Industrial (PD-LI). The request includes development/ site plan approval on the 1.339 +/- acres.

The requested Planned Development proposes the HI-portion to be downzoned while at the same time the 2F-portion will be intensified to provide a consistent zoning designation for the entire property that is compatible with surrounding uses.

Unfortunately, no transitional zoning was provided when the property received its origin zoning designations. As a compromise the LI is being requested as a suitable alternative. Additionally, the LI zoning is a good transition from the existing HI uses from the north. The proposed LI zoning is a good buffer with placement of adequate screening and buffering for the existing residential uses under the planned development process.

It is noteworthy that the HI-portion could be developed on its own merits without the benefit of the Planned Development, however, the proposed LI would have the effect of "house-cleaning" in terms of the zoning conditions as well provide the needed transition that was otherwise not provided.

While no end user has been identified, the attached Development/ Site Plan provides room for parking and the placement of a maximum 24,000 square foot building footprint. Since there are existing industrial uses to the north, truck and loading dock entrances shall be restricted to the north side of the property away from residential uses. A summary of the site plan can be found later in this report as well as depicted by the attached site plan.

PLANNED DEVELOPMENT (UDC SEC. 3.4): A Planned development is 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 / site plan approval.

As a Planned Development (PD), per UDC Sec.3.4, a Development / Site Plan is binding and subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance.

This PD would have a base-zoning of LI. The LI zoning district would provide a number of retail and service uses as well as light industrial uses that are consistent and compatible with surrounding area. The surrounding area is primarily a mixture of industrial uses as well as existing residential uses within the 2F zoning district. The LI zoning accommodates a number permitted and conditionally permitted uses, which include but not limited to those listed in the attached table.

In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider criteria as set forth in UDC Section 3.4.5 A-J. The Planned Development Criteria and Compliance Summary is attached. The applicant has worked closely with staff on the Development/ Site Plan which is summarized as follows:

DEVELOPMENT/ SITE PLAN: The development/ site plan reflects development of the 1.339 +/- acre site with an area for parking and an area for the development of a maximum 24,000 square foot of building square footage. In addition, there is a 15-foot landscape buffer strip on the full length of the south property line as well as a 10-foot landscape buffer strip across the alley from an existing residential use along the east property line. The 10-foot buffer strip is not full length of the east property line. The site plan also provides for two driveway access points along South 57th Street.

Compliance to UDC Section 7.4 related to landscaping and UDC Section 7.5 related to parking, including Americans with Disabilities Act (ADA) would be made with the review of the building plans.

SCREENING & BUFFERING: Screening and buffering would be provided by proposed landscaping that would be located within the proposed 15-foot buffer on the south side of the property as well as the 10-foot buffer on the east side adjacent to the alley. A solid 6-foot-high privacy fence is also proposed where adjacent to existing residential uses. The applicant has agreed to the buffering and screening measures.

COMPREHENSIVE PLAN (CP) COMPLIANCE: Compliance to goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan are summarized by the attached Comprehensive Plan Compliance table but further described below:

Future Land Use Map (CP Map 3.1)

The subject property is within the Auto-Urban Mixed-Use district, which is intended to be a hybrid proposed for areas along and in the vicinity of the central portion of Avenue H, south of downtown. While the subject property is not technically south of downtown, the conditions are similar with regard to the apparent mixing between residential and non-residential uses. The designation allows such mixing to continue subject to appropriate buffering and screening standards. Therefore, with the application of conditions for adequate buffering and screening, this Planned Development is consistent with the intent of the FLUM designation.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along South 57th Street which is a local street. No issues have been identified related to existing ROW.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available from an existing 10-inch sewer line in South 57th Street. Water is available from an existing 2-inch water line in South 57th Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

There are no trails or sidewalk requirements identified for this property.

DRC REVIEW: The DRC reviewed the Development/ Site Plan on November 18, 2019. While buffering and screening were discussed, no significant issues were identified. Drainage was not reviewed by Public Works; however, it is being addressed with the counterpart subdivision plat which is currently in review by DRC.

DEVELOPMENT REGULATIONS: The attached table show the required dimensional standards of the LI zoning district.

PUBLIC NOTICE: Twenty-two notices to property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday January 7, 2020, at 9:00 AM, four notices in agreement have been received.

The newspaper printed notice of the public hearing on December 5, 2019, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

- Applicant's Narrative Letter
- Site Plan (Exhibit A)
- PD Criteria & Compliance Table (UDC Section 3.4.5 A-J)
- Photos
- Tables
- Maps
- Returned Property Notices
- P&Z Excerpts (Dec 16, 2019)
- Ordinance



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 TBPLS No. 10056000

November 25, 2019

City of Temple
Attn: Brian Chandler
Director of Planning
2 N. Main St, Suite 102
Temple, TX 76501

RE: Re-Zoning of 1.339 Acres, Lots 13-17, Block 3 of Buchanan and Gardenhire Subdivision of Block 3 Bellview Addition - S. 57th Street, Temple, Texas

Dear Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City of Temple support a rezoning of the above-mentioned property from its current zoning of Heavy Industrial (HI) and Two-Family (2F) to a Planned Development Light Industrial (PD-LI).

As a part of this PD the owner agrees with the following conditions for development:

- A 15' wide buffer along the southern property boundary to include a 6' solid privacy fence along with landscaping and/or preservation of existing trees.
- A 10' wide buffer along the eastern property boundary where residential use abuts the subject property. This is to include a 6' solid privacy fence along with landscaping and/or preservation of existing trees.
- The total square footage of buildings shall not exceed 24,000 s.f.
- Truck entrance and dock entrances shall be located on the northern portion of the property away from residential uses.
- Car parking shall be located on the southern portion of the property.
- There will be no outside storage.
- The PD shall include all uses found in the UDC for the Light Industrial zoning.
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different material – one as a base material at least 3 feet in height.
 - b. A parapet at least 3 feet tall
 - c. Structural awnings
 - d. Front roof gables
 - e. Articulation

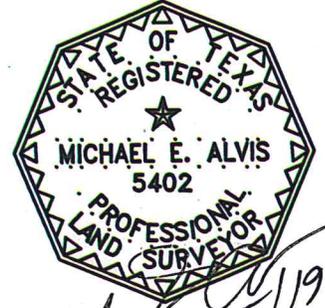
We appreciate the City's support for the requested zoning. Please do not hesitate to contact our office to discuss further.

Sincerely,

TURLEY ASSOCIATES, INC.

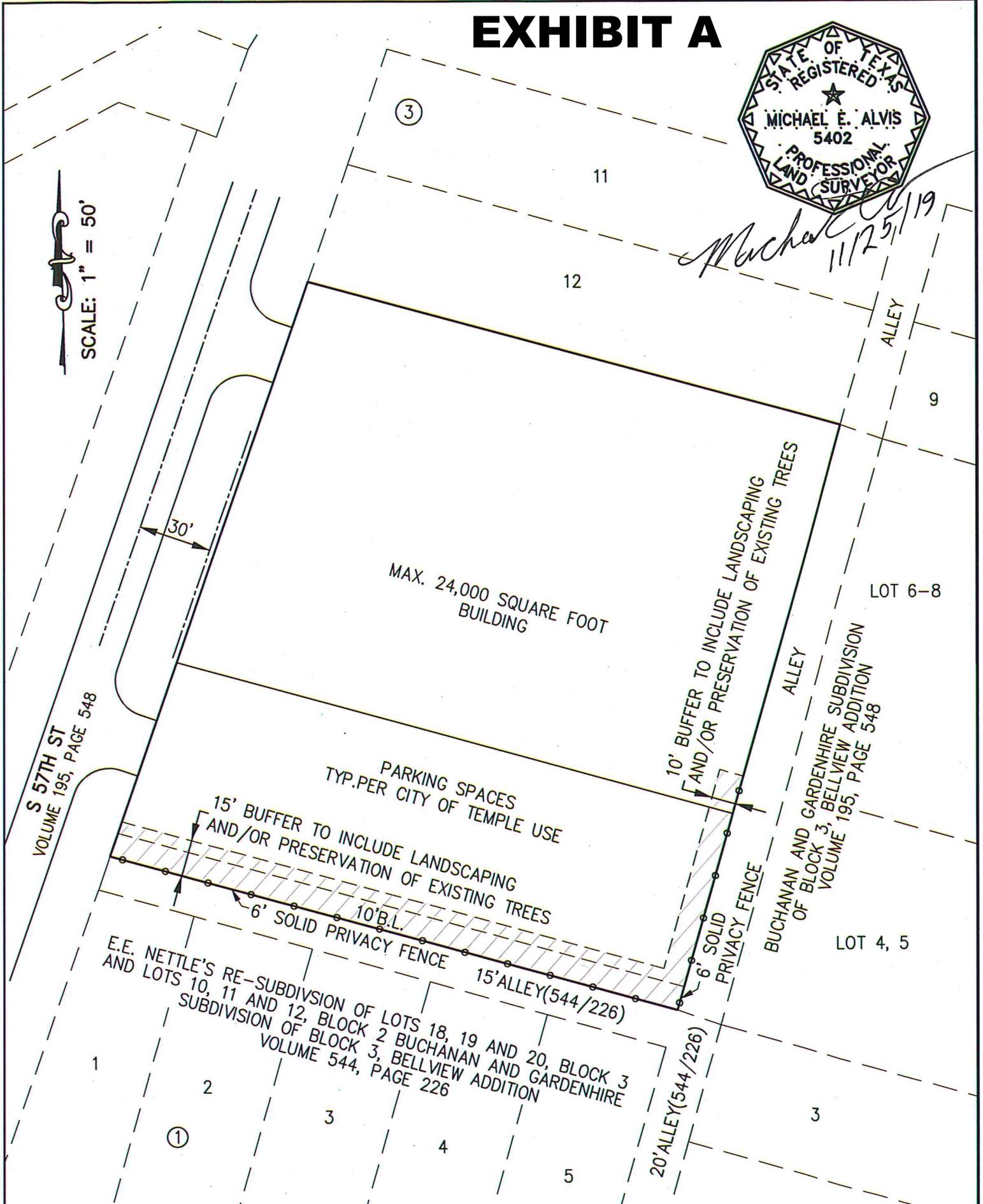
Jennifer Ryken, P.E., C.F.M.
Senior Project Engineer

EXHIBIT A



Michael E. Alvis
11/25/19

SCALE: 1" = 50'



301 N. 3rd St.
TEMPLE, TEXAS 76501

ENGINEERING • PLANNING • SURVEYING

254.773.2400
www.turley-inc.com

TBPE No. F-1658 • TBPLS No. 10056000

19-1589
SITEPLAN
AJ

Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the development / site plan attached with the rezoning ordinance will conform to all applicable provisions of the UDC as well as to dimensional, developmental and design standards adopted by the City for non-residential development.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	Drainage and other related engineering will be addressed through the platting and building permit process. No impacts to existing natural resources on the property have been identified.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The project site is proposed for light industrial uses with a maximum building square footage of 24,000 on 1.339 +/- acres of land. While a portion of the property will be used a parking area, landscaping and a solid 6-foot high privacy fencing would provide buffer from the adjacent residential uses. Conditions of approval to the Planned Development will ensure industrial uses will maintain the overall harmony and character of the area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	Vehicular access will be from two proposed driveways along South 57th Street. Parking is expected to conform to the parking and loading standards set forth in UDC Section 7.5. No circulation issues have been identified or anticipated.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	The parking area along the southern portion of the property is proposed to buffer industrial uses from the adjacent residential uses. Per UDC Section 7.5, the parking area will comply with the required number of parking stall, material as well as dimensional standards for maneuvering of vehicles. Compliance to UDC Section 7.5 will be confirmed during the review of the building permits.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	No streets are proposed by this planned development. Access to the site will be provided by two proposed driveways from S. 57th Street. No access is proposed onto the alley on the east side of the property.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan has been reviewed with the Planned Development and will be confirmed with the review of the final plat. No issues are anticipated.
H. Landscaping and screening are integrated into the overall site design: <ol style="list-style-type: none"> 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings. 	YES	Landscaping requirements will be finalized during the building permit stage. The Development/ Site Plan for the Planned Development provide for a 15-foot landscape buffer on the south side of the property and a 10-foot landscape buffer on a portion of the eastern property boundary. Both buffers will contain the preservation of existing as well as introduction of new landscape materials. Compliance will be made with the review of the building plans. A condition of approval provides flexibility to the Director of Planning & Development to make minor adjustment for landscaping, buffering and screening as warranted to address buffering and screening requirements.
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	No Parkland dedication fees are required for this Planned Development. No parkland dedication fees are required with the subdivision plat since the plat is non-residential.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water will be provided by the City of Temple. Wastewater will be provided by the City of Temple. Drainage & detention facilities as well as other utilities will be addressed with the review of the subdivision plat and building permit. To date, no issues have been identified.

