



**MEETING OF THE
TEMPLE CITY COUNCIL**

**TEMPLE PUBLIC LIBRARY
100 W. ADAMS AVENUE
3rd FLOOR – McLANE ROOM**

THURSDAY, MARCH 19, 2020

2:00 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, March 19, 2020.
2. Briefing on COVID-19 and its effects on City operations, events, and the bond election.
3. Discuss traffic patterns at the intersection of Cottonwood Lane and Oakdale Drive.
4. Consult with, and receive advice from, the City's attorneys relating to the acquisition of real property and on-going economic development negotiations in downtown.
5. Consult with, and receive advice from, the City's attorneys relating to the acquisition of real property and on-going economic development negotiations in East Temple.
6. Discuss the employment, duties, and work plans of the City Manager.
Pursuant to Texas Government Code § 551.074 – The City Council will meet in executive session to discuss the hiring process, appointment, employment, and duties of the City Manager. No final action will be taken.

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. Receive the Texas Achievement in Library Excellence Award.
4. Recognize Keep Temple Beautiful and the Don't Mess with Texas Trash-Off event.

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.

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

Minutes

- (A) [February 11, 2020 Special Called Meeting](#)
- (B) [March 5, 2020 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (C) [2020-0006-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for early voting and the May 2, 2020 Special Election.

- (D) [2020-0007-R](#): Consider adopting a resolution authorizing a one-year extension of a lease agreement with Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive to be used for the City's recycling operations, in the annual amount of \$105,360.
- (E) [2020-0008-R](#): Consider adopting a resolution authorizing an agreement with Little Elm Valley Water Supply Corporation to allow Little Elm to provide water service to approximately 79.167-acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries and located along Bottoms East Road and North General Bruce Drive.
- (F) [2020-0009-R](#): Consider adopting a resolution authorizing a contract with Sierra Contracting Corporation of Round Rock for the demolition of 10 residential properties as part of the Poison Oak Road project, in the amount of \$73,300.
- (G) [2020-0010-R](#): Consider adopting a resolution authorizing change order #9 to the contract with TexGlobal Contractors, Inc., of Fort Worth, for construction of Outer Loop Phase 3B, in the amount of \$24,600.15.
- (H) [2020-0011-R](#): Consider adopting a resolution authorizing change order #3 to the contract with James Construction Group, LLC, of Temple, for construction of drainage improvements in the Fairview and Sunset Additions located in central Temple, in the amount of \$71,598.04.
- (I) [2020-0012-R](#): Consider adopting a resolution authorizing the expansion of the East Temple infill redevelopment zone to include the Neighborhood Planning Districts.
- (J) [2020-0013-R](#): Consider adopting a resolution authorizing the purchase of eight properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases, in an estimated amount of \$558,500.

Ordinances – Second & Final Readings

- (K) [2020-5020](#): SECOND & FINAL READING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for North 31st Street Improvements in FY 2020.
- (L) [2020-5021](#): SECOND & FINAL READING – FY-20-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 143.985 +/- acres of land, located on the east side of Hartrick Bluff Road approximately one mile south of its intersection with FM 93, Bell County, Texas.
- (M) [2020-5022](#): SECOND & FINAL READING – FY-20-13-ZC: Consider adopting an ordinance authorizing a rezoning from Multiple Family-Two to Office-Two zoning district on 12.154 +/- acres, located on Lot 1, Block 1, Hilliard Crossing, Bell County, Texas, addressed as 7154 Honeysuckle Drive.

Misc.

- (N) [2020-0014-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2019-2020.
- (O) [2020-0015-R](#): Consider adopting a resolution approving the Neighborhood Planning Districts boundaries map and planning studies schedule.
- (P) [2020-0016-R](#): Consider adopting a resolution enacting a temporary moratorium on appointment of citizens to city boards and commissions, and a hold-over provision for individuals whose terms expire during the moratorium
- (Q) [2020-0017-R](#): Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's Special Election to be held on Saturday, May 2, 2020.

V. REGULAR AGENDA

ORDINANCES

- 6. Consider adopting the following ordinances:
 - (A) [2020-5023](#): FIRST READING – PUBLIC HEARING: Amending Chapter 13, "Flood Damage Prevention," of the City Code of Ordinances by adding and amending language to clarify the ordinance's provisions and making changes to the ordinance's formatting and numbering to bring the chapter into alignment with other amended chapters of the City Code of Ordinances.
 - (B) [2020-5024](#): FIRST READING – PUBLIC HEARING: Amending Temple Unified Development Code provisions related to flood damage prevention to bring the provisions into alignment with the proposed amendments to Chapter 13, "Flood Damage Prevention" of the City Code of Ordinances.
- 7. [2020-5025](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Fire Fighter and Driver classifications of certified Fire Fighters.
- 8. [2020-5026](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance re-adopting the City's Economic Development Policy and, as part of this re-adoption, amending this Policy's Strategic Investment Zone Grant Program section.
- 9. [2020-5027](#): FIRST READING – PUBLIC HEARING – FY-20-14-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a transitional shelter at 307 West Avenue G.

RESOLUTION

- 10. [2020-0018-R](#): Consider adopting a resolution authorizing a construction contract between the City of Temple, Temple Independent School District, and Emerson Construction Company, Inc., of Temple, to construct North 31st Street improvements and other TISD campus improvements, in the amount of \$8,159,818.07.

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 12:20 PM, March 16, 2020. This notice was posted in a public place at 12:30 PM, this same day.

A handwritten signature in blue ink, reading "Stephanie Redwine".

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

03/19/20
Item #5(A-B)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Interim City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) February 11, 2020 Special Called Meeting
- (B) March 5, 2020 Special & Regular Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[February 11, 2020 Special Called Meeting Minutes](#)
[March 5, 2020 Special & Regular Called Meeting Minutes / Video](#)

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MARCH 13, 2020

I. AGENDA ITEMS

Mayor Davis opened Special Called Meeting at 3:15 pm No Public Comments 1. Discuss proposed May 2, 2020 General Obligation Bond Election.

Brynn Myers City Manager advised her presentation will cover Item 1 and 2.

So what do Planes, Puzzles, Pets, Places, Pipes and Parks, Public safety, Transportation have in common? Will cover all these in presentation, we will start with Planes-2020 Business Plan, and what brought us to the decision points related to the Parks Bonds. Start very high level talking about the 2020 Business Plan briefing then specifically about the Master Plan, and specifically about the decision points as we talk about the potential parks bond.

Move on to Puzzles, slide before references to Business Plan. Primary reason for the six-year plan to look at the pieces that form the over all picture. Council will remember they adopted the Business Plan in September of last year. Plan includes foundation Strategic Plan set vision, mission, values and focus areas for the organization. You established nine strategic goals for the organization. And the Business Plan is the foundation of the Strategic Plan, but also included a Financial Plan that identifies the necessary resources required to accomplish the goals that are set out in the Strategic Plan, as well as, the specific annual budget that was adopted for FY 2020. Our Capital Improvement Program and departmental annual work plan that is all wrapped into the 2020 Business Plan. When we think specifically about the financial plan and the annual budget, and the capital improvement plan and financial elements of the plan they are really broken down into two categories - Operating and Capital; they work together. Difference between the operating and capital budget, how they work together and how they impact each other. As it encompasses the entire Business Plan. The operating budget has the resources necessary to provide all services to the City. City of Temple is full service City, from Library, Police, Fire, Parks, Water, Solid Waste and Recycling, Animal Services, and Code Enforcement. Service based organization's main expenses are salaries and benefits along with many others. Also have operating expense; supplies, repair and maintenance, operating capital equipment, travel and training. The way this is paid for varies, so there is a whole range of revenue to fund those operating expenses. For General Funds the main sources of revenue are Sales Tax, Property Tax and Solid Waste Fees, other fees, Franchise Fees. Small part of the General Funds are fines, and licenses and permits. When you look at the Utility Funds primary are the fees, the rates that are set to provide those services. We have Hotel/Motel funds, Hotel/Motel tax, use these according to state law, we are also able to get grants. These are the way to cover operating budget, very people heavy. Includes expanded patrol, Animal Services, Code Compliance, Transform Temple crews, the Concrete Crew, Utility Crew for working the lines, Solid Waste routes, and Customer Services Excellence Plan. Those are the things that are proposed for the operating budget. The 1962 City Council for City of Temple, made a strategic decision by purchasing water rights and set up

the community for future success. We know it important to make the same kinds of decision for the community, important ways to make these decision is making sure we are up to date for the master planning work. Getting serious about updating the Master Plan. At the end of last fiscal year we had \$263 million of Capital Improvements under way, most of the Capital Improvements are driven by the Master Plan work that had been done 10 years ago and why it is exciting and implementing the plans to be carried out, we also have to focus on laying plans for the future so we don't lose that. That is what will help drive those decisions, as well as new Master Plans which we have historically had in the past. Brought us to an 18 to 24 month period which we have been vested in a Master Plan. We have completed the Strategic Plan, the Water and Waster Water Plan and the Reinvestment Zone Master Plan, we are in the process of plans like the Drainage Plan and have identified funding for the Library Master Plan, the updated Fire Master Plan, and Mobility Master Plan. We are focused and continue to focus on these plans. Which you are being strategic with the Master Plan is what guides your capital work that identifies the priority and needs in the community for capital work.

In general we talked about how the revenue sources and how we pay for operating programming in terms of capital programming in general there are two primary ways the funding options for your capital work there is the pay as you go meaning that you use your annual operating budget or available fund balance, designated for capital projects, and you do projects through your normal operating schedule. The other is to pay overtime, that is done through a bond issuance that allows you to do a wider range for capital projects. City of Temple has done both in the past history. We are a historical city and we have infrastructure to maintain, as well as we are a growing city. Investing in capital needs as well as rehabilitation and the needs to support the infrastructure. So in the City of Temple it is impossible to depend just on pay as you go because of growth. City of Temple has found that they utilize both methods.

Paying over time in issuing a bond, different types of bond that cities can use, General Obligation Bonds, sent directly to voters for approval, supported by a property tax. You also have Certificate of Obligation auction similar to General Obligation Bonds, supported by the taxing power of the City, and requires a public notice and are subject to voter approval. It is not sent directly to voters by Council. Then you have Revenue Bonds, supported by a specific revenue, usually not taxed but not always, those bonds do require public notice subject to voter approval as well. You have combination tax and revenue bonds, you also have limited tax notes that are bonds and are secured by taxing power and have maximum majority of seven years, these are used for major equipment purchases, solid waste trucks. If Council would like to have a bond election, you determine the size of the bond, its a function of how much you can or are willing to pay in annual debt service. Your Master Planning work of course sets the needs, identifies the needs and set the priorities. You have to enter the equation how much are you willing to go to support the need. Property tax rate is made of two components; your maintenance and operations (M&O component) that pays for operating costs, then you have your I&S Interest, the portion that pays for debt service. Few things to think about, what is the capacity you take your I&S rate multiple by your property tax base, and that will get you the revenue that is available to cover debt service. Then take last years debt service payment what was in your budget, then subtract any part of that payment for any debt that is being paid off that year. That will give you what is

already been committed. This will then give you the new capacity what you have to issue new debt with. Three main things that impact how you change the capacity you have for debt. If you increase the I&S rate you'll have a higher capacity for new existing debt, you'll multiply high rate times the tax base. You can also increase the I&S rate but lower the M&O rate, overall impact could be to not raise the over all tax rate but what you are trading is how that would impact the operating side. The next thing you can do is to actually grow your tax base, new value or new appraisal. Final thing to do is to pay of existing debt, you are creating a space for new debt. Or the saw-tooth, means there is some additional capacity because you are paying off debt. Interest rate will help determine how much can be paid.

Tax report debt \$174,297. Tax would be .04 cents combination of anticipated growth. Using bonds and timing to stabilize the tax rate. Proposed adjustment to the I&S tax rate. Allocate to the Parks bond. Complicated in that it supports the whole program.

Total capital improvement program including utilities over the FY 2020 - FY 2025 six-year period is \$431,865,850. A lot of capital work, proposed to be paid for through series of different bond issuance. Which is used to purchase larger equipment and solid waste trucks. Financed over a seven year period. Certificates of Obligations, funded for the public safety, fire trucks and ladder trucks, you have a little over \$11.5 million identified for facility work and \$17 million for drainage fees. The last four years of current TCIP program has a place holder for \$50 million for mobility and transportation. Include the potential obligations for parks \$33 million, public safety obligations for \$15 million, and utilities \$180 million, as well as, Reinvestment Zone \$54.8 million for the programming.

That brings us to Pets, animal shelter expansion and revamping the building, interior updates, flow of the public and place for meeting the animals for adoption. Staff recommendation is to fund through Certificate of Obligations. Limited no kill shelter, adoption rate for animals is at 95% mark.

Public safety what is proposed, focusing on the expansion of public safety training center, current shooting range nearing 40 years old, modern equipment and technology, Fire Station 8 including firing range \$12 million, 10-lane 15 yard range, bullet containment system, shoot house 5,000 square feet \$1.7 million. Also proposed new driving skills pad, used by Fire Department and Police Department and also used by other City departments such as Solid Waste \$2.1 million, covered trailer parking, burn tower with more interior burn areas, fire station alerting system, command center vehicle and remodeling of Fire stations 3 and 7.

Transportation quick reminder that the business plan proposed a Mobility Master Plan, a good way to identify to see what transportation needs are needing in the community. Additional \$50 million, no specific projects identified let master plan identify. The plan and proposal and recommendation is that we develop the Master Plan and let the Master Plan drive the list of project that are funded.

Councilmember Williams, asked Brynn was she still comfortable enough that the \$50 million will be enough. Brynn responded by saying that she stated it depends on what is considered enough, it will give us more projects. Window is

a six-year plan, three of the years are already funded. Brynn stated that the \$50 million is just for Master Planning work, she stated there will be additional opportunities for investment and transportation.

As it relates to next word Places, Facilities needs and capital work, related to facilities, primary things identified need to do individual Master plan for each existing facility. We have proposed and staff recommendation is to break that up over three years, doing a handful of buildings each year, we would be engaging with an architect and engineering firm studying each of the buildings for space needs and maintenance needs within that facility. For example, the Recycling Center and expansion to the service center, we have the Library Master Plan and concept plan, and through the Reinvestment Zone their financing plan next year we have the study of City Hall and campus plan and City Administration needs. So there are some dollars for facilities there is planning work to be done.

Broad conversation around the business plan, how it fits into the scope. Focus on areas for important decisions, related to the Utility CIP work and Parks CIP work, rest of the presentation will focus on this and the decisions. Which is to the next "P" word, Pipes, so Water and Wastewater Capital Improvement Program, adopted business plan is presented at \$180 million, few of the key projects, broken into six different major categories that address project needs for the community as it grows and add capacity. Two major plan expansion very large scale projects, need to continue to invest in rehabilitation, existing infrastructure, covered in the rehab category and in the revitalization category, we are doing our master planning, place holders in the capital program as we identify utility needs for those neighborhood we have funding available to support the needs.

Water Treatment Plant expansion, big project, will add over \$11 million treated gallons, need to add capacity. Time sensitive project, 2018 summer had some days where we were in the 80% usage capacity. Waste Water Treatment Plant Expansion project very big as well Temple/Belton Waste Water Treatment Plant, unlike water treatment expansion, which is a discretionary choice, Waste Water Treatment Plant is regulated by the State, they have to be under construction and have be under design when our plant reaches a certain flow. Councilmember Long asked if we had constant communication with the plant, our share their share, our gross their gross. Brynn advised that we have very regular communication, Councilmember Long added, so the impending federal regulations we have they are very much so aware of. Brynn added another program that is being undertaken in the utility program is our Sanitary Sewer Overflow reduction, which includes two major Capital Improvement Projects. Two Major Trunk line project, Williamson Creek and Knob Creek, multi phase, multi million dollar per phase, big project. Working on Bird Creek for many years. Mayor Davis asked if these were as big as Bird Creek projects, Brynn stated doesn't think they are as big but it is still major. Traci Barnard asked if he was asking how big in dollars, Mayor Davis stated yes dollars, Traci informed him of the figures, estimated Knob creek at \$6.7 million, Williamson Creek \$5.1 million, stated phase 1 and Brynn advised phase 2 of one, those cost where phase 1, neither one is as big as Bird Creek. Mayor Davis asked about year phase how long. Knob Creek in terms of funding, we have it broke down in to four phases of funding, first phase is funding in 2020, then in each subsequent year. Last phase of funding is set for 2023. Williamson creek 2019 was first phase funding. Both projects are in the finance package a decision

point for you, consider authorizing delegation authority, to issue first phase of bonds proceeds related to the Utility CIP that includes next phase of Williamson Creek, and next phase of Knob Creek, and importantly includes Water Treatment Plant Expansion, also included in the over all CIP utility programs, again in addition to the big capital projects are also undertaking a basin by basin study and assessment of our sewer system as we complete each of those assessments those assessments in part will identify the capital needs in that basin and we have place holders in each of the basin for implementation of the projects that are identified through those assessments. Again we are doing our neighborhood planning work there will be utility needs associated with the Master Plan so we have place holders identified for projects coming out of those master plans. In total you have \$180 million that was included in the adopted business plan. Now we have been underway with the design work, you authorized the design work for the Water Treatment Plant Expansion, year ago, so we have as of today fresh of the press updated OPC, as we have gotten more specific designs, the numbers that are reflected in the Business Plan, we have updates to you related to the Water Treatment Plant Expansion.

Brynn asked David Olson, Assistant City Manager, to give a brief summary of the original and current OPC, David stated originally we had in the range of \$35 million for the Water Treatment Plant, we have now in the ball park of \$42.5 million, now those costs are a lot of it is that the construction market is up one day and down the next, back and forth, what we had as you are well aware we are very expedited on this Water Treatment Plant Project so we rewind 9 to 10 months ago when this project was discussed, there was a lot of unknowns, a lot of assumption there has been a lot of addition treatment, such as UV treatment that has added a lot of extra cost. Major driver, Bird Creek Phase 4 this project we are looking re-scope and re-phase to take another shot at that. Traci Barnard advised we have a project coming back to council next week to reject the bids, coming in on Phase 4, \$21 million and we estimated \$14 million, taking a different look at that project. Brynn advised at this point that this project she stated this is a very complicated project, goes through the neighborhood which is complicated, opportunities for us to bring that project cost down.

Brynn stated we have the capacity to recommend moving forward on this project. Traci advised that request to present to council Thursday February 13th at the Special Called Meeting is a Delegation Authority, Advised Dan Webmiller is here as well who is the financial adviser. Traci would set perimeters to get ready to go to the market to sell the water/sewer bonds. She stated what you authorized is the not to exceed amount, and terms for all perimeters on how to issue those. She advised to ask Dan to give information about the advantages, has been used before in different a cases. He stated that years ago the Delegation was only available to the State on their bonds issues. Gradually, as this was thought, why should only certain days be targeted he stated this allows you to go to market when ready. Not that you can time the market but you can choose better for the situation. That Delegation is very beneficial, doing everything we can to be a focal point.

Traci advised with the lower interest rate environment we can request the authority to do some refunding, have several bonds that have meet the criteria as rate continue to change want to in the position to refund those. Traci advised there is a new tax legislation, but she stated she would not go into detail, what this mean is eliminated advance refunding of tax exempt debt meaning you could not refund before it was callable but now with the interest rate

environment there is the ability to refund tax exempt debt with taxable debt and can advance refunding. Dan stated along these lines rates are so low, 1956 was the last time we saw municipal yield, as low as they are now, interest rate where it is now, just sold \$260 million for Williamson County, National AAA a 20 year debt at 2.3 percentage rate. So the environment is incredibly low, so refunding opportunity where you can actually look at a taxable that's the only piece you can advance refunds. But as I described those interest rates you can image that some opportunities even if you sold taxable debt to pay off something tax exempt and create a savings. If you can wait till its callable it should make more economic sense and if you can wait a few years the rates could be higher, that's were the Delegation gives you on the refunding side you put a blanket over it, you take the action and allows for multiple series to be done, within the next six months to a year we will report back to council as we get closer or as issues come up.

Brynn stated so what we will be requesting, original Business Plan has an \$71 million amount for 2020, recommendation to council is an amount that is higher then that according to the updated OPC, we still have work to do around that if you delegate we can go under that, take a maximum and let staff work through. Big decision point. Wanted to cover that, any questions. Mayor Davis asked about a estimate amount on the interest rate on \$71 million for 2020, Traci answered we can tell you what was estimated, Dan came in at this point and was answering the question Mayor Davis asked, he stated he would estimate it will be in the 3% range, if we go out in the next 60 days you will see savings. Mayor Davis asked if significant, Traci advised he is asking if the rate will be lower? He stated yes, she stated she would have to run the numbers for the Mayor. He asked there will be a savings. Traci stated the debt services forecast was try to work with Public Works and projects managers plan to issue debt in November and due to project readiness wont be issued till May we have a years worth of interest savings. Dan stated other thing the Delegation giving the perimeter as we go in to the market, as we see where interest rates are, can look at the assessment at that point and really make that call up to the day of pricing. Councilmember Williams asked have you settled on the upper perimeter, Brynn said it was \$85 million, not to exceed can be below, based on Water Treatment Plant, things we would be evaluated, stated will determine if all the projects will be ready. Request of recommendation, is more about the timing of it, analysis and work on the planning and find we do need to do those projects just helps us to move on tract. Provides flexibility, would not be adding a project not on the list. Brynn stated the Water Treatment Plant Expansion is not an optional project. Councilmember Long asked are you asking to so this increase contracting cost, are you leading us up to telling us we need to cut the Parks project. Brynn stated no just remember Water and Wastewater is funded through a different source. We have the growth in the community which causes the need for the improvement. Councilmember Williams, asked aren't you building plant capacity today for years out, need to build the whole plant not half, so why we are adding capacity for growth the growth of revenue will not come in day one it will come over time. Brynn stated in the Water Treatment Plant Expansion specifically the additional water revenue produced by Niagara will pay 100% of the expansion but will not take 100% of the capacity that's a general speaking yes, which is another argument for doing a pay over time, verses pay as you go because it allows, people who are actually going to use the expanded capacity to share in the cost, verses asking current rate payers to pay for capacity for future users. Brynn stated so what you ask is correct in the specific circumstance, in a unique position. She stated that is part of the

pay over time to defer.

Brynn stated she was moving on to Parks. Again included in the business plan there was place holder for potential \$33 million Parks Bond Election. Really similar to the mobility CIP place holder, in the business plan this project amount had no specific projects assigned. Because we were underway with the update to the Parks master plan we wanted to have the completed before we elevated which projects we might propose to you, because that master plan was an important consideration in which projects moved forward. Now that the Master Plan is done, just a back ground on the time line, little into history last time a Parks Bond was 2015. The council at the time in late 2014 adopted a Parks Master Plan, then February 2015 Council called a Parks bond for implementing some of the projects that were presented in the Parks Master Plan and that Parks bond was approved by Voters in May of 2015. Over a course of past five years we have working on implementing those parks bond projects. Kevin and his team have done a fantastic job I think that the bond election May 7, 2015 and on May 9, 2015 Kevin presented the first of the projects to Council. The last project for the 2015 parks bond was the Crossroads project which is coming now to final steps of completion. As part of the work that we have done in master planning what we have been talking about we commissioned an update the Parks Master Plan, this last year. This is a five year update, which some of those years, were 10 to 15 years, the five years is the most recent update to the Master Plan, but we had done \$28 million of projects through that Parks Master Plan, and our community is significantly growing. So we felt it necessary to get the Parks Master Plan adopted and consider what is next. Based on our water account data, City of Temple has been adding an average of 70 new homes per month over the last five years, so we are a growing community. We are here at this juncture having adopted the updated master plan in December of 2019 to consider whether Council wants to call a Parks Bond Election to fund some of the projects that were proposed in that master plan. Some of the projects that we have been talking about under consideration as possible projects to include in the parks bond election if you choose to have one. For conversations sake I have broke these out in six categories, Parks proposed to be upgraded, athletic facility upgrades, facility upgrades and community center, Land acquisition for area of community that is experiencing growth, new parks, facility upgrades and trails.

Gloria and GIS team made a map for Brynn a visual geographic, where these are located. One of the projects listed the land acquisition not a specific location for that generally in that area. In a category in park upgrades. Mayor Davis asked about the land acquisition he ask if that was for the new schools, and was advised yes. In general, Park upgrades there are 22 parks, different proposals for potential upgrades these are all existing parks. They range from pocket parks, neighborhood parks, community parks the proposal here is to provide upgrades and proposed improvements to these parks. Some of the examples or categories are new play grounds, new or upgraded trails, shade coverings for play ground, basketball courts, benches and seating options with in the parks, dog parks, new basketball courts, new skate parks, landscaping and upgrades or improvements in these areas. When we talked about this first at the Council Retreat in early January Brynn stated she does have the physical list that she passed out.

Another category that is proposed is some five new parks, we have the land but has not been developed yet. Hector P. Garcia belongs to TISD and would be

joint between the City of Temple and TISD. Proposal includes development of these parks, made land purchase thru the last bond election this proposal would allow City of Temple to beginning development. Parkland to development 10 acres as a children's woodland. As it relates to athletics additional improvements, at Crossroads, Wilson Park and project to regrade Mercer Field. As it relates to facility upgrades there are three facilities, Blackmon Community Center, Gober Party Facility focusing on exterior improvements both playground and signage, and updates to the Summit Recreation Center also focused on the exterior improvements. We have Land Acquisition 1 project proposed on the list does not include funding for the park, south east part of the community. Community park is in the 60 - 100 acre range. Kevin advised that could depend on the amenities, he stated this could be potentially a regional park. Mayor Davis said the partnership with the ISD is out, Brynn stated this park would be to big. Councilmember Wendell Williams ask so does that make the Southwestern Community Park regional park since it is 90 acres? Kevin stated he wasn't sure if that one made regional, he would have to look at the plans, since that one doesn't have ball fields, its not drawing people. Councilmember Williams stated then it would be more the amenities then just the size. Mayor Davis asked how big was Lion's Park? Kevin stated it was about 100 acres. Brynn stated the Southwest Park is listed as a community park. Part of that acreage is in Trail connected so that also impacts that designation.

Brynn stated the next category was actually last category is a few linkage trails, disgust between trail system that are internal to a park, these a linking parks, you have Georgetown Railroad, West Temple and Southwest Community Trail. Extends beyond the park goes north to Adams eventually connect the West Temple Park. Mayor Davis asked about the Railroad Park how long is it, Councilmember Williams stated he thought is was about eight miles, Brynn stated she would find out, didn't have that answer for Mayor Davis. Again, in taking into consideration the entire tax supported this \$33 million package is proposed as a General Obligation Bond that is staff recommendation, and we recommend that we use, part of the total package is a requirement for increasing the I&S rate impact for the parks bond would be just that around \$3.33 a month per \$100 thousand dollar taxable valuation. As we all know senior citizens in our community 65 or older homestead exemption, if the tax increase the amount of tax they pay \$0. If you were choosing to call the bond election would have to be done by Friday this week. City will undertake an education campaign to help the community understand the bond. Be considered about the total dollar amount and then what feed back would be related to the project. Getting cost estimates. Councilmember Walker asked if we could discuss a few of these, she stated that she realizes that Kevin could probably answer all of them, She stated on the Northside, why not place Northside dog park into existing parks like Miller or Walker. Kevin Beavers mentioned that the land is already City owned and most people like the green space to play and enjoy. Brynn stated the projects on the list that recommend upgrades to existing parks, total \$9.5 million when looking at proposal there is around \$7.2 million for linkage trails. Athletics proposal totals up to \$1.7 million that is what is on the draft list. Councilmember Williams asked Brynn about the changes, reference to changes Brynn advised related to some feedback we received from individual councilmembers, not deductive but additive comprehensive list so Hamilton has been added to the list for additional lighting total of \$75,000, Brynn stated in Miller Park related to the popularity reference to basketball, cover court to two covers. The last change from the hand out is

the addition of story book grove, cost estimate minus the art, \$900,000. Councilmember Williams stated so bottom line is that it will be in the \$33 million stage, Brynn stated recommended the \$33 million for bond. Mayor Davis ask is there any reason to believe that OPC will come in higher then recommended. Brynn stated it is possible. Councilmember Judy Morales, ask about the Kenny Martin Park, Children's Woodland, just under 10 acre park, off of State Highway 317, north of Poison Oak, it will be number 16 on map, it is very wooded, staff recommended to have a more natural looking park, "Nature based play". No requirements to develop the park within a time frame. Mayor Davis asked if the land had been donated yet, Brynn advised it was donated about two years ago. Councilmember Williams ask about timelines, nothing attached to it at this time advised Brynn. South West Community Park close to this park. Councilmember Walker asked about how close they are to each other, they advised right around the corner. Southwest Park land is in the bend of Poison Oak. Brynn advised would have trail connection to the Southwest Park. Sidewalk is proposed for the Poison Oak. Councilmember Williams ask about total dollar amount of this, while they were looking for dollar amount he also ask about opinion about Skate park, Kevin advised he hears the community asking for Skate parks and dog parks. Brynn advised \$74 million was the total. Mayor Pro Tem Morales ask about equipment for the parks that are ADA accessible. Brynn advised the Southwest Community park was the proposed park for the ADA accessible playground. Mayor Pro Tem Morales advised she thinks it is great that we are making improvements in the older parks. Mayor Davis asking questions reference dog parks, there will be one in each district. Do most people driving or walking to the dog park, Don Bond says sees both. Mayor Davis says he is looking at parking. Wondered if we need the parking. Kevin advised would not want to do the parking, would have to consider maybe a sidewalk. Mayor Pro Tem Morales asked about amphitheater in the parks. Brynn stated there was a proposal in the Reinvestment Zone Master Plan along Fryers Creek trail. Councilmember Williams advised there were some recommendations for Sammons, he stated it didn't make the list. Was there a reason? Kevin stated the he had to start with the \$33 million what council had given the golf course over the last few years, he stated the city has invested a lot out there. Councilmember Williams advised he was talking about the Senior center not the golf course, Kevin stated wasn't sure what the recommendation were, he stated something about a patio. Mayor Davis asked when was the Sammons Community Center last considered. Brynn advised in 2015. Brynn advised the 2007 bond had the indoor pool. Councilmember Williams stated he is all in favor of the bond, just stated he is concerned about the size, he stated he would like to see it go down to \$30 million. He said won't help with the tax rate but would help some. But he says he feels Council does need to call bond just set a amount. Brynn advised couple of options for consideration, if importance is the dollar amount let staff know and they can bring back recommendations. Mayor Davis asked are there more overall projects then in 2015? Brynn advised yes there are. Mayor Davis he feels the Crossroads project was so big, he stated he feels we are almost catching up after the Crossroads project. Mayor Pro Tem Morales stated it will effect the whole community with the parks. Mayor Davis by calling the bond your showing your support. Councilmember Williams stated that the Kenny Martin Park felt it was just too close, the location is to great not the right timing for park currently. Brynn advised if take that one out and we stay at the \$30 million, or are we getting the amount down or park to? Councilmember Williams advised I think it need to be a fraction below what was proposed, he felt it has realism. Brynn advised what she is to understand that they want to take out Kenny Martin Park

but she is unclear if the it will make sure it will make a difference. Brynn asked are there any other projects like that, and what is the dollar amount that Council is comfortable with. Primary goal was to secure that property, not to develop it. Just to have the green space to support the population that grows there. Councilmember Williams wanted to discuss priority of the parks and stated come up with dollar amount and let staff do the recommending. Mayor Davis agreed. Councilmember Williams offered to drop the figure to \$31.5 million, and he stated to focus on numbers. Mayor Davis stated he thinks will loose projects with the OPC anyway. Mayor Pro Tem Morales advised should stay at \$33 million. Mayor Davis advised that Council agrees to \$33 million.

2. Receive an update on the FY 2020 Water and Wastewater Capital Improvement Plan.

Meeting adjourned @ 5:23 pm

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

Timothy A. Davis

ATTEST:

Stephanie Hedrick
Interim City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

03/19/20
Item #5(C)
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DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Interim City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for early voting and the May 2, 2020 Special Election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow for the City to procure all necessary voting machines and equipment, transport machines and equipment to and from the polling places and prepare the voting machines and equipment for use at the polling places.

Equipment includes:

1. ExpressVote (\$350 each)
2. DS200 – Tabulator (\$575 each)
3. Delivery Fee (\$70)

At this time, the City anticipates needing one DS200 and six ExpressVote machines for early voting. For Election Day on May 2, 2020 the City anticipates needing four DS200s and 20 ExpressVote machines.

Bell County will also perform any necessary maintenance or repair on the furnished machines and equipment.

We recommend approval of this interlocal agreement with Bell County for a period of one year.

FISCAL IMPACT: Funds are available in account 110-1400-511-2517 in the amount of \$23,955 to fund the interlocal agreement with Bell County for the use of the election equipment.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0006-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR
THE USE OF ELECTION EQUIPMENT NECESSARY FOR THE MAY 2, 2020
SPECIAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 2, 2020, the City of Temple will conduct a Special Election and Bell County has authorized the use of its election equipment;

Whereas, this interlocal agreement will allow the City to utilize all necessary voting machines and equipment, transport machines and equipment to and from polling places, and prepare the voting machines and equipment for use at the polling places;

Whereas, equipment includes:

- ExpressVote (\$350 each);
- DS200 – Tabulator (\$575 each); and
- Delivery Fee (\$70.00);

Whereas, at this time, the City anticipates needing one DS200 and six ExpressVote machines for early voting and four DS200s and 20 ExpressVote machines for Election Day on May 2, 2020;

Whereas, Bell County will be responsible for any necessary maintenance or repair to the machines and equipment;

Whereas, Staff has utilized the services of Bell County and its election equipment in the past and therefore recommends Council approve a one-year interlocal agreement for these services;

Whereas, funding is available for this interlocal agreement in Account No. 110-1400-511-2517; 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 enter into an interlocal agreement with Bell County for the use of election equipment necessary for the May 2, 2020 Special Election.

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

of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **19th** day of **March, 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

03/19/20
Item #5(D)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Justin Brantley, Solid Waste Director
Don Bond, Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year extension of a lease agreement with Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive to be used for the City's recycling operations, in the annual amount of \$105,360.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 16, 2017, Council authorized a lease agreement with Crossroads Holdings, Inc. for the use of facilities located at 1739 South Martin Luther King Jr. Drive. The facilities, which are used for the City's recycling operations, include the following:

1. A warehouse building comprised of approximately 28,000 square feet,
2. A concrete slab adjoining the warehouse totaling approximately 25,000 square feet, and
3. An office space on the ground floor of an adjacent two-story office building.

The initial lease had an expiration date of March 31, 2019, with a clause that specifies the lease will automatically renew in one-year terms unless either party provides a 90-day notice of termination. On February 7, 2019 Council authorized the renewal of a one-year agreement with an expiration date of March 31, 2020. Staff has not identified any alternative facilities that will fulfill the needs of the recycling operations, and accordingly, Staff is recommending the renewal of this lease through March 31, 2021.

FISCAL IMPACT: Funding for this lease agreement with Crossroads Holdings Inc. in the amount of \$52,680 (\$8,780 per month for the remaining of the six months of FY20) is available in account 110-2385-540-2535. The remaining six months of the lease agreement will be addressed in the FY21 proposed budget.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0007-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE LEASE AGREEMENT WITH CROSSROADS HOLDINGS, INC. FOR THE LEASE OF PROPERTY LOCATED AT 1739 SOUTH MARTIN LUTHER KING, JR. DRIVE, TEMPLE, TEXAS, TO BE USED FOR THE CITY'S RECYCLING OPERATIONS IN THE ANNUAL AMOUNT OF \$105,360; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 16, 2017, Council authorized a lease agreement with Crossroads Holdings, Inc. for the use of facilities located at 1739 South Martin Luther King Jr. Drive - the facilities, which are used for the City's recycling operations, include the following:

1. A warehouse building comprised of approximately 28,000 square feet;
2. A concrete slab adjoining the warehouse totaling approximately 25,000 square feet; and
3. An office space on the ground floor of an adjacent 2-story office building;

Whereas, the current lease has an expiration date of March 31, 2020, with a clause that specifies that the lease will automatically renew in one-year terms unless either party provides a 90-day notice of termination - Staff has not identified any alternative facility that would fulfill the needs of the recycling operations;

Whereas, Staff recommends Council authorize a one-year extension of the lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas in the annual amount of \$105,360, through March 31, 2021;

Whereas, funding is available in Account No. 110-2385-540-2535 – the remaining six months of the lease agreement will be addressed in the fiscal year 2021 proposed budget; and

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

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

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

Part 2: The City Council authorizes a one-year extension to the lease agreement between the City of Temple and Crossroads Holdings, Inc. for the lease of property located at 1739 South Martin Luther King Jr. Drive, Temple, Texas, to be used for the City's recycling operations, in the annual amount of \$105,360, through March 31, 2021.

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

PASSED AND APPROVED this the **19th** day of **March, 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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Item #5(E)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Little Elm Valley Water Supply Corporation to allow Little Elm to provide water service to approximately 79.167-acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries and located along Bottoms East Road and North General Bruce Drive.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: T. Carroll Estes and wife, Annette Estes, and Estes Investments, LLC – Series 2, a Texas series limited liability company, (Owners) own approximately 79.167-acres of land along Bottoms East Road and North General Bruce Drive. The property is located in the City of Troy's extraterritorial jurisdiction but within the City's Certificate of Convenience and Necessity (CCN) boundaries. A CCN gives the CCN holder the exclusive right to provide retail water service to an identified geographic area. No other water provider may service an area within the City's CCN unless the City releases its CCN in the affected area or an agreement is reached between the City and the water provider.

The City currently has no water utility infrastructure located near the Property. The nearest water line which could be extended to service the Property is several hundred feet away and the cost to extend the line would be significant. Little Elm operates a line running along Bottoms East Road adjacent to the Property and can easily extend service. To do so, the City and Little Elm must enter into a written agreement.

Under the proposed agreement, the City will consent to Little Elm providing water service to the Property. This will allow the property to be served while also maintaining the City's CCN boundaries. Little Elm will install a 2-inch line on the Property and will obtain an easement from the Owners which can be transferred to the City in the future. The agreement will allow Little Elm to service the property until such time as the City has extended water utility infrastructure to the property which is adequate to provide water service.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0008-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH LITTLE ELM VALLEY WATER SUPPLY CORPORATION TO ALLOW LITTLE ELM TO PROVIDE WATER SERVICE TO APPROXIMATELY 79.167 ACRES OF LAND WITHIN THE CITY OF TEMPLE'S CERTIFICATE OF CONVENIENCE AND NECESSITY BOUNDARIES AND LOCATED ALONG BOTTOMS EAST ROAD AND NORTH GENERAL BRUCE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, T. Carroll Estes and wife, Annette Estes, and Estes Investments, LLC – Series 2, a Texas series limited liability company (Owners), own approximately 79.167 acres of land along Bottoms East Road and North General Bruce Drive - the property is located in the City of Troy's extraterritorial jurisdiction but within the City's Certificate of Convenience and Necessity (CCN) boundaries;

Whereas, a CCN gives the CCN holder the exclusive right to provide retail water service to an identified geographic area - no other water provider may service an area within the City's CCN unless the City releases its CCN in the affected area or an agreement is reached between the City and the water provider;

Whereas, the City currently has no water utility infrastructure located near the Property - the nearest water line which could be extended to service the Property is several hundred feet away and the cost to extend the line would be significant;

Whereas, Little Elm operates a line running along Bottoms East Road adjacent to the Property and can easily extend service and to do so, the City and Little Elm must enter into a written agreement - under the proposed agreement, the City will consent to Little Elm providing water service to the Property which will allow the property to be served while also maintaining the City's CCN boundaries;

Whereas, Little Elm will install a 2-inch line on the Property and will obtain an easement from the Owners which can be transferred to the City in the future - the agreement will allow Little Elm to service the property until such time as the City has extended water utility infrastructure to the property which is adequate to provide water service; 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 authorize an agreement with Little Elm Valley Water Supply Corporation to allow Little Elm to provide water service to approximately 79.167 acres of land within the City of Temple's Certificate of Convenience and Necessity boundaries and located along Bottoms East Road and North General Bruce Drive.

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

PASSED AND APPROVED this the 19th day of **March, 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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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Sierra Contracting Corporation of Round Rock for the demolition of 10 residential properties as part of the Poison Oak Road project, in the amount of \$73,300.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the Poison Oak Road project, the City has acquired 10 properties needed for the widening of Poison Oak Road. The proposed demolition contract will provide for the clearing of these properties.

As shown on the attached bid tabulation, four bids were received for the demolition project on February 20, 2020. The responsive bids ranged from \$73,300 to \$107,112 for the demolition of the following ten residential structures, accessory structures, and fencing:

8621 Poison Oak Road	8711 Poison Oak Road	8719 Poison Oak Road
8803 Poison Oak Road	8809 Poison Oak Road	8817 Poison Oak Road
8821 Poison Oak Road	8905 Poison Oak Road	8911 Poison Oak Road
8915 Poison Oak Road		

Staff is recommending award of the bid to the low bidder, Sierra Contracting Corporation (Sierra) of Round Rock, in the amount of \$73,300. Sierra has proven to be a responsible vendor on previous demolitions performed for the City.

The work associated with these contracts will be completed within 30 days of the notice to proceed that will be executed after execution of the demolition contract. Construction of the Poison Oak Road project is expected to commence in the fall of 2020.

FISCAL IMPACT: Funding for the demolition of 10 residential properties as part of the Poison Oak Road project with Sierra Contracting Corporation in the amount of \$73,300 is available in account 365-3400-531-6886, Project 101715, as shown below.

Project Budget	\$ 14,535,000
Encumbered/Committed to Date	(3,125,785)
Sierra Contracting Corporation	(73,300)
Remaining Project Funds Available	<u>\$ 11,335,915</u>

ATTACHMENTS:

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

Bid Tabulation
on February 20, 2020 at 2:00 pm
Demolition of 10 Residential Structures (Poison Oak ROW Expansion)
Bid# 34-02-20

	Bidders			
	Cross Plus Construction China Springs, TX 254-848-2244	Sierra Contracting Corp Round Rock, TX 512-336-7665	JTB Services, Inc Houston, TX 77075 713-941-4141	Garrett Demolition, Inc Burleson, TX 817-426-0082
Description				
8621 Poison Oak Road	\$8,750.00	\$7,500.00	\$10,290.00	\$12,927.00
8711 Poison Oak Road	\$8,750.00	\$9,250.00	\$11,870.00	\$13,370.00
8719 Poison Oak Road	\$8,750.00	\$7,800.00	\$9,340.00	\$12,237.00
8803 Poison Oak Road	\$8,750.00	\$7,000.00	\$9,000.00	\$9,456.00
8809 Poison Oak Road	\$8,750.00	\$7,500.00	\$8,380.00	\$9,476.00
8817 Poison Oak Road	\$8,750.00	\$6,000.00	\$6,800.00	\$10,403.00
8821 Poison Oak Road	\$8,750.00	\$6,500.00	\$6,560.00	\$9,373.00
8905 Poison Oak Road	\$8,750.00	\$7,250.00	\$10,090.00	\$10,094.00
8911 Poison Oak Road	\$8,750.00	\$6,000.00	\$5,700.00	\$9,373.00
8915 Poison Oak Road	\$9,700.00	\$8,500.00	\$15,215.00	\$10,403.00
Total Bid Price	\$88,450.00	\$73,300.00	\$93,245.00	\$107,112.00
Exceptions	No	No	No	No
Bid Bond	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
Addendum #1	No	Yes	No	Yes

Recommended for Council Award

RESOLUTION NO. 2020-0009-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH SIERRA CONTRACTING CORPORATION OF ROUND ROCK, TEXAS IN THE AMOUNT OF \$73,300, FOR THE DEMOLITION OF TEN RESIDENTIAL PROPERTIES AS PART OF THE POISON OAK ROAD PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has acquired 10 properties needed for the widening of Poison Oak Road and this proposed demolition contract will provide for the clearing of these properties;

Whereas, on February 20, 2020, Staff received four bids for the demolition of the following 10 residential structures, accessory structures, and fencing:

8621 Poison Oak Road	8809 Poison Oak Road
8803 Poison Oak Road	8905 Poison Oak Road
8821 Poison Oak Road	8719 Poison Oak Road
8915 Poison Oak Road	8817 Poison Oak Road
8711 Poison Oak Road	8911 Poison Oak Road

Whereas, Staff is recommending award of the bid to the low bidder, Sierra Contracting Corporation (Sierra) of Round Rock, Texas in the amount of \$73,300 who has proven to be a responsible vendor on previous demolitions performed for the City;

Whereas, funding for the demolition of the 10 residential properties is available in Account No. 365-3400-531-6886, Project No. 101715;

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 demolition contract with Sierra Contracting Corporation of Round Rock, Texas in the amount of \$73,300, for the demolition of ten residential properties as part of the Poison Oak Road project.

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

PASSED AND APPROVED this the **19th** day of **March, 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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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #9 to the contract with TexGlobal Contractors, Inc., of Fort Worth, for construction of Outer Loop Phase 3B, in the amount of \$24,600.15.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On June 28, 2018, Council authorized a construction contract with TexGlobal for the construction of Outer Loop Phase 3B in the amount of \$5,265,702.63.

On October 18, 2018, Council authorized change order #1 in the amount of \$143,047 for additional imported fill and installing a pressure reducing valve. The City approved change orders #2, #3, and #4 to increase contract time by a total of 58 days on December 12, 2018, February 14, 2019 and March 15, 2019, respectively. On June 6, 2019, Council authorized change order #5, in the amount of \$86,636.42 to address drainage at the south end of this project and adding 58 days to the contract time. On June 25, 2019, the City approved change order #6 for seven additional days to the contract. On October 15, 2019, the City approved change order #7, in the amount of \$2,126.55 for and additional water main tapping sleeve and valve. On February 7, 2020, the City approved change order #8, in the amount of \$25,551.28 for pedestrian handrails and drainage structures with an additional 150 days. Change orders to date have increased the contract amount by \$257,361.25 or 4.9% of the original contract amount and added 273 contract days.

Change order #9, in the amount of \$24,600.15, includes items for restoring neighborhood stone entrance signs and adds 24 days of contract time (see project map). This represents a total contract increase of \$281,961.40 or 5.35% to the original contract amount and a total of 297 days of additional contract time. The proposed revised contract amount is \$5,547,664.03.

The engineering consultant has reviewed the change order and recommends approval in their attached recommendation letter.

