



Participating in a Virtual City Council Meeting

The City of Temple continues to take proactive and preventive measures in alignment with recommendations from the CDC and local health officials to minimize transmission risks of COVID-19 for residents as well as city staff during the execution of city business and city operations.

The City of Temple has made the decision to hold the April 2, 2020 City Council meeting via teleconference to allow members of the public to participate from the safety of their home, in alignment with Bell County's Stay Home Stay Safe directive.

Ways to Participate in Thursday's Virtual City Council Meeting

1. Via Meeting Site

It is recommended that members of the public wishing to virtually attend Thursday's meeting use the following link to access the Lucid Meeting site:

<https://meet.lucidmeetings.com/pub/citycouncil>

- On Thursday, residents will need to enter their first and last names and an email address to access the meeting site.
- Residents will need a modern browser and an internet connection to access the meeting site.
- There is nothing to download or install.
- Audio can be accessed via computer or phone. Residents logging in this way will be given audio instructions once they have joined the meeting.
- We recommend residents log in up to 30 minutes before the meeting start time.

2. Via Telephone

For residents who cannot or do not wish to participate through the meeting site, the following phone dial-in information is available. Residents wishing to participate in meeting via telephone only may call in using one of the below phone numbers. When prompted, they should enter the below conference and user id.

- Phone Dial-Ins:
 - +1 (415) 594-7873
 - +1 (805) 309-5909
 - +1 (415) 926-7799
 - Toll-free: +1 (866) 616-7487
- Conference ID: **2882241**
- User ID: **430**

Ways to Participate in Thursday's Virtual Public Hearing

During the public hearing, residents who wish to speak during the public hearing and are participating in the meeting via the Lucid meeting site can use the "raise your hand" feature in the meeting site.

Residents who are participating via telephone only must send an email to publichearing@templetx.gov and include their name and address for the record. Request to speak may be submitted beginning on Tuesday, March 31 but should be submitted no later than 30 minutes prior to the start of the meeting on Thursday to ensure all requests to speak are received in time for the public hearing.

Speakers will be called upon individually to speak during the public hearing.

5:00 P.M.
VIA TELECONFERENCE
THURSDAY, APRIL 2, 2020
TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA

For members of the public wishing to view the meeting, or participate in the public hearing, a toll-free phone number will be available on the home page of the City of Temple website (www.templetx.gov) at least 24 hours before the meeting time.

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. 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.

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

Minutes

- (A) [March 5, 2020 Special & Regular Called Meeting](#)
- (B) [March 19, 2020 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (C) [2020-0019-R](#): Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc., to design, bid, and administer construction for the Inverness Road Drainage Improvements project, in the amount of \$73,873.14, as well as, declare an official intent to reimburse the expenditures with the issuance of the Combination Tax and Revenue Certificates of Obligation Bonds, Series 2020.
- (D) [2020-0022-R](#): Consider adopting a resolution authorizing the City Manager to execute an Advanced Funding Agreement, and any other documents necessary to complete the transaction, with the Texas Department of Transportation to fund Adams Avenue and Central Avenue Sidewalk Improvements.
- (E) [2020-0023-R](#): Consider adopting a resolution authorizing an Economic Development Agreement with Spare Time Family Entertainment, LLC, in an amount not to exceed \$100,000.

- (F) [2020-0024-R](#): Consider adopting a resolution authorizing a Lease Agreement with Ron Fournier for lease of T-hangar #25 at the Draughon-Miller Central Texas Regional Airport.
- (G) [2020-0025-R](#): Consider adopting a resolution authorizing a contract amendment #9 to the professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$324,200 for construction phase services for Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 within the Reinvestment Zone No.1 in northwest Temple.
- (H) [2020-0026-R](#): Consider adopting a resolution authorizing an amendment to the airport lease agreement with Center Point Aviation, LLC to allow the lessee the right of first option to lease an adjacent plot of land at the Draughon-Miller Central Texas Regional Airport.
- (I) [2020-0027-R](#): Consider adopting a resolution authorizing the purchase of five properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$267,000.
- (J) [2020-0028-R](#): Consider adopting a resolution authorizing the purchase of three 2021 Freightliner Solid Waste Collection refuse roll-off trucks from Houston Freightliner, Inc. of Houston, in the amount of \$412,221, as well as, declare an official intent to reimburse the expenditures with the issuance of Limited Tax Notes, Series 2020.

Ordinances – Second & Final Readings

- (K) Consider adopting the following ordinances:
 - 1) [2020-5023](#): SECOND & FINAL READING: 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.
 - 2) [2020-5024](#): SECOND & FINAL READING: 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.
- (L) [2020-5025](#): SECOND & FINAL READING: Consider adopting an ordinance amending the Fire Fighter and Driver classifications of certified Fire Fighters.
- (M) [2020-5026](#): SECOND & FINAL READING: 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.

Misc.

- (N) [2020-0029-R](#): Consider adopting a resolution adopting rules related to accepting electronic bids, proposals, and statement of qualifications.

III. REGULAR AGENDA

RESOLUTION

4. **2020-0030-R:** Consider adopting a resolution adopting a Strategic Investment Zone Grant Program Policy.
5. **2020-0031-R:** Consider adopting a resolution authorizing the purchase of 43 vehicles from the following vendors in the total amount of \$1,656,587.18:
 - 19 vehicles from Silsbee Ford of Silsbee in the amount of \$882,126.50;
 - 20 vehicles from Grapevine DCJ, LLC of Grapevine in the amount of \$567,166;
 - 1 vehicle from Gunn Chevrolet of Selma in the amount of \$117,526;
 - 2 vehicles from Johnson Brothers Ford II, Ltd of Temple in the amount of \$65,546.68; and
 - 1 vehicle from Temple Mac Haik Dodge of Temple in the amount of \$24,222.
6. **2020-0032-R:** PUBLIC HEARING: Consider adopting a resolution amending the Community Development Block Grant 2015-19 Consolidated Plan and the 2019-20 Annual Action Plan by reallocating funds from a planned infrastructure project to a Historic Preservation Project in East Temple.
7. **2020-0033-R:** Consider adopting a resolution authorizing a construction contract in the amount of \$7,509,103.50, with R.T. Schneider Construction Co, LTD, of Belton, to construct Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 within the Reinvestment Zone No.1 in northwest Temple.

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

I hereby certify that a true and correct copy of this Notice of Meeting was published to the City of Temple's website at 3:15 PM, March 27, 2020.



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

04/02/20
Item #3(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Interim City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) March 5, 2020 Special & Regular Called Meeting
- (B) March 19, 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:

[March 5, 2020 Special & Regular Called Meeting Minutes / Video](#)
[March 19, 2020 Special & Regular Called Meeting Minutes / Video](#)



COUNCIL AGENDA ITEM MEMORANDUM

04/02/20
Item #3(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc., to design, bid, and administer construction for the Inverness Road Drainage Improvements project, in the amount of \$73,873.14, as well as, declare an official intent to reimburse the expenditures with the issuance of the Combination Tax and Revenue Certificates of Obligation Bonds, Series 2020.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: Staff has identified this project as a current priority in response to a history of flooding, drainage issues and impending growth in the area. Turley's scope of work includes final design, bidding and construction phase services. See the attached Engineer's Proposal and Project Map for more details and project limits.

Consultant services recommended under this professional services agreement include:

Design Survey	\$ 8,208.13
Design Services	41,040.63
Construction Surveying	10,260.16
Bidding / Construction Admin. / Inspection	<u>14,364.22</u>
Total	<u>\$73,873.14</u>

The time required for the design is 240 calendar days from the Notice to Proceed and the Engineer's preliminary opinion of probable construction cost is \$410,500.

FISCAL IMPACT: This agreement is being funded with the issuance of the 2020 Combination Tax and Revenue Certificates of Obligation Bonds. We are declaring an official intent to reimburse for this agreement. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

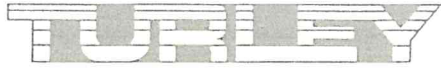
Once the budget adjustment is approved, funding for the professional services agreement with Turley Associates, Inc. to design, bid, and administer construction for the Inverness Road Drainage Improvements project in the amount of \$73,873.14 will be available in account 353-2900-534-6718, project 102234, as follows:

Project Budget	\$	78,873
Encumbered/Committed to Date		-
Professional Services Agreement - Turley Associates, Inc.		(78,873)
Remaining Project Funds Available	\$	-

The FY 2020 Business Plan includes funding for construction of the Inverness Road Drainage Improvements in the amount of \$500,000 in FY 2021.

ATTACHMENTS:

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



TURLEY ASSOCIATES, INC.

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

February 14, 2020

City of Temple
Attn: Richard Wilson, P.E.
City Engineer
3210 East Avenue H, Bldg A
Temple, Texas 76501

**RE: Inverness Road Drainage Improvements
Professional Services Scope of Work**

Dear Mr. Wilson,

Turley Associates, Inc. appreciates the opportunity to submit the following proposal to complete the drainage improvements to Inverness Road along with the down stream conveyance. Within this contract we will complete 100% final design for new culverts under Inverness Road to pass pre-developed storm water and an upgrade to the down stream conveyance to carry the 100-year storm event. This will include some concrete channel design, channel realignment, identify right-of-way or drainage easement needs. The final design will include an Opinion of Probable Cost (OPC) and budgets for 100% plans, along with preparation of bidding quantities and required contractual documents. We will also complete inspection services, construction surveying and construction administration services. Based on current bidding for projects of this nature, we believe the preliminary Opinion of Probable Cost to be \$410,406.25. We have included an exhibit and OPC breakdown for your reference.

A. Design Survey

1. Field Topographic Survey

- a. Survey crew will visit site to gather elevation data for area discussed. Any structures, fences, utilities, trees, or other improvements will be recorded by survey crew.

2. Data Collection

- a. Collect all existing data from City and utility companies to prepare a base map.
- b. 811 locate will be called in to help determine location of any underground utilities.
- c. R.O.W. maps, property deeds, and subdivision plats will be researched to establish current ownership and R.O.W. maps.

B. Design Services

1. Alignment

- a. Prepare an alignment for new concrete channel and box culverts.

2. Geometric Design

- a. Prepare a geometric design for concrete channel.
- b. Plans will show all running and side slopes along with grades for channel.
- c. Cross sections.

3. Drainage

- a. Prepare a complete drainage analysis for existing drainage flows and calculations.
- b. Prepare report and exhibits for drainage analysis.
- c. Determine conveyance method for flows.
- d. Analyze downstream conditions and determine necessary improvements.

4. Grading Plan
 - a. Prepare a grading plan for channel and area around channel which will require grading to match into channel.
5. Erosion Control Plan
 - a. Prepare an erosion control plan for project.
6. Plan and Profiles
 - a. Prepare a complete set of plan and profiles for channel showing grades, slopes, and depth.
 - b. Show the 25-year and 100-year water surface elevations in the channel along with velocities.
7. Temporary Construction Easements (TCE)
 - a. Prepare a drawing and field notes for TCE on project.
8. Details
 - a. Prepare details for project bidding and construction to meet City of Temple requirements.
9. Submittals
 - a. Submit progress prints and schedule regular progress meetings.
10. Meetings
 - a. Attend all meetings as necessary.
- C. Construction Phase Services/Bidding
 1. Bid Tabulations/Quantities
 - a. Quantities will be calculated for project.
 - b. A set of bid tabulations will be submitted to purchasing.
 - c. A digital set of plans will be submitted to purchasing.
 2. Pre-Bid
 - a. Turley Associates, Inc. will attend pre-bid meeting.
 - b. Agenda will be provided and notes from the meeting will be prepared.
 3. Bid Opening
 - a. We will attend the bid opening and prepare bid tabulations based on bids received.
 - b. Review bid tabulation for any erroneous calculations.
 4. Pre-Construction
 - a. Prepare agenda item for pre-construction meeting.
 - b. Review with contractor plans and expectations for project.
 5. Submittal/Pay Applications
 - a. All submittals will be reviewed for compliance to plan set and City specifications.
 - b. Contractor pay applications will be reviewed to confirm all work has been completed as shown on pay application.
 - c. We will forward both items to City once approved.
 6. Construction Surveying
 - a. Complete construction surveying as needed by the contractor.
 - b. Prepare exhibit for all temporary construction easements.
 - c. Prepare cut sheets to be issued to contractor.
 - d. Benchmarks will be established on site.
 - e. As-built survey will be completed on project.
 7. Inspection Services
 - a. A representative from Turley Associates, Inc. will make daily inspections. Notes will be made for daily progress and record any issues on site. Weekly reports will be issued to the city discussing progress for the week.
 - b. Inspector will be present for all testing done on-site.

8. Close-Out

- a. Once construction has been substantially completed, a final site observation will be performed, and a punch list will be issued.
- b. Once all punch list items have been addressed, as-builts will be completed based on construction plan changes noted on inspection plans.
- c. Once all items have been completed, Turley Associates, Inc. will issue a recommendation of acceptance letter to the City.

The above listed services for the Inverness Road Drainage Improvements, can be completed for the lump sum price of \$73,873.13. Below is a breakdown of project cost by individual items.

Design Survey	\$ 8,208.13
Design Services.....	\$41,040.63
Construction Surveying	\$10,260.16
Construction Administration/Inspection	\$14,364.22

Turley Associates, Inc. will coordinate with the City of Temple staff during each stage of the design process. Once all parties have agreed on a layout and design, Turley Associates, Inc. will proceed. If changes are requested after approval from City staff, these will be completed at an hourly rate. All Engineering and Surveying Services are to be performed in accordance with standard of due professional care.

We anticipate the Design Survey and Design Services to take 240 calendar days from date of Notice to Proceed.

Additional items not shown above but can be provided at an additional cost:

- Utility design
- Wetland assessment
- Endangered species assessment
- Environmental report
- Archaeological report
- Acquisition services
- SWPPP
- Telephone, ONCOR, TWC coordination/utility adjustment

Submitted:

TURLEY ASSOCIATES, INC.



B.J. Little, Manager
Project Management/Business Development

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

February 14, 2020

**Preliminary Engineer's Opinion of Probable Construction Cost for:
Inverness Road Drainage Improvements**

A. Highlands Channel Improvements				
(1) SWPPP & Erosion Control	1	L.S.	\$10,000.00	\$10,000.00
(2) 5' x 3' RCBC at Inverness Road	80	L.F.	\$500.00	\$40,000.00
(3) Flared wingwalls	2	E.A.	\$15,000.00	\$30,000.00
(4) Repair Inverness Road	1	L.S.	\$20,000.00	\$20,000.00
(5) Clear trees/brush in existing 30' wide drainage easement	610	L.F.	\$25.00	\$15,250.00
(6) Removal/disposal existing wood fence	200	L.F.	\$15.00	\$3,000.00
(7) Relocate power poles	1	L.S.	\$25,000.00	\$25,000.00
(8) Install new wood fence	200	L.F.	\$40.00	\$8,000.00
(9) Concrete channel - 10' - 20' bottom, 2.0' - 4' deep	650	L.F.	\$200.00	\$130,000.00
(10) Spoil haul-off	1	L.S.	\$20,000.00	\$20,000.00
(11) Topsoil & sod disturbed areas	1	L.S.	\$20,000.00	\$20,000.00
(12) 24" embedded rock rip-rap	625	S.F.	\$25.00	\$15,625.00
(13) Septic tank lines relocation/repair	1	L.S.	\$20,000.00	\$20,000.00
CONSTRUCTION SUBTOTAL (with 15% contingency)				\$410,406.25
ENGINEERING				\$41,040.63
CONTRACT ADMINISTRATION & INSPECTIONS				\$14,364.22
DESIGN SURVEYING				\$8,208.13
CONSTRUCTION SURVEYING				\$10,260.16
SUBTOTAL ENGINEERING & SURVEYING				\$73,873.13
TOTAL CONSTRUCTION				\$484,279.38

This estimate is released under the authority of William F. Sisco, P.E. (#123121) to the City of Temple for the purpose of preliminary review and budgeting and shall be used for no other purpose.



RESOLUTION NO. 2020-0019-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TURLEY ASSOCIATES, INC., OF TEMPLE, TEXAS IN THE AMOUNT OF \$73,873.14 TO DESIGN, BID, AND ADMINISTER CONSTRUCTION FOR THE INVERNESS ROAD DRAINAGE IMPROVEMENTS PROJECT; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF THE COMBINATION TAX REVENUE CERTIFICATES OF OBLIGATION BONDS, SERIES 2020; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff has identified this project as a priority in response to a history of flooding, drainage issues, and impending growth in the area - the scope of work includes final design, bidding and construction phase services;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution - upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150.2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid; and

Whereas, this agreement is being funded with the issuance of Combination Tax & Revenue Certificates of Obligation Bonds, Series 2020;

Whereas, the City hereby declares an official intent to reimburse for this expenditure;

Whereas, a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds - once the budget adjustment is approved, funding will be available in Account No. 353-2900-534-6718, Project No. 102234;

Whereas, the fiscal year 2020 Business Plan includes funding for construction of the Inverness Road Drainage Improvements in the amount of \$500,000 in fiscal year 2021; 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 professional services agreement with Turley Associates, Inc., of Temple, Texas in the amount of \$73,873.14 to design, bid, and administer construction for the Inverness Road Drainage Improvements project and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for the purchase of this property.

Part 3: This Resolution is a declaration of official intent by the City under Section 1.150.2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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 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

04/02/20
Item #3(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to execute an Advanced Funding Agreement, and any other documents necessary to complete the transaction, with the Texas Department of Transportation to fund Adams Avenue and Central Avenue Sidewalk Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: The Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements project will improve sidewalk connectivity through downtown Temple. Sidewalks constructed in this project will comply with ADA standards in order to enhance mobility for people of all abilities.

On September 1, 2016, Council authorized an application for federal funding, to include up to 20% match in future funding for selected projects, through the Killeen Temple Metropolitan Planning Organization (KTMPPO) Category 7 program. The application requested to fund the project with an OPC in the amount of \$1,913,044.

On June 21, 2017, KTMPPO approved funding using available Category 7 federal funds for Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements. TxDOT will fund \$1,193,739 of the estimated construction costs, and the City will be responsible for construction costs above the allocated Category 7 federal funding, engineering consulting services and environmental consulting services, as well as all direct state costs. The current OPC is \$1,430,000 with a projected bid date in September 2020.

On October 18, 2018, Council authorized a contract with Kasberg, Patrick & Associates, LP, for professional services required to design and bid the Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements in the amount of \$153,250. Revisions to the project were submitted February 2020 to remove bicycle lanes from the scope.

Approval of the resolution will authorize the City Manager to execute all documents necessary, including the Advanced Funding Agreement, to complete the transaction with TxDOT.

ATTACHMENT C

PROJECT ESTIMATE AND SOURCE OF FUNDS

Description	Total Estimated	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Work Performed by Local Government							
Total Construction Value (Sum of construction cost and In-kind value)	\$1,492,174.00	80%	\$1,193,739.00	0%	\$ -	20%	\$ 298,435.00
Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight							
Preliminary Engineering	\$ 8,953.04	0%	\$ -	0%	\$ -	100%	\$ 8,953.04
Environmental Cost	2,238.26	0%	-	0%	-	100%	2,238.26
Right of Way	149.22	0%	-	0%	-	100%	149.22
Utilities	447.65	0%	-	0%	-	100%	447.65
Construction	31,335.66	0%	-	0%	-	100%	31,335.66
Direct State Costs Subtotal	43,123.83	0%	-	0%	-	100%	43,123.83
Indirect State Cost	53,957.00	0%	-	100%	53,957.00	0%	-
Total Participation	\$1,589,254.83	\$ 1,193,739.00		\$ 53,957.00		\$ 341,558.83	
In-kind Contribution Credit Applied						0%	-
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION						\$ 341,558.83	

- The estimated total participation by Local Government is \$341,557.83, plus 100% of overruns. The local match must be a 20% or greater.
- This is an estimate and the final amount of Local Government participation will be based on actual costs.
- Maximum federal funds available for project are \$1,193,739.
- The state's participation is \$53,957.

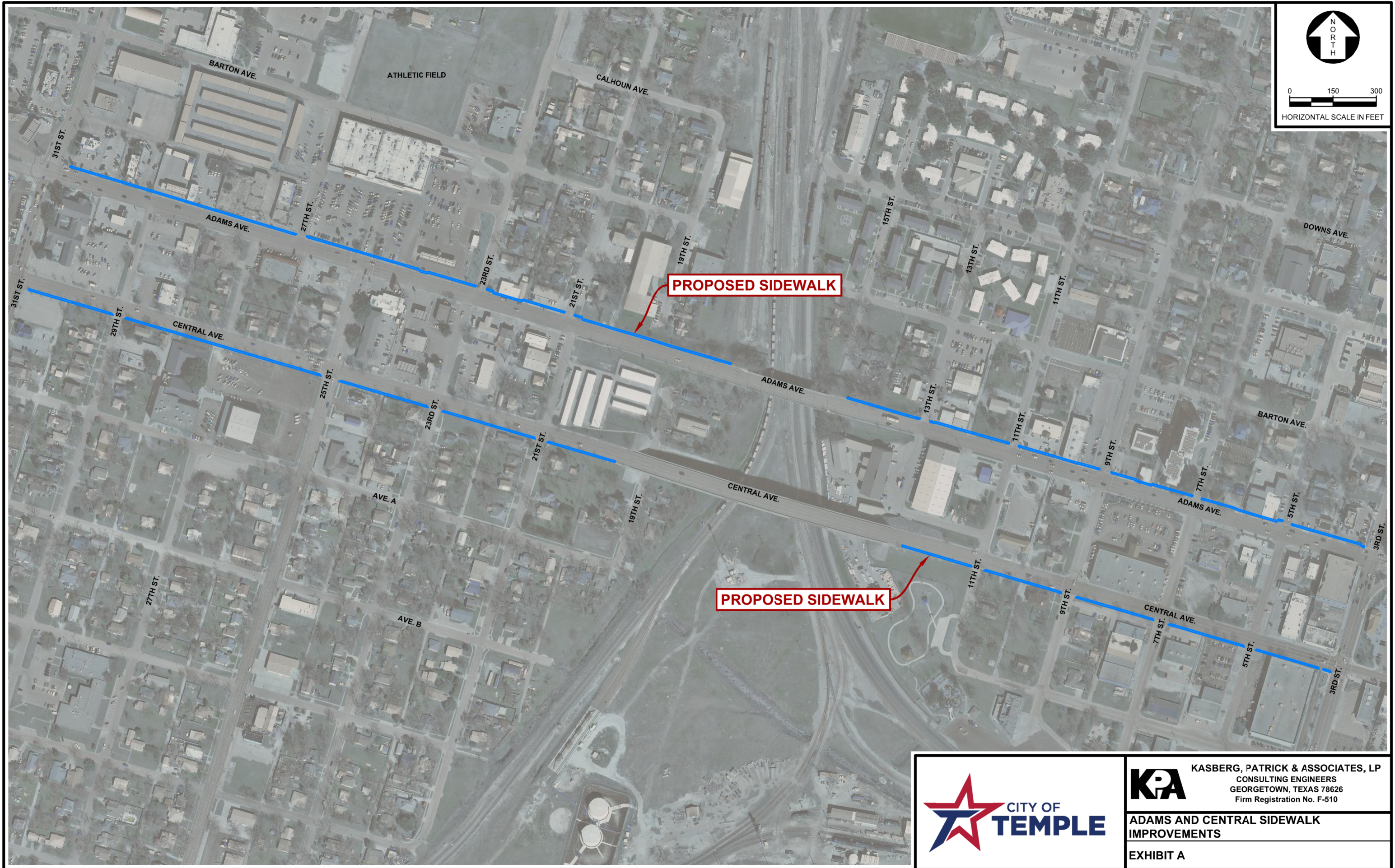
FISCAL IMPACT: The design of this project was funded out of Reinvestment Zone No. 1 Financing and Project Plan, line 605 – Adams & Central Avenue Bicycle & Pedestrian Improvements Design. The funding needed for TxDOT administration/direct state expenses and the City's match for construction will be funded from the City's TCIP program. A budget adjustment is being presented for Council's approval to appropriate the grant revenue to be received from TxDOT and the City's share of the project to account 260-3400-531-6315, project 101987.

The total amount due to the state for the direct costs is \$43,123.83. The first payment of \$11,788.17 is due to State within 30 days from execution of this agreement. The second payment of \$31,335.65 is due to State within 60 days prior to the construction contract being advertised for bids.

The total project cost is \$1,589,254.83. The Federal/State contribution is \$1,247,696 and the City's contribution for the project is \$341,558.83.

ATTACHMENTS:

[Map](#)
[Budget Adjustment](#)
[Resolution](#)



0 150 300

HORIZONTAL SCALE IN FEET



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
GEORGETOWN, TEXAS 78626
Firm Registration No. F-510

ADAMS AND CENTRAL SIDEWALK
IMPROVEMENTS

EXHIBIT A

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	
260-0000-431-01-63		Federal Grants	\$ 1,193,739			
260-3400-531-63-15	101987	Adams-Central Sidewalks	1,535,298			
260-0000-490-25-82		Transfer In	341,559			
365-9100-591-81-60		Operating Transfer Out/Grant Fund	341,559			
365-3400-531-63-15	101987	Adams-Central Sidewalks			341,559	
TOTAL.....			\$ 3,412,155		\$ 341,559	

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

Appropriate funding for the award of KTMO, Category 7 for transit projects. The City was awarded this grant for the construction of Adams & Central sidewalks and associated improvements, with a total estimated construction cost of \$1,589,254.83, of which \$1,193,739.00 is being funded as a reimbursement through the grant program with City matching funds in the amount of \$341,558.83.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

No

DATE OF COUNCIL MEETING

4/2/2020

WITH AGENDA ITEM?

x

☐ Yes

☐ No

Department Head/Division Director

Date _____

Approved

Disapproved

Finance

Date _____

Approved

Disapproved

City Manager

Date _____

Approved

Disapproved

RESOLUTION NO. 2020-0022-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE EXECUTION OF AN ADVANCED FUNDING
AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements project will improve sidewalk connectivity through downtown Temple - sidewalks constructed in this project will comply with Americans with Disabilities Act standards in order to enhance mobility for people of all abilities;

Whereas, on September 1, 2016, Council authorized an application for federal funding, to include up to 20% match in future funding for selected projects, through the Killeen-Temple Metropolitan Planning Organization (KTMPO) Category 7 program;

Whereas, on June 21, 2017, KTMPO approved funding using available Category 7 federal funds for Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements - the City will be responsible for construction costs above the allocated Category 7 federal funding, engineering consulting services and environmental consulting services, as well as all direct state costs;

Whereas, on October 18, 2018, Council authorized a contract with Kasberg, Patrick & Associates, LP, for professional services required to design and bid the Adams Avenue and Central Avenue Bicycle and Pedestrian Improvements in the amount of \$153,250 - revisions to the project were submitted February 2020 to remove bicycle lanes from the scope; and

Whereas, the design of this project was funded out of Reinvestment Zone No. 1 Financing and Project Plan, Line 605 – Adams & Central Avenue Bicycle & Pedestrian Improvements Design and the funding needed for TxDOT administration/direct state expenses and the City's match for construction will be funded from the City's TCIP program - a budget adjustment is being presented for Council's approval to appropriate the grant revenue to be received from TxDOT and the City's share of the project to Account No. 260-3400-531-6315, Project No. 101987;

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 Advanced Funding Agreement with the Texas Department of Transportation for this project and execute all necessary documents to complete the transaction.