Site & Surrounding Property Photos



Site: Vacant & Undeveloped (2F & HI)



**South: Single-Family Residential Uses,
EE Nettles Resubdivision (2F)**



**South: Single-Family Residential Uses,
EE Nettles Resubdivision (2F)**



West: Sammons Golf Course & Marvin Fenn Recreation Area (LI & C)



North: Sammons Golf Course & Marvin Fenn Recreation Area (LI, C, HI)



**North: Existing Heavy Industrial Uses adjacent & directly to the North of Site
As seen from South 57th Street (HI)**



**East: Existing Heavy Industrial Uses
As seen from South 53rd Street (HI)**

Maps



Location Map



Aerial Map

Tables

Permitted & Conditional Uses Table
Comparison between Light & Heavy Industrial (HI)

Use Type	Light Industrial (LI)	Heavy Industrial (HI)
Agricultural Uses	Farm, Ranch or Orchard	Farm, Ranch or Orchard
Residential Uses	Family or Group Home Home for the Aged Recreational Vehicle Park (CUP)	None
Retail & Service Uses	Most Retail & Service Uses Alcoholic Beverage Sales, Off-premise Consumption, Package Store (CUP)	All Retail & Service Uses
Office Uses	Offices	All Office Uses
Commercial Uses	Most Commercial Uses Mini Storage Warehouse	All Commercial Uses
Industrial Uses	Temporary Asphalt & Concrete Batching Plat (CUP) Light Manufacturing Distribution Center Slaughterhouse or Meat Packing Plant Wholesale Storage and Sales Recycling Collection Location	All Industrial Uses
Recreational Uses	Park or Playground Beer & Wine - On Premise Consumption < 75% from revenue All Alcohol - On Premise Consumption >75% from Revenue (CUP)	All Recreational Uses
Vehicle Service Uses	Auto Leasing, Rental Auto Sales - New & Used (Outside Lot) Car Wash Vehicle Servicing (Minor & Major)	All Vehicle Service Uses
Restaurant Uses	With & Without Drive-In	All Restaurant Uses
Overnight Accommodations	Hotel or Motel RV Park (CUP)	None

Surrounding Property Uses

<u>Surrounding Property & Uses</u>			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Mixed Use	2F & HI	Undeveloped
North	Auto-Urban Mixed Use	HI	Industrial Uses
South	Auto-Urban Mixed Use	2F	Residential Uses (E.E. Nettles Re-subdivision)
East	Auto-Urban Mixed Use	HI	Undeveloped & Industrial Uses
West	Parks & Open Space	HI & 2F	Undeveloped

Comprehensive Plan Compliance

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Map	YES
CP	Map 5.2 - Thoroughfare Plan	YES
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan STP = Sidewalk and Trails Plan		

Dimensional Standards

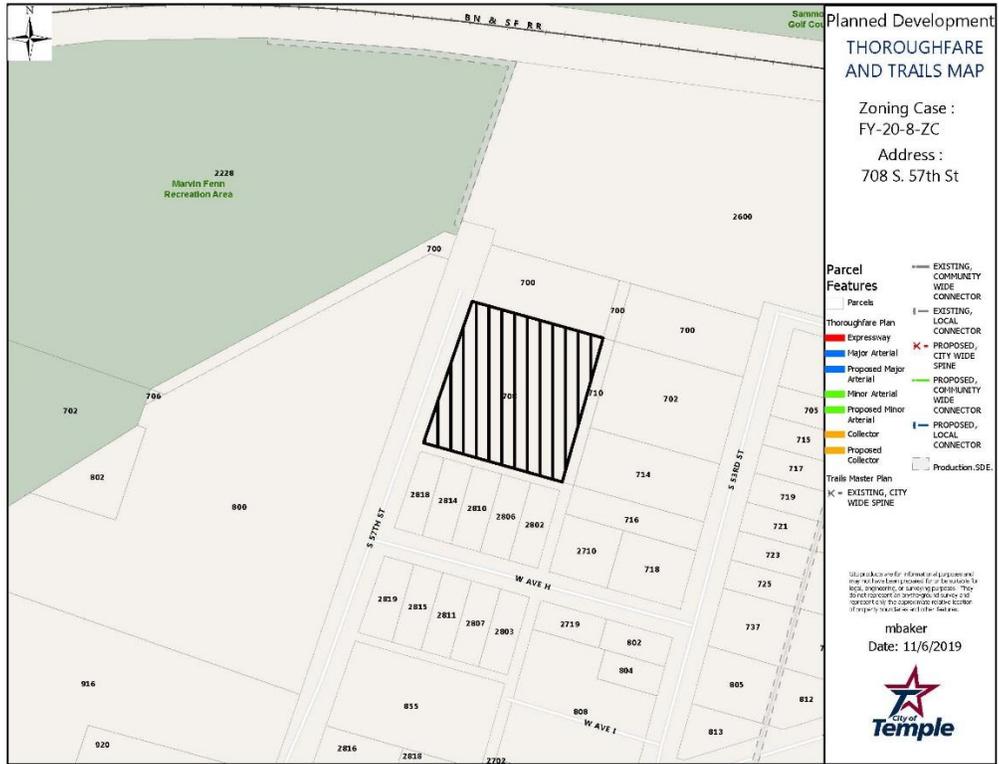
	<u>Current (HI)</u> <u>Non-Residential</u>	<u>Proposed (LI)</u> <u>Non-Residential</u>
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	30 Feet from Centerline	30 Feet from Centerline
Side Setback	0 Feet	0 Feet
Side Setback (corner)	10 Feet Min	10 Feet Min
Rear Setback	0 Feet Min	0 Feet
Max Building Height	ALH	ALH

ALH – Any Legal Height not prohibited by other laws

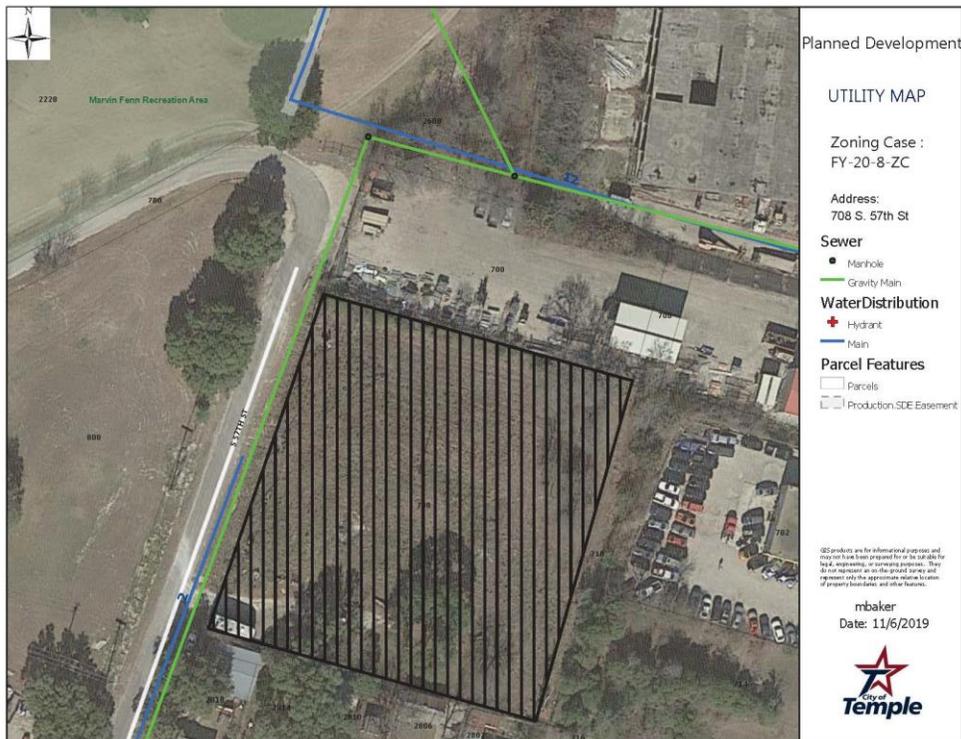
- ❖ 10' rear setback (Non-residential use abuts a residential zoning district or use - UDC Section 4.4.4.F3)

General provisions for buffering and screening for non-residential uses adjacent to residential uses are found in UDC Section 7.7, highlighted provisions include but not limited to:

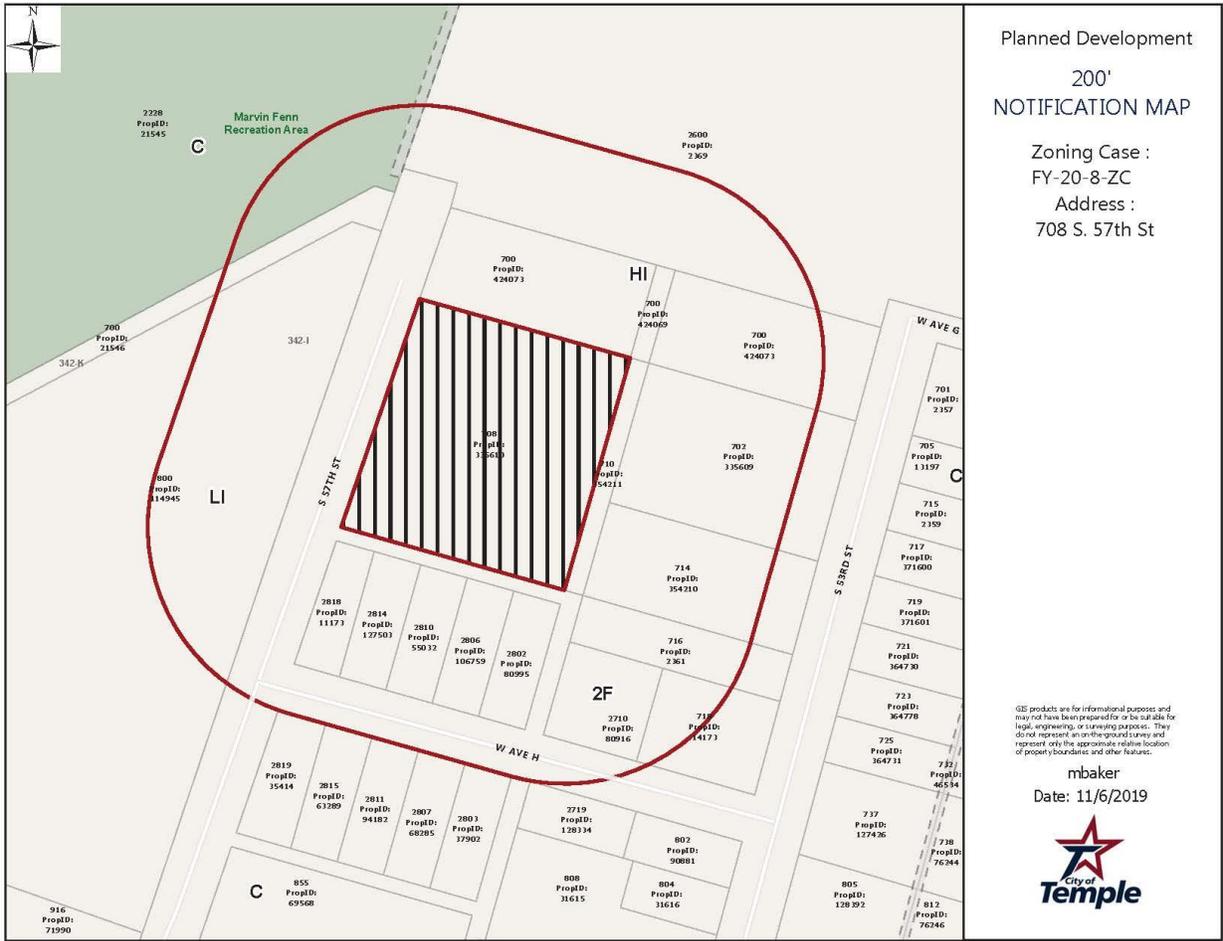
- * Landscaping or solid fencing from 6 to 8 feet in height (UDC Section 7.7.4),
- * Refuse containers located in the side or rear of the property (UDC Section 7.7.6), and
- * Screened outdoor storage (UDC Section 7.7.8.B1).



Thoroughfare & Trails Map



Utility Map



Notification Map



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

114945
3040 VENTURES LLC - SERIES A
800 S 57TH ST
TEMPLE, TX 76504-5118

RECEIVED
CITY OF TEMPLE
PLANNING & DEVELOPMENT

Zoning Application Number: FY-20-8-ZC

Case Manager: Mark Baker

Location: 708 S. 57th Street

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

I agree () disagree with this request

Comments:

Signature  Print Name Jon Glanzman

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **December 16, 2019.**

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

Number of Notices Mailed: 22

Date Mailed: December 4, 2019

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



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

RECEIVED
CITY OF TEMPLE
PLANNING & DEVELOPMENT

335610
3040 VENTURES LLC - SERIES C
800 South 57th St
Temple, TX 76504

Zoning Application Number: FY-20-8-ZC

Case Manager: Mark Baker

Location: 708 S. 57th Street

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

I agree () disagree with this request

Comments:

Signature  Print Name Jon E. Kurman

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **December 16, 2019.**

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

Number of Notices Mailed: 22

Date Mailed: December 4, 2019

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



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

2369
ESTES, CARROLL ETUX ANNETTE
1698 EAGLE BLUFF DR
TROY, TN 76579

Zoning Application Number: FY-20-8-ZC

Case Manager: Mark Baker

Location: 708 S. 57th Street

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

I agree () disagree with this request

Comments:

NEEDS MORE INFO AS TO WHAT IS PLANNED

[Handwritten Signature]
Signature

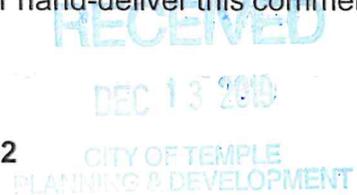
CARROLL ESTES
Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **December 16, 2019.**

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



Number of Notices Mailed: 22

Date Mailed: December 4, 2019

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



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

2361
BROWN, ROBERT
718 S 53RD ST
TEMPLE, TX 76504-5113

Zoning Application Number: FY-20-8-ZC

Case Manager: Mark Baker

Location: 708 S. 57th Street

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

I agree disagree with this request

Comments: TRAFFIC ON AVE H

Signature [Handwritten Signature] **Print Name** Robert B Brown

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **December 16, 2019.**

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



Number of Notices Mailed: 22

Date Mailed: December 4, 2019

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



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

14173
BROWN, ROBERT B ETUX DONA K
718 S 53RD ST
TEMPLE, TX 76504-5113

Zoning Application Number: FY-20-8-ZC

Case Manager: Mark Baker

Location: 708 S. 57th Street

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

I agree () disagree with this request

Comments: TRAFFIC ON AVE H

Signature *Donna Brown* Print Name ROBERT B BROWN / DONA BROWN (Optional)
Provide email and/or phone number if you want Staff to contact you

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, mbaker@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **December 16, 2019.**

City of Temple
Planning Department
2 North Main Street, Suite 10?
Temple, Texas 76501



Number of Notices Mailed: 22

Date Mailed: December 4, 2019

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 16, 2019**

ACTION ITEMS

Item 2: FY-20-8-ZC – Hold a public hearing to discuss and recommend action for a rezoning from Two Family (2F) & Heavy Industrial (HI) zoning districts to Planned Development Light Industrial (PD-LI) with Development/ Site Plan approval on 1.339 +/- acres, addressed as 708 South 57th Street.

Ms. Mark Baker, Principal Planner stated this item is scheduled to go forward to City Council for first reading on January 16, 2020 and second reading February 5, 2020.

Background information for this item includes:

- No development or user has been identified
- Counterpart subdivision plat is currently in review, and Plat and Rezoning are not dependent on each other
- Downzoning to a more restrictive zoning is a compromise between the 2 Family (2F) and Heavy Industrial (HI)
- More than half of the site is currently zoned HI.

Planned Development, Unified Development Code (UDC), Section 3.4 is reviewed.

The Zoning Map is shown and found to be in compliance.

The Future Land Use Map is shown and found to be in compliance.

The existing Water and Sewer Map is shown and found to be in compliance.

Water is available through a two-inch line in South 57th Street.