FISCAL IMPACT: Funding for change order #9 to the contract with TexGlobal Contractors, Inc. for the construction of Outer Loop Phase 3B in the amount of \$24,600.15 is available in account 365-3400-531-6813, project 101121, as follows:

	365-3400-531-6813	520-5900-535-6521	561-5200-535-6813	Total
Project Budget	\$ 6,403,879	\$ 647,564	\$ 600,000	\$ 7,651,443
Encumbered/Committed to Date	(6,032,058)	(647,564)	(600,000)	(7,279,622)
TexGlobal Contractors, Inc.	(24,600)	-	-	(24,600)
Remaining Project Funds	\$ 347,221	\$ -	\$ -	\$ 347,221

ATTACHMENTS:

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



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

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

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

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

March 6, 2020

Mr. Ed Kolacki
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Outer Loop III B Jupiter to Thompson Channel

Dear Mr. Kolacki:

Attached is Change Order #9 for the Outer Loop III B Jupiter to Thompson Channel Project in the amount of \$24,600.15. This change order will replace neighborhood signs located at Brandon Drive and Freedom Drive as well as provide enhanced signage for traffic control.

We have reviewed Change Order #9 and recommend it be processed and executed with respect to the TexGlobal Contractors construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. David Patrick'.

R. David Patrick, P.E. CFM

RDP/

xc: Mr. Bobby Landrum, TexGlobal Contractors
KPA Project File: 2014-110-40 (B)

CHANGE ORDER OUTER LOOP III B

PROJECT: Outer Loop III B
 OWNER: City of Temple
 CONTRACTOR: TexGlobal Contractors
 ENGINEER: Kasberg, Patrick & Associates
 CHANGE ORDER #: 9


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

Item	Description	Quantity	Unit	Unit Price	Extended Amount
CO9-1	Replace Existing Neighborhood Signs at Entrances in like kind in an equal or better likeness	1	LS	\$ 24,184.00	\$ 24,184.00
CO9-2	Traffic Control Directional Signage	1	LS	\$ 416.15	\$ 416.15
Change Order Total					\$ 24,600.15

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	\$ 5,265,702.63
Previous Net Change in Contract Amount	\$ 257,361.25
Net Change in Contract Amount	\$ 24,600.15
Revised Contract Amount	\$ 5,547,664.03
Original Contract Time	240 days
Previous Net Change in Contract Time	273 days
Net Change in Contract Time	24 days
Revised Contract Time	537 days
Original Final Completion Date	April 11, 2019
Revised Final Completion Date	February 2, 2020

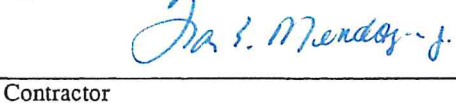
Recommended By:

 3/4/2020
 Project Manager (City Staff) Date

Recommended by:

 03/03/2020
 Architect/Engineer Date

Agreed to:

 03/03/2020
 Contractor Date

Approved by City of Temple:

Brynn Myers, City Manager Date

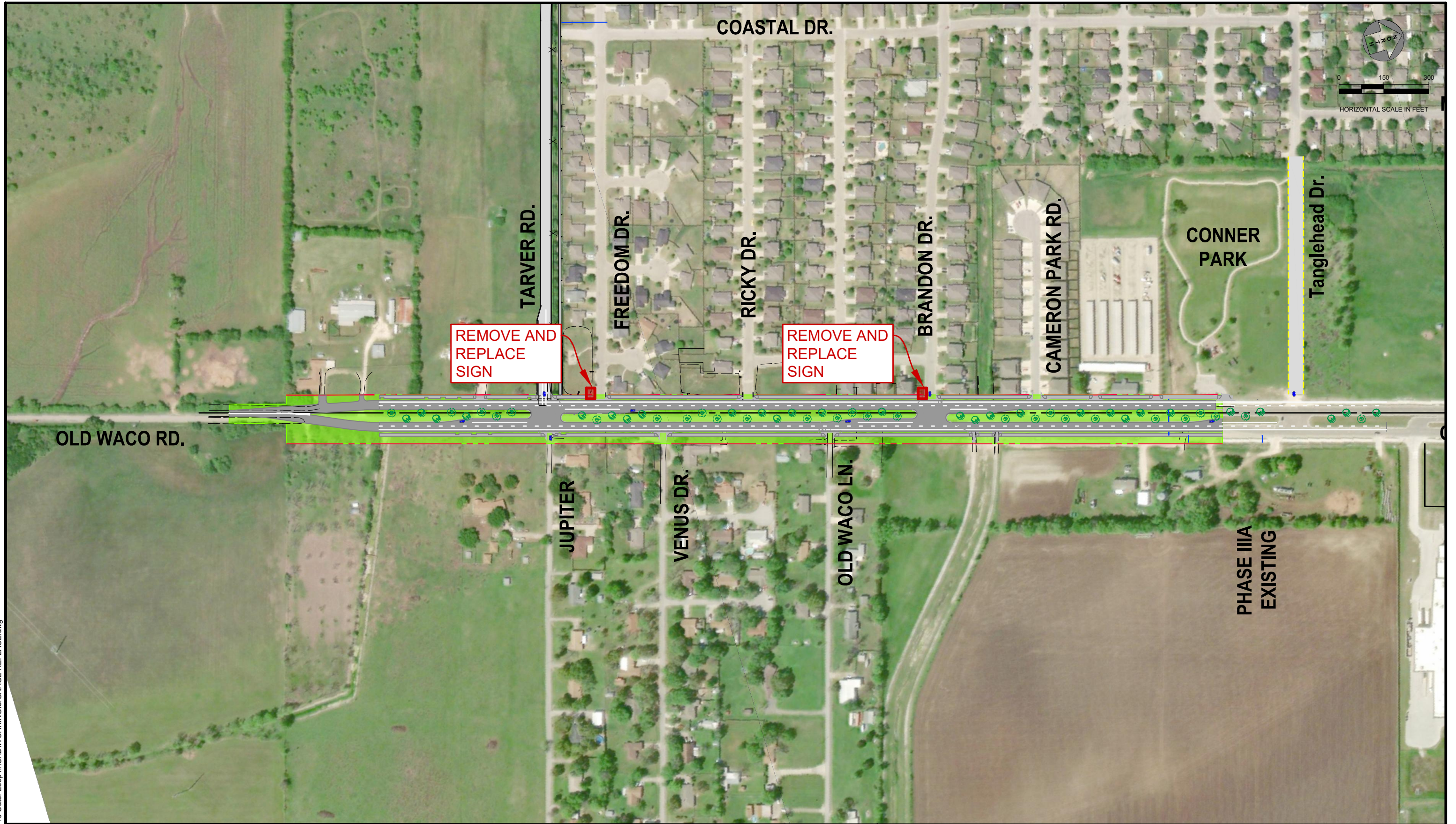
Approved as to form:

Approved by Finance Department

City Attorney's Office Date

Finance Date

P:\Temple\2014\2014-110 Outer Loop III\CAD\WORKING\SIGNAGE REPLACE.dwg



Plotted: Mar 06, 2020 - 8:56am By: FTG
© 2018 Kasberg, Patrick & Assoc. LP

March 6, 2020 UPDATE

PROPOSED SIGNAGE
REPLACEMENT

PROPOSED ROAD IMPROVEMENTS
PROPOSED SIDEWALK



City of Temple, Texas
OUTER LOOP PHASE III B

RESOLUTION NO. 2020-0010-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING CHANGE ORDER NO. 9 TO THE CONSTRUCTION
CONTRACT WITH TEXGLOBAL CONTRACTORS OF FORT WORTH, TEXAS
IN THE AMOUNT OF \$24,600.15, FOR CONSTRUCTION OF PHASE 3B OF
THE OUTER LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 28, 2018, Council authorized a construction contract with TexGlobal Contractors of Fort Worth, Texas for the construction of the Outer Loop Phase 3B;

Whereas, on October 18, 2018, Council authorized Change Order No. 1 in the amount of \$143,047.00 for additional imported fill and installing a pressure reducing valve - Change Orders No. 2-4 were approved on December 12, 2018, February 14, 2019 and March 15, 2019 respectively to increase contract time by a total of 58 days - on June 6, 2019, Council authorized Change Order No. 5 in the amount of \$86,636.42 to address drainage at the south end of this project;

Whereas, on June 25, 2019, the City approved Change Order No. 6 for 7 additional days to the contract and on October 15, 2019, the City approved Change Order No. 7 in the amount of \$2,126.55 for an additional water main tapping sleeve and valve - on February 7, 2020, the City approved Change Order No. 8 in the amount of \$25,551.28 for pedestrian handrails and drainage structures;

Whereas, change orders to date have increased the contract amount by \$257,361.25 or 4.9% of the original contract amount and added 273 contract days;

Whereas, Change Order No. 9, in the amount of \$24,600.15, includes items for restoring neighborhood stone entrance signs - this represents a total contract increase of \$281,961.40 or 5.35% bringing the contract amount to \$5,547,664.03;

Whereas, Staff and the Engineer recommend Council approve Change Order No. 9 to the construction contract with TexGlobal Contractors of Fort Worth, Texas in the amount of \$24,600.15, for construction of Phase 3B of the Outer Loop;

Whereas, funds are available for this change order in Account No. 365-3400-531-6813, Project No. 101121; 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 TexGlobal Contractors, Inc. of Fort Worth, Texas in the amount of \$24,600.15 for construction of Phase 3B of the Outer Loop.

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

PASSED AND APPROVED this the 19th day of **March, 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

03/19/20
Item #5(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 change order #3 to the contract with James Construction Group, LLC, of Temple, for construction of drainage improvements in the Fairview and Sunset Additions located in central Temple, in the amount of \$71,598.04.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 2008-2009 Drainage Master Plan identified improvements to address flooding in the vicinity of Avenues T and R at 57th Street. On May 18, 2017, Council authorized a contract with MRB Group, formerly BSP Engineers, Inc., to implement the project. Engineering design revealed that constructing the improvements would be cost-prohibitive to reduce the flood risk to the affected number of structures.

Staff and the Engineer identified a revised project scope in the same drainage basin that would address known flooding problems. The revision addresses drainage infrastructure (slightly northeast of the original project scope) that is known to be undersized per current City criteria. The construction upsizes a drainage culvert, adds new drainage culverts & inlets, and includes associated appurtenances such as concrete riprap and flumes. (See project map)

On June 20, 2019 Council authorized the construction contract to JCG, in the amount of \$1,393,815. Change orders #1-2, totaling \$23,510.42, were previously approved by Staff. The attached change order #3, in the amount of \$71,598.04, is necessary to address unforeseen failing clay and ductile iron sanitary sewer lines and services that interfere with this drainage infrastructure project. (See recommendation letter). Change order #3 increases the total contract price to \$1,488,923.46, a net 6.8% increase to the original contract amount and includes 14 additional contract days.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to appropriate additional funding for change order #3 with James Construction Group, LLC for the construction of drainage improvements in the Fairview and Sunset Additions. After approval of the budget adjustment, funding in the amount of \$71,598.04 will be available in account 353-2900-534-6713, project 101637, as follows:

Project Budget	\$	1,492,206
Budget Adjustment		29,529
Encumbered/Committed to Date		(1,450,137)
James Construction Group, LLC - Change Order #3		(71,598)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

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



March 9, 2020

City of Temple, Engineering
Attn.: Mr. Ed Kolacki
3210 East Ave. H, Bldg. A
Temple, Texas 76501

Re: Fairview and Sunset Additions 2018 Storm Drain Improvements

Dear Mr. Kolacki,

This letter is in support of Change Order No. 3 and explains the requested amounts.

Item CO3-1: 6" & 8" SDR 26 PVC Sewer Line - This item is for replacing the old clay sewer main within the limits of the concrete flume in the alley between 43rd and 41st St. This item also includes replacing and upsizing to 8" a meandering old 6" clay and cast iron sewer main discovered to be in direct conflict with the proposed 30" RCP storm pipe. City as-built record drawings and GIS maps referenced during the project's design phase did not indicate a potential conflict.

Item CO3-2: Remove and Replace 4' Manhole - This item is for replacing an outdated brick manhole at the junction of the clay lines being replaced in Item CO3-1.

Item CO3-3: Trench Protection for Sanitary Sewer - This item covers the cost of trench safety methods that are required while installing the new sanitary sewer lines and manhole.

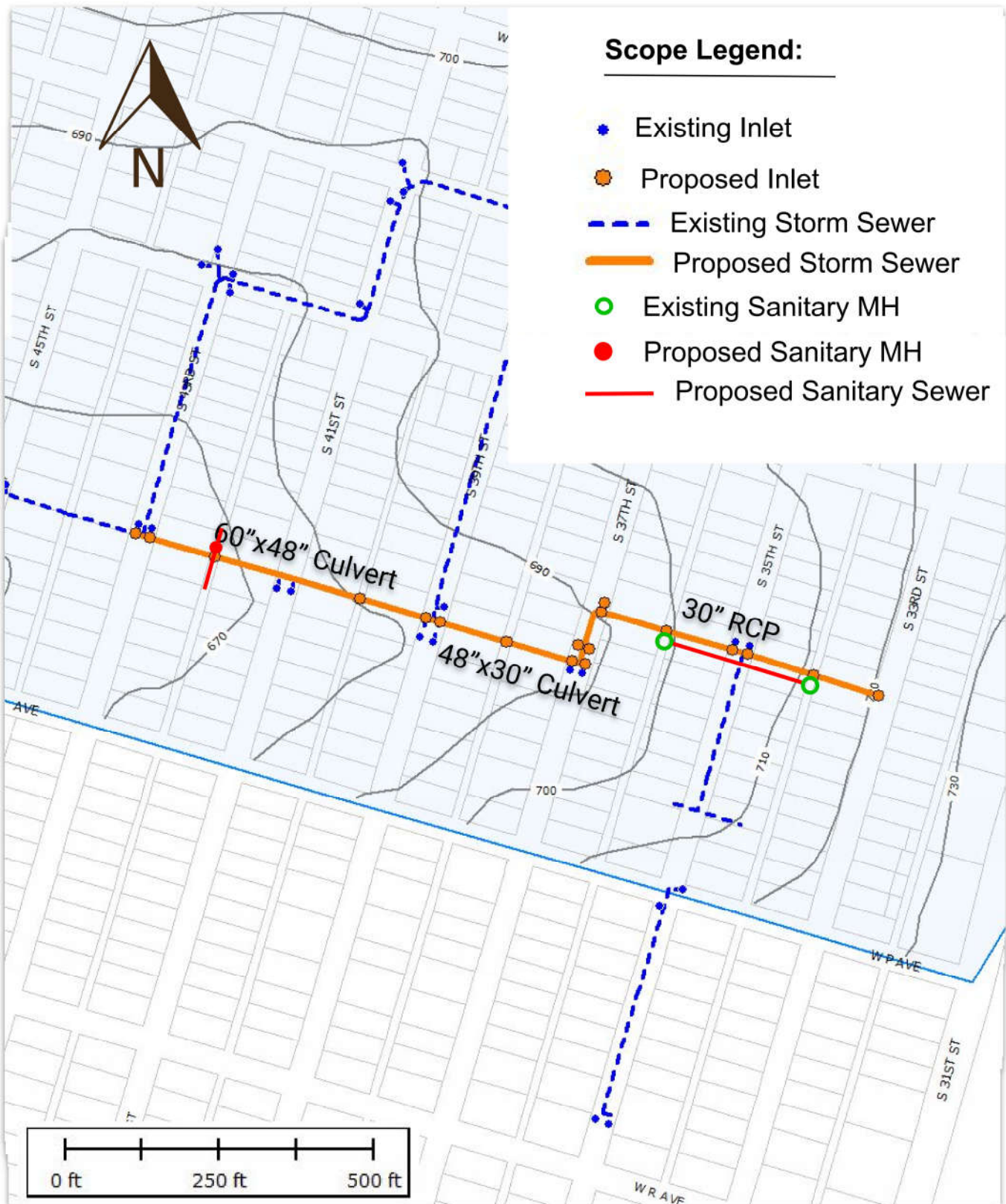
Item CO3-4: Remove and Replace 4" Sewer Services - This item is for replacing the old clay sewer services between the new sewer mains and the alley R.O.W.

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". The signature is written in a cursive, flowing style.

Anthony D. Beach, P.E.



City of Temple - 2018 Storm Drainage Improvements
Fairview and Sunset Additions

CHANGE ORDER

PROJECT: Fairview and Sunset Additions 2018 Storm Drainage Improvements (Ave T & R)
OWNER: City of Temple
CONTRACTOR: James Construction Group
ENGINEER: MRB Group (BSP merged with MRB Group)
CHANGE ORDER #: Three (3)

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>
CO3-1	6"/8" SDR 26 PVC Sewer Line	545	LF	\$ 100.66	\$ 54,859.70
CO3-2	Remove & Replace 4' Manhole	1	Ea	\$ 8,949.84	\$ 8,949.84
CO3-3	Trench Protection for Sanitary Sewer	545	LF	\$ 5.30	\$ 2,888.50
CO3-4	Remove & Replace 4" Sewer Service	4	Ea	\$ 1,225.00	\$ 4,900.00
Total Additions:					\$ 71,598.04

DEDUCTIONS:

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

Change Order Total: \$ 71,598.04

Original Contract Amount:	\$ 1,393,815.00
Previous Change in Contract Amount:	\$ 23,510.42
Change in Contract Amount:	\$ 71,598.04
Revised Contract Amount:	\$ 1,488,923.46
Original Contract Time:	270 Days
Previous Change in Contract Time:	200 Days
Change in Contract Time:	14
Revised Contract Time:	484
Original Final Completion Date:	February 28, 2020
Revised Final Completion Date:	September 29, 2020

Recommended by:

Project Manager (City Staff) _____ Date _____

Agreed to:

Contractor _____ Date _____

Approved as to form:

City Attorney's Office _____ Date _____

Recommended by:


Architect/Engineer _____ Date 03/09/2020

Approved by City of Temple:

City Manager _____ Date _____

Approved by Finance Department:

Finance _____ Date _____

FY 2020

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

—

[illegible]

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

Appropriate additional funding needed for Change Order #3 with James Construction Group in the amount of \$71,598.04 for the construction of Fairview & Sunset Additions 2018 Storm Drainage Improvements (Ave T & R).

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes

☐ No

DATE OF COUNCIL MEETING

03/19/20

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

☐ Approved
☐ Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. 2020-0011-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC, OF TEMPLE, TEXAS IN THE AMOUNT OF \$71,598.04, FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS IN THE FAIRVIEW AND SUNSET ADDITIONS LOCATED IN CENTRAL TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 2008-2009 Drainage Master Plan identified improvements to address flooding in the vicinity of Avenues T & R at 57th Street - on May 18, 2017, Council authorized a contract with MRB Group (formerly BSP Engineers, Inc.) to implement the project;

Whereas, engineering design revealed that constructing the improvements would be cost-prohibitive to reduce the flood risk to the affected number of structures;

Whereas, Staff and the Engineer identified a revised project scope in the same drainage basin that would address known flooding problems and addresses drainage infrastructure (slightly northeast of the original project scope) that is known to be undersized per current City criteria;

Whereas, construction will upsize a drainage culvert, add new drainage culverts & inlets, and includes associated appurtenances such as concrete riprap and flumes;

Whereas, on June 20, 2019 Council authorized the construction contract to James Construction Group, LLC in the amount of \$1,393,815.00 - Change Orders No. 1-2, totaling \$23,510.42, were previously approved by Staff - Change Order No. 3, in the amount of \$71,598.04, is necessary to address unforeseen failing clay and ductile iron sanitary sewer lines and services that interfere with this drainage infrastructure project, and will increase the total contract price to \$1,488,923.46, a net 6.8% increase to the original contract amount;

Whereas, Staff recommends Council authorize Change Order No. 3 to the construction contract with James Construction Group, LLC, of Temple, Texas in the amount of \$71,598.04, for construction of drainage improvements in the Fairview and Sunset Additions;

Whereas, funding is available, but a budget adjustment is being presented to Council for approval to appropriate funds to Account No. 353-2900-534-6713, Project No 101637; 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 Change Order No. 3 to the construction contract with James Construction Group, LLC, of Temple, Texas in the amount of \$71,598.04, for construction of drainage improvements in the Fairview and Sunset Additions located in central Temple.

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 19th day of **March, 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

03/19/20
Item #5(I)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager
Buford Craig, Director of Transform Temple

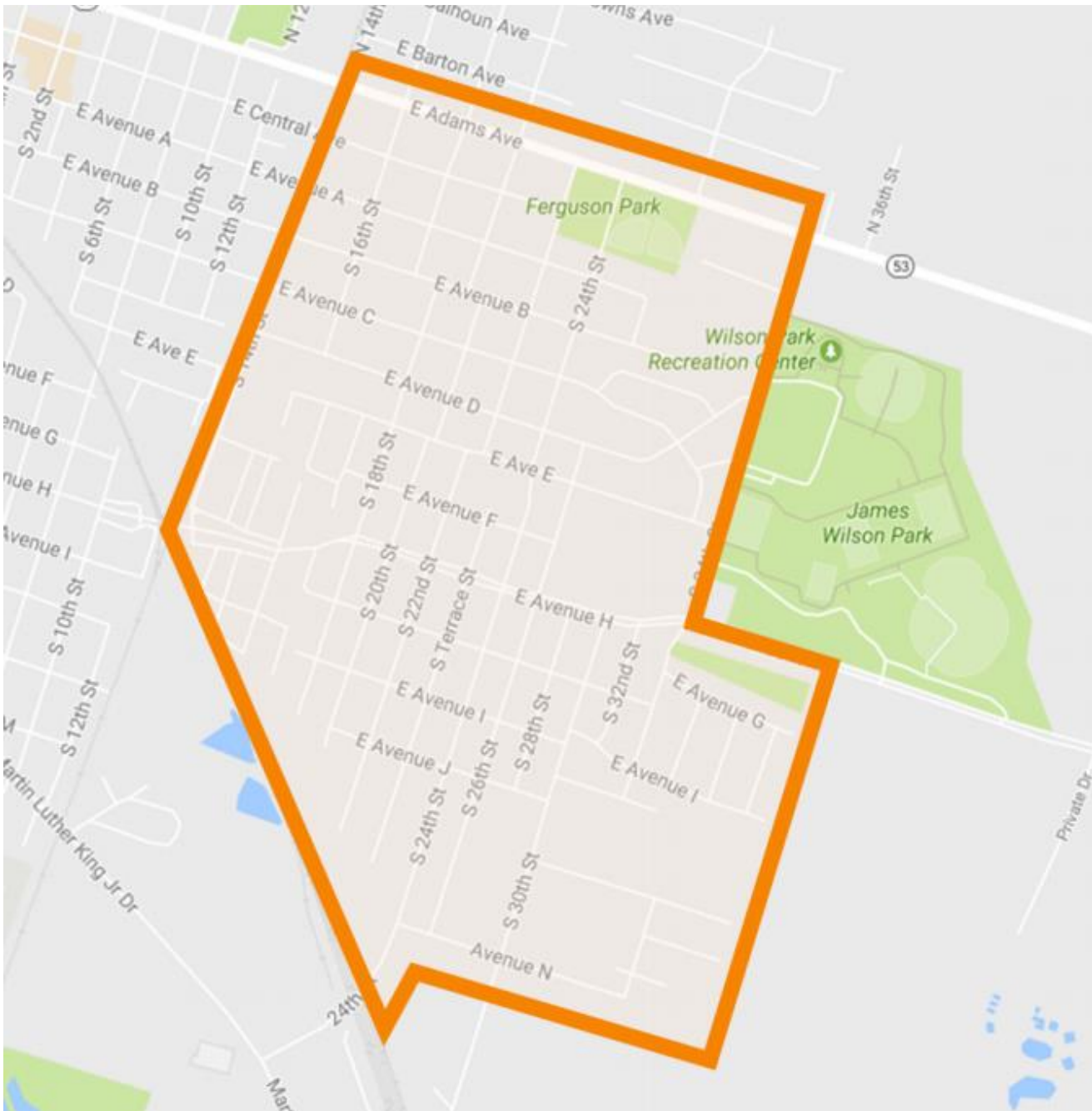
ITEM DESCRIPTION: Consider adopting a resolution authorizing the expansion of the East Temple infill redevelopment zone to include the Neighborhood Planning Districts.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple is committed to establishing long-term economic vitality in the designated *Empowerment Zone*, encouraging redevelopment, diversification and improved housing stock. Through the implementation of the Infill Incentive Program, developers who meet certain eligibility criteria may facilitate new housing construction for single family structures and/or rental investments in order to meet the following goals:

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

For eligible projects involving investment in real property, incentives are available on property located within the delineated *Empowerment Zone*. The incentives are provided as fee reductions for eligible and approved activities to be completed by the Applicant, within 12 months. Fee reductions may be applied in-lieu of payment for eligible and approved activities, up to the approved amount. The current Infill Incentive Program has been incredibly successful and has helped spur development in the current *Empowerment Zone*, which is shown on the map below.



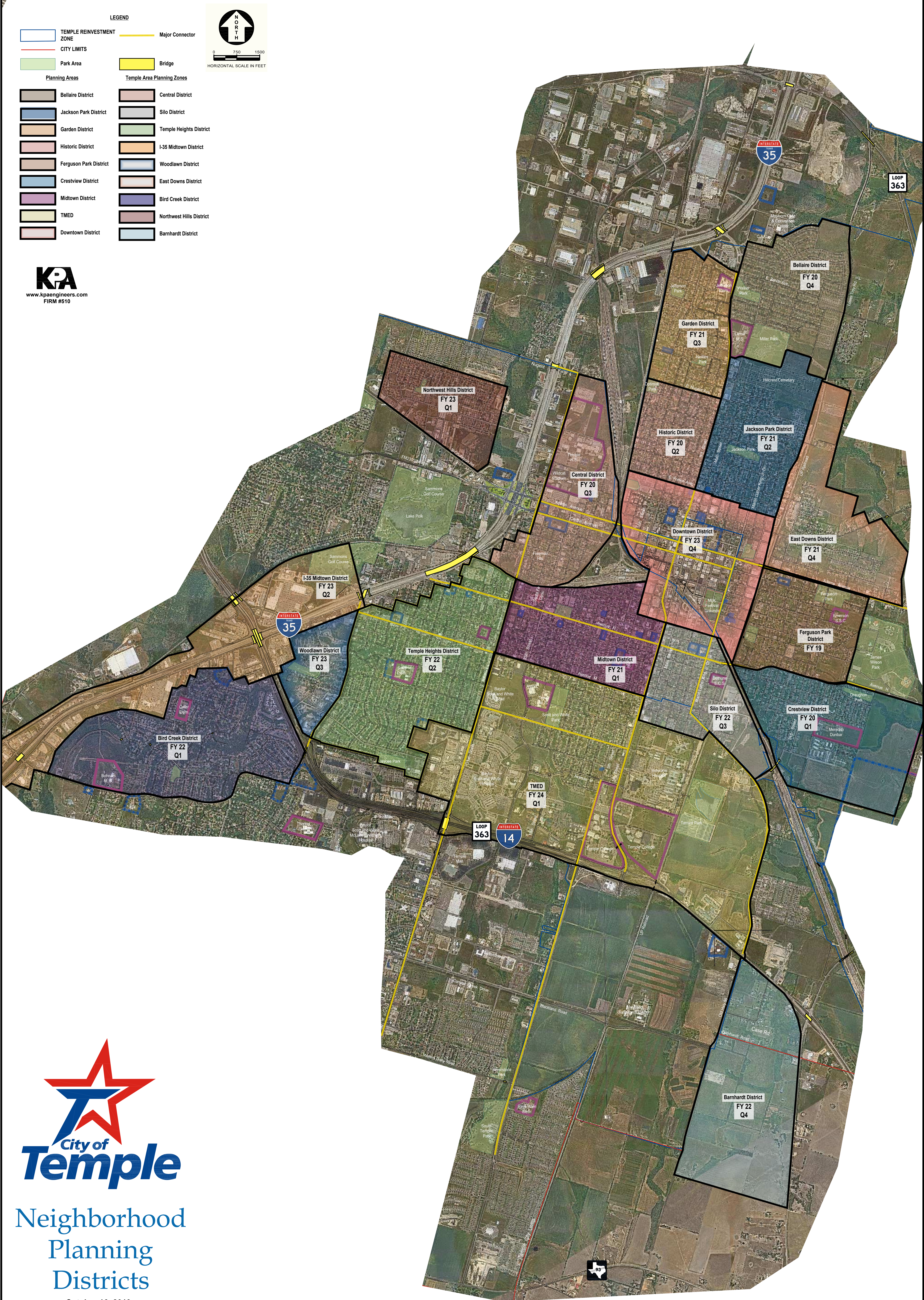
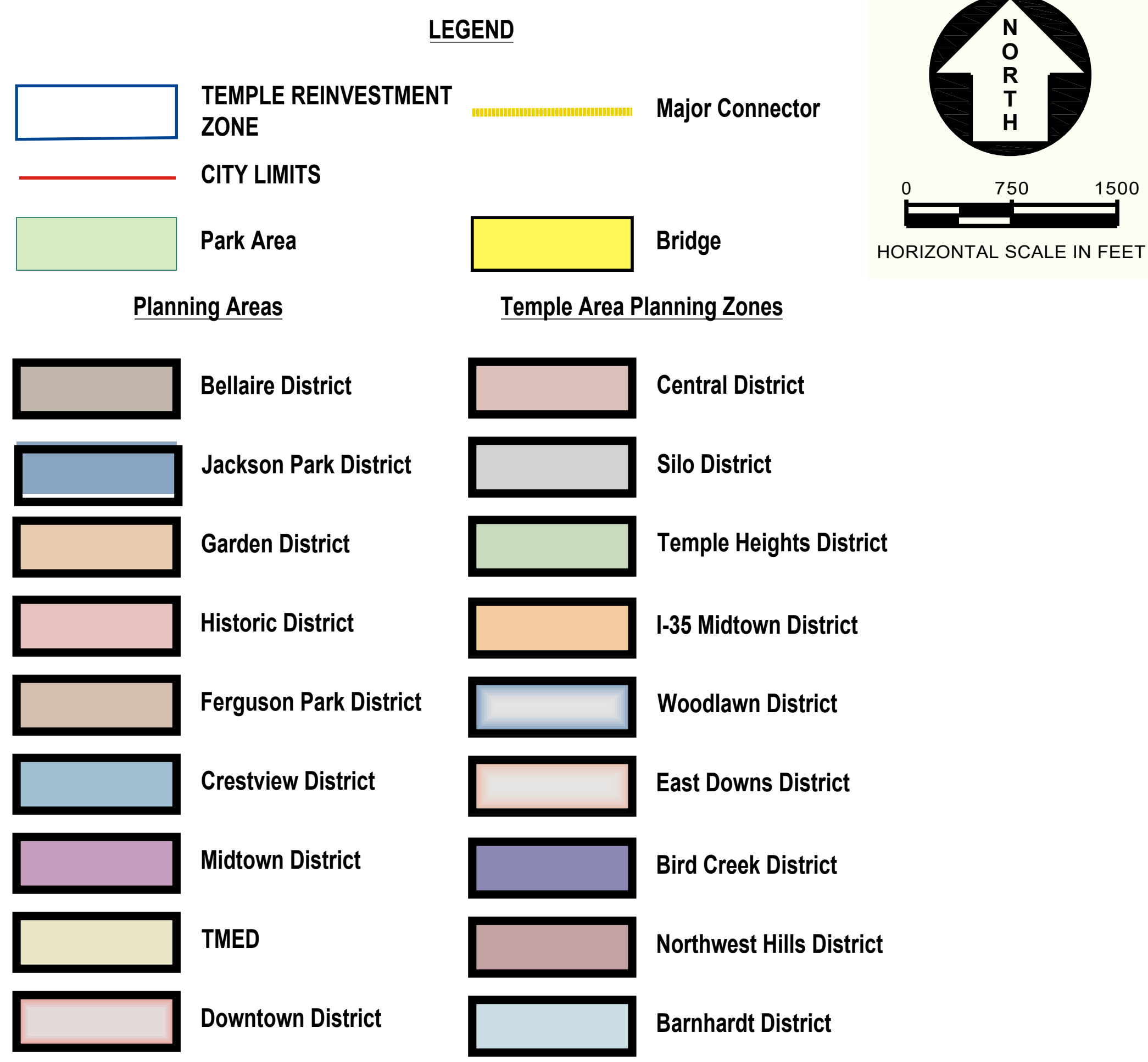
In an effort to build upon the success of the program, staff recommends including all 18 Neighborhood Planning Districts in the *Empowerment Zone*. The districts can be seen on the attached map. While the neighborhood planning process has only just begun, it has already identified widespread development opportunities that go far beyond the current *Empowerment Zone* boundaries. An expansion of the *Empowerment Zone* to include all 18 Neighborhood Planning Districts would provide the additional incentives needed for developers to revitalize a great number of neighborhoods throughout the city.

FISCAL IMPACT: Permit and other fee waivers (including forgiveness of lot cutting liens and demolition liens) are authorized in the infill redevelopment zone. Expanding the zone into the Neighborhood Planning Districts will increase the amount of fees waived currently recognized as part of the program. The incentives offered under this program are shown below.

Incentive Type	Eligible Amount
Waiving of platting, zoning and permit fees	100% of associated costs waived (up to \$2,000)
Waiver of water and wastewater tap fees	If eligible, 100% of associated costs waived
Roll-off container rental and service fees	If eligible, 100% of associated costs waived
Release of mowing (100%) and Demolition (50%) liens	If eligible, associated costs waived
Demolition assistance	If eligible, 100% of costs waived
Lot clearing	If eligible, 100% of costs waived

ATTACHMENT:

Neighborhood Planning Districts Map (Fiscal Years and Quarters)
Resolution



RESOLUTION NO. 2020-0012-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE EXPANSION OF THE EAST TEMPLE INFILL REDEVELOPMENT ZONE TO INCLUDE ALL PROPERTY IN THE NEIGHBORHOOD PLANNING DISTRICTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality in the designated *Empowerment Zone*, encouraging redevelopment, diversification and improved housing stock - through the implementation of the Infill Incentive Program, developers who meet certain eligibility criteria may facilitate new housing construction for single family structures and/or rental investments in order to meet the following goals:

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

Whereas, for eligible projects involving investment in real property, incentives are available on property located within the delineated *Empowerment Zone* - the incentives are provided as fee reductions for eligible and approved activities to be completed by the Applicant, within 12 months;

Whereas, fee reductions may be applied in-lieu of payment for eligible and approved activities, up to the approved amount - the current Infill Incentive Program has been incredibly successful and has helped spur development in the current *Empowerment Zone*;

Whereas, in an effort to build upon the success of the program, Staff recommends including all 18 Neighborhood Planning Districts in the *Empowerment Zone* - while the neighborhood planning process has only just begun, it has already identified widespread development opportunities that go far beyond the current *Empowerment Zone* boundaries;

Whereas, an expansion of the *Empowerment Zone* to include all 18 Neighborhood Planning Districts would provide the additional incentives needed for developers to revitalize a great number of neighborhoods throughout the city;

Whereas, Staff recommends Council approve the expansion of the East Temple infill redevelopment zone to include all property in the Neighborhood Planning Districts;

Whereas, permit and other fee waivers (including forgiveness of lot cutting liens and demolition liens) are authorized in the infill redevelopment zone - expanding the zone into the Neighborhood Planning Districts will increase the amount of fees waived currently recognized as

part of the program; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to approve the expansion of the East Temple infill redevelopment zone to include all property in the Neighborhood Planning Districts.

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

PASSED AND APPROVED this the 19th day of **March, 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

03/19/20
Item #5(J)
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 the purchase of eight properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases, in an estimated amount of \$558,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is in the design phase for the Avenue C Expansion Project from Main Street to South 24th Street. The project follows the concepts of the Downtown Masterplan created in 2013 for development of a revised corridor street section. Improvements include expanding the current pavement section, drainage conveyance, utility improvements, street lighting, landscaping, signage, monuments, and pedestrian and bike amenities.

The design requires the acquisition of right of way from 28 properties, including 12 residential and business relocations. 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.

With the assistance of Stateside, the City has reached agreements with six property owners for eight properties. One property is a whole taking of a vacant lot that will be a pocket park for the improved Avenue C. Six of the seven remaining acquisitions are partial takings and one whole taking by agreement. One non-profit business relocation and two residential relocations are necessary since structures were impacted by the acquisitions.

At this time, Staff is asking for authorization to purchase the properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$558,500.

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

219 South 12th Street, #125368
517 East Avenue C, #109775
601 East Avenue C, #114549
717 East Avenue C, #36331
719 East Avenue C, #36327
803 East Avenue C, #70900
815 East Avenue C, #75489
819 East Avenue C, #68978

FISCAL IMPACT: Funding for the purchase of eight properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$558,500 is available in account 795-9600-531-6892, project #101841.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0013-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF EIGHT PROPERTIES NECESSARY FOR THE AVENUE C EXPANSION PROJECT AND AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASES IN AN ESTIMATED AMOUNT OF \$558,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is in the design phase for the Avenue C Expansion Project from Main Street to South 24th Street - the project follows the concepts of the Downtown Masterplan created in 2013 for development of a revised corridor street section;

Whereas, improvements include expanding the current pavement section, drainage conveyance, utility improvements, street lighting, landscaping, signage, monuments, and pedestrian and bike amenities;

Whereas, the design requires the acquisition of right of way from 28 properties, including 12 residential and business relocations - appraisals have been conducted on all the properties and offers have been made to those property owners based on the appraisals;

Whereas, for those properties that require relocation, Stateside Right of Way Services, Inc. (Stateside) has prepared and presented the necessary relocation studies, and has assisted the City in reaching agreements with six property owners for eight properties;

Whereas, one property is a whole taking of a vacant lot that will be a pocket park for the improved Avenue C, and six of the seven remaining acquisitions are partial takings and one whole taking by agreement - one non-profit business relocation and two residential relocations are necessary since structures were impacted by the acquisitions;

Whereas, Staff recommends Council authorize the purchase of eight properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$558,500;

Whereas, the properties being purchased are:

- 219 South 12th Street, Temple, Texas (Bell CAD ID No. 125368)
- 517 East Avenue C, Temple, Texas (Bell CAD ID No. 109775)
- 601 East Avenue C, Temple, Texas (Bell CAD ID No. 114549)
- 717 East Avenue C, Temple, Texas (Bell CAD ID No. 36331)
- 719 East Avenue C, Temple, Texas (Bell CAD ID No. 36327)
- 803 East Avenue C, Temple, Texas (Bell CAD ID No. 70900)
- 815 East Avenue C, Temple, Texas (Bell CAD ID No. 75489)
- 819 East Avenue C, Temple, Texas (Bell CAD ID No. 68978)

Whereas, funding for the purchase of eight properties is available in Account No. 795-9600-531-6892, Project No. 101841; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to authorize the purchase of eight properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$558,500.

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

PASSED AND APPROVED this the 19th day of **March, 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

03/19/20
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance authorizing an amendment and adopting the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for North 31st Street Improvements in FY 2020.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading.


ITEM SUMMARY: Four bids for the construction of North 31st Street Improvements were received on February 19, 2020. This project will provide a roundabout, streetscape improvements from Calhoun Avenue to Bray Street, drainage, water and sewer utilities, and an art feature within the proposed roundabout. The bids for the project also included improvements for Temple Independent School District (TISD). The bid was structured so that TISD will be pay the contractor for their improvements directly. The City will administer the construction contract. An interlocal agreement will outline the details of this arrangement.

The recommended bid is approximately \$631,000 greater than the remaining total project budget. Staff is recommending amending the Financing and Project Plans in the amount of \$750,000 to this project budget. This will cover the funding needed to award the construction contract and allocate \$118,000 of contingency funds for any unforeseen items during the construction period.

There is no change to fund balance as a result of this Reinvestment Zone No. 1 Financing and Project plans after the amendment.

The Reinvestment Zone No. 1 Board recommended approval of this amendment at their February 26, 2020 Board meeting.

FISCAL IMPACT: The proposed amendment reallocates funding within the FY 2020 Financing and Project Plans as shown below. The funding available for reallocation is from a combination of balances from completed projects and uncommitted funds on other projects.