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 **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

04/02/20
Item #3(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, City Manager
Kathy Davis, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Economic Development Agreement with Spare Time Family Entertainment, LLC, in an amount not to exceed \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Spare Time Family Entertainment, LLC (Spare Time), is planning to construct an outdoor expansion including go karts, ropes course, batting cages, sand volleyball, outdoor bar & grill, and/or other similar amenities at its current location in Temple.

City staff believes that the expansion of Spare Time will benefit Temple's economy by boosting sales tax revenue. Staff seeks approval of a Chapter 380 Economic Development Agreement between the City and Spare Time which includes the following material terms:

Term:

- Five years

Spare Time's Obligations:

- Invest approximately \$4,700,000 in the outdoor expansion including go karts, ropes course, batting cages, sand volleyball, outdoor bar & grill, and/or other similar amenities.

City's Obligations:

- Provide an incentive payment to Spare Time that would rebate a portion of sales tax generated by Spare Time during each Contract Year of the agreement
- The rebate payment would be made on any sales tax generated by Spare Time and paid to the City of Temple that exceeds \$36,000 per year.
- Rebate payments will not exceed a total of \$100,000.

FISCAL IMPACT: Incentives proposed under this agreement would be in the form of rebating potential future sales tax revenue. The total rebated sales tax revenue will not exceed a total of \$100,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0023-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH SPARE TIME FAMILY ENTERTAINMENT, LLC, IN AN AMOUNT NOT TO EXCEED \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Spare Time Family Entertainment, LLC (Spare Time), is planning to construct an outdoor expansion including go karts, ropes course, batting cages, sand volleyball, outdoor bar & grill, and/or other similar amenities at its current location in Temple;

Whereas, Staff believes that the expansion of Spare Time will benefit Temple's economy by boosting sales tax revenue and seeks approval of a Chapter 380 Economic Development Agreement between the City and Spare Time which includes the following material terms:

Term:

- 5 years

Spare Time's Obligations:

- Invest approximately \$4,700,000 in the outdoor expansion including go karts, ropes course, batting cages, sand volleyball, outdoor bar & grill, and/or other similar amenities.

City's Obligations:

- Provide an incentive payment to Spare Time that would rebate a portion of sales tax generated by Spare Time during each Contract Year of the agreement;
- The rebate payment would be made on any sales tax generated by Spare Time and paid to the City of Temple that exceeds \$36,000 per year; and
- Rebate payments will not exceed a total of \$100,000; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute an Economic Development Agreement with Spare Time Family Entertainment, LLC, in an amount not to exceed \$100,000.

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

PASSED AND APPROVED this the **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

04/02/20
Item #3(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Lease Agreement with Ron Fournier for lease of T-hangar #25 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Ron Fournier has requested to lease T-hangar #25 at the Airport for aircraft storage and aeronautical purposes. The rent for this T-hangar will be \$185 per month, due on the 1st day of the month.

Mr. Baker will be leasing T-Hangar #25, which will be used to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Cessna
Model:	182P
Engine Manufacturer:	CONT Motor
Engine Model:	O 470 Series
U.S. Registration No./Tail #:	N58658

The initial term of this lease agreement will be for 12 months and may be renewed for additional 12-month terms at the agreement of the parties, and as evidenced by the execution of a written amendment or addendum, or a new lease agreement reflecting any new rental rates or changes to terms and conditions. Staff recommends that the lease have an effective date of April 6, 2020.

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

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

FISCAL IMPACT: Annual lease revenue of \$2,220 for rental of T-Hangar #25 will be deposited into Account 110-0000-446-3021.

Attachments:
[Resolution](#)

RESOLUTION NO. 2020-0024-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AIRPORT HANGAR LEASE AGREEMENT WITH RON FOURNIER, IN THE AMOUNT OF \$185 PER MONTH, FOR THE USE OF T-HANGAR NO. 25 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Ron Fournier has requested to lease T-hangar No. 25 at the Airport for aircraft storage and aeronautical purposes

Whereas, if approved, Ron Fournier will be leasing T-hangar No. 25 to store the following aircraft:

Type:	Fixed Wing Single Engine
Manufacturer:	Cessna
Model:	182P
U.S. Registration No./ Tail No.:	N58658

Whereas, Staff recommends Council authorize a 12-month airport T-hangar lease agreement with Ron Fournier, at the rental rate of \$185 per month, due on the 1st day of each month, with an effective date of April 6, 2020;

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

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

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

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

Whereas, the City will receive annual lease revenue of \$2,200, which will be deposited into Account No. 110-0000-446-3021; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute an airport hangar lease agreement with Ron Fournier, in the amount of \$185 per month for the use of T-hangar No. 25 at the Draughon-Miller Central Texas Regional Airport, effective April 6, 2020.

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

PASSED AND APPROVED this the 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

04/02/20
Item #3(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract amendment #9 to the professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$324,200 for construction phase services for Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 within the Reinvestment Zone No.1 in northwest Temple.

STAFF RECOMMENDATION: Recommend to the City Council for approval as presented in Item Description.

ITEM SUMMARY: On August 15, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA) in the amount of \$1,864,020 to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway to IH35.

Contract Amendments (CA) #1-8 have been previously approved in the amount of \$290,846. With the Council's authorization of CA #9, in the amount of \$324,200, the revised contract amount will be \$2,479,066.

On March 25, 2020, the Reinvestment Zone No. 1 Board approved to recommend this contract amendment #9 to Council for a professional service agreement with KPA in the amount of \$324,200.

Staff is prepared to proceed with construction (separate item on this agenda) on the Phase 1 portion from Central Pointe Parkway to just passed McLane Parkway. See the attached project map. The proposed timeline for construction is 365 calendar days from the Notice to Proceed. As identified in the attached engineer's proposal, services will be added for construction administration and daily project representation for construction of the new roadway. The recommended consultant services and associated costs are as follows:

Construction Administration	\$ 231,000
On-Site Project Representation	<u>93,200</u>
Total	<u>\$ 324,200</u>

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 315, account 795-9600-531-6881, project 101004, to fund construction phase services for Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 in the amount of \$324,200 as shown below:

Project Budget	\$	9,044,000
Encumbered/Committed to Date		(842,095)
Construction Contract-RT Schneider Construction Co. LTD		(7,509,103)
Contract Amendment #9 - KPA		(324,200)
Remaining Project Funds	\$	<u>368,602</u>

ATTACHMENTS:

[Engineer's Proposal](#)
[Contract Amendment](#)
[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

November 20, 2019

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Outer Loop (Central Pointe Parkway to McLane Parkway)
Construction Phase Services

Dear Mr. Billeck:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will perform construction phase services for the Outer Loop (Central Pointe Parkway to McLane Parkway) Project.

The work to be performed by KPA under this contract consists of providing construction phase services for the project.

The following services will be performed:

CONSTRUCTION ADMINISTRATION

- Chair the Pre-Construction Conference.
- Review and approve all submittals for the project.
- Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- Develop record drawings based on information supplied by the contractor.

ON-SITE REPRESENTATION

- Perform daily on-site representation an average of 4 hours per day.
- Prepare and submit weekly logs of construction activities.

The following scope of work for construction phase services for the Outer Loop (Central Pointe Parkway to McLane Parkway) Project can be completed for the lump sum price of \$324,200. Attached is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Construction Administration	\$	231,000.00
On Site Representation	\$	93,200.00
Total	\$	324,200.00

Exhibit A outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

We will invoice monthly for our services based on a percent completion basis. We appreciate the opportunity and look forward to working with you on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

R. David Patrick, P.E., CFM

RDP/crc

xc: File

ATTACHMENT "A"

Charges for Additional Services

**City of Temple
Outer Loop (Central Pointe Parkway to McLane Parkway)
Construction Phase Services**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 75.00 – 95.00/hour
Project Manager	2.4	60.00 – 75.00/hour
Project Engineer	2.4	50.00 – 60.00/hour
Engineer-in-Training	2.4	40.00 – 50.00/hour
Engineering Technician	2.4	35.00 – 50.00/hour
CAD Technician	2.4	30.00 – 50.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	125.00 – 160.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: TRZ – Final Design-Research Parkway-Central Pointe Parkway to IH35

OWNER: City of Temple

ENGINEER: Kasberg, Patrick & Associates, LP

AMENDMENT #: 9

PO #: 182207

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

Additional Services to the Outer Loop (Central Pointe Parkway to McLane Parkway)

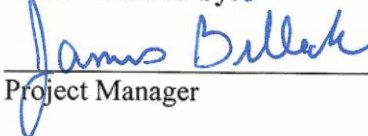
Construction Administration	\$ 231,000.00
One-Site Representation	\$ 93,200.00

TOTAL	\$ 324,200.00
--------------	----------------------

The Compensation agreed upon in this Contract Amendment is the full, complete and final payment for all costs the Architect or Engineer may incur as a result of or relating to this amendment 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 Contract Amendment.

Original Contract Amount:	\$ 1,864,020.00
Previous Net Change in Contract Amount:	\$ 290,846.00
Amount This Amendment:	\$ 324,200.00
Revised Contract Amount:	\$ 2,479,066.00
Original Contract Completion Date:	November 9, 2014
Revised Contract Completion Date:	August 31, 2021

Recommended by:

 3/24/2020
Project Manager Date

Agreed to:

 3/17/2020
Architect or Engineer Date

Approved by City of Temple:

City Manager Date

Approved as to form:

City Attorney's Office Date

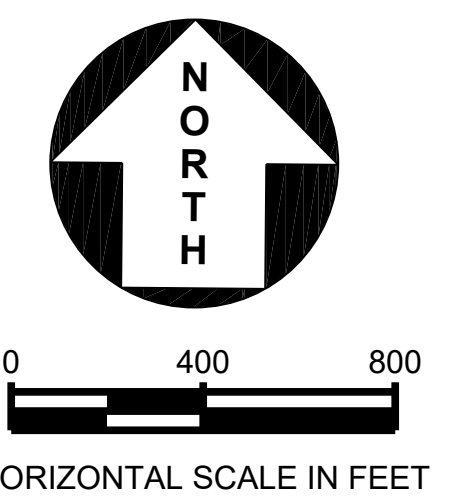
Approved by Finance Department:

Date



Outer Loop

2 RESEARCH PARKWAY
(MCLANE PARKWAY -
CENTRAL POINTE)



RESOLUTION NO. 2020-0025-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT NO. 9 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$324,200, FOR CONSTRUCTION PHASE SERVICES FOR PHASE 1 OF RESEARCH PARKWAY FROM CENTRAL POINTE PARKWAY TO IH35 WITHIN REINVESTMENT ZONE NO. 1 IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2013, Council authorized a professional services agreement with Kasberg Patrick & Associates, LP (“KPA”) in the amount of \$1,864,020 to design the roadway, drainage, utilities, striping, and signage for the completion of the outer loop from its current terminus at Central Pointe Parkway to IH35;

Whereas, Contract Amendments Nos. 1-8 have been previously approved in the amount of \$290,846;

Whereas, authorization of Contract Amendment No. 9 will include services for construction administration and daily project representation for construction of the new roadway;

Whereas, the Reinvestment Zone No. 1 Board recommended approval of this change order at their March 25, 2020 Board meeting;

Whereas, Staff recommends Council authorize Contract Amendment No. 9 to the professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$324,200, for construction phase services for Phase 1 of Research Parkway from Central Pointe Parkway to IH35 within Reinvestment Zone No.1 in northwest Temple increasing the contract amount to \$2,479,066;

Whereas, funding for Contract Amendment No. 9 is available in Reinvestment Zone No. 1 Financing and Project Plan, Line 315, Account No. 795-9600-531-6881, Project No. 101004; 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 Contract Amendment No. 9 to the professional services agreement with Kasberg, Patrick & Associates, LP in the amount of \$324,200, for construction phase services for Phase 1 of Research Parkway from Central Pointe Parkway to IH35 within Reinvestment Zone No. 1 in northwest Temple.

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 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

04/02/20
Item #3(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sean Parker, Airport Director
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the airport lease agreement with Center Point Aviation, LLC to allow the lessee the right of first option to lease an adjacent plot of land at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On June 17, 2016, the City entered into an airport lease agreement with Center Point Aviation, LLC ("Center Point") for an approximately 48,000 square foot plot of land at the Draughon-Miller Central Texas Regional Airport for the construction of an aircraft hangar and aircraft parking apron. The term of the original lease is for 30 years with five, two-year renewal options.

There is a vacant lot adjacent to the lot currently leased by Center Point, further shown in Exhibit A. Lessee has requested the right of first option to lease this plot for future development. The terms of the proposed lease amendment are as follows:

- Provided Center Point is not in default at the time of the exercise of its right, it shall have the right of first option to lease the adjacent plot of land if the City decides to lease the property between the date of execution of this lease amendment and December 31, 2021 (the "Refusal Period.")
- If the City desires to lease the plot of land during the Refusal Period, it will provide Center Point written notice of the terms and conditions upon which it would be willing to lease the property to Center Point.
- Center Point will have 10 business days after receipt of the City's notice to notify the City whether it wishes to exercise its right of first option to lease on the terms stated in the notice.
- If Center Point notifies the City that it intends to exercise its right of first option to lease, Center Point and the City will enter into a lease agreement based on the terms stated in the notice and Center Point will pay a non-refundable \$2,500 flat fee in consideration for exercising its right.
- The \$2,500 will be applied to the first year's rental amount, provided however, if Center Point fails to execute a lease agreement the \$2,500 payment will be forfeited to the City.

FISCAL IMPACT: There is no fiscal impact as a result of this lease amendment. However, should Center Point exercise its right of first option to lease the adjacent plot of land, a new airport land lease agreement would be executed. This option would result in additional revenue to the City.

ATTACHMENTS:

[Draft Agreement](#)

[Exhibit A](#)

[Resolution](#)

**FIRST AMENDMENT TO THE AIRPORT LEASE AGREEMENT
BETWEEN
THE CITY OF TEMPLE AND CENTER POINT AVIATION, LLC**

This First Amendment to the Airport Lease Agreement (the “First Amendment”) is entered into as of the ____ day of _____, 2020, by the City of Temple, a home rule City in Bell County, Texas, (hereinafter “City”), and Center Point Aviation, LLC, a limited liability company. (hereinafter “LESSEE”). The City and LESSEE may be referred to herein individually as “Party” or collectively as the “Parties”.

RECITALS

WHEREAS, the City is the owner of the Draughon-Miller Central Texas Regional Airport (the “Airport”), located in the limits of the City of Temple, by virtue of an agreement with the United States relative to development, operation and maintenance of the Draughon-Miller Central Texas Regional Airport dated August 18, 1947, to which reference is hereby made, and by such reference made a part hereof;

WHEREAS, on _____ the City entered into a thirty (30) year Lease Agreement (the “Original Lease Agreement”) with LESSEE for an approximately 48,000 square foot tract of land to construct on said premises a 120 ft x 120 ft aircraft hangar and a 120 ft x 100 ft aircraft parking apron, such tract of land being further described in “Exhibit A” attached hereto and incorporated for all purpose;

WHEREAS, the Parties desire to amend the Original Lease Agreement to allow the LESSEE the option to exercise a right of first option to lease a plot of land adjacent to the land leased by LESSEE in the Original Lease Agreement;

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, the parties hereto agree to amend the Original Lease Agreement as follows:

Section 1. Capitalized Terms.

Capitalized terms used in this First Amendment but not defined herein shall have the meanings ascribed to them in the Original Lease Agreement.

Section 2. Amendment; Right of First Option to Lease. The Original Lease Agreement is hereby amended by adding the subparts as follows:

- A. Provided that LESSEE is not in Default at the time of the exercise, LESSEE shall have the right of first option to lease the adjacent plot of land (hereinafter the “Property”), further described and depicted in “Exhibit B” attached hereto and incorporated herein for all purposes.

- B. This right of first option to lease shall expire on December 31, 2021 (the “Refusal Period”).
- C. If at any time during the Refusal Period, the City desires to lease the Property, the City will provide written notice to the LESSEE of the terms and conditions upon which the City would be willing to lease the Property to LESSEE.
- D. LESSEE shall have ten (10) business days after receipt of the City’s notice (the “LESSEE Response Period”) to notify the City in writing whether LESSEE desires to exercise the right of first option to lease the Property on the terms stated in the City’s notice. If LESSEE notifies the City within the LESSEE Response Period of intent to exercise the right of first option to lease, LESSEE and the City shall promptly enter into, subject to approval by City Council, a Lease Agreement for the Property on the terms and conditions stated in the City’s notice and LESSEE will pay a non-refundable flat fee of \$2,500.00 in consideration for exercising the right of first option. If LESSEE and City enter into a Lease Agreement, the \$2,500.00 will be applied to the LESSEE’s first year rental amount. If, however, LESSEE fails to execute a Lease Agreement with the City as set forth hereunder, the \$2,500.00 payment will be forfeited to the City.
- E. In the event that (i) LESSEE either: (a) elects not to exercise the right of first option to lease the Property on the terms and conditions stated in the City’s notice, or (b) fails to deliver LESSEE’s response to the City within the LESSEE Response Period (time being of the essence), or (c) if LESSEE delivers notice of intent to exercise its right of first option to lease, but City and LESSEE, through no fault of the City fail to agree and execute a Lease Agreement within 90 days after the date of the receipt of LESSEE’s response, (time being of the essence), then LESSEE shall be deemed to have permanently and irrevocably waived its right of first option to lease the Property and the City shall have the right thereafter, without further notice to LESSEE, to offer the Property for lease, and to lease the Property, to any party free and clear of the LESSEE’s right of first option to lease as set forth in this First Amendment.
- F. This right of first option to lease is personal to Center Point Aviation, LLC only and shall not be transferred or assigned to any other third party except upon express written agreement of the Parties.

Section 4. Effect of Amendment.

On and after the Amendment Effective Date (defined below), the Original Lease Agreement shall mean the Original Lease Agreement as amended by this First Amendment.

Section 5. Estoppel.

The Parties hereby ratify and affirm the Original Lease Agreement, as amended by this First Amendment, and agree the Original Lease Agreement, as so amended, remains in full force and effect.

Section 6. Entire Agreement.

This First Amendment and the Original Lease Agreement (as amended by this First Amendment) embody the entire agreement between the Parties and supersede all prior agreements and understandings, if any, relating to the subject matter hereof, and may not be contradicted by evidence of prior or contemporaneous oral agreements of the Parties. Except as expressly modified hereby, all the terms, provisions and conditions of the Original Lease Agreement shall remain

unchanged and continue in full force and effect.

Section 7. Counterparts.

This First Amendment may be executed in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one instrument. A copy of the original of this First Amendment shall be enforceable as the original First Amendment.

Section 8. Execution.

This First Amendment is executed between the Parties on this the _____ day of _____, 2020 (the "Amendment Effective Date").

THE CITY OF TEMPLE, TEXAS

CENTER POINT AVIATION, LLC

Brynn Myers, City Manager

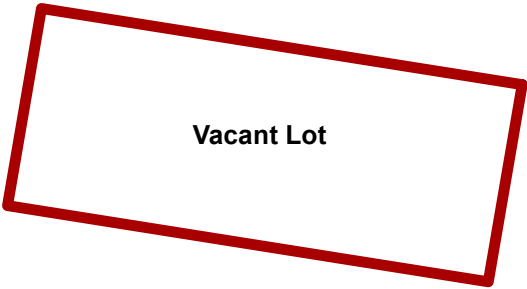
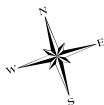
Michael Beevers, President

ATTEST:

City Secretary

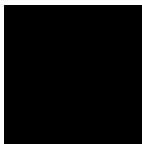
APPROVED AS TO FORM:

City Attorney's Office



Vacant Lot

AIRPORT RD (HWY 39)



Airport Lease Exhibit

DISCLAIMER:
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.

RESOLUTION NO. 2020-0026-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN AMENDMENT TO THE AIRPORT LEASE AGREEMENT
WITH CENTER POINT AVIATION, LLC, TO ALLOW THE LESSEE THE
RIGHT OF FIRST OPTION TO LEASE AN ADJACENT PLOT OF LAND AT
THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 17, 2016, the City entered into an airport lease agreement with Center Point Aviation, LLC (“Center Point”) for an approximately 48,000 square foot plot of land at the Draughon-Miller Central Texas Regional Airport for the construction of an aircraft hangar and aircraft parking apron - the term of the original lease is for 30 years with five 2-year renewal options;

Whereas, there is a vacant lot adjacent to the lot currently leased by Center Point, further shown in ‘Exhibit A’, and the lessee has requested the right of first option to lease this plot for future development - the terms of the proposed lease amendment are as follows:

- Provided Center Point is not in default at the time of the exercise of its right, it shall have the right of first option to lease the adjacent plot of land if the City decides to lease the property between the date of execution of this lease amendment and December 31, 2021 (the “Refusal Period”);
- If the City desires to lease the plot of land during the Refusal Period, it will provide Center Point written notice of the terms and conditions upon which it would be willing to lease the property to Center Point;
- Center Point will have 10 business days after receipt of the City’s notice to notify the City whether it wishes to exercise its right of first option to lease on the terms stated in the notice;
- If Center Point notifies the City that it intends to exercise its right of first option to lease, Center Point and the City will enter into a lease agreement based on the terms stated in the notice and Center Point will pay a non-refundable \$2,500 flat fee in consideration for exercising its right; and
- The \$2,500 will be applied to the first year’s rental amount, provided however, if Center Point fails to execute a lease agreement the \$2,500 payment will be forfeited to the City;

Whereas, there is no fiscal impact as a result of this lease amendment, however, should Center Point exercise its right of first option to lease the adjacent plot of land, a new airport land lease agreement will be executed - this option would result in additional revenue to the City; 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 amendment to the airport lease agreement with Center Point Aviation, LLC to allow the lessee the right of first option to lease an adjacent plot of land at the Draughon-Miller Central Texas Regional Airport.

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 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

04/02/20
Item #3(I)
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 five properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$267,000.

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 twenty-eight (28) properties, including twelve (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 two property owners for four properties. The four acquisitions are partial takings, including three vacant tracts and one residential relocation. Additionally, a property owner the City previously reached an agreement with has made an offer to acquire the remaining portion of the property. The City has accepted the offer to purchase the remaining portion of the lot.

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 \$267,000.

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

601 East Avenue C, #114549
905 East Avenue C, #33502
306 South 18th Street, #36457
1001 East Avenue C, #77029
1003 East Avenue C, #78442

FISCAL IMPACT: Funding for the purchase of five properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$267,000 is available in account 795-9600-531-6892, project 101841.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2020-0027-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FIVE PROPERTIES NECESSARY FOR THE AVENUE C EXPANSION PROJECT AND AUTHORIZING CLOSING COSTS AND RELOCATION BENEFITS ASSOCIATED WITH THE PURCHASES IN AN ESTIMATED AMOUNT OF \$267,000; 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 two property owners for four properties;

Whereas, the four acquisitions are partial takings, including 3 vacant tracts and one residential relocation - additionally, a property owner the City previously reached an agreement with has made an offer to acquire the remaining portion of the property and the City has accepted;

Whereas, Staff recommends Council authorize the purchase of five properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$267,000;

Whereas, the properties being purchased are:

- 601 East Avenue C, Temple, Texas (Bell CAD ID No. 114549)
- 905 East Avenue C, Temple, Texas (Bell CAD ID No. 33502)
- 306 South 18th Street, Temple, Texas (Bell CAD ID No. 36457)
- 1001 East Avenue C, Temple, Texas (Bell CAD ID No. 77029)
- 1003 East Avenue C, Temple, Texas (Bell CAD ID No. 78442)

Whereas, funding for the purchase of five 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 five properties necessary for the Avenue C Expansion Project and authorizing closing costs and relocation benefits associated with the purchases in an estimated amount of \$267,000.

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

PASSED AND APPROVED this the 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

04/02/20
Item #3(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Don Bond, Public Works Director

Rafael Martinez, Assistant Public Works Director – Operations

Kirk Scopac, Fleet Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of three 2021 Freightliner Solid Waste Collection refuse roll-off trucks from Houston Freightliner, Inc. of Houston, in the amount of \$412,221, as well as, declare an official intent to reimburse the expenditures with the issuance of Limited Tax Notes, Series 2020.

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

ITEM SUMMARY: As included in the adopted FY2020 Budget, authorization of this purchase will provide for the routine replacement of two commercial refuse roll-off trucks and the addition of one a roll-off truck to the Solid Waste Services commercial fleet.

Staff is recommending the purchase of three 2021 Freightliner M2-106 cab-chassis with G&H 1500 roll off body at a cost of \$137,407 each. These new trucks will allow the placement of Assets #13690 and #13691 into the reserve fleet, and the sale of Assets #12385 and #12386, both 2006 units.

Houston Freightliner, Inc has been awarded Contract #HT06-18 by Houston-Galveston Area Cooperative (HGAC), which Staff recommends for these Solid Waste truck purchases. Contracts awarded through HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

Staff expects delivery of the new trucks in September 2020.

FISCAL IMPACT: These three Solid Waste Collection refuse roll-off trucks are being funded with the issuance of the Series 2020 Limited Tax Notes. We are declaring an official intent to reimburse for this purchase. A budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds.