Sewer is available through a ten-inch line in South 57th Street.

The Thoroughfare Plan and Trails map is shown and found to be in compliance.

Buffering and Screening Considerations as detailed:

- Truck entrance and loading docks limited to north side of property
- Parking lot location on south boundary of site
- Six-foot Privacy Fence (south boundary)

- Fifteen-foot landscape buffer, tree preservation and six-foot high privacy fence on the south boundary
- Ten-foot landscape buffer, tree preservation and six-foot high privacy fence on a portion of the east boundary

On-site photos shown.

Table of comparison between Light Industrial (LI) and HI uses shown.

Table of non-residential dimensional standards shown.

Twenty-two notices were mailed in accordance with all state and local regulations with four responses returned in agreement, zero responses returned in disagreement.

Compliance Summary shown, and all areas found to be in compliance.

Staff recommends approval of the requested Rezoning from Two-Family (2F) and Heavy Industrial (HI) districts to Planned Development Light Industrial (PD-LI) with Development Site plan approval subject to the following twelve conditions:

1. Fifteen-foot wide buffer (South boundary)
2. Ten-foot wide buffer (East boundary) only where residential uses abuts subject property
3. A minimum six-foot high privacy fence (South boundary)
4. Total area of buildings-not to exceed 24,000 square feet.
5. Truck and dock entrances north portion of the property (away from residential uses)
6. Car parking (IAW UDC Section 7.5) south portion only
7. Planned Development shall include all uses permitted or conditionally permitted in the LI zoning district.
8. Building shall have windows, real or faux, and one of the following elements:
 - a. A combination of two different materials- one as a base material (minimum three-foot high)
 - b. A parapet at least three feet tall.
 - c. Structural awnings
 - d. Front roof gables
 - e. Articulation
9. No outdoor storage is permitted.

10. Prior to construction plan submittal, applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping & elevations.
11. Director of Planning and Development approval of minor modifications to the development site plan; and
12. Significant changes require review by the Planning and Zoning Commission and City Council.

Chairman Langley opened the Public Hearing.

Being there no public speakers, Chairman Langley closed the Public Hearing.

Commissioner Armstrong made a motion to approve Item 2, **FY-20-8-ZC**, per Staff recommendation and Commissioner Alaniz made a second.

Motion passed: (7:0)

Vice-Chair Ward and Commissioners Fettig absent.

ORDINANCE NO. 2020-5016
(FY-20-8-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TWO FAMILY & HEAVY INDUSTRIAL ZONING DISTRICTS TO PLANNED DEVELOPMENT LIGHT INDUSTRIAL WITH DEVELOPMENT/ SITE PLAN APPROVAL ON APPROXIMATELY 1.339 ACRES, ADDRESSED AS 708 SOUTH 57TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Turley Associates, on behalf of 3040 Ventures LLC, is requesting rezoning from Two Family (2F) and Heavy Industrial (HI) to Planned Development-Light Industrial (PD-LI) - the request includes a development/ site plan approval on approximately 1.339 acres located at 708 South 57th Street;

Whereas, the requested Planned Development proposes the HI-portion to be downzoned while at the same time intensifying the use of the 2F-portion to provide a consistent zoning designation for the entire property that is compatible with surrounding uses;

Whereas, no transitional zoning was provided when the property received its original zoning designations and as a compromise the LI is being requested as a suitable alternative;

Whereas, LI zoning is a good transition from the existing HI uses to the north and will be a good buffer with placement of adequate screening and buffering for the existing residential uses under the planned development process;

Whereas, the attached Development/ Site Plan provides room for parking and the placement of a maximum 24,000 square foot building footprint and since there are existing industrial uses to the north, truck and loading dock entrances will be restricted to the north side of the property away from residential uses;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its December 16, 2019 meeting voted 7 to 0 to recommend approval of the rezoning from Two Family & Heavy Industrial zoning districts to Planned Development Light Industrial with Development/ Site Plan approval on approximately 1.339 acres, addressed as 708 South 57th Street;

Whereas, Staff approval of the proposed Planned Development and development/site plan, attached hereto as Exhibit 'A,' more thoroughly described in the field notes, attached hereto as Exhibit 'B' and made a part hereof for all purposes, subject to the following conditions:

- A 15-foot wide buffer along the southern property boundary to be landscaped consistent with Unified Development Code (UDC) Section 7.4, including the preservation of mature existing trees;
- A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
- A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
- The total square footage of buildings shall not exceed 24,000 square feet;
- Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
- Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
- The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different materials – one as a base material at least 3 feet in height;
 - b. A parapet at least 3 feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
- No outdoor storage is permitted;
- Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations;
- The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the approximately 1.339-acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council; and

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

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

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

Part 2: The City Council approves of the rezoning from Two Family & Heavy Industrial zoning districts to Planned Development Light Industrial with Development/ Site Plan approval on approximately 1.339 acres, addressed as 708 South 57th Street, as outlined

in the development/site plan attached hereto as Exhibit 'A,' more thoroughly described in the field notes, attached as Exhibit 'B' and made a part hereof for all purposes, and subject to the following conditions:

- A 15-foot wide buffer along the southern property boundary to be landscaped consistent with Unified Development Code (UDC) Section 7.4, including the preservation of mature existing trees;
- A 10-foot wide buffer be provided along the eastern property boundary to be landscaped consistent with UDC Section 7.4 and is only required where residential use abuts the subject property;
- A minimum 6-foot high privacy fence shall be provided along the southern property boundary;
- The total square footage of buildings shall not exceed 24,000 square feet;
- Truck and dock entrances shall be restricted to the northern portion of the property away from residential uses;
- Car parking shall be provided in accordance with UDC Section 7.5 and located only on the southern portion of the property;
- The Planned Development shall include all uses permitted or conditionally permitted in the Light Industrial (LI) zoning district;
- The building shall have windows, real or faux, and one of the following architectural elements:
 - a. A combination of 2 different materials – one as a base material at least 3 feet in height;
 - b. A parapet at least 3 feet tall;
 - c. Structural awnings;
 - d. Front roof gables; and
 - e. Articulation.
- No outdoor storage is permitted;
- Prior to construction plan submittal, the applicant shall meet with development staff, including DRC, as needed, to discuss site plan, landscaping and elevations;
- The Director of Planning & Development may approve minor modifications to the City Council-approved Development Plan for the approximately 1.339-acre lot, including but not limited to, screening, buffering, landscaping, exterior building elevations and minor modifications to the overall site layout; and
- Significant changes to the Development/ Site Plan require review by the Planning & Zoning Commission and City Council; and

Part 3: The City Council approves the Site Development Plan made a part hereof for all purposes.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase,

clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Deputy City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(O)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION REVIEW:

Lynn Barrett, Assistant Planning and Development Director

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance authorizing amendments to Temple Unified Development Code Section 4.5.1, "Residential Dimensional Standards, Single Family Detached Dwelling," to allow 20 foot minimum front yard setbacks in SF-1 and SF-2 zoning districts and 10 foot minimum side (corner) yard setbacks for SF-1, SF-2 and SF 3 zoning districts.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its meeting on January 6, 2020, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the amendments to standardize the development standards frequently already in place in many subdivisions due to Planned Development setback conditions being added.

ITEM SUMMARY: In a continuing effort to ensure that residential development standards for setbacks reflect both the feel and applicability of differing densities, staff is proposing amendments to the Unified Development Code Article 4.5 which charts the minimum single family detached dwelling setbacks in various zoning districts.

Proposed amendments to Article 4.5.1 Single Family Detached Dwelling Setbacks include:

- Change the minimum front yard setbacks for Single Family-One (SF-1) and Single Family-Two (SF-2) zoning districts from 25 feet to 20 feet; SF-3 minimum front setback would remain unchanged at 15 feet.
- Reduce the minimum corner side yard setback to 10 feet in SF-1, SF-2 and SF-3 zoning districts from 15 feet.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Proposed changes to setbacks chart](#)
[Ordinance](#)

Article 4: Zoning Districts

Sec. 4.5. Residential Dimensional Standards

4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	C	LI	HI	
Min. Lot Area (sq. ft.)	1 ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	--	6,000	6,000	6,000	5,000	5,000	5,000	--	--	
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50	--	50	50	50	50	50	50	--	--	
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100	--	100	100	100	100	100	100	--	--	
Min. Front Yard Setback (ft.)	50	30	25 20	25 20	15	25	15	15	15	25	25	25	--	25	25*	15	15	See 4.4.4F.1.d*			--	--
Min. Side Yard Setback (ft.)	15	15	10% of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		--	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min				--	--	
Min. Side (Corner) Yard Setback (ft.)	15	15	15 10	15 10	15 10	15	15	15	15	15	15	15	--	15	15*	15	15	15	15	--	--	
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	--	10	10	10	10	10	10	--	--	
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	--	50	50	50	50	50	50	--	--	
Max. Height (stories)	3	3	2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	--	3	ALH	2 ½	3	ALH	ALH	--	--	

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply * = See Sec. 4.4, Measurements and Special Cases

ORDINANCE NO. 2020-5016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO TEMPLE UNIFIED DEVELOPMENT CODE SECTION 4.5.1, “RESIDENTIAL DIMENSIONAL STANDARDS, SINGLE FAMILY DETACHED DWELLING,” TO ALLOW 20-FOOT MINIMUM FRONT YARD SETBACKS IN SINGLE FAMILY ONE AND SINGLE FAMILY TWO ZONING DISTRICTS AND 10-FOOT MINIMUM SIDE (CORNER) YARD SETBACKS FOR SINGLE FAMILY ONE, SINGLE FAMILY TWO, AND SINGLE FAMILY THREE ZONING DISTRICTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to ensure that residential development standards for setbacks reflect both the feel and applicability of differing densities, Staff and the Planning & Zoning Commission of the City of Temple recommend Council approve amendments to the Unified Development Code, Article 4.5 which charts the minimum single family detached dwelling setbacks in various zoning districts;

Whereas, the Single Family Detached Dwelling Setbacks in Article 4.5.1, the Residential Dimensional Standards chart, are amended as follows:

- The minimum front yard setback for Single Family One and Single Family Two zoning districts is reduced from 25 feet to 20 feet - Single Family Three minimum front yard setback remains unchanged at 15 feet; and
- The minimum corner side yard setback is reduced from 15 feet to 10 feet in Single Family One, Single Family Two, and Single Family Three zoning districts;

Whereas, the amended Article 4.5.1 of the Unified Development Code, “Residential Dimensional Standards, Single Family Detached Dwelling” chart, is attached hereto as ‘Exhibit A,’ and incorporated herein for all purposes; and

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

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

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

Part 2: The City Council amends the Temple Unified Development Code Section 4.5.1, “Residential Dimensional Standards, Single Family Detached Dwelling,” to allow 20-foot minimum front yard setbacks in Single Family One and Single Family Two zoning

districts and 10-foot minimum side (corner) yard setbacks for Single Family One, Single Family Two and Single Family Three zoning districts, as shown in 'Exhibit A' attached hereto and incorporated herein for all purposes.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Deputy City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(P)
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 \$32,621.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2020 BUDGET
February 6, 2020

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-4620-551-2129		Supplies / Advertising/Marketing	\$ 7,019	
240-0000-412-0927		Hotel/Motel Taxes - Bell County HOT		\$ 7,019
To recognize revenue and appropriate expenditure related to payment of \$82,018.57 for Bell County hotel occupancy taxes. The FY 2020 Adopted Budget included \$75,000, this BA appropriates the difference in the actual amount received.				
110-4000-555-2516		Other Services / Judgments & Damages	\$ 785	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 785
To appropriate insurance proceeds from SNAP Insurance Services, LLC related to damages done to a concrete bollard at the Library on 08/05/2019.				
260-2300-540-2649		Contracted Services / Landfill Tipping Fees	\$ 14,961	
260-0000-431-0261		State Grant / State Grant		\$ 14,961
To appropriate grant proceeds made available to the Central Texas Council of Governments (CTCOG) from the Texas Commission on Environmental Quality. On August 1, 2019, Council adopted a resolution authorizing the Solid Waste Recycling Services Division of PW to apply for a grant in the amount of \$30,000 through an interlocal agreement with CTCOG to perform two separate household hazardous waste collection events in the COG's biennium period 2019-2020. The first event was held on October 12, 2019 with the City's portion costing \$14,960.97.				
110-2230-522-2123		Supplies / Medical	\$ 2,872	
110-0000-442-0931		County Fire Protection / County Fire Service		\$ 2,872
To appropriate revenue & expenditures related to mutual aid given for EMS/Fire incidents within Bell County.				
110-2210-522-2513		Other Services / Special Services	\$ 6,984	
110-0000-442-1629		Fire Department Revenue / Fire Donations/Gifts		\$ 6,984
To appropriate revenue & expenditures related to the Rescue Elves Program, Warm Coat Program, and the Honor Guard for Fire.				
TOTAL AMENDMENTS			\$ 32,621	\$ 32,621
GENERAL FUND				
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	-
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		-
		Net Balance of Judgments & Damages Contingency Account	\$	-
		Beginning Compensation Contingency	\$	506,197
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(506,197)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	-
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2020 BUDGET
February 6, 2020

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
WATER & WASTEWATER FUND				
		Beginning Contingency Balance		\$ 100,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(55,228)
		Net Balance of Contingency Account		<u>\$ 44,772</u>
		Beginning Compensation Contingency		\$ 93,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(62,170)
		Net Balance of Compensation Contingency Account		<u>\$ 31,330</u>
		Net Balance Water & Wastewater Fund Contingency		<u>\$ 76,102</u>
HOTEL/MOTEL TAX FUND				
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		<u>\$ -</u>
		Beginning Compensation Contingency		\$ 19,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(15,533)
		Net Balance of Compensation Contingency Account		<u>\$ 3,967</u>
		Net Balance Hotel/Motel Tax Fund Contingency		<u>\$ 3,967</u>
DRAINAGE FUND				
		Beginning Contingency Balance		\$ 488,446
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		<u>\$ 488,446</u>
		Beginning Compensation Contingency		\$ 10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(8,759)
		Net Balance of Compensation Contingency Account		<u>\$ 1,741</u>
		Net Balance Drainage Fund Contingency		<u>\$ 490,187</u>
FED/STATE GRANT FUND				
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance Fed/State Grant Fund Contingency		<u>\$ -</u>

RESOLUTION NO. 2020-9969-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2019-2020 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 19th day of September, 2019, the City Council approved a budget for the 2019-2020 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2019-2020 City Budget.