Line #	Description	FY 2020
601	North 31st Street Improvements	\$ 750,000
56	Rail Spur Improvements - R&M	\$ (150,000)
102	Rail Backage Road & Rail Improvements	\$ (65,000)
156	Corporate Campus Land	\$ (76,000)
305	Outer Loop - IH35 to Wendland {ROW}	\$ (350,000)
410	1st Street - Avenue A to Central	\$ (40,600)
459	31st Street Improvements	\$ (31,000)
514	Demolition of Old Airport Terminal Building	\$ (22,000)
603	Downtown Neighborhood Overlay	\$ (15,400)
	Net change in projects 	\$ -

ATTACHMENTS:

[Budget Adjustment](#)
[Financing Plan](#)
[Summary Financing Plan with Detailed Project Plan](#)
[Ordinance](#)

FY 2020

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
795-9500-531-65-71	101798	North 31st Street Improvements	\$ 359,400		
795-9600-531-65-71	101798	North 31st Street Improvements	\$ 390,600		
795-9500-531-65-14	100692	Rail Spur Improvements - R&M		\$ 150,000	
795-9500-531-65-27	101844	Rail Backage Road & Rail Improvements		\$ 65,000	
795-9500-531-61-10	101846	Corporate Campus Land		\$ 76,000	
795-9500-531-68-73	101011	31st Street Improvements		\$ 31,000	
795-9500-531-63-41	101982	Airport Improvements-demolition of old terminal building		\$ 22,000	
795-9500-531-26-16	102019	Downtown Neighborhood Overlay		\$ 15,400	
795-9600-531-68-63	101000	Outer Loop {IH 35 to Wendland} ROW		\$ 350,000	
795-9600-531-65-61	101797	1st Street - Avenue A to Central		\$ 40,600	
TOTAL.....			\$ 750,000	\$ 750,000	

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

To reallocate funds as recommended by the Reinvestment Zone No. 1 Board at its 02.26.20 board meeting and as approved on second reading by Council on 03.19.20.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/19/2020

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

		Revised										
DESCRIPTION		Y/E 9/30/20	Y/E 9/30/21	Y/E 9/30/22	2023	2024	2025	2026	2027	2028	2029	
		Year 38	Year 39	Year 40	41	42	43	44	45	46	47	
1	""Taxable Increment"	\$ 489,919,085	\$ 498,516,208	\$ 568,662,049	\$ 624,568,564	\$ 694,628,664	\$ 779,395,271	\$ 909,059,564	\$ 976,914,779	\$ 995,713,886	\$ 1,009,520,136	
1	FUND BALANCE, Begin	\$ 36,187,084	\$ 2,322,705	\$ 5,749,302	\$ 2,726,076	\$ 5,232,201	\$ 11,574,289	\$ 3,270,839	\$ 3,345,771	\$ 3,123,907	\$ 3,065,160	
2A	Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	-	-	-	-	-	-	-	-	-	-	
2B	Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2020	-	-	-	-	-	-	-	-	-	-	
3	Fund Balance Available for Appropriation	\$ 36,187,084	\$ 2,322,705	\$ 5,749,302	\$ 2,726,076	\$ 5,232,201	\$ 11,574,289	\$ 3,270,839	\$ 3,345,771	\$ 3,123,907	\$ 3,065,160	
SOURCES OF FUNDS:												
4	Tax Revenues	18,361,300	18,933,922	20,576,548	21,730,998	22,907,011	24,284,761	25,938,736	26,739,308	26,972,655	27,142,025	
5	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(275,420)	(284,009)	(308,648)	(325,965)	(343,605)	(364,271)	(389,081)	(401,090)	(404,590)	(407,130)	
6	Interest Income	240,000	30,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	
7	Grant Funds	50,571	-	-	-	-	-	-	-	-	-	
8	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	
9	Other Revenues	625,000	-	-	-	-	-	-	-	-	-	
10	Sale of land	-	-	-	-	-	-	-	-	-	-	
11	Bond Proceeds	14,868,450	-	40,000,000	-	-	-	-	-	-	-	
20	Total Sources of Funds	\$ 33,905,902	\$ 18,715,913	\$ 60,313,900	\$ 21,451,033	\$ 22,609,406	\$ 23,966,490	\$ 25,595,655	\$ 26,384,218	\$ 26,614,065	\$ 26,780,895	
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 70,092,986	\$ 21,038,618	\$ 66,063,201	\$ 24,177,109	\$ 27,841,606	\$ 35,540,779	\$ 28,866,494	\$ 29,729,990	\$ 29,737,972	\$ 29,846,054	
USE OF FUNDS:												
DEBT SERVICE												
28	2008 Bond Issue-Taxable {\$10.365 mil}	1,237,744	1,241,670	1,242,422	-	-	-	-	-	-	-	
29	Debt Service - 2011A Issue {Refunding}	2,497,800	2,497,550	2,494,950	-	-	-	-	-	-	-	
30	Debt Service - 2012 Issue {Refunding}	80,050	77,250	78,750	-	-	-	-	-	-	-	
31	Debt Service - 2013 Issue {\$25.260 mil}	2,047,944	2,046,494	2,031,494	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	
32	Debt Service - 2018 Issue {\$24 mil}	1,336,000	1,287,000	1,305,000	2,086,750	2,089,000	2,088,750	2,086,000	2,090,750	2,087,500	2,086,500	
33	Debt Service - 2019 Issue {\$14.868 mil}	-	1,323,900	882,600	1,357,600	1,359,100	1,358,800	1,356,700	1,357,800	1,356,800	1,358,700	
34	Debt Service - 2022 Issue {\$40 mil}	-	-	-	3,437,188	3,911,250	4,022,000	4,023,500	4,025,750	4,023,500	4,021,750	
35	Paying Agent Services	3,200	3,200	3,200	2,000	2,000	2,000	2,000	2,000	2,000	2,000	
40	Subtotal-Debt Service	7,202,738	8,477,064	8,038,416	8,913,632	9,388,044	9,509,963	9,519,813	9,535,413	9,531,513	9,530,663	
OPERATING EXPENDITURES												
50	Prof Svcs/Proj Mgmt	195,298	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	
52	Legal/Audit	1,300	1,300	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	528,600	560,600	660,600	677,600	704,600	704,600	704,600	704,600	704,600	704,600	
56	Rail Maintenance	65,692	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
58	Road/Signage Maintenance	280,321	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
59	Transformation Team	798,959	639,784	639,784	639,784	647,784	639,784	639,784	639,784	639,784	639,784	
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	
61	TEDC-Operating	1,586,113	1,641,627	1,699,084	1,758,552	1,820,101	1,883,805	1,949,738	2,017,979	2,088,608	2,161,709	
62	Strategic Investment Zone - Grants	555,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
63	TISD-Reimbursement [per contract]	27,563	28,941	28,941	28,941	30,388	30,388	30,388	31,907	31,907	31,907	
65	Subtotal-Operating Expenditures	4,238,846	3,547,252	3,704,809	3,781,277	3,879,273	3,934,977	4,000,910	4,070,670	4,141,299	4,214,400	
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 11,441,584	\$ 12,024,316	\$ 11,743,225	\$ 12,694,909	\$ 13,267,317	\$ 13,444,940	\$ 13,520,723	\$ 13,606,083	\$ 13,672,812	\$ 13,745,063	
80	Funds Available for Projects	\$ 58,651,402	\$ 9,014,302	\$ 54,319,976	\$ 11,482,201	\$ 14,574,289	\$ 22,095,839	\$ 15,345,771	\$ 16,123,907	\$ 16,065,160	\$ 16,100,991	
PROJECTS												
150	Temple Industrial Park	113,794	265,000	1,500,000	1,500,000	-	3,825,000	-	-	-	-	
200	Corporate Campus Park	226,594	-	-	-	-	-	-	-	-	-	
250	Bioscience Park/Crossroads Park	903,435	-	-	-	-	-	-	-	-	-	
350	Outer Loop	13,482,804	-	28,625,000	-	-	-	-	-	-	-	
400	Synergy Park	-	-	-	-	-	-	-	-	-	-	
450	Downtown	31,461,073	3,000,000	7,298,900	1,500,000	2,000,000	5,000,000	-	-	-	-	
500	TMED	776,380	-	3,000,000	-	-	-	-	-	-	-	
550	Airport Park	2,579,749	-	4,740,000	-	-	-	-	-	-	-	
650	Gateway Projects	6,784,868	-	3,430,000	1,500,000	-	10,000,000	-	-	-	-	
750	Public Improvements	-	-	3,000,000	1,750,000	1,000,000	-	12,000,000	13,000,000	13,000,000	13,000,000	
	Subtotal-Projects	56,328,697	3,265,000	51,593,900	6,250,000	3,000,000	18,825,000	12,000,000	13,000,000	13,000,000	13,000,000	
TOTAL USE OF FUNDS		\$ 67,770,281	\$ 15,289,316	\$ 63,337,125	\$ 18,944,909	\$ 16,267,317	\$ 32,269,940	\$ 25,520,723	\$ 26,606,083	\$ 26,672,812	\$ 26,745,063	
800	FUND BALANCE, End {Available for Appropriation}	\$ 2,322,705	\$ 5,749,302	\$ 2,726,076	\$ 5,232,201	\$ 11,574,289	\$ 3,270,839	\$ 3,345,771	\$ 3,123,907	\$ 3,065,160	\$ 3,100,991	

DESCRIPTION		2030 48	2031 49	2032 50	2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58
1	"Taxable Increment"	\$ 1,025,968,886	\$ 1,060,563,761	\$ 1,071,169,399	\$ 1,081,881,092	\$ 1,092,699,903	\$ 1,103,626,902	\$ 1,114,663,171	\$ 1,125,809,802	\$ 1,137,067,900	\$ 1,148,438,579	\$ 1,159,922,965
1	FUND BALANCE, Begin	\$ 3,100,991	\$ 3,292,405	\$ 3,221,812	\$ 3,316,159	\$ 3,078,876	\$ 3,114,730	\$ 3,323,412	\$ 3,211,738	\$ 3,275,206	\$ 3,604,270	\$ 3,107,997
2A	Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	-	-	-	-	-	-	-	-	2,090,750	-	-
2B	Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2020	-	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 3,100,991	\$ 3,292,405	\$ 3,221,812	\$ 3,316,159	\$ 3,078,876	\$ 3,114,730	\$ 3,323,412	\$ 3,211,738	\$ 5,365,956	\$ 3,604,270	\$ 3,107,997
SOURCES OF FUNDS:												
4	Tax Revenues	27,389,982	27,921,759	28,184,743	28,450,357	28,718,627	28,989,580	29,263,242	29,539,641	29,818,804	30,100,759	30,385,533
5	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(410,850)	(418,826)	(422,771)	(426,755)	(430,779)	(434,844)	(438,949)	(443,095)	(447,282)	(451,511)	(455,783)
6	Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
7	Grant Funds	-	-	-	-	-	-	-	-	-	-	-
8	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
9	Other Revenues	-	-	-	-	-	-	-	-	-	-	-
10	Sale of land	-	-	-	-	-	-	-	-	-	-	-
11	Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 27,025,132	\$ 27,548,933	\$ 27,807,972	\$ 28,069,602	\$ 28,333,848	\$ 28,600,736	\$ 28,870,293	\$ 29,142,546	\$ 29,417,522	\$ 29,695,248	\$ 29,975,750
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 30,126,124	\$ 30,841,338	\$ 31,029,784	\$ 31,385,761	\$ 31,412,723	\$ 31,715,466	\$ 32,193,706	\$ 32,354,285	\$ 34,783,478	\$ 33,299,518	\$ 33,083,747
USE OF FUNDS:												
DEBT SERVICE												
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	2,069,113	2,073,513	2,084,913	2,092,913	-	-	-	-	-	-	-
32	Debt Service - 2018 Issue {\$24 mil}	2,087,500	2,090,250	2,089,500	2,090,250	2,087,250	2,090,500	2,089,500	2,089,250	2,089,500	-	-
33	Debt Service - 2019 Issue {\$14.868 mil}	1,358,200	1,360,300	1,359,700	1,361,400	1,360,100	1,360,800	1,358,200	1,357,300	1,357,800	1,359,400	1,356,800
34	Debt Service - 2022 Issue {\$40 mil}	4,025,250	4,023,500	4,026,500	4,023,750	4,025,250	4,025,500	4,024,250	4,026,250	4,026,000	4,023,250	4,022,750
35	Paying Agent Services	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	-	-
40	Subtotal-Debt Service	9,542,063	9,549,563	9,562,613	9,570,313	7,474,600	7,478,800	7,473,950	7,474,800	7,475,300	5,382,650	5,379,550
OPERATING EXPENDITURES												
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	704,600	704,600	704,600	704,600	704,600	704,600	704,600	704,600	704,600	704,600	704,600
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
59	Transformation Team	639,784	839,784	839,784	839,784	839,784	839,784	839,784	839,784	839,784	839,784	839,784
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
61	TEDC-Operating	2,237,369	2,315,677	2,396,726	2,480,611	2,567,432	2,657,293	2,750,298	2,846,558	2,946,188	3,049,304	3,156,030
62	Strategic Investment Zone - Grants	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
63	TISD-Reimbursement [per contract]	33,502	33,502	33,502	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783
65	Subtotal-Operating Expenditures	4,291,655	4,569,963	4,651,012	4,736,572	4,823,393	4,913,254	5,008,018	5,104,278	5,203,908	5,308,871	5,415,597
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 13,833,718	\$ 14,119,526	\$ 14,213,625	\$ 14,306,885	\$ 12,297,993	\$ 12,392,054	\$ 12,481,968	\$ 12,579,078	\$ 12,679,208	\$ 10,691,521	\$ 10,795,147
80	Funds Available for Projects	\$ 16,292,405	\$ 16,721,812	\$ 16,816,159	\$ 17,078,876	\$ 19,114,730	\$ 19,323,412	\$ 19,711,738	\$ 19,775,206	\$ 22,104,270	\$ 22,607,997	\$ 22,288,600
PROJECTS												
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-	-
350	Outer Loop	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	-	-	-	-	-	-	-	-	-	-	-
500	TMED	-	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-	-
650	Gateway Projects	-	-	-	-	-	-	-	-	-	-	-
750	Public Improvements	13,000,000	13,500,000	13,500,000	14,000,000	16,000,000	16,000,000	16,500,000	16,500,000	18,500,000	19,500,000	19,000,000
	Subtotal-Projects	13,000,000	13,500,000	13,500,000	14,000,000	16,000,000	16,000,000	16,500,000	16,500,000	18,500,000	19,500,000	19,000,000
TOTAL USE OF FUNDS		\$ 26,833,718	\$ 27,619,526	\$ 27,713,625	\$ 28,306,885	\$ 28,297,993	\$ 28,392,054	\$ 28,981,968	\$ 29,079,078	\$ 31,179,208	\$ 30,191,521	\$ 29,795,147
800	FUND BALANCE, End {Available for Appropriation}	\$ 3,292,405	\$ 3,221,812	\$ 3,316,159	\$ 3,078,876	\$ 3,114,730	\$ 3,323,412	\$ 3,211,738	\$ 3,275,206	\$ 3,604,270	\$ 3,107,997	\$ 3,288,600

FINANCING PLAN

DESCRIPTION		2041 59	2042 60	2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68
1	""Taxable Increment""	\$ 1,171,522,195	\$ 1,183,237,417	\$ 1,195,069,791	\$ 1,207,020,489	\$ 1,219,090,694	\$ 1,231,281,601	\$ 1,243,594,417	\$ 1,256,030,361	\$ 1,268,590,664	\$ 1,281,276,571
1	FUND BALANCE, Begin	\$ 3,288,600	\$ 2,997,599	\$ 3,378,971	\$ 3,185,645	\$ 3,109,328	\$ 3,146,093	\$ 3,295,957	\$ 3,056,772	\$ 2,924,115	\$ 3,397,698
2A	Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	-	-	-	-	-	-	-	-	-	-
2B	Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2020	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 3,288,600	\$ 2,997,599	\$ 3,378,971	\$ 3,185,645	\$ 3,109,328	\$ 3,146,093	\$ 3,295,957	\$ 3,056,772	\$ 2,924,115	\$ 3,397,698
SOURCES OF FUNDS:											
4	Tax Revenues	30,673,154	30,963,652	25,935,982	26,179,109	26,424,666	26,672,679	26,923,172	27,176,171	27,431,699	27,689,782
5	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(460,097)	(464,455)	(389,040)	(392,687)	(396,370)	(400,090)	(403,848)	(407,643)	(411,475)	(415,347)
6	Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
7	Grant Funds	-	-	-	-	-	-	-	-	-	-
8	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
9	Other Revenues	-	-	-	-	-	-	-	-	-	-
10	Sale of land	-	-	-	-	-	-	-	-	-	-
11	Bond Proceeds	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 30,259,057	\$ 30,545,197	\$ 25,592,942	\$ 25,832,422	\$ 26,074,296	\$ 26,318,589	\$ 26,565,324	\$ 26,814,528	\$ 27,066,224	\$ 27,320,435
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 33,547,657	\$ 33,542,796	\$ 28,971,914	\$ 29,018,067	\$ 29,183,624	\$ 29,464,681	\$ 29,861,281	\$ 29,871,300	\$ 29,990,339	\$ 30,718,133
USE OF FUNDS:											
DEBT SERVICE											
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-
32	Debt Service - 2018 Issue {\$24 mil}	-	-	-	-	-	-	-	-	-	-
33	Debt Service - 2019 Issue {\$14.868 mil}	-	-	-	-	-	-	-	-	-	-
34	Debt Service - 2022 Issue {\$40 mil}	4,024,000	4,021,500	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	4,024,000	4,021,500	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	704,600	704,600	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
59	Transformation Team	839,784	839,784	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
61	TEDC-Operating	3,266,491	3,380,818	3,499,147	3,621,617	3,748,374	3,879,567	4,015,352	4,155,889	4,301,345	4,451,892
62	Strategic Investment Zone - Grants	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
63	TISD-Reimbursement [per contract]	38,783	40,722	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896
65	Subtotal-Operating Expenditures	5,526,058	5,642,324	5,786,269	5,908,739	6,037,532	6,168,725	6,304,510	6,447,185	6,592,641	6,743,188
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 9,550,058	\$ 9,663,824	\$ 5,786,269	\$ 5,908,739	\$ 6,037,532	\$ 6,168,725	\$ 6,304,510	\$ 6,447,185	\$ 6,592,641	\$ 6,743,188
80	Funds Available for Projects	\$ 23,997,599	\$ 23,878,971	\$ 23,185,645	\$ 23,109,328	\$ 23,146,093	\$ 23,295,957	\$ 23,556,772	\$ 23,424,115	\$ 23,397,698	\$ 23,974,945
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-
350	Outer Loop	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	-	-	-	-	-	-	-	-	-	-
500	TMED	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-
650	Gateway Projects	-	-	-	-	-	-	-	-	-	-
750	Public Improvements	21,000,000	20,500,000	20,000,000	20,000,000	20,000,000	20,000,000	20,500,000	20,500,000	20,000,000	21,000,000
	Subtotal-Projects	21,000,000	20,500,000	20,000,000	20,000,000	20,000,000	20,000,000	20,500,000	20,500,000	20,000,000	21,000,000
TOTAL USE OF FUNDS		\$ 30,550,058	\$ 30,163,824	\$ 25,786,269	\$ 25,908,739	\$ 26,037,532	\$ 26,168,725	\$ 26,804,510	\$ 26,947,185	\$ 26,592,641	\$ 27,743,188
800	FUND BALANCE, End {Available for Appropriation}	\$ 2,997,599	\$ 3,378,971	\$ 3,185,645	\$ 3,109,328	\$ 3,146,093	\$ 3,295,957	\$ 3,056,772	\$ 2,924,115	\$ 3,397,698	\$ 2,974,945

DESCRIPTION		2051 69	2052 70	2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
1	"Taxable Increment"	\$ 1,294,089,337	\$ 1,307,030,230	\$ 1,320,100,532	\$ 1,333,301,538	\$ 1,346,634,553	\$ 1,360,100,899	\$ 1,373,701,908	\$ 1,387,438,927	\$ 1,401,313,316	\$ 1,415,326,449	\$ 1,429,479,714	\$ 1,443,774,511
1	FUND BALANCE, Begin	\$ 2,974,945	\$ 3,650,887	\$ 3,424,879	\$ 3,293,872	\$ 3,252,287	\$ 3,299,078	\$ 2,930,661	\$ 3,140,779	\$ 2,927,932	\$ 3,287,933	\$ 3,213,782	\$ 3,203,453
2A	Adjustments to Debt Service Reserve - Tax Increment Revenue Bonds, Series 2018	-	-	-	-	-	-	-	-	-	-	-	-
2B	Adjustments to Debt Service Reserve - Tax Increment Taxable Revenue Bonds, Series 2020	-	-	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,974,945	\$ 3,650,887	\$ 3,424,879	\$ 3,293,872	\$ 3,252,287	\$ 3,299,078	\$ 2,930,661	\$ 3,140,779	\$ 2,927,932	\$ 3,287,933	\$ 3,213,782	\$ 3,203,453
SOURCES OF FUNDS:													
4	Tax Revenues	27,950,447	28,213,717	28,479,621	28,748,184	29,019,432	29,293,393	29,570,093	29,849,561	30,131,823	30,416,907	30,704,843	30,995,658
5	Allowance for Uncollected Taxes [1.5% of Tax Revenues]	(419,257)	(423,206)	(427,194)	(431,223)	(435,291)	(439,401)	(443,551)	(447,743)	(451,977)	(456,254)	(460,573)	(464,935)
6	Interest Income	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
7	Grant Funds	-	-	-	-	-	-	-	-	-	-	-	-
8	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
9	Other Revenues	-	-	-	-	-	-	-	-	-	-	-	-
10	Sale of land	-	-	-	-	-	-	-	-	-	-	-	-
11	Bond Proceeds	-	-	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 27,577,190	\$ 27,836,511	\$ 28,098,427	\$ 28,362,961	\$ 28,630,141	\$ 28,899,992	\$ 29,172,542	\$ 29,447,818	\$ 29,725,846	\$ 30,006,653	\$ 30,290,270	\$ 30,576,723
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 30,552,136	\$ 31,487,398	\$ 31,523,306	\$ 31,656,834	\$ 31,882,428	\$ 32,199,071	\$ 32,103,202	\$ 32,588,597	\$ 32,653,778	\$ 33,294,587	\$ 33,504,052	\$ 33,780,176
USE OF FUNDS:													
DEBT SERVICE													
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue {\$25.260 mil}	-	-	-	-	-	-	-	-	-	-	-	-
32	Debt Service - 2018 Issue {\$24 mil}	-	-	-	-	-	-	-	-	-	-	-	-
33	Debt Service - 2019 Issue {\$14.868 mil}	-	-	-	-	-	-	-	-	-	-	-	-
34	Debt Service - 2022 Issue {\$40 mil}	-	-	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES													
50	Prof Svcs/Proj Mgmt	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52	Legal/Audit	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000	705,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
59	Transformation Team	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000	840,000
60	Contractual Payments [TEDC - Marketing]	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
61	TEDC-Operating	4,607,708	4,768,978	4,935,892	5,108,648	5,287,451	5,472,512	5,664,050	5,862,292	6,067,472	6,279,833	6,499,627	6,727,114
62	Strategic Investment Zone - Grants	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
63	TISD-Reimbursement [per contract]	47,141	47,141	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65	Subtotal-Operating Expenditures	6,901,249	7,062,519	7,229,433	7,404,546	7,583,349	7,768,410	7,962,423	8,160,665	8,365,845	8,580,805	8,800,599	9,028,086
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 6,901,249	\$ 7,062,519	\$ 7,229,433	\$ 7,404,546	\$ 7,583,349	\$ 7,768,410	\$ 7,962,423	\$ 8,160,665	\$ 8,365,845	\$ 8,580,805	\$ 8,800,599	\$ 9,028,086
80	Funds Available for Projects	\$ 23,650,887	\$ 24,424,879	\$ 24,293,872	\$ 24,252,287	\$ 24,299,078	\$ 24,430,661	\$ 24,140,779	\$ 24,427,932	\$ 24,287,933	\$ 24,713,782	\$ 24,703,453	\$ 24,752,089
PROJECTS													
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park/Crossroads Park	-	-	-	-	-	-	-	-	-	-	-	-
350	Outer Loop	-	-	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-	-	-
450	Downtown	-	-	-	-	-	-	-	-	-	-	-	-
500	TMED	-	-	-	-	-	-	-	-	-	-	-	-
550	Airport Park	-	-	-	-	-	-	-	-	-	-	-	-
650	Gateway Projects	-	-	-	-	-	-	-	-	-	-	-	-
750	Public Improvements	20,000,000	21,000,000	21,000,000	21,000,000	21,000,000	21,500,000	21,000,000	21,500,000	21,000,000	21,500,000	21,500,000	24,752,089
	Subtotal-Projects	20,000,000	21,000,000	21,000,000	21,000,000	21,000,000	21,500,000	21,000,000	21,500,000	21,000,000	21,500,000	21,500,000	24,752,089
TOTAL USE OF FUNDS		\$ 26,901,249	\$ 28,062,519	\$ 28,229,433	\$ 28,404,546	\$ 28,583,349	\$ 29,268,410	\$ 28,962,423	\$ 29,660,665	\$ 29,365,845	\$ 30,080,805	\$ 30,300,599	\$ 33,780,175
800	FUND BALANCE, End {Available for Appropriation}	\$ 3,650,887	\$ 3,424,879	\$ 3,293,872	\$ 3,252,287	\$ 3,299,078	\$ 2,930,661	\$ 3,140,779	\$ 2,927,932	\$ 3,287,933	\$ 3,213,782	\$ 3,203,453	\$ 0

SUMMARY FINANCING PLAN											
	Revised 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1Beginning Available Fund Balance, Oct 1	\$ 36,187,084	\$ 2,322,705	\$ 5,749,302	\$ 2,726,076	\$ 5,232,201	\$ 11,574,289	\$ 3,270,839	\$ 3,345,771	\$ 3,123,907	\$ 3,065,160	\$ 3,100,991
20Total Sources of Funds	33,905,902	18,715,913	60,313,900	21,451,033	22,609,406	23,966,490	25,595,655	26,384,218	26,614,065	26,780,895	27,025,132
25Net Available for Appropriation	70,092,986	21,038,618	66,063,201	24,177,109	27,841,606	35,540,779	28,866,494	29,729,990	29,737,972	29,846,054	30,126,124
50Professional	195,298	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
52General Administrative Expenditures	1,300	1,300	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
54Zone Park Maintenance [mowing, utilities, botanical supplies]	528,600	560,600	660,600	677,600	704,600	704,600	704,600	704,600	704,600	704,600	704,600
56Rail Maintenance	65,692	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58Road/Signage Maintenance	280,321	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
59Downtown Improvements (Transformation Team)	798,959	639,784	639,784	639,784	647,784	639,784	639,784	639,784	639,784	639,784	639,784
60Contractual Payments (TEDC - Marketing)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
61TEDC-Operating	1,586,113	1,641,627	1,699,084	1,758,552	1,820,101	1,883,805	1,949,738	2,017,979	2,088,608	2,161,709	2,237,369
62Strategic Investment Zone - Grants	555,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
63TISD-Reimbursement [per contract]	27,563	28,941	28,941	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502
27Debt Service - 2009 Issue (Refunding)	-	-	-	-	-	-	-	-	-	-	-
28Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,237,744	1,241,670	1,242,422	-	-	-	-	-	-	-	-
29Debt Service - 2011A Issue (Refunding)	2,497,800	2,497,550	2,494,950	-	-	-	-	-	-	-	-
30Debt Service - 2012 Issue (Refunding)	80,050	77,250	78,750	-	-	-	-	-	-	-	-
31Debt Service - 2013 Issue {\$25.260 mil}	2,047,944	2,046,494	2,031,494	2,030,094	2,026,694	2,038,413	2,051,613	2,059,113	2,061,713	2,061,713	2,069,113
32Debt Service - 2018 Issue {\$24 mil}	1,336,000	1,287,000	1,305,000	2,086,750	2,089,000	2,088,750	2,086,000	2,090,750	2,087,500	2,086,500	2,087,500
33Debt Service - 2019 Issue {\$14.868 mil}	-	1,323,900	882,600	1,357,600	1,359,100	1,358,800	1,356,700	1,357,800	1,356,800	1,358,700	1,358,200
34Debt Service - 2022 Issue {\$40 mil}	-	-	-	3,437,188	3,911,250	4,022,000	4,023,500	4,025,750	4,023,500	4,021,750	4,025,250
35Paying Agent Services	3,200	3,200	3,200	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
75Total Debt & Operating Expenditures	11,441,584	12,024,316	11,743,225	12,694,909	13,267,317	13,444,940	13,520,723	13,606,083	13,672,812	13,745,063	13,833,718
80Funds Available for Projects	\$ 58,651,402	\$ 9,014,302	\$ 54,319,976	\$ 11,482,201	\$ 14,574,289	\$ 22,095,839	\$ 15,345,771	\$ 16,123,907	\$ 16,065,160	\$ 16,100,991	\$ 16,292,405

PROJECT PLAN											
	Revised 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
TEMPLE INDUSTRIAL PARK:											
102Rail Backage Road & Rail Improvements (E-W) GST Tract	13,794	-	-	-	-	-	-	-	-	-	-
103Rail Backage Road (N-S) GST Tract	-	-	-	-	-	2,325,000	-	-	-	-	-
104Industrial Park Grading	100,000	-	1,500,000	1,500,000	-	1,500,000	-	-	-	-	-
105Rail Park Receiving and Delivery Tract ROW	-	265,000	-	-	-	-	-	-	-	-	-
106Overlay Industrial Blvd	-	-	-	-	-	-	-	-	-	-	-
150Total Industrial Park	113,794	265,000	1,500,000	1,500,000	-	3,825,000	-	-	-	-	-
CORPORATE CAMPUS PARK:											
156Corporate Campus Land	105,664	-	-	-	-	-	-	-	-	-	-
157Mixed Use Master Plan	120,930	-	-	-	-	-	-	-	-	-	-
200Total Corporate Campus Park	226,594	-	-	-	-	-	-	-	-	-	-
BIOSCIENCE PARK/CROSSROADS PARK:											
207Cross Roads Park @ Pepper Creek Trail	903,435	-	-	-	-	-	-	-	-	-	-
250Total Bio-Science Park	903,435	-	-	-	-	-	-	-	-	-	-
OUTER LOOP											
305Outer Loop (IH 35 to Wendland) STAG grant {Little Elm Sewer}	8,961	-	-	-	-	-	-	-	-	-	-
305Outer Loop (IH 35 to Wendland)	314,557	-	15,825,000	-	-	-	-	-	-	-	-
310Outer Loop (Wendland to McLane Pkwy)	141,683	-	12,800,000	-	-	-	-	-	-	-	-
315Outer Loop (McLane Pkwy to Central Point Pkwy)	8,217,435	-	-	-	-	-	-	-	-	-	-
316Outer Loop Phase V (Poison Oak to Old Waco Road) {bond funded}	2,273,775	-	-	-	-	-	-	-	-	-	-
320Outer Loop Phase VI (Old Waco Road to I35 South)	2,526,393	-	-	-	-	-	-	-	-	-	-
321East Outer Loop	-	-	-	-	-	-	-	-	-	-	-
350Total Research Parkway	13,482,804	-	28,625,000	-	-	-	-	-	-	-	-
SYNERGY PARK:											
352Entry Enhancement	-	-	-	-	-	-	-	-	-	-	-
400Total Synergy Park	-	-	-	-	-	-	-	-	-	-	-

SUMMARY FINANCING PLAN												
		Revised 2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
DOWNTOWN:												
402	Downtown Lighting Master Plan	28,600	-	-	-	-	-	-	-	-	-	-
403	MLK Festival Fields Electric Design	100,000	650,000	-	-	-	-	-	-	-	-	-
404	Downtown Lighting	110,000	450,000	-	-	-	-	-	-	-	-	-
405	Santa Fe Plaza	310,350	-	-	-	-	-	-	-	-	-	-
406	Downtown City Center/Hawn	6,074,895	-	-	-	-	-	-	-	-	-	-
407	Santa Fe Market	411,854	-	-	-	-	-	-	-	-	-	-
408	1st Street (Avenue B to Central Avenue) and Avenue A (North 3rd to South 2nd)	18,177	-	-	-	-	-	-	-	-	-	-
409	1st Street from Avenue A to Avenue B	1,002,435	-	-	-	-	-	-	-	-	-	-
410	1st Street from Avenue A to Central Avenue	1,397,400	-	-	-	-	-	-	-	-	-	-
411	1st Street Parking Garage	7,077,099	-	-	-	-	-	-	-	-	-	-
412	Central Ave/4th Street Parking Garage	9,302,450	-	-	-	-	-	-	-	-	-	-
413	Avenue C from Main Street to 24th Street	4,314,218	-	5,500,000	-	-	-	-	-	-	-	-
414	24th Street - Avenue C to Central Street Design	148,500	1,000,000	1,798,900	-	-	-	-	-	-	-	-
415	Central/Adams Corridor	115,095	-	-	1,500,000	2,000,000	-	-	-	-	-	-
416	3rd Street Corridor Enhancement	-	-	-	-	-	-	-	-	-	-	-
417	Downtown Corridor Enhancements	700,000	-	-	-	-	-	-	-	-	-	-
418	Festival Fields Buildings	-	750,000	-	-	-	-	-	-	-	-	-
419	Festival Fields Parking Lot	350,000	-	-	-	-	-	-	-	-	-	-
420	Library/City Hall Campus	-	150,000	-	-	-	5,000,000	-	-	-	-	-
450	Total Downtown	31,461,073	3,000,000	7,298,900	1,500,000	2,000,000	5,000,000	-	-	-	-	-
TMED:												
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	182,935	-	-	-	-	-	-	-	-	-	-
459	31st Street/Loop 363 Improvements	22,700	-	-	-	-	-	-	-	-	-	-
460	31st Street Monumentation {bond funded}	450,000	-	-	-	-	-	-	-	-	-	-
461	Veteran's Memorial Blvd. Phase II	118,500	-	3,000,000	-	-	-	-	-	-	-	-
462	TMED South 1st Street	2,245	-	-	-	-	-	-	-	-	-	-
500	Total TMED	776,380	-	3,000,000	-	-	-	-	-	-	-	-
AIRPORT PARK:												
507	Taxiway for Hangars	110,787	-	-	-	-	-	-	-	-	-	-
510	Draughon-Miller Regional Airport FBO Center & Parking	401,950	-	4,740,000	-	-	-	-	-	-	-	-
511	Corporate Hangar Phase IV	1,500,000	-	-	-	-	-	-	-	-	-	-
512	Clear Area Near Fire Station	-	-	-	-	-	-	-	-	-	-	-
513	Tower Refurbishment	172,500	-	-	-	-	-	-	-	-	-	-
514	Demolition of Old Terminal Building	6,512	-	-	-	-	-	-	-	-	-	-
515	Fence Realignment & Gate	175,000	-	-	-	-	-	-	-	-	-	-
516	Airfield Lighting Grant Match	213,000	-	-	-	-	-	-	-	-	-	-
550	Total Airport Park	2,579,749	-	4,740,000	-	-	-	-	-	-	-	-
GATEWAY PROJECTS:												
601	North 31st Street (Nugent to Central)	6,269,326	-	-	-	-	-	-	-	-	-	-
602	East/West IH 35 Gateway	320,300	-	3,430,000	-	-	-	-	-	-	-	-
603	Downtown Neighborhoods Overlay	-	-	-	-	-	-	-	-	-	-	-
604	Adams & Central Avenue Bicycle & Pedestrian Improvements Design	45,242	-	-	-	-	-	-	-	-	-	-
605	Art District	150,000	-	-	1,500,000	-	10,000,000	-	-	-	-	-
650	Total Gateway Projects	6,784,868	-	3,430,000	1,500,000	-	10,000,000	-	-	-	-	-
Public Improvements												
701	Public Improvements	-	-	-	1,000,000	1,000,000	-	12,000,000	13,000,000	13,000,000	13,000,000	13,000,000
702	Land Acquisition	-	-	3,000,000	750,000	-	-	-	-	-	-	-
750	Total Public Improvements	-	-	3,000,000	1,750,000	1,000,000	-	12,000,000	13,000,000	13,000,000	13,000,000	13,000,000
Total Planned Project Expenditures		56,328,697	3,265,000	51,593,900	6,250,000	3,000,000	18,825,000	12,000,000	13,000,000	13,000,000	13,000,000	13,000,000
800	Available Fund Balance at Year End	\$ 2,322,705	\$ 5,749,302	\$ 2,726,076	\$ 5,232,201	\$ 11,574,289	\$ 3,270,839	\$ 3,345,771	\$ 3,123,907	\$ 3,065,160	\$ 3,100,991	\$ 3,292,405
Reserve for Debt Service - Tax Increment Rev Bonds, Series 2018		2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750	2,090,750
Total Fund Balance at Year End		\$ 4,413,455	\$ 7,840,052	\$ 4,816,826	\$ 7,322,951	\$ 13,665,039	\$ 5,361,589	\$ 5,436,521	\$ 5,214,657	\$ 5,155,910	\$ 5,191,741	\$ 5,383,155

ORDINANCE NO. 2020-5020

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO AND THE ADOPTION OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE ADDITIONAL FUNDING FOR NORTH 31ST STREET IMPROVEMENTS IN FISCAL YEAR 2020; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2008; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316

on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4373 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; Ordinance No. 2013-4595 on June 20, 2013; Ordinance No. 2014-4665 on May 15, 2014; Ordinance No. 2014-4676 on July 17, 2014; Ordinance No. 2014-4683 on September 18, 2014; Ordinance No. 2014-4695 on December 18, 2014; Ordinance No. 2015-4705 on April 16, 2015; Ordinance No. 2015-4734 on October 17, 2015; Ordinance No. 2016-4789 on July 21, 2016; Ordinance No. 2016-4809 on October 20, 2016; Ordinance No. 2017-4838 on April 20, 2017; Ordinance No. 2017-4851 on July 20, 2017; Ordinance No. 2017-4871 on October 19, 2017; Ordinance No. 2017-4881 on November 16, 2017; Ordinance No. 2018-4885 on January 18, 2018; Ordinance No. 2018-4908 on May 3, 2018; Ordinance No. 2018-4918 on June 21, 2018; Ordinance No. 2018-4931 on September 20, 2018; Ordinance No. 2018-4935 on October 18, 2018; Ordinance No. 2019-4998 on October 17, 2019; Ordinance No. 2019-5003 on November 21, 2019; Ordinance No. 2020-5020 on March 19, 2020;

Whereas, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

Whereas, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

Whereas, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple; and

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

Part 1: Findings. The statements contained in the preamble of this Ordinance are true and correct and are adopted as findings of fact hereby.

Part 2: Reinvestment Zone Financing and Project Plans. The City Council authorizes and adopts the amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional funding for North 31st Street Improvements in FY 2020, attached hereto as Exhibits A and B.

Part 3: Plans Effective. The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

Part 4: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **March, 2020**.

PASSED AND APPROVED on Second Reading on the **19th** day of **March, 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

03/19/20
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-1-ANX: Consider adopting an ordinance authorizing the voluntary annexation of 143.985 +/- acres of land, located on the east side of Hartrick Bluff Road approximately one mile south of its intersection with FM 93, Bell County, Texas.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading.

ITEM SUMMARY: Texas Local Government Code (LGC) Chapter 43 governs the annexation process. LGC Chapter 43 requires that land to be annexed must be in the municipality's extraterritorial jurisdiction (ETJ) and contiguous to the municipality. The subject property is within the City's southern ETJ.

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On October 18, 2019, property owner John Baker filed a written request seeking voluntary annexation of 143.985 acres of land, being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Drawing).

Prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23. The property owner was offered a development agreement on October 29, 2019 and rejected the agreement on November 3, 2019.

The City and property owner have entered into written agreement for the provision of municipal services in the area. Before offering the proposed municipal services agreement to the property owner, the proposed agreement was circulated to affected City Departments to determine the services that would be provided on the effective date of the annexation. The property owner accepted the proposed agreement. The City is not required to provide a service that is not included in the agreement.

LGC §§ 43.905 and 43.9051 requires a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district as well as the political subdivisions and public entities that provide services in the area. The City notified Academy Independent School District (AISD) and Bell County on February 18, 2020. Development of this agricultural property is not anticipated; therefore, at this time the City has not identified any financial impact to the school district or County.

FISCAL IMPACT: The design of the Little River Basin Wastewater Improvements and the Hartrick Bluff Water Line currently underway contain a proposal to extend water and wastewater services through this area.

If the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City.

ATTACHMENTS:

[Voluntary Petition for Annexation](#)

[Municipal Services Agreement](#)

[Field Notes of Proposed Annexation Area \(Exhibit A\)](#)

[Survey of Proposed Annexation Area \(Exhibit B\)](#)

[Ordinance](#)

VOLUNTARY PETITION FOR ANNEXATION

DATE: Oct 9, 2019

To the City Council of the City of Temple:

John M. Baker is the sole owner of the tract of land containing approximately 143.985 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is currently directly adjacent to the city limits on the North, West and South side of the property. The owner is petitioning the City Council to take the appropriate actions to annex the 143.985 acre tract.

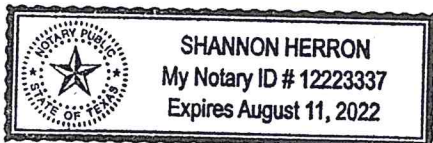
By: 
John M. Baker


STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared John M. Baker, known to me to be the person whose name is subscribed to the foregoing instrument.

Given under my hand and seal of office this 9 day of October, 2019.




Notary Public State of Texas

A detailed map of the Harlick Bluff Rd area. The map shows Harlick Bluff Rd running horizontally across the top. Below it, FM 93 is marked with a yellow star. To the left of FM 93, there is a large area with red diagonal hatching, likely representing a wetland or floodplain. To the right of FM 93, there is a large area with blue diagonal hatching, likely representing a wetland or floodplain. The map also shows several other streets, including W FM 93, Tanglewood Rd, and Union Pacific RR. The map is labeled with 'FM 93' and 'Harlick Bluff Rd' in white boxes.

**Vicinity Map – Yellow Star indicates general location of subject property
(City of Temple GIS Maps)**



Aerial Photo – Subject property in RED border (City of Temple GIS Maps)

MUNICIPAL SERVICES AGREEMENT
BETWEEN THE CITY OF TEMPLE, TEXAS AND
JOHN M. BAKER

This Municipal Services Agreement ("Agreement") is entered into on the 13th day of Feb, 2020, by and between the City of Temple, Texas, a home-rule municipality of the State of Texas, ("City") and John M. Baker ("Owner").

RECITALS

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

WHEREAS, Section 43.0671 of the Local Government Code (LGC) permits the City to annex an area if each owner of land in an area requests the annexation;

WHEREAS, where the City elects to annex such an area, the City is required to enter into a written agreement with the property owner(s) that sets forth the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, Owner owns certain parcels of land situated in Bell County, Texas, which consists of approximately 143.985 acres of land in the City's extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit A attached and incorporated herein by reference ("Property");

WHEREAS, Owner has filed a written request with the City for full-purpose annexation of the Property, identified as Annexation Case No. FY-20-1-ANX ("Annexation Case");

WHEREAS, City and Owner desire to set out the City services to be provided for the Property on or after the effective date of annexation;

WHEREAS, the Annexation Case and execution of this Agreement are subject to approval by the Temple City Council; and

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property, which is the subject of the Annexation Case.
2. **INTENT.** It is the intent of the City that this Agreement provide for the delivery of full, available municipal services to the Property in accordance with state law, which may be accomplished through any means permitted bylaw.

3. MUNICIPAL SERVICES.

- a. Commencing on the effective date of annexation, the City will provide the municipal services set forth below. As used in this Agreement, “providing services” includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable city ordinances, rules, regulations, and policies.
 - i. Fire – The City’s Fire Department will provide emergency and fire protection services.
 - ii. Police – The City’s Police Department will provide protection and law enforcement services.
 - iii. Emergency Medical Services - The City’s Fire Department and the City’s contracted emergency medical transport franchisee will provide emergency medical services. At the time of this agreement, the contracted emergency medical transport franchisee is American Medical Response operating as Temple EMS.
 - iv. Planning, Zoning, and Building – The City’s Planning and Development Department will provide comprehensive planning, land development, land use, and building review and inspection services in accordance with all applicable laws, rules, and regulations.
 - v. Publicly Owned Parks, Facilities, and Buildings
 - 1. Residents of the Property will be permitted to utilize all existing publicly-owned and available parks, facilities (including, community service facilities, libraries, swimming pools, etc.), and buildings throughout the City. Any private parks, facilities, and buildings will be unaffected by the annexation; provided, however, that the City will provide for maintenance and operation of the same upon acceptance of legal title thereto by the City and appropriations therefor.
 - 2. In the event the City acquires any other parks, facilities, or buildings necessary for City services within the Property, the appropriate City department will provide maintenance and operations of the same.
 - vi. Streets - The City’s Public Works Department will maintain the public streets over which the City has jurisdiction. The City will provide regulatory signage services in accordance with the City policies and procedures and applicable laws.
 - vii. Water and Wastewater
 - 1. If a property owner desires to connect to the City water and sewer system, then the owner may request a connection once those services are available. Once connected to the City’s water and sanitary

sewer mains, the water and sanitary sewage service will be provided by the City at rates establish by City ordinances for such service.

2. New homes will be required to connect to the City's water and sewer system at the owner's expense.
 - viii. Solid Waste Services – The City will provide solid waste collection services in accordance with existing City ordinances and policies, except where prohibited by law.
 - ix. Code Compliance – The City's Code Compliance Department will provide education, enforcement, and abatement relating to code violations within the Property.
 - x. Animal Services – The City's Animal Services Department will provide services for animal cruelty, animal bites, stray animals, loose livestock or wildlife, animal pickup, and animal disturbances in accordance with the City policies and procedures and applicable laws.
 - b. It is understood and agreed that the City is not required to provide a service that is not included in this Agreement.
 - c. Owner understands and acknowledges that the City departments listed above may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar services.
5. **AUTHORITY.** City and Owner represent that they have full power, authority and legal right to execute, deliver and perform their obligations pursuant to this Agreement. Owner acknowledges that approval of the Annexation Case is within the sole jurisdiction of the City Council. Nothing in this Agreement guarantees favorable decisions by the City Council.
 6. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
 8. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
 9. **GOVERNING LAW AND VENUE.** Venue shall be in the state courts located in Bell County, Texas or the United States District Court for the Western District of Texas, Waco Division and construed in conformity with the provisions of Texas Local Government Code Chapter 43.
 10. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
 11. **GOVERNMENTAL POWERS.** It is understood that by execution of this Agreement, the City does not waive or surrender any of its governmental powers or immunities.

12. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
13. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
14. **AGREEMENT BINDS SUCCESSORS AND RUNS WITH THE LAND.** This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property and is binding on the Owner.
15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. This Agreement shall not be amended unless executed in writing by both parties.

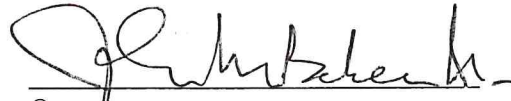
Executed as of the day and year first above written to be effective on the effective date of annexation of the Property.

Signatures to follow.

CITY OF TEMPLE

JOHN M. BAKER

By: _____
Brynn Myers
City Manager


Owner

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

City Attorney's Office

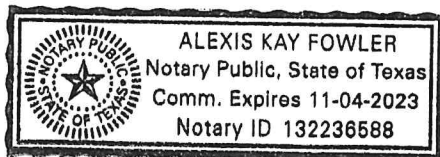
STATE OF TEXAS §
COUNTY OF BELL §

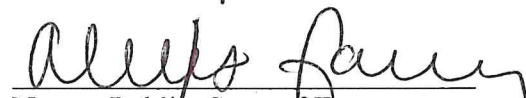
This instrument was acknowledged before me on the ____ day of _____, 2020
by **Brynn Myers**, as City Manager of the City of Temple, a Texas home rule City.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on Feb 13, 2020 by **John M. Baker**.




Notary Public, State of Texas

BEING a 143.985 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of that certain 124.36 acre tract (TRACT ONE) and all of that certain 3.26 acre tract (TRACT TWO) described in a Deed dated October 14, 1983 from Henry Wayne Chupik and wife, Barabara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas and being all of that certain 16.40 acre tract of land described in a Deed dated October 14, 1983 from Henry Wayne Chupik and wife, Barabara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 829, Deed Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found being the southwest corner of the said 3.26 acre tract (TRACT TWO) and being the northwest corner of that certain 34.747 acre tract of land described in a Warranty Deed dated March, 2013 from H. Wayne Chupik and Barbara Chupik to Fr. Jose Simon Palliparambil and David Simon and being of record in Document No. 2013-00013763, Official Public Records of Bell County, Texas and being in the east right-of-way line of Hartrick Bluff Road (a publicly maintained roadway) and being at the beginning of a curve to the right having a radius equals 495.24 feet (calls 495.24 feet), chord bearing equals N. 16° 24' 16" E., 60.05 feet for corner;

THENCE 60.09 feet along the arc of said curve to the right departing the said 37.747 acre tract and with the west boundary line of the said 3.26 acre tract (TRACT TWO) (calls 60.2 feet) and with the said east right-of-way line to a 1/2" iron rod found being the northwest corner of the said 3.26 acre tract a (TRACT TWO) and being the southwest corner of that certain 21.0 acre tract of land described in a General Warranty Deed dated October 21, 2008 from H. Wayne Chupik to H. Wayne Chupik and Barbara Chupik and being of record in Document No. 2008-00043303, Official Public Records of Bell County, Texas (description in said Document No. 2008-00043303 does not form a mathematically closed figure) for corner;

THENCE S. 73° 24' 10" E., 1267.24 feet departing the said east right-of-way line and with the north boundary line of the said 3.26 acre tract (TRACT TWO) (calls N. 71° 21' 36" W., 2380.58 feet) and with the south boundary line of the said 21.0 acre tract (calls S. 71° 21' 26" E., 1299.70 feet) to a 1" iron pipe found being the southeast corner of the said 21.0 acre tract and being the southwest corner of the said 16.40 acre tract for corner;

THENCE N. 16° 50' 42" E., 658.19 feet departing the said north boundary line and with the west boundary line of the said 16.40 acre tract (calls S. 18° 30' 34" W., 659.88 feet) and with the east boundary line of the said 21.0 acre tract (calls N. 18° 30' 34" E., 659.88 feet) to a 2" iron pipe found being the northwest corner of the said 16.40 acre tract and being the northeast corner of the said 21.0 acre tract and being in the south boundary line of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 31' 04" E., 3261.48 feet departing the said 21.0 acre tract and with the north boundary line of the said 16.40 acre tract (calls N. 71° 27' 26" W., 1080.88 feet) and continuing with the north boundary line of the said 124.36 acre tract (TRACT ONE)(calls N. 71° 27' 26" W., 2192.80 feet) and with the south boundary line of the said remainder 122.191 acre tract to a 1/2" iron rod with cap stamped "QUICK" found being the southeast corner of the said remainder 122.191 acre tract (calls N. 73° 31' 04" W., 3459.35 feet) and being an ell corner of the said 124.36 acre tract (TRACT ONE) for corner;

THENCE N. 16° 27' 33" E., 242.51 feet with a west boundary line of the said 124.36 acre tract (TRACT ONE) (calls S. 21° 37' 09" W., 250.0 feet) and with the east boundary line of the said remainder 122.191 acre tract (calls S. 16° 27' 33" W., 242.51 feet) to a 1" iron pipe found being the most easterly northwest corner of the said 124.36 acre tract and being the southwest corner of that certain 18.983 acre tract of land being described in a Warranty Deed dated June 22, 2000 from E. J. Daniel and wife, Martha Kamas Daniel to Daniel Three Forks Farm, Ltd., a Texas limited partnership and being of record in Volume 4225, Page 711, Official Public Records of Bell County, Texas for corner;

THENCE S. 73° 58' 43" E., 817.95 feet departing the said remainder 122.191 acre tract and with a north boundary line of the said 124.36 acre tract (TRACT ONE) (calls N. 71° 02' 20" W., 410.0 feet and N. 72° 13' 38" W., 381.0 feet) and with the south boundary line of the said 18.983 acre tract (calls N. 72° 20' 27" W., 816.15 feet) to a 1/2" iron rod with cap stamped "RPLS 2475" set being the southeast corner of the said 18.983 acre tract and being the northeast corner of the said 124.36 acre tract (TRACT ONE) and being in the west right-of-way line of the M.K.T. Railroad company as occupied and evidenced on the ground for corner;

THENCE S. 04° 11' 38" W., 2308.80 feet departing the said 18.983 acre tract and with the east boundary line of the said 124.36 acre tract (TRACT ONE) (calls N. 06° 13' 28" E., 2310.0 feet) and with the said west right-of-way line to a 1" iron pipe found being the southeast corner of the said 124.36 acre tract (TRACT ONE) and being the northeast corner of that certain 20.884 acre tract of land described in said Volume 4225, Page 711 for corner;

THENCE N. 72° 15' 29" W., 1331.10 feet departing the said west right-of-way line and with the south boundary line of the said 124.36 acre tract (TRACT ONE) (calls S. 70° 22' 24" E., 1323.17 feet) and with the north boundary line of the said 20.884 acre tract (calls S. 70° 26' 43" E., 1322.11 feet) to a 1" iron pipe found being the northwest corner of the said 20.884 acre tract and being the most easterly southwest corner of the said 124.36 acre tract (TRACT ONE) and being in the east boundary line of that certain 160.050 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas for corner;

THENCE N. 16° 24' 40" E., 591.10 feet departing the said 20.884 acre tract and with a west boundary line of the said 124.36 acre tract (TRACT ONE) (calls S. 18° 36' 40" W., 588.36 feet) and with the east boundary line of the said 160.050 acre tract (calls S. 16° 24' 40" W., 1694.53 feet) to a 1/2" iron rod with cap stamped "POLLOK" found being the northeast corner of the said 160.050 acre tract and being an ell corner of the said 124.36 acre tract (TRACT ONE) for corner;

THENCE N. 73° 28' 50" W., 2166.81 feet with a south boundary line of the said 124.36 acre tract (TRACT ONE) (calls S. 71° 21' 26" E., 2166.87 feet) and with the north boundary line of the said 160.050 acre tract (calls S. 73° 28' 50" E., 4344.07 feet) to a fence corner post found being an ell corner of the said 124.36 acre tract (TRACT ONE) and being the southeast corner of the aforementioned 34.747 acre tract for corner;

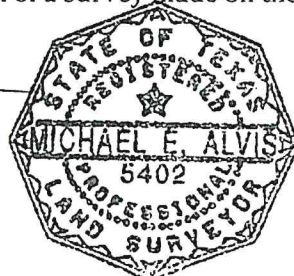
THENCE N. 16° 49' 55" E., 664.67 feet departing the said 160.050 acre tract and with a west boundary liner of the said 124.36 acre tract (TRAXCT ONE) (calls S. 18° 30' 34" W., 1387.94 feet) and with the east boundary line of the said 34.747 acre tract (calls S. 18° 53' 32" W., 664.83 feet) to a 1/2" iron rod found being the northeast corner of the said 34.747 acre tract and being the southeast corner of the aforementioned 3.26 acre tract for corner;

THENCE N. 73° 24' 10" W., 2347.75 feet with the south boundary line of the said 3.26 acre tract (calls S. 71° 21' 26" E., 2353.67 feet) and with the north boundary liner of the said 34.747 acre tract (calls S. 71° 21' 26" E., 2347.64 feet) to the Point of BEGINNING and containing 143.985 acres of land.