Once the budget adjustment is approved, funding for the purchase of three 2021 Freightliner, Inc. in the amount of \$412,221 will be available in account 364-2300-540-6222, projects 102218, 102219, and 102221 as shown below:

Project Budget	\$	412,221
Encumbered/Committed to Date		-
Houston Freightliner, Inc.		(412,221)
Remaining Project Funds Available	\$	-

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0028-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THREE 2021 FREIGHTLINER SOLID WASTE COLLECTION REFUSE ROLL-OFF TRUCKS FROM HOUSTON FREIGHTLINER, INC. OF HOUSTON, TEXAS IN THE AMOUNT OF \$412,221 AND DECLARING AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2020 LIMITED TAX NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as included in the adopted fiscal year 2020 Budget, authorization of this purchase will provide for the routine replacement of two commercial refuse roll-off trucks and the addition of one a roll-off truck to the Solid Waste Services commercial fleet;

Whereas, Staff is recommending the purchase of three 2021 Freightliner M2-106 cab-chassis with G&H 1500 roll off body at a cost of \$137,407 each - these new trucks will allow for the placement of Asset Nos. 13690 and 13691 into the reserve fleet, and the sale of Asset Nos. 12385 and 12386, both 2006 units;

Whereas, Houston Freightliner has been awarded Houston-Galveston Area Council (H-GAC) Contract No. HT06-18, which has been competitively procured and meets the statutory procurement requirements for Texas municipalities - Staff is recommending using this H-GAC contract for this purchase;

Whereas, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Limited Tax Notes to finance the Project;

Whereas, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Limited Tax Notes, the City desires to reimburse these prior expenditures with proceeds of the Notes;

Whereas, Section 1.150-2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Limited Tax Notes proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, a budget adjustment will be prepared at the time of the bond sale to reimburse expenditures incurred prior to the issuance of the bonds and once the budget adjustment is approved, funding will be available in Account No. 364-2300-540-6222, Project Nos. 102218, 102219, and 102221; and

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

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

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

Part 2: The City Council authorizes the purchase of three 2021 Freightliner Solid Waste Collection refuse roll-off trucks from Houston Freightliner, Inc. of Houston, Texas in the amount of \$412,221, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for this purchase.

Part 3: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 4: This Resolution is a declaration of official intent by the City under Section 1.150-2 of the Treasury Regulations that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 5: 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 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

04/02/20
Item #3(K1-2)
Consent Agenda
Page 1 of 3

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:

- 1) 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.
- 2) 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 ordinance on second and final reading.

ITEM SUMMARY: In a continuing effort to review and update the City's Code of Ordinances, Staff is proposing amendments to Chapter 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

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

Sec. 13-1. Statutory authorization.

Sec. 13-2. Findings of fact.

Sec. 13-3. Statement of purpose.

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

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

ARTICLE II. DEFINITIONS

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

ARTICLE III. GENERAL PROVISIONS

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

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

Sec. 13-13. Establishment of development permit.

Sec. 13-14. Compliance.

Sec. 13-15. Abrogation and greater restrictions.

Sec. 13-16. Interpretation.

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

Secs. 13-18--13-23. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 13-24. Designation of the Floodplain Administrator.

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

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

Sec. 13-27. Variance procedures.

Secs. 13-28--13-30. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

- Sec. 13-31.** General standards.
- Sec. 13-32.** Specific standards.
- Sec. 13-33.** Standards for subdivision proposals.
- Sec. 13-34.** Standards for areas of shallow flooding (AO/AH Zones).
- Sec. 13-35.** Floodways.
- Sec. 13-36.** Penalties for noncompliance.
- Sec. 13-37.** Severability.

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 Chapter 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:

- (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) Ensure that potential buyers are notified if property is in a flood area.

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

To accomplish its purposes, this Chapter uses the following methods:

- (a) Restricts or prohibits uses that are dangerous to health, safety, or property in times of flood or that cause excessive increases in flood heights or velocities;
- (b) Requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controls the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters;
- (d) Controls filling, grading, dredging, and other development, which may increase flood damage; and
- (e) Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or 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 will be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

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.

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.

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 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 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 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 means the flood having a 1 percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) 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 means any area of the building having its floor subgrade (below ground level) on all sides.

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 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.

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 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 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 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 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 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; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

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 (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 (FIS). See *Flood Elevation Study*.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source. See *Flooding*.

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 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 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 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 – see *Regulatory Floodway*.

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 means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

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 of 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 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 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 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 44 C.F.R. § 60.3, as amended.

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 means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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 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 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.

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 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.

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

Special flood hazard area. See *Area of Special Flood Hazard*.

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 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 that alteration affects the external dimensions of the building.

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 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 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: (1) 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 (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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 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 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.

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," dated September 26, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) or Flood Hazard Boundary Maps (FHBMs), dated September 26, 2008, and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter.

Sec. 13-13. Establishment of development permit.

A floodplain development permit is required to ensure conformance with the provisions of this Chapter.

Sec. 13-14. Compliance.

No structure 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 Chapter and other applicable regulations.

Sec. 13-15. Abrogation and greater restrictions.

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

Sec. 13-16. Interpretation.

In the interpretation and application of this Chapter, all provisions will be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) 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 Chapter 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 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 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 or their designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate provisions of local, state, and federal statutes or regulations pertaining to floodplain management, including, but not limited to, Title 44 of the Code of Federal Regulations, Emergency Management and Assistance - National Flood Insurance Program Regulations, as amended.

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

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

- (a) Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter;
- (b) Review permit applications to determine whether 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;
- (d) 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;
- (e) 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);
- (f) Notify, in riverine situations, adjacent communities, 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 FEMA;
- (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (h) Obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, to administer the provisions of 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, require that no new construction, substantial improvements, or other development (including fill) 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 C.F.R. § 65.12, 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 44 C.F.R. § 65.12.

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

- (a) In a 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 must be presented to the Floodplain Administrator on forms furnished by 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.
- (c) The City may require the applicant to include 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 non-residential structure must be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the non-residential floodproofed structure will meet the floodproofing criteria of 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 Sec. 13-25(a);
 - (6) 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.
- (d) Approval or denial of a floodplain development permit by the Floodplain Administrator will be based on all 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;
 - (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 procedures.

- (a) The Appeal Board, as established by the City, will hear and render judgment on requests for variances from the requirements of this Chapter.
 - (b) The Appeal Board 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.
 - (c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision to a court of competent jurisdiction.
 - (d) The Floodplain Administrator must maintain a record of all actions involving an appeal and must 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 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) 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 Subsection 13-26(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) Upon consideration of the factors noted above and the intent of this Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter as provided under Sec. 13-3, above.
- (h) Variances may not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Prerequisites for granting variances.
 - (1) Variances may only be granted upon a determination that:
 - A. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - B. There is a showing of good and sufficient cause;
 - C. A failure to grant the variance will result in exceptional hardship to the applicant; and
 - D. The variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (j) Any application to which a variance is granted will 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 the community for new construction and substantial improvements for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in Subsections 13-27(a)-(h) 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.

Secs. 13-28--13-30. Reserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-31. General 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 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 must be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements must be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements must be constructed with electrical, air conditioning, heating, ventilation equipment, and other service facilities or utility equipment that are designed or located as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters;
- (6) New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems 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: Sec. 13-12; Subsection 13-25(h); and Subsection 13-33(c) of this Chapter, the following provisions are required:
 - (1) Residential Construction. New construction and substantial improvement of any residential structure must have the lowest floor (including basement), elevated not less than 1 (one) foot above the base flood elevation. A registered professional engineer, architect, or land surveyor must submit a certification to the Floodplain Administrator that this standard is satisfied as provided by Subsection 13-26(c)(6), above.
 - (2) Non-residential Construction. New construction and substantial improvements of any commercial, industrial, or other non-residential structure must have either the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation or together with attendant utility and sanitary facilities, be designed so that below 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 must develop or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this 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 must 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 that are subject to flooding 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 must be provided.
- B. The bottom of all openings must be no higher than one (1) foot above grade.
- C. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes.

- A. All manufactured homes to be placed within Zone A on the community's FHBM or FIRM 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 and local anchoring requirements for resisting wind forces.
- B. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (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 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. All manufactured homes 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 FIRM that are not subject to the provisions of this Subsection (a)(4) must 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 equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles.

- A. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM, must:
 - i. Either be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use; or

- iii. Meet the permit requirements of Sec. 13-26 and the elevation and anchoring requirements for "manufactured homes" in Subsection 13-32(a)(4).

- 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 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, must be consistent with Sections 13-2, 13-3, and 13-4, above.
- (b) All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, must meet floodplain development permit requirements of Sections 13-13 and 13-26, above; and the provisions of Article V of this Chapter.
- (c) Base flood elevation data must be 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.
- (d) All subdivision proposals, including the placement of manufactured home parks and subdivisions, must have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals, including the placement of manufactured home parks and subdivisions, 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 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) 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
 - B. 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 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 must submit a certification to the Floodplain Administrator that the standards of this Section as proposed by Subsection 13-26(c)(7) are satisfied.
- (4) Within AO and AH zones there must be adequate drainage paths around structures on slopes that guide floodwaters around and away from proposed structures.

Sec. 13-35. Floodways.

- (a) Located within areas of special flood hazard established in Sec. 13-12 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 - (1) Encroachments are prohibited, including fill, new construction, substantial improvements, and other development, within a regulatory floodway, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering 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 Subsection 13-35(a)(1), above, is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of Article V.
 - (3) The community may permit encroachments within 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 44 C.F.R. § 65.12.

Sec. 13-36. Penalties for noncompliance.

- (a) No structure may be constructed, located, extended, converted, or altered or have its use changed, and no land may have its use changed or be altered or developed, without full compliance with the terms of this Chapter and other applicable state, federal, and local laws and regulations. It is unlawful for any person to violate any provision of this Chapter.
- (b) A violation of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) constitutes a Class C misdemeanor. Every day a violation continues will constitute a separate offense.
 - (1) 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.



Chapter 13

FLOOD DAMAGE PREVENTION

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

Sec. 13-1. Statutory authorization.

Sec. 13-2. Findings of fact.

Sec. 13-3. Statement of purpose.

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

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

ARTICLE II. DEFINITIONS

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

ARTICLE III. GENERAL PROVISIONS

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

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

Sec. 13-13. Establishment of development permit.

Sec. 13-14. Compliance.

Sec. 13-15. Abrogation and greater restrictions.

Sec. 13-16. Interpretation.

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

Secs. 13-18--13-23. Reserved.

ARTICLE IV. ADMINISTRATION

Sec. 13-24. Appointment of administrator.

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

Sec. 13-26. Permit procedures

Sec. 13-27. Variance procedures.

Sec. 13-28—13-30. Reserved

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-31. General standards

Sec. 13-32. Specific standards

Sec. 13-33. Standards for subdivision proposals.

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

Sec. 13-35. Floodways.

Sec. 13-36. Penalties for noncompliance.

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

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

Sec. 13-1. Statutory authorization.

Sec. 13-2. Findings of fact.

Sec. 13-3. Statement of purpose.

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

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

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

ARTICLE II. DEFINITIONS

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

ARTICLE III. GENERAL PROVISIONS

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

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

Sec. 13-13. Establishment of development permit.

Sec. 13-14. Compliance.

Sec. 13-15. Abrogation and greater restrictions.

Sec. 13-16. Interpretation.

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

~~Secs. 13-18--13-23. Reserved.~~

ARTICLE IV. ADMINISTRATION

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

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

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

~~Sec. 13-26.~~ Permit procedures

Sec. 13-27. Variance procedures.

~~Secs. 13-28 — 13-30.~~ ReservedReserved.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 13-31. General standards.

Sec. 13-32. Specific standards.

Sec. 13-33. Standards for subdivision proposals.

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

Sec. 13-35. Floodways.

Sec. 13-36. Penalties for noncompliance.

Sec. 13-37. Severability.

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:

Formatted: Line spacing: single

- (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—~~is~~*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)*—~~The 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~~

~~(e)(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 ~~shall~~may 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.~~

Formatted: List Paragraph, Indent: Hanging: 0.3",
Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... +
Start at: 1 + Alignment: Left + Aligned at: 0.3" + Indent
at: 0.55"

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

(1) Variances ~~shall~~may only be ~~issued~~granted 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 ~~aof~~ good and sufficient cause;

~~E.C. a determination that~~ A failure to grant the variance ~~would~~will 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 ~~shall~~will 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~~the 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

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))~~ outside of a manufactured home park or subdivision, ~~(ii: (2))~~ in a new manufactured home park or subdivision, ~~(iii: (3))~~ in an expansion to an existing manufactured home park or subdivision, ~~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 with 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~~ or other foundation elements of ~~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, SectionSec.~~ 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, SectionSections~~ 13-13; ~~Article 4, Section—~~ and 13-26, ~~above;~~ and the provisions of Article ~~5V~~ of this ~~ordinanceChapter.~~

(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, SectionSec.~~ 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 C.F.R. 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

04/02/20
Item #3(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: SECOND & FINAL READING: Consider adopting an ordinance amending the Fire Fighter and Driver classifications of certified Fire Fighters.

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

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

04/02/20
Item #3(M)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

David Olson, Assistant City Manager
Brian Chandler, Planning and Development Director

ITEM DESCRIPTION: SECOND & FINAL READING: 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 second and final reading.

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](#)



Strategic Investment Zones Map

Recommended SIZES

SE Quadrant
Team 1

NW Quadrant
Team 2

NE Quadrant
Team 3

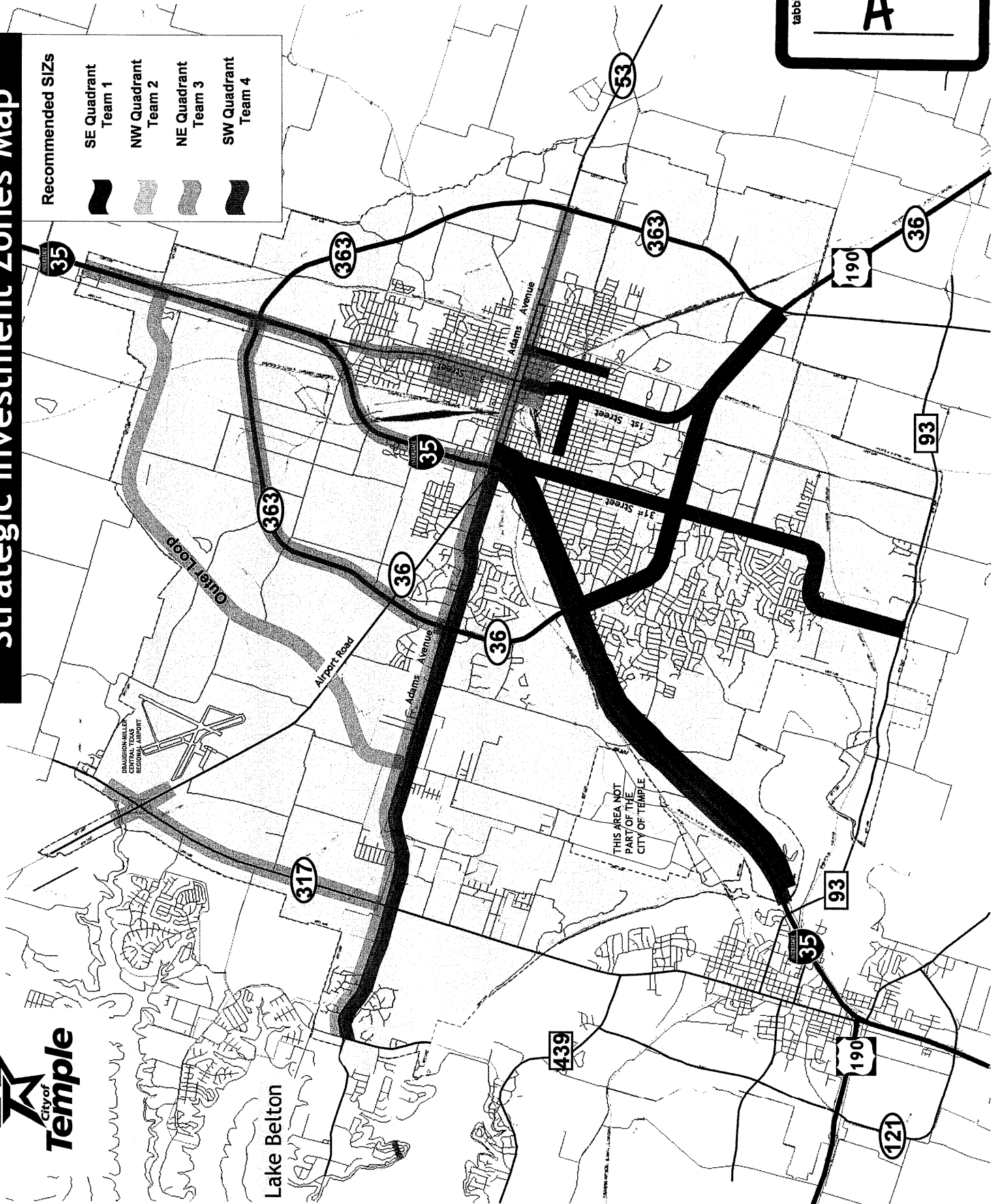
SW Quadrant
Team 4



tabbles'

EXHIBIT

A



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

04/02/20
Item #3(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution adopting rules related to accepting electronic bids, proposals, and statement of qualifications.

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

ITEM SUMMARY: Included in the adopted FY2020 Budget is funding to implement an online electronic bidding system. After a detailed review of available online electronic bidding systems, Purchasing Department staff determined that Negometrix offered the best solution for the City at a first-year cost of \$13,740.

Per Local Government Code §252.0415, a municipality may receive bids or proposals through electronic transmission if the governing body adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals remain effectively unopened until the proper time. The Negometrix system has 'lockdown' technology that includes a vault feature which guarantees the vendor submittals cannot be viewed until the solicitation date & time deadline. Accordingly, Purchasing Department staff is requesting that Council acknowledge and accept the Negometrix system's built-in rules to ensure the identification, security, and confidentiality of electronic bids, proposals, and statement of qualifications remain effectively unopened until the proper time.

FISCAL IMPACT: There is no fiscal impact associated with the agenda item.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0029-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
ADOPTING RULES RELATED TO ACCEPTING ELECTRONIC BIDS,
PROPOSALS, AND STATEMENTS OF QUALIFICATION; AND PROVIDING
AN OPEN MEETINGS CLAUSE.

Whereas, included in the adopted fiscal year 2020 Budget is funding to implement an online electronic bidding system and after a detailed review of available systems, Staff determined that Negometrix offered the best solution for the City at a first-year cost of \$13,740;

Whereas, per Local Government Code §252.0415, a municipality may receive bids or proposals through electronic transmission if the governing body adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals remain effectively unopened until the proper time - the Negometrix system has 'lockdown' technology that includes a vault feature which guarantees the vendor submittals cannot be viewed until the solicitation date & time deadline;

Whereas, Staff recommends Council acknowledge and accept the Negometrix system's built-in rules to ensure the identification, security, and confidentiality of electronic bids, proposals, and statement of qualifications remain effectively unopened until the proper time; 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 acknowledges and adopts the Negometrix system's built-in rules to ensure the identification, security, and confidentiality of electronic bids, proposals, and statements of qualification, and to ensure that such electronic documents remain effectively unopened until the proper time. It is the City Council's intent that Negometrix's built-in rules operate as its own rules, as required by Local Government Code §252.0415.

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 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

04/02/20

Item #4

Regular Agenda

Page 1 of 3

DEPT. / DIVISION SUBMISSION REVIEW:

David Olson, Assistant City Manager

Brian Chandler, Planning and Development Director

ITEM DESCRIPTION: Consider adopting a resolution adopting a Strategic Investment Zone Grant Program Policy.

STAFF RECOMMENDATION: Staff recommends approval of the proposed Resolution as presented.

ITEM SUMMARY: 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 facilitate new investments. Since the Program's adoption by City Council, the City has allocated \$1,895,185 in grant funds to private development projects and awarded \$1,568,138. The Program was last updated in 2016.

The Program is established in the City's Economic Development Policy. Ordinance No. 2020-5026, passed on April 2, 2020, removed the specific policy details of the Program from the Economic Development Policy and allowed the Program's policy details to be set by City Council by resolution. Setting the Program's policy details by resolution provides the City with more flexibility to update the SIZ Grant Program to adapt to the City's needs as they change over time.

This item's proposed resolution adopts a SIZ Grant Program Policy (the Policy). The Policy will make several changes to the City's currently adopted SIZ Grant Program. The main proposed changes to the Program in the proposed Policy are as follows:

- Updating the SIZ Grant Corridor map to include additional downtown area within a SIZ Grant Corridor;
- Removing the tier system for allocating SIZ grant funding and replacing this system with a percentage match for eligible activities that may receive SIZ grant funding (eligible activity);
 - 20% match for eligible expenses, excluding sign improvements, up to the maximum amount of SIZ grant funding

- Allowing a 20% match up to the maximum SIZ grant award for new residential units in a mixed-use development within the Downtown Zone SIZ Grant Corridor, with no limitation on the number of units or SIZ grant funding allocated to each of the units
 - 50% match for eligible expenses for sign improvements that follow Main Street Program guidelines, up to the maximum amount of SIZ grant funding
- Setting the maximum amount of City match and dollar amount of SIZ grant funding as provided by the table below:

SIZ Grant Corridors		Maximum SIZ Grant Funding	
		City Match of Eligible Costs	Dollar Amount of SIZ Grant Funding
Downtown Zone		20%	\$115,000
	Downtown Mixed-Use Development	20%	\$30,000
	Sign Improvements	50%	\$2,500
Commercial Zone		20%	\$85,000
	Sign Improvements	50%	\$2,500

- Removing asbestos survey and abatement as an eligible activity;
- Adding outdoor seating as an eligible activity;
- Specifying that life safety eligible activities only include fire suppression systems and elevator systems;
- Adding return on investment on a SIZ grant applicant's proposed eligible activity as part of the criteria the City will consider when determining whether to approve the applicant's SIZ grant funding application;
- Adding a provision that automatically waives the City's platting, zoning, and building permit fees for eligible activities under an approved SIZ grant application;
- Allowing an applicant to receive multiple grants up to the maximum amount of SIZ grant funding (allowing for phased projects);
- Removing eligibility to receive SIZ grant funding to a piece of real property once the property receives the maximum amount of a SIZ grant funding for five years, and after 5 years expires, only allowing the City to grant additional SIZ grant funding to the property in cases of undue hardship, change of property ownership or use, or other significant event or cause or special circumstance;
- Requiring projects with SIZ grant awards of \$10,000 or less to start work on eligible activities within nine months of SIZ grant application approval and complete work on the eligible activities within one year of SIZ grant application approval;

- Requiring projects with SIZ grant awards of more than \$10,000 to start work on eligible activities within one year of SIZ grant application approval and complete work on the eligible activities within two years of SIZ grant application approval;
- Allowing City Staff to grant 90-day extensions to SIZ grant applicants to finish SIZ grant projects and providing an extension request process; and
- Allowing City Council or the City Manager, depending on the amount of the SIZ grant funding, to waive provisions of the SIZ Grant Program Policy under special circumstances at their discretion.

FISCAL IMPACT: The funding history for SIZ Grants is shown below.

SIZ Program Budget Summary			
	Reinvestment Zone No. 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:

[SIZ Grant Program Policy Resolution](#)
[SIZ Grant Program Policy's Exhibit A](#)
[SIZ Grant Corridor Map](#)
[Resolution](#)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS ADOPTING A STRATEGIC INVESTMENT ZONE (SIZ) GRANT PROGRAM POLICY AND PROVIDING A REPEALING CLAUSE, SEVERABILITY CLAUSE, SAVING CLAUSE, AND AN 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, 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 and local economic development and stimulate business and commercial activity in the City;

Whereas, 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 adopted Economic Development Policy, 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);

Whereas, because the City is committed to establishing long-term economic vitality in SIZ Grant Corridors and seeks to encourage redevelopment and diversification within these corridors and to promote state and local economic development and stimulate business and commercial activity, the City established a Strategic Investment Zone Grant Program ("the Program") in Section III.C of the City's Economic Development Policy in which persons who meet the Program's eligibility criteria may receive SIZ grants;

Whereas, Section III.C of the City's Economic Development Policy authorizes City Council to adopt a Strategic Investment Zone (SIZ) Grant Program Policy to implement the Program by resolution;

Whereas, a SIZ Grant Program Policy will provide the City with more flexibility to update the SIZ Grant Program to adapt to the City's needs as they change over time; 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: 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 adopts the Strategic Investment Zone (SIZ) Grant Program Policy, as set forth in Exhibit A, attached to this Resolution and incorporated herein for all purposes.

Part 3: All ordinances or resolutions, or portions thereof, in conflict with the provisions of this Resolution 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 Resolution are severable and, if any phrase, clause, sentence, paragraph, or section of this Resolution should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity will not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Resolution, since the same would have been enacted by the City Council without the incorporation in this Resolution of any such invalid phrase, clause, sentence, paragraph, or section.

Part 5: Nothing in this Resolution may be construed to affect any suit or proceeding pending any court, any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or prior resolution or ordinance; nor may any legal right or remedy of any character be lost, impaired, or affected by this Resolution.

Part 6: This Resolution will 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 Resolution was passed was open to the public as required and that the 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 **2nd** day of **April** 2020.