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

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

Part 2: The City Council hereby amends the 2019-2020 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 6th day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #6(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathy Davis, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution assigning supervision of the City Secretary's office to the City Attorney's office.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City Secretary's office is tasked with providing important City services such as processing and responding to Public Information Act requests, administering elections, issuing permits and vital records, and records retention. In order to ensure that these City services are provided effectively and efficiently, the City Secretary's office would benefit from supervision that the City Council is unable to provide on a daily basis.

Employees in the City Secretary's office already work closely with the City Attorney's office and the job tasks routinely overlap, especially regarding Public Information Act requests. Furthermore, the City Secretary's Office often seeks advice from the City Attorney's office on legal issues related to its various functions. Accordingly, the City Attorney's office is the appropriate department to provide regular assistance, guidance and supervision to the City Secretary's office.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-9970-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ASSIGNING SUPERVISION OF THE CITY SECRETARY'S OFFICE TO THE CITY ATTORNEY'S OFFICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Secretary's office is tasked with providing important City services such as processing and responding to Public Information Act requests, administering elections, issuing permits and vital records, and records retention - in order to ensure that these City services are provided effectively and efficiently, the City Secretary's office would benefit from supervision that the City Council is unable to provide on a daily basis;

Whereas, employees in the City Secretary's office already work closely with the City Attorney's office and the job tasks routinely overlap, especially regarding Public Information Act requests - furthermore, the City Secretary's Office often seeks advice from the City Attorney's office on legal issues related to its various functions thus making the City Attorney's office the appropriate department to provide regular assistance, guidance and supervision to the City Secretary's office; and

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

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

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

Part 2: The City Council assigns supervision of the City Secretary and the City Secretary's office to the City Attorney's office.

Part 3: The City Attorney shall report to the City Council regarding the activities of the City Secretary's Office and make appropriate recommendations as necessary.

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

PASSED AND APPROVED this the 6th day of February, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #7
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-7-ZC: Consider an ordinance authorizing a rezoning from Agricultural zoning district to Planned Development-Single Family-One on 102.290 +/- acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its December 3, 2019 meeting the Planning and Zoning Commission voted 5 to 0 to recommend approval of the rezoning from Agricultural (AG) zoning district to Planned Development-Single Family-One (PD-SF-1) as presented, with the exception of removing the street projection connecting to Windcliff Drive shown on the site development plan.

On December 13th, the applicant met with staff and residents to discuss the emergency access connection from Bella Terra Phase 2. The applicant will dedicate a 50' wide lot to the city and construct a 20' fire lane connecting to the cul-de-sac at the end of Burton Lane. The residents of Burton Lane agree to pay for the construction of an emergency gate and the applicant agrees to construct fencing that will tie into the gate.

STAFF RECOMMENDATION: Staff recommends approval of the planned development rezoning as shown on the site development plan, subject to the following conditions:

Substantial compliance with the site development plan;

1. Minimum lot size of 10,000 sq. ft;
2. 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
3. 4' sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
4. Construction of drainage detention areas as shown on site development plan;
5. Provision for future street extensions to west and south as shown on site development plan;
6. Park amenities to be constructed in lieu of parkland dedication;
7. Private park with pool to be constructed during Phase 2;
8. Construction of additional amenities in private park during Phase 3;
9. Allowing for 5' side setbacks on all lots; and
10. Allowing for 15' front setbacks on cul-de-sacs and knuckles
11. Dedicate a 50' wide lot, construct fence and 20' fire lane for emergency access from Burton Lane

ITEM SUMMARY: Belton Engineering, on behalf of WGR Development, is requesting rezoning for Bella Terra Phase 2 and 3, from Agricultural (AG) district to Planned Development-Single Family-One (PD-SF-1). This property was the subject of previous rezoning requests in 2017 and 2018. The request was presented on first reading to Council in 2017 but the motion failed due to lack of a second. A second request for straight rezoning was submitted in 2018. At that time, the owner stated that a Planned Development would place unnecessary burdens on the project and pursued a straight rezoning over staff's recommendation. The motion for approval failed at P&Z and the request was subsequently withdrawn. The applicant has agreed to submit this new request as a Planned Development to address connectivity, drainage, lot dimensions, and park requirements.

A **Planned Development (PD)** is defined as:

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

Per UDC, Section 3.4.3 & 3.4.4, a Planned Development requires a site development plan that is binding once approved. Substantial changes to the site development plans are subject to further review by the Planning & Zoning Commission and approval by City Council. Minor changes may be approved by the Director of Planning and Development.

This PD rezoning encompasses two phases of the Bella Terra subdivision and would connect to Phase 1, which is currently being built. Phase 2 would contain approximately 160 lots and 98 additional lots would be created in Phase 3. This Planned Development is based on the Single-Family-One (SF-1) zoning district. SF-1 permits single-family detached residences and related accessory structures. Other than Urban Estates zoning, SF-1 is the least dense single-family zoning district allowed by code. The minimum lot size is 7,500 sq. ft, compared to 5,000 sq. ft in SF-2 and 4,000 sq. ft in SF-3. The submitted site development plans for Phase 2 and 3 show lots that are all greater than 10,000 sq. ft. Average lot size is approximately 10,800 sq. ft in Phase 2 and 12,150 sq. ft in Phase 3. A PD condition will codify the minimum lot size at 10,000 sq. ft in order to prevent any future increase in density. The applicant has requested that the side setbacks be adjusted to five feet, as allowed in SF-2. This is also included as a PD condition.

The applicant is proposing to construct a 1.389-acre private park as part of this development. Initial construction would begin during Phase 2 and would include parking, a 20x40 foot pool with restrooms, a pavilion, and shaded canopies. The pool area would be separated from the open areas of the park by a six-foot-tall fence. A perimeter fence would surround the remaining open play areas. Amenities to be constructed in Phase 3 include a playground area with seating. A sketch of the park and a construction budget are attached to this report.

SURROUNDING PROPERTY AND USES: The surrounding property is a mix of developed residential neighborhoods, estate style homes on acreage, and undeveloped agricultural land. The two lots at the entrance to Bella Terra Phase 1 are zoned for Neighborhood Services. The nearby Legacy Ranch mixed-use development is shown as PD-General Retail and is located to the southeast, on the opposite side of the Georgetown Railroad right-of-way.

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)

This area is designated as Suburban Residential on the Future Land Use Map. This is designed for mid-size single family lots and allows for greater separation between dwellings. The lot size codified by the PD condition will ensure the density remains as shown in the site development plan. This request is in compliance with the FLUM.

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

The two phases shown in this plan do not connect directly to any existing collectors or arterials shown on the Thoroughfare Plan. A proposed minor arterial is shown along the western boundary of the property, although local topography makes that particular alignment difficult. The applicant shows projections to the south and west that may provide future connections and will meet the intent of the Thoroughfare Plan. A sidewalk proposed for Phase 2 would provide pedestrian connectivity to the private park. A 15-foot trail easement would allow a trail or shared-use path to connect to the Georgetown Railroad Trail, listed as a priority trail on the Trails Master Plan. The request is in compliance with the Thoroughfare Map.

Availability of Public Facilities (CP Goal 4.1)

Water and Wastewater facilities do not currently exist. Public utilities will be addressed during platting.

SUBDIVISION PLAT: A subdivision plat will be required for this property prior to development. The plat will address connections to public facilities, right-of-way, and sidewalk development. The emergency access lane previously discussed would be shown on the plat.

DEVELOPMENT REGULATIONS:

DRC met with the applicant on November 21st to discuss the proposed development. Parks requested an itemized budget of the amenities to be constructed in each phase. No objections were noted.

PUBLIC NOTICE: Fifty-seven notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. Four courtesy notices were sent to adjacent properties in the ETJ. The newspaper printed the notice of the public hearing on November 21st 2019 in accordance with state law and local ordinance. Four notices were returned in agreement and no notices were returned in disagreement.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site Development Plan \(Phase 2 and 3\)](#)
[Location and Aerial Map](#)
[Future Land Use Map](#)
[Thoroughfare & Trails Map](#)
[Notification Map](#)
[Park rendering and amenities budget](#)
[Returned property notice\(s\)](#)
[Site Photos](#)
[Ordinance](#)



REDDING ROBERTS SURVEY,
ABSTRACT NO. 692

- SURVEYORS NOTES:**
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
 2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C0345E, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
 3. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".
 4. A 10' UTILITY EASEMENT IS REQUIRED ALONG THAT PART OF THE LOTS CONTIGUOUS TO THE STREET RIGHT-OF-WAY AS SHOWN HEREON.

PRELIMINARY PLAT
(SHEET 3 OF 5)

PRELIMINARY MASTER PLAT OF:
BELLA TERRA-PHASE TWO & THREE

160 LOTS, 8 BLOCKS PHASE TWO
58 LOTS, 2 BLOCKS PHASE THREE
TRACT C - 1.389 ACRE (PARKLAND)
TRACT D - 1.989 ACRES (DETENTION POND)
TRACT E - 2.779 ACRES (DETENTION POND)
TRACTS D AND E TO BE OWNED AND
MAINTAINED BY CITY OF TEMPLE

17.745 ACRES DEDICATED STREET RIGHT-OF-WAY TO CITY OF TEMPLE
REDDING ROBERTS SURVEY, ABSTRACT #692, BELL COUNTY TEXAS A
SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY TEXAS

NOTE:
LOT 58, BLOCK 10 SHALL BE CONVEYED (DURING FINAL PLATTING) TO THE CITY OF TEMPLE FOR POSSIBLE FUTURE EXTENSION TO ADJOINING TRACT. IF NOT UTILIZED, THE GRANTOR (OR SUCCESSOR) HAS THE RIGHT TO RE-ENTER AND ASSUME OWNERSHIP OF PROPERTY.

CALLED 60.430 ACRES
SECOND TRACT
JEANNE A. RAPPAPORT and
LEONARD APT
Vol. 1524, Pg. 218

- LEGEND:**
- IRS IRON ROD WITH CAP STAMPED "BRYAN TECHNICAL SERVICES" SET
 - IRF IRON ROD FOUND
 - D.E. DRAINAGE EASEMENT
 - U.E. UTILITY EASEMENT
 - B.L. BUILDING LINE



BRYAN TECHNICAL SERVICES, INC.



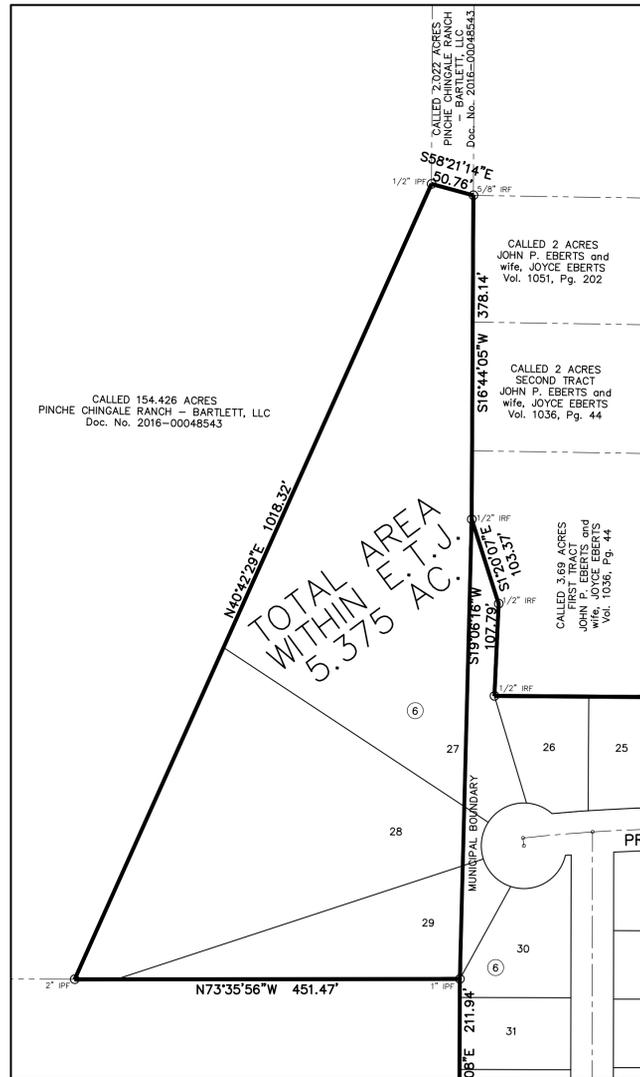
911 NORTH MAIN TAYLOR, TX 76754
FIRM No. 10128500
surveying@austin.rr.com

NO.	DATE	REVISIONS	BY

DRAWN BY: JRG CHECKED BY: BLB
SCALE: 1" = 100' APPROVED BY: BLB
PROJECT NO. 19025 OCTOBER 25, 2019

REDDING ROBERTS SURVEY,
ABSTRACT NO. 692

SEE DETAIL THIS SHEET



DETAIL SCALE 1:100

NOTE:
LOT 33, BLOCK 6 SHALL BE CONVEYED (DURING FINAL PLATTING) TO THE CITY OF TEMPLE FOR POSSIBLE FUTURE EXTENSION TO ADJOINING TRACT. IF NOT UTILIZED, THE GRANTOR (OR SUCCESSOR) HAS THE RIGHT TO RE-ENTER AND ASSUME OWNERSHIP OF PROPERTY.

B & C ESTATES, PHASE I
CABINET B, SLIDE 211-B

BARRED WIRE FENCE
POST AT 24" ELM TREE



- LEGEND:
- IRS IRON ROD WITH CAP STAMPED "BRYAN TECHNICAL SERVICES" SET
 - IRF IRON ROD FOUND
 - D.E. DRAINAGE EASEMENT
 - U.E. UTILITY EASEMENT
 - B.L. BUILDING LINE



PRELIMINARY MASTER PLAT OF:
BELLA TERRA-PHASE TWO & THREE

108.626 TOTAL ACRES 4,731,755.254 SQUARE FEET
160 LOTS, 8 BLOCKS PHASE TWO
98 LOTS, 2 BLOCKS PHASE THREE
TRACT C - 1.389 ACRE (PARKLAND)
TRACT D - 1.989 ACRES (DETENTION POND)
TRACTS D AND E TO BE OWNED AND MAINTAINED BY CITY OF TEMPLE
17.745 ACRES DEDICATED STREET RIGHT-OF-WAY TO CITY OF TEMPLE
REDDING ROBERTS SURVEY, ABSTRACT #692, BELL COUNTY TEXAS A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY TEXAS

- SURVEYORS NOTES:
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 2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C0345E, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
 3. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".
 4. A 10' UTILITY EASEMENT IS REQUIRED ALONG THAT PART OF THE LOTS CONTIGUOUS TO THE STREET RIGHT-OF-WAY AS SHOWN HEREON.