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



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



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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858
PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 45° 38' 10" E., 6259.57 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

[illegible][illegible][illegible]

LEGEND

- o 1/2" ACN ROD (FOUND (MILLS NOTED))
- o 1/2" ACN ROD SET WITH CAP STAYED "MILLS NOTED"
- o SERVICE POLE (MILLS NOTED)
- o FIVE MOUNTAIN

[illegible]

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

PREPARED FOR:
JOHN M. BAKER

THIS DRAWING IS THE PROPERTY OF TURLEY ASSOCIATES INC. AND MUST BE SURRENDERED UPON REQUEST. THE INFORMATION THEREON MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF TURLEY ASSOCIATES INC.

TURLEY
TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St.
TEMPLE, TEXAS 76701

254.773.2400
www.turley-inc.com

TRPE No. F-165R • TRPL No. 10036000

ORDINANCE NO. 2020-5021
(FY-20-1-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 143.985 ACRES OF LAND, LOCATED ON THE EAST SIDE OF HARTRICK BLUFF ROAD APPROXIMATELY 1 MILE SOUTH OF ITS INTERSECTION WITH FARM-TO-MARKET 93, BELL COUNTY, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Texas Local Government Code (LGC) Chapter 43 governs the annexation process and requires that land to be annexed must be in the municipality's extraterritorial jurisdiction (ETJ) and contiguous to the municipality - the subject property is within the City's southern ETJ;

Whereas, LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation and on October 18, 2019, property owner John Baker filed a written request seeking voluntary annexation of approximately 143.985 acres of land, being more particularly described as Exhibit "A" (Field Notes) and depicted as Exhibit "B" (Drawing);

Whereas, prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and is appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23 - the property owner was offered a development agreement on October 29, 2019 and rejected the agreement on November 3, 2019;

Whereas, the City and property owner have entered into written agreement for the provision of municipal services in the area however, before offering the proposed municipal services agreement to the property owner, the proposed agreement was circulated to affected City Departments to determine the services that would be provided on the effective date of the annexation - the property owner accepted the proposed agreement;

Whereas, the City is not required to provide a service that is not included in the agreement;

Whereas, LGC § 43.0673 requires that the City hold one public hearing prior to adopting an ordinance annexing an area on the written request of a landowner and the City's Charter requires a second reading to adopt the annexation ordinance;

Whereas, LGC § 43.905 and § 43.9051 requires a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district as well as the political subdivisions and public entities that provide services in the area - the City notified Academy Independent School District and Bell County on February 18, 2020;

Whereas, the design of the Little River Basin Wastewater Improvements and the Hartrick Bluff Water Line currently underway contain a proposal to extend water and wastewater services

through this area - if the property is annexed, the City's ad valorem tax base will increase and result in future property tax revenue for the City; and

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

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

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

Part 2: The City Council approves the voluntary annexation of approximately 143.985 acres of land, located on the east side of Hartrick Bluff Road approximately 1 mile south of its intersection with Farm-to-Market 93, Bell County, Texas, described in Exhibits 'A' and 'B' attached hereto, and said property is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

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

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

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

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

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

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

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

Part 10: Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **March, 2020.**

PASSED AND APPROVED on Second and Final Reading on the **19th** day of **March, 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

03/19/20
Item #5(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-13-ZC: Consider adopting an ordinance authorizing a rezoning from Multiple Family-Two to Office-Two zoning district on 12.154 +/- acres, located on Lot 1, Block 1, Hilliard Crossing, Bell County, Texas, addressed as 7154 Honeysuckle Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its February 3, 2020, meeting the Planning and Zoning Commission voted 7/0 to recommend approval of the requested rezoning from Multiple Family-Two (MF-2) to Office-Two (O-2) zoning district, per staff recommendation.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading. Staff recommends a rezoning from Multiple Family-Two (MF-2) to Office-Two (O-2) zoning district for the following reasons:

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

PROPOSED CITY COUNCIL MEETING SCHEDULE: This rezoning is scheduled for City Council 1st Reading on March 5, 2020 and 2nd Reading on March 19, 2020.

ITEM SUMMARY: The applicants request this rezoning from Multiple Family-Two (MF-2) to Office-Two (O-2) zoning district on 12.154 +/- acres of land to allow a large office complex for Texell Credit Union with possible business tenants.

The applicant's requested Office-Two (O-2) zoning district is intended to allow for office uses in an area that is primarily business or high density residential. This district provides for professional, financial, medical and other office services and may include corporate offices and major employment centers, per Unified Development Code (UDC) Section 4.3.

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

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

The subject property is within the **Suburban Commercial character district** of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested Office-Two (O-2) zoning district is compatible with the Suburban Commercial character district.

Draft Future Development Plan (as part of new Comprehensive Plan currently in progress)

The subject property complies with the proposed **Corridor Mixed-Use** designation for this area.

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

The subject property is located at the northeast corner of Honeysuckle Drive and Green Hollow Drive. Both are local streets that function as collectors.

Availability of Public Facilities (CP Goal 4.1)

There are existing 8-inch water lines within the street rights-of-way of Honeysuckle Drive and Green Hollow Drive. An existing 8-inch sanitary sewer line is located within the street rights-of-way of Honeysuckle Drive and Green Hollow Drive.

PUBLIC NOTICE: Fifteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Friday, February 21, 2020, six notices have been returned in favor of the proposed rezoning and none in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on January 23, 2020, in accordance with state law and local ordinance.



FISCAL IMPACT: Not Applicable




ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Maps](#)
[Development Regulations](#)
[Property Owners Response Letters](#)
[Ordinance](#)

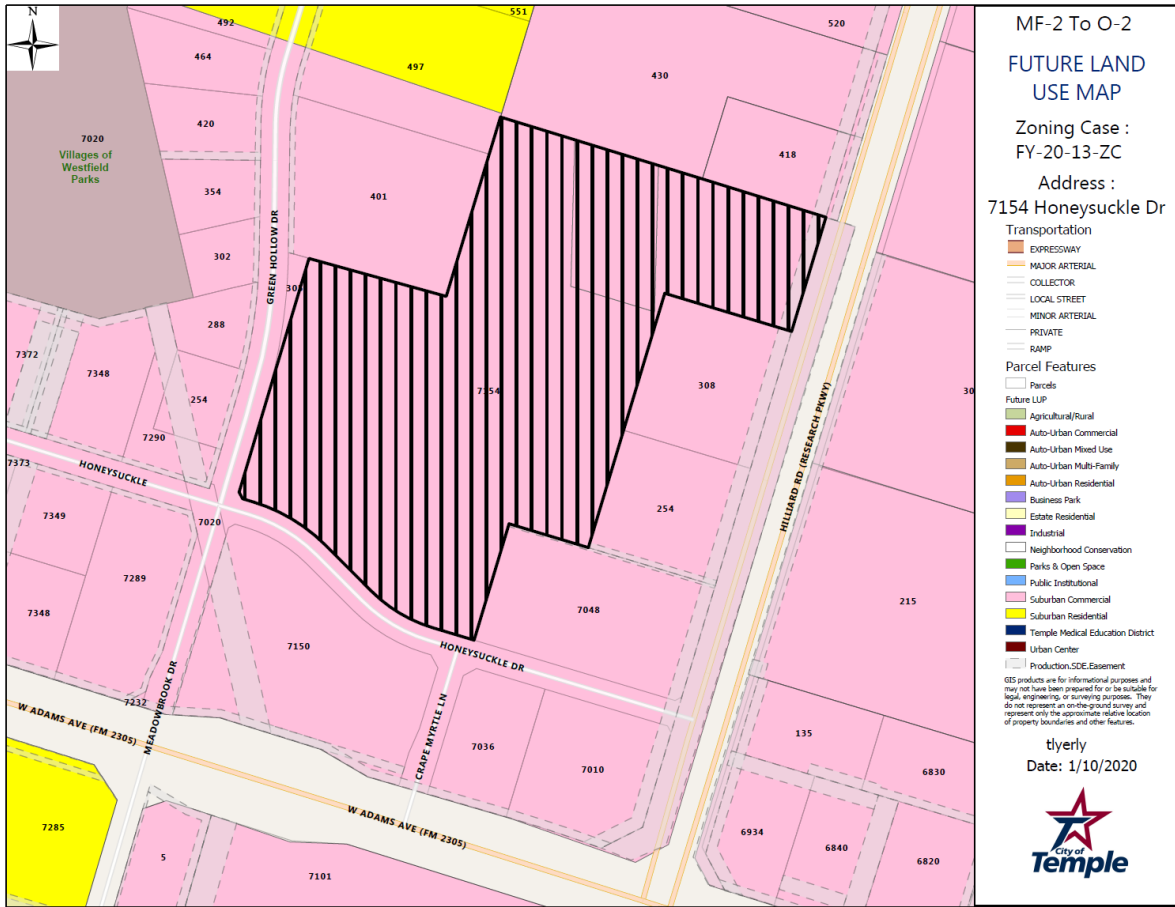
SURROUNDING PROPERTY AND USES:

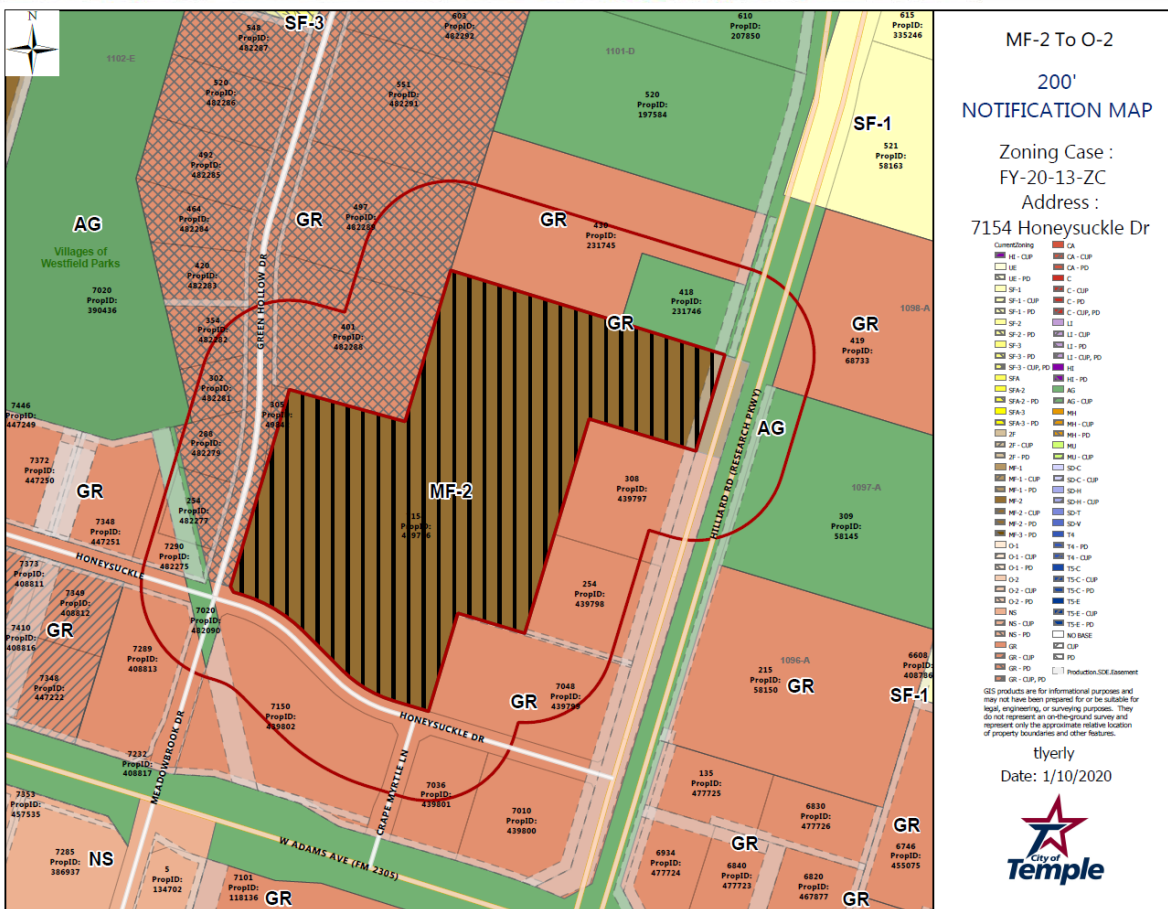
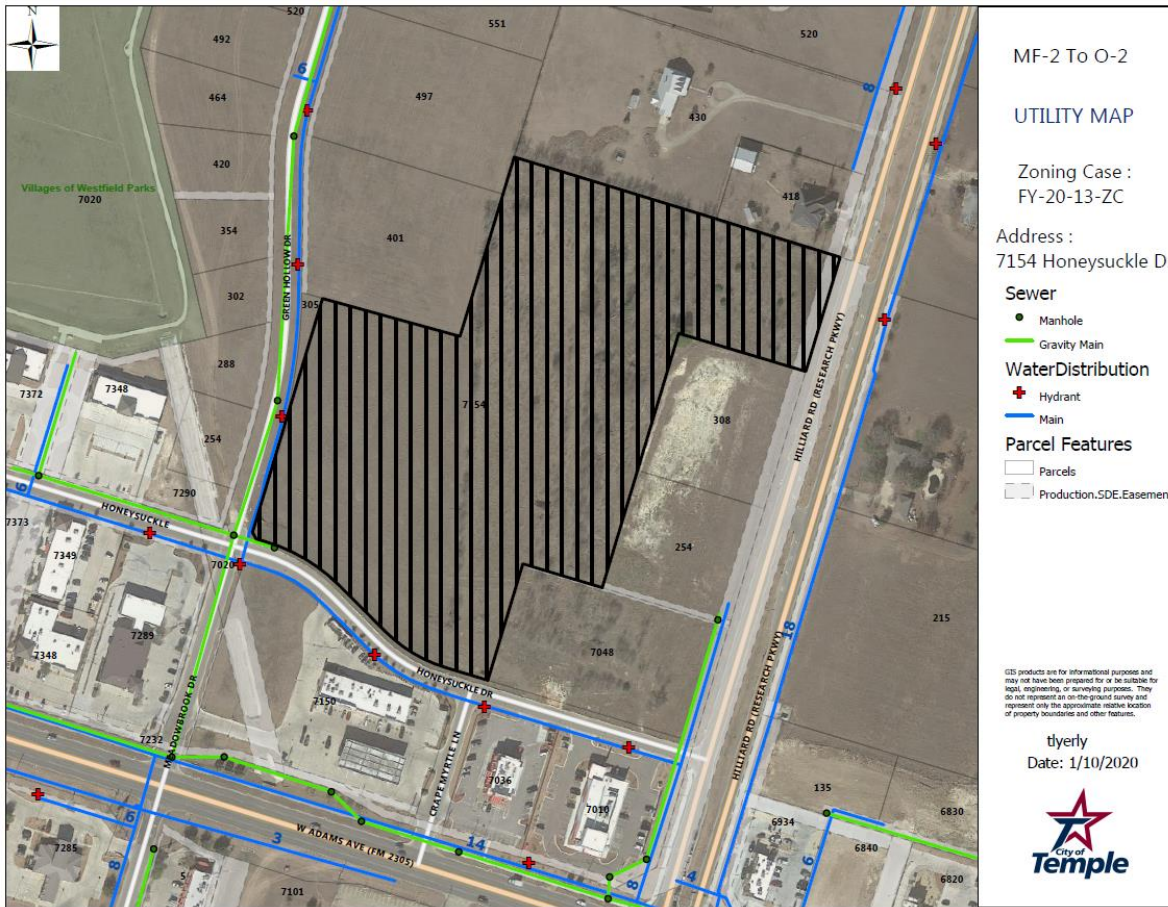
The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	MF-2	Undeveloped Land	 <p>Honeysuckle Dr</p>
			 <p>Hilliard Rd / Research Pkwy View</p>

Direction	Zoning	Current Land Use	Photo
East	AG & GR	Rural Residential	 <p>Hilliard Rd / Research Pkwy</p>
			 <p>Hilliard Rd / Research Pkwy</p>
West	PD-GR	Undeveloped Land, Offices, & Retail	 <p>Green Hollow Dr</p>

Direction	Zoning	Current Land Use	Photo
South	GR	Convenience Store & Restaurant	 <p>Honeysuckle Dr</p>
			 <p>Honeysuckle Dr</p>
North	PD-GR, GR, & AG	Residential & Undeveloped Land	 <p>Hilliard Rd / Research Pkwy View</p>
			 <p>Green Hollow Dr</p>





DEVELOPMENT REGULATIONS: Nonresidential dimensional standards for the O-2 district are:

	O-2 (Proposed)
Minimum Lot Size	N/A
Minimum Lot Width	N/A
Minimum Lot Depth	N/A
Front Setback	*25 Feet
Side Setback	*5 Feet
Side Setback (corner)	*10 Feet
Rear Setback	10 Feet (UDC Sect. 4.4)
Max Building Height	ALH (Any legal height not prohibited by other laws)
*UDC Section 4.4- Measurements and Special Case	

Although the property is anticipated for development of nonresidential uses, there are a number of other uses allowed in the O-2 district which, include but are not limited to:

Permitted & Conditional Use Table – Office Two (O-2)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (detached & attached) * Two-Family (duplex) * Multiple-Family (apartment)
Retail & Service Uses	*Office Hotel or Motel Restaurant (drive-in & not drive-in) Bank Bakery Barber shop or Beauty shop Drug store
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground
Educational & Institutional Uses	* Cemetery, Crematorium or Mausoleum (CUP) * Place of Worship * Child Care: Group Day Care (CUP) * Social Service Center (CUP)
Transportation Uses	* Railroad Track Right-of-Way Emergency Vehicle Service

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>Future Land Use Map</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	MF-2	Undeveloped Land
North	Suburban Commercial	GR & AG	Undeveloped Land & Single-Family Residential
South	Suburban Commercial	GR	General Retail Uses, Banking, Personal Care Services, Medical, Convenience Store
East	Suburban Commercial	GR & AG	Undeveloped Land
West	Suburban Commercial	GR & PD-GR	Undeveloped Land & General Retail Uses

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

:

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan



1/23

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

Property ID #482279

SHORT-TERM LENDING GP INC
15 N MAIN ST
TEMPLE, TX 76501-7629

RECEIVED

JAN 30 2020

City of Temple
Planning & Development

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:

Signature

Short Term Lending GP, Inc

Print Name

By Thomas C Baird, President

1/30/20

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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**

Property ID #482289

KIELLA DEVELOPMENT INC
PO BOX 1344
TEMPLE, TX 76503-1344

RECEIVED

JAN 30 2020

City of Temple
Planning & Development

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:


Signature


Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tlyerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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
JAN 30 2020
City of Temple
Planning & Development

Property ID #439796

HILLIARD CORNER PARTNERS LTD
1240 N KIMBALL AVE
SOUTHLAKE, TX 76092-4707

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

Brenna A. Wadley

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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

Property ID #482277

WESTFIELD CAPITAL LLC
PO BOX 1344
TEMPLE, TX 76503

RECEIVED

JAN 31 2020

City of Temple
Planning & Development

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:

Bob Browder

Signature

BOB BROWDER

Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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

Property ID #439797

JENCER INVESTMENTS INC
3820 FALL CREEK LN
TEMPLE, TX 76504

RECEIVED

FEB - 3 2020

City of Temple
Planning & Development

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:

D J Neman

Signature

DAVID NEMAN

Print Name

tneman3@aol.com 254-721-1771 (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, tyerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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
FEB 20 2020
City of Temple
Planning & Development

Property ID #68733

FRITZ HERITAGE LLC
518 RIVERWOOD DR
BELTON, TX 76513

Zoning Application Number: FY-20-13-ZC

Case Manager: Tammy Lyerly

Location: 7154 Honeysuckle Drive

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

I ☒ agree

() disagree with this request

Comments:

Mark Zwerneman
Signature

Mark Zwerneman, Pres, Fritz Heritage LLC
Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, tylerly@templetx.gov, or mail or hand-deliver this comment form to the address below, no later than **February 3, 2020**.

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

Number of Notices Mailed: 15

Date Mailed: 1/21/20

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

ORDINANCE NO. 2020-5022
(FY-20-13-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM MULTIPLE FAMILY TWO TO OFFICE TWO ZONING DISTRICT ON APPROXIMATELY 12.154 ACRES, LOCATED ON LOT 1, BLOCK 1, HILLIARD CROSSING, BELL COUNTY, TEXAS, ADDRESSED AS 7154 HONEYSUCKLE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicants request this rezoning from Multiple Family Two to Office Two zoning district on approximately 12.154 acres of land to allow a large office complex for Texell Credit Union with possible business tenants;

Whereas, the applicant's requested Office Two zoning district is intended to allow for office uses in an area that is primarily business or high density residential - this district provides for professional, financial, medical and other office services and may include corporate offices and major employment centers, per Unified Development Code (UDC) Section 4.3;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its February 3, 2020 meeting voted 7 to 0 to recommend Council approve of the rezoning from Multiple Family Two to Office Two (O-2) zoning district on approximately 12.154 acres, located on Lot 1, Block 1, Hilliard Crossing, Bell County, Texas, addressed as 7154 Honeysuckle Drive; 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 Multiple Family Two to Office Two (O-2) zoning district on approximately 12.154 acres, located on Lot 1, Block 1, Hilliard Crossing, Bell County, Texas, addressed as 7154 Honeysuckle Drive.

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 **5th** day of **March, 2020.**

PASSED AND APPROVED on Second Reading on the **19th** day of **March, 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

03/19/20
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$11,028.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2020 BUDGET
March 19, 2020

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
260-2300-540-2649		Contracted Services / Landfill Tipping Fees	\$ 7,528	
260-0000-431-0261		State Grants / State Grants		\$ 7,528
To appropriate grant proceeds made available to the Central Texas Council of Governments from the Texas Commission on Environmental Quality for Household Hazardous Waste event that was held on September 29, 2018.				
110-2011-521-2136		Supplies / Public Safety Expenditures	\$ 3,500	
110-0000-313-0331		Reserve for Drug Enforcement / Reserve for Public Safety		\$ 3,500
To appropriate Public Safety reserves for the purchase of bracelets for the Fast Track Program as authorized at the 11/12/19 Temple Public Safety Advisory Board Meeting.				
TOTAL AMENDMENTS			\$ 11,028	\$ 11,028
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	\$	-
		WATER & WASTEWATER FUND		
		Beginning Contingency Balance	\$	100,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(55,228)
		Net Balance of Contingency Account	\$	44,772
		Beginning Compensation Contingency	\$	93,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(62,170)
		Net Balance of Compensation Contingency Account	\$	31,330
		Net Balance Water & Wastewater Fund Contingency	\$	76,102
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	19,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(15,533)
		Net Balance of Compensation Contingency Account	\$	3,967
		Net Balance Hotel/Motel Tax Fund Contingency	\$	3,967

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2020 BUDGET
March 19, 2020

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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		\$ 488,446
		Beginning Compensation Contingency		\$ 10,500
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(8,759)
		Net Balance of Compensation Contingency Account		\$ 1,741
		Net Balance Drainage Fund Contingency		\$ 490,187
		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		\$ -

RESOLUTION NO. 2020-0014-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 19th day of **March, 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:

Erin Smith, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution approving the Neighborhood Planning Districts boundaries map and planning studies schedule.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In coordination with Kasberg, Patrick and Associates, LP, City staff have created a map identifying the locations and boundaries of a total of 18 Neighborhood Planning Districts. A planning study will be created for each of the Neighborhood Planning Districts. The planning studies will consist of neighborhood distinction, data collection, connectivity, identity classification, and production materials. The Ferguson Park Neighborhood Plan was completed in FY 19 and staff have begun the planning process for the Crestview District and Historic District. The planning process for the Central District will begin in April 2020.

The public engagement process for each of the Neighborhood Planning Districts will consist of a public kick-off event, external planning team meetings, and focus groups. Development of the neighborhood plans will include the following topics:

- Infrastructure
- Pedestrian Elements
- Street Lighting
- Housing
- Parks
- Safety
- District Identification

The table on page two contains a schedule for the Neighborhood Districts planning studies. The quarters in each fiscal year represent when the planning process will begin for each of the Neighborhood Planning Districts.

<i>Neighborhood</i>	<i>Fiscal Year</i>	<i>Quarter</i>
Ferguson Park District	FY19	Complete
Crestview District	FY20	Q1 (In Progress)
Historic District	FY20	Q2 (In Progress)
Central District	FY20	Q3
Bellaire District	FY20	Q4
Midtown District	FY21	Q1
Jackson Park District	FY21	Q2
Garden District	FY21	Q3
East Downs District	FY21	Q4
Bird Creek District	FY22	Q1
Temple Heights District	FY22	Q2
Silo District	FY22	Q3
Barnhardt District	FY22	Q4
Northwest Hills District	FY23	Q1
I-35 Midtown District	FY23	Q2
Woodlawn District	FY23	Q3
Downtown District	FY23	Q4
TMED District	FY24	Q1

The Reinvestment Zone Board No. 1 recommended approval to the City Council regarding the Neighborhood Planning Districts boundaries map and planning studies schedule at the February 26th board meeting. The Neighborhood Planning Districts boundaries map and planning studies schedule were presented at Council workshop at the March 5th meeting.

FISCAL IMPACT: The FY 2020 - 2025 Business Plan includes funding for the Neighborhood Planning Districts.

ATTACHMENT:
[Neighborhood Planning Districts Map \(Fiscal Years and Quarters\)](#)
[Resolution](#)

LEGEND

TEMPLE REINVESTMENT ZONE

CITY LIMITS

Park Area

Major Connector

Bridge

0 750 1500

HORIZONTAL SCALE IN FEET

NORTH

Planning Areas

Bellaire District

Jackson Park District

Garden District

Historic District

Ferguson Park District

Crestview District

Midtown District

TMED

Downtown District

Temple Area Planning Zones

Central District

Silo District

Temple Heights District

I-35 Midtown District

Woodlawn District

East Downs District

Bird Creek District

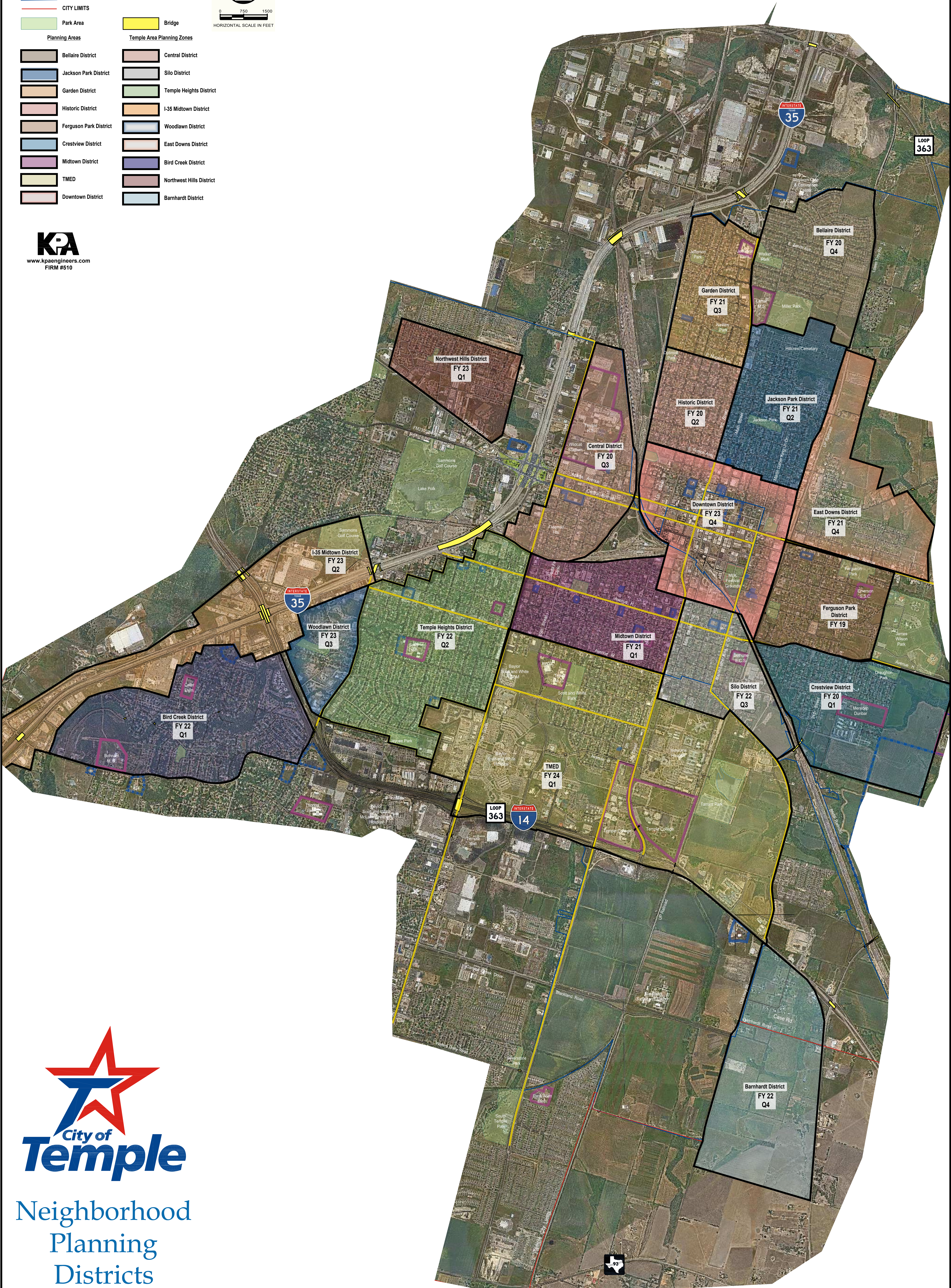
Northwest Hills District

Barnhardt District



 www.kpaengineers.com

 FIRM #510





City of
Temple

Neighborhood
Planning
Districts

October 16, 2019

RESOLUTION NO. 2020-0015-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
APPROVING THE NEIGHBORHOOD PLANNING DISTRICTS BOUNDARIES
MAP AND PLANNING STUDIES SCHEDULE; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, in coordination with Kasberg, Patrick and Associates, LP, City staff have created a map identifying the locations and boundaries of a total of 18 Neighborhood Planning Districts;

Whereas, a planning study will be created for each of the Neighborhood Planning Districts and will consist of neighborhood distinction, data collection, connectivity, identity classification, and production materials - the Ferguson Park Neighborhood Plan was completed in fiscal year 2019 and Staff has begun the planning process for the Crestview District and Historic District while the planning process for the Central District will begin in April 2020;

Whereas, the public engagement process for each of the Neighborhood Planning Districts will consist of a public kick-off event, external planning team meetings, and focus groups - development of the neighborhood plans will include the following topics:

- Infrastructure
- Pedestrian Elements
- Street Lighting
- Housing
- Parks
- Safety
- District Identification

Whereas, below is a schedule for the Neighborhood Districts planning studies and the quarters in each fiscal year represent when the planning process will begin for each neighborhood;

<i>Neighborhood</i>	<i>Fiscal Year</i>	<i>Quarter</i>
Ferguson Park District	FY19	Complete
Crestview District	FY20	Q1 (In Progress)
Historic District	FY20	Q2 (In Progress)
Central District	FY20	Q3
Bellaire District	FY20	Q4
Midtown District	FY21	Q1
Jackson Park District	FY21	Q2
Garden District	FY21	Q3
East Downs District	FY21	Q4
Bird Creek District	FY22	Q1
Temple Heights District	FY22	Q2
Silo District	FY22	Q3
Barnhardt District	FY22	Q4
Northwest Hills District	FY23	Q1
I-35 Midtown District	FY23	Q2
Woodlawn District	FY23	Q3
Downtown District	FY23	Q4
TMED District	FY24	Q1

Whereas, the Reinvestment Zone No. 1 Board recommended approval of the Neighborhood Planning Districts boundaries map and planning studies at their February 26, 2020 board meeting;

Whereas, Staff recommends Council approve the Neighborhood Planning Districts boundaries map and planning studies schedule, as shown here in the attached 'Exhibit A;'

Whereas, the fiscal year 2020 - 2025 Business Plan includes funding for the Neighborhood Planning Districts;

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 approve the expansion of the East Temple infill redevelopment zone to include all property in the Neighborhood Planning Districts, as shown here in the attached 'Exhibit A.'

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

PASSED AND APPROVED this the 19th day of **March, 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

03/19/20
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Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathy Davis, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution enacting a temporary moratorium on appointment of citizens to city boards and commissions, and a hold-over provision for individuals whose terms expire during the moratorium

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Council is reviewing and preparing to update resolution No. 2004-4025-R, which establishes the policies governing the appointment of citizens to city boards and commissions. Council reached a consensus to delay further citizen appointments until its review is complete and new policies enacted. Citizens whose terms expire during this moratorium period will hold over until the position is filled.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2020-0016-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ENACTING A TEMPORARY MORATORIUM ON APPOINTMENT OF CITIZENS TO CITY BOARDS AND COMMISSIONS, AND A HOLD-OVER PROVISION FOR INDIVIDUALS WHOSE TERMS EXPIRE DURING THE MORATORIUM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council is reviewing and preparing to update resolution No. 2004-4025-R, which establishes the policies governing the appointment of citizens to City boards and commissions - Council reached a consensus to delay further citizen appointments until its review is complete and new policies enacted;

Whereas, citizens whose terms expire during this moratorium period will hold over until the position is filled; 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 hereby enacts a temporary moratorium on appointment of citizens to City boards and commissions, and a hold-over provision for individuals whose terms expire during the moratorium.

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

PASSED AND APPROVED this the **19th** day of **March, 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

03/19/20
Item #5(Q)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Interim City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's Special Election to be held on Saturday, May 2, 2020.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed resolution recommends the appointment of election judge(s) and sets their compensation for the City's Special Election to be held on Saturday, May 2, 2020.

On February 13, 2020, the City Council ordered an Election for May 2, 2020, for both the District 2 Councilmember and the District 3 Councilmember positions, as well as, the Special Election.

Attached is a resolution for election judges being recommended for appointment at the Election Day polling place and for the Early Voting Ballot Board. The compensation for election judge and clerks is recommended to be set at \$10 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The Election Judge(s) and members of the Early Voting Ballot Board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the Early Voting Ballot Board is recommended to be \$50.

FISCAL IMPACT: Funding in the amount of \$23,995 is available in account 110-1400-511-2517, as part of the City Secretary's budget for the 2020 Special Election.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0017-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ELECTION JUDGES AND SETTING THEIR COMPENSATION FOR THE CITY OF TEMPLE'S SPECIAL ELECTION TO BE HELD ON SATURDAY, MAY 2, 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 13, 2020, the City Council ordered an election for May 2, 2020, for both the District 2 Councilmember and the District 3 Councilmember positions, as well as, the Special Election;

Whereas, compensation for election judges and clerks is recommended to be set at \$10 per hour in accordance with the provisions of §32.091 of the Election Code;

Whereas, funding for the May 2, 2020 Special Election is available in Account No. 110-1400-511-2517, as part of the City Secretary's budget for the 2020 Special Election; 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 following persons are hereby appointed Presiding Judges and alternate Presiding Judges, respectively, for the May 2, 2020, election:

Early Voting Location

Fred Poteet Building,
120 West Central

Presiding Judge: Roosevelt Ellis
Alternate Presiding Judge: Marian Bergmann and
Twila Coley

Election Day Voting Locations

District 1 – Frank Mayborn Civic & Convention Center
3303 North 3rd Street

Presiding Judge Shelly DeLoera
Alternate Presiding Judge Beth Shane

District 2 – Wilson Recreation Center
2205 Curtis B Elliot Drive

Presiding Judge	Dwight Hollie
Alternate Presiding Judge	Genevieve Stolleis

District 3 – Thornton Elementary Cafeteria
2825 Cottonwood Lane

Presiding Judge	Mariann Bergmann
Alternate Presiding Judge	Joan Howell

District 4 – Tarver Elementary Cafeteria
7949 Stonehollow

Presiding Judge	Buford Craig
Alternate Presiding Judge	Karl Shane

Part 3: In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of Chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

Part 4: As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

Part 5: The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

Part 6: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **19th** day of **March, 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

03/19/20
Item #6(A-B)
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DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, Director of Public Works
Kenton Moffett, Assistant Public Works Director
Richard Wilson, City Engineer
Charla Thomas, Assistant City Attorney
Amanda Rice, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting the following the following ordinances:

- (A) FIRST READING – PUBLIC HEARING: Amending Chapter 13, "Flood Damage Prevention," of the City Code of Ordinances by adding and amending language to clarify the ordinance's provisions and making changes to the ordinance's formatting and numbering to bring the chapter into alignment with other amended chapters of the City Code of Ordinances.
- (B) FIRST READING – PUBLIC HEARING: Amending Temple Unified Development Code provisions related to flood damage prevention to bring the provisions into alignment with the proposed amendments to Chapter 13, "Flood Damage Prevention" of the City Code of Ordinances.

STAFF RECOMMENDATION: Adopt ordinances on first reading as presented in item descriptions and conduct a public hearing. Second reading will be scheduled for April 2, 2020.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 13, "Flood Damage Prevention." The amendments include general clean-up of the Chapter's language and changes to formatting and numbering. For example, Staff proposes rewording multiple sections throughout the ordinance to allow these sections to read more clearly and changing the formatting of section names and definitions and numbering throughout the Chapter to conform with that of other City Code chapters.

Other proposed amendments to Chapter 13 include:

- Deleting the term "Board of Adjustments" throughout the Chapter and replacing this term with "Appeal Board;"
 - Currently the Board of Adjustments is the City's designated board that hears appeals of this Chapter's provisions. This amendment allows the Chapter to remain current if the City designates another board to hear these appeals in the future.
- Removing the word "shall" throughout the Chapter and replacing the word with more specific auxiliary verbs such as "will," "must," and "may;"

- Creating uniform capitalization for words such as "Chapter," "Floodplain Administrator," and "floodplain development permit;"
- Amending Section 13-26, which provides requirements for floodplain development permit applications, by adding:
 - Additional language to elucidate when floodplain development permits must be obtained;
 - Additional cross-references to related sections of the Chapter to provide clarification of what information an applicant is required to provide to the City to obtain a permit under this Chapter; and
 - Two relevant factors that the Floodplain Administrator will consider when reviewing a floodplain development permit application, which include the impact of the proposed development on the overall function of storm water facilities and how the proposed development relates to the City's comprehensive plan for the area surrounding the development site;
- Amending Subsection 13-32(a)(2), which provides specific standards for non-residential construction, to specify that new construction or substantial improvement of a non-residential structure must either have the lowest floor elevated at least one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that the structure is watertight below base level elevation plus one foot;
- Updating the penalty section, Section 13-36, to allow a person to be fined a minimum of a \$200 and a maximum of \$500 upon conviction for a violation committed under the Chapter;
 - State law sets a maximum fine of \$500 for violations of this Chapter;
- Adding language that authorizes the City to pursue both civil remedies and criminal prosecution for violations of the Chapter; and
- Adding a severability provision.

In addition to the amendments to Chapter 13, Staff proposes making four amendments to the Temple Unified Development Code (UDC) related to its flood damage prevention provisions. The proposed amendments will be reviewed by the Planning & Zoning Commission at their scheduled meeting on March 2, 2020.

The proposed amendments to the UDC are as follows.

- Removing the references to the specific flood damage prevention enacting ordinance number and its associated chapter and name in Subsection 8.2.9 and replacing these specific references with a general reference to the City's currently adopted ordinances related to flood damage prevention;
 - This change will allow the Subsection to remain current as enacting ordinances and chapter names and numbers change over time;
- Removing the term "the hundred-year floodplain" in Subsection 8.3.5.B.1. and replacing it with the term "an area of special flood hazard;"
 - The term "hundred-year floodplain" is not defined in Chapter 13, but this term is synonymous with the term "an area of special flood hazard," which is defined in Chapter 13;
- Amending the definition of the word "Flood" in Section 11.2 to align its definition with the definition of "Flood" in Chapter 13; and
- Removing the specific reference to Chapter 13 in Section 11.2 in the definition of "Floodplain" and replace this reference with a general reference to the City's currently adopted ordinances related to flood damage prevention.

- As provided above, this change will allow the Section to remain current as chapter names and numbers change over time.

Staff recommends approval of the proposed amendments to Chapter 13 and the UDC.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Current copy of Chapter 13

Redline copy of proposed amendments to Chapter 13

Clean copy of the proposed amendments to Chapter 13

Copies of Subsections 8.2.9 and 8.3.5.B.1. and definitions of Flood and Floodway in Section 11.2 of the currently adopted UDC

Redline copies of proposed UDC amendments

Clean copies of proposed UDC amendments

Ordinance



Chapter 13

FLOOD DAMAGE PREVENTION

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Chapter 13

FLOOD DAMAGE PREVENTION

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sec. 13-1. Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Temple, Texas does ordain as follows:

Sec. 13-2. Findings of fact.

(a) The flood hazard areas of the City of Temple are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities; by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 13-3. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

- (7) Insure that potential buyers are notified that property is in a flood area.

Sec. 13-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or which cause excessive increases in flood heights (more than one foot) or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Secs. 13-5 – 13-9. Reserved.

ARTICLE II. DEFINITIONS

Sec. 13-10. Words, terms and phrases defined.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (1) **ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
- (2) **APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
- (3) **BOARD OF ADJUSTMENTS** – means the Appeal Board, called the Zoning Board of Adjustments, the body that hears and renders judgment on requests for variances. This board hears appeals and rules on special exceptions and variances.

(4) **APPURTENANT STRUCTURE** – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(5) **AREA OF FUTURE CONDITIONS FLOOD HAZARD** – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

(6) **AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(7) **AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

(8) **BASE FLOOD** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

(9) **BASE FLOOD ELEVATION (BFE)** – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

(10) **BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

(11) **BREAKAWAY WALL** – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(12) **CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(13) **DEVELOPMENT** - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(14) **ELEVATED BUILDING** - means, for insurance purposes, a non-basement building,

which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(15) **EXISTING CONSTRUCTION** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

(16) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(17) **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(18) **FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) the overflow of inland or tidal waters.

(B) the unusual and rapid accumulation or runoff of surface waters from any source.

(19) **FLOOD ELEVATION STUDY** – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(20) **FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

(21) **FLOOD INSURANCE STUDY (FIS)** – see *Flood Elevation Study*.

(22) **FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

(23) **FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(24) **FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such

as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(25) **FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(26) **FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(27) **FLOODWAY** – see *Regulatory Floodway*.

(28) **FUNCTIONALLY DEPENDENT USE** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(29) **HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(30) **HISTORIC STRUCTURE** - means any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(D) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- (i) By an approved state program as determined by the Secretary of the Interior or;
- (ii) Directly by the Secretary of the Interior in states without approved programs.

(31) **LEVEE** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(32) **LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(33) **LOWEST FLOOR** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

(34) **MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(35) **MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(36) **MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(37) **NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(38) **NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(39) **RECREATIONAL VEHICLE** - means a vehicle which is (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projections; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational,

camping, travel, or seasonal use.

(40) **REGULATORY FLOODWAY** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(41) **RIVERINE** – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(42) **SPECIAL FLOOD HAZARD AREA** – see *Area of Special Flood Hazard*

(43) **START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(44) **STRUCTURE** – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as manufactured home.

(45) **SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(46) **SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (A) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(47) **VARIANCE** – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(48) **VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(49) **WATER SURFACE ELEVATION** - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. GENERAL PROVISIONS

Sec. 13-11. Lands to which this chapter applies.

The chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Temple.

Sec. 13-12. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Bell County Texas and Incorporated Areas," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated September 26, 2008 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Sec. 13-13. Establishment of development permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Sec. 13-14. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 13-15. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance,

easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 13-16. Interpretation.