THE CITY OF TEMPLE, TEXAS

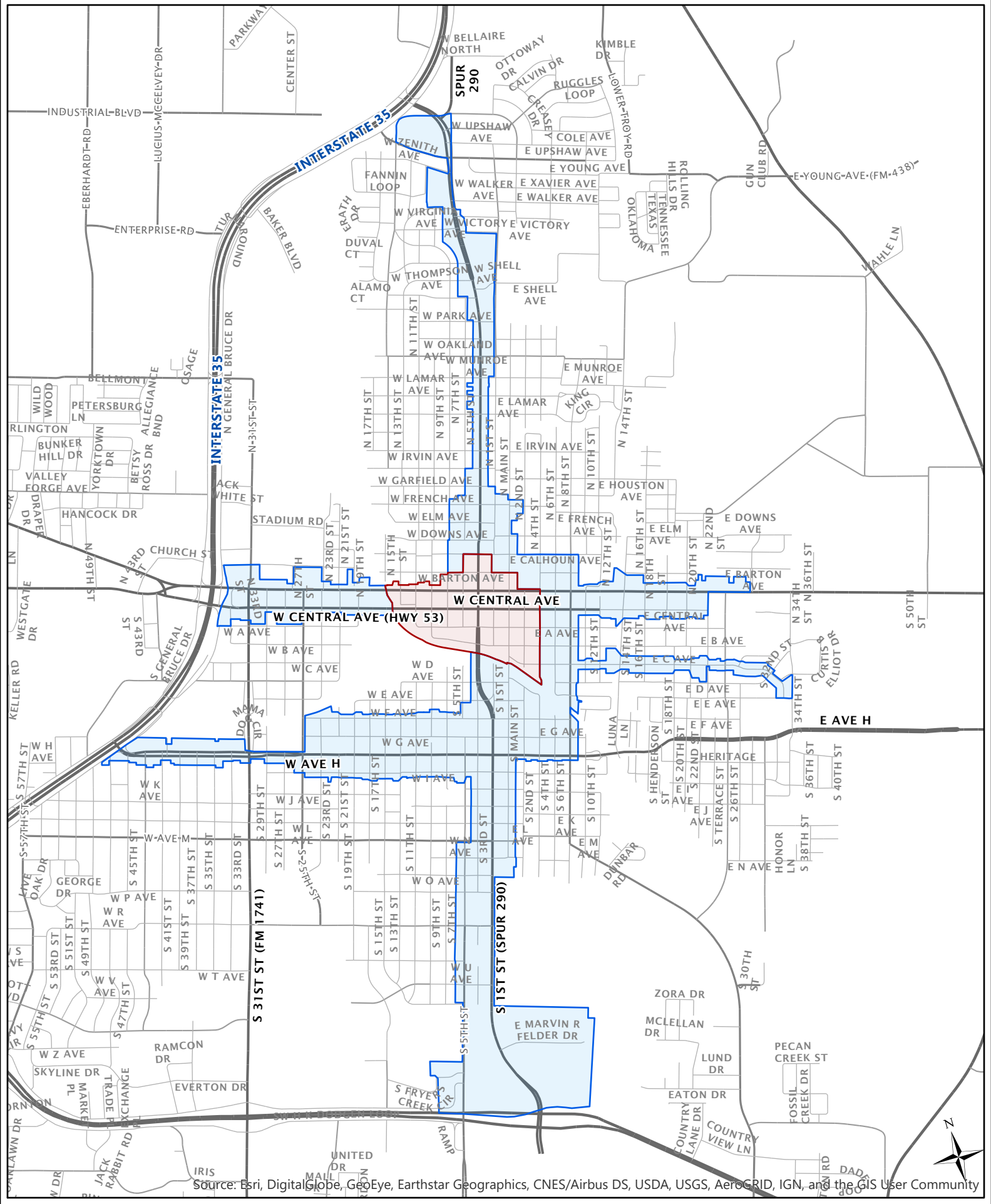
TIMOTHY A. DAVIS, MAYOR

ATTEST:

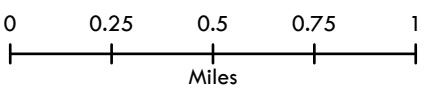
APPROVED AS TO FORM:

Stephanie Hedrick
Interim City Secretary

Kathryn H. Davis
City Attorney



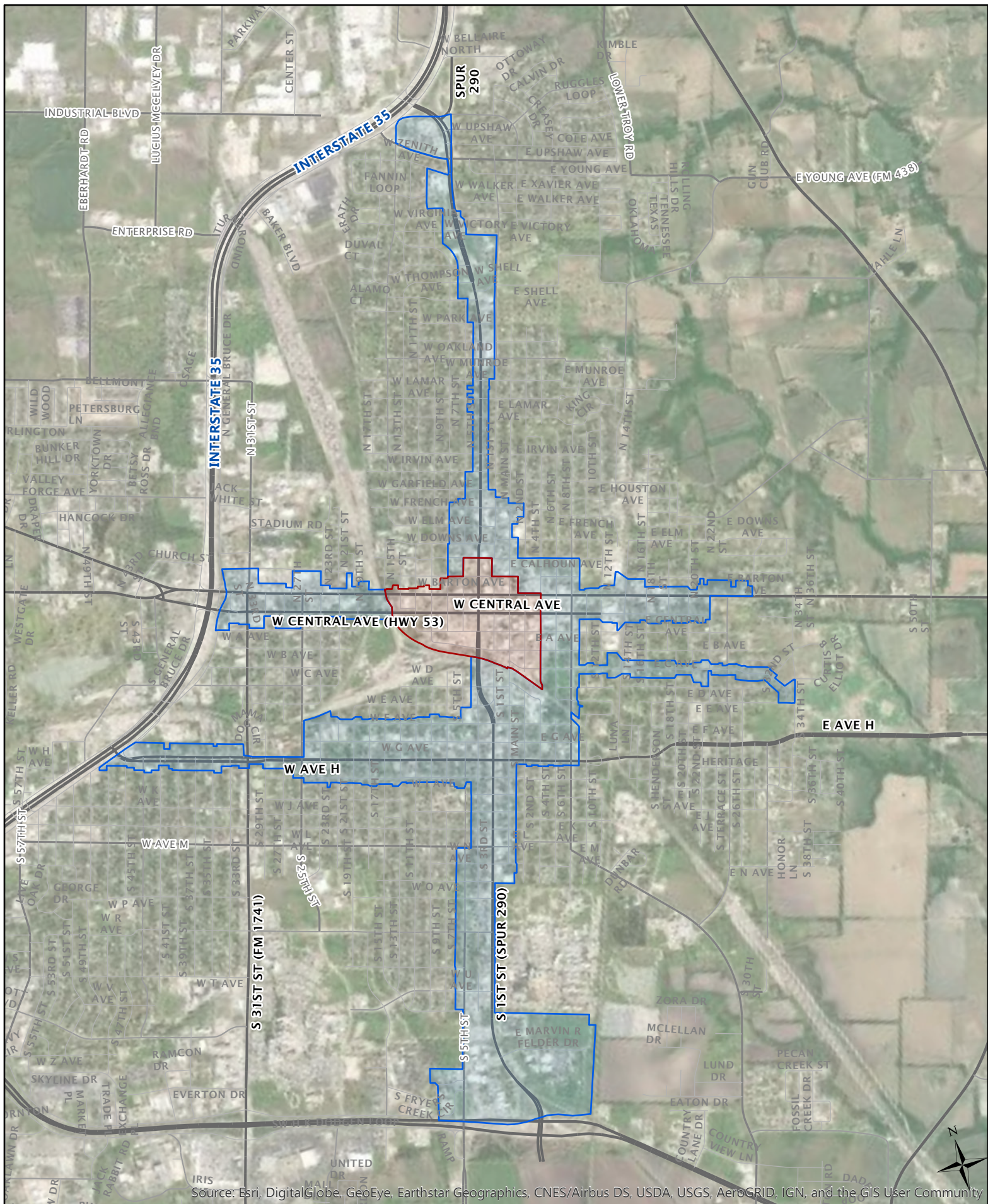
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



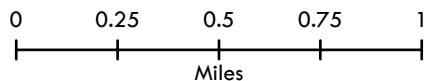
SIZ Areas - Proposed change

COMMERCIAL ZONE DOWNTOWN ZONE

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.



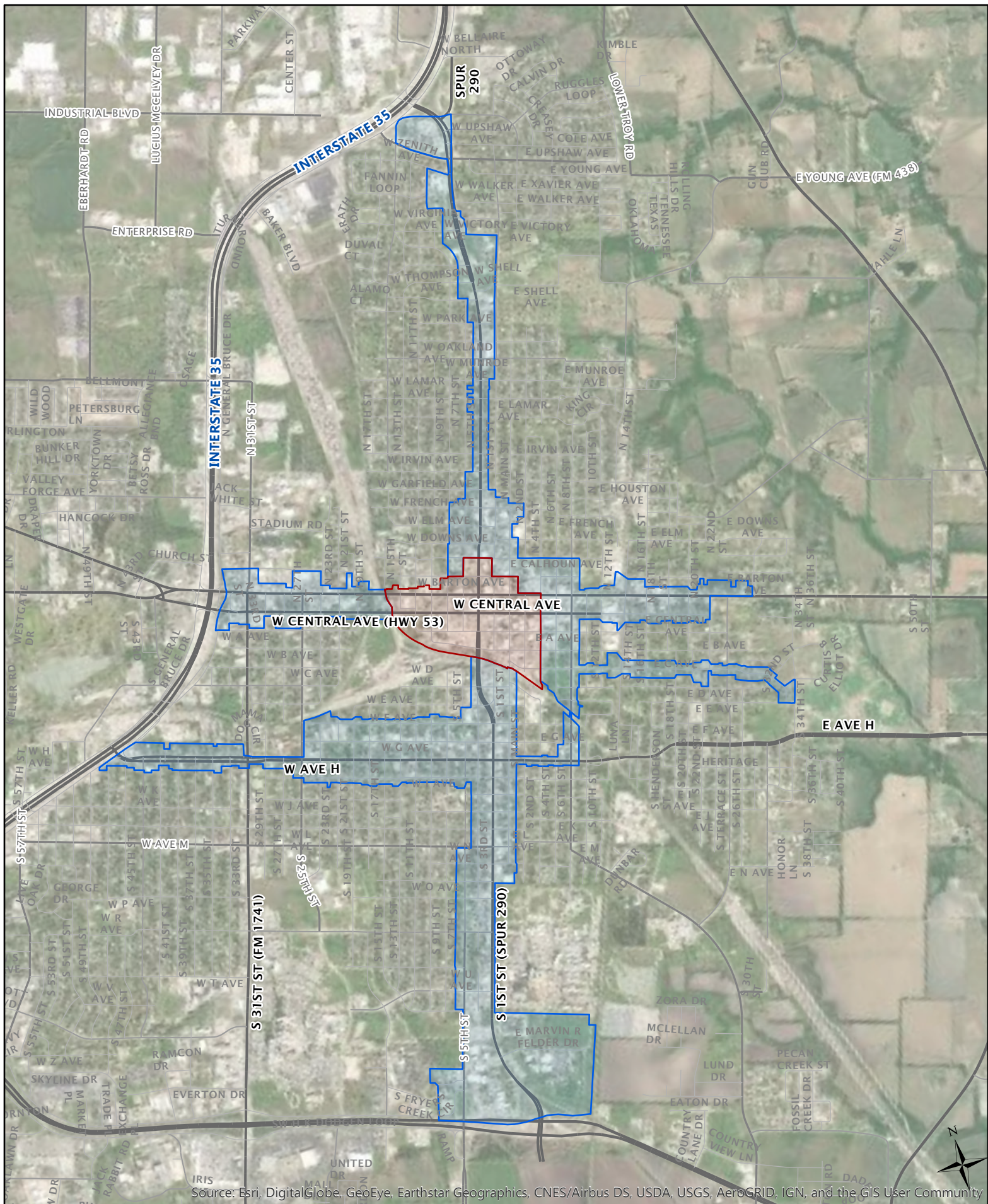
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



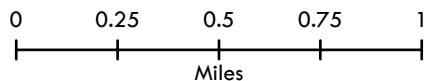
SIZ Areas - Proposed change

COMMERCIAL ZONE DOWNTOWN ZONE

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.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SIZ Areas - Current

COMMERCIAL ZONE DOWNTOWN ZONE

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.

RESOLUTION NO. 2020-0030-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING A STRATEGIC INVESTMENT ZONE GRANT PROGRAM POLICY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the SIZ Grant Program (the Program) was created in fiscal year 2008 to establish 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 investments;

Whereas, since the Program's adoption by Council, the City has allocated \$1,895,185 in grant funds to private development projects and awarded \$1,568,138;

Whereas, the Program, which was last updated in 2016, was established in the City's Economic Development Policy - Ordinance No. 2020-5026, passed on April 2, 2020, removed the specific policy details of the Program from the Economic Development Policy and allowed the Program's policy details to be set by Council by resolution providing the City with more flexibility to update the SIZ Grant Program to adapt to the City's needs as they change over time;

Whereas, this proposed resolution adopts a SIZ Grant Program Policy (the Policy), which will make several changes to the City's currently adopted SIZ Grant Program - the main proposed changes to the Program are as follows:

- Updating the SIZ Grant Corridor map to include additional downtown area within a SIZ Grant Corridor;
- Removing the tier system for allocating SIZ grant funding and replacing this system with a percentage match for eligible activities that may receive SIZ grant funding (eligible activity);
 - 20% match for eligible expenses, excluding sign improvements, up to the maximum amount of SIZ grant funding;
 - Allowing a 20% match up to the maximum SIZ grant award for new residential units in a mixed-use development within the Downtown Zone SIZ Grant Corridor, with no limitation on the number of units or SIZ grant funding allocated to each of the units;
 - 50% match for eligible expenses for sign improvements that follow Main Street Program guidelines, up to the maximum amount of SIZ grant funding;
- Setting the maximum amount of City match and dollar amount of SIZ grant funding as provided below:

SIZ Grant Corridors		Maximum SIZ Grant Funding
		City Match of Dollar Amount of SIZ Eligible Costs Grant Funding
Downtown Zone		20% \$115,000
	Downtown Mixed-Use Development	20% \$30,000
	Sign Improvements	50% \$2,500
Commercial Zone		20% \$85,000
	Sign Improvements	50% \$2,500

- Removing asbestos survey and abatement as an eligible activity;
- Adding outdoor seating as an eligible activity;
- Specifying that life safety eligible activities only include fire suppression systems and elevator systems;
- Adding return on investment on a SIZ grant applicant's proposed eligible activity as part of the criteria the City will consider when determining whether to approve the applicant's SIZ grant funding application;
- Adding a provision that automatically waives the City's platting, zoning, and building permit fees for eligible activities under an approved SIZ grant application;
- Allowing an applicant to receive multiple grants up to the maximum amount of SIZ grant funding (allowing for phased projects);
- Removing eligibility to receive SIZ grant funding to a piece of real property once the property receives the maximum amount of a SIZ grant funding for five years, and after 5 years expires, only allowing the City to grant additional SIZ grant funding to the property in cases of undue hardship, change of property ownership or use, or other significant event or cause or special circumstance;
- Requiring projects with SIZ grant awards of \$10,000 or less to start work on eligible activities within 9 months of SIZ grant application approval and complete work on the eligible activities within 1 year of SIZ grant application approval;
- Requiring projects with SIZ grant awards of more than \$10,000 to start work on eligible activities within 1 year of SIZ grant application approval and complete work on the eligible activities within 2 years of SIZ grant application approval;
- Allowing City Staff to grant 90-day extensions to SIZ grant applicants to finish SIZ grant projects and providing an extension request process; and
- Allowing City Council or the City Manager, depending on the amount of the SIZ grant funding, to waive provisions of the SIZ Grant Program Policy under special circumstances at their discretion; 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 adopts the Strategic Investment Zone Grant Program Policy and authorizes the City Manager to implement such policy.

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 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

04/02/20

Item #5

Regular Agenda

Page 1 of 9

DEPT./DIVISION SUBMISSION & REVIEW:

Kirk Scopac, Director of Fleet Services

Belinda Mattke, Director of Purchasing & Facility Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 43 vehicles from the following vendors in the total amount of \$1,656,587.18:

- 19 vehicles from Silsbee Ford of Silsbee in the amount of \$882,126.50;
- 20 vehicles from Grapevine DCJ, LLC of Grapevine in the amount of \$567,166;
- 1 vehicle from Gunn Chevrolet of Selma in the amount of \$117,526;
- 2 vehicles from Johnson Brothers Ford II, Ltd of Temple in the amount of \$65,546.68; and
- 1 vehicle from Temple Mac Haik Dodge of Temple in the amount of \$24,222.

STAFF RECOMMENDATION: Adopt resolution as presented in item description and consider local preference options as noted below.

ITEM SUMMARY: Approval of these vehicle purchases will allow replacement of 30 older City vehicles as well as the addition of 13 new vehicles to the City vehicle fleet.

On March 17, 2020, eight vendors submitted pricing on 11 independent vehicle bids.

Per the City's Local Preference Policy, for non-construction **expenditures less than \$500,000**, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award.

Staff recommends award of the following two bids (19 vehicles) to **Silsbee Ford**. Silsbee Ford took no exception to the vehicle specifications.

Bid Tabulation #D – Thirteen 1-Ton Light Duty 4x2 Crew Cab & Chassis, Dual Rear Wheels with Utility Body Pickups:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
D	Code Compliance (replaces asset #12920)	1	110-5900-524-6213	101870	\$47,403.50
D	Drainage (new fleet addition for Maintenance Crew)	1	292-2900-534-6213	101919	\$47,403.50
D	Streets (new fleet addition for Recon Crew)	1	110-5900-531-6213	102089	\$47,403.50
D	Streets (replaces asset #12589)	1	110-5900-531-6213	101859	\$47,403.50
D	Utilities (replaces asset #12918)	1	520-5400-535-6213	101923	\$47,403.50
D	Utilities (replaces asset #12919)	1	520-5400-535-6213	101924	\$47,403.50
D	Utilities (replaces asset #12968)	1	520-5400-535-6213	101925	\$47,403.50
D	Utilities (replaces asset #13133)	1	520-5400-535-6213	101926	\$47,403.50
D	Utilities (replaces asset #12967)	1	520-5200-535-6213	101937	\$47,403.50
D	Utilities (replaces asset #13132)	1	520-5200-535-6213	102040	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #7)	1	520-5200-535-6213	102044	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #3)	1	520-5200-535-6213	102045	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #2)	1	520-5400-535-6213	102049	\$47,403.50

**Subtotal for thirteen 1-Ton Light Duty 4x2 Crew Cab & Chassis,
Dual Rear Wheels with Utility Body Pickups**

\$616,245.50

Bid Tabulation #E – Six 1-Ton Light Duty 4x2 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickups:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
E	Parks (replaces asset #12356)	1	110-5935-552-6213	101887	\$44,313.50
E	Parks (new fleet addition for Irrigation Crew)	1	520-5000-535-6213	101889	\$44,313.50
E	Utilities (replaces asset #12588)	1	520-5400-535-6213	102035	\$44,313.50
E	Utilities (replaces asset #12354)	1	520-5400-535-6213	102036	\$44,313.50
E	Utilities (replaces asset #12355)	1	520-5200-535-6213	102041	\$44,313.50
E	Utilities (new fleet addition for Maintenance Crew #1)	1	520-5200-535-6213	102042	\$44,313.50

**Subtotal for six 1-Ton Light Duty 4x2 Regular Cab & Chassis,
Dual Rear Wheels with Utility Body Pickups**

\$265,881.00

Staff recommends award of the following five bids (20 vehicles) to **Grapevine DCJ, LLC**. The only exceptions taken by Grapevine DCJ, LLC relates to the tank size being 32 gallon versus the specified 36 gallon and the wheel base and tire size being 140" versus the specified 141", of which both exceptions are deemed acceptable by Staff as they will not impact the overall efficiency of the vehicle.

Bid Tabulation #A – Fourteen ½-Ton Light Duty 4x2 Full-Size Pickups:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
A	Animal Control (replaces asset #13518)	1	110-5921-529-6213	102064	\$26,236
A	Code Compliance (replaces asset #12136)	1	110-5900-524-6213	101869	\$27,496
A	Code Compliance (new fleet addition for Code Officer)	1	110-5900-524-6213	102065	\$27,496
A	Transform Temple (new fleet addition for Transform Temple Agent)	1	110-3795-524-6213	102101	\$27,496
A	Metering (replaces asset #12825)	1	520-5300-535-6213	101932	\$27,496
A	Metering (replaces asset #13513)	1	520-5300-535-6213	102037	\$27,496
A	Metering (replaces asset #13127)	1	520-5300-535-6213	102038	\$27,496
A	Metering (replaces asset #13126)	1	520-5300-535-6213	102039	\$27,496
A	Parks (replaces asset #12345)	1	110-5935-552-6213	101888	\$27,496

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
A	Permitting/Construction Safety (replaces asset #12821)	1	110-5947-519-6213	101885	\$27,496
A	Permitting/Construction Safety (replaces asset #12820)	1	110-5947-519-6213	102081	\$27,496
A	Solid Waste (replaces asset #13131)	1	110-5900-540-6213	102088	\$27,496
A	Streets (replaces asset #12967)	1	110-5900-531-6213	101910	\$27,496
A	Utilities (new fleet addition for Crew Leader)	1	520-5200-535-6213 520-5400-535-6213	101934	\$27,496

Subtotal for fourteen 1/2-Ton Light Duty 4x2 Full-Size Pickups

\$383,684

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the fourteen ½ Ton Light Duty 4x2 Full-Size Pickups to Johnson Brothers Ford II, Ltd. in the amount of \$389,023.14, versus the low bid of \$383,684.00 from Grapevine DCJ, LLC, a \$5,339.14 spread. Johnson Brother's bid is 1.4% higher than Grapevine DCJ, LLC's low bid.

Bid Tabulation #B – One ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
B	Facility Services (replaces asset #12135)	1	110-5924-519-6213	101872	\$28,853

Subtotal for one 1/2-Ton Light Duty 4x2 Full-Size Pickup

\$28,853

Bid Tabulation #H – One ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
H	Fire (replaces asset #13124)	1	110-5900-522-6213	102068	\$30,044

Subtotal for one 1/2-Ton Light Duty 4x2 Full-Size Pickup

\$30,044

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the one ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup to Johnson Brothers Ford II, Ltd. in the amount of \$30,949.82, versus the low bid of \$30,044.00 from Grapevine DCJ, LLC., a \$905.82 spread. Johnson Brothers Ford's bid is 3.0% higher than Grapevine DCJ's low bid.

Bid Tabulation #I – One ½-Ton Light Duty 4x4 Full-Size Crew Cab Pickup:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
I	Fire (replaces asset #12574)	1	110-5900-522-6213	102069	\$33,070

Subtotal for one 1/2-Ton Light Duty 4x4 Full-Size Crew Cab Pickup

\$33,070

Bid Tabulation #J – Three ½-Ton Light Duty 4x4 Full-Size Extra Cab Pickups:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
J	Utilities (replaces asset #12969)	1	520-5400-535-6213	102034	\$30,505
J	Utilities (new fleet addition for Utility Foreman)	1	520-5200-535-6213	102043	\$30,505
J	Utilities (new fleet addition for Utility Manager)	1	520-5200-535-6213 520-5400-535-6213	102046	\$30,505

Subtotal for three 1/2-Ton Light Duty 4x4 Full-Size Extra Cab Pickups

\$91,515

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the three ½-Ton Light Duty 4x4 Full-Size Extra Cab Pickups to Johnson Brothers Ford II, Ltd. in the amount of \$94,378.44, versus the low bid of \$91,515.00 from Grapevine DCJ, LLC., a \$2,863.44 spread. Johnson Brother's bid is 3.1% higher than Grapevine DCJ's low bid.

Staff recommends award of the following one bid (one vehicle) to **Gunn Chevrolet**. Gunn Chevrolet took no exception to the vehicle specifications.

Bid Tabulation #G – One 1-Ton Light Duty 4x4 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickup:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
G	Utilities (replaces asset #13139)	1	520-5400-535-6213	101927	\$117,526

**Subtotal for one 1-Ton Light Duty 4x4 Regular Cab & Chassis,
Dual Rear Wheels with Utility Body Pickup**

\$117,526

The Recommended Bid award is substantially higher than the Budget due to a mounted valve operator/exerciser and vacuum that were bid as 'options.' These options are mounted equipment that are valuable equipment that staff recommends replacing along with the truck.

Staff recommends award of the following two bids (two vehicles) to **Johnson Brothers Ford II, Ltd.**. Johnson Brothers Ford took no exception to the vehicle specifications.

Bid Tabulation #C – One ¾-Ton Light Duty 4x2 Full-Size Regular Cab Pickup:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
C	Facility Services (replaces asset #10638)	1	110-5924-519-6213	101871	\$27,964.73

Subtotal for one ¾-Ton Light Duty 4x2 Full-Size Regular Cab Pickup **\$27,964.73**

Bid Tabulation #F – One 1-Ton Medium Roof 15 Passenger Van:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
F	Parks (replaces asset #11143)	1	110-5932-551-6213	101899	\$37,581.95

Subtotal for one 1-Ton Medium Roof 15 Passenger Van **\$37,581.95**

Staff recommends award of the following one bid (one vehicle) to **Temple Mac Haik Dodge**. The exception noted by Temple Mac Haik Dodge are deemed acceptable by Staff as they will not impact the overall efficiency of the vehicle.

Bid Tabulation #K – One 6-Passenger Mini Van:

Bid Tab #	Description	Qty	Account	Project #	Recommended Bid
K	Transform Temple (new fleet addition for Project Agent)	1	110-3795-524-6213	102102	\$24,222

Subtotal for one 6-Passenger Mini Van **\$24,222**

SUSTAINABILITY IMPACT: The vehicles scheduled for replacement have been evaluated to ensure the most sustainable and fuel-efficient vehicles that meet the needs of each department are being purchased. The evaluation for the vehicles were focused on right-sizing the vehicles and fuel options. The vehicles provided have been right-sized for the intended use, have a high MPG and utilize the best fuel option for current costs and availability.