PRELIMINARY PLAT
(SHEET 2 OF 5)

BRYAN TECHNICAL SERVICES, INC.



911 NORTH MAIN TAYLOR, TX 76774 PHONE: (512) 352-0090 FAX: (512) 352-9091
FIRM No. 10128500
surveying@austin.tr.com

NO.	DATE	REVISIONS	BY

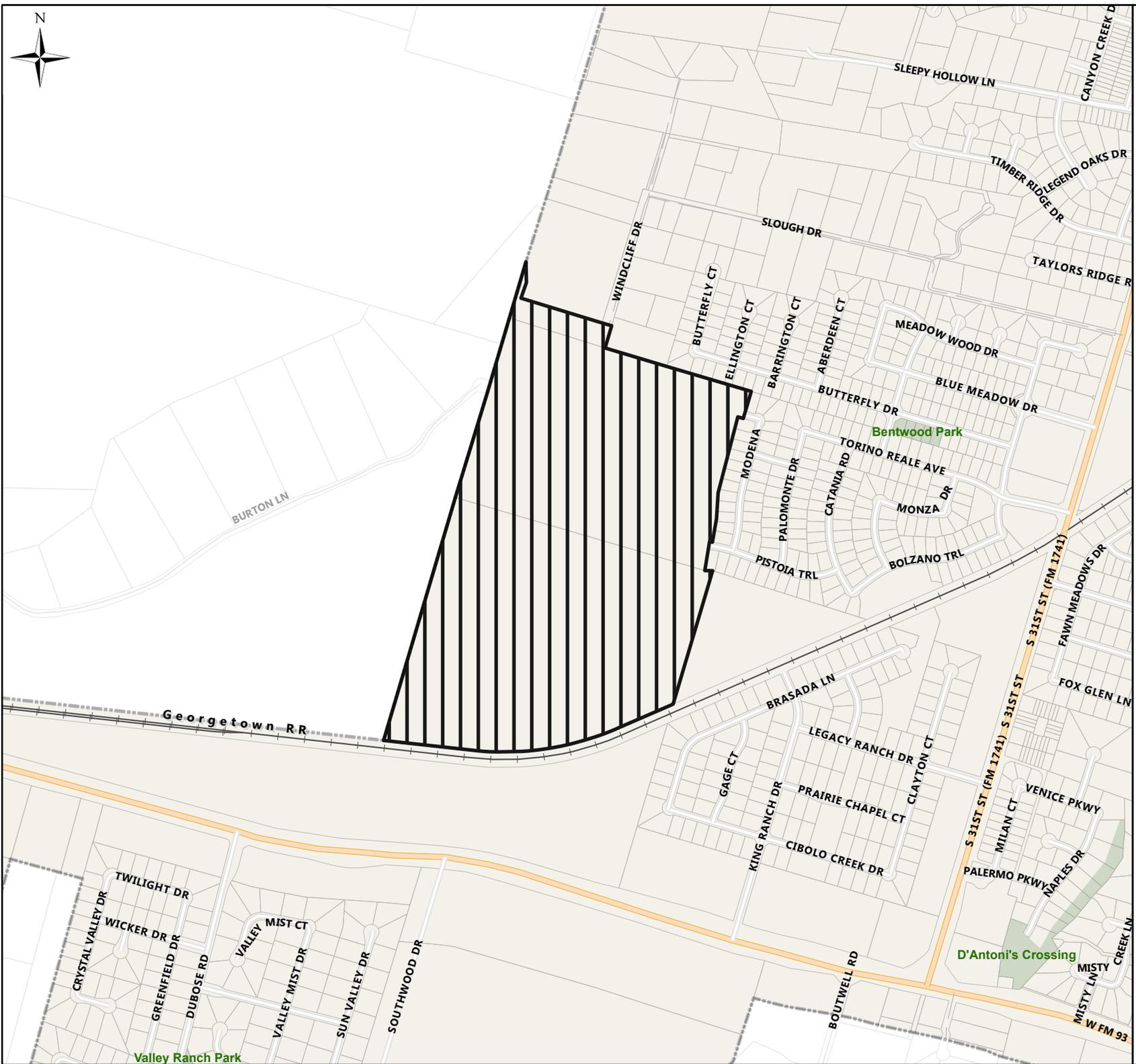
DRAWN BY: JRG CHECKED BY: BLB
SCALE: 1" = 100' APPROVED BY: BLB
PROJECT NO. 19025 DATE: OCTOBER 25, 2019



AG to PD-SF-1
VICINITY MAP

Zoning Case:
FY-20-7-ZC

Address:
5900 S 31st Street



Transportation

- Streets
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- PRIVATE
- Railroad
- Temple Municipal Boundary

Parcel Features

- Parcels
- ETJ Parcels

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

jdeckman
Date: 11/27/2019





AG to PD-SF-1
AERIAL PHOTO

Zoning Case:
FY-20-7-ZC

Address:
5900 S 31st Street

Transportation

- Streets
-  LOCAL STREET
 -  PRIVATE
 -  Railroad
 -  Temple Municipal Boundary

Parcel Features

-  Parcels

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jdeckman
Date: 11/27/2019





AG to PD-SF-1
**FUTURE LAND
 USE MAP**

Zoning Case:
 FY-20-7-ZC

Address:
 5900 S 31st St

Transportation

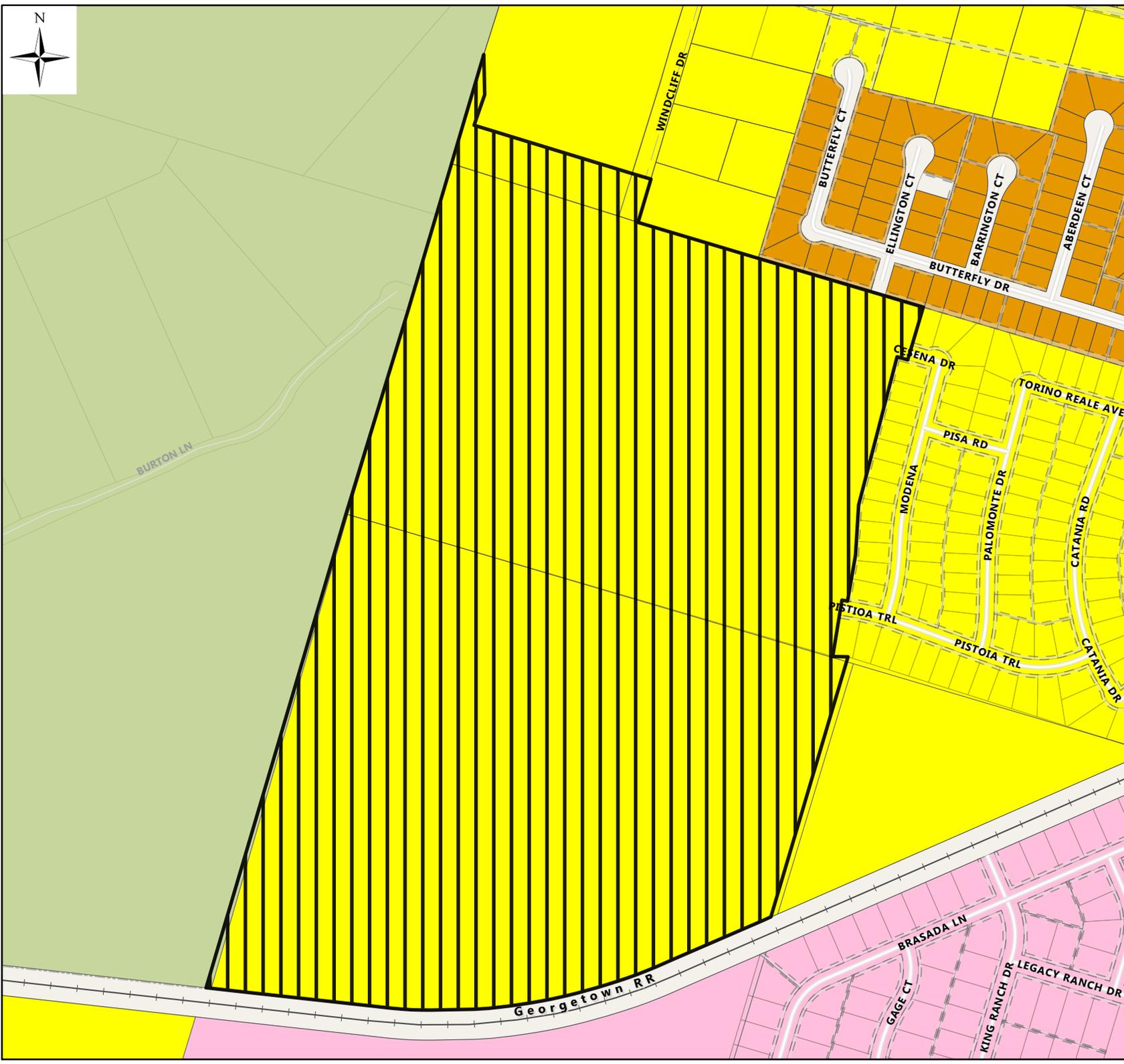
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Parcel Features

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

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jdeckman
 Date: 11/27/2019





AG to PD-SF-1

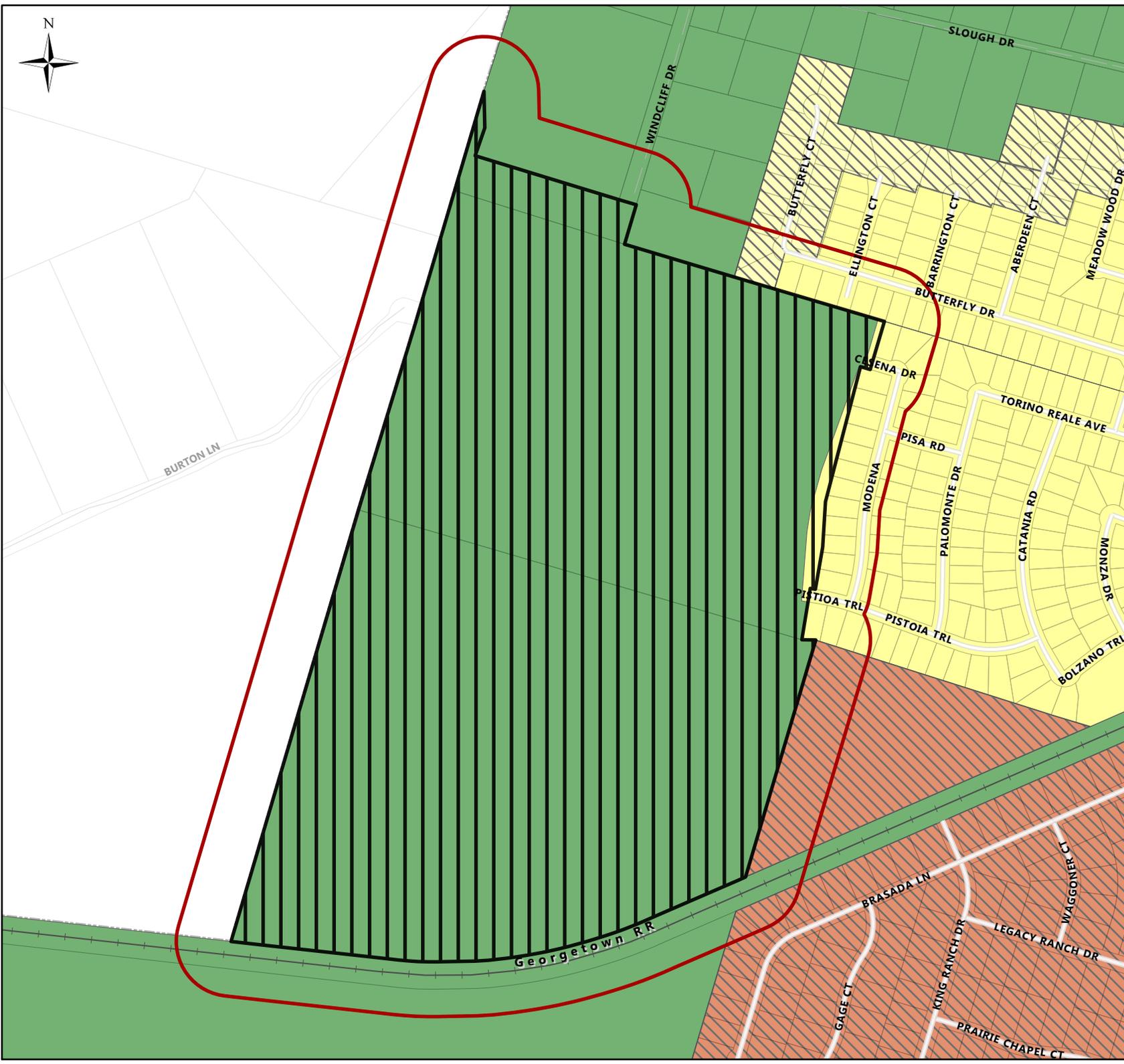
ZONING MAP

Zoning Case:

FY-20-7-ZC

Address:

5900 S 31st St



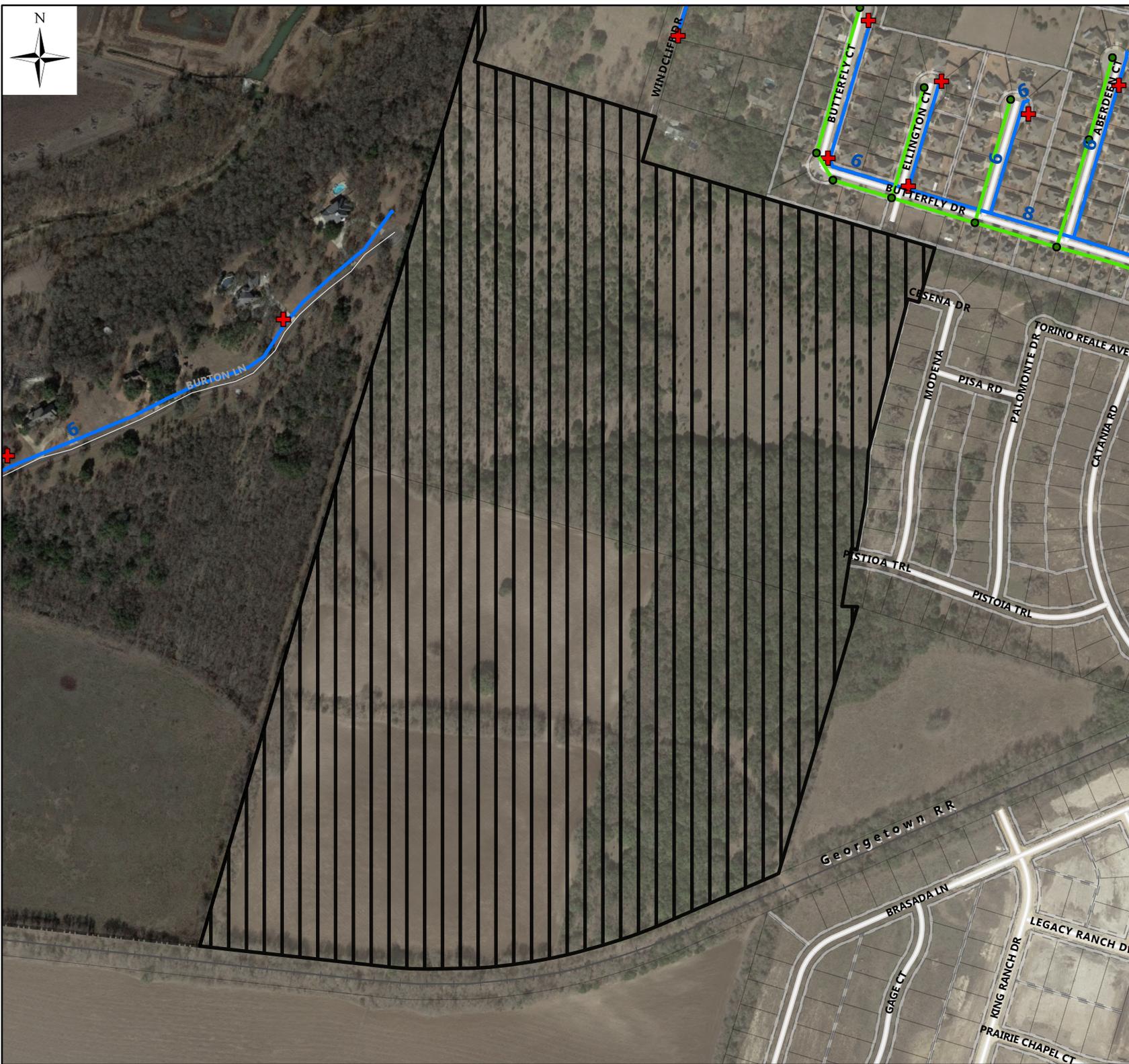
CurrentZoning		
	HI - CUP	HI - PD
	UE	AG
	UE - PD	AG - CUP
	SF-1	MH
	SF-1 - CUP	MH - CUP
	SF-1 - PD	MH - PD
	SF-2	MU
	SF-2 - PD	MU - CUP
	SF-3	SD-C
	SF-3 - PD	SD-C - CUP
	SF-3 - CUP, PD	SD-H
	SFA	SD-H - CUP
	SFA-2	SD-T
	SFA-2 - PD	SD-V
	SFA-3	T4
	SFA-3 - PD	T4 - PD
	2F	T4 - CUP
	2F - CUP	T5-C
	2F - PD	T5-C - CUP
	MF-1	T5-C - PD
	MF-1 - CUP	T5-E
	MF-1 - PD	T5-E - CUP
	MF-2	T5-E - PD
	MF-2 - CUP	NO BASE
	MF-2 - PD	CUP
	MF-3 - PD	PD
	O-1	
	O-1 - CUP	
	O-1 - PD	
	O-2	
	O-2 - CUP	
	O-2 - PD	
	NS	
	NS - CUP	
	NS - PD	
	GR	
	GR - CUP	
	GR - PD	
	GR - CUP, PD	
	CA	
	CA - CUP	
	CA - PD	
	C	
	C - CUP	
	C - PD	
	C - CUP, PD	
	LI	
	LI - CUP	
	LI - PD	
	LI - CUP, PD	
	HI	

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

jdeckman

Date: 11/27/2019





AG to PD-SF-1

UTILITY MAP

Zoning Case:
FY-20-7-ZC

Address:
5900 S 31st St

Sewer

- Manhole
- Gravity Main

Water Distribution

- + Hydrant
- Main

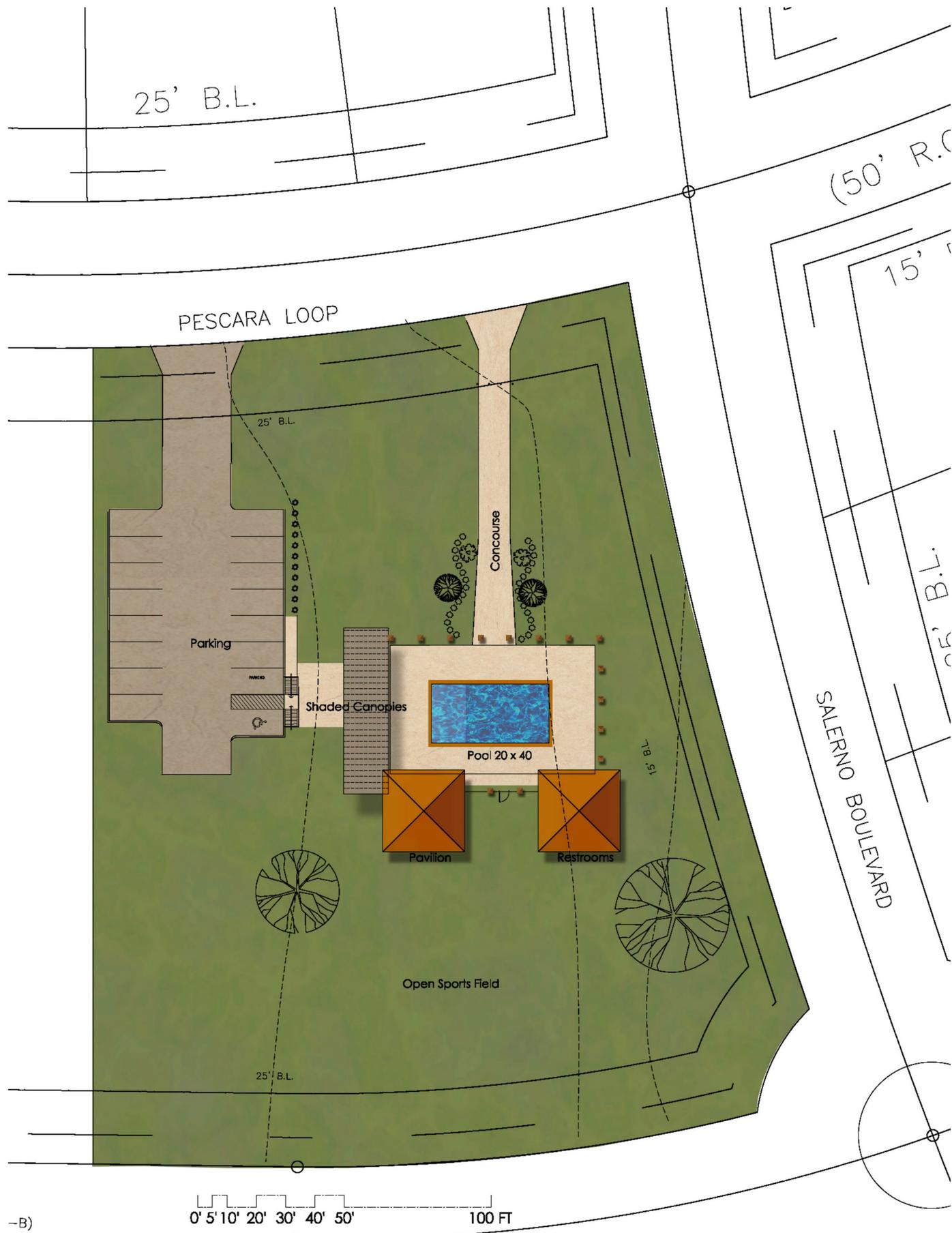
Parcel Features

- Parcels
- Easement

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jdeckman
Date: 11/27/2019





Bella Terra Pool Recreation Center - Phase 2



Bella Terra Pool Recreation Center - Phase 3

LIGHT STUDIO
 Paul Light, Designer
 (979)219-1840
 pauldesigner56@gmail.com

PRELIMINARY:
 NOT FOR
 PERMITTING,
 REGULATORY
 APPROVAL, OR
 CONSTRUCTION

**Bella Terra Subdivision
 Pool Recreation Center**
 5900 South 31st Street
 Temple, TX 76502

18 Oct 2019

Sheet No.

A1.0

24 x 36 print for scale



BELTON ENGINEERING, INC.

Engineering . Design/Build . Planning

lchtay@beltonengineers.com

106 North East St.

Belton, Texas 76513

(254) 731-5600

11/25/19

**JASON DECKMAN
CITY OF TEMPLE
2 N MAIN ST. STE 102
TEMPLE, TEXAS 76501**

**RE: BELL TERRA PHASE II & III – PROPOSED RESIDENTIAL SUBDIVISION- TEMPLE, TX.,
PARK AMENITIES**

PHASE II-PARK AMENITIES

A. LAND.	\$ 75,000
B. PARKING LOT.....	\$ 45,000
C. POOL	\$ 85,000
D. BUILDINGS.....	\$ 55,000
E. SHADE STRUCTURE	\$ 18,000
F. POOL FURNITURE.....	\$ 8,000
G. FENCING.....	\$ 16,000
H. LANDSCAPING	\$ 25,000
I. IRRIGATION	\$ 15,000

TOTAL \$ 342,000

PHASE III PARK AMENITIES

J. LAND.	\$ 75,000
K. PLAY STRUCTURE	\$ 35,000
L. SHADE STRUCTURE	\$ 18,000
M. PERIMETER FENCE.....	\$ 16,000
N. LANDSCAPING	\$ 25,000
O. IRRIGATION	\$ 15,000
P. ELECTRICAL LIGHTS	\$ 15,000
Q. SIDEWALK.....	\$ 16,000

TOTAL \$ 215,000



Facing west from Bella Terra Phase 1 at corner of Modena Dr and Cesena Dr



Facing north along Modena Dr in Bella Terra Phase 1



Facing east along Torino Reale Ave in Bella Terra Phase 1



Facing south along Palomonte Dr in Bella Terra Phase 1



Facing north across subject property



Facing northeast along Georgetown Railroad Trail

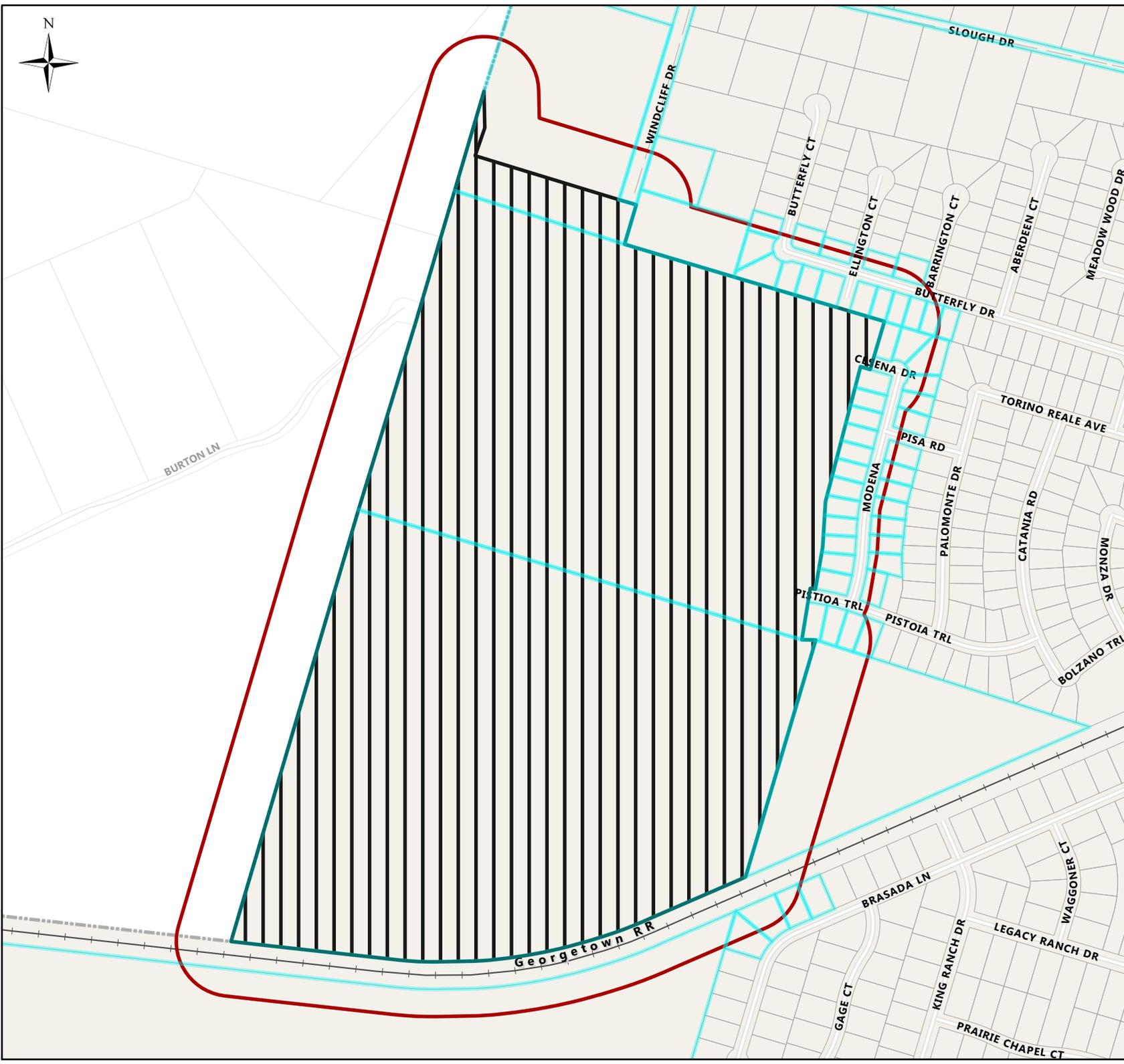


AG to PD-SF-1
200'
NOTIFICATION MAP

Zoning Case:
FY-20-7-ZC

Address:
5900 S 31st St

-  Area to be rezoned
-  Notification area
-  Parcels



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

jdeckman

Date: 11/27/2019



Jason Deckman

From: jaepaul@aol.com
Sent: Monday, December 2, 2019 12:09 PM
To: Jason Deckman
Subject: FY-20-7-ZC

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Disagree with request. Too many unresolved issues to permit further development. Unable to make telephone contact after multiple attempts. Message left on Friday, Nov. 29 with Leslie Evans.
John P. Eberts M.D. and Joyce Allison Eberts



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

348934 SALUTO, TONI 5810 BARRINGTON CT TEMPLE, TX76502

RECEIVED NOV 27 2019 City of Temple Planning & Development

Zoning Application Number: FY-20-7-ZC

Case Manager: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 - 5900 S. 31st Street

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

I () agree

(X) disagree with this request

Comments:

A couple yrs ago we argued against the same proposal & the council then agreed w/us not to allow it! Now here it is again - they will extend a road from our address (Barrington Ct) to their area & more traffic on Butterfly Dr.