In the interpretation and application of this chapter, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 13-17. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Secs. 13-18—13-23. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 13-24. Designation of the floodplain administrator.

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 13-25. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this chapter.

- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article III, Section 13-12, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

Sec. 13-26. Permit procedures.

(a) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section 13-32 (2);
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with Article 4, Section 13-32(1);

(b) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 13-27. Variance procedure.

(a) The Board of Adjustments, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) The Board of Adjustments shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(c) Any person or persons aggrieved by the decision of the Board of Adjustments may appeal such decision in the courts of competent jurisdiction.

(d) Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 13-26 (b) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter. (Article 1, Section 13-3).

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(A) showing a good and sufficient cause;

(B) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(C) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local existing laws or ordinances.

- (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria outlined in Article 4, Section 13-27 (1)-(9) are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 13-28 – 13-30. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-31. General Standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or

eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 13-32. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (1) Article III, Section 13-12, (2) Article IV, Section 13-25 (8), or (3) Article V, Section 13-33 (c), the following provisions are required:

- (1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to be not less than 1 (one) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article IV, Section 13-26 (a)(1), is satisfied.
- (2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) be not less than 1 (one) foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- (3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (A) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than 1 foot above grade.

- (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

- (A) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (B) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is shall be not less than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (C) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) the lowest floor of the manufactured home is elevated to not less than one (1) foot above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (A) be on the site for fewer than 180 consecutive days, or (B) be fully licensed and ready for highway use, or (B) meet the permit requirements of Article 4, Section 13-26 (a), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached

additions.

Sec. 13-33. Standards for subdivision proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections 13-2, 13-3, and 13-4 of this ordinance.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section 13-13; Article 4, Section 13-26; and the provisions of Article 5 of this ordinance.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section 13-12 or Article 4, Section 13-25 (8) of this ordinance.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 13-34. Standards for areas of shallow flooding (AO/AH Zones)

Located within the areas of special flood hazard established in Article III, Section 13-12, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) shall be not less than 1 (one) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) shall be not less than 1 (one) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that

below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article IV, Section 13-13 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec. 13-35. Floodways.

Floodways - located within areas of special flood hazard established in Article 3, Section 13-12, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Article 5, Section 13-35 (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

Sec. 13-36. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$400.00 for each violation, and in addition shall pay all costs and expenses involved in

the case. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ordinance No. 2008-4236, July 17, 2008)

Chapter 13

FLOOD DAMAGE PREVENTION

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~~Sec. 13-4. Methods of reducing flood losses.~~

Sec. 13-4. Methods of reducing flood losses.

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ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sec. 13-1. Statutory authorization.

—The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Temple, Texas does ordain as follows:

Sec. 13-2. Findings of fact.

—(a)

(a) The flood hazard areas of the City of Temple are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

—(b)

(b) These flood losses are created by the cumulative effect of obstructions in floodplains, which cause an increase in flood heights and velocities, by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands, because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 13-3. Statement of Purposepurpose.

—It is the purpose of this ordinanceChapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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- (a) Protect human life, safety, and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, water and sewer lines, and streets and bridges located in floodplains;
- (f) Help maintain a stable tax base by providing for the sound use and ~~development~~ of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (g) ~~Insure~~Ensure that potential buyers are notified ~~that~~if property is in a flood area.

Sec. 13-4. Methods of reducing flood losses.

~~In order to~~To accomplish its purposes, this ~~chapter~~Chapter uses the following methods:

- (a) ~~Restrict~~Restricts or ~~prohibit~~prohibits uses that are dangerous to health, safety, or property in times of flood, ~~or which that~~ cause excessive increases in flood heights (~~more than one foot~~) or velocities;
- (b) ~~Require~~Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) ~~Control~~Controls the alteration of natural floodplains, stream channels, and natural protective barriers, ~~which that~~ are involved in the accommodation of ~~flood waters~~floodwaters;
- (d) ~~Control~~Controls filling, grading, dredging, and other development, ~~which that~~ increase flood damage; and
- (e) ~~Prevent~~Prevents or ~~regulate~~regulates the construction of flood barriers ~~which that~~ will unnaturally divert ~~flood waters~~floodwaters or ~~which that~~ may increase flood hazards to other lands.

Secs. 13-5--13-9. Reserved.

ARTICLE II. DEFINITIONS

Sec. 13-10. Words, terms, and phrases defined.

—Unless specifically defined below, words or phrases used in this ~~chapter shall~~Chapter will be interpreted to give them the meaning they have in common usage and to give this ~~chapter~~Chapter its most reasonable application.

~~ALLUVIAL FAN FLOODING~~—*Alluvial fan flooding* means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

~~APEX~~—*Appeal Board* means the body established by the City that hears and renders judgment on requests for variances from the requirements of this Chapter.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

~~(1) BOARD OF ADJUSTMENTS~~ means the Appeal Board, called the Zoning Board of Adjustments, the body that hears and renders judgment on requests for variances. ~~This board hears appeals and rules on special exceptions and variances.~~

APPURTENANT STRUCTURE—*Appurtenant structure* means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD—*Area of future conditions flood hazard* means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING—*Area of shallow flooding* means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD—*Area of special flood hazard* means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V.

BASE FLOOD—*Base flood* means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION—*Base flood elevation (BFE)*—~~It means the~~ elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) -for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT—*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL—*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE—*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT—*City or Community* means the City of Temple, Texas unless the context clearly indicates otherwise.

Development means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING—*Elevated building* means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~**EXISTING CONSTRUCTION**~~—*Existing construction* means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

~~**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**~~—*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

~~**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**~~—*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

~~**FLOOD OR FLOODING**~~—*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) ~~the~~ *The* overflow of inland or tidal waters; ~~or~~
- (b) *The* unusual and rapid accumulation or runoff of surface waters from any source.

~~**FLOOD ELEVATION STUDY**~~—*Flood Elevation Study* means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

~~**FLOOD INSURANCE RATE MAP**~~*Flood Insurance Rate Map (FIRM)*—means an official map of a community, on which the Federal Emergency Management Agency (*FEMA*) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

~~**FLOOD INSURANCE STUDY**~~*Flood Insurance Study (FIS)*—~~see~~. *See Flood Elevation Study.*

~~**FLOODPLAIN OR FLOOD-PRONE AREA**~~—*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source ~~(see definition of flooding)~~. *See Flooding.*

~~**FLOODPLAIN MANAGEMENT**~~—*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

~~**FLOODPLAIN MANAGEMENT REGULATIONS**~~—~~means~~*Floodplain management regulations mean* zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

~~**FLOOD PROTECTION SYSTEM**~~—*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams,

reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

~~**FLOOD PROOFING**~~ *Flood proofing* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures, and their contents.

~~**FLOODWAY**~~

Floodway – see *Regulatory Floodway*.

~~**FUNCTIONALLY DEPENDENT USE**~~ *Functionally dependent use* means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

~~**HIGHEST ADJACENT GRADE**~~ *Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

~~**HISTORIC STRUCTURE**~~ *Historic structure* means any structure that is:

- ~~(A)~~
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) ~~(B)~~ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) ~~(C)~~ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) ~~(D)~~ Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or;
 - (2) Directly by the Secretary of the Interior in states without approved programs.

~~**LEVEE**~~ *Levee* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

~~**LEVEE SYSTEM**~~ *Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

~~**LOWEST FLOOR**~~ *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of ~~Section 60.3 of the National Flood Insurance Program regulations~~ 44 C.F.R. § 60.3, as amended.

~~**MANUFACTURED HOME**~~—*Manufactured home* means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

~~**MANUFACTURED HOME PARK OR SUBDIVISION**~~—*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~**MEAN SEA LEVEL**~~—*Mean sea level* means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

~~**NEW CONSTRUCTION**~~—*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

~~**NEW MANUFACTURED HOME PARK OR SUBDIVISION**~~—*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

~~**RECREATIONAL VEHICLE**~~—*Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity or their legal representatives, agents, or assigns.

Recreational vehicle means a vehicle which is ~~(A)~~ built:

(a) ~~Built~~ on a single chassis; ~~(B)~~

(b) ~~400 square feet or less when measured at the largest horizontal projections;~~ ~~(C)~~ designed

(c) ~~Designed~~ to be self-propelled or permanently towable by a light duty truck; and ~~(D)~~ designed

~~(a)(d)~~ ~~Designed~~ primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~**REGULATORY FLOODWAY**~~—*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

~~**RIVERINE**~~—*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

~~**SPECIAL FLOOD HAZARD AREA**~~—*see* Special flood hazard area. See Area of Special Flood Hazard.

~~**START OF CONSTRUCTION**~~—*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction,

rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets ~~and~~ or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether ~~or not~~ that alteration affects the external dimensions of the building.

~~STRUCTURE~~ *Structure* means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

~~SUBSTANTIAL DAMAGE~~ *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~SUBSTANTIAL IMPROVEMENT~~ *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (A1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (B2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

~~VARIANCE~~ *Variance* means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

~~VIOLATION~~ *Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. —A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

~~WATER SURFACE ELEVATION~~ *Water surface elevation* means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. GENERAL PROVISIONS

Sec. 13-11. Lands to which this ~~chapter~~ Chapter applies.

~~The chapter shall apply~~ This Chapter applies to all areas of special flood hazard within the jurisdiction of the City of Temple, Texas.

Sec. 13-12. Basis for establishing the areas of special flood hazard.

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Bell County, Texas, and Incorporated Areas," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and (FIRMs) or~~

Flood ~~Hazard~~ Boundary ~~Floodway~~ Maps (~~FIRM and/or FBFM~~)FHBMs), dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this ~~ordinance~~Chapter.

Sec. 13-13. Establishment of development permit.

—A ~~Floodplain Development Permit shall be~~floodplain development permit is required to ensure conformance with the provisions of this ~~ordinance~~Chapter.

Sec. 13-14. Compliance.

—No structure ~~or land shall~~may hereafter be ~~constructed, located, extended, converted, or altered,~~ or have its use changed, ~~and no land may be altered, have its use changed, or be developed,~~ without full compliance with the terms of this ~~ordinance~~Chapter and other applicable regulations.

Sec. 13-15. Abrogation and greater restrictions.

—This ~~chapter~~Chapter is not intended to repeal, abrogate, or impair any existing ~~easements, covenants, ordinance, easement, covenant, or deed restrictions~~restriction. However, where this ~~chapter~~Chapter and another ~~chapter~~ ordinance, easement, covenant, or deed restriction conflict ~~or overlap~~, whichever imposes the more stringent restrictions ~~shall will~~ prevail.

Sec. 13-16. Interpretation.

—In the interpretation and application of this ~~chapter~~Chapter, all provisions ~~shall will~~ be: ~~(1) considered;~~

(a) ~~Considered~~ as minimum requirements; ~~(2) liberally~~

(b) ~~Liberally~~ construed in favor of the governing body; and ~~(3) deemed~~

~~(a)(c)~~ ~~Deemed~~ neither to limit nor repeal any other powers granted under ~~State~~state statutes.

Sec. 13-17. Warning and disclaimer of liability.

—The degree of flood protection required by this ~~chapter~~Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. ~~On rare occasions greater floods can and will occur, and flood heights may be increased by man-made or natural causes. This ordinanceChapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shallChapter does not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapterChapter or any administrative decision lawfully made hereunder.~~

Secs. 13-18—13-23. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 13-24. Designation of the ~~floodplain administrator~~Floodplain Administrator.

—The City Engineer or their designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinanceChapter and other appropriate sectionsprovisions of local, state, and federal statutes or regulations pertaining to floodplain management, including, but not limited to, Title 44 CFR (of the Code of Federal Regulations, Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management, as amended.

Sec. 13-25. Duties and responsibilities of the ~~floodplain administrator~~Floodplain Administrator.

—Duties and responsibilities of the Floodplain Administrator ~~shall~~ include, but are not ~~be~~ limited to, the following:

- (a) Maintain and hold open for public inspection all records pertaining to the provisions of this ~~chapter~~Chapter;
- (b) Review permit ~~application~~applications to determine whether ~~to ensure that~~ the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;
- (c) Review, and approve or deny, all applications for development permits required by adoption of this ~~chapter~~Chapter;
- (d) Review permits for proposed development to assure that all necessary permits have been obtained from those ~~Federal, State~~federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- (e) ~~Where~~Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) ~~the Floodplain Administrator shall make the necessary interpretation.~~;
- (f) Notify, in riverine situations, adjacent communities ~~and the State Coordinating Agency which is,~~ the Texas Water Development Board (TWDB), and the Texas Commission on Environment Quality (TCEQ) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to ~~the Federal Emergency Management Agency-FEMA;~~
- (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (h) ~~When base flood elevation data has not been provided in accordance with Article III, Section 13-12, the Floodplain Administrator shall obtain~~Obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a ~~Federal, State~~federal, state, or other source, ~~in order to~~ administer the provisions of ~~Article V~~this Chapter when base flood elevation data has not been provided in accordance with Sec. 13-12; and
- (i) When a regulatory floodway has not been designated, ~~the Floodplain Administrator must~~require that no new construction, substantial improvements, or other development (including fill) ~~shall~~ be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (1) Under the provisions of 44 ~~CFR Chapter 1, Section~~C.F.R. § 65.12, ~~of the~~ National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by ~~Section~~44 C.F.R. § 65.12.

Sec. 13-26. Permit ~~procedures~~ requirement; permit application.

~~(a)~~ ~~—(In a)~~ ~~Application~~ special flood hazard area, no structure may be constructed, located, extended, converted, or altered or have its use changed, nor may land in a special flood hazard area be altered, have its use changed, or be developed, unless a floodplain development permit has been issued, pursuant to the terms of this Chapter.

~~(b)~~ An application for a ~~Floodplain Development Permit~~ floodplain development permit must be presented to the Floodplain Administrator on forms furnished by ~~him/her and may the City, prior to any location of a structure, alteration, use change, or development. No cut or fill, building, or other site alterations or development may proceed until this application is approved. A floodplain development permit may only serve as an approval of this Chapter's requirements.~~

~~(a)(c)~~ The City may require the applicant to include, ~~but not be limited to,~~ as part of their application plans, in duplicate ~~and~~ drawn to scale ~~and~~ showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard, ~~as well any other relevant information or data.~~ Additionally, the following information is required:

- (1) Elevation ~~(in relation to mean sea level),~~ of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any ~~nonresidential~~ non-residential structure ~~shall~~ must be floodproofed;
- (3) A certificate from a registered professional engineer or architect that the ~~nonresidential~~ non-residential floodproofed structure ~~shall~~ will meet the floodproofing criteria of ~~Article 5, Section~~ Subsection 13-32 ~~(a)(2)*, below;~~
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with ~~Article 4, Section~~ Sec. 13-32(1); 25(a);

~~(b)~~ ~~—(b)~~ Certification from a registered engineer, architect, or land surveyor certifying that new construction or substantial improvement of any residential structure has the lowest floor (including basement) elevated to be not less than one (1) foot above the base flood elevation as provided by Subsection 13-32(a)(1), below; and

(7) Certification from a registered engineer or architect that the standards for areas of shallow flooding in AO and AH zones are satisfied as provided by Subsection 13-34(a)(3), below.

~~(b)(d)~~ Approval or denial of a ~~Floodplain Development Permit~~ floodplain development permit by the Floodplain Administrator ~~shall~~ will be based on all ~~of~~ the provisions of this ~~chapter~~ Chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
- (7) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (10) The impact the development may have on the overall function of the storm water facilities and the impact on properties in its own and connecting watersheds; this may include, but not be limited to, changes in discharges because of changes in impervious cover, velocity, storage, creek roughness, etc.; and
- (11) The relationship for the proposed use to the comprehensive plan for that area, with respect to the dedication of additional drainage easement for future bond projects.
- (e) The Floodplain Administrator will notify the applicant in writing of the approval or disapproval of a floodplain development permit. If the floodplain development permit is disapproved, the notification will include the reason(s) for the disapproval.

Sec. 13-27. Variance ~~procedure~~procedures.

- (a) ~~—(a) The Appeal Board of Adjustments, as established by the community, shall~~City, will hear and render judgment on requests for variances from the requirements of this ~~chapter~~Chapter.
- (b) ~~—(b) The Appeal Board of Adjustments shall~~will hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ~~chapter~~Chapter.
- (c) ~~—(c) Any person or persons aggrieved by the decision of the Appeal Board of Adjustments may appeal such decision in the courts to a court of competent jurisdiction.~~
- (d) ~~—(d) The Floodplain Administrator shall~~must maintain a record of all actions involving an appeal and ~~shall~~must report variances to the Federal Emergency Management Agency upon request.
- (e) ~~—(e) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section~~Chapter.
- (1) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (f) ~~—(f)~~ Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in SectionSubsection 13-26 (b) of this Article(d), above, have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
- (g) ~~—(g)~~ Upon consideration of the factors noted above and the intent of this ~~chapterChapter~~, the Appeal Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ~~chapter. (Article 1, Section 13-3)-Chapter as provided under Sec. 13-3, above.~~
- (h) ~~—(h)~~ Variances ~~shallmay~~ not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

~~(1) —(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~(k)(i) —(j)~~ Prerequisites for granting variances:

(1) Variances ~~shallmay~~ only be ~~issuedgranted~~ upon a determination that ~~the~~:

A. The variance is the minimum necessary, considering the flood hazard, to afford relief;

~~(0) Variances shall only be issued upon:~~

~~D.B. There is a showing of~~ aof good and sufficient cause;

~~E.C. a determination that~~ A failure to grant the variance ~~wouldwill~~ result in exceptional hardship to the applicant; and

~~F.D. a determination that the granting of a~~ The variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, ~~create the creation of~~ nuisances, ~~cause~~ fraud on or victimization of the public, or conflict with existing local ~~existing~~ laws or ordinances.

~~(4)(j)~~ Any application to which a variance is granted ~~shallwill~~ be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by athe community for new construction and substantial improvements ~~and~~ for other development necessary for the conduct of a functionally dependent use provided that ~~(1) the~~:

(1) The criteria outlined in Article 4, SectionSubsections 13-27 (1) (9)-(a)-(h) are met; and (2) the

~~(4)(2)~~ The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SeeSecs. 13-28--13-30. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

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Sec. 13-31. General ~~Standards~~standards.

- (a) —In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
- (1) All new construction or substantial improvements ~~shall~~must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) All new construction or substantial improvements ~~shall~~must be constructed by methods and practices that minimize flood damage;
 - (3) All new construction or substantial improvements ~~shall~~must be constructed with materials and utility equipment resistant to flood damage;
 - (4) All new construction or substantial improvements ~~shall~~must be constructed with electrical, ~~air conditioning, heating, ventilation, plumbing, and air conditioning~~ equipment, and other service facilities or utility equipment that are designed ~~and/or~~ located ~~so~~ as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (5) All new and replacement water supply systems ~~shall~~must be designed to minimize or eliminate infiltration of ~~flood waters~~floodwaters into the system ~~and discharges from the systems into floodwaters~~;
 - (6) New and replacement sanitary sewage systems ~~shall~~must be designed to minimize or eliminate infiltration of ~~flood waters~~floodwaters into the system and discharge from the systems into ~~flood waters~~floodwaters; and;
 - (7) On-site waste disposal systems ~~shall~~must be located to avoid impairment to them or contamination from them during flooding.

Sec. 13-32. Specific standards.

- (a) —In all areas of special flood hazards where base flood elevation data has been provided as set forth in ~~(4) Article III, Section: Sec. 13-12, (2) Article IV, Section: Subsection 13-25 (8), or (3) Article V, Section(h); and Subsection 13-33(c); of this Chapter,~~ the following provisions are required:
- (1) Residential Construction—~~new. New~~ construction and substantial improvement of any residential structure ~~shall~~must have the lowest floor (including basement), elevated ~~to be~~ not less than 1 (one) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor ~~shall~~must submit a certification to the Floodplain Administrator that ~~the~~this standard of ~~this subsection as proposed in Article IV, Section 13-26 (a)(1), is satisfied as provided by Subsection 13-26(c)(6), above.~~
 - (2) ~~Nonresidential~~Non-residential Construction—~~new. New~~ construction and substantial improvements of any commercial, industrial, or other ~~nonresidential~~non-residential structure ~~shall~~must have either ~~have~~ the lowest floor (including basement) ~~be not less than 1 (elevated to at least one (1) foot -above the base flood level~~ ~~level~~elevation or together with attendant utility and sanitary facilities, be designed so that below ~~the base flood level~~BFE plus one foot, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and ~~the~~ effects of buoyancy. A registered professional engineer or architect ~~shall~~must develop ~~and/or~~ review structural design, specifications, and plans for the construction; and ~~shall~~ certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this ~~subsection.~~

Subsection. A registered professional engineer or architect must submit a certification to the Floodplain Administrator that this standard is satisfied as provided by Subsection 13-26(c)(3), above. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall must be maintained by the Floodplain Administrator.

- (3) Enclosures ~~new~~. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and ~~which that~~ are subject to flooding shall must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. ~~Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:~~
 - A. A minimum of two (2) openings on separate walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall must be provided.
 - B. The bottom of all openings shall must be no higher than one (1) foot above grade.
 - C. Openings may be equipped with screens, louvers, valves, or other coverings or devices ~~provided that if~~ they permit the automatic entry and exit of floodwaters.
- (4) ~~Manufactured Homes~~
 - A. ~~Require that all~~ All manufactured homes to be placed within Zone A on ~~a community's~~ the community's FHBM or FIRM shall must be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable ~~State~~ state and local anchoring requirements for resisting wind forces.
 - B. ~~Require that All~~ All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites ~~(i: (1))~~ (i: (1)) outside of a manufactured home park or subdivision, ~~(ii: (2))~~ (ii: (2)) in a new manufactured home park or subdivision, ~~(iii: (3))~~ (iii: (3)) in an expansion to an existing manufactured home park or subdivision, ~~or (iv: (4))~~ or (iv: (4)) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~shall be~~ not less than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - C. ~~Require that All~~ All manufactured homes ~~be~~ placed or substantially improved on ~~sites in an existing manufactured home park or subdivision~~ within Zones A1-30, AH, and AE on the ~~community's~~ community's FIRM that are not subject to the provisions of ~~paragraph (4) of this section~~ Subsection (a)(4) must be elevated so that either:
 - i. ~~the~~ The lowest floor of the manufactured home is elevated to not less than one (1) foot above the base flood elevation; ~~or~~
 - ii. ~~the~~ The manufactured home chassis is supported by reinforced ~~piers~~ piers or other foundation elements of ~~at least~~ at least equivalent strength that are no less than thirty-six (36) inches in height above grade and ~~be~~ are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles—Require that recreational.

A. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM ~~either (A), must:~~

i. Either be on the site for fewer than 180 consecutive days, ~~or (B) be;~~

ii. Be fully licensed and ready for highway use; ~~or (B) meet~~

iii. Meet the permit requirements of ~~Article 4, Section~~ Sec. 13-26 (a), and the elevation and anchoring requirements for "manufactured homes" in ~~paragraph (4) of this section—Subsection 13-32(a)(4).~~

~~A-B.~~ A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect ~~type~~ utilities and security devices, and has no permanently attached additions.

Sec. 13-33. Standards for subdivision proposals.

(a) ~~—(a)~~ All subdivision proposals, including the placement of manufactured home parks and subdivisions ~~shall,~~ must be consistent with ~~Article 4, Sections 13-2, 13-3, and 13-4 of this ordinance, above.~~

(b) ~~—(b)~~ All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions ~~shall, must~~ meet ~~Floodplain Development Permit~~ floodplain development permit requirements of ~~Article 3, Section~~ Sections 13-13; Article 4, Section ~~and 13-26, above;~~ and the provisions of Article ~~5V~~ 5 of this ~~ordinance~~ Chapter.

(c) ~~—(c)~~ Base flood elevation data ~~shall, must~~ be ~~generated~~ provided to the City for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions, which are larger than fifty (50) lots or five (5) acres, whichever is smaller, if not otherwise provided pursuant to Sections 13-12 or 13-25(h), above.

All subdivision proposals, including the placement of manufactured home parks and subdivisions— ~~which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section 13-12 or Article 4, Section 13-25 (8) of this ordinance.~~

~~(e)(d) ——— (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall, must~~ have adequate drainage provided to reduce exposure to flood hazards.

~~——— (e)~~

~~(f)(e)~~ All subdivision proposals, including the placement of manufactured home parks and subdivisions ~~shall,~~ must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

Sec. 13-34. Standards for areas of shallow flooding (AO/AH Zones).

(a) ~~—~~ Located within the areas of special flood hazard established in ~~Article III, Section~~ Sec. 13-12, are areas designated as areas of shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, in these areas the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures must have the lowest floor (including basement) ~~shall be not less than 1 (elevated at least one (1) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).~~

(2) All new construction and substantial improvements of **non-residential** structures must:

- A. Have the lowest floor (including basement) elevated at least one (1) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or

~~(0) All new construction and substantial improvements of non-residential structures;~~

~~(-) have the lowest floor (including basement) shall be not less than 1 (one) foot above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or~~

~~F.B. together~~ Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth level in an AO Zone, or below the ~~Base Flood Elevation~~ base flood elevation in an AH Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

~~(1)(3)~~ A registered professional engineer or architect ~~shall~~ must submit a certification to the Floodplain Administrator that the standards of this Section, as proposed ~~in Article IV, Section by Subsection 13-1326(c)(7)~~ are satisfied.

~~(2)(4)~~ ~~Require within Zones Within AO and AH or AO zones there must be~~ adequate drainage paths around structures on slopes, ~~to that~~ guide ~~flood waters~~ floodwaters around and away from proposed structures.

Sec. 13-35. Floodways.

(a) ~~Floodways located~~ Located within areas of special flood hazard established in ~~Article 3, Section~~ Sec. 13-12, are areas designated as floodways. ~~Since the floodway is an extremely hazardous area due to the velocity of flood waters~~ floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions ~~shall~~ apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development, within ~~the adopted~~ a regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering ~~practice~~ practices that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If ~~Article 5, Section~~ Subsection 13-35-(a)(1), above, is satisfied, all new construction and substantial improvements ~~shall~~ must comply with all applicable flood hazard reduction provisions of Article ~~5~~ V.
- (3) ~~Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a~~ The community may permit encroachments within ~~the adopted~~ a regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by ~~Section~~ 44 C.F.R. § 65.12.

Sec. 13-36. Penalties for noncompliance.

(a) —No structure ~~or land shall hereafter~~ may be constructed, located, extended, converted, or altered ~~or have its use changed, and no land may have its used changed or be altered or developed,~~ without full compliance with the terms of this ~~court order~~Chapter and other applicable state, federal, and local laws and regulations. ~~Violation of the provisions~~It is unlawful for any person to violate any provision of this Chapter.

~~(a)(b)~~ A violation of this ~~court order~~Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) ~~shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$400.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to prevent or remedy any violation~~ constitutes a Class C misdemeanor. Every day a violation continues will constitute a separate offense.

~~(Ordinance No. 2008-4236, July 17, 2008)~~ Any person who violates this Chapter or fails to comply with any of its requirements will upon conviction thereof be fined not more than \$500.00 and not less than \$200.00.

(2) The requirement of proof of a culpable mental state for violations of this Chapter is expressly waived.

(c) The City has the authority to pursue all legal and equitable remedies to enforce provisions of this Chapter, including, but not limited to, injunctive relief and all other available relief.

(d) The remedies provided for in this Chapter are not exclusive. The City may take any, all, or any combination of these actions against a person who violates a provision of this Chapter.

Sec. 13-37. Severability.

If any section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding may in no way affect the validity of the remaining portions of this Chapter.

F. On-Site Sewage Facilities

1. A subdivision with a proposed on-site sewage facility must not be approved if adequate wastewater service is available within 500 feet of the property line of the subdivision or if the subdivision contains one or more lots that are less than 22,500 square feet in area.
2. The Planning and Zoning Commission may approve a subdivision with on-site sewage facilities containing lots that are less than 22,500 but more than 15,000 square feet in area if:
 - a. Such subdivision predominantly contains either the Altoya, Bastrop, Lewisville, Mendard or Venas soil series; and
 - b. The owner or developer of the subdivision demonstrates by convincing evidence that due to soil type, volume of sewage, topography, building size, density, percolation tests, design of the on-site sewage facility and other relevant factors that a smaller lot area will create no public health, safety or welfare problems to residents of the subdivision or to surrounding property owners or residents.
3. In no event may such a subdivision be approved containing lots which that are less than 15,000 square feet in size.

8.2.8 Drainage and Storm Sewers

- A. Drainage structures must be designed and constructed in accordance with the Drainage Criteria and Design Manual and in such locations and of such size and dimensions to adequately serve the subdivision and associated drainage area as demonstrated on a submitted Drainage Plan. The developer is responsible for all costs for the installation of the drainage system required to accommodate the needs of the subdivision being developed, to include the carrying of existing water entering or leaving the subdivision.
- B. In new subdivisions, the developer must provide all the necessary easements and rights-of-way required for drainage structures, including storm sewer and open or paved channels.

8.2.9 Flood Damage Prevention

All subdivisions must comply with Ordinance No. 1376 (Chapter 13 of the Code of Ordinances) known as the "Flood Damage Prevention Ordinance of the City of Temple."

8.2.10 Street Lights

Installation of street lights in new subdivisions that are within the City limits or pending annexation by petition of the property owners must conform to the City's current Street Light Policy.

8.2.11 Subdivision Construction Standards

All construction plans and accepted subdivision improvements must conform to the following standards, unless an exception to the standards of this Article has been granted in accordance with the procedures set forth in Sec. 3.6.7.

Article 8: Subdivision Design and Improvements

Sec. 8.3. Park Land Dedication

of the interest of another governmental unit to acquire the land, for purchase by the interested governmental authority, at land appraisal value of at the time of purchase. The City Council's failure to so notify the subdivider constitutes a waiver of the right to reserve the land. Any waiver of the right to reserve the land is no longer effective if the Preliminary Plat expires without approval of a Final Plat.

8.3.4 Special Fund and Right to Refund

- A. There is hereby established a special fund for the deposit of all sums paid instead of land dedication under this section. The fund is known as the Parkland Dedication Fund. All monies set aside in the fund must be used exclusively for park and recreational improvements in new or existing parks in the subdivision that contributes the cash, or as close to the subdivision as practical to ensure that the subdivision's residents gain the benefit of the improvements.
- B. The City must account for all sums paid instead of land dedication under this Section with reference to the individual plats involved and the contributing developer. Funds designated for development of an existing neighborhood park must be spent within two years from receipt.
- C. Funds designated for land acquisition and development of a new neighborhood park must be spent within five years from receipt.
- D. When funds from several different subdivisions are being accumulated to develop a neighborhood park serving several different subdivisions they must be segregated in an account earmarked for that particular project within the parkland dedication fund. Such funds must be spent on a first in, first out basis. Provided, however, that access to an acquired or dedicated park or acquired or dedicated park site is granted to the City or its agent for the purposes of park development. If not so expended, the contributing developer on the last day of such period must be notified of and entitled to a pro rata refund of such sum, computed on a square footage of area basis. Registered mail to three addresses that the contributing developer provides constitutes diligent effort to locate and if unanswered in writing, requesting refund within 365 days of such mailing, such right to refund is barred.
- E. The placing of a parkland dedication fund in a "treasury fund" that the Director of Finance has established is not deemed a violation of this Section, so long as the Director of Finance maintains a separate account for these proceeds for the purposes set forth in this Section and assures that funds will not be disbursed for any purposes not set forth in this Section. The quarterly report of the Director of Finance to the City Council must include a current summary of parkland escrow funds.

8.3.5 Additional Requirements

- A. Any land dedicated to the City under this section must be suitable for recreational purposes, such as for parks, playgrounds and usable open space.
- B. The following characteristics of proposed parkland areas are generally unsuitable:
 - 1. Any area is primarily, (more than 50 percent), located in the hundred year floodplain.

[Ord. 2010-4415]

Engineer. A person authorized under the Texas Engineering Registration Act to practice the profession of engineering.

Equipment Enclosure. A small structure, shelter, cabinet or vault used to house and protect the electronic equipment necessary for operating personal wireless service facilities. Associated equipment may include air conditioning and emergency generators.

Erect. To build, construct, attach, hang, place, suspend or affix and including the painting of signs.

Façade. Any separate face of a building that encloses or covers usable space.

Face, Facing or Surface. The surface of the sign, excluding structural trim or supports, upon, against or through which the message is displayed or illustrated on the sign.

Family. Any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship and occupying a dwelling unit.

Family or Group Home. A dwelling unit used as a single housekeeping unit where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community-based residential home operated in accordance with the Community Homes for Disabled Persons Location Act and its amendments.

Farm, Ranch, Garden or Orchard. An area of three acres or more that is used for the primary purpose of growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Farmers' Market. An open-air market with the primary purpose of providing retail sales and demonstrations of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products and homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey. Farmers' markets may also provide retail sales of handmade arts, crafts, and unique local goods. Such sales and demonstrations must be conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

[Ord. 2015-4701]

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from any source. See Flood Damage Prevention Ordinance, Chapter 13 of the Code of Ordinance.

Frontage. The area between a building façade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

[Ord. 2010-4415]

8.2.9 Flood Damage Prevention

All subdivisions must comply with the City's currently adopted ordinances related to flood damage prevention.

8.2.9 Flood Damage Prevention

All subdivisions must comply with the City's currently adopted ordinances related to flood damage prevention. Ordinance No. 1376 (Chapter 13 of the Code of Ordinances) known as the "Flood Damage Prevention Ordinance of the City of Temple."

8.3.5. Additional Requirements

- A. Any land dedicated to the City under this section must be suitable for recreational purposes, such as for parks, playgrounds and usable open space.
- B. The following characteristics of proposed parkland areas are generally unsuitable:
 - 1. Any area is primarily, (more than 50 percent), located in [an area of special flood hazard](#)~~the hundred-year floodplain~~.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from any source.
See the City's currently adopted ordinances related to flood damage prevention.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from any source. See the City's currently adopted ordinances related to flood damage prevention~~Flood Damage Prevention Ordinance, Chapter 13 of the Code of Ordinance~~.

ORDINANCE NO. 2020-5023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHAPTER 13, "FLOOD DAMAGE PREVENTION," OF THE CITY CODE OF ORDINANCES BY ADDING AND AMENDING LANGUAGE TO CLARIFY THE ORDINANCE'S PROVISIONS AND MAKING CHANGES TO THE ORDINANCE'S FORMATTING AND NUMBERING TO BRING THE CHAPTER INTO ALIGNMENT WITH OTHER AMENDED CHAPTERS OF THE CITY CODE OF ORDINANCES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 13, "Flood Damage Prevention" - the amendments include general clean-up of the Chapter's language, changes to formatting and numbering to allow these sections to read more clearly, and changing the formatting of section names, definitions, and numbering throughout the Chapter to conform with that of other City Code chapters;

Whereas, other proposed amendments to Chapter 13 include:

- Deleting the term "Board of Adjustments" throughout the Chapter and replacing this term with "Appeal Board;"
 - Currently the Board of Adjustments is the City's designated board that hears appeals of this Chapter's provisions. This amendment allows the Chapter to remain current if the City designates another board to hear these appeals in the future;
- Removing the word "shall" throughout the Chapter and replacing the word with more specific auxiliary verbs such as "will," "must," and "may;"
- Creating uniform capitalization for words such as "Chapter," "Floodplain Administrator," and "floodplain development permit;"
- Amending Section 13-26, which provides requirements for floodplain development permit applications, by adding:
 - Additional language to elucidate when floodplain development permits must be obtained;
 - Additional cross-references to related sections of the Chapter to provide clarification of what information an applicant is required to provide to the City to obtain a permit under this Chapter; and
 - Two relevant factors that the Floodplain Administrator will consider when reviewing a floodplain development permit application, which include the impact of the proposed development on the overall function of storm water facilities and how the proposed development relates to the City's comprehensive plan for the area surrounding the development site;

- Amending Subsection 13-32(a)(2), which provides specific standards for non-residential construction, to specify that new construction or substantial improvement of a non-residential structure must either have the lowest floor elevated at least one foot above the base flood elevation or together with attendant utility and sanitary facilities be designed so that the structure is watertight below base level elevation plus one foot;
- Updating the penalty section, Section 13-36, to allow a person to be fined a minimum of a \$200 and a maximum of \$500 upon conviction for a violation committed under the Chapter;
 - State law sets a maximum fine of \$500 for violations of this Chapter;
- Adding language that authorizes the City to pursue both civil remedies and criminal prosecution for violations of the Chapter; and
- Adding a severability provision;

Whereas, Staff recommends Council amend the Code of Ordinances Chapter 13, “Flood Damage Prevention;” 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 13 “Flood Damage Prevention” as set forth 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 **19th** day of **March, 2020.**

PASSED AND APPROVED on Second Reading on the **2nd** day of **April, 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

ORDINANCE NO. 2020-5024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE TEMPLE UNIFIED DEVELOPMENT CODE PROVISIONS RELATED TO FLOOD DAMAGE PREVENTION TO BRING THE PROVISIONS INTO ALIGNMENT WITH THE PROPOSED AMENDMENTS TO CHAPTER 13, "FLOOD DAMAGE PREVENTION" OF THE CITY CODE OF ORDINANCES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff proposes making four amendments to the Temple Unified Development Code (UDC) related to its flood damage prevention provisions - the proposed amendments were reviewed by the Planning & Zoning Commission at their scheduled meeting on March 2, 2020;

Whereas, the proposed amendments to the UDC are as follows:

- Removing the references to the specific flood damage prevention enacting ordinance number and its associated chapter and name in Subsection 8.2.9 and replacing these specific references with a general reference to the City's currently adopted ordinances related to flood damage prevention;
 - This change will allow the Subsection to remain current as enacting ordinances and chapter names and numbers change over time;
- Removing the term "the hundred-year floodplain" in Subsection 8.3.5.B.1. and replacing it with the term "an area of special flood hazard;"
 - The term "hundred-year floodplain" is not defined in Chapter 13, but this term is synonymous with the term "an area of special flood hazard," which is defined in Chapter 13;
- Amending the definition of the word "Flood" in Section 11.2 to align its definition with the definition of "Flood" in Chapter 13; and
- Removing the specific reference to Chapter 13 in Section 11.2 in the definition of "Floodplain" and replace this reference with a general reference to the City's currently adopted ordinances related to flood damage prevention;
 - As provided above, this change will allow the Section to remain current as chapter names and numbers change over time.

Whereas, Staff recommends Council amend the Temple Unified Development Code;
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 Temple Unified Development Code, as set forth 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 **19th** day of **March, 2020.**

PASSED AND APPROVED on Second Reading on the **2nd** day of **April, 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

03/19/20

Item #7

Regular Agenda

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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending the Fire Fighter and Driver classifications of certified Fire Fighters.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented on first reading; with second and final reading set for April 2, 2020.

ITEM SUMMARY: Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Fire Department and prescribe by ordinance the number of positions in each classification.

The Fire Chief requests the addition of one Driver position, and the simultaneous elimination of one Fire Fighter position.

Recent staffing changes have resulted in the need for an additional Driver position to continue to provide efficient, effective public safety services. Simultaneously upon promotion of a Fire Fighter to the newly created Driver position, the vacated Fire Fighter position will be eliminated. There are no candidates current eligible for the Fire Fighter position.

The new Driver position is requested to provide a replacement for Driver Santos Soto, who has assumed the Public Information Officer/Community Education duties of retired Fire Fighter Thomas Pechal.

The Civil Service Commission voted unanimously to recommend the proposed changes in a public Commission meeting on February 7, 2020.

Currently, there are 33 Driver positions and 56 Fire Fighter positions in the Department. The requested increase to 34 Driver positions and reduction to 55 Fire Fighter positions will provide the staffing needed to maintain high quality fire protection and public safety services in the community and efficient oversight within the Department.

FISCAL IMPACT: Additional funding in the amount of \$4,819 has been identified in the FY 2020 Operating Budget of the Fire Department for one new Driver position and the elimination of one Fire Fighter position. The full year fiscal impact of this change is \$10,373.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2020-5025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AMENDING THE FIRE FIGHTER AND DRIVER CLASSIFICATIONS OF
CERTIFIED FIRE FIGHTERS; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS
CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the Council establish by ordinance the classifications in the Fire Department and prescribe by ordinance the number of positions in each classification;

Whereas, the Fire Chief requests the addition of one Driver position, and the simultaneous elimination of one Fire Fighter position;

Whereas, recent staffing changes have resulted in the need for an additional Driver position to continue to provide efficient, effective public safety services and simultaneously upon promotion of a Fire Fighter to the newly created Driver position, the vacated Fire Fighter position will be eliminated - there are no candidates currently eligible for the Fire Fighter position;

Whereas, the new Driver position is requested to provide a replacement for Driver Santos Soto, who has assumed the Public Information Officer/Community Education duties of retired Fire Fighter Thomas Pechal;

Whereas, the Civil Service Commission voted unanimously to recommend the proposed changes in a public Commission meeting on February 7, 2020;

Whereas, currently, there are thirty-three Driver positions and fifty-six Fire Fighter positions in the Department - the requested increase to thirty-four Driver positions and reduction to fifty-five Fire Fighter positions will provide the staffing needed to maintain high quality fire protection and public safety services in the community and efficient oversight within the Department;

Whereas, all remaining classifications will maintain the current number of personnel as follows:

Fire Chief – 1 position;
Assistant Fire Chief – 1 position;
Battalion Chief – 5 positions;
Captain – 25 positions;
Driver – 34 positions;
Fire Fighters – 55 positions;

Whereas, additional funding in the amount of \$4,819 has been identified in the fiscal year 2020 Operating Budget of the Fire Department for one new Driver position and the elimination of one Fire Fighter position - the full year fiscal impact of this change is \$10,373; 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 Fire Fighter and Driver classifications of certified Fire Fighters.

Part 3: Council establishes the following Classifications and the number of positions of Firefighters in the Fire Department:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* – 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *ASSISTANT CHIEF* – 1 Position

No person shall be eligible for appointment as Assistant Chief who has not served continuously in the Department in a rank not lower than that of Captain, for at least 2 years. In addition to base pay, every Assistant Chief having 3 and 5 years in the classification shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *BATTALION CHIEF* – 5 Positions

No person shall be eligible for appointment as a Battalion Chief who has not served continuously in the Department, as a Captain, for at least 2 years. In addition to base pay, every Battalion Chief having 3, 5, or 7 years in the classification shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *CAPTAIN* – 25 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, or 9 years in the classification shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *DRIVER* – 34 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay, every Driver having 3, 5, 7, 9 or 11 years in the classification shall receive the amount shown on the attached compensation plan for such increments of seniority.

E. *FIREFIGHTER* – 55 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9, 11 or 14 years in the classification shall receive the amount shown on the attached compensation plan for such increments of seniority.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 5: This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **19th** day of **March, 2020**.

PASSED AND APPROVED on Second Reading on the **2nd** day of **April, 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

03/19/20
Item #8
Regular Agenda
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DEPT. / DIVISION SUBMISSION REVIEW:

David Olson, Assistant City Manager
Brian Chandler, Planning and Development Director

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance re-adopting the City's Economic Development Policy and, as part of this re-adoption, amending this Policy's Strategic Investment Zone Grant Program section.

STAFF RECOMMENDATION: Adopt ordinance on first reading as presented in the item description and conduct a public hearing. Second reading will be scheduled for April 2, 2020.

ITEM SUMMARY: This item has two City Staff proposals: (1) Re-adoption of the City's Economic Development Policy and (2) Amendment of this Policy's Strategic Investment Zone (SIZ) Grant Program section.

(1) Re-adoption of the City's Economic Development Policy

The City has adopted a comprehensive Economic Development Policy (the Policy) that includes guidelines and criteria for authorizing property tax abatement, which are authorized under Chapter 312 of the Texas Tax Code, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives, which are authorized by Chapter 380 of the Texas Local Government Code.

Pursuant to Chapter 312 of the Texas Tax Code, the City's adopted tax abatement guidelines and criteria, located within the City's Economic Development Policy, are effective for two years from the date of adoption. The City's tax abatement guidelines and criteria were last adopted as part of the Policy in Ordinance No. 2018-4922 on June 28, 2019 and will expire on June 27, 2020. City Staff recommends the re-adoption of the City's Economic Development Policy containing these guidelines and criteria and consolidating this re-adoption with the below proposed amendment to the Policy's SIZ Grant Program section.

(2) Amendment to the City's Economic Development Policy's SIZ Grant Program Section.

The SIZ Grant Program (the Program) began in FY 2008 to establish a long-term economic vitality in Strategic Investment Zone Grant Corridors, encouraging redevelopment and diversification. Through the implementation of this incentive grant program, property owners who meet certain eligibility criteria may receive SIZ grant funding in an effort to encourage investment within the SIZ Grant Corridors. Since the Program's adoption by City Council, the City has allocated \$1,895,185 in grant funds to private development projects.

The SIZ Grant Program's provisions are located in the City's Economic Development Policy in Article III, Section C. This Section of the Policy has been amended by ordinance since the Program was established, with the last amendment in Ordinance No. 2017-4868 on October 5, 2017.

City Staff recommends amending the SIZ Grant Program's section of the Policy by removing the provisions of the Section containing the Program's operational details and criteria and replacing these provisions with a subsection that authorizes City Council to adopt a policy for the Program by resolution. This change will allow the City to more easily make changes to the Program to better adapt to the City's changing needs.

This proposed amendment and related SIZ Grant Program Policy Resolution details were presented during City Council Workshop on March 5, 2020. City Staff will present the SIZ Grant Program Policy Resolution to City Council with this item's second reading on April 2, 2020.

FISCAL IMPACT: The funding history for the SIZ Grant Program is shown below:

SIZ Program Budget Summary			
	Reinvestment Zone #1	General Fund	Total
FY 2008	\$ -	\$ 85,000	\$ 85,000
FY 2009	-	85,000	85,000
FY 2010	-	95,714	95,714
FY 2011	-	142,437	142,437
FY 2012	-	100,000	100,000
FY 2013	-	100,000	100,000
FY 2014	-	100,000	100,000
FY 2015	-	100,000	100,000
FY 2016	-	-	-
FY 2017	-	100,000	100,000
FY 2018	250,000	162,000	412,000
FY 2019	275,000	100,034	375,034
FY 2020	100,000	100,000	200,000
Total	\$ 625,000	\$ 1,270,185	\$ 1,895,185

To date, \$1,895,185 has been budgeted towards the SIZ program. \$1,568,138 of SIZ program expenditures have been paid or committed to date, leaving \$327,047 currently available for future SIZ Grants.