FISCAL IMPACT: Funding for the purchase of the 43 vehicles identified above in the amount of \$1,656,587.18 is included in the FY 2020 Budget. Staff has reallocated vehicle project savings within the various departments as needed. A budget adjustment is being presented to Council for approval to reallocate vehicle project savings for departments that did not have sufficient funding within their own departments. Funding is appropriated for the purchase of the 43 vehicles as follows:

Account #	Project #	Project Description	Budget	Budget Adjustment	Silsbee Ford	Remaining Project Funds
110-5900-524-6213	101870	Replace/Upgrade 2008 F350 (Asset # 12920)	\$ 48,100.00	\$ -	\$ (47,403.50)	\$ 696.50
292-2900-534-6213	101919	Vehicle for New Drainage Maintenance Crew (Addition)	52,000.00	-	(47,403.50)	4,596.50
110-5900-531-6213	102089	Vehicle for New Reconstruction Crew (Addition)	50,400.00	-	(47,403.50)	2,996.50
110-5900-531-6213	101859	Replace 2008 F350 (Asset # 12589)	52,000.00	-	(47,403.50)	4,596.50
520-5400-535-6213	101923	Replace 2008 F350 Reg Cab (Asset # 12918)	48,000.00	-	(47,403.50)	596.50
520-5400-535-6213	101924	Replace 2008 F350 Reg Cab (Asset # 12919)	48,000.00	-	(47,403.50)	596.50
520-5400-535-6213	101925	Replace 2009 F350 Reg Cab (Asset # 12968)	48,000.00	-	(47,403.50)	596.50
520-5400-535-6213	101926	Replace 2010 F350 Reg Cab (Asset # 13133)	48,000.00	-	(47,403.50)	596.50
520-5200-535-6213	101937	Replace 2009 F350 (Asset # 12967)	48,000.00	-	(47,403.50)	596.50
520-5200-535-6213	102040	Replace 2010 Ford F-350 Super Duty (Asset # 13132)	48,960.00	-	(47,403.50)	1,556.50
520-5200-535-6213	102044	Vehicle for New Maintenance Crew #7 (Addition)	52,000.00	(3,534.00)	(47,403.50)	1,062.50
520-5200-535-6213	102045	Vehicle for New Maintenance Crew #3 (Addition)	49,000.00	-	(47,403.50)	1,596.50
520-5400-535-6213	102049	Vehicle for New Collections Maintenance Crew #2 (Addition)	49,000.00	-	(47,403.50)	1,596.50
110-5935-552-6213	101887	Replace 2006 Ford F350 (Asset # 12356)	45,000.00	-	(44,313.50)	686.50
520-5000-535-6213	101889	Vehicle for New Irrigation Technician (Addition)	43,000.00	1,500.00	(44,313.50)	186.50
520-5400-535-6213	102035	Replace 2008 Ford F350 (Asset # 12588)	48,960.00	(3,500.00)	(44,313.50)	1,146.50
520-5400-535-6213	102036	Replace 2006 Ford F-350 Super Duty Regular Cab (Asset # 12354)	48,960.00	(3,500.00)	(44,313.50)	1,146.50
520-5200-535-6213	102041	Replace 2006 Ford F-350 Super Duty Regular Cab (Asset # 12355)	48,960.00	-	(44,313.50)	4,646.50
520-5200-535-6213	102042	Vehicle for New Maintenance Crew #1 (Addition)	49,000.00	-	(44,313.50)	4,686.50

\$ 925,340.00 \$ (9,034.00) \$ (882,126.50) \$ 34,179.50

Account #	Project #	Project Description	Budget	Budget Adjustment	Grapevine DCJ	Remaining Project Funds
110-5921-529-6213	102064	Replace 2012 Ford F-150 Regular Cab (Asset # 13518)	\$ 37,700.00	\$ -	\$ (26,236.00)	\$ 11,464.00
110-5900-524-6213	101869	Replace 2005 F150 Reg Cab (Asset # 12136)	32,000.00	-	(27,496.00)	4,504.00
110-5900-524-6213	102065	Vehicle for New Code Officer (Addition)	33,800.00	-	(27,496.00)	6,304.00
110-3795-524-6213	102101	Vehicle for Current Transform Temple Agent (Addition)	32,700.00	-	(27,496.00)	5,204.00
520-5300-535-6213	101932	Replace 2008 F150 Reg Cab (Asset # 12825)	32,000.00	(3,500.00)	(27,496.00)	1,004.00
520-5300-535-6213	102037	Replace 2012 Ford F-150 Regular Cab (Asset # 13513)	32,700.00	(4,500.00)	(27,496.00)	704.00
520-5300-535-6213	102038	Replace 2010 Ford F-150 Regular Cab (Asset # 13127)	32,700.00	(4,500.00)	(27,496.00)	704.00
520-5300-535-6213	102039	Replace 2010 Ford F-150 Regular Cab (Asset # 13126)	32,700.00	(4,500.00)	(27,496.00)	704.00
110-5935-552-6213	101888	Replace 2006 Chevy Truck (Asset # 12345)	32,000.00	-	(27,496.00)	4,504.00
110-5947-519-6213	101885	Replace 2008 F150 Reg Cab (Asset # 12821)	32,000.00	-	(27,496.00)	4,504.00
110-5947-519-6213	102081	Replace 2008 Ford F-150 Regular Cab (Asset # 12820)	32,700.00	-	(27,496.00)	5,204.00
110-5900-540-6213	102088	Replace 2010 Ford F-150 Regular Cab (Asset # 13131)	32,700.00	-	(27,496.00)	5,204.00
110-5900-531-6213	101910	Replace 2008 F250 (Asset # 12867)	32,000.00	-	(27,496.00)	4,504.00
520-5200-535-6213	101934	Vehicle for New Crew Leader (Addition)	16,000.00	-	(13,748.00)	2,252.00
520-5400-535-6213			16,000.00	-	(13,748.00)	2,252.00
110-5924-519-6213	101872	Replace/Upgrade 2005 F150 (Asset # 12135)	34,000.00	-	(28,853.00)	5,147.00
110-5900-522-6213	102068	Replace 2010 Ford F-150 Regular Cab (Asset #13124)	32,700.00	-	(30,044.00)	2,656.00
110-5900-522-6213	102069	Replace 2010 Ford F250 (Asset #12574)	33,640.00	-	(33,070.00)	570.00
520-5400-535-6213	102034	Replace 2009 Ford Super Duty F-250 (Asset # 12969)	34,245.00	(2,500.00)	(30,505.00)	1,240.00
520-5200-535-6213	102043	Vehicle for New Utility Foreman (Addition)	40,000.00	(8,500.00)	(30,505.00)	995.00
520-5200-535-6213	102046	Vehicle for Current Utility Manager (Addition)	20,000.00	(4,250.00)	(15,252.50)	497.50
520-5400-535-6213			20,000.00	(4,250.00)	(15,252.50)	497.50
			\$ 674,285.00	\$ (36,500.00)	\$ (567,166.00)	\$ 70,619.00

Account #	Project #	Project Description	Budget	Budget Adjustment	Gunn Chevrolet	Remaining Project Funds
520-5400-535-6213	101927	Replace 2010 F450 Reg Cab (Asset # 13139)	\$ 50,000.00	\$ 70,000.00	\$ (117,526.00)	\$ 2,474.00
			\$ 50,000.00	\$ 70,000.00	\$ (117,526.00)	\$ 2,474.00

Account #	Project #	Project Description	Budget	Budget Adjustment	Johnson Brothers Ford	Remaining Project Funds
110-5924-519-6213	101871	Replace/Upgrade 2001 Dodge (Asset # 10638)	\$ 43,000.00	\$ -	\$ (27,964.73)	\$ 15,035.27
110-5932-551-6213	101899	Replace 2001 Chevrolet Astro (Asset # 11143)	38,640.00	-	(37,581.95)	1,058.05
			\$ 81,640.00	\$ -	\$ (65,546.68)	\$ 16,093.32

Account #	Project #	Project Description	Budget	Budget Adjustment	Temple Mac Haik Dodge	Remaining Project Funds
110-3795-524-6213	102102	Vehicle for Transform Temple Projects Agent (Addition)	\$ 25,955.00	\$ -	\$ (24,222.00)	\$ 1,733.00
			\$25,955.00	\$ -	\$ (24,222.00)	\$ 1,733.00

ATTACHMENTS:

Bid Tabulations A thru K (11)
 Budget Adjustment
 Resolution

Bid "A" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
Fourteen (14) 1/2-Ton Light Duty 4x2 Full-Size Pickups
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Total Price		Total Price		Total Price		Total Price		Total Price		Total Price		Total Price		Total Price	
Bid Price- Fourteen (14) 1/2 Ton-Light Duty 4x2 Full Size Pickups	14	\$25,630.00	\$358,820.00	\$22,207.00	\$310,898.00	\$22,686.00	\$317,604.00	\$23,492.00	\$328,888.00	\$23,940.00	\$335,160.00	\$23,541.51	\$329,581.14	\$24,414.00	\$341,796.00	No Bid	
Make & Model		Ford F-150		Chevrolet Silverado 1500		Ram 1500 Classic		Ford F-150 XL		Ford F-150 (1/2 ton) regular cab 4x2		Ford F-150		Ram 1500		No Bid	
Delivery within 90 Days		Yes		No		Yes		No		Yes		No		No		No Bid	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Light Bar-52" Full Width LED Blue and Amber Light Bar with Built-In Arrowstik and Work Lights; Light bar shall be wired to factory upfitter switches; Mounted to roof with brackets; Price to Include installation.	14	\$1,460.00	\$20,440.00	\$2,784.00	\$38,976.00	\$2,450.00	\$34,300.00	Not available*		\$1,980.00	\$27,720.00	\$1,979.00	\$27,706.00	\$2,875.00	\$40,250.00	No Bid	
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$0.00	Available through Ford website, City needs to register		\$225.00	\$0.00	\$200.00	\$0.00	No Bid	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	14	\$275.00	\$3,850.00	\$215.00	\$3,010.00	Included		Included		Included		Included		Included		No Bid	
Bedliner, Spray In - Under Lip	14	\$450.00	\$6,300.00	\$420.00	\$5,880.00	\$530.00	\$7,420.00	\$599.00	\$8,386.00	\$385.00	\$5,390.00	\$595.00	\$8,330.00	\$595.00	\$8,330.00	No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	14	\$175.00	\$2,450.00	\$229.00	\$3,206.00	\$225.00	\$3,150.00	\$299.00	\$4,186.00	\$210.00	\$2,940.00	\$199.00	\$2,786.00	\$195.00	\$2,730.00	No Bid	
Headache Rac, RKL Model #Wg15 or Approved Equal	13	\$485.00	\$6,305.00	\$540.00	\$7,020.00	\$475.00	\$6,175.00	\$475.00	\$6,175.00	\$420.00	\$5,460.00	\$489.00	\$6,357.00	\$575.00	\$7,475.00	No Bid	
Low Profile Toolbox (1 Lid), Rawson-Koenig Model C-63-LP or approved Equal	13	\$754.00	\$9,802.00	\$840.00	\$10,920.00	\$785.00	\$10,205.00	\$737.00	\$9,581.00	\$760.00	\$9,880.00	\$829.00	\$10,777.00	\$875.00	\$11,375.00	No Bid	
Full Length Entry Steps on Both Sides	14	\$200.00	\$2,800.00	\$280.00	\$3,920.00	\$345.00	\$4,830.00	\$250.00	\$3,500.00	\$250.00	\$3,500.00	\$249.00	\$3,486.00	\$675.00	\$9,450.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$1,990.00	\$0.00	\$2,169.00	\$0.00	\$2,645.00	\$0.00	\$2,748.00	\$0.00	\$2,180.00	\$0.00	\$1,860.00	\$0.00	\$3,545.00	\$0.00	No Bid	
Total Aftermarket or Add Alternate Options		\$5,964.00	\$51,947.00	\$7,477.00	\$72,932.00	\$7,455.00	\$66,080.00	\$5,333.00	\$31,828.00	\$4,205.00	\$54,890.00	\$6,425.00	\$59,442.00	\$9,535.00	\$79,610.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		\$410,767.00		\$383,830.00		\$383,684.00		Not Complete		\$390,050.00		\$389,023.14		\$421,406.00		No Bid	
Exceptions		No		Yes		Yes		Yes		Yes		No		Yes		No Bid	
Local Preference		No		No		No		No		No		Yes		Yes		No Bid	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	

Recommended for Council Award
Local Preference Option
Vendor does not offer Aftermarket item

Bid "B" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 1/2-Ton Light Duty 4x2 Full Size Crew Cab Pickup
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 1/2-Ton Light Duty 4x2 Full Size Crew Cab Pickup	1	\$28,906.75	\$28,906.75	\$24,226.00	\$24,226.00	\$25,003.00	\$25,003.00	\$26,540.00	\$26,540.00	\$27,730.00	\$27,730.00	\$26,691.53	\$26,691.53	\$25,703.00	\$25,703.00	\$32,400.00	\$32,400.00
Make & Model		Ford F-150		Chevrolet Silverado 1500		Ram 1500 Classic		Ford F-150 Crew 4x2		Ford F-150 (1/2 ton) crew cab 4x2		Ford F-150		Ram 1500		Nissan Titan Crew Cab 4x2	
Delivery within 90 Days		Yes		No		Yes		No		Yes		No		No		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Hydraulic, Parallel-Arm 1,000 Lb Capacity Liftgate, Installed,; Steel Treadplate Material w/Enclosed Hydraulic System	1	\$2,999.00	\$2,999.00	\$3,172.00	\$3,172.00	\$2,275.00	\$2,275.00	\$3,351.00	\$3,351.00	\$2,960.00	\$2,960.00	\$2,895.00	\$2,895.00	\$4,575.00	\$4,575.00	\$2,750.00	\$2,750.00
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$0.00	Included		\$225.00	\$0.00	\$200.00	\$0.00	Not available	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	\$348.25	\$348.25	\$215.00	\$215.00	Included		Included		Included		Included		Included		Included	
Bedliner, Spray In - Under Lip	1	\$410.00	\$410.00	\$420.00	\$420.00	\$530.00	\$530.00	\$599.00	\$599.00	\$385.00	\$385.00	\$429.00	\$429.00	\$595.00	\$595.00	\$250.00	\$250.00
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$175.00	\$175.00	\$249.00	\$249.00	\$225.00	\$225.00	\$299.00	\$299.00	\$285.00	\$285.00	\$199.00	\$199.00	\$195.00	\$195.00	\$175.00	\$175.00
Headache Rac, RKI Model #Wg15 or Approved Equal	1	\$485.00	\$485.00	\$540.00	\$540.00	\$475.00	\$475.00	\$475.00	\$475.00	\$420.00	\$420.00	\$499.00	\$499.00	\$575.00	\$575.00	\$575.00	\$575.00
Full Length Entry Steps on Both Sides	1	\$250.00	\$250.00	\$280.00	\$280.00	\$345.00	\$345.00	\$250.00	\$250.00	\$250.00	\$250.00	\$239.00	\$239.00	\$675.00	\$675.00	\$734.00	\$734.00
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$1,990.00	\$0.00	\$2,302.00	\$0.00	\$2,645.00	\$0.00	\$2,748.00	\$0.00	\$2,180.00	\$0.00	\$1,860.00	\$0.00	\$3,545.00	\$0.00	Not available	
Total Aftermarket or Add Alternate Options		\$6,832.25	\$4,667.25	\$7,178.00	\$4,876.00	\$6,495.00	\$3,850.00	\$7,947.00	\$4,974.00	\$6,480.00	\$4,300.00	\$6,346.00	\$4,261.00	\$10,360.00	\$6,615.00	\$4,484.00	\$4,484.00
Total Bid Price to include Aftermarket or Add Alternate Options		\$33,574.00		\$29,102.00		\$28,853.00		\$31,514.00		\$32,030.00		\$30,952.53		\$32,318.00		\$36,884.00	
Exceptions		No		Yes		Yes		Yes		No		No		Yes		Yes	
Local Preference		No		No		No		No		No		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Recommended for Council Award

Bid "C" Tabulation

Tabulation of Bids Received on Tuesday, March 17, 2020 at 2:30 p.m. One (1) 3/4-Ton Light Duty 4x2 Full-Size Regular Cab Pickup Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 3/4-Ton Light Duty 4x2 Full-Size Regular Cab Pickup	1	\$26,454.00	\$26,454.00	\$28,361.00	\$28,361.00	\$26,774.00	\$26,774.00	\$24,841.00	\$24,841.00	\$26,000.00	\$26,000.00	\$24,307.73	\$24,307.73	\$27,828.00	\$27,828.00	No Bid	
Make & Model		Ford F-250		Chevrolet Silverado 2500HD		Ram 2500		Ford F-250 Reg Cab		Ford F-250 (3/4 ton) reg cab 4x2		Ford F-250		Ram 2500		No Bid	
Delivery within 180 Days		Yes		No		Yes		No		Yes		No		No		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Hydraulic, Parallel-Arm 1,000 Lb Capacity Liftgate, Installed,; Steel Treadplate Material w/Enclosed Hydraulic System	1	\$2,999.00	\$2,999.00	\$3,172.00	\$3,172.00	\$2,775.00	\$2,775.00	\$3,351.00	\$3,351.00	\$2,960.00	\$2,960.00	\$2,295.00	\$2,295.00	\$4,575.00	\$4,575.00	No Bid	
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$225.00	Included		\$225.00	\$0.00	\$200.00	\$0.00	No Bid	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	\$348.75	\$348.75	\$215.00	\$215.00	Included		Included		Included		Included		Included		No Bid	
Bedliner, Spray In - Under Lip	1	\$410.00	\$410.00	\$420.00	\$420.00	\$530.00	\$530.00	\$599.00	\$599.00	\$385.00	\$385.00	\$475.00	\$475.00	\$595.00	\$595.00	No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$125.00	\$125.00	\$229.00	\$229.00	\$225.00	\$225.00	\$299.00	\$299.00	\$210.00	\$210.00	\$199.00	\$199.00	\$195.00	\$195.00	No Bid	
Headache Rac, RKI Model #Wg15 or Approved Equal	1	\$495.00	\$495.00	\$540.00	\$540.00	\$475.00	\$475.00	\$475.00	\$475.00	\$420.00	\$420.00	\$389.00	\$389.00	\$575.00	\$575.00	No Bid	
Full Length Entry Steps on Both Sides	1	\$200.00	\$200.00	\$280.00	\$280.00	\$345.00	\$345.00	\$320.00	\$320.00	\$315.00	\$315.00	\$299.00	\$299.00	\$675.00	\$675.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,295.00	\$0.00	\$2,169.00	\$0.00	\$2,620.00	\$0.00	\$3,244.00	\$0.00	\$3,185.00	\$0.00	\$2,110.00	\$0.00	\$3,975.00	\$0.00	No Bid	
Total Aftermarket or Add Alternate Options		\$7,047.75	\$4,577.75	\$7,025.00	\$4,856.00	\$6,970.00	\$4,350.00	\$8,513.00	\$5,269.00	\$7,475.00	\$4,290.00	\$5,992.00	\$3,657.00	\$10,790.00	\$6,615.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		\$31,031.75		\$33,217.00		\$31,124.00		\$30,110.00		\$30,290.00		\$27,964.73		\$34,443.00		\$0.00	
Exceptions		No		Yes		Yes		No		No		No		Yes		No Bid	
Local Preference		No		No		No		No		No		Yes		Yes		No Bid	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	

Recommended for Council Award

Bid "D" Tabulation

Tabulation of Bids Received **on Tuesday, March 17, 2020 at 2:30 p.m.** **Thirteen (13) 1-Ton Light Duty 4x2 Crew Cab & Chassis, Dual Rear Wheels with Utility Body Pickups** **Bid# 13-15-20**

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- Thirteen (13) 1-Ton Light Duty 4x2 Crew Cab 7 Chassis, Dual Rear Wheels with Utility Body Pickups	13	\$43,970.75	\$571,619.75	\$43,856.00	\$570,128.00	\$46,620.00	\$606,060.00	\$43,298.00	\$562,874.00	\$42,830.00	\$556,790.00	\$46,966.69	\$610,566.97	\$43,044.00	\$559,572.00	No Bid	
Make & Model		Ford F350 Chassis Crew Cab		Chevrolet Silverado 3500HD		Ram 3500 Chassis		Ford F-350 CC DRW Crew		Ford F-350 Crew Cab 4x2		Ford F-350		Ram 3500 Tradesman		No Bid	
Delivery within 180 Days		Yes		No		Yes		No		Yes		No		No		No Bid	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$0.00	Included		\$225.00	\$0.00	\$200.00	\$0.00	No Bid	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	13	\$348.75	\$4,533.75	\$215.00	\$2,795.00	Included		Included		Included		Included		Included		No Bid	
Light Bar-52" Full Width LED Blue and Amber Light Bar with Built-In Arrowstik and Work Lights; Light bar shall be wired to factory upfitter switches; Mounted to roof brackets; Price to include installation: Light bar cannot be obscured by modular cab guard. Example: Light Bar Code 3 Model# 21TRPL52-9ABCT18P or Approved Equal	13	\$1,460.00	\$18,980.00	\$2,784.00	\$36,192.00	\$2,450.00	\$31,850.00	Not available*		\$1,980.00	\$25,740.00	\$1,950.00	\$25,350.00	\$2,875.00	\$37,375.00	No Bid	
Utility/Material Rack Capable of Holding Pipe, Ladder, & Materials up to 9 Ft.	13	\$1,199.00	\$15,587.00	\$1,680.00	\$21,840.00	\$1,930.00	\$25,090.00	\$1,000.00	\$13,000.00	\$2,480.00	\$32,240.00	\$2,456.00	\$31,928.00	\$2,956.00	\$38,428.00	No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	13	\$175.00	\$2,275.00	\$249.00	\$3,237.00	\$225.00	\$2,925.00	\$299.00	\$3,887.00	\$285.00	\$3,705.00	\$199.00	\$2,587.00	\$195.00	\$2,535.00	No Bid	
Full Length Entry Steps on Both Sides	13	\$250.00	\$3,250.00	\$280.00	\$3,640.00	\$345.00	\$4,485.00	\$445.00	\$5,785.00	\$410.00	\$5,330.00	\$329.00	\$4,277.00	\$675.00	\$8,775.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,295.00	\$0.00	\$2,655.00	\$0.00	\$2,795.00	\$0.00	\$3,244.00	\$0.00	\$3,150.00	\$0.00	\$3,285.00	\$0.00	\$3,975.00	\$0.00	No Bid	
Four Wheel Drive	0	\$3,800.00	\$0.00	\$2,565.00	\$0.00	\$3,275.00	\$0.00	\$3,500.00	\$0.00	\$3,475.00	\$0.00	\$3,325.00	\$0.00	\$3,500.00	\$0.00	No Bid	
Total Aftermarket or Add Alternate Options		\$5,902.75	\$44,625.75	\$7,863.00	\$67,704.00	\$11,020.00	\$64,350.00	\$8,713.00	\$22,672.00	\$8,305.00	\$67,015.00	\$11,769.00	\$64,142.00	\$10,876.00	\$87,113.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		\$616,245.50		\$637,832.00		\$670,410.00		Not Complete		\$623,805.00		\$674,708.97		\$646,685.00		No Bid	
Exceptions		No		Yes		Yes		No		Yes		No		Yes		No Bid	
Local Preference		No		No		No		No		No		Yes		Yes		No Bid	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	

Recommended for Council Award
 Vendor does not offer Aftermarket item

Bid "E" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
Six (6) 1-Ton Light Duty 4x2 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickups
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- Six (6) 1-Ton Light Duty 4x2 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickups	6	\$40,906.25	\$245,437.50	\$40,713.00	\$244,278.00	\$44,176.00	\$265,056.00	\$40,521.00	\$243,126.00	\$39,830.00	\$238,980.00	\$43,983.04	\$263,898.24	\$40,854.00	\$245,124.00	No Bid	
Make & Model	Ford F350 Chassis Reg Cab DRW			Chevrolet Silverado 3500HD		Ram 3500 Chassis		Ford F-350 CC DRW RC		Ford F-350 Reg Cab 4x2		Ford F-350		Ram 3500 Tradesman		No Bid	
Delivery within 180 Days	Yes			No		Yes		No		Yes		No		No		No Bid	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$0.00	Included		\$225.00	\$0.00	\$200.00	\$0.00	No Bid	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	6	\$348.25	\$2,089.50	\$215.00	\$1,290.00	Included		Included		Included		Included		Included		No Bid	
Light Bar-52" Full Width LED Blue and Amber Light Bar with Built-In Arrowstik and Work Lights; Light bar shall be wired to factory upfitter switches; Mounted to roof brackets; Price to include installation: Light bar cannot be obscured by modular cab guard. Example: Light Bar Code 3 Model# 21TRPL52-9ABCT18P or Approved Equal	6	\$1,460.00	\$8,760.00	\$2,784.00	\$16,704.00	\$2,450.00	\$14,700.00	Not available*		\$1,980.00	\$11,880.00	\$1,950.00	\$11,700.00	\$2,875.00	\$17,250.00	No Bid	
Utility/Material Rack Capable of Holding Pipe, Ladder, & Materials up to 9 Ft.	6	\$1,199.00	\$7,194.00	\$1,680.00	\$10,080.00	\$1,930.00	\$11,580.00	\$1,000.00	\$6,000.00	\$2,480.00	\$14,880.00	\$2,456.00	\$14,736.00	\$2,956.00	\$17,736.00	No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	6	\$150.00	\$900.00	\$229.00	\$1,374.00	\$225.00	\$1,350.00	\$299.00	\$1,794.00	\$290.00	\$1,740.00	\$199.00	\$1,194.00	\$195.00	\$1,170.00	No Bid	
Full Length Entry Steps on Both Sides	6	\$250.00	\$1,500.00	\$280.00	\$1,680.00	\$345.00	\$2,070.00	\$320.00	\$1,920.00	\$315.00	\$1,890.00	\$329.00	\$1,974.00	\$675.00	\$4,050.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,295.00	\$0.00	\$2,655.00	\$0.00	\$2,795.00	\$0.00	\$3,244.00	\$0.00	\$3,180.00	\$0.00	\$3,285.00	\$0.00	\$3,975.00	\$0.00	No Bid	
Four Wheel Drive	0	\$3,800.00	\$0.00	\$2,565.00	\$0.00	\$2,800.00	\$0.00	\$3,500.00	\$0.00	\$3,475.00	\$0.00	\$3,500.00	\$0.00	\$3,500.00	\$0.00	No Bid	
Total Aftermarket or Add Alternate Options		\$9,677.25	\$20,443.50	\$10,408.00	\$31,128.00	\$10,545.00	\$29,700.00	\$8,588.00	\$9,714.00	\$11,720.00	\$30,390.00	\$11,944.00	\$29,604.00	\$14,376.00	\$40,206.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		\$265,881.00		\$275,406.00		\$294,756.00		Not Complete		\$269,370.00		\$293,502.24		\$285,330.00		No Bid	
Exceptions		No		Yes		Yes		No		No		No		Yes		No Bid	
Local Preference		No		No		No		No		No		Yes		Yes		No Bid	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		No Bid	