Signature Toni J. Saluto

Print Name Toni Saluto

salutotoni@gmail.com (Optional)

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

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

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

Number of Notices Mailed: 57 COT 4 ETJ

Date Mailed: November 20, 2019

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



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

371317
WELLS, DEREK ETUX ELINA
5816 BUTTERFLY CT
TEMPLE, TX76502-7953

Zoning Application Number: FY-20-7-ZC

Case Manager: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 – 5900 S. 31st Street

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

I () agree

() disagree with this request

Comments:

We chose this house because of the unique peace and quiet that the backyard offered. Would be greatly disappointed if this area was to be developed.


Signature

Derek wells
Print Name

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

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

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

Number of Notices Mailed: 57 COT
4 ETJ

Date Mailed: November 20, 2019

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

RECEIVED
DEC 02 2019
City of Temple
Planning & Development



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

371319
SPEER, MICHAEL T ETUX JESSICA M
3111 BUTTERFLY DR
TEMPLE, TX76502-7949

Zoning Application Number: FY-20-7-ZC

Case Manager: Jason Deckman

Location: West of South 31st Street identified as Bell County Tax Appraisal District Nos. 96776 and 466490 – 5900 S. 31st Street

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

I () agree

disagree with this request

Comments:


Signature

Jessica Speer
Print Name

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

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

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

Number of Notices Mailed: 57 COT
4 ETJ

Date Mailed: November 20, 2019

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

ORDINANCE NO. 2020-5015
(FY-20-7-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL ZONING DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY ONE ON APPROXIMATELY 102.290 ACRES, WITH A SITE DEVELOPMENT PLAN, LOCATED AT 5900 SOUTH 31ST STREET FOR A PROPOSED EXTENSION OF THE BELLA TERRA NEIGHBORHOOD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Belton Engineering, on behalf of WGR Development, is requesting rezoning for Bella Terra Phase 2 and 3, from Agricultural district to Planned Development Single Family 1 - this property was the subject of previous rezoning requests in 2017 and 2018 – the 2017 request failed due to lack of a second and the 2018 requested was withdrawn by the applicant after failing to obtain Planning and Zoning Commission approval on a straight rezoning request;

Whereas, the applicant has agreed to submit this new request as a Planned Development to address connectivity, drainage, lot dimensions, and park requirements;

Whereas, at its December 3, 2019 meeting, the Planning and Zoning Commission of the City of Temple, Texas, voted 5 to 0 to recommend approval of the rezoning from Agricultural zoning district to Planned Development Single Family One on approximately 102.290 acres, with a site development plan, with the exception that the street projection connecting to Windcliff Drive as shown on the submitted site plan be removed;

Whereas, Staff recommends approval of the Planned Development rezoning as shown on the site development plan, attached hereto as Exhibit A and incorporated herein for all purposes, and subject to the following conditions:

- Substantial compliance with the site development plan;
- Minimum lot size of 10,000 square feet;
- 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
- 4-foot sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
- Construction of drainage detention areas as shown on site development plan;
- Provision for future street extensions to west and south as shown on site development plan;
- Park amenities to be constructed in lieu of parkland dedication;
- Private park with pool to be constructed during Phase 2;
- Construction of additional amenities in private park during Phase 3;
- Allowing for 5-foot side setbacks on all lots;

- Allowing for 15-foot front setbacks on cul-de-sacs and knuckles; and
- Dedicate a 50-foot wide lot, construct fence and 20-foot fire lane for emergency access from Burton Lane; and

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

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

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

Part 2: The City Council approves of the rezoning from Agricultural zoning district to Planned Development Single Family One on approximately 102.290 acres, with a site development plan, located at 5900 South 31st Street for a proposed extension of the Bella Terra neighborhood, as outlined in the site plan, attached hereto as Exhibit 'A,' and made a part hereof for all purposes, and subject to the following conditions:

- Substantial compliance with the site development plan;
- Minimum lot size of 10,000 square feet;
- 15-foot trail easement along Salerno Boulevard and connecting to Georgetown Railroad Trail, as shown on site development plan;
- 4-foot sidewalk along Pistoia Boulevard connecting to Phase 1, as shown on site development plan;
- Construction of drainage detention areas as shown on site development plan;
- Provision for future street extensions to west and south as shown on site development plan;
- Park amenities to be constructed in lieu of parkland dedication;
- Private park with pool to be constructed during Phase 2;
- Construction of additional amenities in private park during Phase 3;
- Allowing for 5-foot side setbacks on all lots;
- Allowing for 15-foot front setbacks on cul-de-sacs and knuckles; and
- Dedicate a 50-foot wide lot, construct fence and 20-foot fire lane for emergency access from Burton Lane.

Part 3: The City Council approves the Site Development Plan made a part hereof for all purposes.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not

Commented [CRT11]: Will this exhibit A have the Windcliff Drive connection removed?

affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **16th** day of **January**, 2020.

PASSED AND APPROVED on Second Reading on the **6th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

APPROVED AS TO FORM:

ATTEST:

Stephanie Hedrick
Deputy City Secretary

Kathryn H. Davis
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

02/06/20
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director
Charla Thomas, Assistant City Attorney
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance titled, "Chapter 11, Cemeteries," of the City of Temple's Code of Ordinances.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for February 20, 2020.

ITEM SUMMARY: The City took over operations of Hillcrest Cemetery, one of the oldest cemeteries within the City, on May 1, 2019. Hillcrest Cemetery is the City's first City-operated cemetery, and, because of this, the City does not have an ordinance or policies regulating City-operated cemeteries.

On December 10, 2019, the Parks & Recreation Advisory Board (the Board) met and discussed City Staff's proposed cemetery policies. At this meeting, the Board discussed the policies and tabled the item. On January 14, 2020, the Board met again and discussed City Staff's proposed cemetery policies, ordinance, and rates, which included the price of plots. The Board approved the proposed cemetery policies, ordinance, and rates with the recommendation that the ordinance be amended to allow cemetery rates to be set by the City Manager rather than by City Council resolution. This recommended amendment would align the cemetery rates with other Parks & Recreation rates that are all currently set by the City Manager.

City Staff recommends adopting an ordinance regulating City-operated cemeteries approved by the Board on January 14, 2020. City Staff also recommends placing the proposed cemetery ordinance in Chapter 11 of the City's Code of Ordinances, which was reserved when Chapter 11, Fair Housing, was repealed on June 20, 2019.

City Staff's proposed cemetery ordinance provisions include the following:

- Perpetually reserving City rights to maintain the cemetery, including landscaping and maintaining roads and walkways;
- Authorizing the City to promulgate cemetery policies and making it an offense if a person fails to obey a cemetery policy;
- Prohibiting the general public from entering the cemetery outside of posted hours of operation and entering or exiting at a location other than through the public gates;
- Authorizing the City to provide original deeds to plot owners upon full payment of plot price;

- Requiring written City approval for transfer of plots;
- Providing that plot owners or their surviving family members or heirs be responsible for keeping their mailing address on file with the City current to ensure that they receive City notices related to their plot;
- Allowing plot owners to sell their plots back to the City at the City's discretion;
- Setting requirements for interments and disinterments, including requiring:
 - A person to obtain written authorization from the City to perform a disinterment or interment, with exception of those authorized to perform disinterments without City authorization under the Texas Health and Safety Code (e.g. a court order to exhume a remains);
 - All excavations for interment and disinterment to be completed by a person approved by the City to perform this work and allowing the City to require people performing this work to carry insurance;
 - All plots to be fully paid for prior to interment, except with written authorization by the City;
 - A person to notify the City at least 24 hours prior to interment or disinterment; and
 - Persons performing disinterments and interments to secure the gravesite and remove all debris, fill, and equipment related to the work;
- Setting requirements for memorials, including requiring:
 - A person to obtain written authorization from the City prior to erecting a permanent memorial;
 - Plots to be fully paid prior to erecting a permanent memorial, except with written authorization from the City; and
 - Memorials to be maintained in good repair;
- Authorizing the City to performance maintenance on, repair, or remove a damaged or unsafe memorial;
- Allowing existing private benches to remain with conditions (e.g. in safe and stable condition, not encroaching on another plot, etc.) but requiring written authorization to replace an existing bench or install a new bench and authorizing the City to remove benches that do not comply with City conditions;
- Allowing existing plot enclosures, including fencing and borders, and plot ground coverings, including stones and slabs, to remain if in good and safe condition but authorizing the City to remove these items if they are unsafe or in disrepair and prohibiting the installation of new plot enclosures or ground coverings on plots;
- Allowing existing private vegetation to remain on plots but authorizing the City to remove private vegetation if it interferes with other property, including other plots or memorials;
- Authorizing the City to remove deteriorated or broken items, including fresh flowers that are dead or dying or artificial flowers that are severely sun faded, torn, or broken;
- Providing the City Manager with the authority to set cemetery prices, costs, and fees, including the price of cemetery plots;
- Creating a Class C misdemeanor offense for violations of the cemetery ordinance or policies with a maximum fine of \$500; and
- Providing a severability clause.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Draft of Proposed Chapter 11
Ordinance

Chapter 11 CEMETERIES

Sec. 11-1. Definitions.

In this Chapter:

Block or Section means a subdivided land area within the cemetery consisting of a systematic layout of lots, further subdivided into individual plots.

City means the City of Temple, Texas, the City Council of Temple, Texas, or its representatives, employees, agents, or designees.

Cemetery means any cemetery owned by the City.

Cemetery business office means the cemetery business office as defined by the City's cemetery policies.

City Council means the City's elected governing body.

Cremains means the ashes of a cremated human body.

Disinterment means to dig up or exhume a body for medical investigation or for other purposes.

Grave means a space of ground within a plot that is used or is intended to be used for interment.

Grave liner means a burial receptacle placed in the ground in a cemetery that is designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent a grave from collapsing.

Interment means the entombment or burial of remains.

Lot means a subdivided area of land within a Block or Section consisting of a specified number of plots.

Memorial means a headstone, tombstone, gravestone, monument, or other marker denoting a grave.

Plot means a parcel of property specified as a plot on the official plat maps of a cemetery held by the City that is intended for the burial of:

- (a) One (1) casketed burial;
- (b) One (1) casketed burial and one (1) cremains; or

(c) Four (4) cremains.

Plot owner or owner means a person who holds a deed to a plot in a city cemetery and who is listed in the City's records as the owner of the plot or their lawful heirs.

Remains mean either a deceased human body or human cremains.

Temporary marker means a non-permanent memorial that identifies the grave of a recently deceased person until a permanent memorial is installed.

Vault means a container, formerly made of wood or brick but more often today made of concrete, that encloses a coffin to help prevent a grave from sinking.

Sec. 11-2. Rights reserved to the City; cemetery policies.

(a) Under this Chapter, the City perpetually reserves the right to:

- (1) Enlarge, reduce, replat, and change the boundaries or grading of the cemetery, including changing the locations of and adding, removing, and regrading roads, drives, and walks;
- (2) Lay, maintain, operate, alter, and change any parts or equipment necessary for sprinkler systems or drainage;
- (3) Use cemetery property, not sold to individual plot owners, for cemetery or other official City purposes;
- (4) Ingress and egress over plots for the purposes of care and maintenance of the cemetery and passage to or from other plots;
- (5) Close any road, walk, or drive at any time; and
- (6) Landscape the cemetery, including the planting and cultivating of any flowers, shrubs, or trees.

(b) The City may promulgate cemetery policies for City cemeteries and amend these policies from time to time. Failure of a person to obey any cemetery policy promulgated by the City is an offense.

Sec. 11-3. Hours of operation.

(a) The cemetery will be open to the public daily according to posted hours of operation, which will be posted on the cemetery's main gate.

- (b) It is unlawful for any person, other than the City or with the City's written approval, to enter or be in the cemetery at any time when the cemetery is not open to the public.
- (c) It is unlawful for any person, other than the City or with the City's written approval, to enter or leave the cemetery at any location other than through the public gates.

Sec. 11-4. Purchase of plots.

- (a) Plots may be purchased from the City as provided by the City's cemetery policies.
- (b) Upon payment of the full purchase price, the City will provide the plot owner(s) the original deed that conveys the plot to the owner(s).
 - (1) Only one original deed will be issued per a plot. If there are multiple plot owners, the plot owners must specify in writing which plot owner will be provided the original deed.
 - (2) The City will keep a copy of the original deed in its records.
- (3) The City Manager may waive the costs or reduce the price of plots and any cemetery fees for the burial of indigent persons at their discretion.
- (4) All deeds will grant to the plot owner(s) the right to use the plot for interment of remains, subject to the requirements of this Chapter, the City's cemetery policies, and applicable State law.

Sec. 11-5. Transfer of plots.

- (a) The transfer of ownership or interest in a plot may only be made on forms provided by the City.
- (b) No transfer of ownership or interest in a plot will be effective without the written approval of the City.
- (c) The City may refuse to approve a transfer of ownership or interest in a plot at its discretion. The City may require a proposed transferee of a plot to assume responsibility for an unpaid amount of the purchase price of the plot as a condition of approving the transfer.
- (d) The City will issue a new deed that transfers ownership to the new plot owner when a transfer request is approved by the City and the purchase price for the plot is paid in full.

Sec. 11-6. Records of plots; plot owner's address.

- (a) The official record of plot owners will be maintained by the City.
- (b) A plot owner, or their surviving family members or heirs, is responsible for ensuring their mailing address on file with City is current. All notices sent by the City related to the owner's plot will be deemed sufficient if sent to the most recent mailing address on file with the City.