ATTACHMENTS:

[Economic Development Policy - tracked changes](#)
[Ordinance](#)

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS READOPTING THE CITY OF TEMPLE'S ECONOMIC DEVELOPMENT POLICY; AMENDING THE ECONOMIC DEVELOPMENT POLICY'S ARTICLE III, SECTION C, "INCENTIVES IN CERTAIN STRATEGIC INCENTIVE ZONES (SIZ);" AND PROVIDING A SEVERABILITY CLAUSE, REPEALING PROVISION, SAVINGS CLAUSE, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, which is an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple established an Economic Development Policy consolidating the City's economic development policies into one comprehensive document, which was adopted by City Council on June 28, 2018;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, the City adopted criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code on June 28, 2018;

Whereas, the City's adopted tax abatement criteria and guidelines are effective for only two years from the date adopted under Chapter 312 of the Tax Code and will expire on June 27, 2020;

Whereas, Article III, Section 52-a of the Texas Constitution authorizes the State Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the State Legislature, in Chapter 380 of the Texas Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote state or local economic development and stimulate business and commercial activity in the City;

Whereas, City Staff recommends readopting the City's Economic Development Policy set to expire on June 27, 2020;

Whereas, City Staff recommends, as part of the Economic Development Policy's re-adoption, amending the Policy's Article III, Section C, "Incentives in Certain Strategic Incentive Zones (SIZ)," by changing by the Section's name to "Incentives in Certain Strategic Investment Zones (SIZ);"

Whereas, City Staff recommends, as part of the Economic Development Policy's re-adoption, amending the Policy's Article III, Section C, "Incentives in Certain Strategic Incentive Zones (SIZ)," by removing the Article's provisions detailing how the City's SIZ Grant Program will be implemented and adding language to allow City Council to adopt by resolution a SIZ Grant Program Policy, which will

replace the removed provisions and provide the City with more flexibility to update the SIZ Grant Program to adapt to the City's needs as they change over time;

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:

Part 1: That a comprehensive *Economic Development Policy* is hereby readopted and amended by the City of Temple, Texas to read as follows:

**ECONOMIC DEVELOPMENT POLICY
FOR THE CITY OF TEMPLE, TEXAS**

REVISED APRIL 2, 2020

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property (including fixed-in-place machinery & equipment) in a tax abatement reinvestment zone designated by the City of Temple ("City") for economic development purposes.

2. "**Agreement**" means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

3. "**Base year value**" means the assessed value of eligible property in the reinvestment zone on January 1st preceding the effective date of the tax abatement agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the effective date of the agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Strategic Investment Zone Grant Corridors, which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Economic Life**" means the number of years a property improvement is expected to be in service in a reinvestment zone.

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all

commercial/industrial tax abatement reinvestment zones include, but are not limited to, Manufacturing Facilities, Research Facilities, Regional Distribution Center Facilities, Regional Service Facilities, Regional Entertainment Facilities, Research and Development Facilities, Other Basic Industry Facilities, retail stores, apartment buildings, and restaurants.

7. **“Eligible Jurisdiction”** means the City and any other taxing jurisdiction eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

8. **“Employee”** means a person whose employment is both permanent and full time, who works for and is an employee of the property owner or an employee of a contractor, who works exclusively within the reinvestment zone, who received industry-standard benefits, and whose employment is reflected in the owner’s (and contractor’s, if applicable) Internal Revenue Service Form 941.

9. **“Expansion”** means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

10. **“Facility”** means property improvements completed or in the process of construction which together comprise an integral whole.

11. **“Manufacturing Facility”** means buildings and structures, including fixed-in-place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

12. **“Modernization”** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Strategic Investment Zone Grant Corridors includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

13. **“New Facility”** means a property, previously undeveloped, which is placed into service by means other than or in conjunction with Expansion and Modernization.

14. **“Other Basic Industry Facility”** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market in the creation of new permanent employment and bring in new wealth.

15. **“Project”** means the construction, renovation, or remodeling of a building. Simultaneous construction, renovation, or remodeling work on two or more attached buildings will be considered one Project, if the buildings are under common ownership.

16. **“Regional Distribution Center Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points outside of the City.

17. **“Regional Entertainment Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside outside of the City.

18. **“Regional Service Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate outside of the City.

19. **“Research Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

20. **“Research and Development Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used entirely for research or experimentation to improve or develop current technology in biomedicine, electronics or pre-commercial emerging industries.

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner or lessee of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. Eligible Facilities. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements (including fixed machinery and equipment) made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with an Economic Life of fifteen (15) years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has an Economic Life of less than fifteen (15) years.

e. Owned/Leased Facilities. If a leased Facility is granted tax abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on Eligible Facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For Eligible Facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is in an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement agreement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Minimum Required Real or Personal Property Investment or Job Creation inside the Strategic Investment Zone Grant Corridors		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Strategic Investment Zone Grant Corridors), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Strategic Investment Zone Grant Corridors), or the creation of more than 175 (25 in the Strategic Investment Zone Grant Corridors) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with an Economic Life of less than fifteen years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

[†] As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, the applicant must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and duration of abatement:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) Economic Life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of a tax abatement agreement to the end of the effective abatement period under the agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the tax abatement agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple may request the creation of a tax abatement reinvestment zone and tax abatement by filing a complete application package with the City Manager. The application shall then be forwarded to other appropriate City departments for review. After processing the application, the City Manager shall make a recommendation to the City Council to grant or deny the application.

b. A complete application package for consideration of a tax abatement shall consist of:

- a completed application form;
- an investment budget detailing components and costs of the real property and personal property improvements for which tax abatement is requested, including type, number, and economic life;
- A map and legal description of the property;
- A time schedule for undertaking and completing the proposed improvements;
- The number of jobs to be retained and/or created as a result of the proposed project;
- Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in the City;
- Financial and other information, as the City deems appropriate, for evaluating the financial capacity and other factors of the applicant;
- For a leased facility, the name and address of the lessor and a copy of the proposed or existing lease, or option contract.

c. Pursuant to the requirements of the Tax Code, Chapter 312, the City shall give written notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in a proposed reinvestment zone and in which the property to be subject to the agreement is located.

d. The City shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, or Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After City Council approval of a resolution authorizing a tax abatement agreement, the owner (and lessee, where applicable) of the Facility and the City shall execute an agreement which shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements on the property;
- (2) The amount of investment, increase in appraised value and number of jobs to be added and/or retained;
- (3) A provision authorizing access to and inspection of the property by municipal employees to ensure that the improvements are made according to the specifications and conditions of the agreement;
- (4) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax abatement is in effect;
- (5) A provision providing for recapture of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;
- (6) All other contractual terms agreed to by the owner of the property;
- (7) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement;
- (8) A provision allowing the City Council to cancel or modify the agreement if the owner fails to comply with the agreement;
- (9) The percentage of value to be abated each year; and
- (10) The commencement date and the termination date of abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant files a properly completed application package with the City.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the owner and/or lessee:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the abatement agreement, and fails to cure during the Cure Period hereinafter described,

the Agreement then may be terminated, and the owner and/or lessee whose agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the owner and/or lessee is in default according to the terms and conditions of its agreement, the City shall notify the owner and/or lessee of such default in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the owner and/or lessee receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. A tax abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the owner and/or lessee and in accordance with its safety standards.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City Council, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with the City. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing Reinvestment Zone Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an Enterprise Zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City will consider designating an Enterprise Zone or nominating an Enterprise Project as allowed by Texas Government Code, Chapter 2303, also known as the Texas Enterprise Zone Act.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of an Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" as defined in the Texas Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project in accordance with the Texas Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by a qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the enterprise zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use taxes paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use taxes under this section, by agreement, shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement,

must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, and/or selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. A “qualified business” under this section means a business or project which is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the City that would be a benefit to the property to be developed and that would contribute to economic development within the City. The determination of whether a proposed project is a “qualified business” is at the sole discretion of the City.

3. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the Strategic Investment Zone Grant Corridors, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City’s other Strategic Investment Zones, as designated in Exhibit A, attached hereto and made a part hereof for all purposes. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City’s Strategic Investment Zones.

- (d) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value.

C. Incentives in Certain Investment Zones (SIZ)

1. **Authority.** Pursuant to Article III, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain corridors of the City ("SIZ Grant Corridors") through Strategic Investment Zone Grants ("SIZ grants").

2. **Purpose.** The City is committed to establishing long-term economic vitality in SIZ Grant Corridors and seeks to encourage redevelopment and diversification within these corridors. To promote state and local economic development and stimulate business and commercial activity in the City, the City establishes a Strategic Investment Zone Grant Program ("the Program"), in which persons who meet the Program's eligibility criteria may receive SIZ grants.

3. **Policy.** The City Council may adopt a Strategic Investment Zone Grant Program Policy to implement the Program by resolution.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Temple not in conflict with the provisions of this ordinance will remain in full force and effect.

Part 4: Nothing in this ordinance may be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or prior ordinance; nor may any right or remedy of any character be lost, impaired, or affected by this ordinance.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 19th day of **March** 2020.

PASSED AND APPROVED on Second and Final Reading on the 2nd day of **APRIL 2020**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

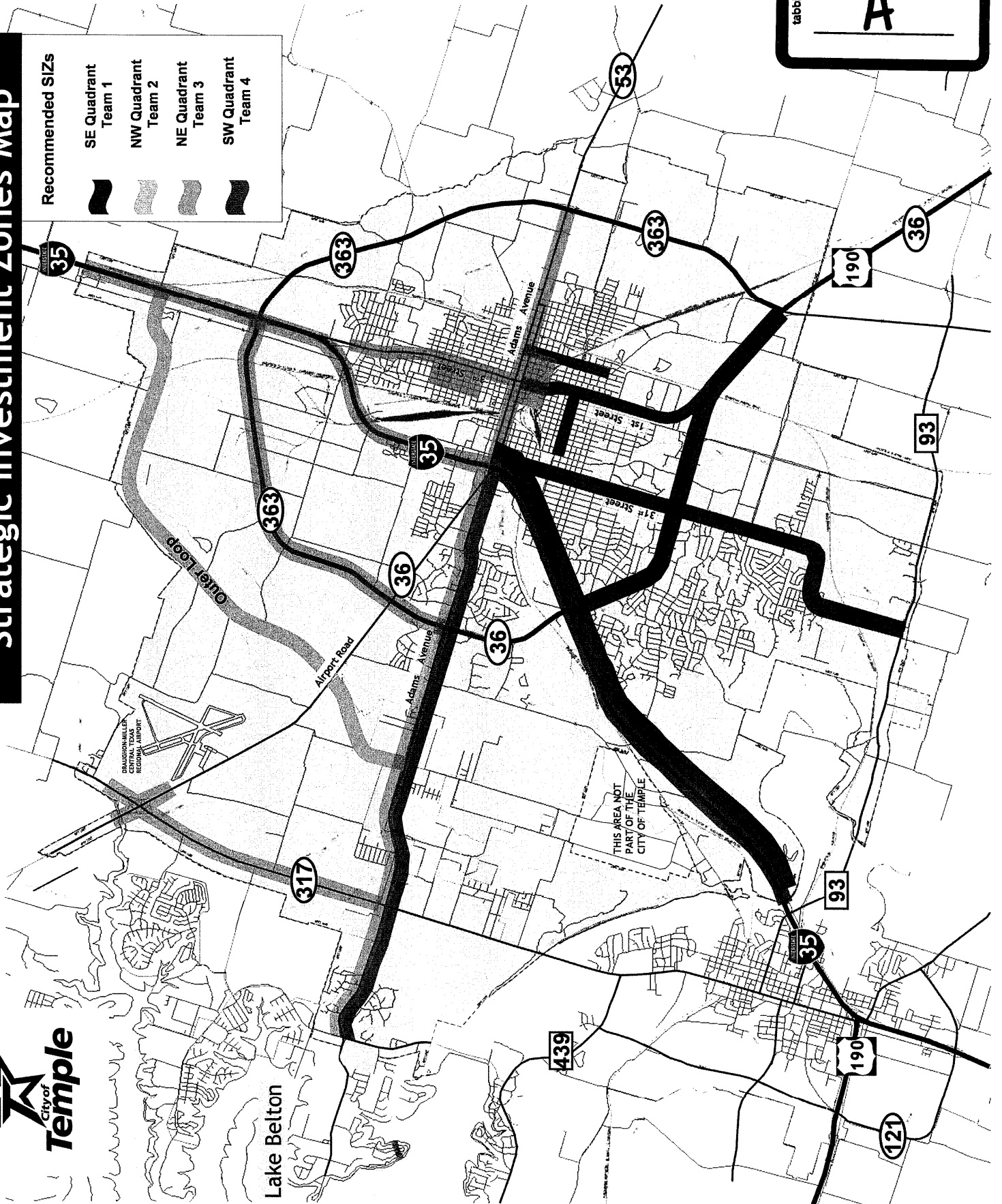
Kathy Davis
City Attorney



Strategic Investment Zones Map

Recommended SIZES

- SE Quadrant Team 1
- NW Quadrant Team 2
- NE Quadrant Team 3
- SW Quadrant Team 4



ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE, TEXAS

REVISED ~~JUNE 28, 2018~~ APRIL 2, 2020

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. **"Abatement"** means the full or partial exemption from ad valorem taxes of certain real property (including fixed-in-place machinery & equipment) in a tax abatement reinvestment zone designated by the City of Temple ("City") for economic development purposes.

2. **"Agreement"** means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

3. **"Base year value"** means the assessed value of eligible property in the reinvestment zone on January 1st preceding the effective date of the tax abatement agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the effective date of the agreement.

4. **"Deferred Maintenance"** means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Strategic Investment Zone Grant Corridors, which are designed to improve visual appearance of property are not deferred maintenance.

5. **"Economic Life"** means the number of years a property improvement is expected to be in service in a reinvestment zone.

6. **"Eligible Facilities"** means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include, but are not limited to, Manufacturing Facilities, Research Facilities, Regional Distribution Center Facilities, Regional Service Facilities, Regional Entertainment Facilities, Research and Development Facilities, Other Basic Industry Facilities, retail stores, apartment buildings, and restaurants.

7. **"Eligible Jurisdiction"** means the City and any other taxing jurisdiction eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

8. **"Employee"** means a person whose employment is both permanent and full time, who works for and is an employee of the property owner or an employee of a contractor, who works exclusively within the reinvestment zone, who received industry-standard benefits, and whose employment is reflected in the owner's (and contractor's, if applicable) Internal Revenue Service Form 941.

9. **"Expansion"** means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

10. **"Facility"** means property improvements completed or in the process of construction which together comprise an integral whole.

11. **"Manufacturing Facility"** means buildings and structures, including fixed-in-place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

12. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Strategic Investment Zone Grant Corridors includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

13. **"New Facility"** means a property, previously undeveloped, which is placed into service by means other than or in conjunction with Expansion and Modernization.

14. **"Other Basic Industry Facility"** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market in the creation of new permanent employment and bring in new wealth.

15. **"Project"** means the construction, renovation, or remodeling of a building. Simultaneous construction, renovation, or remodeling work on two or more attached buildings will be considered one Project, if the buildings are under common ownership.

16. **"Regional Distribution Center Facility"** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points outside of the City.

17. **“Regional Entertainment Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside outside of the City.

18. **“Regional Service Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate outside of the City.

19. **“Research Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

20. **“Research and Development Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used entirely for research or experimentation to improve or develop current technology in biomedicine, electronics or pre-commercial emerging industries.

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner or lessee of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. Eligible Facilities. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements (including fixed machinery and equipment) made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with an Economic Life of fifteen (15) years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has an Economic Life of less than fifteen (15) years.

e. Owned/Leased Facilities. If a leased Facility is granted tax abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on Eligible Facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For Eligible Facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by

enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is in an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement agreement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation†
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Minimum Required Real or Personal Property Investment or Job Creation inside the Strategic Investment Zone Grant Corridors		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Strategic Investment Zone Grant Corridors), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Strategic Investment Zone Grant Corridors), or the creation of more than 175 (25 in the Strategic Investment Zone Grant Corridors) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree

in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with an Economic Life of less than fifteen years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, the applicant must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and duration of abatement:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) Economic Life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;

- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of a tax abatement agreement to the end of the effective abatement period under the agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the tax abatement agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple may request the creation of a tax abatement reinvestment zone and tax abatement by filing a complete application package with the City Manager. The application shall then be forwarded to other appropriate City departments for review. After processing the application, the City Manager shall make a recommendation to the City Council to grant or deny the application.

b. A complete application package for consideration of a tax abatement shall consist of:

- a completed application form;
- an investment budget detailing components and costs of the real property and personal property improvements for which tax abatement is requested, including type, number, and economic life;
- A map and legal description of the property;
- A time schedule for undertaking and completing the proposed improvements;
- The number of jobs to be retained and/or created as a result of the proposed project;
- Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in the City;
- Financial and other information, as the City deems appropriate, for evaluating the financial capacity and other factors of the applicant;
- For a leased facility, the name and address of the lessor and a copy of the proposed or existing lease, or option contract.

c. Pursuant to the requirements of the Tax Code, Chapter 312, the City shall give written notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in a proposed reinvestment zone and in which the property to be subject to the agreement is located.

d. The City shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, or Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After City Council approval of a resolution authorizing a tax abatement agreement, the owner (and lessee, where applicable) of the Facility and the City shall execute an agreement which shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements on the property;
- (2) The amount of investment, increase in appraised value and number of jobs to be added and/or retained;

(3) A provision authorizing access to and inspection of the property by municipal employees to ensure that the improvements are made according to the specifications and conditions of the agreement;

(4) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax abatement is in effect;

(5) A provision providing for recapture of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;

(6) All other contractual terms agreed to by the owner of the property;

(7) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement;

(8) A provision allowing the City Council to cancel or modify the agreement if the owner fails to comply with the agreement;

(9) The percentage of value to be abated each year; and

(10) The commencement date and the termination date of abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant files a properly completed application package with the City.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the owner and/or lessee:

(1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or

(2) violates any of the terms and conditions of the abatement agreement, and fails to cure during the Cure Period hereinafter described, the Agreement then may be terminated, and the owner and/or lessee whose agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the owner and/or lessee is in default according to the terms and conditions of its agreement, the City shall notify the owner and/or lessee of such default in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the owner and/or lessee receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. A tax abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the owner and/or lessee and in accordance with its safety standards.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City Council, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with the City. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing Reinvestment Zone Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an

area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an Enterprise Zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City will consider designating an Enterprise Zone or nominating an Enterprise Project as allowed by Texas Government Code, Chapter 2303, also known as the Texas Enterprise Zone Act.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of an Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" as defined in the Texas Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project in accordance with the Texas Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by a qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the enterprise zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use taxes paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use taxes under this section, by agreement, shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, and/or selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. A “qualified business” under this section means a business or project which is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the City that would be a benefit to the property to be developed and that would contribute to economic development within the City. The determination of whether a proposed project is a “qualified business” is at the sole discretion of the City.

3. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the Strategic Investment Zone Grant Corridors, subject to the availability of funds appropriated annually for that purpose.

- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in Exhibit A, attached hereto and made a part hereof for all purposes. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones.
- (d) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value.

C. Incentives in Certain Strategic ~~Incentive~~ Investment Zones (SIZ)

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zone Grant Corridors ("SIZ Grant Corridors" or "Grant Corridors"). The Strategic Investment Zone Grant Corridors consist of two zones: the Commercial Zone and the Downtown Core Zone. The zones are depicted in Exhibit B, attached hereto and made a part hereof for all purposes.

2. **Purpose.** The City is committed to establishing long-term economic vitality in Strategic Investment Zone Grant Corridors, encouraging redevelopment and diversification. Through the implementation of this incentive grant program, property owners who meet certain eligibility criteria may facilitate new public and private sector investments.

3. **Incentives.** For eligible Projects involving investment in real property, incentive grants are available on property located within a delineated Grant Corridor. The grants are provided as reimbursements, as a match to the funds disbursed by the applicant. Only the applicant's cash disbursements may be used as a grant match and in-kind contributions may not be used as part of the applicant's match.

4. **Application Process.** The funding cycle for SIZ grants shall be from October 1st to September 30th. For each funding cycle the City shall designate a specific amount of funding available for that cycle. Upon exhaustion of those funds, the City will be under no obligation to fund additional grants. Likewise, the City is under no obligation to establish future funding cycles.

~~— Applications shall be submitted to the General Services Office for consideration by the City Council or the City Manager, depending on the amount of the grant request.~~

~~— **5. Grant Tiers.** The City will consider making grants on a 1:1 matching basis for Projects completed on property located within a delineated Grant Corridor. Grant reimbursement and/or in-kind services will be considered by which tier an applicant is qualified under, tier I, II, or III. The City will also consider making grants for the inclusion of residential units in a Project, through Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding, as Projects qualify.~~

- ~~(a) **Tier I.** The City will consider making grants on a 1:1 matching basis for Projects that focus on exterior improvements under \$19,999. Activities eligible for reimbursement include, but are not limited to, minor façade improvements, signs, and decorative wall decals, as proposed and approved, to include permit fee waivers up to \$2,000. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.~~
- ~~(b) **Tier II.** The City will consider making grants on a 1:1 matching basis for Projects that have an overall total Project investment between \$20,000 and \$499,999. Activities eligible for reimbursement include façade, sign, landscaping, sidewalk and life safety improvements; asbestos survey and abatement; design fees; and permit fee waivers up to \$2,000. To qualify for the grant funds, at least fifty one percent (51%) of the improvements must be associated with exterior activities. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.~~
- ~~(c) **Tier III.** The City will consider making grants on a 1:1 matching basis for Projects that have an overall total Project investment over \$500,000. Activities eligible for reimbursement include façade, sign, landscaping, sidewalk and life safety improvements; asbestos survey and abatement; design fees; and permit fee waivers up to \$2,000. To qualify for grant funds, at least fifty one percent (51%) of the improvements must be associated with exterior activities. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.~~
- ~~(d) **CDBG.** The City will consider making grants on a 1:1 matching basis for Tier II and III Projects that include a residential component(s) that encourages mixed-use development in the Downtown Core Zone. Activities eligible for reimbursement include code/property maintenance compliance, accessibility enhancements and others as proposed and approved by the City. Up to three (3) residential units may qualify per Project. Improvements which are primarily deferred maintenance by the property owner will not be eligible for grant funding.~~

~~— **6. Types of Eligible Activities.**~~

- ~~(a) **Façade Improvements.** Replacement or upgrade of an existing façade with an eligible product or removal of an existing façade to expose the original façade are activities~~

which qualify for grant funding. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs.

~~(b) **Sign Improvements.** Installation of new signs or the replacement of a dilapidated sign are activities which qualify for grant funding. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and the City approved material and construction (including labor) costs.~~

~~(c) **Landscaping Improvements.** Installation of new or additional landscaping is an activity which qualifies for grant funding. Landscaping improvement costs eligible for reimbursement include:~~

- ~~• Ground preparation costs (including labor);~~
- ~~• materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences);~~
- ~~• material installation of a non-portable space conditioning device (heaters, fans, and misters);~~
- ~~• curbed islands; and~~
- ~~• material and construction (including labor) costs.~~

The City will also consider making grants of trees from the City's tree farm if requested by the Applicant.

~~(d) **Asbestos Survey or Abatement.** Owner initiated asbestos survey of a building and asbestos abatement for a building are activities which qualify for grant funding. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.~~

~~(e) **Demolition.** The City will consider, when requested by the applicant, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City, in its sole discretion, determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abates asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.~~

~~(f) **Sidewalk Improvements.** Construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering are activities which qualify for grant funding. Sidewalk improvements costs eligible for reimbursement include demolition costs (where applicable and including labor), landfill costs, and material and construction (including labor) costs and equipment.~~

(g) **Fee Waiver.** The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City cannot waive water and wastewater tap fees.

(h) **Design.** Provision of design services, by a certified/licensed design professional or firm, to encourage increased aesthetics is an activity which qualifies for grant funding.

(i) **Life Safety Improvements.** Installation of fire suppression systems and/or elevator systems, to meet Code requirements are activities which qualify for grant funding. Costs eligible for reimbursement include material, construction, and installation (including labor) costs and equipment.

— **7. Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available for a qualifying Project in each of the current SIZ Grant Corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to the applicant's Project and application, but the total amount that an applicant can receive for any particular application and Project is limited by the size of the applicant's actual investment. The chart below shows the minimum required investment by a property owner for consideration of a SIZ grant. The value of grants of trees from the City's tree farm and demolition work performed by City crews, as determined by the City, is applied to the grant maximum.

TIER	TOTAL PROJECT INVESTMENT		MAXIMUM AMOUNT OF CITY MATCH			IMPROVEMENT TYPES
			COMMERCIAL	DOWNTOWN (SINGLE)	DOWNTOWN (DOUBLE)	
I	\$0	\$17,777	\$5,000	\$5,000	\$5,000	Exterior Improvements, excluding deferred maintenance
II	\$20,000	\$177,777	\$10,000	\$55,000	\$70,000	Facade, sign, landscaping, asbestos, demo, sidewalk, design, life safety fee waiver
III	\$500,000	AND UP	\$05,000	\$100,000	\$115,000	Facade, sign, landscaping, asbestos, demo, sidewalk, design, life safety fee waiver
CDBG	In conjunction with Tier II or III SIZ project - Residential Component		N/A	\$10,000 (per unit, up to 3 units)		Improvements that enable residential mixed-use areas downtown, to include code/property maintenance compliance, accessibility enhancements and others as proposed and approved

Total Project investment is measured during the grant application period and is subject to change based on verification of investment upon Project completion. Grant reimbursement related investment is measured at the time the Project is completed, and is subject to verification by the City.

— **8. Eligible Property.** To be eligible for a SIZ grant, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Grant Corridors. The current SIZ Corridors are "Commercial" and "Downtown Core." Please see Exhibit B for additional information regarding the Corridor boundaries.

— **9. Application Form.** To be eligible for a SIZ grant an applicant must submit an

application and receive approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on an application form provided by the City, be fully and accurately completed, and signed by the owner(s) (and the lessee(s), where applicable) of the property. Forms are available in the **General Services Division, 101 North Main Street, Temple, Texas 76501**, and must be submitted to the General Services office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

— **10. Evaluation of Applications.** In evaluating whether to recommend an application for a grant for consideration by the City Council or the City Manager, the Staff will review and evaluate all SIZ incentive applications using the following criteria:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations;
- (b) whether the proposed Project is at a higher level than exists on other properties in the SIZ Grant Corridor in which the property is situated;
- (c) whether the applicant has the financial resources to complete the improvements described in the application;
- (d) whether the property is unlikely to redevelop without an incentive by the City;
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a Master Plan adopted by the City Council;
- (f) whether the development is in an overlay that requires higher standards than in other parts of the City;
- (g) whether the development remedies deteriorated City infrastructure;
- (h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan; and
- (i) whether there is a known occupant/tenant for the proposed development.

Applications that do not meet the above criteria will not be recommended by the Staff for approval by the City Council or City Manager.

— **11. Approval of grants; duration of approval.** The City Council or the City Manager, depending on the amount of the grant request, may approve a request for a grant in whole or in part, or deny the same.

— **12. No Vested Right to Receive a Grant.** The existence of the SIZ grant program does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this ordinance shall be at the sole discretion of the City Council or the City Manager, depending on the amount of the grant request. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given

fiscal year.

~~— 13. **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a Chapter 380 development agreement with the City prior to receiving any grant funds or in-kind services from the City. The agreement shall provide that the recipient agrees to: (1) complete proposed work within one year of contract execution, unless otherwise agreed upon (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by recipient to satisfy all of the terms and conditions of the agreement shall relieve the City of any obligation to provide grant funds under this ordinance or as described in the agreement. The Staff is authorized to grant one extension of up to ninety (90) days for completion of the improvements.~~

~~Payment to grantees shall be made within thirty (30) days of the work described in the agreement being completed, inspected and a certificate of occupancy issued by the City. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.~~

1. **Authority.** Pursuant to Article III, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain corridors of the City ("SIZ Grant Corridors") through Strategic Investment Zone Grants ("SIZ grants").

2. **Purpose.** The City is committed to establishing long-term economic vitality in SIZ Grant Corridors and seeks to encourage redevelopment and diversification within these corridors. To promote state and local economic development and stimulate business and commercial activity in the City, the City establishes a Strategic Investment Zone Grant Program ("the Program"), in which persons who meet the Program's eligibility criteria may receive SIZ grants.

3. **Policy.** The City Council may adopt a Strategic Investment Zone Grant Program Policy to implement the Program by resolution.

ORDINANCE NO. 2020-5026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
(1) RE-ADOPTING THE CITY'S ECONOMIC DEVELOPMENT POLICY; AND
(2) AMENDING THIS POLICY'S STRATEGIC INVESTMENT ZONE GRANT
PROGRAM SECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING
AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has adopted a comprehensive Economic Development Policy (the Policy) that includes guidelines and criteria for authorizing property tax abatement, which are authorized under Chapter 312 of the Texas Tax Code, an overview of the Strategic Investment Zone Incentive Program, and guidelines and criteria for additional City incentives, which are authorized by Chapter 380 of the Texas Local Government Code;

Whereas, pursuant to Chapter 312 of the Texas Tax Code, the City's adopted tax abatement guidelines and criteria, located within the City's Economic Development Policy, are effective for two years from the date of adoption - the City's tax abatement guidelines and criteria were last adopted as part of the Policy in Ordinance No. 2018-4922 on June 28, 2018 and will expire on June 27, 2020;

Whereas, Staff recommends the re-adoption of the City's Economic Development Policy containing these guidelines and criteria and consolidating this re-adoption with the below proposed amendment to the Policy's Strategic Investment Zone (SIZ) Grant Program section;

Whereas, the SIZ Grant Program (the Program) began in fiscal year 2008 to establish a long-term economic vitality in Strategic Investment Zone Grant Corridors, encouraging redevelopment and diversification - through the implementation of this incentive grant program, property owners who meet certain eligibility criteria may receive SIZ grant funding in an effort to encourage investment within the SIZ Grant Corridors;

Whereas, since the Program's adoption by City Council, the City has allocated \$1,895,185 in grant funds to private development projects;

Whereas, the SIZ Grant Program's provisions are in the City's Economic Development Policy in Article III, Section C which has been amended by ordinance since the Program was established, with the last amendment in Ordinance No. 2017-4868 on October 5, 2017;

Whereas, Staff recommends amending the SIZ Grant Program's section of the Policy by removing the provisions of the Section containing the Program's operational details and criteria and replacing these provisions with a subsection that authorizes Council to adopt a policy for the Program by resolution - this change will allow the City to more easily make changes to the Program to better adapt to the City's changing needs;

Whereas, to date, \$1,895,185 has been budgeted towards the SIZ program and \$1,568,138 of SIZ program expenditures have been paid or committed to date, leaving \$327,047 currently available for future SIZ Grants; 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: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY
FOR THE CITY OF TEMPLE, TEXAS

REVISED APRIL 2, 2020

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. **"Abatement"** means the full or partial exemption from ad valorem taxes of certain real property (including fixed-in-place machinery & equipment) in a tax abatement reinvestment zone designated by the City of Temple ("City") for economic development purposes.

2. **"Agreement"** means a contractual agreement between a property owner and/or lessee and an eligible jurisdiction for the purposes of tax abatement.

3. **"Base year value"** means the assessed value of eligible property in the reinvestment zone on January 1st preceding the effective date of the tax abatement agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the effective date of the agreement.

4. **"Deferred Maintenance"** means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Strategic Investment Zone Grant Corridors, which are designed to improve visual appearance of property are not deferred maintenance.

5. **"Economic Life"** means the number of years a property improvement is expected to be in service in a reinvestment zone.

6. **"Eligible Facilities"** means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City. Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include, but are not limited to, Manufacturing Facilities, Research Facilities, Regional Distribution Center Facilities, Regional Service Facilities, Regional Entertainment Facilities, Research and Development Facilities, Other Basic Industry Facilities, retail stores, apartment buildings, and restaurants.

7. **"Eligible Jurisdiction"** means the City and any other taxing jurisdiction eligible to abate its taxes according to Texas law that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

8. **"Employee"** means a person whose employment is both permanent and full time, who works for and is an employee of the property owner or an employee of a contractor, who works exclusively within the reinvestment zone, who received industry-standard benefits, and whose employment is reflected in the owner's (and contractor's, if applicable) Internal Revenue Service Form 941.

9. **"Expansion"** means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

10. **"Facility"** means property improvements completed or in the process of construction which together comprise an integral whole.

11. **"Manufacturing Facility"** means buildings and structures, including fixed-in-place machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

12. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Strategic Investment Zone Grant Corridors includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

13. **"New Facility"** means a property, previously undeveloped, which is placed into service by means other than or in conjunction with Expansion and Modernization.

14. **"Other Basic Industry Facility"** means buildings and structures including fixed machinery and equipment not elsewhere described, used or to be used for the production of products or services which primarily serve a market in the creation of new permanent employment and bring in new wealth.

15. **“Project”** means the construction, renovation, or remodeling of a building. Simultaneous construction, renovation, or remodeling work on two or more attached buildings will be considered one Project, if the buildings are under common ownership.

16. **“Regional Distribution Center Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator where a majority of the goods or services are distributed to points outside of the City.

17. **“Regional Entertainment Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public where the majority of users reside outside of the City.

18. **“Regional Service Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used to service goods where a majority of the goods being serviced originate outside of the City.

19. **“Research Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop new tangible goods or materials or to improve or develop the production processes thereto.

20. **“Research and Development Facility”** means buildings and structures, including fixed machinery and equipment, used or to be used entirely for research or experimentation to improve or develop current technology in biomedicine, electronics or pre-commercial emerging industries.

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner or lessee of the property in a particular area. Property located within a City created (and State-approved)

Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. Eligible Facilities. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements (including fixed machinery and equipment) made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with an Economic Life of fifteen (15) years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has an Economic Life of less than fifteen (15) years.

e. Owned/Leased Facilities. If a leased Facility is granted tax abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on Eligible Facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For Eligible Facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking, facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is in an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Strategic Investment Zone Grant Corridors, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Minimum Required Investment. An applicant requesting tax abatement shall agree as a condition of any tax abatement agreement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
40%	700,001-850,000	2,800,001-3,400,000	41-45 jobs
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

Percentage of increased value To be abated	Minimum Required Real or Personal Property Investment or Job Creation inside the Strategic Investment Zone Grant Corridors		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation
100%	\$50,000 or more	\$60,000 or more	5-25 jobs

Projects involving an investment in real property in excess of \$10,000,000 (\$250,000 in the Strategic Investment Zone Grant Corridors), or in eligible personal property of more than \$40,000,000 (\$1,000,000 in the Strategic Investment Zone Grant Corridors), or the creation of more than 175 (25 in the Strategic Investment Zone Grant Corridors) new full time jobs, or requests for tax abatement for more than 5 years, will be individually negotiated.

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the

personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with an Economic Life of less than fifteen years is not eligible for tax abatement.

Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

† As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, the applicant must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (b) above, the following factors, among others, shall be considered in determining whether to grant tax abatement, and if so, in what percentage of value to be abated and duration of abatement:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) Economic Life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;

- (16) the overall compatibility with the City's zoning and subdivision regulations, and overall comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;
- d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or
- e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of a tax abatement agreement to the end of the effective abatement period under the agreement, taxes shall be payable as follows:

- a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;
- b. the base year value of existing eligible property as determined each year shall be fully taxable;
- c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the tax abatement agreement; and
- d. the additional value of new, eligible property shall be fully taxable at the end of the abatement period.

5. Application for Tax Abatement.

- a. Any present or potential owner of taxable property in the City of Temple may request the creation of a tax abatement reinvestment zone and tax abatement by filing a complete application package with the City Manager. The application shall then be forwarded to other

appropriate City departments for review. After processing the application, the City Manager shall make a recommendation to the City Council to grant or deny the application.

b. A complete application package for consideration of a tax abatement shall consist of:

- a completed application form;
- an investment budget detailing components and costs of the real property and personal property improvements for which tax abatement is requested, including type, number, and economic life;
- A map and legal description of the property;
- A time schedule for undertaking and completing the proposed improvements;
- The number of jobs to be retained and/or created as a result of the proposed project;
- Information pertaining to the reasons that the requested tax abatement is necessary to ensure that the proposed project is built in the City;
- Financial and other information, as the City deems appropriate, for evaluating the financial capacity and other factors of the applicant; and
- For a leased facility, the name and address of the lessor and a copy of the proposed or existing lease, or option contract.

c. Pursuant to the requirements of the Tax Code, Chapter 312, the City shall give written notice to the presiding officer of the governing body of each taxing unit that includes in its boundaries real property that is to be included in a proposed reinvestment zone and in which the property to be subject to the agreement is located.

d. The City shall not establish a reinvestment zone for the purpose of abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, or Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After City Council approval of a resolution authorizing a tax abatement agreement, the owner (and lessee, where applicable) of the Facility and the City shall execute an agreement which shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements on the property;
- (2) The amount of investment, increase in appraised value and number of jobs to be added and/or retained;
- (3) A provision authorizing access to and inspection of the property by municipal employees to ensure that the improvements are made according to the specifications and conditions of the agreement;

- (4) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax abatement is in effect;
- (5) A provision providing for recapture of property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement;
- (6) All other contractual terms agreed to by the owner of the property;
- (7) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement;
- (8) A provision allowing the City Council to cancel or modify the agreement if the owner fails to comply with the agreement;
- (9) The percentage of value to be abated each year; and
- (10) The commencement date and the termination date of abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant files a properly completed application package with the City.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the owner and/or lessee:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
- (2) violates any of the terms and conditions of the abatement agreement, and fails to cure during the Cure Period hereinafter described,

the Agreement then may be terminated, and the owner and/or lessee whose agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the owner and/or lessee is in default according to the terms and conditions of its agreement, the City shall notify the owner and/or lessee of such default in writing at the address stated in the agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the owner and/or lessee receiving abatement shall furnish the Appraiser with such information as may be necessary for the abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. A tax abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the owner and/or lessee and in accordance with its safety standards.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City Council, subject to the financial capacity of the assignee and provided that all conditions and obligations in the abatement agreement are guaranteed by the execution of a new contractual agreement with the City. No assignment or transfer shall be approved if the parties to the existing agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing Reinvestment Zone Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an Enterprise Zone under Texas Government Code, Chapter 2303, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line,

bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City will consider designating an Enterprise Zone or nominating an Enterprise Project as allowed by Texas Government Code, Chapter 2303, also known as the Texas Enterprise Zone Act.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of an Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" as defined in the Texas Enterprise Zone Act;
- (2) meet the qualifications for and receive designation by the State as an enterprise project in accordance with the Texas Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by a qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the enterprise zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use taxes paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use taxes under this section, by agreement, shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use taxes, by agreement, must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved by the City Manager under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, and/or selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. A “qualified business” under this section means a business or project which is reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment in the City that would be a benefit to the property to be developed and that would contribute to economic development within the City. The determination of whether a proposed project is a “qualified business” is at the sole discretion of the City.

3. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the Strategic Investment Zone Grant Corridors, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City’s other Strategic Investment Zones, as designated in Exhibit A, attached hereto and made a part hereof for all purposes. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City’s Strategic Investment Zones.
- (d) The City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value but will consider making a one-time grant to an applicant or selling or leasing property at less than fair market value.

C. Incentives in Certain Investment Zones (SIZ)

1. **Authority.** Pursuant to Article III, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain corridors of the City ("SIZ Grant Corridors") through Strategic Investment Zone Grants ("SIZ grants").

2. **Purpose.** The City is committed to establishing long-term economic vitality in SIZ Grant Corridors and seeks to encourage redevelopment and diversification within these corridors. To promote state and local economic development and stimulate business and commercial activity in the City, the City establishes a Strategic Investment Zone Grant Program ("the Program"), in which persons who meet the Program's eligibility criteria may receive SIZ grants.

3. **Policy.** The City Council may adopt a Strategic Investment Zone Grant Program Policy to implement the Program by resolution.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: 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 4: It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 19th day of **March, 2020.**

PASSED AND APPROVED on Second and Final Reading on the 2nd day of **April, 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

03/19/20
Item #9
Regular Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-20-14-ZC: Consider adopting an ordinance authorizing a Conditional Use Permit with a site plan to allow a transitional shelter at 307 West Avenue G.

PLANNING & ZONING COMMISSION RECOMMENDATION: During its February 18, 2020 meeting, the Planning & Zoning Commission voted 7 to 1 to deny the request per staff's recommendation.

STAFF RECOMMENDATION: Staff does not recommend approval of the Conditional Use Permit because the location does not meet the requirements in the Unified Development Code.

ITEM SUMMARY: The applicant proposes to operate a transitional shelter under the name "Peace of Mind Youth Shelter". This shelter would provide temporary residential care and specialized services for up to 24 children aged 6-17 that have been abandoned or removed from their homes by Child Protective Services. A Transitional Shelter may be allowed in the General Retail, Commercial, or Light Industrial zoning districts, subject to a Conditional Use Permit and compliance with the locational criteria listed in Sec. 5.3.12 below.

The UDC defines a Transitional Shelter as follows:

A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- a) To help residents recuperate from the effects of drugs or alcohol addiction;
- b) To help homeless persons or families achieve independence and obtain permanent housing; or
- c) To provide temporary shelter for persons who are victims of domestic abuse.

Section 5.3.12 requires that any transitional, emergency, or social service shelter must be a minimum of 1,000 feet from the following uses:

- a) Alcoholic beverage sales (on-premise or off-premise consumption);
- b) All residential uses or zoning districts as specified in the zoning district table in Sec. 4.1.1 and in the use table in Section 5.1.3;
- c) Childcare uses;
- d) Elementary or secondary schools (public or private); and
- e) Other transitional, emergency, or social service shelters.

The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency, or social service shelter, and in a direct line across intersections.

Staff has examined the area surrounding the property at 307 West Avenue G and determined that it does not meet the distance requirements of UDC Sec. 5.3.12.

1. Alcoholic beverage sales located 575 ft from the subject property – Valero / Circle K
2. Numerous residential lots, the closest is 22 ft across the adjacent alley
3. Childcare facilities at 400 ft and 865 ft – Ebony & Ivory Day Care and Miss Helens Day Care
4. Private elementary school at 800 ft – Reagan Elementary at St. Mary's Catholic Church
5. Shelters at 346 ft and 380 ft – McClane Center of Hope and Our Lady of the Angels
(Note: Feed My Sheep provides social services but does not function as a residential shelter.)

A map of these measurements is attached to this report.

BACKGROUND: State laws and licensing requirements would also apply to the proposed shelter under provisions of Chapter 748, Title 26, Health and Human Services "Minimum Standards for General Residential Operations". The General Residential Operation category provides 24-hour care for seven or more children 17 or younger. Among the licensing requirements are random site inspections, proof of liability insurance, and employee background checks for any history of abuse or sex offender status. Depending on the age of the children and any special services they require, the operation may require a child/caregiver ratio from between 4:1 to 8:1.

The consensus at P&Z was that this site is not preferable, but that there is a need for a children's shelter in Temple. Staff met with the applicant after the Planning & Zoning meeting to identify a more suitable site. The applicant has discussed the possibility of a rezoning and renovating a residence on Pegasus Drive. Staff contacted the current owner and he is agreeable to rezoning in order to allow the shelter use.

DEVELOPMENT REGULATIONS: DRC discussed the proposed development. The initial site plan was revised to meet minimum dimensions for habitable rooms per the International Residential Code. The Fire Marshall stated that the building would require a sprinkler system and a separate fire protection drawing would be needed prior to approval of building permits.

PUBLIC NOTICE: Sixteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. The newspaper printed the notice of the public hearing on February 6, 2020 in accordance with state law and local ordinance. As of Tuesday, March 10th, one notice has been returned as undeliverable. Staff will provide an update as needed at the City Council meeting on March 19th.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

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

[Maps](#)

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

[Site Photos](#)

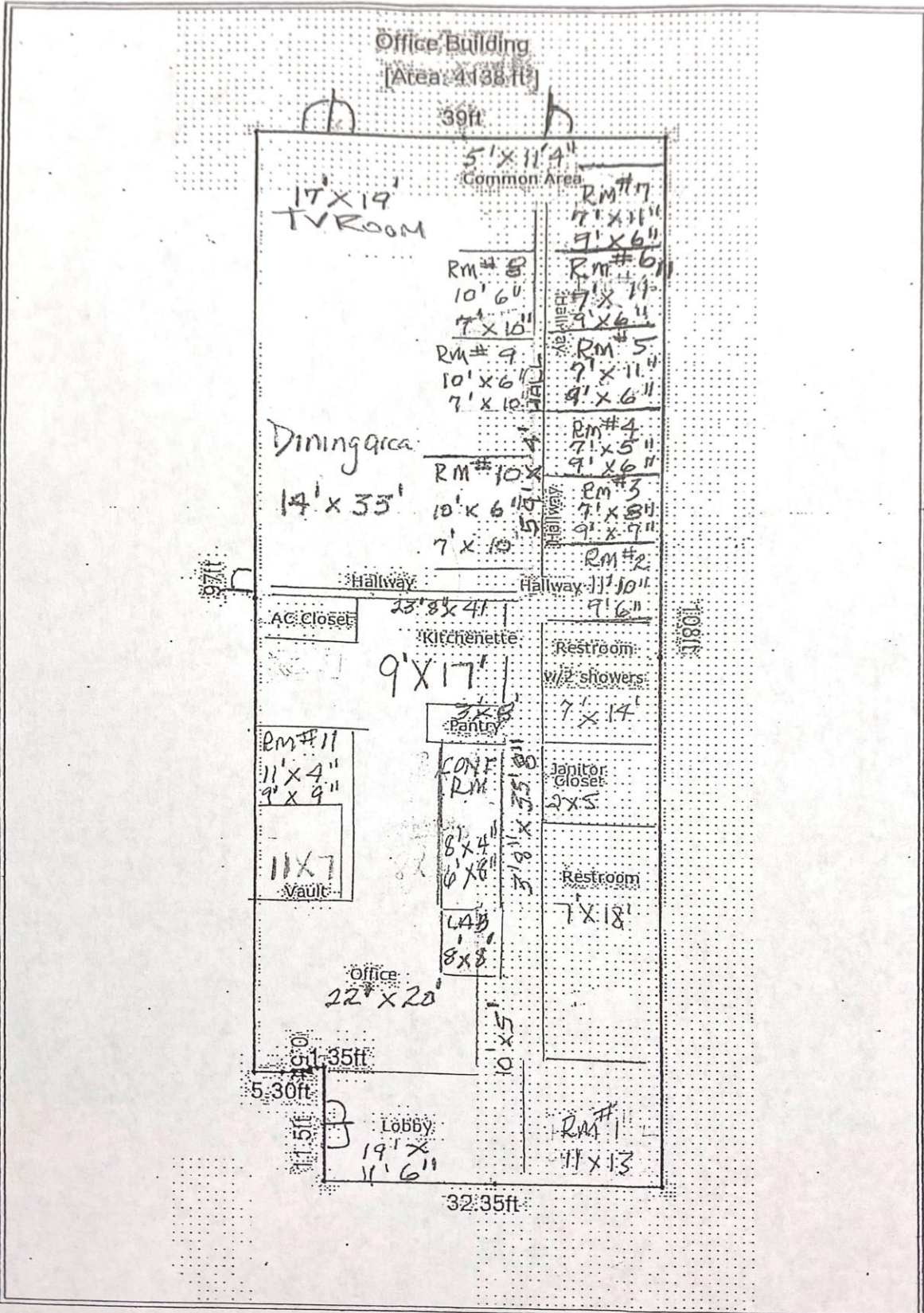
[Returned Property Notices](#)

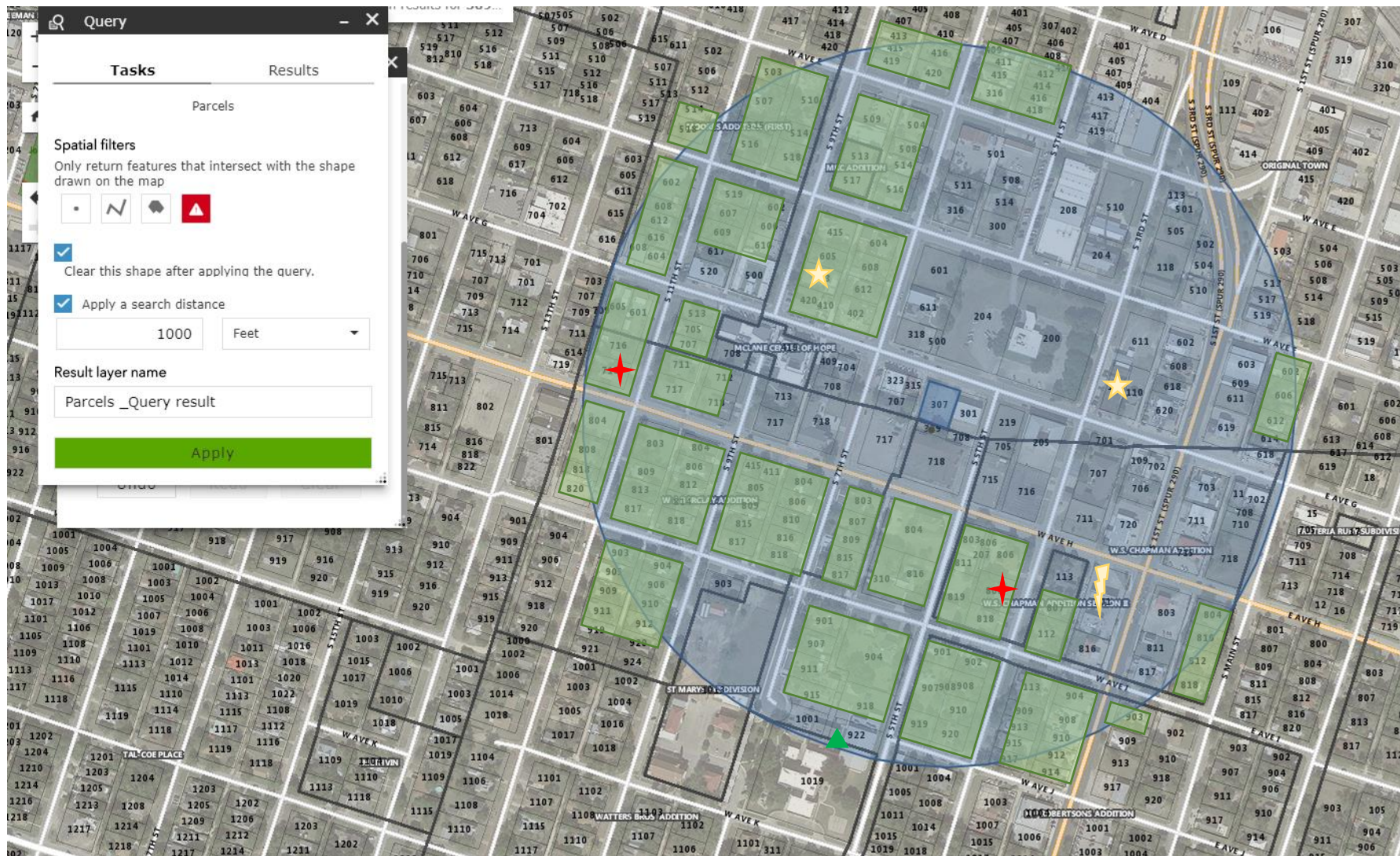
[Ordinance](#)

SKETCH ADDENDUM

File No. 127918-5GG
Case No.

Borrower N/A
Property Address 309 W. Avenue G
City Temple County Bell State TX Zip Code 76504
Lender/Client Feed My Sheep Address 116 W. Avenue G, Temple, TX 76504





 307 W Ave G - requested CUP – 1000 ft radius



Alcohol sales (Circle K / Valero)



Residential Uses or Zoning



Child Care

(Ebony and Ivory Childcare, Miss Helens Day Care)



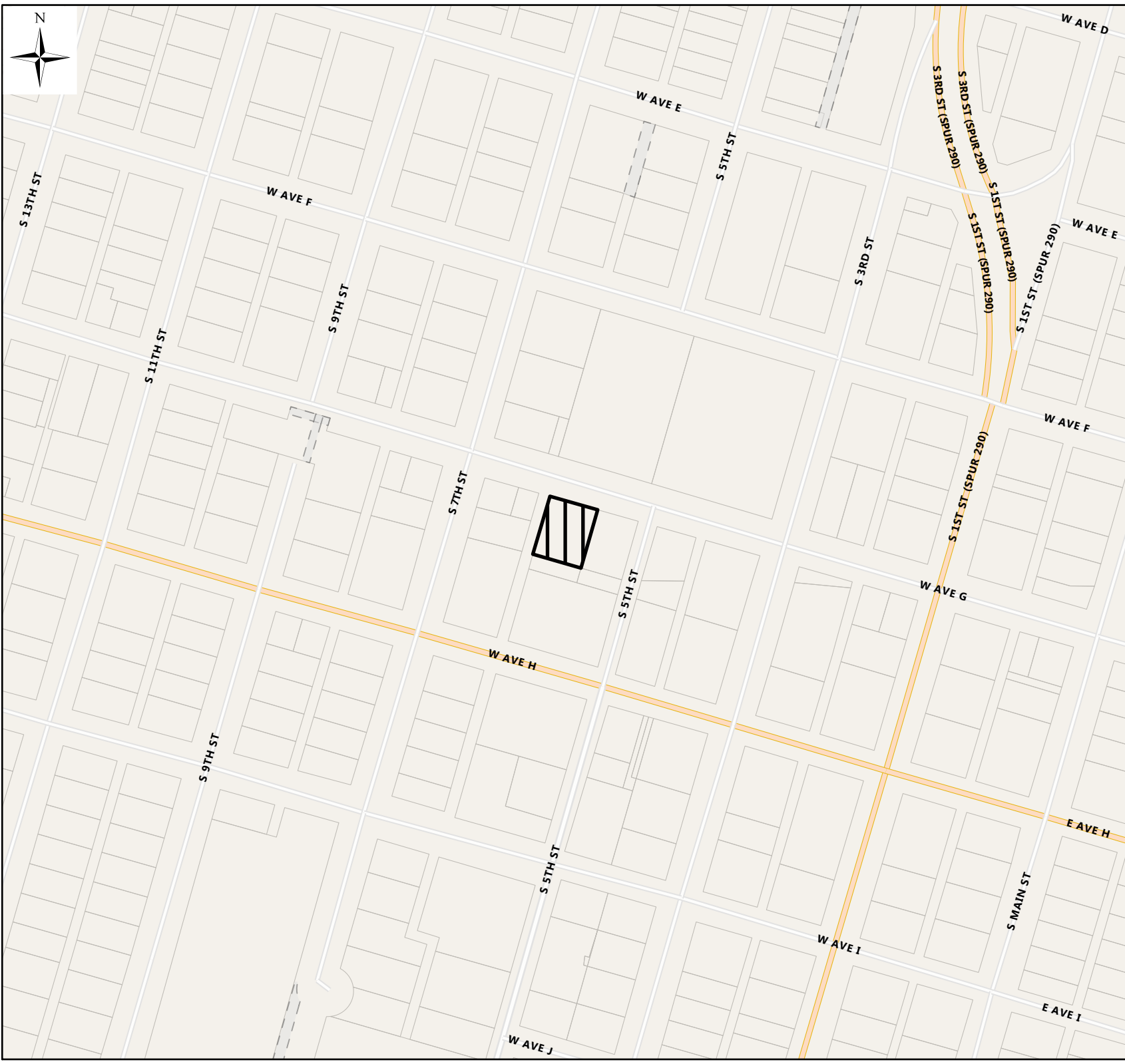
Elementary or secondary schools

(Reagan Elementary – St. Mary's Catholic School)



Other transitional, emergency, or social service shelters

(Feed My Sheep, Our Lady of The Angels)



CONDITIONAL USE PERMIT (CUP)

VICINITY MAP

Zoning Case:
FY-20-14-ZC

307 W AVE G

Transportation

Streets

- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET

Temple Municipal Boundary

Parcel Features

- Parcels
- Easement

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

jdeckman
Date: 1/27/2020





CONDITIONAL USE PERMIT (CUP)

AERIAL PHOTO

Zoning Case:
FY-20-14-ZC

307 W AVE G

Transportation

Streets

 LOCAL STREET

 Temple Municipal Boundary

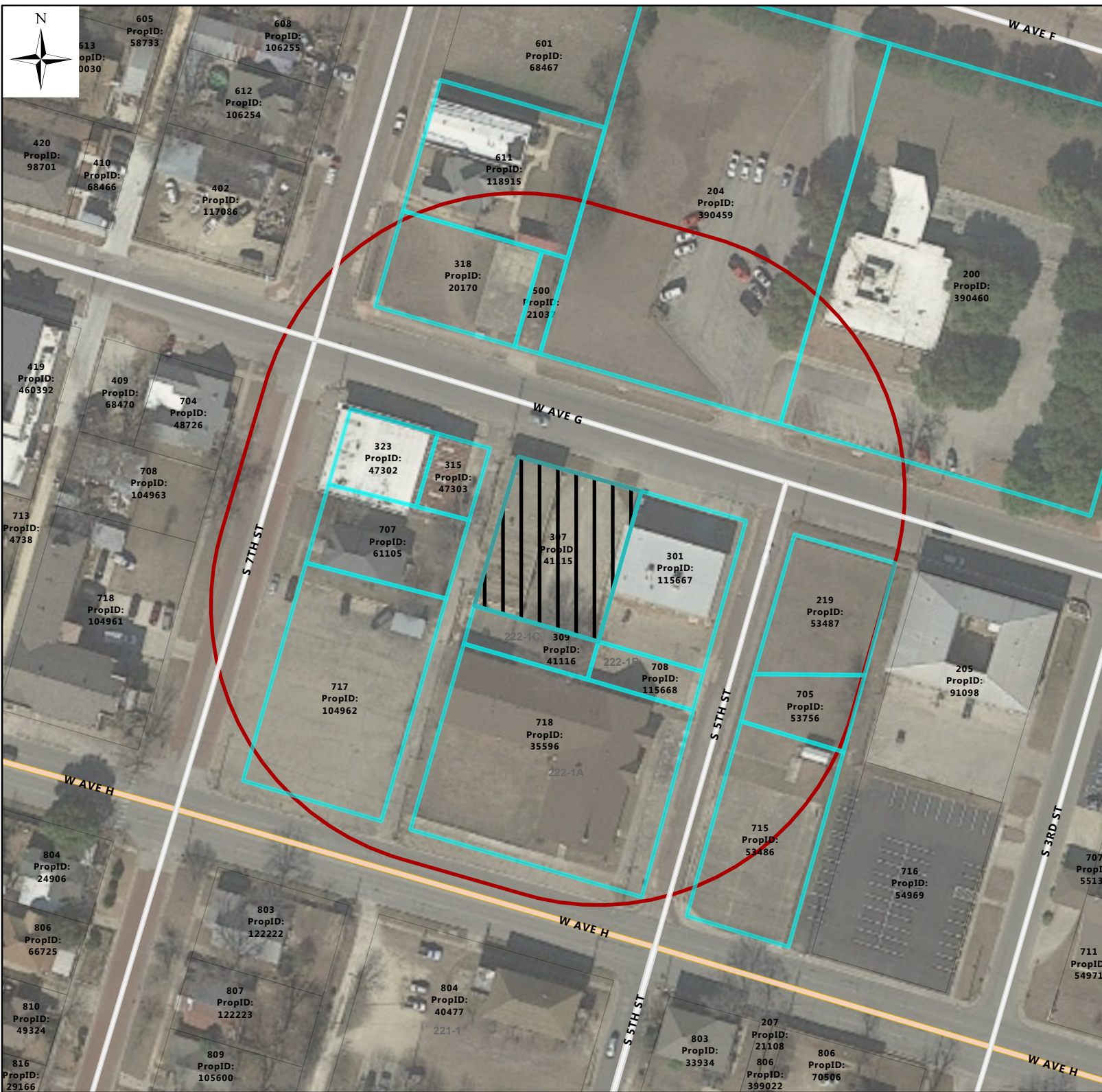
Parcel Features

 Parcels

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

jdeckman
Date: 1/27/2020





CONDITIONAL USE PERMIT (CUP)

200' NOTIFICATION MAP

Zoning Case:
FY-20-14-ZC

307 W AVE G

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

jdeckman
Date: 1/27/2020



UDC Code Section 3.5.4	Criteria met?	Discussion
A. The conditional use is compatible with and not injurious to the use and enjoyment of the property and does not significantly diminish or impair property values within the immediate area.	No	The use is not compatible with surrounding properties. The UDC defines distance criteria that a transitional shelter cannot be within 1000 ft of protected uses. This location does not meet any of the five criteria. Specifically, the proximity to other adult shelters and the presence of adults loitering in the area may present a hazard to children residing at this location.
B. The establishment of the conditional use does not impede normal and orderly development and improvement of surrounding vacant property.	Yes	Allowing use of this property will not impeded surrounding development or use of the properties.
C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.	Yes	The subject property is located on a public street and has access to municipal water supply and sewer.
D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.	Yes	The site as developed contains adequate parking areas and driveways.
E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise, and vibration.	Yes	The use is not expected to create a nuisance to other properties in the area.
F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.	Yes	Any lighting will be reviewed during permitting to ensure compliance with code and minimize light spillage.
G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.	Yes	Screening requirements do not apply at this location.



Front of building at 307 W Avenue G



Facing west – east side of building and parking area



Rear of building, facing west toward neighboring residence



Facing east along W Avenue G

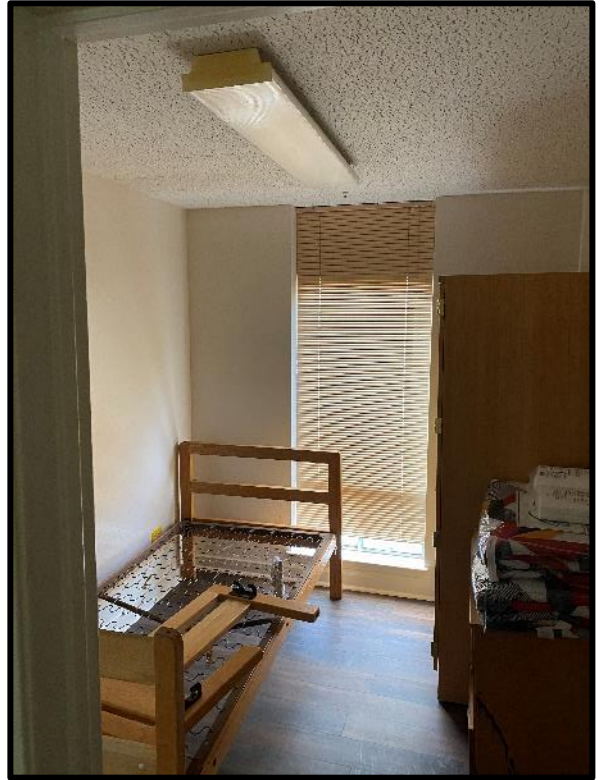


Facing west along W Avenue G

Interior images provided by applicant:



Interior images provided by applicant:





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

41115
TRUE DELIVERANCE MINISTRIES INCORPORATED
PO BOX 10058
KILLEEN, TX 76547-0058



Zoning Application Number: FY-20-14-ZC

Case Manager: Jason Deckman

Location: 307 W AVENUE G _____

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

Sadellie Cole

Print Name

Sadellie Cole

(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, planning@cityoftemple.gov, or mail the completed comment form to the address below, no later than **February 18, 2020.**

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

Number of Notices Mailed: 16

Date Mailed: Feb. 4, 2020

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

ORDINANCE NO. 2020-5027
(FY-20-14-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A CONDITIONAL USE PERMIT WITH SITE
PLAN TO ALLOW A TRANSITIONAL SHELTER AT 307 WEST AVENUE
G; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN
EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant proposes to operate a transitional shelter under the name “Peace of Mind Youth Shelter” and would provide temporary residential care and specialized services for up to 24 children aged 6-17 that have been abandoned or removed from their homes by Child Protective Services - a transitional shelter may be allowed in the General Retail, Commercial, or Light Industrial zoning districts, subject to a Conditional Use Permit and compliance with the locational criteria listed in Sec. 5.3.12;

Whereas, the Unified Development Code (UDC) defines a transitional shelter as follows:

- A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:
 - To help residents recuperate from the effects of drugs or alcohol addiction;
 - To help homeless persons or families achieve independence and obtain permanent housing; or
 - To provide temporary shelter for persons who are victims of domestic abuse;

Whereas, section 5.3.12 requires that any transitional, emergency, or social service shelter must be a minimum of 1,000 feet from the following uses:

- Alcoholic beverage sales (on-premise or off-premise consumption);
- All residential uses or zoning districts as specified in the zoning district table in Sec. 4.1.1 and in the use table in Section 5.1.3;
- Child-care uses;
- Elementary or secondary schools (public or private); and
- Other transitional, emergency, or social service shelters;

Whereas, the distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional, emergency, or social service shelter, and in a direct line across intersections - Staff has examined the area surrounding the property at 307 West Avenue G and determined that it does not meet the distance requirements of UDC Sec. 5.3.12 and does not recommend approval of the Conditional Use Permit:

- Alcoholic beverage sales located 575 feet from the subject property – Valero / Circle K;

- Numerous residential lots, the closest is 22 feet across the adjacent alley;
- Child-care facilities at 400 feet and 865 feet – Ebony & Ivory Day Care and Miss Helens Day Care;
- Private elementary school at 800 feet – Reagan Elementary at St. Mary’s Catholic Church; and
- Shelters at 346 feet and 380 feet – McLane Center of Hope and Our Lady of the Angels (Note: Feed My Sheep provides social services but does not function as a residential shelter.);

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its February 18, 2020 meeting voted 7 to 1 to recommend denial of a Conditional Use Permit with site plan to allow a transitional shelter at 307 West Avenue G;

Whereas, Staff met with the applicant after the Planning & Zoning meeting to identify a more suitable site and the applicant has discussed the possibility of a rezoning and renovating a residence on Pegasus Drive - Staff contacted the current owner and he is agreeable to rezoning in order to allow the shelter use; and

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

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

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

Part 2: The City Council approves a Conditional Use Permit with a site plan to allow a transitional shelter at 307 West Avenue G.

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 **19th** day of **March, 2020.**

PASSED AND APPROVED on Second Reading on the **2nd** day of **April, 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

03/19/20
Item #10
Regular Agenda
Page 1 of 3

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 between the City of Temple, Temple Independent School District, and Emerson Construction Company, Inc., of Temple, to construct North 31st Street improvements and other TISD campus improvements, in the amount of \$8,159,818.07.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The proposed street improvement project along North 31st Street from Calhoun Avenue to Houston Avenue will provide needed connectivity and safety for pedestrians traveling between Temple High School and area businesses. This project will provide improved connections to I-35 frontage, a roundabout including an art feature, streetscape and pedestrian improvements from Calhoun Avenue to Bray Street, drainage, water and sewer utilities. In addition, the proposed project includes improvements to two TISD parking lots north of Wildcat Stadium, the construction of one parking lot south of Wildcat Stadium, and improvements to Stadium Drive.

On December 20, 2018, the City Council authorized Kasberg, Patrick & Associates, LP (KPA) to design, bid, and administer construction of these improvements.

On January 17, 2019, Council approved the first of two interlocal agreements (ILA) between the City of Temple (City) and TISD related to this project. The first ILA includes project participation from TISD in the amount of \$1,250,000 to be used for construction of the project and donating any required ROW needed for the improvements. The ILA specifies that TISD will pay the City \$625,000 upon execution of the ILA, which the City has received, and the remaining \$625,000 will be paid to the City before award of the construction contract.

A second ILA between the City and TISD is being proposed on this Agenda. The second ILA will combine the construction of improvements of the North 31st Street Project with construction activities located on the TISD High School Campus. The ILA will allow the City to administer a contract for construction, and for TISD to participate by paying for construction costs related to improvements to two parking lots north of Wildcat Stadium, improvements to Stadium Drive, and TISD's share of project electrical costs. (See attached project map)

As shown on the attached bid tabulation, on February 19, 2020, four bids were received for the project ranging from \$8,412,078.13 to \$9,789,139.75 for all bid parts. After review of the bids, TISD Administration does not desire to proceed with the construction of Parking Lot D, Part F of the bid. Accordingly, Staff and KPA (see attached engineer's letter of recommendation) are recommending award of the construction contract to the low bidder, Emerson Construction Company, Inc. (Emerson) in the amount of \$8,159,818.07 for Bid Parts A-E, G, and H.

A breakdown of the recommended contract award between the City and TISD is as follows:

Temple's Portion

Part A	\$3,747,755.00
Part B	\$1,536,620.90
Part C (BASE)	\$ 337,446.15
Temple's Selected Total	<u>\$5,621,822.05</u>

TISD's Portion

Part D (BASE)	\$1,646,299.82
Part E (BASE)	\$ 542,200.30
Part G (BASE)	\$ 118,260.50
Part H	\$ 231,235.40
TISD's Selected Total	<u>\$2,537,996.02</u>

Overall Selected Total \$8,159,818.07

On February 26, 2020 the Reinvestment Zone No. 1 Board voted to recommend to Council the construction contract as stated above in the amount of \$8,159,818.07. City Staff and the Engineer agree that Emerson Construction Company, Inc. is qualified to complete this project and recommend award of the construction contract.

The contract documents allow for 365 calendar days. However, per the contract documents, the TISD parking lot and Stadium Drive improvements must be complete by August 19, 2020.

FISCAL IMPACT: The Reinvestment Zone No. 1 Financing Plan amendment presented to Council will allocate additional funding for the construction of North 31st Street Improvements. Upon authorization from Council, funding will be available in the Reinvestment Zone No. 1 Financing and Project Plan, line 601, accounts 795-9500-531-6571 and 795-9600-531-6571, project 101798, as shown below:

	Total
Project Budget	\$ 7,457,000
Financing Plan Amendment	750,000
Encumbered/Committed to Date	(2,468,474)
Construction Award - Emerson Construction	(5,621,822)
Remaining Project Funds	\$ 116,704

ATTACHMENTS:

[Bid Tabulation](#)

[Engineer's Recommendation Letter](#)

[Project Map](#)

[Resolution](#)

BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

				BIDDER INFORMATION							
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
Bid No.	Estimated Quantity	Unit	Bid Data Description								
PART A: NORTH 31st STREET CIVIL											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Part A Bid	\$ 184,040.00	\$ 184,040.00	\$ 191,600.00	\$ 191,600.00	\$ 216,000.00	\$ 216,000.00	\$ 190,000.00	\$ 190,000.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way for Part A	74,900.00	74,900.00	110,260.00	110,260.00	150,000.00	150,000.00	92,000.00	92,000.00
3	100%	LS	Submit Part A Portion of Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	2,675.00	2,675.00	1,335.00	1,335.00	1,200.00	1,200.00	990.00	990.00
4	5,600	LF	Implement & Follow Trench Safety Plan (Pipe)	2.20	12,320.00	2.90	16,240.00	3.00	16,800.00	2.50	14,000.00
5	45,000	SF	Implement & Follow Trench Safety Plan (Structures)	0.40	18,000.00	2.68	120,600.00	2.90	130,500.00	2.25	101,250.00
6	100%	LS	Prepare Part A Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from	2,140.00	2,140.00	4,200.00	4,200.00	1,300.00	1,300.00	785.00	785.00
7	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	164,031.00	164,031.00	163,000.00	163,000.00	146,000.00	146,000.00	75,535.00	75,535.00
8	100%	LS	Provide Project Record Drawings for Part A	535.00	535.00	500.00	500.00	170.00	170.00	875.00	875.00
9	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions for Part A	535.00	535.00	500.00	500.00	210.00	210.00	550.00	550.00
10	1	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	4,280.00	4,280.00	1,500.00	1,500.00	1,600.00	1,600.00	1,370.00	1,370.00
11	32	EA	Furnish, Install, Maintain & Remove Inlet Protection	214.00	6,848.00	68.25	2,184.00	60.00	1,920.00	238.00	7,616.00
12	3,500	LF	Furnish, Install, Maintain & Remove Silt Fence	3.30	11,550.00	2.20	7,700.00	3.00	10,500.00	3.00	10,500.00
13	80	LF	Furnish, Install, Maintain & Remove Rock Berm	53.50	4,280.00	10.00	800.00	13.00	1,040.00	24.00	1,920.00
14	2	EA	12" Wet Tap with Gate Valve	8,003.20	16,006.40	8,820.00	17,640.00	9,378.00	18,756.00	7,650.00	15,300.00
15	2	EA	12" Gate Valve	2,948.00	5,896.00	2,520.00	5,040.00	2,670.00	5,340.00	2,180.00	4,360.00
16	2	EA	12" 90 Degree Bend	1,112.10	2,224.20	1,000.00	2,000.00	1,061.00	2,122.00	869.50	1,739.00
17	300	LF	12" Waterline	53.20	15,960.00	59.00	17,700.00	62.50	18,750.00	51.50	15,450.00
18	4	EA	Connect to Existing 8" Waterline	706.20	2,824.80	2,500.00	10,000.00	2,679.00	10,716.00	2,195.00	8,780.00
19	8	EA	8" 45 Degree Bends	863.80	6,910.40	730.00	5,840.00	776.00	6,208.00	635.00	5,080.00
20	40	LF	8" Waterline	41.20	1,648.00	105.00	4,200.00	112.00	4,480.00	92.00	3,680.00
21	100%	LS	Furnish All Materials, Tools & Labor to Test Waterline for Part A According to Specifications & Plans	3,210.00	3,210.00	2,500.00	2,500.00	2,663.00	2,663.00	2,180.00	2,180.00
22	7	EA	4' Diameter Wastewater Manhole	2,966.80	20,767.60	3,570.00	24,990.00	3,796.00	26,572.00	3,075.00	21,525.00
23	350	LF	12" Wastewater Line including all operations & appurtenances	46.70	16,345.00	71.50	25,025.00	75.90	26,565.00	62.50	21,875.00
24	360	LF	10" Wastewater Line by Pipe Bursting OR Stick for Stick Replacement with Bypass Pumping, including all operations & appurtenances	85.60	30,816.00	60.00	21,600.00	63.60	22,896.00	52.50	18,900.00
25	900	LF	8" Wastewater Line by Pipe Bursting OR Stick for Stick Replacement with Bypass Pumping, including all operations & appurtenances	66.40	59,760.00	51.50	46,350.00	54.70	49,230.00	45.00	40,500.00
26	4	EA	Remove Existing Wastewater Manhole	1,434.50	5,738.00	800.00	3,200.00	854.00	3,416.00	700.00	2,800.00
27	100%	LS	Furnish All Materials, Tools & Labor to Test Wastewater Line According to Specifications & Plans	4,280.00	4,280.00	10,000.00	10,000.00	10,717.00	10,717.00	8,755.00	8,755.00
28	5	EA	10' Curb Inlet	5,013.30	25,066.50	4,850.00	24,250.00	5,135.00	25,675.00	4,195.00	20,975.00
29	5	EA	10' Curb Inlet Under Roadway	6,625.80	33,129.00	6,025.00	30,125.00	6,408.00	32,040.00	5,236.00	26,180.00
30	4	EA	15' Curb Inlet Under Roadway	5,957.50	23,830.00	6,500.00	26,000.00	6,922.00	27,688.00	5,660.00	22,640.00
31	6	EA	15' Curb Inlet	6,016.40	36,098.40	6,500.00	39,000.00	6,922.00	41,532.00	5,660.00	33,960.00
32	5	EA	5'x5' Junction Box	4,832.00	24,160.00	6,720.00	33,600.00	7,145.00	35,725.00	5,820.00	29,100.00
33	2	EA	7'x7' Junction Box	9,772.70	19,545.40	10,200.00	20,400.00	10,829.00	21,658.00	8,865.00	17,730.00
34	3	EA	5'x5' Area Inlet	5,031.20	15,093.60	4,315.50	12,946.50	4,588.00	13,764.00	3,750.00	11,250.00
35	20	LF	2-8'x4' RCB	1,334.80	26,696.00	1,450.00	29,000.00	1,546.00	30,920.00	1,262.00	25,240.00
36	337	LF	5'x2' RCB	344.90	116,231.30	380.00	128,060.00	404.00	136,148.00	331.00	111,547.00
37	643	LF	4'x2' RCB	267.90	172,259.70	284.50	182,933.50	302.00	194,186.00	248.00	159,464.00
38	1	EA	Headwall for 2-8'x4' RCB (West Side)	8,832.90	8,832.90	14,175.00	14,175.00	15,071.00	15,071.00	10,970.00	10,970.00
39	1	EA	Headwall for 48" RCP	3,745.00	3,745.00	6,250.00	6,250.00	6,642.00	6,642.00	5,435.00	5,435.00
40	3	EA	Connect Existing Storm Drain	1,605.00	4,815.00	1,150.00	3,450.00	1,239.00	3,717.00	1,015.00	3,045.00
41	165	LF	18" Arch Pipe (Type 3)	159.10	26,251.50	83.00	13,695.00	88.20	14,553.00	73.00	12,045.00
42	425	LF	48" RCP	205.70	87,422.50	230.00	97,750.00	245.60	104,380.00	204.00	86,700.00
43	295	LF	36" RCP	144.10	42,509.50	160.00	47,200.00	167.50	49,412.50	139.00	41,005.00
44	50	LF	30" RCP	123.10	6,155.00	120.00	6,000.00	128.40	6,420.00	108.00	5,400.00
45	665	LF	24" RCP	106.90	71,088.50	95.50	63,507.50	101.60	67,564.00	84.00	55,860.00
46	563	LF	18" RCP	86.30	48,586.90	73.50	41,380.50	78.10	43,970.30	64.50	36,313.50
47	2,800	LF	6" PVC French Drain including all connections to storm sewer system	36.10	101,080.00	23.50	65,800.00	19.70	55,160.00	20.50	57,400.00
48	200	CY	Class A Concrete	95.00	19,000.00	200.00	40,000.00	226.00	45,200.00	333.00	66,600.00
49	150	SY	Concrete Riprap	51.40	7,710.00	77.00	11,550.00	44.70	6,705.00	76.25	11,437.50
50	30	SY	6" Concrete Channel	112.40	3,372.00	90.00					

BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

				BIDDER INFORMATION							
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
90	325	LF	Detail T-1 duct bank with pull string	100.00	32,500.00	110.00	35,750.00	82.00	26,650.00	456.25	148,281.25
91	1,298	LF	Detail T-2 duct bank with pull string	92.80	120,454.40	80.00	103,840.00	75.00	97,350.00	264.00	342,672.00
92	1	EA	Switch Gear Precast Concrete Pad coordinated & provided by ONCOR	2,326.20	2,326.20	10,350.00	10,350.00	2,500.00	2,500.00	11,312.00	11,312.00
93	2	EA	Vista Gear Precast Concrete Pad coordinated & provided by ONCOR	2,326.20	4,652.40	3,700.00	7,400.00	2,390.00	4,780.00	4,212.00	8,424.00
94	4	EA	Precast Concrete Transformer Pad coordinated & provided by ONCOR	3,654.10	14,616.40	3,700.00	14,800.00	2,000.00	8,000.00	4,212.00	16,848.00
95	1	EA	Pull Box coordinated & provided by ONCOR	8,640.30	8,640.30	3,700.00	3,700.00	9,300.00	9,300.00	4,212.00	4,212.00
96	10	EA	Traffic Rated Communication Pull Box	367.10	3,671.00	5,100.00	51,000.00	5,400.00	54,000.00	5,717.00	57,170.00
97	130	Day	Traffic Message Board including Programming Messages & Maintenance	133.80	17,394.00	110.00	14,300.00	89.00	11,570.00	200.00	26,000.00
98	4	EA	2x2' Inlet & Connection to Storm Drain in Roundabout	1,337.50	5,350.00	2,575.00	10,300.00	1,675.00	6,700.00	2,082.00	8,328.00
99	1,200	SY	3" HMAC Type D	14.60	17,520.00	16.20	19,440.00	17.00	20,400.00	17.30	20,760.00
100	1,500	SY	8" Crushed Limestone Base Material	10.70	16,050.00	8.65	12,975.00	14.00	21,000.00	9.50	14,250.00
101	1,500	SY	6" Moisture Conditioned Sub Grade	1.40	2,100.00	1.50	2,250.00	2.70	4,050.00	2.75	4,125.00
102	3	EA	Water Service Connecting on the East Side of North 31st Street, Terminating with a Water Service on the West Side of 31st Street	2,675.00	8,025.00	2,650.00	7,950.00	2,900.00	8,700.00	2,303.00	6,909.00
PART A: NORTH 31st STREET CIVIL				\$ 3,747,755.00		\$ 3,832,668.50		\$ 4,293,112.80		\$ 4,344,310.65	

PART B: NORTH 31st STREET LANDSCAPING											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Part B Bid	\$ 74,900.00	\$ 74,900.00	\$ 55,360.00	\$ 55,360.00	\$ 83,000.00	\$ 83,000.00	\$ 48,780.00	\$ 48,780.00
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW for Part B	6,420.00	6,420.00	5,775.00	5,775.00	2,352.00	2,352.00	8,500.00	8,500.00
3	100%	LS	Monument Entry Sign including all Appurtenances & Items. The Drill Piers are excluded from this item.	98,012.00	98,012.00	145,085.00	145,085.00	148,296.00	148,296.00	153,270.00	153,270.00
4	47	EA	Street Light including Foundation Pier, Connection, Light Fixture, Etc.	10,960.70	515,152.90	12,900.00	606,300.00	14,124.00	663,828.00	14,018.00	658,846.00
5	100%	LS	Roundabout Concrete Structures , Foundation, Low Walls, Concrete Steps, Stone Columns, Etc. The drill piers are excluded from this item	153,652.00	153,652.00	255,751.00	255,751.00	156,605.00	156,605.00	150,382.00	150,382.00
6	180	LF	18" drill piers including all items, materials appurtenances, Etc.	74.90	13,482.00	105.00	18,900.00	42.60	7,668.00	141.00	25,380.00
7	100%	LS	15' Wildcat developed by Ronnie Wells including scanning, point-up in Styrofoam, clay application & detailing, molding, casting, delivery & installation fully provided by artist	420,000.00	420,000.00	420,000.00	420,000.00	420,000.00	420,000.00	420,000.00	420,000.00
8	100%	LS	Roundabout - 15' Wildcat Foundation & Support System, to include Brick Veneer (ML-03) on the sides, stone/flagstone pavers (ML-16) on the top & large/medium boulders (ML-17) on the top	21,186.00	21,186.00	8,500.00	8,500.00	68,166.00	68,166.00	48,365.00	48,365.00
9	4	EA	15' Wildcat Uplight with all Appurtenances	481.50	1,926.00	1,350.00	5,400.00	1,451.00	5,804.00	1,459.00	5,836.00
10	260	SY	Washed Granite including all other materials & labor required for complete installation shown per Detail	17.20	4,472.00	20.00	5,200.00	20.00	5,200.00	20.00	5,200.00
11	80	CY	River Rock including all other materials & labor required for complete installation shown per Detail	117.70	9,416.00	167.00	13,360.00	170.00	13,600.00	170.50	13,640.00
12	1,250	LF	Steel Edging including all other materials & labor required for complete installation shown per Detail	6.50	8,125.00	3.30	4,125.00	3.30	4,125.00	3.50	4,375.00
13	65	SY	4" Decomposed Granite with Soil Stabilizer including all other materials & labor required for complete installation shown per Detail 1/LS-06	32.10	2,086.50	20.00	1,300.00	22.00	1,430.00	22.50	1,462.50
14	50	SY	Brick Pavers including concrete curb, concrete sub-slab & all appurtenances per Detail	155.20	7,760.00	170.00	8,500.00	199.00	9,950.00	136.50	6,825.00
15	28	EA	Chinkapin Oak including all other materials & labor required for complete installation shown per Detail 1/LP-17	1,473.40	41,255.20	1,460.00	40,880.00	1,479.00	41,412.00	1,488.00	41,664.00
16	40	EA	Cedar Elm including all other materials & labor required for complete installation shown per Detail 1/LP-17	1,441.30	57,652.00	1,460.00	58,400.00	1,479.00	59,160.00	1,488.00	59,520.00
17	2	EA	Palo Verde 'Desert Museum' including all other materials & labor required for complete installation shown per Detail 2/LP-17	974.80	1,949.60	635.00	1,270.00	642.00	1,284.00	645.00	1,290.00
18	9	EA	Century Plant including all other materials & labor required for complete installation shown per Detail 1/LP-16	26.80	241.20	55.00	495.00	56.00	504.00	56.00	504.00
19	12	EA	Red Yucca including all other materials & labor required for complete installation shown per Detail 1/LP-16	26.80	321.60	35.00	420.00	36.00	432.00	36.00	432.00
20	354	EA	Gulf Coast Muhly including all other materials & labor required for complete installation shown per Detail 1/LP-16	21.40	7,575.60	33.00	11,682.00	34.00	12,036.00	34.00	12,036.00
21	1,407	EA	Texas Sedge including all other materials & labor required for complete installation shown per Detail 1/LP-16	10.70	15,054.90	16.50	23,215.50	17.00	23,919.00	17.00	23,919.00
22	32	EA	Trailing Rosemary including all other materials & labor required for complete installation shown per Detail 1/LP-16	9.70	310.40	16.50	528.00	17.00	544.00	17.00	544.00
23	4,200	SY	Bermuda Hydromulch with Flexible Growth Medium including watering to establish & maintain growth, including 4" of specified topsoil in all hydromulch areas	9.10	38,220.00	7.75	32,550.00	8.00	33,600.00	11.00	46,200.00
24	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer for all turf, shrub beds & trees	37,450.00	37,450.00	49,000.00	49,000.00	111,640.00	111,640.00	101,000.00	101,000.00
PART B: NORTH 31st STREET LANDSCAPING				\$ 1,536,620.90		\$ 1,771,996.50		\$ 1,874,555.00		\$ 1,837,970.50	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART C: TISD PARKING LOT C											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Total Bid Part C	\$ 15,515.00	\$ 15,515.00	\$ 15,200.00	\$ 15,200.00	\$ 10,133.00	\$ 10,133.00	\$ 15,060.00	\$ 15,060.00
2	0.87	Acre	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	8,025.00	6,981.75	7,312.00	6,361.44	3,142.00	2,733.54	2,860.00	2,488.20
3	100%	LS	Prepare Part C Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	1,070.00	1,070.00	5,653.00	5,653.00	112.00	112.00	425.00	425.00
4	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	6,848.00	6,848.00	1,000.00	1,000.00	2,500.00	2,500.00	2,570.00	2,570.00
5	100%	LS	Provide Red Lined Construction Sets for Development of Project Record Drawings	535.00	535.00	500.00	500.00	170.00	170.00	240.00	240.00
6	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions	535.00	535.00	500.00	500.00	220.00	220.00	315.00	315.00
7	40	CY	Unclassified Excavation (Concrete)	16.10	644.00	12.00	480.00	60.00	2,400.00	21.00	840.00
8	100%	LS	Remove & Relocate Existing Bench & Trash Can, Including Compacted Subgrade, Concrete Pad, Connections & All Appurtenances	5,350.00	5,350.00	800.00	800.00	362.00	362.00	1,235.00	1,235.00
9	2	EA	Relocate Existing Trash Bins	535.00	1,070.00	300.00	600.00	89.00	178.00	400.00	800.00
10	1	EA	Remove & Dispose of Existing Light Poles	481.50	481.50	300.00	300.00	691.00	691.00	760.00	760.00
11	1,300	CY	Unclassified Roadway Excavation	8.60	11,180.00	15.00	19,500.00	20.00	26,000.00	14.25	18,525.00
12	80	CY	Unclassified Roadway Fill	12.90	1,032.00	3.50	280.00	16.00	1,280.00	13.00	1,040.00
13	6,450	SY	6" Stabilized Subgrade	2.20	14,190.00	1.10	7,095.00	1.30	8,385.00	3.00	19,350.00
14	2,850	SY	10" Crushed Limestone Base Material (Light Duty)	14.00	39,900.00	10.00	28,500.00	14.60	41,610.00	11.00	31,350.00
15	2,850	SY	2" Type D HMAC	9.50	27,075.00	10.00	28,500.00	10.60	30,210.00	10.75	30,637.50
16	1,031	LF	Concrete Curb & Gutter, Including 6" CLBM to 3-Feet Behind the Curb	23.60	24,331.60	16.30	16,805.30	25.00	25,775.00	22.00	22,682.00
17	20	LF	Sawtooth Curb & Gutter, Including 6" CLBM to 3-Feet Behind the Curb	28.90	578.00	18.50	370.00	28.00	560.00	29.00	580.00
18	150	SY	Concrete Driveway Apron Section Including Base	75.50	11,325.00	63.00	9,450.00	76.00	11,400.00	91.00	13,650.00
19	2	EA	Type 1 ADA Curb Ramp	1,872.50	3,745.00	1,925.00	3,850.00	1,842.00	3,684.00	1,008.00	2,016.00
20	570	SF	Stone Retaining Wall per Detail, Including Leveling Pad, Pipe Underdrain, Select Fill, & All Other Appurtenances	28.50	16,245.00	22.00	12,540.00	22.30	12,711.00	20.00	11,400.00
21	145	CY	Unclassified Fill Behind Retaining Wall	10.70	1,551.50	22.00	3,190.00	22.00	3,190.00	13.00	1,885.00
22	130	LF	Stone Dry Stack Barrier Wall (2' x 2' x 5')	79.20	10,296.00	33.00	4,290.00	33.00	4,290.00	35.00	4,550.00
23	1	EA	Stop Sign, R1-1, Including Pole, Base, & All Appurtenances	695.50	695.50	370.00	370.00	300.00	300.00	449.00	449.00

BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

BIDDER INFORMATION											
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
24	2	EA	Handicap Parking Sign, R7-8, Including Pole, Base, & All Appurtenances, Complete For	347.80	695.60	350.00	700.00	300.00	600.00	337.00	674.00
25	1	EA	Right Turn Only Sign, R3-5R, Including Pole, Base, & All Appurtenances	374.50	374.50	370.00	370.00	300.00	300.00	449.00	449.00
26	2	EA	Thermoplastic Handicap Parking Emblem	214.00	428.00	290.00	580.00	224.00	448.00	281.00	562.00
27	1,800	LF	Thermo 4" Solid White Striping	0.70	1,260.00	1.00	1,800.00	0.70	1,260.00	2.25	4,050.00
28	400	LF	12" Thermo White Gore Striping	2.10	840.00	3.50	1,400.00	2.20	880.00	2.50	1,000.00
29	139	LF	Two (2) - 4" PVC Sch 40 Conduits By Open Cut Including Pull String	54.40	7,561.60	15.00	2,085.00	9.00	1,251.00	84.00	11,676.00
30	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	54,600.00	54,600.00	61,400.00	61,400.00	65,262.00	65,262.00	70,608.00	70,608.00
31	2	EA	Single Parking Lot Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	7,020.30	14,040.60	7,600.00	15,200.00	8,527.00	17,054.00	8,280.50	16,561.00
32	2	EA	Parking Lot Twin Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	9,022.30	18,044.60	10,300.00	20,600.00	11,329.00	22,658.00	11,165.00	22,330.00
33	1	EA	Furnish, Install, Maintain, & Remove Stabilized Construction Entrance	4,280.00	4,280.00	1,500.00	1,500.00	1,559.00	1,559.00	2,075.00	2,075.00
34	66	SY	Mortared Rock Riprap, 18" Diameter	40.60	2,679.60	115.00	7,590.00	76.00	5,016.00	69.50	4,587.00
35	240	LF	Furnish, Install, Maintain, & Remove Silt Fence	3.30	792.00	2.20	528.00	2.20	528.00	4.50	1,080.00
36	1,325	SY	Bermuda Sod Including 4" Topsoil, Watering & Fertilizing to Establish & Maintain Growth	10.20	13,515.00	12.30	16,297.50	9.40	12,455.00	12.50	16,562.50
37	230	SY	Washed Granite	17.20	3,956.00	20.00	4,600.00	20.00	4,600.00	20.00	4,600.00
38	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer all shrub beds & trees	5,350.00	5,350.00	2,750.00	2,750.00	2,791.00	2,791.00	2,805.00	2,805.00
39	7	EA	Medium Boulder (Limestone)	535.00	3,745.00	165.00	1,155.00	167.00	1,169.00	168.00	1,176.00
40	4	EA	Large Boulder (Limestone)	802.50	3,210.00	195.00	780.00	196.00	784.00	196.00	784.00
41	14	LF	24" Wide by 6" Deep Concrete Flume	64.20	898.80	16.00	224.00	27.00	378.00	29.00	406.00
PART C: ELECTRICAL AMOUNT - (Items 1 - 41)					\$ 337,446.15		\$ 305,694.24		\$ 327,887.54		\$ 344,833.20

PART C - ALTERNATE PAVING SECTION A (GEOGRID)											
CA-1	-200	CY	Deduct Item 11: Unclassified Roadway Excavation (Asphalt & Base)	\$ 8.60	\$ (1,720.00)	\$ 15.00	\$ (3,000.00)	\$ 20.00	\$ (4,000.00)	\$ 14.25	\$ (2,850.00)
CA-2	-2,850	SY	Deduct Item 14: 10" Crushed Limestone Base Material (Light Duty)	14.00	(39,900.00)	10.00	(28,500.00)	14.60	(41,610.00)	11.00	(31,350.00)
CA-3	2,850	SY	6" Crushed Limestone Base Material (Section B, Light Duty)	8.60	24,510.00	6.50	18,525.00	9.90	28,215.00	7.00	19,950.00
CA-4	2,850	SY	Tensar TX130S Geogrid	6.50	18,525.00	5.00	14,250.00	3.00	8,550.00	3.00	8,550.00
PART C - ALTERNATE PAVING SECTION A (GEOGRID)					\$ 1,415.00		\$ 1,275.00		\$ (8,845.00)		\$ (5,700.00)

PART C - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)											
CC-1	-200	CY	Deduct Item 11: Unclassified Roadway Excavation	\$ 8.60	\$ (1,720.00)	\$ 15.00	\$ (3,000.00)	\$ 20.00	\$ (4,000.00)	\$ 14.25	\$ (2,850.00)
CC-2	-2,850	SY	Deduct Item 14: 10" Crushed Limestone Base Material (Light Duty)	14.00	(39,900.00)	10.00	(28,500.00)	14.60	(41,610.00)	11.00	(31,350.00)
CC-3	2,850	SY	4" Crushed Limestone Base Material (Section C, Light Duty)	6.50	18,525.00	4.88	13,908.00	7.40	21,090.00	6.00	17,100.00
CC-4	2,850	SY	4" Type B HMAC	16.80	47,880.00	16.40	46,740.00	16.70	47,595.00	17.50	49,875.00
PART C - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)					\$ 24,785.00		\$ 29,148.00		\$ 23,075.00		\$ 32,775.00

PART D: THS PARKING LOT A											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Total Bid Part D	\$ 80,250.00	\$ 80,250.00	\$ 68,255.00	\$ 68,255.00	\$ 78,232.00	\$ 78,232.00	\$ 41,130.00	\$ 41,130.00
2	5.07	Acre	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	10,486.00	53,164.02	9,775.00	49,559.25	16,367.00	82,980.69	4,580.00	23,220.60
3	100%	LS	Submit Part D Portion of Trench Safety Plan Prepared & Signed by PE, in Conformance with State Law & OSHA	2,675.00	2,675.00	100.00	100.00	500.00	500.00	362.00	362.00
4	64	SF	Implement & Follow Trench Safety Plan (Structures)	16.10	1,030.40	2.68	171.52	1.70	108.80	3.50	224.00
5	100%	LS	Prepare Part D Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	1,070.00	1,070.00	1,500.00	1,500.00	250.00	250.00	425.00	425.00
6	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	6,848.00	6,848.00	1,000.00	1,000.00	1,500.00	1,500.00	2,570.00	2,570.00
7	100%	LS	Provide Red Lined Construction Sets for Development of Part D Record Drawings	535.00	535.00	500.00	500.00	170.00	170.00	362.00	362.00
8	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions	535.00	535.00	500.00	500.00	200.00	200.00	310.00	310.00
9	12	EA	For Furnishing, Installing, Maintaining & Removing Tree Protection (Slats)	535.00	6,420.00	200.00	2,400.00	57.00	684.00	131.00	1,572.00
10	8,900	CY	Unclassified Roadway Excavation (Asphalt & Base)	18.20	161,980.00	14.00	124,600.00	17.80	158,420.00	12.00	106,800.00
11	290	CY	Unclassified Roadway Excavation (Concrete)	16.10	4,669.00	14.00	4,060.00	45.00	13,050.00	17.00	4,930.00
12	23	LF	Remove Existing Speed Bumps	10.70	246.10	10.00	230.00	20.00	460.00	8.50	195.50
13	1	EA	Remove Existing Curb Ramp	267.50	267.50	300.00	300.00	564.00	564.00	324.00	324.00
14	100%	LS	Remove & Dispose of Existing Security Guard Booth, Including Bollards	4,280.00	4,280.00	500.00	500.00	1,847.00	1,847.00	2,482.00	2,482.00
15	16	EA	Remove & Dispose of Existing Curb Stops	10.70	171.20	20.00	320.00	33.60	537.60	36.00	576.00
16	5	EA	Remove & Dispose of Existing Light Poles	481.50	2,407.50	400.00	2,000.00	2,477.00	12,385.00	575.00	2,875.00
17	1	EA	Remove & Dispose of Existing Curb Inlet	1,605.00	1,605.00	750.00	750.00	565.00	565.00	885.00	885.00
18	104	LF	Remove & Dispose of Existing Curb & Gutter	5.40	561.60	5.00	520.00	6.30	655.20	6.00	624.00
19	1	EA	Remove & Replace Existing Gate Pad & Gate	3,745.00	3,745.00	2,200.00	2,200.00	2,315.00	2,315.00	2,362.00	2,362.00
20			Bid Item Deleted - Item Left for Continuity								
21	23,490	SY	6" Stabilized Subgrade	2.20	51,678.00	1.10	25,839.00	1.10	25,839.00	3.00	70,470.00
22	15,000	SY	10" Crushed Limestone Base Material (Light Duty)	11.30	169,500.00	9.40	141,000.00	12.00	180,000.00	11.50	172,500.00
23	5,600	SY	12" Crushed Limestone Base Material (Heavy Duty)	12.90	72,240.00	11.00	61,600.00	14.60	81,760.00	13.50	75,600.00
24	15,000	SY	2" Type D HMAC (Light Duty)	9.50	142,500.00	9.35	140,250.00	9.90	148,500.00	10.00	150,000.00
25	5,600	SY	3" Type D HMAC (Heavy Duty)	14.60	81,760.00	14.10	78,960.00	15.00	84,000.00	15.00	84,000.00
26	4,285	LF	Concrete Curb & Gutter, Including 6" CLBM to 3-Foot Behind the Curb	23.60	101,126.00	16.30	69,845.50	23.90	102,411.50	22.00	94,270.00
27	120	SY	8" Thick Reinforced Concrete Concrete Dumpster Pad, Including Subgrade Preparation & 6" CLBM	71.70	8,604.00	68.20	8,184.00	102.00	12,240.00	90.00	10,800.00
28	650	SY	Concrete Sidewalk	42.80	27,820.00	52.00	33,800.00	43.00	27,950.00	50.00	32,500.00
29	2	EA	Type 1 Ramp	1,872.50	3,745.00	1,925.00	3,850.00	1,842.00	3,684.00	1,036.00	2,072.00
30	2	EA	Type 6 Ramp	2,675.00	5,350.00	1,925.00	3,850.00	1,842.00	3,684.00	1,036.00	2,072.00
31	4	EA	Type 10 Ramp	2,140.00	8,560.00	1,925.00	7,700.00	2,232.00	8,928.00	1,035.00	4,140.00
32	3	EA	Stop Sign, R1-1, Including Pole & Base	374.50	1,123.50	370.00	1,110.00	300.00	900.00	449.00	1,347.00
33	1	EA	One Way Sign, R6-1, Including Pole & Base	374.50	374.50	370.00	370.00	300.00	300.00	337.00	337.00
34	2	EA	Do Not Enter Sign, R5-1, Including Pole & Base	374.50	749.00	370.00	740.00	300.00	600.00	449.00	898.00
35	28	EA	Handicap Parking Sign, R7-8, Including Pole & Base	428.00	11,984.00	420.00	11,760.00	300.00	8,400.00	337.00	9,436.00
36	1	EA	Left Turn Only Sign, R3-5L, Including Pole & Base	374.50	374.50	370.00	370.00	300.00	300.00	393.00	393.00
37	2	EA	No Left Turn Sign, R3-1L, Including Pole & Base	374.50	749.00	370.00	740.00	300.00	600.00	393.00	786.00
38	2	EA	Right Turn Only Sign, R3-5R, Including Pole & Base	374.50	749.00	370.00	740.00	300.00	600.00	393.00	786.00
39	28	EA	Thermoplastic Handicap Parking Emblem	214.00	5,992.00	290.00	8,120.00	223.00	6,244.00	281.00	7,868.00
40	48	LF	Thermo 24" Solid White Stop Bar Striping	17.90	859.20	9.40	451.20	18.60	892.80	16.85	808.80
41	720	LF	Thermo 8" Solid White Striping	1.90	1,368.00	1.80	1,296.00	2.00	1,440.00	4.50	3,240.00
42	5,700	LF	Thermo 4" Solid White Striping	0.70	3,990.00	1.00	5,700.00	0.70	3,990.00	2.25	12,825.00
43	3,600	LF	Solid 6-Inch Wide Red ReflectORIZED Pvmt Mrks Type II (White Lettering - 'Fire Lane')	1.10	3,960.00	0.50	1,800.00	1.10	3,960.00	0.80	2,880.00
44	420	LF	Thermo Double - 4" Solid Yellow Striping	1.50	630.00	1.10	462.00	1.50	630.00	2.25	945.00
45	5,700	LF	Thermo 12" White Gore Striping	2.10	11,970.00	3.20	18,240.00	2.20	12,540.00	2.50	14,250.00
46	123	LF	Thermo Yellow 'Puppy Track' Dash Striping	0.70	86.10	1.10	135.30	0.70	86.10	9.50	1,168.50
47	28	EA	6' Long x 6" High Wheel Stops	80.30	2,248.40	66.00	1,848.00	83.00	2,324.00	115.00	3,220.00
48	1	EA	4'x4' Grate Inlet, Including Penetration & Connection to Existing 8'x4' RCB	4,815.00	4,815.00	3,150.00	3,150.00	2,233.00	2,233.00	2,855.00	2,855.00

* Extended amount has been corrected.
** Total amount has been corrected.

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BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

BIDDER INFORMATION											
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
49	15	LF	18" Wide by 6" Deep Concrete Flume	64.20	963.00	12.00	180.00	17.70	265.50	29.00	435.00
50	19	LF	4' Wide by 6" Deep Concrete Flume	80.30	1,525.70	32.00	608.00	39.00	741.00	73.00	1,387.00
51	1	EA	8x4' Diamond Plate for Flume Crossing (Bolted to Concrete)	1,605.00	1,605.00	1,500.00	1,500.00	900.00	900.00	529.00	529.00
52	2,866	LF	4" PVC Sch 40 Conduits By Open Cut Including Pull String	41.30	118,365.80	15.00	42,990.00	6.90	19,775.40	60.00	171,960.00
53	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	174,242.10	174,242.10	163,300.00	163,300.00	173,611.00	173,611.00	187,761.00	187,761.00
54	1	EA	Single Parking Lot Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	7,020.30	7,020.30	9,500.00	9,500.00	10,528.00	10,528.00	10,440.00	10,440.00
55	14	EA	Parking Lot Twin Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	9,022.30	126,312.20	11,000.00	154,000.00	12,100.00	169,400.00	12,000.00	168,000.00
56	3	EA	Parking Lot Twin Light (Pole Height 30" Shorter Than Catalog Number Listed) Including Type II Foundation Pier, Connection, Light Fixture, Etc.	8,638.20	25,914.60	12,250.00	36,750.00	13,540.00	40,620.00	13,093.00	39,279.00
57	160	LF	Steel Edging	6.50	1,040.00	3.50	560.00	3.30	528.00	3.50	560.00
58	1,350	SY	Washed Granite	17.20	23,220.00	20.00	27,000.00	20.00	27,000.00	20.00	27,000.00
59	21	EA	Medium Boulder	535.00	11,235.00	165.00	3,465.00	167.00	3,507.00	169.00	3,549.00
60	13	EA	Large Boulder (Limestone)	802.50	10,432.50	195.00	2,535.00	195.00	2,535.00	196.00	2,548.00
61	29	EA	Chinquapin Oak per Detail 1/HLS-14	1,473.40	42,728.60	1,460.00	42,340.00	1,479.00	42,891.00	1,488.00	43,152.00
62	5	EA	Shumard Red Oak per Detail 1/HLS-14	1,016.50	5,082.50	1,400.00	7,000.00	1,396.00	6,980.00	1,403.00	7,015.00
63	18	EA	Texas Mountain Laurel per Detail 2/HLS-14	1,016.50	18,297.00	910.00	16,380.00	921.00	16,578.00	926.00	16,668.00
64	202	EA	Regal Mist Pink Muhly per Detail 3/HLS-14	37.50	7,575.00	37.50	7,575.00	38.00	7,676.00	38.00	7,676.00
65	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer for all shrub beds & trees	10,700.00	10,700.00	13,750.00	13,750.00	14,000.00	14,000.00	14,030.00	14,030.00
66	100%	LS	Remove & Dispose of Existing Band Tower, Including Shed & All Related Appurtenances	2,675.00	2,675.00	2,500.00	2,500.00	2,791.00	2,791.00	1,405.00	1,405.00
PART D: THS PARKING LOT A				\$ 1,646,299.82		\$ 1,423,309.77		\$ 1,620,787.59		\$ 1,658,090.40	

PART D - ALTERNATE PAVING SECTION A (GEOGRID)											
DA-1	-2,600	CY	Deduct Item 10: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (47,320.00)	\$ 14.00	\$ (36,400.00)	\$ 17.80	\$ (46,280.00)	\$ 12.00	\$ (31,200.00)
DA-2	-15,000	SY	Deduct Item 22: 10" Crushed Limestone Base Material (Light Duty)	11.30	(169,500.00)	9.40	(141,000.00)	12.00	(180,000.00)	11.50	(172,500.00)
DA-3	-5,600	SY	Deduct Item 23: 12" Crushed Limestone Base Material (Heavy Duty)	12.90	(72,240.00)	11.00	(61,600.00)	14.60	(81,760.00)	13.50	(75,600.00)
DA-4	15,000	SY	6" Crushed Limestone Base Material (Section B, Light Duty)	8.60	129,000.00	6.10	91,500.00	7.60	114,000.00	6.00	90,000.00
DA-5	5,600	SY	8" Crushed Limestone Base Material (Section B, Heavy Duty)	10.70	59,920.00	8.25	46,200.00	10.30	57,680.00	10.00	56,000.00
DA-6	22,400	SY	Tensar TX130S Geogrid	6.50	145,600.00	5.00	112,000.00	2.80	62,720.00	3.00	67,200.00
PART D - ALTERNATE PAVING SECTION A (GEOGRID)				\$ 45,460.00		\$ 10,700.00		\$ (73,640.00)		\$ (66,100.00)	

PART D - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)											
DC-1	-1,500	CY	Deduct Item 10: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (27,300.00)	\$ 14.00	\$ (21,000.00)	\$ 17.80	\$ (26,700.00)	\$ 12.00	\$ (18,000.00)
DC-2	-15,000	SY	Deduct Item 22: 10" Crushed Limestone Base Material (Heavy Duty)	11.30	(169,500.00)	9.40	(141,000.00)	12.00	(180,000.00)	11.50	(172,500.00)
DC-3	-5,600	SY	Deduct Item 23: 12" Crushed Limestone Base Material (Light Duty)	12.90	(72,240.00)	11.00	(61,600.00)	14.60	(81,760.00)	13.50	(75,600.00)
DC-4	-5,600	SY	Deduct Item 25: 3" Type D HMAC (Heavy Duty)	14.60	(81,760.00)	14.10	(78,960.00)	15.00	(84,000.00)	15.00	(84,000.00)
DC-5	15,000	SY	4" Crushed Limestone Base Material (Section C, Light Duty)	6.50	97,500.00	4.65	69,750.00	5.40	81,000.00	6.00	90,000.00
DC-6	5,600	SY	6" Crushed Limestone Base Material (Section C, Heavy Duty)	8.60	48,160.00	6.10	34,160.00	8.00	44,800.00	6.00	33,600.00
DC-7	20,600	SY	4" Type B HMAC	16.80	346,080.00	16.30	335,780.00	16.60	341,960.00	17.25	355,350.00
DC-8	5,600	SY	2" Type D HMAC	9.50	53,200.00	8.90	49,840.00	9.00	50,400.00	9.50	53,200.00
PART D - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)				\$ 194,140.00		\$ 186,970.00		\$ 145,700.00		\$ 182,050.00	

PART E: PARKING LOT B											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Total Bid Part E	\$ 26,750.00	\$ 26,750.00	\$ 24,892.00	\$ 24,892.00	\$ 21,400.00	\$ 21,400.00	\$ 20,245.00	\$ 20,245.00
2	2.02	Acre	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	9,630.00	19,452.60	9,012.00	18,204.24	17,290.00	34,925.80	5,750.00	11,615.00
3	100%	LS	Prepare Part F Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	1,070.00	1,070.00	1,500.00	1,500.00	300.00	300.00	425.00	425.00
4	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	6,848.00	6,848.00	1,000.00	1,000.00	1,500.00	1,500.00	1,565.00	1,565.00
5	100%	LS	Provide Red Lined Construction Sets for Development of Project Record Drawings	535.00	535.00	500.00	500.00	170.00	170.00	300.00	300.00
6	100%	LS	Provide DVD of ROW pre-construction & post construction	535.00	535.00	500.00	500.00	220.00	220.00	315.00	315.00
7	3,700	CY	Unclassified Roadway Excavation (Asphalt & Base)	18.20	67,340.00	14.00	51,800.00	19.40	71,780.00	12.00	44,400.00
8	80	CY	Unclassified Roadway Excavation (Concrete)	16.10	1,288.00	14.00	1,120.00	53.00	4,240.00	18.50	1,480.00
9	1	EA	Remove & Dispose of Existing Light Poles	481.50	481.50	300.00	300.00	691.00	691.00	572.00	572.00
10	9,660	SY	6" Stabilized Subgrade	2.20	21,252.00	1.10	10,626.00	1.30	12,558.00	3.00	28,980.00
11	5,050	SY	10" Crushed Limestone Base Material (Light Duty)	11.30	57,065.00	9.40	47,470.00	12.50	63,125.00	11.50	58,075.00
12	4,100	SY	12" Crushed Limestone Base Material (Heavy Duty)	12.90	52,890.00	11.00	45,100.00	14.80	60,680.00	13.50	55,350.00
13	5,050	SY	2" Type D HMAC (Light Duty)	9.50	47,975.00	9.60	48,480.00	10.20	51,510.00	10.25	51,762.50
14	4,100	SY	3" Type D HMAC (Heavy Duty)	14.60	59,860.00	13.65	55,965.00	14.50	59,450.00	14.50	59,450.00
15	690	LF	Concrete Curb & Gutter, Including 6" CLBM to 3-Feet Behind the Curb	23.60	16,284.00	16.30	11,247.00	24.00	16,560.00	24.50	16,905.00
16	6	EA	Handicap Parking Sign, R7-8, Including Pole & Base	428.00	2,568.00	420.00	2,520.00	300.00	1,800.00	337.00	2,022.00
17	1	EA	Left Turn Only Sign, R3-5L, Including Pole & Base	374.50	374.50	370.00	370.00	300.00	300.00	393.00	393.00
18	1	EA	No Left Turn Sign, R3-1L, Including Pole & Base	374.50	374.50	370.00	370.00	300.00	300.00	393.00	393.00
19	6	EA	Thermoplastic Handicap Parking Emblem	214.00	1,284.00	290.00	1,740.00	223.00	1,338.00	281.00	1,686.00
20	1,950	LF	Solid 6-Inch Wide Red Reflectorized Pvmr Mrks Type II (White Lettering - Fire Lane)	1.10	2,145.00	0.50	975.00	1.10	2,145.00	0.80	1,560.00
21	440	LF	Thermo 8" Solid White Striping	1.90	836.00	1.80	792.00	2.00	880.00	4.50	1,980.00
22	1,600	LF	Thermo 4" Solid White Striping	0.70	1,120.00	1.00	1,600.00	0.70	1,120.00	2.25	3,600.00
23	110	LF	Thermo Double - 4" Solid Yellow Striping	1.50	165.00	1.10	121.00	1.50	165.00	3.00	330.00
24	950	LF	Thermo 12" White Gore Striping	2.10	1,995.00	3.20	3,040.00	2.20	2,090.00	2.50	2,375.00
25	26	LF	Thermo 24" Solid White Stop Bar Striping	16.50	429.00	9.40	244.40	17.20	447.20	17.00	442.00
26	536	LF	Two (2) - 4" PVC Sch 40 Conduits By Open Cut Including Pull String	41.30	22,136.80	15.00	8,040.00	9.20	4,931.20	80.00	42,880.00
27	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	30,822.50	30,822.50	48,000.00	48,000.00	50,910.00	50,910.00	54,730.00	54,730.00
28	5	EA	Parking Lot Twin Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	9,022.30	45,111.50	11,000.00	55,000.00	11,922.00	59,610.00	11,790.00	58,950.00
29	2	EA	Parking Lot Twin Light (Pole Height 30" Shorter Than Catalog Number Listed) Including Type II Foundation Pier, Connection, Light Fixture, Etc.	8,638.20	17,276.40	12,000.00	24,000.00	13,544.00	27,088.00	13,065.00	26,130.00
30	40	LF	Steel Edging	17.20	688.00	3.50	140.00	3.30	132.00	3.50	140.00
31	370	SY	Washed Granite	17.20	6,364.00	20.00	7,400.00	20.00	7,400.00	20.00	7,400.00
32	4	EA	Medium Boulder (Limestone)	535.00	2,140.00	165.00	660.00	167.00	668.00	169.00	676.00
33	2	EA	Large Boulder (Limestone)	802.50	1,605.00	195.00	390.00	195.00	390.00	196.00	392.00

BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

				BIDDER INFORMATION							
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
34	8	EA	Shumard Oak per Detail 1/HLS-14	1,016.50	8,132.00	1,400.00	11,200.00	1,396.00	11,168.00	1,403.00	11,224.00
35	8	EA	Texas Mountain Laurel per Detail 2/HLS-14	1,016.50	8,132.00	910.00	7,280.00	922.00	7,376.00	926.00	7,408.00
36	94	EA	Regal Mist Pink Muhly per Detail 3/HLS-13	37.50	3,525.00	37.50	3,525.00	38.00	3,572.00	38.00	3,572.00
37	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer for all shrub beds & trees	5,350.00	5,350.00	3,850.00	3,850.00	3,908.00	3,908.00	3,930.00	3,930.00
PART E: PARKING LOT B					\$ 542,200.30		\$ 499,961.64		\$ 586,848.20		\$ 583,652.50

PART E - ALTERNATE PAVING SECTION A (GEOGRID)											
EA-1	-1,100	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (20,020.00)	\$ 14.00	\$ (15,400.00)	\$ 19.40	\$ (21,340.00)	\$ 12.00	\$ (13,200.00)
EA-2	-5,050	SY	Deduct Item 11: 10" Crushed Limestone Base Material (Light Duty)	11.30	(57,065.00)	9.40	(47,470.00)	12.50	(63,125.00)	11.50	(58,075.00)
EA-3	-4,100	SY	Deduct Item 12: 12" Crushed Limestone Base Material (Heavy Duty)	12.90	(52,890.00)	11.00	(45,100.00)	14.80	(60,680.00)	13.50	(55,350.00)
EA-4	5,050	SY	6" Crushed Limestone Base Material (Section B, Light Duty)	8.60	43,430.00	6.10	30,805.00	8.00	40,400.00	6.00	30,300.00
EA-5	4,100	SY	8" Crushed Limestone Base Material (Section B, Heavy Duty)	10.70	43,870.00	8.25	33,825.00	10.20	41,820.00	10.00	41,000.00
EA-6	9,200	SY	Tensar TX130S Geogrid	6.50	59,800.00	5.00	46,000.00	2.90	26,680.00	3.00	27,600.00
PART E - ALTERNATE PAVING SECTION A (GEOGRID)					\$ 17,125.00		\$ 2,660.00		\$ (36,245.00)		\$ (27,725.00)

PART E - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)											
EC-1	-700	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (12,740.00)	\$ 14.00	\$ (9,800.00)	\$ 19.40	\$ (13,580.00)	\$ 12.00	\$ (8,400.00)
EC-2	-5,050	SY	Deduct Item 11: 10" Crushed Limestone Base Material (Light Duty)	11.30	(57,065.00)	9.40	(47,470.00)	12.50	(63,125.00)	11.50	(58,075.00)
EC-3	-4,100	SY	Deduct Item 12: 12" Crushed Limestone Base Material (Heavy Duty)	12.90	(52,890.00)	11.00	(45,100.00)	14.80	(60,680.00)	13.50	(55,350.00)
EC-4	-4,100	SY	Deduct Item 14: 3" Type D HMAC (Heavy Duty)	14.60	(59,860.00)	13.65	(55,965.00)	14.50	(59,450.00)	14.50	(59,450.00)
EC-5	5,050	SY	4" Crushed Limestone Base Material (Section C, Light Duty)	6.50	32,825.00	4.65	23,482.50	5.60	28,280.00	6.00	30,300.00
EC-6	4,100	SY	6" Crushed Limestone Base Material (Section C, Heavy Duty)	8.60	35,260.00	6.10	25,010.00	7.80	31,980.00	6.00	24,600.00
EC-7	9,150	SY	4" Type B HMAC	16.80	153,720.00	16.80	153,720.00	17.10	156,465.00	18.00	164,700.00
EC-8	4,100	SY	2" Type D HMAC	9.50	38,950.00	9.00	36,900.00	9.20	37,720.00	9.75	39,975.00
PART E - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)					\$ 78,200.00		\$ 80,777.50		\$ 57,610.00		\$ 78,300.00

PART F: PARKING LOT D											
1	100%	LS	Mobilization, Bonds and Insurance, not-to-exceed 5% of Total Bid Part F	\$ 10,700.00	\$ 10,700.00	\$ 12,720.00	\$ 12,720.00	\$ 11,166.00	\$ 11,166.00	\$ 12,655.00	\$ 12,655.00
2	0.74	Acre	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	8,774.00	6,492.76	8,200.00	6,068.00	2,719.00	2,012.06	10,500.00	7,770.00
3	100%	LS	Prepare Part F Portion of Stormwater Pollution Prevention Plan, Including Submission to and Receiving Permits from TCEQ	1,070.00	1,070.00	4,846.00	4,846.00	300.00	300.00	425.00	425.00
4	100%	LS	Implement and Administer Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian)	6,848.00	6,848.00	1,000.00	1,000.00	500.00	500.00	1,565.00	1,565.00
5	100%	LS	Provide Red Lined Construction Sets for Development of Project Record Drawings	535.00	535.00	500.00	500.00	170.00	170.00	300.00	300.00
6	100%	LS	Provide DVD of ROW pre-construction and post construction site conditions	535.00	535.00	500.00	500.00	220.00	220.00	215.00	215.00
7	1,200	CY	Unclassified Roadway Excavation (Asphalt and Base)	18.20	21,840.00	15.00	18,000.00	20.60	24,720.00	12.00	14,400.00
8	226	LF	Remove Existing Chain Link Fence	5.40	1,220.40	5.00	1,130.00	2.90	655.40	6.50	1,469.00
9	70	CY	Unclassified Roadway Fill	12.90	903.00	3.50	245.00	15.40	1,078.00	7.50	525.00
10	3,100	SY	6" Stabilized Subgrade	2.20	6,820.00	1.10	3,410.00	2.00	6,200.00	3.00	9,300.00
11	2,500	SY	10" Crushed Limestone Base Material (Light Duty)	11.30	28,250.00	10.10	25,250.00	15.00	37,500.00	11.50	28,750.00
12	2,500	SY	2" Type D HMAC	9.50	23,750.00	10.10	25,250.00	15.90	39,750.00	10.75	26,875.00
13	870	LF	Concrete Curb & Gutter, Including 6" CLBM to 3-Foot Behind the Curb	23.60	20,532.00	16.30	14,181.00	25.40	22,098.00	24.50	21,315.00
14	160	LF	Concrete Ribbon Curb, Including 6" CLBM to 3-Foot Behind the Curb	32.10	5,136.00	16.30	2,608.00	23.30	3,728.00	19.00	3,040.00
15	2	EA	Handicap Parking Sign, R7-8, Including Pole and Base	347.80	695.60	350.00	700.00	300.00	600.00	337.00	674.00
16	2	EA	Thermoplastic Handicap Parking Emblem	214.00	428.00	290.00	580.00	224.00	448.00	281.00	562.00
17	2,900	LF	Thermo 4" Solid White Striping	0.70	2,030.00	1.00	2,900.00	0.70	2,030.00	2.25	6,525.00
18	300	LF	12" Thermo White Gore Striping	2.70	810.00	3.20	960.00	2.80	840.00	2.50	750.00
19	7	EA	6' Long x 6" High Wheel Stops	80.30	562.10	66.00	462.00	83.00	581.00	115.00	805.00
20	83	LF	Two (2) - 4" PVC Sch 40 Conduits By Open Cut Including Pull String	41.30	3,427.90	15.00	1,245.00	9.00	747.00	84.00	6,972.00
21	100%	LS	Lighting Conduit & All Accessories per Electrical Plans, Including But Not Limited to Hand Holes, Utility Poles, Meters, Lighting Control Panels, Conduit, Wiring, Connections, etc.	47,435.30	47,435.30	61,000.00	61,000.00	65,241.00	65,241.00	81,825.00	81,825.00
22	100	LF	Furnish, Install, Maintain, and Remove Silt Fence	3.30	330.00	2.20	220.00	2.20	220.00	3.50	350.00
23	235	LF	Replace Removed Fence with New Chain Link Fence, Including All Related Appurtenances and Connection to Existing Fence	28.90	6,791.50	20.00	4,700.00	25.00	5,875.00	35.00	8,225.00
24	1,300	SY	Bermuda Sod Including 4" Topsoil, Watering and Fertilizing to Establish and Maintain Growth	10.20	13,260.00	12.30	15,990.00	9.50	12,350.00	12.50	16,250.00
25	3	EA	Single Parking Lot Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	7,020.30	21,060.90	8,500.00	25,500.00	9,538.00	28,614.00	9,825.00	29,475.00
26	2	EA	Parking Lot Twin Light Including Type I Foundation Pier, Connection, Light Fixture, Etc.	9,022.30	18,044.60	10,700.00	21,400.00	11,802.00	23,604.00	12,175.00	24,350.00
27	150	SY	Washed Granite	17.20	2,580.00	20.00	3,000.00	20.00	3,000.00	20.00	3,000.00
28	10	LF	Furnish and Install Steel Edging	17.20	172.00	3.30	33.00	3.30	33.00	3.25	32.50
PART F: PARKING LOT D					\$ 252,260.06		\$ 254,398.00		\$ 294,280.46		\$ 308,399.50

PART F - ALTERNATE PAVING SECTION A (GEOGRID)											
FA-1	-300	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (5,460.00)	\$ 15.00	\$ (4,500.00)	\$ 20.60	\$ (6,180.00)	\$ 12.00	\$ (3,600.00)
FA-2	-2,500	SY	Deduct Item 11: 10" Crushed Limestone Base Material (Light Duty)	11.30	(28,250.00)	10.10	(25,250.00)	15.00	(37,500.00)	11.50	(28,750.00)
FA-3	2,500	SY	6" Crushed Limestone Base Material (Section B, Light Duty)	8.60	21,500.00	6.50	16,250.00	9.40	23,500.00	6.00	15,000.00
FA-4	2,500	SY	Tensar TX130S Geogrid	6.50	16,250.00	5.50	13,750.00	3.10	7,750.00	3.00	7,500.00
PART F - ALTERNATE PAVING SECTION A (GEOGRID)					\$ 4,040.00		\$ 250.00		\$ (12,430.00)		\$ (9,850.00)

PART F - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)											
FC-1	-200	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (3,640.00)	\$ 15.00	\$ (3,000.00)	\$ 20.60	\$ (4,120.00)	\$ 12.00	\$ (2,400.00)
FC-2	-2,500	SY	Deduct Item 11: 10" Crushed Limestone Base Material (Light Duty)	11.30	(28,250.00)	10.10	(25,250.00)	15.00	(37,500.00)	11.50	(28,750.00)
FC-3	2,500	SY	4" Crushed Limestone Base Material (Section C, Light Duty)	6.50	16,250.00	4.88	12,200.00	7.10	17,750.00	6.00	15,000.00
FC-4	2,500	SY	4" Type B HMAC	16.80	42,000.00	16.50	41,250.00	16.90	42,250.00	17.75	44,375.00
PART F - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)					\$ 26,360.00		\$ 25,200.00		\$ 18,380.00		\$ 28,225.00

BID TABULATION
CITY OF TEMPLE
NORTH 31st STREET IMPROVEMENTS & TISD PARKING LOTS
February 19, 2020; 2:00 PM

2019-101-40

				BIDDER INFORMATION							
				Emerson Construction Co, Inc. 4502 Twin City Blvd Temple TX 76502		R.T. Schneider Const. Co, Ltd. PO Box 876 Belton, TX 76513		Choice Builders LLC 3809 S General Bruce Dr, #103 Temple TX 76502		TTG Utilities, LP PO Box 299 Gatesville TX 76528	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART G: STADIUM DRIVE REHABILITATION											
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of Total Bid Part G	\$ 4,815.00	\$ 4,815.00	\$ 3,320.00	\$ 3,320.00	\$ 5,846.00	\$ 5,846.00	\$ 3,120.00	\$ 3,120.00
2	6.35	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	856.00	5,435.60	736.00	4,673.60	1,610.00	10,223.50	1,000.00	6,350.00
3	100%	LS	Prepare Add Alternate A Portion of Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	802.50	802.50	1,500.00	1,500.00	300.00	300.00	425.00	425.00
4	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	9,416.00	9,416.00	1,000.00	1,000.00	500.00	500.00	1,570.00	1,570.00
5	100%	LS	Provide Red Lined Construction Sets for Development of Project Record Drawings	535.00	535.00	500.00	500.00	170.00	170.00	300.00	300.00
6	100%	LS	Provide DVD of right-of-way pre-construction & post construction site conditions	535.00	535.00	500.00	500.00	220.00	220.00	215.00	215.00
7	1,100	CY	Unclassified Roadway Excavation (Asphalt & Base)	18.20	20,020.00	14.00	15,400.00	21.40	23,540.00	12.00	13,200.00
8	22	LF	Remove Existing Speed Bumps	10.70	235.40	10.00	220.00	21.00	462.00	10.00	220.00
9	1	EA	Adjust Manhole to Grade	1,391.00	1,391.00	1,500.00	1,500.00	256.00	256.00	420.00	420.00
10	2,500	SY	6" Stabilized Subgrade	2.20	5,500.00	1.10	2,750.00	1.60	4,000.00	3.00	7,500.00
11	2,500	SY	12" Crushed Limestone Base Material (Section B, Heavy Duty)	12.90	32,250.00	11.00	27,500.00	16.60	41,500.00	13.50	33,750.00
12	2,500	SY	3" Type D HMAC (Heavy Duty)	14.60	36,500.00	15.00	37,500.00	15.60	39,000.00	16.00	40,000.00
13	22	LF	Replace Existing Speed Bumps	37.50	825.00	15.00	330.00	22.30	490.60	33.00	726.00
PART G: STADIUM DRIVE REHABILITATION				\$ 118,260.50		\$ 96,693.60		\$ 126,508.10		\$ 107,796.00	

PART G - ALTERNATE PAVING SECTION A (GEOGRID)											
GA-1	-300	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (5,460.00)	\$ 14.00	\$ (4,200.00)	\$ 21.40	\$ (6,420.00)	\$ 12.00	\$ (3,600.00)
GA-2	-2,500	SY	Deduct Item 11: 12" Crushed Limestone Base Material (Heavy Duty)	12.90	(32,250.00)	11.00	(27,500.00)	16.60	(41,500.00)	13.50	(33,750.00)
GA-3	2,500	SY	8" Crushed Limestone Base Material (Section B, Light Duty)	10.70	26,750.00	8.25	20,625.00	11.10	27,750.00	10.00	25,000.00
GA-4	2,500	SY	Tensar TX130S Geogrid	6.50	16,250.00	5.00	12,500.00	2.80	7,000.00	3.00	7,500.00
PART G - ALTERNATE PAVING SECTION A (GEOGRID)				\$ 5,290.00		\$ 1,425.00		\$ (13,170.00)		\$ (4,850.00)	

PART G - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)											
GC-1	-100	CY	Deduct Item 7: Unclassified Roadway Excavation (Asphalt & Base)	\$ 18.20	\$ (1,820.00)	\$ 14.00	\$ (1,400.00)	\$ 21.40	\$ (2,140.00)	\$ 12.00	\$ (1,200.00)
GC-2	-2,500	SY	Deduct Item 11: 12" Crushed Limestone Base Material (Heavy Duty)	12.90	(32,250.00)	11.00	(27,500.00)	16.60	(41,500.00)	13.50	(33,750.00)
GC-3	-2,500	SY	Deduct Item 12: 3" Type D HMAC (Heavy Duty)	14.60	(36,500.00)	15.00	(37,500.00)	15.60	(39,000.00)	16.00	(40,000.00)
GC-4	2,500	SY	6" Crushed Limestone Base Material (Section C, Heavy Duty)	8.60	21,500.00	6.10	15,250.00	9.00	22,500.00	6.00	15,000.00
GC-5	2,500	SY	4" Type B HMAC	16.80	42,000.00	17.10	42,750.00	17.40	43,500.00	18.25	45,625.00
GC-6	2,500	SY	2" Type D HMAC	9.50	23,750.00	9.45	23,625.00	9.60	24,000.00	10.00	25,000.00
PART G - ALTERNATE PAVING SECTION C (FULL DEPTH HMAC)				\$ 16,680.00		\$ 15,225.00		\$ 7,360.00		\$ 10,675.00	

PART H: ELECTRICAL CONVERSION TO UNDERGROUND											
1	1,750	LF	Detail T-1 duct bank with pull string	\$ 97.40	\$ 170,450.00	\$ 110.00	\$ 192,500.00	\$ 85.00	\$ 148,750.00	\$ 251.00	\$ 439,250.00
2	271	LF	Detail T-2 duct bank with pull string	93.10	25,230.10	125.00	33,875.00	84.00	22,764.00	515.00	139,565.00
3	1	EA	Vista Gear Precast Concrete Pad coordinated & provided by ONCOR	2,326.20	2,326.20	3,800.00	3,800.00	2,390.00	2,390.00	4,212.00	4,212.00
4	2	EA	Precast Concrete Transformer Pad coordinated & provided by ONCOR	3,654.10	7,308.20	3,800.00	7,600.00	2,000.00	4,000.00	4,212.00	8,424.00
5	3	EA	Pull Box coordinated & provided by ONCOR	8,640.30	25,920.90	3,800.00	11,400.00	4,100.00	12,300.00	4,212.00	12,636.00
PART H: ELECTRICAL CONVERSION TO UNDERGROUND				\$ 231,235.40		\$ 249,175.00		\$ 190,204.00		\$ 604,087.00	

CITY OF TEMPLE (PARTS A-C)											
Total Part A				\$ 3,747,755.00				\$ 4,293,112.80			
Total Part B				\$ 1,536,620.90				\$ 1,874,555.00			

Total Part C (BASE)				\$ 337,446.15				\$ 327,887.54			
Total Part C (Geogrid)				\$ 338,861.15				\$ 319,042.54			
Total Part C (Full Depth HMAC)				\$ 362,231.15				\$ 350,962.54			

TOTAL PARTS A, B, C (BASE)				\$ 5,621,822.05				\$ 6,495,555.34			
TOTAL PARTS A, B, C (GEOGRID)				\$ 5,623,237.05				\$ 6,486,710.34			
TOTAL PARTS A, B, C (Full Depth HMAC)				\$ 5,646,607.05				\$ 6,518,630.34			

TISD (PARTS D - H)											
TOTAL PART D (BASE)				\$ 1,646,299.82				\$ 1,620,787.59			
TOTAL PART D (GEOGRID)				\$ 1,691,759.82				\$ 1,547,147.59			
TOTAL PART D (Full Depth HMAC)				\$ 1,840,439.82				\$ 1,766,487.59			

TOTAL PART E (BASE)				\$ 542,200.30				\$ 586,848.20			
TOTAL PART E (GEOGRID)				\$ 559,325.30				\$ 550,603.20			
TOTAL PART E (Full Depth HMAC)				\$ 620,400.30				\$ 644,458.20			

TOTAL PART F (BASE)				\$ 252,260.06				\$ 294,280.46			
TOTAL PART F (GEOGRID)				\$ 256,300.06				\$ 281,850.46			
TOTAL PART F (Full Depth HMAC)				\$ 278,620.06				\$ 312,660.46			


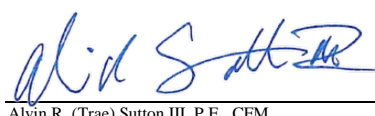
TOTAL PART G (BASE)				\$ 118,260.50				\$ 126,508.10			
TOTAL PART G (GEOGRID)				\$ 123,550.50				\$ 113,338.10			
TOTAL PART G (Full Depth HMAC)				\$ 134,940.50				\$ 133,868.10			

TOTAL PART H (ELECTRICAL)				\$ 231,235.40				\$ 190,204.00			
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TOTAL PARTS D, E, F, G & H (BASE)				\$ 2,790,256.08				\$ 2,818,628.35			
TOTAL PARTS D, E, F, G & H (GEOGRID)				\$ 2,862,171.08				\$ 2,683,143.35			
TOTAL PARTS D, E, F, G & H (Full Depth HMAC)				\$ 3,105,636.08				\$ 3,047,678.35			

Did Bidder Acknowledge Addenda 1 thru 6?				YES				YES			
Did Bidder provide Bid Security?				YES				YES			
Did Bidder provide required documents?				YES				YES			

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



Alvin R. (Trae) Sutton III, P.E., CFM
Kasberg, Patrick & Associates, LP

2-20-20

Date



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

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

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

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

February 20, 2020

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
North 31st Street Improvements and TISD Parking Lots Project

Dear Mr. Billeck:

On February 19, 2020, the City of Temple received bids from four (4) contractors for the North 31st Street Improvements and TISD Parking Lots Project.

This project is a joint project between the City of Temple and the Temple Independent School District (TISD). The City of Temple's portion of the project consists of Parts A through C. The attached Bid Tabulation shows Emerson Construction of Temple, Texas as the low bidder with a bid of \$5,621,822.05 for Parts A, B, and C (BASE). The bids for Parts A, B, and C ranged from \$5,621,822.05 to \$6,527,114.35. Parts D through H are to be funded by TISD and include Parking Lot Improvements at Temple High School and electrical conduit to relocate the overhead electric underground in the future.

Emerson Construction has successfully completed previous projects with the City of Temple. Therefore, we recommend that a contract be awarded to Emerson Construction for the North 31st Street Improvements and TISD Parking Lots Project in the amount of \$5,621,822.05 for Parts A, B, and C (BASE), as well as, \$2,537,996.02 for Parts D, E, & G (BASE), and Part H in conjunction with the inter-local agreement with TISD. TISD has requested not to award Part F for this project. Therefore the total amount recommended to be awarded is \$8,159,818.07.

Sincerely,

Alvin R. (Trae) Sutton III, P.E., CFM

ARS/

xc: Belinda Mattke, City of Temple
Bobby Ferguson, Emerson Construction Co., Inc.

P:\T\LS D\2019\2019-147 THS Parking Lots\CAD\EXHIBITS\31s and THS ex.dwg

RESOLUTION NO. 2020-0018-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT BETWEEN THE CITY OF TEMPLE, TEMPLE INDEPENDENT SCHOOL DISTRICT, AND EMERSON CONSTRUCTION COMPANY, INC., OF TEMPLE, TEXAS, IN THE AMOUNT OF \$8,159,818.07, TO CONSTRUCT THE NORTH 31ST STREET IMPROVEMENTS AND OTHER TEMPLE INDEPENDENT SCHOOL DISTRICT CAMPUS IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the proposed street improvement project along North 31st Street from Calhoun Avenue to Houston Avenue will provide needed connectivity and safety for pedestrians traveling between Temple High School and area businesses with improved connections to IH-35 frontage, a roundabout including an art feature, streetscape and pedestrian improvements from Calhoun Avenue to Bray Street, drainage, water & sewer utilities - in addition, the proposed project includes improvements to two Temple Independent School District (TISD) parking lots north of Wildcat Stadium, the construction of one parking lot south of Wildcat Stadium, and improvements to Stadium Drive;

Whereas, on December 20, 2018, the City Council authorized Kasberg, Patrick & Associates, LP (KPA) to design, bid, and administer construction of these improvements;

Whereas, on January 17, 2019, Council approved the first of two interlocal agreements (ILA) between the City of Temple (City) and TISD related to this project - the first ILA includes project participation from TISD in the amount of \$1,250,000 to be used for construction of the project and donating any required right of way needed for the improvements and specifies that TISD will pay the City \$625,000 upon execution of the ILA, which the City has received, and the remaining \$625,000 will be paid to the City before award of the construction contract;

Whereas, a second ILA between the City and TISD is being proposed on this Agenda and will combine the construction of improvements of the North 31st Street Project with construction activities located on the TISD High School Campus - the ILA will allow the City to administer a contract for construction, and for TISD to participate by paying for construction costs related to improvements to two parking lots north of Wildcat Stadium, improvements to Stadium Drive, and TISD's share of project electrical costs;

Whereas, on February 19, 2020, four bids were received for the project and after review of the bids, TISD Administration does not desire to proceed with the construction of Parking Lot D, Part F of the bid - accordingly, Staff and KPA are recommending award of the construction contract to the low bidder, Emerson Construction Company, Inc. (Emerson) in the amount of \$8,159,818.07 for Bid Parts A-E, G, and H;

Whereas, the Reinvestment Zone No. 1 Board recommended approval of this change order at its February 26, 2020 Board meeting - Staff and the Engineer agree that Emerson Construction Company, Inc. is qualified to complete this project and recommend Council award them a construction contract in the amount of \$8,159,818.07, to construct the North 31st Street improvements and other TISD campus improvements;

Whereas, funding for this construction contract is available in Reinvestment Zone Financing and Project Plans, Line 601, Account Nos. 795-9500-531-6571 and 795-9600-531-6571, Project No. 101798; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a construction contract with Temple Independent School District and Emerson Construction, Inc. of Temple, Texas in the amount of \$8,159,818.07, to construct the North 31st Street improvements and other Temple Independent School District campus improvements.

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

PASSED AND APPROVED this the 19th day of **March, 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