Recommended for Council Award
Vendor does not offer Aftermarket item

Bid "F" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 1-Ton Medium Roof 15 Passenger Van
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 1-Ton Medium Roof 15 Passenger Van	1	\$37,779.00	\$37,779.00	\$29,886.00	\$29,886.00	No Bid		\$36,948.00	\$36,948.00	\$36,988.00	\$36,988.00	\$37,282.95	\$37,282.95	No Bid		\$32,496.00	\$32,496.00
Make & Model		Ford Transit 350		Chevrolet Express Passenger		No Bid		Ford Transit 350 MR XL		Ford Transit 350		Ford Transit T-350		No Bid		Nissan NV3500 12 Passenger Standard Roof	
Delivery within 180 Days		Yes		No		No Bid		No		Yes		No		No Bid		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		No Bid		\$225.00	\$0.00	Available through Ford website		\$225.00	\$0.00	No Bid		Not available	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	\$348.75	\$348.75	\$215.00	\$215.00	No Bid		Included		Included		Included		No Bid		Included	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$250.00	\$250.00	\$349.00	\$349.00	No Bid		\$675.00	\$675.00	\$750.00	\$750.00	\$299.00	\$299.00	No Bid		Included	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,270.00	\$0.00	\$2,307.00	\$0.00	No Bid		\$3,470.00	\$0.00	\$2,270.00	\$0.00	\$1,985.00	\$0.00	No Bid		Included	
Total Aftermarket or Add Alternate Options		\$3,043.75	\$598.75	\$2,871.00	\$564.00	No Bid		\$4,370.00	\$675.00	\$3,020.00	\$750.00	\$2,509.00	\$299.00	No Bid		\$0.00	
Total Bid Price to include Aftermarket or Add Alternate Options		\$38,377.75		\$30,450.00		No Bid		\$37,623.00		\$37,738.00		\$37,581.95		No Bid		\$32,496.00	
Exceptions		No		Yes		No Bid		No		No		No		No Bid		Yes	
Local Preference		No		No		No Bid		No		No		Yes		No Bid		Yes	
Credit Check Authorization		Yes		Yes		No Bid		Yes		Yes		Yes		No Bid		Yes	

Recommended for Council Award
Make & Model bid does not meet specifications

Bid "G" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 1-Ton Light Duty 4x4 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickup
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 1-Ton Light Duty 4x4 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickup	1	No Bid		\$43,818.00	\$43,818.00	\$50,449.00	\$50,449.00	No Bid		\$49,896.00	\$49,896.00	No Bid		\$51,712.00	\$51,712.00	No Bid	
Make & Model		No Bid		Chevrolet Silverado 3500HD		Ram 3500 Chassis		No Bid		Ford F-350 Reg Cab 4x4		No Bid		Ram 3500 Tradesman		No Bid	
Delivery within 180 Days		No Bid		No		Yes		No Bid		Yes		No Bid		No		No Bid	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	1	No Bid		Only available online		Available realtime online subscription only		No Bid		Included		No Bid		\$200.00	\$200.00	No Bid	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	No Bid		\$215.00	\$215.00	Included		No Bid		Included		No Bid		Included		No Bid	
Light Bar-52" Full Width LED blue and Amber Light bar with Built-In Arrowstik and Work Lights; Light bar shall be wired to factory upfitter switches; Mounted to roof brackets; Price to include installation; No drilling in roof; Light bar cannot be obscured by modular cab guard. Example: Light Bar Code 3 Model # 21TRPL52-9ABCT18P or Approved Equal	1	No Bid		\$2,784.00	\$2,784.00	\$2,450.00	\$2,450.00	No Bid		\$1,980.00	\$1,980.00	No Bid		\$2,875.00	\$2,875.00	No Bid	
WACHS TM-7 Plus Automated Valve Operator/Exerciser or Approved Equal; Installed & Mounted in Front Roadside Compartment of Utility Body	1	No Bid		\$66,695.00	\$66,695.00	No Bid*		No Bid		\$39,844.00	\$39,844.00	No Bid		\$42,044.00	\$42,044.00	No Bid	
VITALS Software, Handheld Controller & Trimble R2 GNSS GPS or Approved Equal	0	No Bid		Included		No Bid*		No Bid		\$16,860.00	\$0.00	No Bid		\$16,880.00	\$0.00	No Bid	
WACHS Trav-L-Vac 300 or Approved Equal; Mounted in Utility Bed with Rear Mount Engine Control	1	No Bid		Included		No Bid*		No Bid		\$39,832.00	\$39,832.00	No Bid		\$41,032.00	\$41,032.00	No Bid	
Bedline, Spray In - Under Lip	1	No Bid		\$850.00	\$850.00	\$900.00	\$900.00	No Bid		\$570.00	\$570.00	No Bid		\$595.00	\$595.00	No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	No Bid		\$229.00	\$229.00	\$225.00	\$225.00	No Bid		\$210.00	\$210.00	No Bid		\$195.00	\$195.00	No Bid	
Full Length Entry Steps on Both Sides	1	No Bid		\$280.00	\$280.00	\$345.00	\$345.00	No Bid		\$315.00	\$315.00	No Bid		\$675.00	\$675.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	1	No Bid		\$2,655.00	\$2,655.00	\$2,795.00	\$2,795.00	No Bid		\$3,180.00	\$3,180.00	No Bid		\$4,950.00	\$4,950.00	No Bid	
Total Aftermarket or Add Alternate Options		No Bid		\$73,708.00	\$73,708.00	\$6,715.00	\$6,715.00	No Bid		\$102,791.00	\$85,931.00	No Bid		\$109,446.00	\$92,566.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		No Bid		\$117,526.00		Not Complete		No Bid		\$135,827.00		No Bid		\$144,278.00		No Bid	
Exceptions		No Bid		Yes		Yes		No Bid		No		No Bid		Yes		No Bid	
Local Preference		No Bid		No		No		No Bid		No		No Bid		Yes		No Bid	
Credit Check Authorization		No Bid		Yes		Yes		No Bid		Yes		No Bid		Yes		No Bid	

Recommended for Council Award
*Vendor does not offer selected Aftermarket item

Bid "H" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 1/2-Ton Light Duty 4x2 Full-Size Crew Cab Pickup
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 1/2-Ton Light Duty 4x2 Full-Size Crew Cab Pickup	1	\$28,727.25	\$28,727.25	\$25,800.00	\$25,800.00	\$26,299.00	\$26,299.00	\$27,761.00	\$27,761.00	\$29,340.00	\$29,340.00	\$28,165.82	\$28,165.82	\$26,900.00	\$26,900.00	\$32,400.00	\$32,400.00
Make & Model		Ford F-150		Chevrolet Silverado 1500		Ram 1500 Classic		Ford F150 Crew 4x2		Ford F-150 Crew Cab		Ford F-150		Ram 1500		Nissan Titan Crew Cab 4x2	
Delivery within 90 Days		Yes		No		Yes		No		Yes		No		No		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	0	\$175.00	\$0.00	Only available online		Available realtime online subscription only		\$225.00	\$0.00	Included		\$225.00	\$0.00	\$200.00	\$0.00	Not available	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	\$348.75	\$348.75	\$215.00	\$215.00	Included		Included		Included		Included		Included		Included	
Bedline, Spray In - Under Lip	1	\$410.00	\$410.00	\$420.00	\$420.00	\$530.00	\$530.00	\$599.00	\$599.00	\$385.00	\$385.00	\$425.00	\$425.00	\$595.00	\$595.00	\$250.00	\$250.00
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$150.00	\$150.00	\$249.00	\$249.00	\$225.00	\$225.00	\$299.00	\$299.00	\$285.00	\$285.00	\$199.00	\$199.00	\$195.00	\$195.00	\$175.00	\$175.00
Full Length Entry Steps on Both Sides	1	\$250.00	\$250.00	\$280.00	\$280.00	\$345.00	\$345.00	\$250.00	\$250.00	\$250.00	\$250.00	\$300.00	\$300.00	\$675.00	\$675.00	\$734.00	\$734.00
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	1	\$1,990.00	\$1,990.00	\$2,307.00	\$2,307.00	\$2,645.00	\$2,645.00	\$2,748.00	\$2,748.00	\$2,150.00	\$2,150.00	\$1,860.00	\$1,860.00	\$3,545.00	\$3,545.00	Included	
Total Aftermarket or Add Alternate Options		\$3,323.75	\$3,148.75	\$3,471.00	\$3,471.00	\$3,745.00	\$3,745.00	\$4,121.00	\$3,896.00	\$3,070.00	\$3,070.00	\$3,009.00	\$2,784.00	\$5,210.00	\$5,010.00	\$1,159.00	\$1,159.00
Total Bid Price to include Aftermarket or Add Alternate Options		\$31,876.00		\$29,271.00		\$30,044.00		\$31,657.00		\$32,410.00		\$30,949.82		\$31,910.00		\$33,559.00	
Exceptions		No		Yes		Yes		Yes		No		No		Yes		Yes	
Local Preference		No		No		No		No		No		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Recommended for Council Award
Local Preference Option
Make & Model bid does not meet specifications

Bid "I" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 1/2-Ton Light Duty 4x4 Full-Size Crew Cab Pickup
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 1/2-Ton Light Duty 4x4 Full-Size Crew Cab Pickup	1	\$32,132.75	\$32,132.75	\$27,323.00	\$27,323.00	\$29,325.00	\$29,325.00	\$30,893.00	\$30,893.00	\$32,660.00	\$32,660.00	\$31,975.32	\$31,975.32	\$31,896.00	\$31,896.00	\$38,720.00	\$38,720.00
Make & Model		Ford F-150		Chevrolet Silverado 1500		Ram 1500 Classic		Ford F-150 Crew 4x4		Ford F-150 Crew Cab 4x4		Ford F-150		Ram 1500		Nissan Titan Crew Cab SV 4x4	
Delivery within 90 Days		Yes		No		Yes		No		Yes		No		No		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	1	\$175.00	\$175.00	Only available online		Available realtime online subscription only		\$225.00	\$225.00	Included		\$225.00	\$225.00	\$200.00	\$200.00	Not available	
Delivery to 3210 E. Ave H Bldg. B Temple, TX 76501	1	\$348.95	\$348.95	\$215.00	\$215.00	Included		Included		Included		Included		Included		Included	
Bedline, Spray In - Under Lip	1	\$410.00	\$410.00	\$420.00	\$420.00	\$530.00	\$530.00	\$599.00	\$599.00	\$385.00	\$385.00	\$425.00	\$425.00	\$595.00	\$595.00	\$250.00	\$250.00
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$175.00	\$175.00	\$249.00	\$249.00	\$225.00	\$225.00	\$299.00	\$299.00	\$285.00	\$285.00	\$199.00	\$199.00	\$195.00	\$195.00	\$175.00	\$175.00
Full Length Entry Steps on Both Sides	1	\$250.00	\$250.00	\$280.00	\$280.00	\$345.00	\$345.00	\$250.00	\$250.00	\$250.00	\$250.00	\$300.00	\$300.00	\$675.00	\$675.00	\$734.00	\$734.00
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	1	\$2,270.00	\$2,270.00	\$2,307.00	\$2,307.00	\$2,645.00	\$2,645.00	\$2,898.00	\$2,898.00	\$2,270.00	\$2,270.00	\$1,985.00	\$1,985.00	\$3,545.00	\$3,545.00	Included	
Total Aftermarket or Add Alternate Options		\$3,628.95	\$3,628.95	\$3,471.00	\$3,471.00	\$3,745.00	\$3,745.00	\$4,271.00	\$4,271.00	\$3,190.00	\$3,190.00	\$3,134.00	\$3,134.00	\$5,210.00	\$5,210.00	\$1,159.00	\$1,159.00
Total Bid Price to include Aftermarket or Add Alternate Options		\$35,761.70		\$30,794.00		\$33,070.00		\$35,164.00		\$35,850.00		\$35,109.32		\$37,106.00		\$39,879.00	
Exceptions		No		Yes		Yes		Yes		No		No		Yes		Yes	
Local Preference		No		No		No		No		No		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Recommended for Council Award
Make & Model bid does not meet specifications

Bid "J" Tabulation

Tabulation of Bids Received on Tuesday, March 17, 2020 at 2:30 p.m. Three (3) 1/2-Ton Light Duty 4x4 Full-Size Extra Cab Pickups Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- Three (3) 1/2-Ton Light Duty 4x4 Full-Size Extra Cab Pickups	3	\$29,227.25	\$87,681.75	\$24,302.00	\$72,906.00	\$26,225.00	\$78,675.00	\$28,587.00	\$85,761.00	\$29,100.00	\$87,300.00	\$27,563.48	\$82,690.44	\$29,637.00	\$88,911.00	\$33,087.00	\$99,261.00
Make & Model		Ford F-150		Chevrolet Silverado 1500		Ram 1500 Classic		Ford F-150 4x4 SC		Ford F-150 Extended Cab 4x4		Ford F-150		Ram 1500 Quad Cab		Nissan Titan King Cab 4x4	
Delivery within 90 Days		Yes		No		Yes		No		Yes		No		No		No	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Light Bar-52" Full Width LED Blue & Amber Light Bar with Built-In Arrowstik and Work Lights; Light bar shall be wired to factory upfitter switches; Mounted to roof with brackets; Price to include; no drilling in roof. Example: Light Bar Code 3 Model # 21TRPL52-9ABCT18P or Approved Equal	3	\$1,460.00	\$4,380.00	\$2,784.00	\$8,352.00	\$2,450.00	\$7,350.00	Not available*		\$1,980.00	\$5,940.00	\$1,979.00	\$5,937.00	\$2,975.00	\$8,925.00	\$1,990.00	\$5,970.00
Headache Rack, RKI model #WG15 or Approved Equal	3	\$485.00	\$1,455.00	\$540.00	\$1,620.00	\$475.00	\$1,425.00	\$475.00	\$1,425.00	\$420.00	\$1,260.00	\$489.00	\$1,467.00	\$575.00	\$1,725.00	\$575.00	\$1,725.00
Low Profile Toolbox (1 Lid), Rawson-Koenig Model C-63-LP or Approved Equal	3	\$754.00	\$2,262.00	\$840.00	\$2,520.00	\$785.00	\$2,355.00	\$737.00	\$2,211.00	\$760.00	\$2,280.00	\$829.00	\$2,487.00	\$875.00	\$2,625.00	\$975.00	\$2,925.00
Parts, Service & Repair Manuals	1	\$175.00	\$175.00	Only available online		Available realtime online subscription only		\$225.00	\$225.00	Included		\$225.00	\$225.00	\$200.00	\$200.00	Not available	
Delivery to 3210 E. Ave h Bldg. B Temple, TX 76501	3	\$348.95	\$1,046.85	\$215.00	\$645.00	Included		Included		Included		Included		Included		Included	
Bedline, Spray In - Under Lip	0	\$410.00	\$0.00	\$420.00	\$0.00	\$530.00	\$0.00	\$599.00	\$0.00	\$385.00	\$0.00	\$499.00	\$0.00	\$595.00	\$0.00	\$250.00	\$0.00
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	3	\$175.00	\$525.00	\$249.00	\$747.00	\$225.00	\$675.00	\$299.00	\$897.00	\$285.00	\$855.00	\$199.00	\$597.00	\$195.00	\$585.00	\$175.00	\$525.00
Full Length Entry Steps on Both Sides	3	\$250.00	\$750.00	\$280.00	\$840.00	\$345.00	\$1,035.00	\$250.00	\$750.00	\$225.00	\$675.00	\$325.00	\$975.00	\$675.00	\$2,025.00	\$734.00	\$2,202.00
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,270.00	\$0.00	\$2,307.00	\$0.00	\$2,645.00	\$0.00	\$2,898.00	\$0.00	\$2,270.00	\$0.00	\$1,985.00	\$0.00	\$3,545.00	\$0.00	Included	
Total Aftermarket or Add Alternate Options		\$6,327.95	\$10,593.85	\$7,635.00	\$14,724.00	\$7,455.00	\$12,840.00	\$5,483.00	\$5,508.00	\$6,325.00	\$11,010.00	\$6,530.00	\$11,688.00	\$9,635.00	\$16,085.00	\$4,699.00	\$13,347.00
Total Bid Price to include Aftermarket or Add Alternate Options		\$98,275.60		\$87,630.00		\$91,515.00		Not Complete		\$98,310.00		\$94,378.44		\$104,996.00		\$112,608.00	
Exceptions		No		Yes		Yes		Yes		No		No		Yes		Yes	
Local Preference		No		No		No		No		No		Yes		Yes		Yes	
Credit Check Authorization		Yes		Yes		Yes		Yes		Yes		Yes		Yes		Yes	

Recommended for Council Award
Local Preference Option
Make & Model bid does not meet specifications
*Vendor does not offer selected Aftermarket item

Bid "K" Tabulation

Tabulation of Bids Received
on Tuesday, March 17, 2020 at 2:30 p.m.
One (1) 6 Passenger Mini Van
Bid# 13-15-20

		Silsbee Ford Silsbee, TX 512-436-1313		Gunn Chevrolet Selma, TX 210-599-5000		Grapevine DCJ, LLC Grapevine, TX 817-410-7541		Jim Bass Ford, Inc San Angelo, TX 325-949-4621		Randall Reed's Prestige Ford Garland, TX 972-864-6815		Johnson Brothers Ford II, LTD Temple, TX 254-773-5257		Temple Mac Haik Dodge Temple, TX 254-773-4556		Garlyn Shelton Nissan Temple, TX 254-742-4149	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Bid Price- One (1) 6 passenger Mini Van	1	\$25,394.75	\$25,394.75	No Bid		\$24,386.00	\$24,386.00	No Bid		\$26,680.00	\$26,680.00	\$25,829.99	\$25,829.99	\$23,727.00	\$23,727.00	No Bid	
Make & Model		Ford Transit Connect		No Bid		Dodge Grand Caravan		No Bid		Ford Transit Wagon		Ford Transit Connect 6 Passenger		Dodge Grand Caravan		No Bid	
Delivery within 90 Days		Yes		No Bid		Yes		No Bid		Yes		No		No		No Bid	
Aftermarket or Add Alternate Options:	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Parts, Service & Repair Manuals	1	\$175.00	\$175.00	No Bid		Available realtime online subscription only		No Bid		Included		\$225.00	\$225.00	\$200.00	\$200.00	No Bid	
Delivery to 3210 E. Ave h Bldg. B Temple, TX 76501	1	\$348.95	\$348.95	No Bid		Included		No Bid		Included		Included		Included		No Bid	
Tinted Windows - All Windows, "Maximum" Allowed by Texas Law	1	\$150.00	\$150.00	No Bid		\$385.00	\$385.00	No Bid		\$260.00	\$260.00	\$299.00	\$299.00	\$295.00	\$295.00	No Bid	
5 Year/100,000 Mile Bumper-to-Bumper Extended Warranty; No Deductible (Provide Terms)	0	\$2,145.00	\$0.00	No Bid		\$2,645.00	\$0.00	No Bid		\$2,150.00	\$0.00	\$1,860.00	\$0.00	\$3,545.00	\$0.00	No Bid	
Total Aftermarket or Add Alternate Options		\$2,818.95	\$673.95	No Bid		\$3,030.00	\$385.00	No Bid		\$2,410.00	\$260.00	\$2,384.00	\$524.00	\$4,040.00	\$495.00	No Bid	
Total Bid Price to include Aftermarket or Add Alternate Options		\$26,068.70		No Bid		\$24,771.00		No Bid		\$26,940.00		\$26,353.99		\$24,222.00		No Bid	
Exceptions		No		No Bid		Yes		No Bid		Yes		No		Yes		No Bid	
Local Preference		No		No Bid		No		No Bid		No		Yes		Yes		No Bid	
Credit Check Authorization		Yes		No Bid		Yes		No Bid		Yes		Yes		Yes		No Bid	

Recommended for Council Award

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
520-5400-535-62-13	101927	Capital Equipment / Automotive	\$ 70,000	
520-5000-535-62-13	101889	Capital Equipment / Automotive	1,500	
520-5400-535-62-13	101930	Capital Equipment / Automotive		4,462
520-5400-535-62-11	102051	Jet Scans (3)		20,004
520-5400-535-62-13	102035	Capital Equipment / Automotive		3,500
520-5400-535-62-13	102036	Capital Equipment / Automotive		3,500
520-5400-535-62-13	102034	Capital Equipment / Automotive		2,500
520-5400-535-62-13	102046	Capital Equipment / Automotive		4,250
520-5200-535-62-13	102046	Capital Equipment / Automotive		4,250
520-5200-535-62-13	102043	Capital Equipment / Automotive		8,500
520-5200-535-62-13	102044	Capital Equipment / Automotive		3,534
520-5300-535-62-13	101932	Capital Equipment / Automotive		3,500
520-5300-535-62-13	102037	Capital Equipment / Automotive		4,500
520-5300-535-62-13	102038	Capital Equipment / Automotive		4,500
520-5300-535-62-13	102039	Capital Equipment / Automotive		4,500
TOTAL.....			\$ 71,500	\$ 71,500

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

Reallocating project savings.

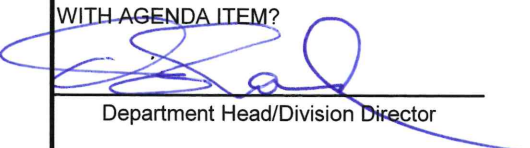
DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

04/02/20

WITH AGENDA ITEM?

☒ Yes☐ No


Department Head/Division Director



Date

☒ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2020-0031-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE PURCHASE OF 43 VEHICLES FROM VARIOUS VENDORS
IN THE TOTAL AMOUNT OF \$1,656,587.18; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, approval of these vehicle purchases will allow replacement of 30 older City vehicles as well as the addition of 13 new vehicles to the City vehicle fleet;

Whereas, on March 17, 2020, eight vendors submitted pricing on 11 independent vehicle bids and per the City's Local Preference Policy, for non-construction expenditures less than \$500,000, if the City receives a competitive sealed bid from a bidder whose principal place of business is within the City limits and whose bid is within five percent of the lowest bid price, the Council has the option to consider awarding the purchase to the local bidder if the Council determines that the local bidder offers the City the best combination of contract price and additional economic development opportunities for the City created by the contract award;

Whereas, Staff recommends award of the following two bids for 19 vehicles to Silsbee Ford who took no exception to the vehicle specifications:

Bid Tabulation D – Thirteen 1-Ton Light Duty 4x2 Crew Cab & Chassis, Dual Rear Wheels with Utility Body Pickups:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
D	Code Compliance (replaces Asset No. 12920)	1	110-5900-524-6213	101870	\$45,000	\$47,403.50
D	Drainage (new fleet addition for Maintenance Crew)	1	292-2900-534-6213	101919	\$52,000	\$47,403.50
D	Streets (new fleet addition for Recon Crew)	1	110-5900-531-6213	102089	\$60,000	\$47,403.50
D	Streets (replaces Asset No. 12589)	1	110-5900-531-6213	101859	\$52,000	\$47,403.50
D	Utilities (replaces Asset No. 12918)	1	520-5400-535-6213	101923	\$48,000	\$47,403.50
D	Utilities (replaces Asset No.12919)	1	520-5400-535-6213	101924	\$48,000	\$47,403.50
D	Utilities (replaces Asset No. 12968)	1	520-5400-535-6213	101925	\$48,000	\$47,403.50
D	Utilities (replaces Asset No. 13133)	1	520-5400-535-6213	101926	\$48,000	\$47,403.50
D	Utilities (replaces Asset No. 12967)	1	520-5200-535-6213	101937	\$48,000	\$47,403.50

D	Utilities (replaces Asset No. 13132)	1	520-5200-535-6213	102040	\$48,960	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #7)	1	520-5200-535-6213	102044	\$52,000	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #3)	1	520-5200-535-6213	102045	\$49,000	\$47,403.50
D	Utilities (new fleet addition for Maintenance Crew #2)	1	520-5400-535-6213	102049	\$49,000	\$47,403.50
Subtotal					\$647,960	\$616,245.50

Bid Tabulation E – Six 1-Ton Light Duty 4x2 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickups:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
E	Parks (replaces Asset No. 12356)	1	110-5935-552-6213	101887	\$43,000	\$44,313.50
E	Parks (new fleet addition for Irrigation Crew)	1	520-5000-535-6213	101889	\$43,000	\$44,313.50
E	Utilities (replaces Asset No. 12588)	1	520-5400-535-6213	102035	\$48,960	\$44,313.50
E	Utilities (replaces Asset No. 12354)	1	520-5400-535-6213	102036	\$48,960	\$44,313.50
E	Utilities (replaces Asset No. 12355)	1	520-5200-535-6213	102041	\$48,960	\$44,313.50
E	Utilities (new fleet addition for Maintenance Crew #1)	1	520-5200-535-6213	102042	\$49,000	\$44,313.50
Subtotal					\$330,840	\$265,881.00

Whereas, Staff recommends award of the following five bids for 20 vehicles to Grapevine DCJ, LLC - the only exceptions taken by Grapevine DCJ, LLC relates to the tank size being 32 gallon versus the specified 36 gallon and the wheel base and tire size being 140-inch versus the specified 141-inch, of which both exceptions are deemed acceptable by Staff as they will not impact the overall efficiency of the vehicle:

Bid Tabulation A – Fourteen ½-Ton Light Duty 4x2 Full-Size Pickups:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
A	Animal Control (replaces Asset No. 13518)	1	110-5921-529-6213	102064	\$37,700	\$26,236
A	Code Compliance (replaces Asset No.	1	110-5900-524-6213	101869	\$32,000	\$27,496

	12136)					
A	Code Compliance (new fleet addition for Code Officer)	1	110-5900-524-6213	102065	\$33,800	\$27,496
A	Transform Temple (new fleet addition for Transform Temple Agent)	1	110-3795-524-6213	102101	\$32,700	\$27,496
A	Metering (replaces Asset No. 12825)	1	520-5300-535-6213	101932	\$32,000	\$27,496
A	Metering (replaces Asset No. 13513)	1	520-5300-535-6213	102037	\$32,700	\$27,496
A	Metering (replaces Asset No. 13127)	1	520-5300-535-6213	102038	\$32,700	\$27,496
A	Metering (replaces Asset No. 13126)	1	520-5300-535-6213	102039	\$32,700	\$27,496
A	Parks (replaces Asset No. 12345)	1	110-5935-552-6213	101888	\$32,000	\$27,496
A	Permitting/Construction Safety (replaces Asset No. 12821)	1	110-5947-519-6213	101885	\$32,000	\$27,496
A	Permitting/Construction Safety (replaces Asset No. 12820)	1	110-5947-519-6213	102081	\$32,700	\$27,496
A	Solid Waste (replaces Asset No. 13131)	1	110-5900-540-6213	102088	\$32,700	\$27,496
A	Streets (replaces Asset No. 12967)	1	110-5900-531-6213	101910	\$32,000	\$27,496
A	Utilities (new fleet addition for Crew Leader)	1	520-5200-535-6213 520-5400-535-6213	101934	\$16,000 \$16,000	\$27,496
Subtotal					\$459,700	\$383,684

(In accordance with the City's adopted Local Preference Policy, Council does have the option to award the fourteen ½ Ton Light Duty 4x2 Full-Size Pickups to Johnson Brothers Ford II, Ltd. in the amount of \$389,023.14, versus the low bid of \$383,684.00 from Grapevine DCJ, LLC, a \$5,339.14 spread - Johnson Brother's bid is 1.4% higher than Grapevine DCJ, LLC's low bid)

Bid Tabulation B – One ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
B	Facility Services (replaces Asset No. 12135)	1	110-5924-519-6213	101872	\$34,000	\$28,853

Subtotal		\$34,000	\$28,853
-----------------	--	----------	----------

Bid Tabulation H – One ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
H	Fire (replaces Asset No. 13124)	1	110-5900-522-6213	102068	\$32,700	\$30,044
Subtotal					\$32,700	\$30,044

(In accordance with the City's adopted Local Preference Policy, Council does have the option to award the one ½ Ton Light Duty 4x2 Full-Size Crew Cab Pickup to Johnson Brothers Ford II, Ltd. in the amount of \$30,949.82, versus the low bid of \$30,044.00 from Grapevine DCJ, LLC., a \$905.82 spread. Johnson Brothers Ford's bid is 3.0% higher than Grapevine DCJ's low bid)

Bid Tabulation I – One ½-Ton Light Duty 4x4 Full-Size Crew Cab Pickup:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
I	Fire (replaces Asset No. 12574)	1	110-5900-522-6213	102068	\$32,640	\$33,070
Subtotal					\$32,640	\$33,070

Bid Tabulation J – Three ½-Ton Light Duty 4x4 Full-Size Extra Cab Pickups:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
J	Utilities (replaces Asset No. 12969)	1	520-5400-535-6213	102034	\$34,245	\$30,505
J	Utilities (new fleet addition for Utility Foreman)	1	520-5200-535-6213	102043	\$40,000	\$30,505
J	Utilities (new fleet addition for Utility Manager)	1	520-5200-535-6213 520-5400-535-6213	102046	\$20,000 \$20,000	\$30,505
Subtotal					\$114,245	\$91,515

(In accordance with the City's adopted Local Preference Policy, Council does have the option to award the three ½-Ton Light Duty 4x4 Full-Size Extra Cab Pickups to Johnson Brothers Ford II, Ltd. in the amount of \$94,378.44, versus the low bid of \$91,515.00 from Grapevine DCJ, LLC., a \$2,863.44 spread - Johnson Brother's bid is 3.1% higher than Grapevine DCJ's low bid)

Whereas, Staff recommends award of the following one bid for one vehicle to Gunn Chevrolet who took no exception to the vehicle specifications:

Bid Tabulation G – One 1-Ton Light Duty 4x4 Regular Cab & Chassis, Dual Rear Wheels with Utility Body Pickup:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
G	Utilities (replaces Asset No. 13139)	1	520-5400-535-6213	101927	\$50,000	\$117,526
Subtotal					\$50,000	\$117,526

(the Recommended Bid award is substantially higher than the Budget due to a mounted valve operator/exerciser and vacuum that were bid as ‘options’ - these options are mounted equipment that are valuable equipment that Staff recommends replacing along with the truck)

Whereas, Staff recommends award of the following two bids for two vehicles to Johnson Brothers Ford II, Ltd who took no exception to the vehicle specifications:

Bid Tabulation C – One ¾-Ton Light Duty 4x2 Full-Size Regular Cab Pickup:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
C	Facility Services (replaces Asset No. 10638)	1	110-5924-519-6213	101871	\$43,000	\$27,964.73
Subtotal					\$43,000	\$27,964.73

Bid Tabulation F – One 1-Ton Medium Roof 15 Passenger Van:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
F	Parks (replaces Asset No. 11143)	1	110-5932-551-6213	101899	\$35,140	\$37,581.95
Subtotal					\$35,140	\$37,581.95

Whereas, Staff recommends award of the following one bid for one vehicle to Temple Mac Haik Dodge with the exceptions noted by Temple Mac Haik Dodge are deemed acceptable by Staff as they will not impact the overall efficiency of the vehicle:

Bid Tabulation K – One 6-Passenger Mini Van:

Bid Tab	Description	Qty	Account	Project #	Budget	Recommended Bid
K	Transform Temple (new fleet addition for Project Agent)	1	110-3795-524-6213	102102	\$25,955	\$24,222
Subtotal					\$25,955	\$24,222

Whereas, the vehicles scheduled for replacement have been evaluated to ensure the most sustainable and fuel-efficient vehicles that meet the needs of each department are being purchased - funding for these purchases is included in the adopted fiscal year 2020 Budget in the accounts as defined above; and

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

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

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

Part 2: The City Council authorizes the purchase of 43 vehicles from various vendors in the total amount of \$1,656,587, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents that may be necessary for these purchases.

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 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

04/02/20

Item #6

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager

Nancy Glover, Neighborhood Services Manager

ITEM DESCRIPTION: PUBLIC HEARING: Consider adopting a resolution amending the Community Development Block Grant 2015-19 Consolidated Plan and the 2019-20 Annual Action Plan by reallocating funds from a planned infrastructure project to a Historic Preservation Project in East Temple.

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

ITEM SUMMARY: The City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development (HUD). As a recipient of these entitlement program funds, the City is required to produce a Citizen Participation Plan, which outlines how and when changes to the Consolidated Plan and Annual Action Plan are required.

The Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015-2019. The Consolidated Plan provides a five-year framework of the program, detailing objectives and expected outcomes.

HUD understands that priorities may shift during the five-year period, and communities may need to leverage their dollars in other areas. When activities need to be added or deleted from the Consolidated Plan, it considered to be a substantial amendment and the City is required to seek the changes in accordance with the Citizen Participation Plan. At this time, the City desires to amend the 2015-2019 Consolidated Plan and the 2019-2020 Annual Action Plan, with the reallocation of \$130,000 in funding for the Infrastructure Improvement Project to the new Historic Preservation Project.

The proposed Historic Preservation Project includes the renovation of the property located at 201 South Martin Luther King Drive for the purpose of a Community Enhancement Center to serve the needs of low- and moderate-income citizens of Temple. The total estimated cost for this multi-year project is \$188,000 and would be completed by the spring of 2021.

FISCAL IMPACT: \$130,000 of CDBG funding allocated to the Infrastructure Improvement Project will be reallocated to the Historic Preservation Project.

ATTACHMENT:
[Resolution](#)

RESOLUTION NO. 2020-0032-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2015-2019 CONSOLIDATED PLAN AND THE 2019-2020 ANNUAL ACTION PLAN BY REALLOCATING FUNDS FROM A PLANNED INFRASTRUCTURE PROJECT TO A HISTORIC PRESERVATION PROJECT IN EAST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development (HUD) - as a recipient of these entitlement program funds, the City is required to produce a Citizen Participation Plan, which outlines how and when changes to the Consolidated Plan and Annual Action Plan are required;

Whereas, the Consolidated Plan outlines how the City of Temple will meet the National Objectives of the CDBG requirements from 2015-2019 and provides a five-year framework of the program, detailing objectives and expected outcomes;

Whereas, HUD understands that priorities may shift during the 5-year period, and communities may need to leverage their dollars in other areas and when activities need to be added or deleted from the Consolidated Plan, it is considered to be a substantial amendment and the City is required to seek the changes in accordance with the Citizen Participation Plan;

Whereas, currently, the City desires to amend the 2015-2019 Consolidated Plan and the 2019-2020 Annual Action Plan, with the removal of funding for the Infrastructure Improvement Project and the addition of a Historic Preservation Project;

Whereas, the proposed Historic Preservation Project includes the renovation of the property located at 201 South Martin Luther King Drive for the purpose of a Community Enhancement Center to serve the needs of low- and moderate-income citizens of Temple - the estimated cost for this project is \$188,000 and would be completed by the spring of 2021;

Whereas, Staff recommends Council amend the Community Development Block Grant 2015-2019 Consolidated Plan and the 2019-2020 Annual Action Plan by reallocating funds from a planned infrastructure project to a Historic Preservation Project in East Temple; and

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

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

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

Part 2: The City Council amends the Community Development Block Grant 2015-2019 Consolidated Plan and the 2019-2020 Annual Action Plan by reallocating funds from a planned infrastructure project to a Historic Preservation Project in East Temple.

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

PASSED AND APPROVED on the **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

04/02/20
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract in the amount of \$7,509,103.50, with R.T. Schneider Construction Co, LTD, of Belton, to construct Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 within the Reinvestment Zone No.1 in northwest Temple.

STAFF RECOMMENDATION: Recommend to the City Council for approval as presented in Item Description.

ITEM SUMMARY: Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (Engineer) to design the proposed roadway and associated appurtenances for the completion of the outer loop from its current terminus at Central Pointe Parkway north to IH35. The first phase to be constructed will extend from Central Pointe Parkway to just past the intersection with McLane Parkway. See the attached project map.

As shown on the attached bid tabulation, on March 20, 2020, five bids were received for the project ranging from \$7,509,103.50 to \$9,430,532.49 for the base bid plus alternates. After review of the bids, both Staff and the Engineer are recommending award of the construction contract to the low bidder, RT Schneider Construction Co, LTD, in the amount of \$7,509,103.50 for the base bid plus alternates. See attached engineer's recommendation letter for further details.

On March 25, 2020 the Reinvestment Zone No. 1 Board voted to recommend to Council the construction contract as stated above, in the amount of \$7,509,103.50.

The Engineer's opinion of probable construction cost was \$7.85 million, and the contract documents allow for 425 calendar days for construction.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plan, line 315, account 795-9600-531-6881, project 101004, to fund a construction contract in the amount of \$7,509,103.50, with R.T. Schneider Construction Co, LTD to construct Phase 1 of Research Parkway (North Outer Loop) from Central Pointe Parkway to IH35 in the amount of \$324,200 as shown below:

Project Budget	\$	9,044,000
Encumbered/Committed to Date		(842,095)
Construction Contract-RT Schneider Construction Co. LTD		(7,509,103)
Contract Amendment #9 - KPA		(324,200)
Remaining Project Funds	\$	<u>368,602</u>

ATTACHMENTS:

[Bid Tabulation](#)
[Engineer's Recommendation Letter](#)
[Project Map](#)
[Resolution](#)

BID TABULATION

CITY OF TEMPLE

Outer Loop North Phase I - Central Pointe Parkway to McLane Parkway

March 20, 2020; 2:00 PM

BIDDER INFORMATION													
				RT Schneider Construction Co, LTD		Choice Builders, LLC		TTG Utilities		Lone Star Grading & Materials, LLC		James Construction Group, LLC	
				PO Box 876		3809 S. General Bruce Dr., Ste 103		PO Box 299		PO Box 1162		222 Pennbright Drive, Ste 230	
				Belton, TX 76513		Temple, TX 76502		Gatesville, TX 76528		Salado, TX 76571		Houston, TX 77090	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 282,975.00	\$ 282,975.00	\$ 255,000.00	\$ 255,000.00	\$ 315,000.00	\$ 315,000.00	\$ 163,991.59	\$ 163,991.59	\$ 438,421.00	\$ 438,421.00
2	70	STA	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of RoW	470.00	32,900.00	263.00	18,410.00	240.00	16,800.00	244.28	17,099.60	6,325.00	442,750.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by a P.E., in Conformance with State Law & OSHA	985.00	985.00	1,800.00	1,800.00	750.00	750.00	958.38	958.38	377,771.00	377,771.00
4	11,000	LF	Implement & Follow Trench Safety Plan (Pipe)	1.35	14,850.00	0.50	5,500.00	1.00	11,000.00	1.35	14,850.00	5.25	57,750.00
5	21,000	SF	Implement & Follow Trench Safety Plan (Structure)	0.85	17,850.00	0.10	2,100.00	1.15	24,150.00	0.85	17,850.00	3.75	78,750.00
6	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	4,100.00	4,100.00	1,400.00	1,400.00	850.00	850.00	1,537.50	1,537.50	371,659.00	371,659.00
7	100%	LS	Implement & Follow Traffic Control Plan as shown in Plans	31,290.00	31,290.00	45,000.00	45,000.00	52,000.00	52,000.00	29,058.75	29,058.75	81,051.07	81,051.07
8	100%	LS	Remove & Dispose of the Existing Asphalt Roadway, Base, Concrete, Fencing, & any other obstacle required to be removed to construct the Roadway Improvements	25,725.00	25,725.00	47,300.00	47,300.00	51,000.00	51,000.00	43,833.88	43,833.88	87,387.16	87,387.16
9	100	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	10.00	1,000.00	13.00	1,300.00	32.00	3,200.00	28.75	2,875.00	19.00	1,900.00
10	5,400	LF	Furnish, Install, Maintain & Remove Silt Fence	2.20	11,880.00	1.75	9,450.00	2.60	14,040.00	2.31	12,474.00	1.25	6,750.00
11	1,000	LF	Furnish, Install, Maintain & Remove Silt Fence with J-Hooks	3.00	3,000.00	1.80	1,800.00	3.15	3,150.00	2.82	2,820.00	1.25	1,250.00
12	6	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,500.00	9,000.00	1,500.00	9,000.00	1,400.00	8,400.00	1,571.63	9,429.78	1,295.00	7,770.00
13	31,000	CY	Unclassified Excavation (Roadway)	3.60	111,600.00	3.60	111,600.00	3.40	105,400.00	3.29	101,990.00	3.06	94,860.00
14	31,000	CY	Place & Compact Unclassified Fill (Onsite)	1.85	57,350.00	5.50	170,500.00	3.75	116,250.00	5.11	158,410.00	2.81	87,110.00
15	22,500	CY	Place & Compact Unclassified Fill (Offsite)	6.90	155,250.00	16.00	360,000.00	14.00	315,000.00	14.42	324,450.00	7.31	164,475.00
16	1,100	SY	1" Type D HMAC Base (For Asphalt Driveways as shown on DW-	9.55	10,505.00	13.40	14,740.00	10.35	11,385.00	12.76	14,036.00	9.08	9,988.00
17	1,300	SY	6" Crushed Limestone Base Material (CLBM) (For Asphalt Driveways as shown on DW-03)	6.10	7,930.00	16.00	20,800.00	13.50	17,550.00	14.67	19,071.00	19.79	25,727.00
18	1,300	SY	6" Moisture Conditioned Subgrade (For Asphalt Driveways as shown on DW-03)	2.00	2,600.00	6.00	7,800.00	6.50	8,450.00	5.58	7,254.00	3.12	4,056.00
19	50,000	SY	1.5" Type D HMAC	6.80	340,000.00	7.30	365,000.00	7.40	370,000.00	6.92	346,000.00	6.46	323,000.00
20	50,000	SY	4.5" HMAC Base (Type B)	17.95	897,500.00	20.20	1,010,000.00	19.60	980,000.00	19.22	961,000.00	17.08	854,000.00
21	56,100	SY	15" Crushed Limestone Base Material (CLBM)	13.30	746,130.00	15.50	869,550.00	16.40	920,040.00	14.13	792,693.00	11.38	638,418.00
22	56,100	SY	8" Lime Treated Subgrade	7.35	412,335.00	7.60	426,360.00	4.65	260,865.00	6.91	387,651.00	6.29	352,869.00
23	25,000	LF	Concrete Curb & Gutter	12.00	300,000.00	11.50	287,500.00	14.75	368,750.00	16.38	409,500.00	16.27	406,750.00
24	60	SY	Concrete Valley Gutter	80.00	4,800.00	53.00	3,180.00	75.00	4,500.00	142.22	8,533.20	77.34	4,640.40
25	250	SY	Concrete Rip Rap	85.00	21,250.00	43.00	10,750.00	60.00	15,000.00	96.34	24,085.00	54.15	13,537.50
26	200	CY	Class A Concrete	100.00	20,000.00	92.00	18,400.00	280.00	56,000.00	327.30	65,460.00	332.18	66,436.00
27	6,700	SY	Concrete Sidewalk with 2" Sand Cushion	46.15	309,205.00	31.00	207,700.00	45.50	304,850.00	49.75	333,325.00	32.15	215,405.00
28	2	EA	Type 7 Ramp	2,100.00	4,200.00	840.00	1,680.00	1,150.00	2,300.00	2,742.74	5,485.48	1,133.00	2,266.00
29	350	SY	30' Concrete Radius Unit	80.00	28,000.00	46.00	16,100.00	70.00	24,500.00	93.54	32,739.00	89.76	31,416.00
30	1,800	LF	Barbed Wire Fence	5.00	9,000.00	5.20	9,360.00	9.75	17,550.00	5.13	9,234.00	8.06	14,508.00
31	165	LF	Furnish & Install Four - 10' x 4' Reinforced Concrete Box Culverts	2,780.00	458,700.00	1,890.00	311,850.00	2,500.00	412,500.00	2,722.18	449,159.70	1,593.06	262,854.90
32	1,700	LF	Furnish & Install 18" RCP	55.00	93,500.00	45.60	77,520.00	52.55	89,335.00	55.18	93,806.00	56.17	95,489.00
33	2	EA	Furnish & Install S.E.T. for 18" RCP	971.00	1,942.00	330.00	660.00	1,395.00	2,790.00	972.85	1,945.70	990.39	1,980.78
34	1,300	LF	Furnish & Install 24" RCP	69.00	89,700.00	70.60	91,780.00	66.40	86,320.00	69.15	89,895.00	70.40	91,520.00
35	1,200	LF	Furnish & Install 30" RCP	102.00	122,400.00	86.00	103,200.00	87.75	105,300.00	102.21	122,652.00	104.05	124,860.00
36	700	LF	Furnish & Install 36" RCP	134.00	93,800.00	113.50	79,450.00	127.00	88,900.00	134.12	93,884.00	136.53	95,571.00
37	1,200	LF	Furnish & Install 42" RCP	164.00	196,800.00	146.10	175,320.00	177.25	212,700.00	163.92	196,704.00	166.88	200,256.00
38	20	EA	Furnish & Install 10'x3' Curb Inlet	4,400.00	88,000.00	3,800.00	76,000.00	4,045.00	80,900.00	4,405.12	88,102.40	4,443.88	88,877.60

* Extended amount has been corrected.

** Total amount has been corrected.

BID TABULATION

CITY OF TEMPLE

Outer Loop North Phase I - Central Pointe Parkway to McLane Parkway

March 20, 2020; 2:00 PM

				BIDDER INFORMATION									
				RT Schneider Construction Co, LTD		Choice Builders, LLC		TTG Utilities		Lone Star Grading & Materials, LLC		James Construction Group, LLC	
				PO Box 876 Belton, TX 76513		3809 S. General Bruce Dr., Ste 103 Temple, TX 76502		PO Box 299 Gatesville, TX 76528		PO Box 1162 Salado, TX 76571		222 Pennbriht Drive, Ste 230 Houston, TX 77090	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
39	5	EA	Furnish & Install 10'x4' Curb Inlet	9,175.00	45,875.00	5,000.00	25,000.00	8,485.00	42,425.00	9,167.69	45,838.45	9,292.31	46,461.55
40	2	EA	Furnish & Install 10'x5' Curb Inlet	7,900.00	15,800.00	5,900.00	11,800.00	8,525.00	17,050.00	7,793.15	15,586.30	7,892.99	15,785.98
41	1	EA	Furnish & Install 4'x4' Junction Box	3,375.00	3,375.00	2,100.00	2,100.00	3,925.00	3,925.00	3,379.23	3,379.23	3,440.15	3,440.15
42	1	EA	Connect 24" RCP to 4-10'x4' RCB	1,185.00	1,185.00	290.00	290.00	1,815.00	1,815.00	1,185.89	1,185.89	1,207.27	1,207.27
43	1	EA	Connect 10'x3' Curb Inlet to 4-10'x4' RCB	2,400.00	2,400.00	400.00	400.00	2,850.00	2,850.00	2,371.78	2,371.78	2,414.54	2,414.54
44	1	EA	Furnish & Install Concrete Headwall (Type CH-FW-0) for 18" RCP	1,500.00	1,500.00	1,000.00	1,000.00	1,675.00	1,675.00	1,494.30	1,494.30	1,521.23	1,521.23
45	100	SY	18" Diameter Rip Rap	50.00	5,000.00	71.00	7,100.00	55.15	5,515.00	71.37	7,137.00	82.45	8,245.00
46	1	EA	Furnish & Install Concrete Headwall (93'x1' Type PW-1) for Four - 10' x 4' Reinforced Concrete Box Culverts	45,700.00	45,700.00	16,000.00	16,000.00	25,500.00	25,500.00	44,637.86	44,637.86	15,614.21	15,614.21
47	1	EA	Furnish & Install Concrete Headwall (122'x2'2" Type PW-1) for Four 10' x 4' Reinforced Concrete Box Culverts	55,100.00	55,100.00	23,100.00	23,100.00	32,250.00	32,250.00	53,849.61	53,849.61	18,240.85	18,240.85
48	1	EA	Remove Existing 18"x45° Bend & Connect 18" Waterline	2,000.00	2,000.00	2,660.00	2,660.00	4,750.00	4,750.00	1,971.18	1,971.18	2,045.76	2,045.76
49	1	EA	Connect 18" Waterline to Existing 18" Waterline	1,700.00	1,700.00	2,660.00	2,660.00	12,375.00	12,375.00	1,734.36	1,734.36	1,799.99	1,799.99
50	1	EA	Remove Existing Cap & Connect to Existing 12" Waterline	1,135.00	1,135.00	1,330.00	1,330.00	3,050.00	3,050.00	1,137.48	1,137.48	1,180.53	1,180.53
51	14	EA	Furnish & Install Water Service Taps	1,015.00	14,210.00	1,390.00	19,460.00	1,625.00	22,750.00	1,016.94	14,237.16	1,055.45	14,776.30
52	2	EA	Furnish & Install Water Meter for 2" PVC Water Service Line	2,485.00	4,970.00	4,100.00	8,200.00	2,880.00	5,760.00	2,490.61	4,981.22	2,584.86	5,169.72
53	1,100	LF	Furnish & Install 2" PVC Water Service Line, including Thrust Restraint	16.50	18,150.00	18.00	19,800.00	15.50	17,050.00	16.51	18,161.00	17.14	18,854.00
54	1	EA	Furnish & Install 2"x90° Bend	400.00	400.00	360.00	360.00	350.00	350.00	401.31	401.31	416.49	416.49
55	1	EA	Connect 8" Waterline to Existing 1.5" Waterline	600.00	600.00	810.00	810.00	1,425.00	1,425.00	596.56	596.56	619.13	619.13
56	2	EA	Cutting & Capping Existing 1.5" Waterline	500.00	1,000.00	444.00	888.00	500.00	1,000.00	508.16	1,016.32	527.38	1,054.76
57	130	LF	Furnish & Install 8" PVC Waterline	40.50	5,265.00	29.40	3,822.00	32.50	4,225.00	40.57	5,274.10	42.10	5,473.00
58	3,500	LF	Furnish & Install 12" C-900 PVC Waterline	37.75	132,125.00	41.00	143,500.00	34.75	121,625.00	37.88	132,580.00	39.31	137,585.00
59	5,100	LF	Furnish & Install 18" DIP Waterline	85.75	437,325.00	85.20	434,520.00	80.15	408,765.00	85.92	438,192.00	89.17	454,767.00
60	1	EA	Furnish & Install Air & Vacuum Release Valve, including Tee per Detail	8,000.00	8,000.00	7,330.00	7,330.00	11,250.00	11,250.00	7,996.86	7,996.86	8,299.45	8,299.45
61	1	EA	Furnish & Install 2"x1.5 Bushing	145.00	145.00	60.00	60.00	125.00	125.00	143.67	143.67	149.12	149.12
62	1	EA	Furnish & Install 8" Plug with 2" Tap	375.00	375.00	274.00	274.00	400.00	400.00	368.83	368.83	382.79	382.79
63	1	EA	Furnish & Install 8"x22.5° Bend	475.00	475.00	386.00	386.00	485.00	485.00	475.26	475.26	493.25	493.25
64	1	EA	Furnish & Install 10"x45° Bend	850.00	850.00	530.00	530.00	2,550.00	2,550.00	856.64	856.64	889.06	889.06
65	1	EA	Furnish & Install 10" Plug	425.00	425.00	490.00	490.00	525.00	525.00	428.11	428.11	444.31	444.31
66	1	EA	Furnish & Install 8" Gate Valve	1,310.00	1,310.00	1,600.00	1,600.00	1,410.00	1,410.00	1,313.00	1,313.00	1,362.69	1,362.69
67	1	EA	Furnish & Install 10" Gate Valve	2,075.00	2,075.00	2,200.00	2,200.00	2,250.00	2,250.00	2,077.37	2,077.37	2,155.98	2,155.98
68	5	EA	Furnish & Install 12" Gate Valve	2,400.00	12,000.00	2,600.00	13,000.00	2,500.00	12,500.00	2,393.27	11,966.35	2,483.84	12,419.20
69	7	EA	Furnish & Install 18" Gate Valve	9,050.00	63,350.00	9,600.00	67,200.00	9,275.00	64,925.00	9,068.53	63,479.71	9,411.68	65,881.76
70	2	EA	Furnish & Install 12"x12" Tee	1,450.00	2,900.00	770.00	1,540.00	2,475.00	4,950.00	1,444.20	2,888.40	1,498.84	2,997.68
71	4	EA	Furnish & Install 18"x18" Tee	2,600.00	10,400.00	2,000.00	8,000.00	3,125.00	12,500.00	2,648.77	10,595.08	2,748.99	10,995.96
72	1	EA	Furnish & Install 18"x8" Tee	2,000.00	2,000.00	1,670.00	1,670.00	2,400.00	2,400.00	1,904.97	1,904.97	1,977.05	1,977.05
73	4	EA	Furnish & Install 18" Plug	700.00	2,800.00	730.00	2,920.00	1,115.00	4,460.00	715.73	2,862.92	742.81	2,971.24
74	1	EA	Furnish & Install 18"x22.5° Bend	1,350.00	1,350.00	1,230.00	1,230.00	1,600.00	1,600.00	1,353.96	1,353.96	1,405.19	1,405.19
75	1	EA	Furnish & Install 12"x10" Reducer	750.00	750.00	680.00	680.00	800.00	800.00	739.20	739.20	767.16	767.16
76	2	EA	Furnish & Install 18"x12" Reducer	1,200.00	2,400.00	1,880.00	3,760.00	1,455.00	2,910.00	1,180.16	2,360.32	122.78	245.56
77	3	EA	Furnish & Install 12" Plug	450.00	1,350.00	350.00	1,050.00	540.00	1,620.00	448.15	1,344.45	465.11	1,395.33
78	17	EA	Furnish & Install Fire Hydrant Assembly	4,600.00	78,200.00	5,050.00	85,850.00	5,310.00	90,270.00	4,600.30	78,205.10	4,774.37	81,164.29
79	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Testing Water Line, Including Any Necessary Repairs, Sampling Stations, Flush Assemblies, Etc.	14,750.00	14,750.00	8,200.00	8,200.00	17,250.00	17,250.00	14,766.13	14,766.13	15,324.87	15,324.87
80	300	LF	Furnish & Install 24" Steel Encasement by Open Cut	84.50	25,350.00	154.00	46,200.00	140.00	42,000.00	84.79	25,437.00	87.99	26,397.00
81	250	LF	Furnish & Install 30" Steel Encasement by Open Cut	220.00	55,000.00	237.00	59,250.00	250.00	62,500.00	219.41	54,852.50	227.72	56,930.00
82	11	EA	White Thermoplastic Turn Arrow	210.00	2,310.00	220.00	2,420.00	230.00	2,530.00	140.43	1,544.73	137.00	1,507.00
83	11	EA	White Thermoplastic "ONLY"	210.00	2,310.00	220.00	2,420.00	230.00	2,530.00	167.08	1,837.88	163.00	1,793.00

* Extended amount has been corrected.

** Total amount has been corrected.

BID TABULATION

CITY OF TEMPLE

Outer Loop North Phase I - Central Pointe Parkway to McLane Parkway

March 20, 2020; 2:00 PM

BIDDER INFORMATION													
				RT Schneider Construction Co, LTD		Choice Builders, LLC		TTG Utilities		Lone Star Grading & Materials, LLC		James Construction Group, LLC	
				PO Box 876		3809 S. General Bruce Dr., Ste 103		PO Box 299		PO Box 1162		222 Pennbriht Drive, Ste 230	
				Belton, TX 76513		Temple, TX 76502		Gatesville, TX 76528		Salado, TX 76571		Houston, TX 77090	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
84	1,400	LF	8" Dotted White Striping with Type I-C Buttons (Turn Lanes)	0.53	742.00	0.60	840.00	0.60	840.00	1.35	1,890.00	1.32	1,848.00
85	1,650	LF	8" Solid White Striping for (Turn Lanes)	1.32	2,178.00	1.40	2,310.00	1.45	2,392.50	0.86	1,419.00	0.84	1,386.00
86	2,800	LF	4" White Dashed Lane Line Striping	0.72	2,016.00	0.80	2,240.00	0.80	2,240.00	0.43	1,204.00	0.42	1,176.00
87	11,250	LF	4" White Continuous Edge Line Striping	0.50	5,625.00	0.50	5,625.00	0.55	6,187.50	0.43	4,837.50	0.42	4,725.00
88	200	LF	2' Wide Stop Bar	7.35	1,470.00	7.60	1,520.00	8.00	1,600.00	8.71	1,742.00	8.50	1,700.00
89	200	LF	Crosswalk Striping	18.50	3,700.00	19.00	3,800.00	20.00	4,000.00	12.12	2,424.00	11.82	2,364.00
90	7	EA	Furnish & Install Stop Sign (R1-1) Including Pole & Base	346.50	2,425.50	300.00	2,100.00	575.00	4,025.00	256.25	1,793.75	250.00	1,750.00
91	11	EA	Furnish & Install 'One Way' Sign R6-1R, Including Pole & Base	157.50	1,732.50	300.00	3,300.00	575.00	6,325.00	256.25	2,818.75	250.00	2,750.00
92	8	EA	Furnish & Install 'One Way' Sign R6-1L, Including Pole & Base	210.00	1,680.00	300.00	2,400.00	575.00	4,600.00	256.25	2,050.00	250.00	2,000.00
93	16	EA	Furnish & Install 'Do Not Enter' Sign R5-1, Including Pole & Base	346.50	5,544.00	300.00	4,800.00	575.00	9,200.00	256.25	4,100.00	250.00	4,000.00
94	5	EA	Furnish & Install 'Speed Limit' Sign R2-1	346.50	1,732.50	300.00	1,500.00	575.00	2,875.00	256.25	1,281.25	250.00	1,250.00
95	3	EA	Furnish & Install 'Speed Limit' Sign W13-1P	94.50	283.50	300.00	900.00	575.00	1,725.00	76.88	230.64	75.00	225.00
96	1	EA	Furnish & Install 'Crosswalk' Sign S1-1 with Arrow W16-7pR	346.50	346.50	320.00	320.00	575.00	575.00	333.13	333.13	325.00	325.00
97	4	EA	Furnish & Install 'Yield' Sign R1-2	346.50	1,386.00	300.00	1,200.00	575.00	2,300.00	256.25	1,025.00	250.00	1,000.00
98	1	EA	Furnish & Install Traffic Sign W4-2R	346.50	346.50	300.00	300.00	575.00	575.00	256.25	256.25	250.00	250.00
99	1	EA	Furnish & Install 'Thru Traffic Merge Right' Sign W4-1aR	346.50	346.50	300.00	300.00	575.00	575.00	256.25	256.25	250.00	250.00
100	2	EA	Furnish & Install Split Traffic Sign W6-1	346.50	693.00	300.00	600.00	575.00	1,150.00	256.25	512.50	250.00	500.00
101	1	EA	Furnish & Install Left Guiding Arrow Sign W1-8L	346.50	346.50	300.00	300.00	575.00	575.00	256.25	256.25	250.00	250.00
102	4,500	LF	Furnish & Install 4" PVC Schedule 40 Conduit with Pull String	6.10	27,450.00	5.10	22,950.00	12.60	56,700.00	10.43	46,935.00	17.00	76,500.00
103	500	LF	Furnish & Install 4" PVC Schedule 80 Conduit with Pull String	7.50	3,750.00	11.80	5,900.00	13.80	6,900.00	28.87	14,435.00	23.00	11,500.00
104	1	EA	Connect 4" PVC Conduit to Existing 4" PVC Conduit	100.00	100.00	300.00	300.00	270.00	270.00	512.50	512.50	220.00	220.00
105	23	EA	Install Street Light Foundations provided by Oncor	270.00	6,210.00	290.00	6,670.00	460.00	10,580.00	718.75	16,531.25	2,600.00	59,800.00
106	1	EA	Furnish & Install Pull Box	500.00	500.00	300.00	300.00	1,220.00	1,220.00	1,025.00	1,025.00	2,800.00	2,800.00
107	50	EA	65 gallon Red Oak Tree	805.00	40,250.00	823.00	41,150.00	605.00	30,250.00	784.13	39,206.50	525.00	26,250.00
108	50	EA	65 gallon Live Oak Tree	805.00	40,250.00	823.00	41,150.00	605.00	30,250.00	784.13	39,206.50	525.00	26,250.00
109	100%	LS	Furnish Irrigation Plan Designed & Sealed by Licensed Irrigator, & Install the Plan, Including But Not Limited to Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & All Applicable Components of the Irrigation System	51,000.00	51,000.00	57,000.00	57,000.00	80,000.00	80,000.00	51,750.20	51,750.20	125,000.00	125,000.00
110	50,000	SY	Furnish & Install Flexible Growth Medium Capable of Establishing 4:1 Slope Including Watering, Fertilizing & Mowing to Sustain Growth (Roadway ROW)	2.30	115,000.00	1.30	65,000.00	1.60	80,000.00	2.00	100,000.00	1.62	81,000.00
111	3,000	SY	Furnish & Install Temporary Asphalt Section including 8-inches of Grade A, Type 2 CLBM & either 2-inches of Type C HMAC or One Course Surface Treatment	15.10	45,300.00	15.60	46,800.00	17.50	52,500.00	19.07	57,210.00	10.95	32,850.00
112	225	TN	Type D HMAC for Connecting to Existing Old Howard Road from Station 399+00 to Station 401+00	108.50	24,412.50	98.00	22,050.00	119.00	26,775.00	93.17	20,963.25	103.27	23,235.75
113	1	EA	TxDOT Type 21 Pedestrian Ramp	2,100.00	2,100.00	2,700.00	2,700.00	1,135.00	1,135.00	2,742.74	2,742.74	2,800.00	2,800.00
114	6	EA	TxDOT Type 7 Pedestrian Ramp	2,100.00	12,600.00	840.00	5,040.00	1,135.00	6,810.00	2,742.74	16,456.44	2,100.00	12,600.00
BASE BID				\$ 6,505,258.50		\$ 6,619,285.00		\$ 6,993,495.00		\$ 6,974,810.16		\$ 7,787,656.56	

* Extended amount has been corrected.
** Total amount has been corrected.

BID TABULATION

CITY OF TEMPLE

Outer Loop North Phase I - Central Pointe Parkway to McLane Parkway

March 20, 2020; 2:00 PM

BIDDER INFORMATION													
				RT Schneider Construction Co, LTD		Choice Builders, LLC		TTG Utilities		Lone Star Grading & Materials, LLC		James Construction Group, LLC	
				PO Box 876		3809 S. General Bruce Dr., Ste 103		PO Box 299		PO Box 1162		222 Pennbright Drive, Ste 230	
				Belton, TX 76513		Temple, TX 76502		Gatesville, TX 76528		Salado, TX 76571		Houston, TX 77090	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE 1													
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 48,000.00	\$ 48,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 35,000.00	\$ 11,773.82	\$ 11,773.82	\$ 80,888.83	\$ 80,888.83
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of RoW	5,300.00	5,300.00	5,900.00	5,900.00	4,500.00	4,500.00	5,125.00	5,125.00	109,953.60	109,953.60
3	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ	3,000.00	3,000.00	214.00	214.00	850.00	850.00	1,537.50	1,537.50	2,575.00	2,575.00
4	100%	LS	Provide Project Record Drawings (As Built)	200.00	200.00	160.00	160.00	860.00	860.00	512.50	512.50	5,000.00	5,000.00
5	6,500	LF	Furnish, Install, Maintain & Remove Silt Fence (Enterprise Business Park as shown on GR-05)	2.20	14,300.00	1.75	11,375.00	2.60	16,900.00	2.31	15,015.00	1.75	11,375.00
6	1,000	LF	Furnish, Install, Maintain & Remove Silt Fence (Offsite as shown on GR-05A)	2.20	2,200.00	1.75	1,750.00	2.60	2,600.00	2.31	2,310.00	1.75	1,750.00
7	4	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,500.00	6,000.00	1,500.00	6,000.00	1,450.00	5,800.00	1,571.63	6,286.52	1,295.00	5,180.00
8	153,000	CY	Unclassified Excavation (Enterprise Business Park as shown on GR-05)	1.89	289,170.00	2.10	321,300.00	3.75	573,750.00	1.96	299,880.00	4.78	731,340.00
9	54,000	CY	Place & Compact Unclassified Fill (Enterprise Business Park as shown on GR-05)	1.56	84,240.00	1.94	104,760.00	3.75	202,500.00	1.81	97,740.00	3.19	172,260.00
10	37,800	CY	Place & Compact Unclassified Fill (Offsite as shown on GR-05A)	6.00	226,800.00	6.20	234,360.00	3.75	141,750.00	5.63	212,814.00	1.15	43,470.00
11	22,500	CY	Hauling, Placing, & Compacting Unclassified Fill (Roadway) from Enterprise Business Park to Outer Loop Site (Base Bid)	5.50	123,750.00	7.00	157,500.00	3.75	84,375.00	6.33	142,425.00	1.00	22,500.00
12	-22,500	CY	Deduct Bid Item No. 15, Base Bid.Place & Compact Unclassified Fill (Offsite)	6.90	(155,250.00)	16.00	(360,000.00)	14.00	(315,000.00)	14.42	(324,450.00)	7.31	(164,475.00)
13	39,250	CY	Stripping 6" Top Soil, Storing, & Re-spreading Onsite 6" in depth for Finished Grade (Enterprise Business Park as shown on GR-05)	6.10	239,425.00	6.10	239,425.00	7.00	274,750.00	5.69	223,332.50	8.51	334,017.50
14	235,000	SY	Furnish & Place Hydromulch or Drill Seed (Enterprise Business Park as shown on GR-05)	0.27	63,450.00	0.30	70,500.00	0.40	94,000.00	0.26	61,100.00	0.27	63,450.00
15	10,000	SY	Furnish & Place Hydromulch with Flextera (Offsite as shown on GR-05A)	1.25	12,500.00	1.30	13,000.00	1.60	16,000.00	2.00	20,000.00	1.62	16,200.00
ADD ALTERNATE 1				\$ 963,085.00		\$ 841,244.00		\$ 1,138,635.00		\$ 775,401.84		\$ 1,435,484.93	

Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE 2													
1	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	\$ 16,115.00	\$ 16,115.00	\$ 6,300.00	\$ 6,300.00	\$ 7,250.00	\$ 7,250.00	\$ 7,480.38	\$ 7,480.38	\$ 55,627.00	\$ 55,627.00
2	1	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,500.00	1,500.00	1,500.00	1,500.00	1,450.00	1,450.00	1,571.64	1,571.64	1,295.00	1,295.00
3	200	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	10.00	2,000.00	14.00	2,800.00	29.00	5,800.00	28.75	5,750.00	19.00	3,800.00
4	8,000	CY	Unclassified Excavation (Channel)	4.25	34,000.00	2.25	18,000.00	5.75	46,000.00	1.96	15,680.00	4.84	38,720.00
5	7,800	CY	Place & Compact Unclassified Fill (Channel)	1.50	11,700.00	7.20	56,160.00	3.60	28,080.00	6.30	49,140.00	4.83	37,674.00
6	30,000	SY	Flexible Growth Medium Capable of Establishing 4:1 Slope Including Watering, Fertilizing & Mowing to Sustain Growth (Channel)	1.25	37,500.00	1.35	40,500.00	1.60	48,000.00	2.00	60,000.00	1.62	48,600.00
ADD ALTERNATE 2				\$ 102,815.00		\$ 125,260.00		\$ 136,580.00		\$ 139,622.02		\$ 185,716.00	

* Extended amount has been corrected.
** Total amount has been corrected.

BID TABULATION

CITY OF TEMPLE

Outer Loop North Phase I - Central Pointe Parkway to McLane Parkway

March 20, 2020; 2:00 PM

BIDDER INFORMATION													
				RT Schneider Construction Co, LTD PO Box 876 Belton, TX 76513		Choice Builders, LLC 3809 S. General Bruce Dr., Ste 103 Temple, TX 76502		TTG Utilities PO Box 299 Gatesville, TX 76528		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		James Construction Group, LLC 222 Pennbriht Drive, Ste 230 Houston, TX 77090	
Bid No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
ADD ALTERNATE 3													
1	56,100	SY	Furnish & Apply One Course Surface Treatment	\$ 2.70	\$ 151,470.00	\$ 1.80	\$ 100,980.00	\$ 2.95	\$ 165,495.00	\$ 1.59	\$ 89,199.00	\$ 2.58	\$ 144,738.00
ADD ALTERNATE 3				\$ 151,470.00		\$ 100,980.00		\$ 165,495.00		\$ 89,199.00		\$ 144,738.00	

ALTERNATE A													
1	-56,100	SY	Deduct Base Bid Item 21: For Furnishing and Placing 15" Crushed Limestone Base Material (CLBM)	\$ 13.30	\$ (746,130.00)	\$ 15.50	\$ (869,550.00)	\$ 16.40	\$ (920,040.00)	\$ 14.13	\$ (792,693.00)	\$ 11.38	\$ (638,418.00)
2	-56,100	SY	Deduct Base Bid Item 22: For Furnishing and Placing 8" Lime Treated Subgrade	7.35	(412,335.00)	7.60	(426,360.00)	4.65	(260,865.00)	6.91	(387,651.00)	6.29	(352,869.00)
3	56,100	SY	Furnish & Place 6" Moisture Conditioned Subgrade (Replaces Base Bid Item 22)	1.20	67,320.00	1.20	67,320.00	0.95	53,295.00	0.97	54,417.00	3.18	178,398.00
4	56,100	SY	Furnish & Place 18" Crushed Limestone Base Material (CLBM) (Replaces Base Bid Item 21)	15.72	881,892.00	18.50	1,037,850.00	19.75	1,107,975.00	16.76	940,236.00	12.02	674,322.00
5	4,800	CY	Additional Unclassified Excavation (Roadway) for Alterante Section	(0.89)	(4,272.00)	5.00	24,000.00	3.60	17,280.00	4.44	21,312.00	3.23	15,504.00
ALTERNATE A				\$ (213,525.00)		\$ (166,740.00)		\$ (2,355.00)		\$ (164,379.00)		\$ (123,063.00)	

BIDDER INFORMATION													
PROJECT SUMMARY				RT Schneider Construction Co, LTD PO Box 876 Belton, TX 76513		Choice Builders, LLC 3809 S. General Bruce Dr., Ste 103 Temple, TX 76502		TTG Utilities PO Box 299 Gatesville, TX 76528		Lone Star Grading & Materials, LLC PO Box 1162 Salado, TX 76571		James Construction Group, LLC 222 Pennbriht Drive, Ste 230 Houston, TX 77090	
BASE BID				\$ 6,505,258.50		\$ 6,619,285.00		\$ 6,993,495.00		\$ 6,974,810.16		\$ 7,787,656.56	
ADD ALTERNATE 1				\$ 963,085.00		\$ 841,244.00		\$ 1,138,635.00		\$ 775,401.84		\$ 1,435,484.93	
ADD ALTERNATE 2				\$ 102,815.00		\$ 125,260.00		\$ 136,580.00		\$ 139,622.02		\$ 185,716.00	
ADD ALTERNATE 3				\$ 151,470.00		\$ 100,980.00		\$ 165,495.00		\$ 89,199.00		\$ 144,738.00	
ALTERNATE A				\$ (213,525.00)		\$ (166,740.00)		\$ (2,355.00)		\$ (164,379.00)		\$ (123,063.00)	

Did Bidder Acknowledge Addenda 1 thru 2?	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP

03/20/2020
Date



* Extended amount has been corrected.
** Total amount has been corrected.



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 20, 2020

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Outer Loop Central Pointe Parkway to McLane Parkway Project

Dear Mr. Billeck:

On March 20, 2020, the City of Temple received bids from five (5) contractors for the Outer Loop Central Pointe Parkway to McLane Parkway Project.

This project will continue the construction of the Outer Loop from the intersection of Central Pointe Parkway to just north of the intersection of McLane Parkway. The bids consisted of a base bid, three (3) Add Alternate Bids and an Alternate Paving Section Bid. Add Alternate 1 will perform site grading for Enterprise Park to prepare for a more shovel ready site. Add Alternate 2 will develop storm water conveyance by developing a drainage channel on City owned property and Add Alternate 3 will place a one course surface treatment on the paving section to protect migration of water and help eliminate soil fluctuations. Alternate A in the bid is an alternate equivalent paving section utilizing moisture conditioned subgrade and additional crushed limestone base material in lieu of lime subgrade. Our recommendation is to authorize the base bid, all add alternates and Alternate A. Utilizing this combination of the submitted bids, R.T. Schneider Construction CO, LTD is the low bidder in the amount \$7,509,103.50. The OPC and budget for this project is \$7,850,000.

R.T. Schneider Construction CO, LTD has successfully completed numerous projects with the City of Temple. Therefore, we recommend that a contract be awarded to R.T. Schneider Construction CO, LTD for the Outer Loop Central Pointe Parkway to McLane Parkway Project in the amount of \$7,509,103.50 for the Base Bid, Add Alternate 1, Add Alternate 2, Add Alternate 3 and Alternate A.

Sincerely,

R. David Patrick, P.E., CFM

xc: Belinda Mattke, City of Temple
Russell Schneider, R.T. Schneider Construction CO, LTD

**OUTER LOOP
CENTRAL POINTE PARKWAY
TO MCLANE PARKWAY
(Base Bid)**

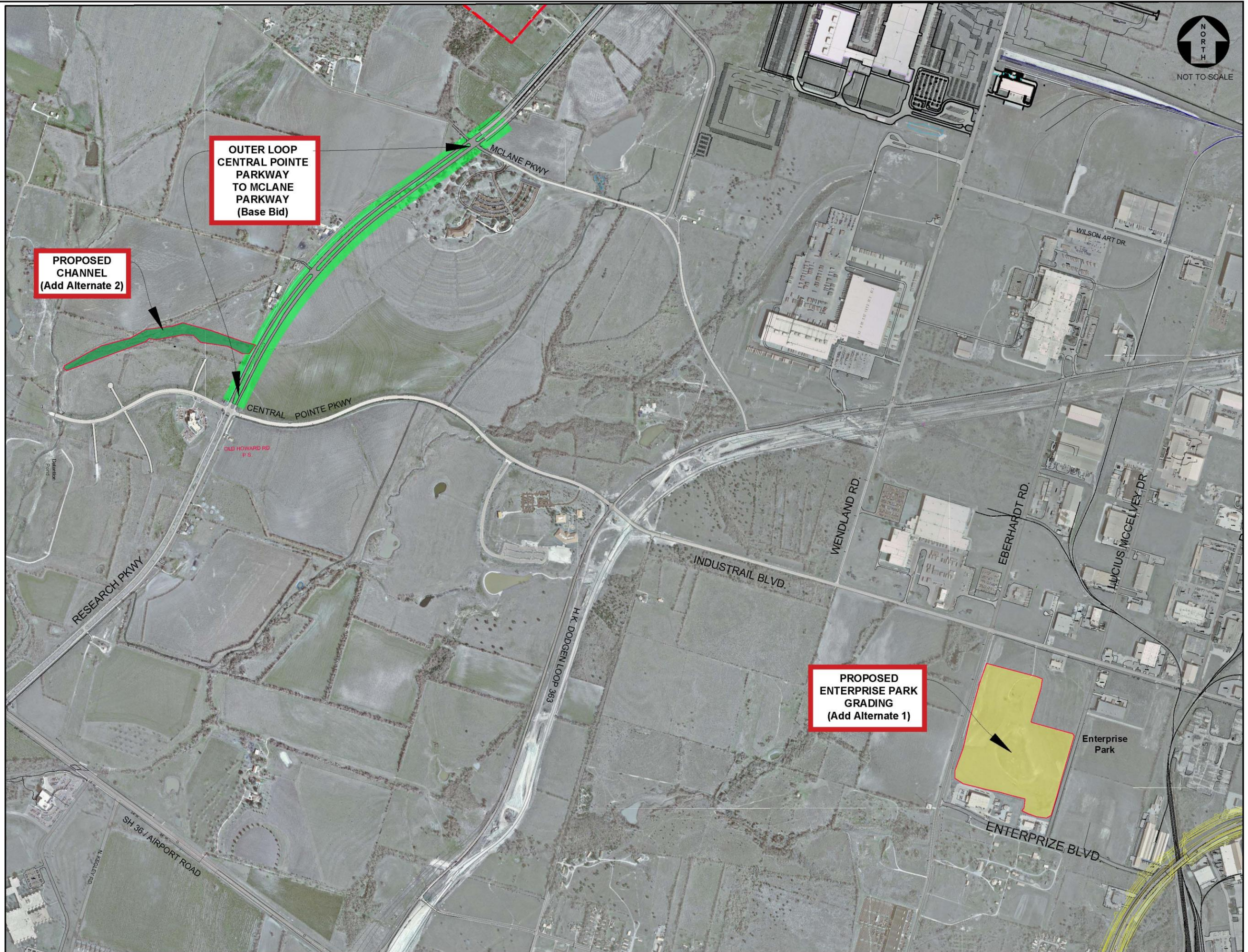
**PROPOSED
ENTERPRISE PARK
GRADING
(Add Alternate 1)**

**PROPOSED CHANNEL
(Add Alternate 2)**

**ONE COURSE SURFACE
TREATMENT - Not Shown
(Add Alternate 3)**

**PAVING SECTION
ALTERNATE - Not Shown
(Alternate A)
(Additional Limestone
Base in Lieu of Lime
Stabilized Subgrade)**

P:\Temple Reinvestment\2017\17-107 2030 Master Plan\CAD\Exhibits\2030 Outer loop.dwg



RESOLUTION NO. 2020-0033-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD. OF BELTON, TEXAS IN THE AMOUNT OF \$7,509,103.50, TO CONSTRUCT PHASE 1 OF RESEARCH PARKWAY FROM CENTRAL POINTE PARKWAY TO IH35 WITHIN THE REINVESTMENT ZONE NO. 1 IN NORTHWEST TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (Engineer) to design the proposed roadway and associated appurtenances for the completion of the outer loop from its current terminus at Central Pointe Parkway north to IH35 - the first phase to be constructed will extend from Central Pointe Parkway to just past the intersection with McLane Parkway;

Whereas, on March 20, 2020, five responsive bids were received for the project for the base bid plus alternates, with R.T. Schneider Construction Company, LTD (“R.T. Schneider”) of Belton, Texas providing the low bid in the amount of \$7,509,103.50;

Whereas, the Reinvestment Zone No. 1 Board recommended approval of this change order at its March 25, 2020 Board meeting;

Whereas, Staff and the Engineer recommend Council authorize a construction contract with R.T. Schneider Construction Company, LTD of Belton, Texas in the amount of \$7,509,103.50 to construct Phase 1 of Research Parkway from Central Pointe Parkway to IH35 within the Reinvestment Zone No. 1 in northwest Temple;

Whereas, funding for this construction contract is available in Reinvestment Zone No. 1 Financing and Project Plan, Line 315, Account No. 795-9600-531-6881, Project No. 101004; 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 R.T. Schneider Construction Company, LTD of Belton, Texas in the amount of \$7,509,103.50 to construct Phase 1

of Research Parkway from Central Pointe Parkway to IH35 within the Reinvestment Zone No. 1 in northwest Temple.

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 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