Sec. 11-7. No easements or right-of-ways created.

No easement or right-of-way is granted to any plot owner in any road, drive, or alley within the cemetery, but such easement or right-of-way, when dedicated to public use, may be used for access to the grounds and buildings of the cemetery.

Sec. 11-8. Repurchase of plot.

A plot owner may request to sell their plot(s) back to the City. The City may, at its discretion, repurchase the plot(s) at the prices set by the City Manager.

Sec. 11-9. Interment and disinterment.

- (a) In addition to being subject to this Chapter and any City cemetery policies, interments and disinterments are subject to all local, state, and federal laws, rules, and regulations regarding the same.
- (b) All excavations of plots for interment or disinterment of remains must be completed by a person approved, in writing, to perform this work by the City. The City may require a person to carry insurance to perform this work.
- (c) The City has the authority to correct errors in interment or disinterment or in the transfer or conveyance of a plot, either by cancellation and conveyance of a plot of equal value (as established by the City) and similar location as may be practicable or, at the sole discretion of the City, by refunding all sums paid for the plot.
 - (1) If an error involves the interment of remains, the City may remove and reinter the remains as provided by the Texas Health & Safety Code § 711.004, as amended. Once the remains are removed from the original plot and reinterred in a new plot, the City will convey ownership of the new plot to the owner of the original plot.
- (d) Written authorization is required from the City before any work may commence for an interment or disinterment.

- (1) A person may perform a disinterment without written authorization of the City if they are authorized to perform the disinterment by an order of a court or person who conducts inquests or as otherwise authorized by Texas Health and Safety Code §711.004, as amended.
- (e) Any work performed related to a disinterment or interment will be subject to inspection by the City.
- (f) The City will not be liable for the accuracy of the information provided on a request for interment or disinterment authorization or the verification of the identity of the person for whom the interment or disinterment is sought.
- (g) Interment.
 - (1) The City requires a minimum 24 hours' notice prior to interment.
 - (2) The person performing interment services for any casketed remains must use a grave liner.
 - (3) The person performing interment services must secure the gravesite and provide for the immediate cleaning of the gravesite and removal of all debris, fill, and equipment resulting from the interment or used by the person performing the interment.
 - (4) The maximum number of burials allowed per plot is:
 - (A) One (1) casketed burial;
 - (B) One (1) casketed burial and one (1) cremains; or
 - (C) Four (4) cremains.
 - (5) No cremains may be spread anywhere in the cemetery.
 - (6) No interment is permitted in a plot unless the purchase price for the plot has been fully paid, except by the written consent of the City.
 - (7) All vaults must be placed no less than one and one-half (1 1/2) feet below the surface of the ground. Exposed vaults are prohibited.
 - (8) A casket containing remains may not be opened within the cemetery by anyone without the consent of a legal representative of the deceased, by order of a court of competent jurisdiction, or as otherwise provided by state law.
 - (9) No animals may be interred at the cemetery.

(h) Disinterments.

- (1) The City requires a minimum 24 hours' notice prior to disinterment.
- (2) Disinterments must be performed in accordance with Texas Health and Safety Code §711.004, as amended.
- (3) A person performing a disinterment must secure the gravesite and provide for the immediate cleaning of the gravesite and removal of all debris, fill, and equipment resulting from the disinterment or used by the person performing the disinterment.

Sec. 11-10. Memorials.

- (a) A person must receive written authorization from the City before beginning any work to erect a memorial in the cemetery. City authorization is not required to erect a temporary marker. The City may remove any memorial erected without written City authorization. The City may bill any cost incurred by the City for the removal of a memorial under this Subsection to the plot owner or the owner's surviving family members or heirs, if known.
- (b) Persons erecting memorials must verify the location where a memorial will be placed with the City before the installation of any memorial foundation on a cemetery plot. The City will not be not responsible for memorials erected in the wrong location or placed incorrectly.
- (c) No memorial, except a temporary marker, is allowed on any plot until the purchase price for the plot has been fully paid, except by written consent of the City. The City may remove any memorial erected in violation of this Subsection.
- (d) The City reserves the authority and has the right to correct any error in the location or placement of a memorial or marker in the cemetery. The City may bill any cost incurred by the City to correct a memorial or marker location or placement error to the plot owner or the owner's surviving family members or heirs, if known.
- (e) All foundations for memorials must adhere to cemetery policies and be of sufficient depth and stability to support the memorial and are subject to inspection and approval by the City.
- (f) Memorial location and placement on a plot, as well as a memorial's dimensions and materials, must conform with the City's cemetery policies regarding memorials.
- (g) All flush memorials must be flush with the ground.
- (h) Memorials that contain niches for cremains are not permitted.

- (i) Persons installing memorials must remove all trash, rubbish, debris, and materials from such work immediately.
- (j) All memorial work is subject to the inspection, control, and direction of the City.
- (k) Wooden planks must be used for placing and rolling heavy memorials on rocks or grass.
- (l) All memorials must be maintained. The maintenance of all memorials in the cemetery is the responsibility of the plot owner or the owner's surviving family members or heirs. This maintenance will include, but is not limited to, the following:
 - (1) The cleaning of the memorial;
 - (2) Ensuring that the memorial is seated properly, except that the City is responsible for leveling and straightening markers and memorials as provided by Texas Health & Safety Code § 713.011, as amended; and
 - (3) Repairing any damage to the memorial or the structure of the memorial, including replacement, if necessary.
- (m) In the event that a memorial needs maintenance or repair, the City may send a letter requesting the plot owner, or the owner's surviving family members or heirs, if known, to perform the necessary maintenance or repair. If the plot owner or the owner's surviving family members or heirs cannot be located, then the City may publish a newspaper notice to request the plot owner or the owner's surviving family members or heirs to perform the necessary maintenance or repair. If the maintenance or repair is not performed within the time period prescribed by the notice, then the City may initiate action to have the maintenance or repair performed or the memorial removed.
 - (1) In the event of an emergency or if there is an imminent threat to public safety, the City may perform maintenance on or repair or remove a memorial without providing notice to the plot owner or the owner's surviving family members or heirs.
 - (2) The City may bill any cost incurred by the City for the maintenance or repair or removal of a memorial to the plot owner or the owner's surviving family members or heirs, if known.

Sec. 11-11. Benches.

- (a) Benches that were placed or installed by a private party prior to the adoption of this Chapter are permitted if the bench is:
 - (1) Placed entirely within a plot;

- (2) Not encroaching on a maintenance easement, public area, or a plot owned by another person without the consent of the other plot owner or their surviving family members or heirs;
 - (3) Kept in a safe and stable condition and in a good state of repair; and
 - (4) Not interfering with an interment or setting of a memorial.
- (b) Any bench that does not meet the criteria of Subsection (a) may be removed by the City without liability to the City.
- (c) A person must obtain written authorization from the City prior to beginning any work to replace or install a bench removed under Subsection (b) or to place or install a new bench in the cemetery. The City may authorize the placement or installation of a bench at its discretion. Failure to obtain written authorization from the City under this Subsection is an offense. Benches placed without prior written authorization of the City may be removed by the City.

Sec. 11-12. Damage to cemetery property.

A person performing an interment or disinterment or installing a memorial or placing or installing a bench is responsible for any damage done by them to any property in the cemetery, including grass, trees, and any other landscaping, and any damage caused by the person's work must be repaired at the person's expense and to the satisfaction of the City.

Sec. 11-13. Enclosure of plots.

- (a) It is unlawful for a person, apart from the City, to place or construct an enclosure including a fence, coping, hedge, border, edging, or ditch around any plot, lot, block, or section in the cemetery.
- (b) Existing enclosures are permitted to remain in the cemetery if they were in place prior to the enactment of this ordinance and are in safe and stable condition and in a good state of repair.

Sec. 11-14. Stones and slabs.

- (a) It is unlawful for any person, apart from the City, to place, lay, or install slabs, ledgers, concrete, gravel, rocks, stones, or other ground coverings on the top of any plot, lot, block, or section in the cemetery.
- (b) Existing ground coverings are permitted to remain in the cemetery if they were in place prior to the enactment of this ordinance and are in safe and stable condition and in a good state of repair.

Sec. 11-15. Decorative items.

- (a) No person, apart from the City, may plant any flower, shrub, tree, grass, or any other type of vegetation in the cemetery. This subsection will not apply to vegetation planted by the public prior to the enactment of this ordinance, except that any vegetation, regardless of when planted, that interferes, or by its maintenance or cultivation interferes, with another memorial, plot, easement, driving path, walkway, roadway, parking area, or cemetery operations may be removed by the City.
- (b) Fresh flowers, floral arrangements, potted plants, artificial flowers, sprays, and wreaths may be placed on any plot, but may be removed by the City if:
 - (1) Fresh, are dead or dying; or
 - (2) Artificial, are weathered, severely sun faded, torn, or broken.
- (c) Vases and other decorative items must adhere to the City's cemetery policies.
- (d) The City is not responsible for the vandalism or theft of any permitted or unpermitted object left in a cemetery.

Sec. 11-16. Removal.

- (a) The City may remove:
 - (1) Trash, rubbish, and debris;
 - (2) Deteriorated and broken decorative items;
 - (3) Enclosures in an unsafe or unstable condition or in disrepair, including fences, coping, hedges, or edging around a plot, lot, block, or section;
 - (4) Ground coverings, including stones or slabs, on the top of any plot in an unsafe or unstable condition or in disrepair;
 - (5) Any object that violates the City's cemetery policy or any other local, state, or federal law, rule, or regulation; and
 - (6) Any object from the cemetery that poses a direct or foreseeable threat to the safety, health, or welfare of the public.

Sec. 11-17. Prices, costs, and fees.

The City Manager has the authority to set cemetery prices, costs, and fees, including the price of cemetery plots.

Sec. 11-18. Penalty.

- (a) A person violating a provision of this Chapter or failing to perform a duty required under this Chapter, obtain any City authorization required under this Chapter, abide by the terms and conditions of any written City authorization issued under this Chapter, or comply with the City's cemetery policies commits a Class C misdemeanor. Each offense under this Chapter is punishable by a fine not to exceed five hundred dollars (\$500.00). A culpable mental state is hereby not required to prove an offense under this Chapter.
- (b) The City may seek all available civil remedies in a court of competent jurisdiction for violations of this Chapter.
- (c) The remedies provided for in this Section are not exclusive. The City may take any, all, or any combination of these remedies against a person who violates this Chapter or the cemetery policies.

Sec. 11-19. Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such holding will not affect the validity of the remaining portions of this Chapter.

ORDINANCE NO. 2020-5018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING TO THE CITY'S CODE OF ORDINANCES CHAPTER 11, "CEMETERIES" PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City took over operations of Hillcrest Cemetery, one of the oldest cemeteries within the City, on May 1, 2019 as the first city-operated cemetery for Temple;

Whereas, on December 10, 2019, the Parks & Recreation Advisory Board (the Board) met and discussed City Staff's proposed cemetery policies and tabled the item - on January 14, 2020, the Board met again and discussed City Staff's proposed cemetery policies, ordinance, and rates, which included the price of plots and which the Board approved with the recommendation that the ordinance be amended to allow cemetery rates to be set by the City Manager rather than by City Council resolution;

Whereas, this recommended amendment would align the cemetery rates with other Parks & Recreation rates, which are all currently set by the City Manager;

Whereas, Staff recommends adopting an ordinance regulating City-operated cemeteries approved by the Board on January 14, 2020 - Staff also recommends placing the proposed cemetery ordinance in Chapter 11 of the City's Code of Ordinances, which was reserved when Chapter 11, Fair Housing, was repealed on June 20, 2019;

Whereas, Staff's proposed cemetery ordinance includes the following provisions:

- Perpetually reserving City rights to maintain the cemetery, including landscaping and maintaining roads and walkways;
- Authorizing the City to promulgate cemetery policies and making it an offense if a person fails to obey a cemetery policy;
- Prohibiting the general public from entering the cemetery outside of posted hours of operation and entering or exiting at a location other than through the public gates;
- Authorizing the City to provide original deeds to plot owners upon full payment of plot price;
- Requiring written City approval for transfer of plots;
- Providing that plot owners or their surviving family members or heirs keep their mailing address on file with the City current to ensure that they receive City notices related to their plot;
- Allowing plot owners to sell their plots back to the City at the City's discretion;
- Setting requirements for interments and disinterment's, including requiring:
 - A person to obtain written authorization from the City to perform a disinterment or interment, with exception of those authorized to perform disinterment's without City

authorization under the Texas Health and Safety Code (e.g. a court order to exhume a remains);

○All excavations for interment and disinterment to be completed by a person approved by the City to perform this work and allowing the City to require people performing this work to carry insurance;

○All plots to be fully paid for prior to interment, except with written authorization by the City;

○A person to notify the City at least 24 hours prior to interment or disinterment; and

○Persons performing disinterment's and interments to secure the gravesite and remove all debris, fill, and equipment related to the work;

- Setting requirements for memorials, including requiring:

○A person to obtain written authorization from the City prior to erecting a permanent memorial;

○Plots to be fully paid prior to erecting a permanent memorial, except with written authorization from the City; and

○Memorials to be maintained in good repair;

- Authorizing the City to performance maintenance on, repair, or remove a damaged or unsafe memorial;
- Allowing existing private benches to remain with conditions (e.g. in safe and stable condition, not encroaching on another plot, etc.) but requiring written authorization to replace an existing bench or install a new bench and authorizing the City to remove benches that do not comply with City conditions;
- Allowing existing plot enclosures, including fencing and borders, and plot ground coverings, including stones and slabs, to remain if in good and safe condition but authorizing the City to remove these items if they are unsafe or in disrepair and prohibiting the installation of new plot enclosures or ground coverings on plots;
- Allowing existing private vegetation to remain on plots but authorizing the City to remove private vegetation if it interferes with other property, including other plots or memorials;
- Authorizing the City to remove deteriorated or broken items, including fresh flowers that are dead or dying or artificial flowers that are severely sun faded, torn, or broken;
- Providing the City Manager with the authority to set cemetery prices, costs, and fees, including the price of cemetery plots;
- Creating a Class C misdemeanor offense for violations of the cemetery ordinance or policies with a maximum fine of \$500; and
- Providing a severability clause; and

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

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

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

Part 2: The City Council amends the Code of Ordinances Chapter 11, entitling it “Cemeteries” as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **February**, 2020.

PASSED AND APPROVED on Second Reading on the **20th** day of **February**, 2020.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney