



**MEETING OF THE
TEMPLE CITY COUNCIL**

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

THURSDAY, JUNE 4, 2020

3:00 P.M.

AGENDA

CITY COUNCIL WORKSHOP AGENDA:

I. WORK SESSION

1. City Council will receive a briefing on, and discuss, Police Department options and ability to respond to security needs within the community.
Pursuant to Texas Government Code section 551.089—City Council will meet in executive session to deliberate the deployment, or specific occasion for implementation, of security personnel, critical infrastructure, or security devices. No final action will be taken.
2. Receive a briefing from the City Attorney on the City's options regarding properties with expiring Development Agreements.
Pursuant to Texas Government code sec. 551.071 – the City Council will meet in executive session to discuss, and receive advice regarding, a matter of attorney-client privilege. No final action will be taken.

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

5:00 P.M.

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

For members of the public wishing to view the meeting, or participate in the public hearings, instructions 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) [May 21, 2020 Special & Regular Called Meeting](#)

Contracts, Leases, & Bids

- (B) [2020-0077-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition services for the Hartrick Bluff Road Improvement and Expansion Project, in an amount not to exceed \$127,600.
- (C) [2020-0078-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition services for the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvement Project, in an amount not to exceed \$94,700.
- (D) [2020-0079-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick and Associates, LP, for a groundwater feasibility study and evaluate water requirements in the North Industrial Park, in the amount of \$120,140.

- (E) [2020-0080-R](#): Consider adopting a resolution authorizing a professional services agreement with Perkins Engineering Consultants, Inc., of Arlington for an assessment of the Doshier Farm Wastewater Treatment Plant, in an amount not to exceed \$114,925.
- (F) [2020-0081-R](#): Consider adopting a resolution approving a Community Development Block Grant Subrecipient Agreement with United Way to administer the COVID-19 Community Relief Program.
- (G) [2020-0082-R](#): Consider adopting a resolution authorizing a Developer Participation Agreement with Belfair Development, Inc. for construction of a realigned and upgraded portion of Hartrick Bluff Road and water and wastewater system improvements during the development of the Friars Creek Landing subdivision, in a total not to exceed amount of \$630,260, and authorizing the purchase of approximately two acres necessary for the realigned and upgraded portion of Hartrick Bluff Road, in the amount of \$160,000.
- (H) [2020-0083-R](#): Consider adopting a resolution authorizing a change order #1 with Landmark Structures I, L.P., of Fort Worth, for services to construct the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank, in the amount of \$146,105.
- (I) [2020-0084-R](#): Consider adopting a resolution ratifying an easement to Oncor Electric Delivery Company, LLC to locate electric facilities in the City's future Southwest Regional Park.
- (J) [2020-0085-R](#): Consider adopting a resolution authorizing the release of a 0.10-acre portion of a wastewater easement described in an Easement Agreement for Utilities to the City of Temple, recorded in Document No. 2008-00040011, Official Public Records of Bell County, Texas.
- (K) [2020-0086-R](#): Consider adopting a resolution authorizing the release of ten-feet of a fifteen-foot utility easement on Lot Eighteen, Block Two, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas.
- (L) [2020-0087-R](#): Consider adopting a resolution authorizing the Police Department to submit an application and accept funding through the Bureau of Justice Assistance Fiscal 2020 Patrick Leahy Bulletproof Vest Partnership for the purchase of ballistic vests and replacements, in the amount of \$52,156, with \$26,078 of required City matching funds.

Ordinances – Second & Final Readings

- (M) [2020-5028](#): SECOND & FINAL READING – FY-20-19-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural to Single Family-One zoning district on 26.459 +/- acres, located in the Maximo Moreno Survey, Abstract 14, in Bell County, Texas, addressed as 6510 Hartrick Bluff Road.

III. REGULAR AGENDA

ORDINANCES

4. **2020-5029:** FIRST READING – PUBLIC HEARING – FY-20-8-ANX: Consider adopting an ordinance authorizing the voluntary annexation of two tracts of land, totaling approximately 40.093 +/- acres, upon petition of the landowner, Daniel Three Forks Farm LTD, said tracts being generally located south of FM 93 and east of Hartrick Bluff Road.
5. **2020-5030:** FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending City Code of Ordinances, Chapter 12, Fire Prevention and Protection.

RESOLUTIONS

6. **2020-0088-R:** PUBLIC HEARING – Conduct a public hearing and consider adopting a resolution approving the substantial amendment to the Community Development Block Grant 2019 Annual Action Plan, including the funding recommendations.
7. **2020-0089-R:** FY-20-28-PLT: Consider adopting a resolution authorizing approval of the Preliminary Plat of Honey Glen Acres Addition, a 35.44 +/- acre, 25-lots, 2-block, residential subdivision, with developer-requested exceptions to the Unified Development Code Section 8.2 related to dedication of right-of-way and the projection of streets, situated in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.

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

I hereby certify that a true and correct copy of this Notice of Meeting was published to the City of Temple's website at 2:00 PM, June 1, 2020.



Interim City Secretary

SPECIAL ACCOMMODATIONS: *Persons with disabilities who have special communication or accommodation needs and desire to participate in this meeting should notify the City Secretary's Office by mail or telephone 48 hours prior to the meeting date.*



COUNCIL AGENDA ITEM MEMORANDUM

06/04/20
Item #3(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Stephanie Hedrick, Interim City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) May 21, 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:

[May 21, 2020 Special & Regular Called Meeting Minutes / Video](#)



COUNCIL AGENDA ITEM MEMORANDUM

06/04/20
Item #3(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition services for the Hartrick Bluff Road Improvement and Expansion Project, in an amount not to exceed \$127,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project consists of roadway improvements to Hartrick Bluff Road from FM 93 to Waters Dairy Road. The existing road will be reconstructed from a two-lane rural road to a three-lane urban collector, will add pedestrian facilities, and improve drainage conveyance.

At this time, Staff anticipates right of way will be needed from eighteen (18) properties. Staff does not anticipate relocation of businesses or residents for this project. Staff has received a proposal for land acquisition services from Stateside Right of Way Services, Inc. (Stateside).

Stateside will offer multiple services during the acquisition process, including, but not limited to, title curative, project management, appraisal services, negotiations, and closings.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$127,600 for land for acquisition services for the Hartrick Bluff Road Improvement and Expansion Project. The not to exceed amount does not include condemnation services that may be required. Stateside will provide such services at the request of the City.

FISCAL IMPACT: Funding for the professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$127,600 for acquisition services for the Hartrick Bluff Road Improvement and Expansion Project is available in account 365-3400-531-6716, project 102025.

ATTACHMENTS:

[Stateside Proposal](#)
[Resolution](#)



May 11, 2020

City of Temple, Texas
Christina A. Demirs
Deputy City Attorney, Right of Way
2 North Main, Suite 308
Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Title Curative and Closings in Temple, Texas –
Hartrick Bluff Reconstruction

RIGHT OF WAY SCOPE OF SERVICES

Acquisition / Negotiation:

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

Set up Files: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

- Initial Offer Packet: Upon written approval by the City of Temple (City), the Stateside Right of Way Agent (Agent) will notify the property owners in writing of the City's interest in acquiring their property and the approved offer amount for that interest. This packet will be sent by certified mail, return receipt requested to the owner's current address as listed on the Bell County Appraisal District website. All individuals that may be affected by this project will be given an opportunity to meet and discuss the procedures to which they may be interested or by which they may be affected. Arrangements will be made, as required, to present information to persons who are unable to read or write English or otherwise need additional assistance.
- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- Counteroffer: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.
- Final Offer Letter: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

Title/Closing:

Stateside will complete title / closing with Centraland Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
- Upon receipt of the Title Commitments and supporting documents, the Agent will:
 - Review Commitment and supporting documents
 - Vesting Deeds will be verified with ownership shown on the Commitment
 - Secretary of State information will be researched for Corporations, LLC or other entity information
 - Lien information and clouded or complicated title issues will be noted for:
 - Long lead time issues
 - Condemnation by Publication actions needed
 - Provide a copy of the Title Commitment and backup documents to the appraisal firm.
- Prior to acquiring any real property, the Agent will take all appropriate steps necessary to ensure that the area being acquired is purchased with acceptable title and clear title, if possible.
- Upon receipt of properly executed conveyance and title curative documents, all originals will be submitted to the Title Company to be held in escrow until closing.
- The Title Company will provide a check request or wire transfer with the Settlement Statement as per the U.S. Department of Housing and Urban Development (HUD-1) and their contact information for the purchase price and closing costs will be sent to the City.
- The Agent will prepare a Closing Packet for the City which will include an executed Memorandum of Agreement.
- The City will sign all closing documents and Stateside will attend closing.
- The Title Company will record all Deeds and title curative release documents and provide file marked copies to the Agent. The original recorded Deed shall be returned to the City Attorney.
- The Title Company will provide a Title Policy for the purchase price on all fee acquisitions.

Condemnation Support Services:

Stateside will provide condemnation support services for an hourly rate of \$80 per hour for Right of Way Technician tasks, and \$110 per hour for Right of Way Agent tasks.

- The Agent will provide a summary of activities related to the acquisition efforts for review and consideration by the City for Eminent Domain proceedings.
- The Agent will be available to assist the City Attorney as necessary.

Pass-Through Costs:

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, mover estimates, interpreter fees, and relocation costs.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:**Appraisal Services:**

- Appraisals 18 parcels **\$ 55,600**

Acquisition Services:

The fees will be submitted on a milestone basis:

- Negotiation Services – up to 18 acquisitions - @ \$4,000 each **\$ 72,000**

The Stateside total amount is not to exceed: **\$ 127,600**

Milestone Payments:

The fees will be submitted on a milestone basis:

- **Acquisition**
 - Set up 20% per parcel
 - Offer Packet 50%
 - Final Offer/Closing 20%
 - File Close Out/Submit for ED 10%
- **Appraisals**
 - Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely,

STATESIDE RIGHT OF WAY SERVICES, L.L.C.



Diane Burkhardt Valek
President

RESOLUTION NO. 2020-0077-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$127,600, FOR ACQUISITION SERVICES FOR THE HARTRICK BLUFF ROAD IMPROVEMENT AND EXPANSION PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project consists of roadway improvements to Hartrick Bluff Road from FM 93 to Waters Dairy Road where the existing road will be reconstructed from a two-lane rural road to a three-lane urban collector, will add pedestrian facilities, and improve drainage conveyance;

Whereas, at this time, Staff anticipates right-of-way will be needed from 18 properties and does not anticipate relocation of businesses or residents for this project;

Whereas, Staff has received a proposal for land acquisition services from Stateside Right of Way Services, Inc. (Stateside) who will offer multiple services during the acquisition process, including, but not limited to, title curative, project management, appraisal services, negotiations, and closings;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside Right of Way Services, in an amount not to exceed \$127,600 for land acquisition services for the Hartrick Bluff Road Improvement and Expansion Project - the not to exceed amount does not include condemnation services that may be required which Stateside will provide at the request of the City;

Whereas, funding for this agreement is available in Account No. 365-3400-531-6716, Project No. 102025; 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 professional services agreement with Stateside Right of Way Services, Inc. of Temple, Texas in an amount not to exceed \$127,600, for acquisition services for the Hartrick Bluff Road Improvement and Expansion Project.

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

PASSED AND APPROVED this the **4th** day of **June, 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

06/04/20
Item #3(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., for acquisition services for the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvement Project, in an amount not to exceed \$94,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 17, 2019 Council authorized a Developer Participation Agreement with Short Term Lending GP, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements as part of the development of the Hillside Village subdivision, the Prairie Ridge Subdivision, and the future Temple Independent School District school site. The City agreed to contract directly with a consultant for the design. The Design services include the extension of Blackland Road from Old Highway 95 to Highway 95 including improvements to the connecting portion of Old Highway 95, extending a 12-Inch water main along the new roadway, and wastewater improvements in the Knob Creek Basin including a new trunk main, a lift station, and force main. The design also includes the extension of the existing Knob Creek trunk main and the abandonment of the Action World lift station.

As part of the project, Staff anticipates right of way or permanent easements will be needed from sixteen (16) properties. Staff does not anticipate relocation of businesses or residents for this project. Staff has received a proposal for land acquisition services from Stateside Right of Way Services, Inc. (Stateside).

Stateside will offer multiple services during the acquisition process, including, but not limited to, title curative, project management, appraisal services, negotiations, and closings.

Staff recommends Council authorize a professional services agreement with Stateside, in an amount not to exceed \$94,700 for land for acquisition services for the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvement Project. The not to exceed amount does not include condemnation services that may be required. Stateside will provide such services at the request of the City.

FISCAL IMPACT: Funding for the professional services agreement with Stateside Right of Way Services, Inc. for acquisition services for the Blackland Road Extension and Utility Improvements in and the Knob Creek Wastewater Improvement Project, in an amount not to exceed \$94,700 is available as follows:

Project Description	Amount Not to Exceed	Account Number	Project Number
Blackland Road Extension and Utility Improvements	\$22,000	365-3400-531-6998	102024
Knob Creek Wastewater Improvement Project	72,700	561-5400-535-6631	102188
	<hr/> \$94,700 <hr/>		

ATTACHMENTS:
[Stateside Proposal](#)
[Resolution](#)



January 3, 2020

City of Temple, Texas
Christina A. Demirs
Deputy City Attorney, Right of Way
2 North Main, Suite 308
Temple, Texas 76501

Re: Proposal for Project Management, Acquisition, Appraisals, Title Curative and Closings in
Temple, Texas – Blackland Road and Knob Creek Trunk Sewer Line

RIGHT OF WAY SCOPE OF SERVICES

Acquisition / Negotiation:

Stateside will complete negotiations through Final Offer Letter and Closings for \$4,000 per parcel.

Set up Files: Stateside will set up and maintain paper files as well as electronic files on each property (may be referred to as parcel). Files will include copies of correspondence, completed notices and forms, title commitment, appraisal report, copies of informational documents such as Bell County Appraisal District print out, Secretary of State print out, and title research backup. All information will remain confidential and must be requested through City of Temple.

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- In negotiating with the owners of the subject land, it is assumed that the owner will in turn negotiate with any lessees or others who may own any interest in the land or improvements, and settle any lease or lease hold interests prior to closing.
- Counteroffer: During negotiations, if a property owner provides appraisal information or a counteroffer, either written or verbal, which the landowner believes is relevant to the acquisition, the Agent may forward the information to the appraisal firm for analysis. The Agent will discuss with the City a recommendation for review. The Agent will provide an appropriate response to the property owner based upon the City's decision.
- Final Offer Letter: If negotiations reach an impasse, the Agent will prepare a Final Offer Letter restating the terms of the offer and submit to the City for approval. Upon written approval by the City, the Agent will send the Final Offer Letter to the property owner via certified mail, return receipt requested.

Title/Closing:

Stateside will complete title / closing with CentraLand Title Company as the designated closing agent.

- Stateside will order Commitments for Title Insurance with copies of all supporting documents for items listed on Schedules A, B and C of the Title Commitment for properties to be acquired.
- Copies of all Schedule A and B documents are to be provided to the survey team by the City or Stateside.
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 - Review Commitment and supporting documents
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 - Condemnation by Publication actions needed
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- The Agent will be available to assist the City Attorney as necessary.

Pass-Through Costs:

All invoices submitted to Stateside will be a pass through cost to the City. These costs may include: closing costs, landowner incidental costs, appraisal costs, interpreter fees any other City requested costs.

Reporting:

Stateside will maintain office files containing copies of completed notices and forms, contacts and discussions and project status reports, as required. The City will have access to files and will be cc'd on email correspondence. All information will remain confidential and must be requested through the City of Temple Project Manager.

Invoice:

Stateside accounting requires invoicing on a month end basis. Payment is expected within 30 days of the date of the invoice.

Fees:

- **Appraisal Services:** 16 reports **\$ 38,700**

- **Acquisition Services:** up to 14 @ \$4,000 each **\$ 56,000**
- The Acquisition and Appraisal amount: \$ 94,700**

The Stateside total amount is not to exceed: \$ 94,700

Milestone Payments:

The fees will be submitted on a milestone basis:

- **Acquisition**
 - Set up 20% per parcel
 - Offer Packet 50%
 - Final Offer/Closing 20%
 - File Close Out/Submit for ED 10%

- **Appraisals**
 - Completion 100%

Thank you for this opportunity and we look forward to working with you and your team.

Sincerely,

STATESIDE RIGHT OF WAY SERVICES, L.L.C.



Diane Valek
President

[illegible]



NO.	PROPERTY OWNER
1	TRACTOR SUPPLY CO OF TEXAS
2	SYKES, MAYME JEAN
3	THOMAS, CARMELA R
4	THOMAS, CARMELA R
5	BROCK, MICHEAL
6	MIKES, DANNY ETUX AMY
7	YBARRA, DAVID
8	CROUCH LOIS FAMILY TRUST
9	CLAWSON JAMES F, JR.
10	ROHAN, DELLA
11	TURNER, ROBERT WELDON
12	TEMPLE ISD
13	CITY OF TEMPLE
14	ATMOS ENERGY MID TEX DIVISION
15	KATHAN, LISA A & RONALD THWEATT

**ACTION WORLD
LIFT STATION
(To Be Abandoned)**

2

3

5

ypress St.

Dogwood Ln.

**PROPOSED MASTER
PLAN KNOB CREEK
TRUNK**

Sycamore St.

Barnhardt Road

~~Blackland Road~~

PROPOSED 10"
WASTEWATER LINE

PROPOSED
BLACKLAND RD.
EXTENSION

**PROPOSED 8"
FORCE MAIN LINE**

**PROPOSED 12"
WATER LINE**

95
TEXAS

**FUTURE MASTER PLAN
KNOB CREEK TRUNK**

**PROPOSED
CANYON CREEK
LIFT STATION**



BLACKLAND ROAD



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
Firm Registration No. F-510

LEGEND

 FEMA 100YR
FLOOD PLAIN

FUTURE WW

PROPOSED WW

PROPOSED WI

PROPOSED WL
PROPOSED WMPROPOSED WW
PROPOSED FM

© 2019 Kasberg, Patrick & Associates, LP KPA Firm Registration Number F-510
 L1E: P:\Temple2019\Jackland to L-14\CAD\BSE\Working-OPRT2 (6-10-19).dwg
 LAST SAVED: 12/10/2019, 1:37:54 AM LAYOUT: OVERALL EXHIBIT (22x34) (2)

RESOLUTION NO. 2020-0078-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS IN AN AMOUNT NOT TO EXCEED \$94,700, FOR ACQUISITION SERVICES FOR THE BLACKLAND ROAD EXTENSION AND UTILITY IMPROVEMENTS AND THE KNOB CREEK WASTEWATER IMPROVEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 17, 2019 Council authorized a Developer Participation Agreement with Short Term Lending GP, Inc. to construct a sanitary sewer line extension and wastewater collection system improvements as part of the development of the Hillside Village subdivision, the Prairie Ridge Subdivision, and the future Temple Independent School District school site - the City agreed to contract directly with a consultant for the design;

Whereas, the design includes the extension of Blackland Road from Old Highway 95 to Highway 95 including improvements to the connecting portion of Old Highway 95, extending a 12-inch water main along the new roadway, and wastewater improvements in the Knob Creek Basin including a new trunk main, a lift station, and force main - the design also includes the extension of the existing Knob Creek trunk main and the abandonment of the Action World lift station;

Whereas, Staff anticipates right-of-way or permanent easements will be needed from 16 properties and does not anticipate relocation of businesses or residents for this project;

Whereas, Staff has received a proposal for land acquisition services from Stateside Right of Way Services, Inc. (Stateside) who will offer multiple services during the acquisition process, including, but not limited to, title curative, project management, appraisal services, negotiations, and closings;

Whereas, Staff recommends Council authorize a professional services agreement with Stateside Right of Way Services, in an amount not to exceed \$94,700 for land acquisition services for the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvement Project - the not to exceed amount does not include condemnation services that may be required which Stateside will provide at the request of the City;

Whereas, funding for this agreement is available in Account No. 365-3400-531-6998, Project No. 102024 and Account No. 561-5400-535-6631, Project No. 102188; 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 professional services agreement with Stateside Right of Way Services, in an amount not to exceed \$94,700 for land acquisition services for the Blackland Road Extension and Utility Improvements and the Knob Creek Wastewater Improvement Project.

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

PASSED AND APPROVED this the 4th day of **June, 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

06/04/20
Item #3(D)
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 Kasberg, Patrick and Associates, LP, for a groundwater feasibility study and evaluate water requirements in the North Industrial Park, in the amount of \$120,140.

STAFF RECOMMENDATION: Adopt resolution as presented in Item Description.

ITEM SUMMARY: This project includes two main focus areas, one to study the use of groundwater to supplement the overall City water supply and to evaluate the water supply requirements in the North Industrial Park in the 920 Pressure Plane. See the attached engineer's proposal and project map for further details.

The professional engineering services are broken down as follows:

Task 1 – Review of Existing Well Data	\$ 4,410
Task 2 – Assessment of Water Quality for Proposed COT Well and Existing Well	29,730
Task 3 – Assessment of Usage Options and OPCs for Proposed COT Well	39,900
Task 4 – Assessment of Usage Options/OPC for Existing Well	11,020
Task 5 – Evaluate North Industrial Park Water Demands	26,060
Task 6 – Recommendations	<u>9,020</u>
Total	<u>\$120,140</u>

The study will take 180 calendar days to complete.

FISCAL IMPACT: Funding for the professional services agreement with Kasberg, Patrick and Associates, LP, for a groundwater feasibility study and to evaluate water requirements in the North Industrial Park, in the amount of \$120,140.00 is appropriated in the FY 2020 Operating Budget, account 520-5100-535-2616.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

Temple

19 North 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

800 South Austin Avenue
Georgetown, Texas 78626
(512) 819-9478

May 22, 2020

Mr. James Billeck, P.E.

3210 E. Avenue H

Building A

Temple, Texas 76501

Re: City of Temple, Texas
Groundwater Feasibility Study

Dear Mr. Billeck:

This letter proposal is to investigate the overall feasibility of the City implementing the use of a groundwater source as part of their overall water supply. The study will include water rights costs, treatment options and costs, blending concerns and capital costs to treat and convey groundwater from particular well locations to the City's existing water distribution system.

In addition, this study will also evaluate water supply requirements for the North Industrial Park in the 920 Pressure Plane based on more defined commercial/industrial land use types as outlined by the Temple Economic Development Corporation. Exhibit A illustrates possible well locations as well as the North Industrial Park service area that will be considered in the evaluation. Exhibit B provides a more detailed breakdown and description of the tasks included in our Scope of Services.

In order for us to provide the services required for completion of the final design and easement documents, the following not-to-exceed lump sum amounts will be applicable:

Task 1 – Review of Existing Trinity Oasis Well Data	\$	4,410.00
Task 2 – Assessment of Water Quality for Well Locations		29,730.00
Task 3 – Assessment of Usage Options/Opinions of Probable Cost for City of Temple Well		39,900.00
Task 4 – Assessment of Usage Options/Opinions of Probable Cost for Trinity Oasis Well		11,020.00
Task 5 – Evaluation of Projected Water Supply Requirements for the North Industrial Park		26,060.00
Task 6 – Recommendations		9,020.00
Total	\$	120,140.00

Mr. James Billeck, P.E.
May 22, 2020
Page Two

KPA will begin work once a written notice to proceed is received in our office and will be completed within a 180 calendar day period. We are available to address any questions or comments that you may have about this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is written in a cursive, flowing style.

Ginger R. Tolbert, P.E.

GRT/

Exhibit B – Scope of Services

City of Temple Groundwater Feasibility Study May 22, 2020

Overview

This study will investigate the overall feasibility of the City implementing the use of a groundwater source as part of their overall water supply. More specifically, it will include water rights costs, treatment options and costs, blending concerns and capital costs to treat and convey groundwater from three possible well locations to the City's existing water distribution system.

Trinity Oasis, LLC currently has a permitted well through the Clearwater Underground Water Conservation District (CUWCD) for 1,776.52 acre-feet/year and is marketing 1,600 acre-feet/year to the City of Temple. The feasibility of using this well as well as options for the City to independently permit and construct a well or system of wells within the City's water system will be evaluated.

This study will also evaluate water supply requirements specifically for the North Industrial Park in the 920 Pressure Plane based on more defined commercial/industrial land use types as outlined by the Temple Economic Development Corporation.

The detailed Scope of Services is as follows:

Task 1 – Review of Existing Trinity Oasis Well Data

1. Compile and review historical well data as related to production.
2. Evaluate water rights cost as proposed by Trinity Oasis.
 - a. Trinity Oasis Proposed Reservation Cost for 1,600 acre-feet/year
 - b. Trinity Oasis Production Rate Costs for Little River-Academy (LRA) and Temple
3. Meetings
 - a. One meeting with City of Temple to obtain/review Well data and production cost.

Task 2 – Assessment of Water Quality for Well Locations in North Temple, South Temple and Trinity Oasis

1. It should be noted that the blending of surface water and groundwater can result in unintended consequences. For the purpose of this study, KPA will utilize the water chemistry information provided by Trinity Oasis, LLC. and Clearwater Underground Water District on nearby wells. No further water chemistry analysis is included in this Scope.
 - a. Review Trinity Oasis provided water chemistry results.
 - b. Review water chemistry results on nearby wells from CUWCD.
 - c. Determine requirements necessary for blending with the City's treated surface water for potable use.

- d. Determine chloramination requirements.
- e. Evaluation of water chemistry and requirements if used for non-potable purposes.

2. Meetings

- a. One meeting with Clearwater Underground Water District to obtain/review Well data.
- b. One meeting with City of Temple to review water quality findings and associated requirements.

Task 3 – Assessment of Usage Options/Opinions of Probable Cost for COT Well

- 1. Obtain available well data (production and water chemistry) for wells in the South Temple/LRA area and North Temple/Troy area.
- 2. Meet with Clearwater Underground Water Conservation District to determine parameters for permitting a new well for the City of Temple and potential production for a well(s) in North and/or South Temple.
- 3. Determine required infrastructure (well(s), well pump, well collection system, booster pump stations, ground storage/mixing, chloramination, pipelines) and provide OPC's for each option to utilize water from COT Well.
 - a. Permit and construct well at a location in South Temple in the vicinity of Hartrick Ranch.
 - b. Permit and construct well at a location in North Temple in the vicinity of the North Industrial Park.
 - c. Blend with Existing Surface Water within Temple Water System
 - d. Utilize for wholesale water customer (LRA)
 - e. Utilize solely for non-potable water customer in South Temple area
 - f. Utilize solely for non-potable water customer North Temple area
- 4. Determine projected timelines required for permitting and construction of well facility.
- 5. Meetings
 - a. Two meetings with City of Temple to review options/OPC's.

Task 4 – Assessment of Usage Options/Opinions of Probable Cost for Trinity Oasis Well

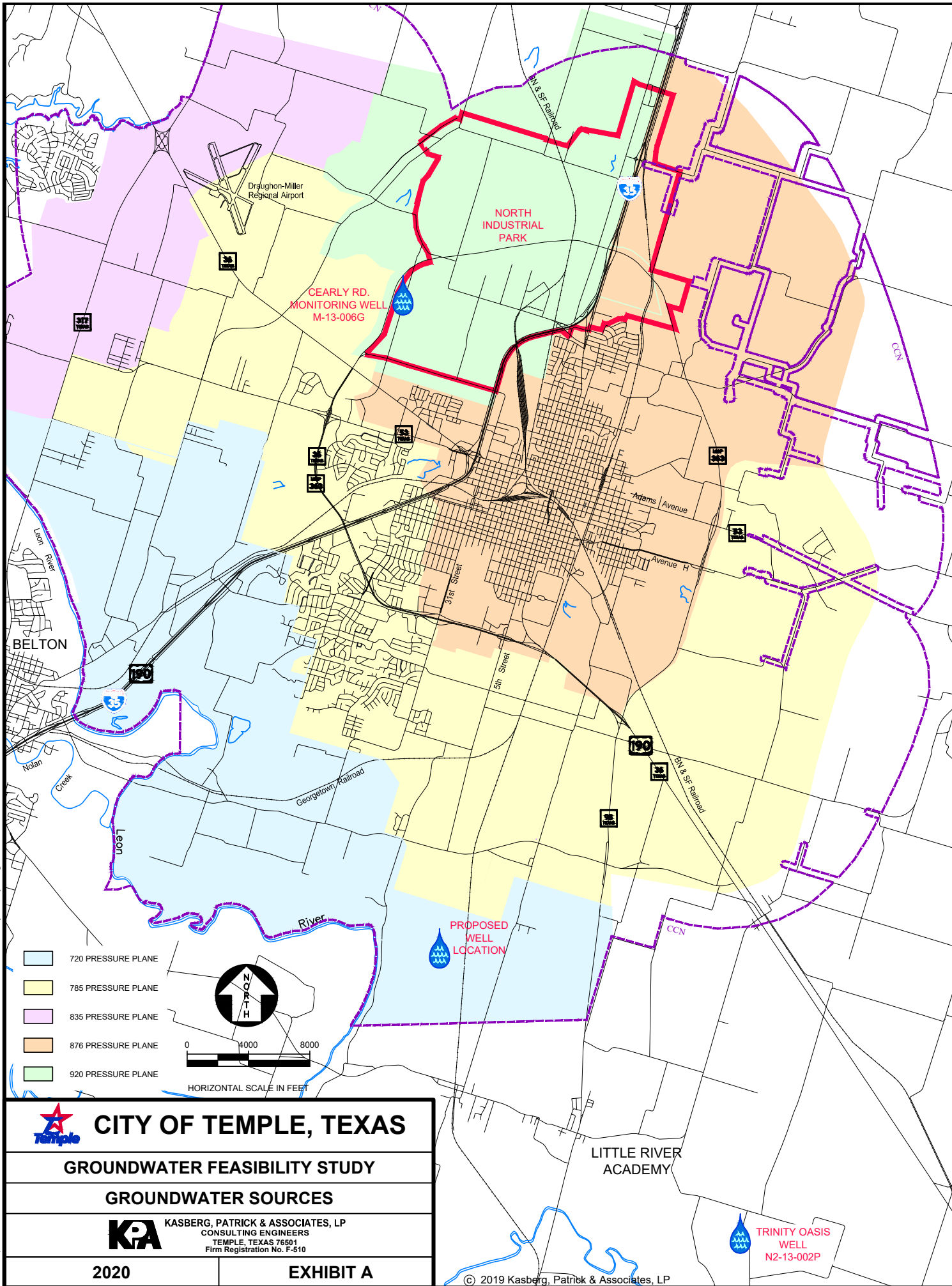
- 1. Determine required infrastructure (booster pump stations, ground storage/mixing, chloramination, pipelines) and provide OPC's for each option to utilize Trinity Oasis water.
 - a. Blend with Existing Surface Water within Temple Water System
 - b. Utilize for wholesale water customer (LRA)
 - c. Utilize solely for non-potable water customer (Panda)
- 2. Meetings
 - a. Two meetings with City of Temple to review options/OPC's.

Task 5 – Evaluation of Projected Water Supply Requirements for the North Industrial Park

1. Obtain updated projections from TEDC for specific commercial/industrial prospects by type.
2. Determine typical water demands specific to each user type within the industrial park area.
3. Update water models to reflect updated water demand projections for the industrial park area and 920 Pressure Plane.
4. Determine required infrastructure to meet updated water demands within the COT potable water distribution system.
5. Evaluate usage of groundwater, in part or whole, for specific industry types within the North Industrial Park. This task require completion of Task 3 as it will utilize those findings related to the feasibility and cost of a well facilities in the North Industrial Park area.
6. Provide updated OPC's for required infrastructure based on TEDC's projected commercial/industrial uses.
7. Determine Phasing for required infrastructure based on TEDC's projected commercial/industrial uses.
8. Meetings
 - a. Two meetings with City of Temple/TEDC to review options/OPC's.

Task 6 – Recommendations

1. Prepare Report detailing feasibility, analysis, opinions of probable cost and recommendations.
2. Meetings
 - a. Two meetings with City of Temple to review technical memorandum and recommendations.



CITY OF TEMPLE, TEXAS

GROUNDWATER FEASIBILITY STUDY

GROUNDWATER SOURCES



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
Firm Registration No. F-510

2020

EXHIBIT A



TRINITY OASIS
WELL
N2-13-002P

RESOLUTION NO. 2020-0079-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK AND ASSOCIATES, LP, OF TEMPLE, TEXAS IN THE AMOUNT OF \$120,140 FOR A GROUNDWATER FEASIBILITY STUDY AND TO EVALUATE WATER REQUIREMENTS IN THE NORTH INDUSTRIAL PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this project includes two main focus areas, one to study the use of groundwater to supplement the overall City water supply and one to evaluate the water supply requirements in the North Industrial Park in the 920 Pressure Plane;

Whereas, the professional engineering services are broken down as follows:

Task 1 – Review of Existing Well Data	\$ 4,410
Task 2 – Assessment of Water Quality for Proposed COT Well and Existing Well	\$ 29,730
Task 3 – Assessment of Usage Options and OPCs for Proposed COT Well	\$ 39,900
Task 4 – Assessment of Usage Options/OPC for Existing Well	\$ 11,020
Task 5 – Evaluate North Industrial Park Water Demands	\$ 26,060
Task 6 – Recommendations	<u>\$ 9,020</u>

Total \$ 120,140

Whereas, Staff recommends Council authorize a professional services agreement with Kasberg, Patrick and Associates, LP, of Temple, Texas in the amount of \$120,140 for a groundwater feasibility study and evaluate water requirements in the North Industrial Park;

Whereas, funding for this agreement is appropriated in the fiscal year 2020 Operating Budget in Account No. 520-5500-535-2616; 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 professional services agreement with Kasberg, Patrick and Associates, LP, of Temple, Texas in the amount of \$120,140 for a groundwater feasibility study and evaluate water requirements in the North Industrial Park.

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

PASSED AND APPROVED this the 4th day of **June, 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

06/04/20
Item #3(E)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Perkins Engineering Consultants, Inc., of Arlington for an assessment of the Doshier Farm Wastewater Treatment Plant, in an amount not to exceed \$114,925.

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

ITEM SUMMARY: Doshier has operated since the late 1960s and was expanded in the early 1990s. The plant serves large areas of the industrial park, which continues to grow and expand.

Doshier does not currently operate at full capacity. Excess hydraulic capacity above current demand allows for some equipment to remain offline. Changing influent characteristics are such that additional organic loading capacity is a much more immediate need.

Perkins has extensive experience retrofitting wastewater plants, addressing TCEQ regulations, and administering TCEQ permit applications and revisions. Perkins assisted drafting the City's recently updated pretreatment ordinance. They are currently engaged studying enhancements to Doshier's capacity that are available from TCEQ regulatory and procedural options.

This proposed study (attached) will anticipate future influent demand and characteristics and will assess options to increase Doshier's organic loading capacity (and future hydraulic capacity) with a combination of retrofits, new equipment, expansion, and strategic infrastructure installations within its service area.

The study will evaluate and recommend capacity needs for Doshier, capacity needs specific to the industrial park, a corresponding strategic combination of treatment alternatives, and regulatory permitting needs associated with those efforts.

FISCAL IMPACT: Funding for the professional services agreement with Perkins Engineering Associates, Inc., for the Doshier Farm Wastewater Treatment Plant assessment in an amount not to exceed \$114,925 is appropriated in the FY 2020 Operating Budget, account 520-5500-535-2616.

ATTACHMENTS:

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



**PERKINS
ENGINEERING
CONSULTANTS, INC.**

6001 Interstate 20 West
Suite 219
Arlington, TX 76017
Office: 817-719-0372
Fax: 817-719-0122
www.perkinsconsultants.com

May 27, 2020

Kenton Moffett, P.E.
Assistant Public Works Director
City of Temple
3210 E. Avenue H, Building A, Suite 130
Temple, Texas 76501

RE: Doshier Farm Wastewater Treatment Plant
Industrial Wastewater and Plant Expansion / Upgrade Evaluation

Dear Mr. Moffett:

We are pleased to offer a scope of services for evaluation of industrial waste loads and plant upgrade needs for the City's Doshier Farm wastewater treatment plant.

The Doshier Farm plant's last major upgrade was in the 1990's. The plant has performed well, but its structures and equipment are aging, and it will take on a uniquely challenging role in the future as activity in the Industrial Park expands. The Doshier Farm facility will need the flexibility to accommodate wastes of a strength and character that may be quite different from those it has historically accommodated.

To assist the City in evaluating alternatives and developing a path forward for the Doshier Farm facility, we would propose the following scope of services:

- Work with City to establish key flow and pollutant load criteria to use for evaluation and sizing of upgraded Doshier Farm treatment facilities.
- Prepare for and attend project initiation meeting in Temple.
- Estimate wastewater treatment design parameters for an industrial *pretreatment* facility anticipated to be located in or near the industrial park area. A localized pretreatment facility is expected to be compared with the cost and effectiveness of treating all loads at the Doshier Farm plant.
- Estimate impacts on plant design parameters with industrial flows conveyed to the Doshier Farm Wastewater Treatment Plant both with and without pretreatment.
- Research and summarize components of existing collection system between Industrial Park and Doshier Farm plant, considering corrosion-resistance of conveyance system components. Identify and evaluate potential impacts of conveying high strength wastes.
- Evaluate impact of inorganic contaminant loading of industrial wastewaters on existing and potential Doshier Farm discharge permits.
- Evaluate impact of inorganic contaminant loading on scaling potential for conveyance and treatment facilities.
- Identify and evaluate up to three treatment process alternatives for centralized pretreatment of wastewater from the Industrial Park area to typical domestic levels. Develop conceptual design and planning cost opinion for one selected alternative. It is

anticipated that improvements for this option would be principally located at or near the Industrial Park, enabling the Doshier Farm plant to be upgraded and expanded using conventional processes commonly used for domestic wastewater.

- Identify and evaluate up to three treatment process alternatives for upgrade of the Doshier Farm treatment plant. A least two of these alternatives are expected to reflect providing the capability for the plant to receive and treat high-strength industrial wastewaters comingled with the domestic component of Doshier Farm influent. Develop conceptual design and planning cost opinions for these alternatives.
- Assess plant capacity and permitting needs for expanded or modified treatment plant; assess timing for permitting, design, construction, and completion of proposed improvements.
- Summarize evaluation in technical memorandum.
- Prepare for and attend two interim review workshops and one final review meeting in Temple. Assist with assembly of graphics for staff presentation to Council and assist in Council presentation if requested.
- Incorporate City comments into the technical memorandum.

We would propose to perform these services for a fee of \$114,925, as further detailed on the attached breakdown.

We anticipate that the draft technical memorandum can be delivered 120 to 150 days after authorization to proceed; we would anticipate that incorporation of City review comments and development of presentation graphics would be complete within 30 days after receipt of City comments.

We sincerely appreciate the opportunity to serve the City on this assignment. We look forward to an opportunity to talk further, in-person or virtually, as appropriate. Please call if you have any questions.

Sincerely,



Mark A. Perkins, P.E.
Perkins Engineering Consultants, Inc.

Cc: Janet Sims
Charlotte Smith, P.E.



RESOLUTION NO. 2020-0080-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH PERKINS ENGINEERING CONSULTANTS, INC., OF ARLINGTON, TEXAS IN AN AMOUNT NOT TO EXCEED \$114,925 FOR AN ASSESSMENT OF THE DOSHIER FARM WASTEWATER TREATMENT PLANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Doshier Farm Wastewater Treatment Plant (Doshier) has operated since the late 1960s and was expanded in the early 1990s and serves large areas of the industrial park, which continues to grow and expand;

Whereas, Doshier does not currently operate at full capacity as excess hydraulic capacity above current demand allows for some equipment to remain offline - changing influent characteristics are such that additional organic loading capacity is a much more immediate need;

Whereas, Perkins Engineering Consultants, Inc. (Perkins) has extensive experience retrofitting wastewater plants, addressing Texas Commission on Environmental Quality (TCEQ) regulations, and administering TCEQ permit applications and revisions - Perkins assisted drafting the City's recently updated pretreatment ordinance and are currently engaged studying enhancements to Doshier's capacity that are available from TCEQ regulatory and procedural options;

Whereas, this proposed study will anticipate future influent demand and characteristics and will assess options to increase Doshier's organic loading capacity and future hydraulic capacity with a combination of retrofits, new equipment, expansion, and strategic infrastructure installations within its service area;

Whereas, the study will evaluate and recommend capacity needs for Doshier, capacity needs specific to the industrial park, a corresponding strategic combination of treatment alternatives, and regulatory permitting needs associated with those efforts;

Whereas, Staff recommends Council authorize a professional services agreement with Perkins Engineering Consultants, Inc., of Arlington, Texas in an amount not to exceed \$114,925 for an assessment of the Doshier Farm Wastewater Treatment Plant;

Whereas, funding for this agreement is appropriated in the fiscal year 2020 Operating Budget in Account No. 520-5500-535-2616; 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 professional services agreement with Perkins Engineering Consultants, Inc., of Arlington, Texas in an amount not to exceed \$114,925 for an assessment of the Doshier Farm Wastewater Treatment Plant.

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

PASSED AND APPROVED this the 4th day of **June, 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

06/04/20
Item #3(F)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Erin Smith, Assistant City Manager
Nancy Glover, Neighborhood Services Manager

ITEM DESCRIPTION: Consider adopting a resolution approving a Community Development Block Grant Subrecipient Agreement with United Way to administer the COVID-19 Community Relief Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In the first few weeks after the Governor issued the Stay at Home Order, the United Way began to develop a program to address the economic impact of the COVID-19 pandemic on the Temple community. The organization had heard from various members of the community that unemployment and the closure of small businesses represent the greatest threat to Temple's economy directly related to the COVID-19 pandemic.

Based on this information, the United Way reached out to the Temple Chamber of Commerce to discuss a strategy to raise funds for the Coronavirus Community Response and Recovery Fund. This fund will provide rent and mortgage assistance, as well as utility assistance for those who have lost their job or have been furloughed due to the pandemic. The fund will also include a small business component that will provide grants for various expenses while the businesses are closed.

As a part of their fundraising efforts, the United Way reached out to the City Manager's office to see if the City of Temple could contribute to the fund. During a workshop session on 4/16/20, the City Manager presented the idea of partnering with these two organizations and contributing the newly allocated COVID-19 CDBG funds to the cause.

Based on Council direction, City staff reached out to its CDBG consultants to develop a subrecipient agreement with United Way. United Way will administer the program in coordination with the Temple Chamber of Commerce.

FISCAL IMPACT: The City of Temple will allocate \$360,000 of the CDBG CARES Act funding to United Way and utilize the remaining \$8,691 for administration costs associated with the COVID-19 Community Relief Program. After the substantial amendment to the CDBG 2019 Annual Action Plan and associated budget adjustment for the CARES Act funding are approved, funding in the amount of \$368,691 will be available in account 260-6100-571-26-58, Public Service Agency.

ATTACHMENTS:

[Subrecipient Agreement \(to be provided\)](#)
[Resolution](#)

RESOLUTION NO. 2020-0081-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT WITH UNITED WAY TO ADMINISTER THE COVID-19 COMMUNITY RELIEF PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in the first few weeks after the Governor issued the Stay at Home Order, the United Way began to develop a program to address the economic impact of the COVID-19 pandemic on the Temple community - the organization had heard from various members of the community that unemployment and the closure of small businesses represent the greatest threat to Temple's economy directly related to the COVID-19 pandemic;

Whereas, the United Way reached out to the Temple Chamber of Commerce to discuss a strategy to raise funds for the Coronavirus Community Response and Recovery Fund which will provide rent and mortgage assistance, as well as utility assistance for those who have lost their job or have been furloughed due to the pandemic - the fund will also include a small business component that will provide grants for various expenses while the businesses are closed;

Whereas, as a part of their fundraising efforts, the United Way reached out to the City Manager's office to see if the City of Temple could contribute to the fund - during a workshop session on April 16, 2020, the City Manager presented the idea of partnering with these two organizations and contributing the newly allocated COVID-19 Community Development Block Grant (CDBG) funds to the cause;

Whereas, based on Council direction, City staff reached out to its CDBG consultants to develop a subrecipient agreement with United Way, who will administer the program in coordination with the Temple Chamber of Commerce;

Whereas, Staff recommends Council authorize a Community Development Block Grant Subrecipient Agreement with United Way to administer the COVID-19 Community Relief Program;

Whereas, the City of Temple will allocate \$360,000 of the CDBG CARES Act funding to United Way and utilize the remaining \$8,691 for administration costs associated with the COVID-19 Community Relief Program;

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 Community Development Block Grant Subrecipient Agreement with United Way to administer the COVID-19 Community Relief Program.

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 4th day of **June, 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

06/04/20
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DEPT./DIVISION SUBMISSION & REVIEW:

David Olson, Assistant City Manager
Charla Thomas, Assistant City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with Belfair Development, Inc. for construction of a realigned and upgraded portion of Hartrick Bluff Road and water and wastewater system improvements during the development of the Friars Creek Landing subdivision, in a total not to exceed amount of \$630,260, and authorizing the purchase of approximately two acres necessary for the realigned and upgraded portion of Hartrick Bluff Road, in the amount of \$160,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Belfair Development, Inc. ("Developer") is in the process of developing Friars Creek Landing, a recently platted 81-lot residential subdivision, located on the east side of Hartrick Bluff Road between the Georgetown Railroad and Friars Creek. The City and Developer desire to enter into a Developer Participation Agreement as authorized under Texas Local Government Code § 212.071-212.074 for certain infrastructure improvements to be made during the construction of the subdivision.

During the development of the Friars Creek Landing subdivision, it is desirable to realign a portion of Hartrick Bluff Road to enhance traffic flow and to provide for safe and efficient vehicular traffic and is also desirable for the City to have Developer install certain water and wastewater infrastructure and proceed with upgrades to water and wastewater utilities to serve this development as well as future development in a growing area of the community.

The proposed improvements for the "Project" include:

- the realignment and upgrading of Hartrick Bluff Road, to include upgraded subsurface drainage,
- a 6" wastewater extension to the Friars Creek Trunk line,
- an upsized 10" water line extension from the 10" water line in Hartrick Bluff Road at the Stonegate Addition to the Friars Creek Landing property line,

- an upsized 10" water line from the property line to the first internal street,
- an upsized 8" water line through Friars Creek Landing subdivision,
- and a 6" water line extension across the realigned Hartrick Bluff Road.

Pursuant to Section 212.072 of the Texas Local Government Code, the City may participate in the cost of construction at a level not to exceed 30% of the cost of the public improvements in the development; total public infrastructure costs for the development are estimated at \$1,130,539. The City and Developer desire to enter into a cost sharing agreement for the realignment of Hartrick Bluff Road, a water line extension from the Stonegate Addition, and a wastewater extension to the Friars Creek Trunk Line, wherein the City's contribution to this cost-share portion would be \$317,720, which is 28% of the total cost of public infrastructure in the development.

Texas Local Government Code, Section 212.072(c) also allows participation by a municipality at a level not to exceed 100% of the total costs for any oversizing of improvements required by a municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area. The City desires to participate with Developer at 100% of the oversizing costs for the design and construction of the subsurface drainage improvements related to the realignment of Hartrick Bluff Road, and the upsizing costs related to the water line improvements, at a not to exceed amount of \$312,540.

The City's total contribution to the Project, including both the cost sharing portion and the upsizing or oversizing costs will not exceed \$630,260; this amount is reimbursable to Developer upon presentation of paid invoices to the City showing funds expended towards the Project.

Developer's obligations for the Project are as follows:

Hartrick Bluff Road Realignment and Upgrade: Developer agrees to reconstruct and realign a portion of Hartrick Bluff Road to the following standards and with the following conditions:

1. Developer will enter into a purchase and sale agreement with the City for the sale and purchase of approximately 2 acres of property for the realigned and upgraded section of the roadway upon terms and conditions agreed to by Developer and the City;
2. The roadway will be developed to the City's Collector Street standards;
3. The s-curve radii will be a minimum of 375 feet;
4. The street width will be a minimum of 36-feet with a minimum 40-feet back-to-back concrete curb and gutter;
5. Stormwater will be conveyed through surface flow;
6. A 6-foot sidewalk will be constructed on one side of the new roadway;
7. Developer will install storm sewer system on the east side of the roadway for subsurface drainage and a roadside channel on the west side of the roadway.

Wastewater Line Improvements. Developer agrees to install approximately 17 feet of 6" wastewater line to connect to the existing Friars Creek Trunk line.

Waterline Improvements. Developer agrees to install the following waterline improvements:

1. Developer will install approximately 605 feet of 10" waterline to connect water to the development property line to an existing 10" waterline in Hartrick Bluff Road at the Stonegate Addition;
2. Developer will install 10" water line from the property line to the first interior street in the Friars Creek Landing subdivision;
3. Developer will install 8" waterlines through the Friars Creek Landing subdivision;
4. Developer will install a 6" waterline across the newly realigned portion of Hartrick Bluff Road.

Pursuant to Texas Local Government Code Chapter 212, Developer understands that the City will pay for the cost of constructing the Project at a total not to exceed amount of \$630,260 or the actual cost of construction of the Project, whichever is less. The total Not to Exceed Amount includes cost-sharing for the realignment of Hartrick Bluff Road, the wastewater connection, and a portion of the waterline connection to the existing waterline in the Stonegate Addition at \$317,720 and 100% of the actual oversizing costs for the subsurface drainage improvements related to the Hartrick Bluff Road realignment and for upsizing the waterlines at a total cost of \$312,540, or the actual cost, whichever is less (referred to herein as the "Not to Exceed Amount").

City's obligations for the Project are as follows:

- a. Cost Share: The City will reimburse the Developer for construction of the Project, specifically the realignment of Hartrick Bluff road and the water and wastewater connections, up to a Not to Exceed Amount of \$317,720, or 30% of the actual costs of the public improvements, whichever is less, as outlined above. *In no event will the City's reimbursement for the Project exceed 30% of the cost of public improvements in the development as authorized by Texas Government Code § 212.072.*
- b. Oversizing: The City will reimburse the Developer for oversizing and upgrades associated with the projects, up to the Not to Exceed Amount of \$312,540, or 100% of the actual oversizing costs, whichever is less, for the upgrades and subsurface drainage improvements related to the realignment of Hartrick Bluff, as well as the upsized waterline improvements, as outlined above.
- c. Partial payments will be paid to Developer **upon the submission of satisfactory documentation by the Developer, including, but not limited to, invoices showing funds expended towards the Project.** Partial payments will be made within 30 days of request for payment and submission of satisfactory documentation. Final payment will be made to Developer once satisfactory documentation showing funds expended has been received and the City has accepted the improvements.

The City and the Developer will also enter into a purchase and sale agreement for the two acres necessary for the realignment and upgrade of Hartrick Bluff Road. The cost to the City for the purchase is \$160,000.

FISCAL IMPACT: The total cost to the City will be a not to exceed amount of \$630,260 or the actual cost of the construction of the project, whichever is less. In no event will the cost-share portion of this agreement exceed 30% of the cost of public infrastructure improvements in the development as authorized by Texas Government Code § 212.072. Payment will be made to the Developer on a reimbursement basis upon the submission of paid invoices.

Funding for a Developer Participation Agreement with Belfair Development, Inc. for construction of a realigned and upgraded portion of Hartrick Bluff Road and water and wastewater system improvements during the development of the Friars Creek Landing subdivision, in a total not to exceed amount of \$630,260, is available in project #102226 as shown below:

	Road Improvements 365-3400-531-6716	Utility Improvements 520-5200-535-6357	Total
Project Budget	\$ 674,750	\$ 115,555	\$ 790,305
Belfair Development Inc.	(514,705)	(115,555)	(630,260)
Remaining Project Funds	\$ 160,045	\$ -	\$ 160,045

The remaining project funds will be used to enter into a purchase and sale agreement for the two acres necessary for the realignment and upgrade of Hartrick Bluff Road at a cost to the City of \$160,000.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2020-0082-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH BELFAIR DEVELOPMENT, INC. IN A TOTAL NOT TO EXCEED AMOUNT OF \$630,260, FOR CONSTRUCTION OF A REALIGNED AND UPGRADED PORTION OF HARTRICK BLUFF ROAD AND WATER AND WASTEWATER SYSTEM IMPROVEMENTS DURING THE DEVELOPMENT OF THE FRIARS CREEK LANDING SUBDIVISION, AND AUTHORIZING THE PURCHASE OF APPROXIMATELY 2 ACRES NECESSARY FOR THE REALIGNED AND UPGRADED PORTION OF HARTRICK BLUFF ROAD IN THE AMOUNT OF \$160,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Belfair Development, Inc. (“Developer”) is in the process of developing Friars Creek Landing, a recently platted 81-lot residential subdivision, located on the east side of Hartrick Bluff Road between the Georgetown Railroad and Friars Creek - the City and Developer desire to enter into a Developer Participation Agreement as authorized under Texas Local Government Code §§ 212.071-212.074 for certain infrastructure improvements to be made during the construction of the subdivision;

Whereas, during the development of the Friars Creek Landing subdivision, it is desirable to realign a portion of Hartrick Bluff Road to enhance traffic flow and to provide for safe and efficient vehicular traffic and is also desirable for the City to have Developer install certain water and wastewater infrastructure and proceed with upgrades to water and wastewater utilities to serve this development as well as future development in a growing area of the community;

Whereas, the proposed improvements for the “Project” include:

- the realignment and upgrading of Hartrick Bluff Road, to include upgraded subsurface drainage;
- a 6-inch wastewater extension to the Friars Creek Trunk line;
- an upsized 10-inch water line extension from the 10-inch water line in Hartrick Bluff Road at the Stonegate Addition to the Friars Creek Landing property line;
- an upsized 10-inch water line from the property line to the first internal street;
- an upsized 8-inch water line through Friars Creek Landing subdivision; and
- and a 6-inch water line extension across the realigned Hartrick Bluff Road;

Whereas, pursuant to Section 212.072 of the Texas Local Government Code, the City may participate in the cost of construction at a level not to exceed 30% of the cost of the public improvements in the development; total public infrastructure costs for the development are estimated at \$1,130,539 - the City and Developer desire to enter into a cost sharing agreement for the realignment of Hartrick Bluff Road, a water line extension from the Stonegate Addition, and a wastewater extension to the Friars Creek Trunk Line, wherein the City’s contribution to

this cost-share portion would be \$317,720, which is 28% of the total cost of public infrastructure in the development;

Whereas, Texas Local Government Code, Section 212.072(c) also allows participation by a municipality at a level not to exceed 100% of the total costs for any oversizing of improvements required by a municipality, including but not limited to increased capacity of improvements to anticipate other future development in the area - the City desires to participate with the Developer at 100% of the oversizing costs for the design and construction of the subsurface drainage improvements related to the realignment of Hartrick Bluff Road, and the upsizing costs related to the water line improvements, at a not to exceed amount of \$312,540;

Whereas, the City's total contribution to the Project, including both the cost sharing portion and the upsizing or oversizing costs will not exceed \$630,260; this amount is reimbursable to the Developer upon presentation of paid invoices to the City showing funds expended towards the Project;

Whereas, the Developer's obligations for the Project are as follows:

Hartrick Bluff Road Realignment and Upgrade: Developer agrees to reconstruct and realign a portion of Hartrick Bluff Road to the following standards and with the following conditions:

1. Developer will enter into a purchase and sale agreement with the City for the sale and purchase of approximately 2 acres of property for the realigned and upgraded section of the roadway upon terms and conditions agreed to by Developer and the City;
2. The roadway will be developed to the City's Collector Street standards;
3. The s-curve radii will be a minimum of 375 feet;
4. The street width will be a minimum of 36 feet with a minimum 40 feet back-to-back concrete curb and gutter;
5. Stormwater will be conveyed through surface flow;
6. A 6-foot sidewalk will be constructed on one side of the new roadway; and
7. Developer will install storm sewer system on the east side of the roadway for subsurface drainage and a roadside channel on the west side of the roadway.

Wastewater Line Improvements: Developer agrees to install approximately 17 feet of 6-inch wastewater line to connect to the existing Friars Creek Trunk line.

Waterline Improvements: Developer agrees to install the following waterline improvements:

1. Developer will install 8-inch waterlines through the Friars Creek Landing subdivision; and

2. Developer will install a 6-inch waterline across the newly realigned portion of Hartrick Bluff Road;

Whereas, pursuant to Texas Local Government Code Chapter 212, Developer understands that the City will pay for the cost of constructing the Project at a total not to exceed amount of \$630,260 or the actual cost of construction of the Project, whichever is less - the total Not to Exceed Amount includes cost-sharing for the realignment of Hartrick Bluff Road, the wastewater connection, and a portion of the waterline connection to the existing waterline in the Stonegate Addition at \$317,720 and 100% of the actual oversizing costs for the subsurface drainage improvements related to the Hartrick Bluff Road realignment and for upsizing the waterlines at a total cost of \$312,540, or the actual cost, whichever is less (referred to herein as the “Not to Exceed Amount”);

Whereas, the City’s obligations for the Project are as follows:

- a. **Cost Share:** The City will reimburse the Developer for construction of the Project, specifically the realignment of Hartrick Bluff road and the water and wastewater connections, up to a Not to Exceed Amount of \$317,720, or 30% of the actual costs of the public improvements, whichever is less, as outlined above. *In no event will the City’s reimbursement for the Project exceed 30% of the cost of public improvements in the development as authorized by Texas Government Code § 212.072.*
- b. **Oversizing:** The City will reimburse the Developer for oversizing and upgrades associated with the projects, up to the Not to Exceed Amount of \$312,540, or 100% of the actual oversizing costs, whichever is less, for the upgrades and subsurface drainage improvements related to the realignment of Hartrick Bluff, as well as the upsized waterline improvements, as outlined above.
- c. Partial payments will be paid to Developer **upon the submission of satisfactory documentation by the Developer, including, but not limited to, invoices showing funds expended towards the Project.** Partial payments will be made within 30 days of request for payment and submission of satisfactory documentation. Final payment will be made to Developer once satisfactory documentation showing funds expended has been received and the City has accepted the improvements.

Whereas, the City and the Developer will also enter into a purchase and sale agreement for the 2 acres necessary for the realignment and upgrade of Hartrick Bluff Road - the cost to the City for the purchase is \$160,000;

Whereas, Staff recommends Council authorize a Developer Participation Agreement with Belfair Development, Inc. in a total not to exceed amount of \$630,260, for construction of a realigned and upgraded portion of Hartrick Bluff Road and water and wastewater system improvements during the development of the Friars Creek Landing subdivision, and authorizing the purchase of approximately 2 acres necessary for the realigned and upgraded portion of Hartrick Bluff Road in the amount of \$160,000;

Whereas, the total cost to the City will be a not to exceed amount of \$630,260 or the actual cost of the construction of the project, whichever is less - in no event will the cost-share portion of this agreement exceed 30% of the cost of public infrastructure improvements in the development as authorized by Texas Government Code § 212.072;

Whereas, payment will be made to the Developer on a reimbursement basis upon the submission of paid invoices;

Whereas, funding for this Developer Participation Agreement is available in Account Nos. 365-3400-531-6716 and 520-5200-535-6357, Project No. 102226 - the remaining project funds will be used to enter into a purchase and sale agreement for the 2 acres necessary for the realignment and upgrade of Hartrick Bluff Road at a cost to the City of \$160,000; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute a Developer Participation Agreement with Belfair Development, Inc. in a total not to exceed amount of \$630,260, for construction of a realigned and upgraded portion of Hartrick Bluff Road and water and wastewater system improvements during the development of the Friars Creek Landing subdivision, and authorizing the purchase of approximately 2 acres necessary for the realigned and upgraded portion of Hartrick Bluff Road in the amount of \$160,000.

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 **4th** day of **June, 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

06/04/20
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a change order #1 with Landmark Structures I, L.P., of Fort Worth, for services to construct the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank, in the amount of \$146,105.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In October 2018, Council authorized a professional services agreement with Kasberg, Patrick and Associates (KPA) to design and bid the replacement of the existing 220,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity to address the low pressure and water quality concerns in the area. See the attached Project Map for reference. In June 2019, Council authorized a contract amendment with KPA for administering construction phase services for these improvements and a construction contract with Landmark for \$2,688,000. In December 2019, Council authorized KPA to design and submit required permitting at an alternative site located approximately 700' northwest of the FM 2305 and FM 2271 intersection.

The attached Change Order includes items associated with the design and site location changes. Notable additions include a PAX mixing system and Chlorine Analyzer and increases in the SCADA and foundation costs. Reductions include utility installation and pedestal concrete costs.

Both the Engineer and Staff recommend authorizing change order #1. The revised completion date will require the new EST to be in service by December 1, 2021. The demolition of the existing EST will be completed 90 days thereafter.

FISCAL IMPACT: Funding for change order #1 with Landmark Structures I, L.P. for services to construct the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage tank, in the amount of \$146,105 is available in account 561-5100-535-6991, project 101948, as follows:

Project Budget	\$	3,373,293
Encumbered/Committed to Date		(3,140,016)
Landmark Structures I, L.P. Change Order #1		(146,105)
Remaining Project Funds Available	\$	<u>87,172</u>

ATTACHMENTS:

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

CHANGE ORDER

PROJECT: **Pepper Creek 1,000,000 Gallon Elevated Storage Tank**
 OWNER: **City of Temple**
 CONTRACTOR: **Landmark Structures I, LP**
 ENGINEER: **Kasberg, Patrick & Associates, LP**
 CHANGE ORDER #: **1**

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

1. Modifications related to the change in tank site and TCEQ variance approval. New Tank Completion Date of 12/1/2021, Existing Tank Demolition to be completed within 90 days thereafter per Landmark proposal dated 5/20/2020.

Item	Description	Quantity	Unit	Unit Cost	Total
CO1-1	Additional Electrical and SCADA	100%	LS	\$ 54,960.00	\$ 54,960.00
CO1-2	PAX Mixing System	100%	LS	46,560.00	46,560.00
CO1-3	Chlorine Analyzer	100%	LS	7,200.00	7,200.00
CO1-4	Utility Modifications	100%	LS	(50,400.00)	(50,400.00)
CO1-5	Foundation Drilling	100%	LS	23,400.00	23,400.00
CO1-6	Labor Rate Cost Increase	100%	LS	16,560.00	16,560.00
CO1-7	Per Diem Rate Increase	100%	LS	8,280.00	8,280.00
CO1-8	Additoinal Paving	100%	LS	18,960.00	18,960.00
CO1-9	Interior/Exterior Coatings	100%	LS	16,140.00	16,140.00
CO1-10	Reduction of Pedestal Concrete (9 CY 3' height reduction)	100%	LS	(1,620.00)	(1,620.00)
CO1-11	Demolition of Existing PC Tank	100%	LS	3,060.00	3,060.00
CO1-12	Bonds	100%	LS	1,288.00	1,288.00
CO1-13	Insurance	100%	LS	1,717.00	1,717.00
Total Add				\$	146,105.00

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

Original Contract Amount	\$ 2,688,000.00
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ 146,105.00
Revised Contract Amount	\$ 2,834,105.00
Original Contract Time	455 Calendar Days
Previous Net Change in Contract Time	N/A
Net Change in Contract Time	December 1, 2021
Revised Contract Time	December 1, 2021
Original Final Completion Date	N/A, NTP not issued
Revised Final Completion Date	December 1, 2021

CHANGE ORDER

PROJECT: **Pepper Creek 1,000,000 Gallon Elevated Storage Tank**

OWNER: **City of Temple**

CONTRACTOR: **Landmark Structures I, LP**

ENGINEER: **Kasberg, Patrick & Associates, LP**

CHANGE ORDER #: **1**

Recommended By:

Recommended By:

May 28, 2020



5/28/2020

Project Manager (City Staff)

Date

Architect/Engineer

Date

Agreed To:

Approved by City of Temple:



2020.05.28

Contractor

Date

Brynn Myers, City Manager

Date

Approved as to Form:

Approved by Finance Department:

City Attorney's Office

Date

Finance

Date



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

Temple
19 North 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
800 South Austin Avenue
Georgetown, Texas 78626
(512) 819-9478

May 21, 2020

Ms. Sharon Carlos, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Pepper Creek 1,000,000 Gallon Elevated Storage Tank

Dear Ms. Carlos:

Enclosed is one copy of Change Order No. 1 in the amount of \$146,105.00 for modifications related to the change in tank site and TCEQ variance approval. Specifically the change order consists of the following:

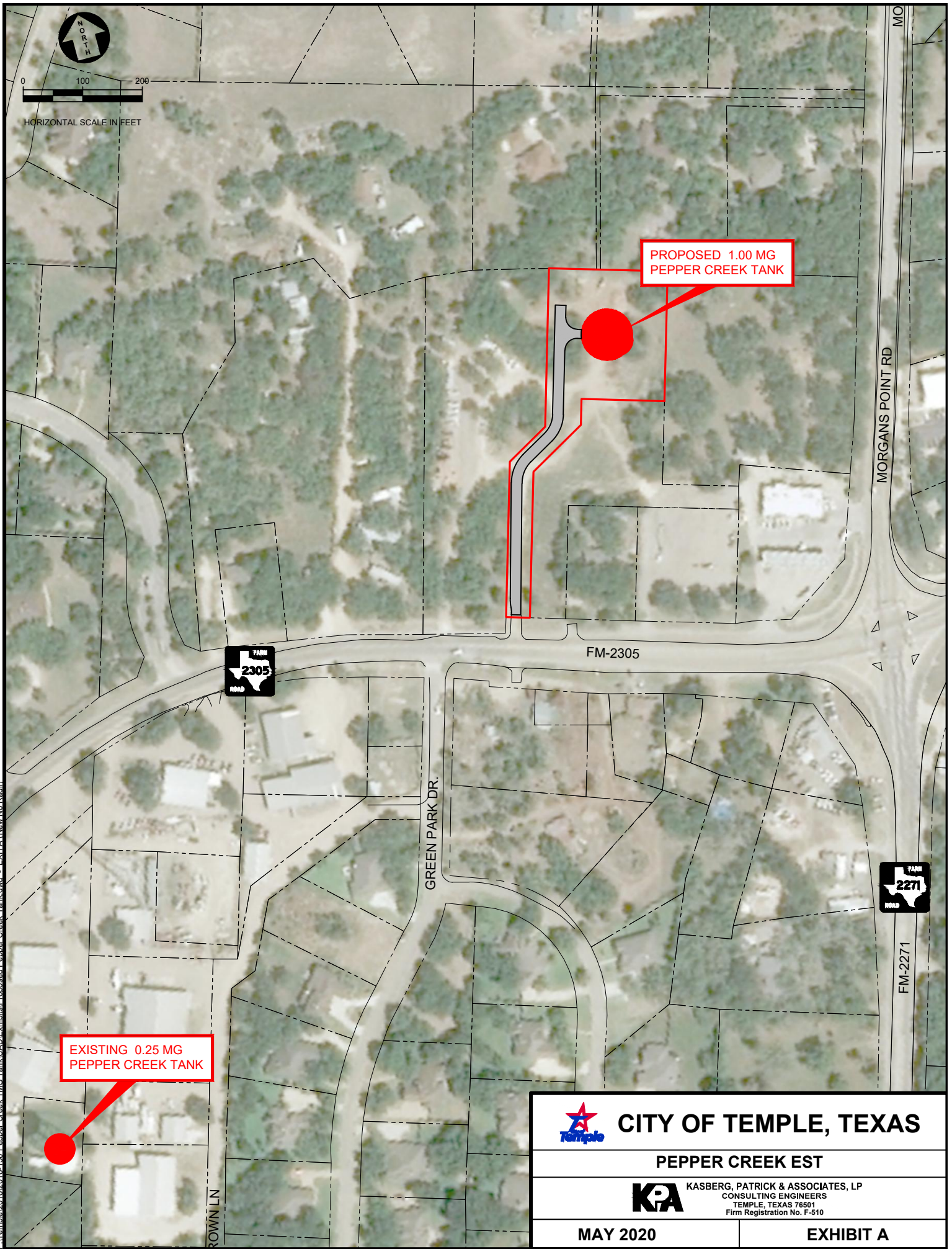
- Additional Electrical and SCADA
- Added Pax Mixing System and Chlorine Analyzer
- Reduction in Utility Installation
- Foundation Drilling
- Labor and Per Diem Rates
- Additional Paving
- Increased Cost of Interior/Exterior Coatings
- Reduction of Pedestal Concrete
- Increased Cost of Demolition of Existing PC Tank
- Increased Cost of Bonds and Insurance



The change order includes completion of the new tank by December 1, 2021 and demolition of the existing tank within 90 days thereafter. We recommend approval of Change Order No. 1 in the amount of \$146,105.00 for a Revised Contract Amount of \$2,834,105.00. Please return a copy of the fully change order to KPA for our files.

Sincerely,

Ginger R. Tolbert, P.E.
GRT/

P:\Temple\2018\2018-156 Pepper Creek 1MG Tank\CAD\Exhibits\Processed Pepper Creek Tank.dwg - EXH A (New No Redl)



 CITY OF TEMPLE, TEXAS	
PEPPER CREEK EST	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
MAY 2020	EXHIBIT A

RESOLUTION NO. 2020-0083-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH LANDMARK STRUCTURES I, LP, OF FORT WORTH, TEXAS IN THE AMOUNT OF \$146,105, FOR SERVICES TO CONSTRUCT THE NEW PEPPER CREEK 1.0-MG ELEVATED STORAGE TANK AND DEMOLITION OF THE EXISTING PEPPER CREEK ELEVATED STORAGE TANK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in October 2018, Council authorized a professional services agreement with Kasberg, Patrick and Associates (KPA) to design and bid the replacement of the existing 220,000-gallon elevated storage tank (EST) located on FM 2305 west of FM 2271 with a new 1.0-MG EST located in the same general vicinity to address the low pressure and water quality concerns in the area;

Whereas, in June 2019, Council authorized a contract amendment with KPA for administering construction phase services for these improvements and a construction contract with Landmark for \$2,688,000 - in December 2019, Council authorized KPA to design and submit required permitting at an alternative site located approximately 700-feet northwest of the FM 2305 and FM 2271 intersection;

Whereas, Change Order No. 1 includes items associated with the design and site location changes including a PAX mixing system, a Chlorine Analyzer and increases in the SCADA and foundation costs - reductions include utility installation and pedestal concrete costs;

Whereas, the Engineer and Staff recommend Council authorize Change Order No. 1 to the construction contract with Landmark Structures I, LP of Fort Worth, Texas in the amount of \$146,105 for services to construct the new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage;

Whereas, funding for Change Order No.1 is available in Account No. 561-5100-535-6991, Project No. 101948; and

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

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

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

Part 2: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute Change Order No. 1 to the construction contract with Landmark Structures I, LP of Fort Worth, Texas in the amount of \$146,105, for services to construct the

new Pepper Creek 1.0-MG elevated storage tank and demolition of the existing Pepper Creek elevated storage.

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 4th day of **June, 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

06/04/20
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Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying an easement to Oncor Electric Delivery Company, LLC to locate electric facilities in the City's future Southwest Regional Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple currently owns approximately 60 acres in southwest Temple that will be utilized as a regional park as development continues to grow in the area. New residential developments are under construction adjacent to the parkland. In order to better serve the new subdivisions with electricity, Oncor needs an approximately 10-foot wide, 0.03-acre easement on City-owned property between a new subdivision and an existing Oncor easement. This small easement will help to facilitate Oncor's ability to construct, operate, improve, reconstruct, replace, repair, inspect, patrol, maintain, and add or remove electrical facilities to the subdivision.

FISCAL IMPACT: There is no request for reimbursement related to these easements since the sole purpose of the facilities location by Oncor is to provide needed services to the City's future southwest regional park.

ATTACHMENTS:

[Easement Agreement](#)
[Resolution](#)

EXHIBIT "A"
10" UTILITY EASEMENT
BELL COUNTY, TEXAS

Being a ten (10) foot strip or parcel of land situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas, and being out of a called 27.63 acre tract of land conveyed to The City of Temple, recorded in Document No. 201800039676, Real Property Records in Bell County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an iron rod with cap found in a northwesterly line of said 27.63 acre tract for the most southerly corner of Lot 115, Block 2 of The Reserve at Pea Ridge Phase I, an addition to the City of Temple recorded in Cabinet 2019, Slide 45 A&B, Plat Records of Bell County, Texas, and for the east corner of Tract A of said Phase I;

THENCE S 62° 02' 29" W, 29.22 feet, with the common line of said 27.63 acre tract and said Tract A, to the **POINT OF BEGINNING** and northeast corner of this tract;

THENCE S 32° 57' 06" E, 118.51 feet, across and upon said 27.63 acre tract, to an iron rod with cap found for an easterly corner of said 27.63 acre tract and for the most northerly corner of Tract B of The Reserve at Pea Ridge Phase II, an addition to the City of Temple recorded in Cabinet 2019, Slide 204, of said Plat Records, for the southeast corner of this tract;


THENCE S 62° 02' 29" W, 10.04 feet, with the common line of said 27.63 acre tract and said Tract B, to a point for the southwest corner of this tract;

THENCE N 32° 57' 06" W, 118.51 feet, across and upon said 27.63 acre tract, to a point in the common line of said 27.63 acre tract and said Tract A, for the northwest corner of this tract;

THENCE N 62° 02' 29" E, 10.04 feet, with the common line of said 27.63 acre tract and said Tract A, to the **POINT OF BEGINNING** and containing 0.03 acre of land, more or less.

NOTES:

The bearings recited hereon are grid bearings derived from GPS observations based on the Texas State Plane Coordinate System, NAD1983 datum, Texas Central Zone No. 4203. All distances are horizontal ground distances. The average Combined Correction Factor (CCF) is 0.9998602. Grid distance = Ground Distance x CCF.


Luther E. Frobish
Registered Professional Land Surveyor
State of Texas No. 6200



RESOLUTION NO. 2020-0084-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE GRANTING OF AN EASEMENT TO ONCOR ELECTRIC DELIVERY COMPANY, LLC TO LOCATE ELECTRIC FACILITIES IN THE CITY'S FUTURE SOUTHWEST REGIONAL PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple currently owns approximately 60 acres in southwest Temple that will be utilized as regional park as development continues to grow in the area - new residential developments are under construction adjacent to the parkland;

Whereas, in order to better serve the new subdivisions with electricity, Oncor needs an approximately 10-foot wide, approximately 0.03-acre easement on City-owned property between a new subdivision and an existing Oncor easement - this small easement will help to facilitate Oncor's ability to construct, operate, improve, reconstruct, replace, repair, inspect, patrol, maintain, and add or remove electrical facilities to the subdivision;

Whereas, Staff recommends Council ratify the granting of an easement to Oncor Electric Delivery Company, LLC to locate electric facilities in the City's future southwest regional park;

Whereas, there is no request for reimbursement related to this easement since the sole purpose of the extension by Oncor is to provide the needed services to the City's future southwest regional park; and

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

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

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

Part 2: The City Council ratifies the granting of an easement to Oncor Electric Delivery Company, LLC to locate electric facilities in the City's future southwest regional park.

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

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 **4th** day of **June, 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

06/04/20
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Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the release of a 0.10-acre portion of a wastewater easement described in an Easement Agreement for Utilities to the City of Temple, recorded in Document No. 2008-00040011, Official Public Records of Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The applicant, Yalgo Engineering, on behalf of the property owner, WBW Land Investments, LP, requests the release of a 15 foot-wide, 0.10-acre portion of a wastewater easement located in the Lake Pointe Terrace Phase Two subdivision. The acreage to be released is a portion of a 1.009-acre utility easement granted to the City by Estherbell Messer Caesar, et al, in Document No. 2008-00040011.

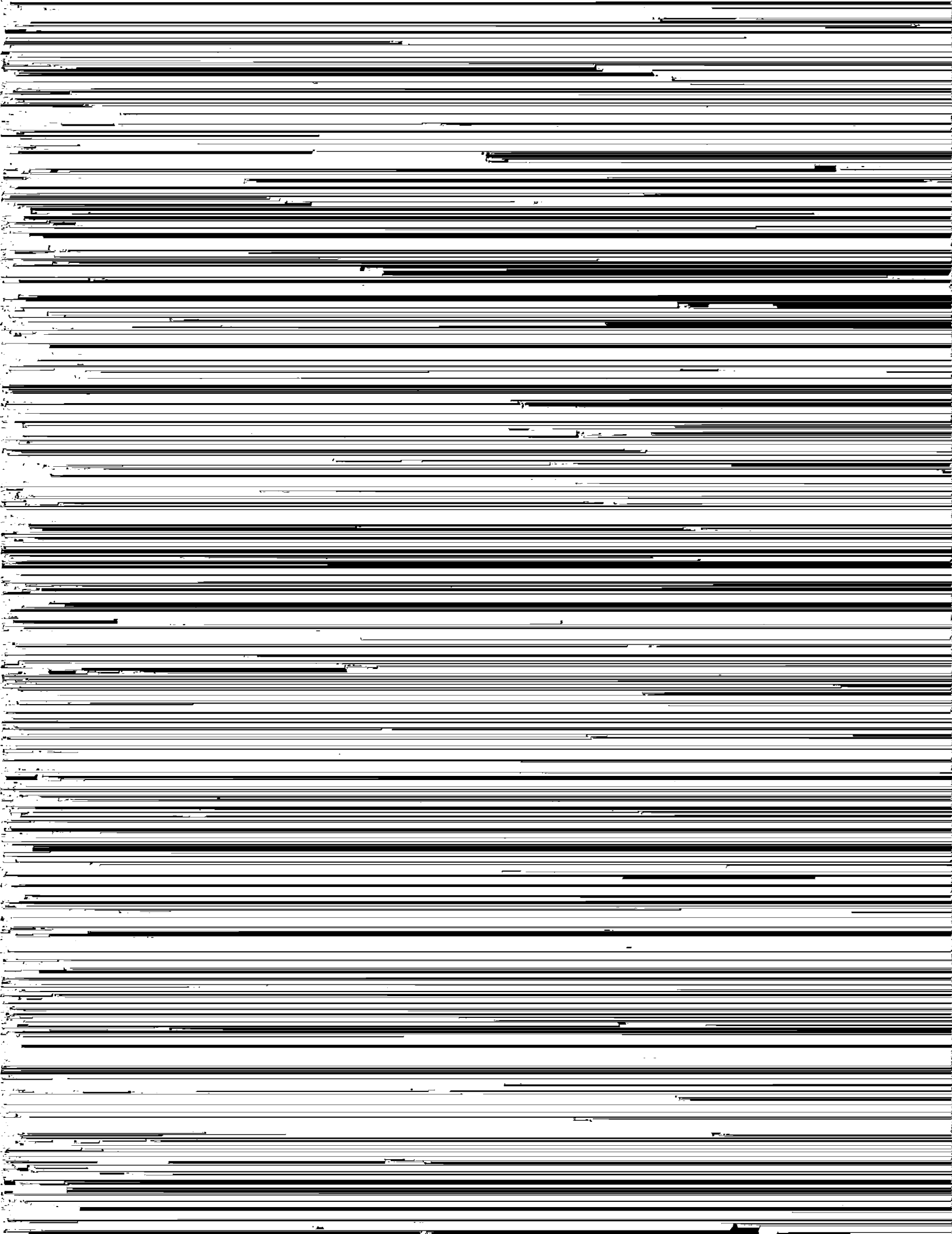
The easement area requested to be abandoned is located on Lots 4 and 5, Block 10 in the Lake Pointe Terrace Phase Two subdivision. The plat has not been recorded at this time but was approved by the Planning and Zoning Commission on September 16, 2019. The property owner and developer plans to re-route the existing wastewater service to make the land useable for residential home sites.

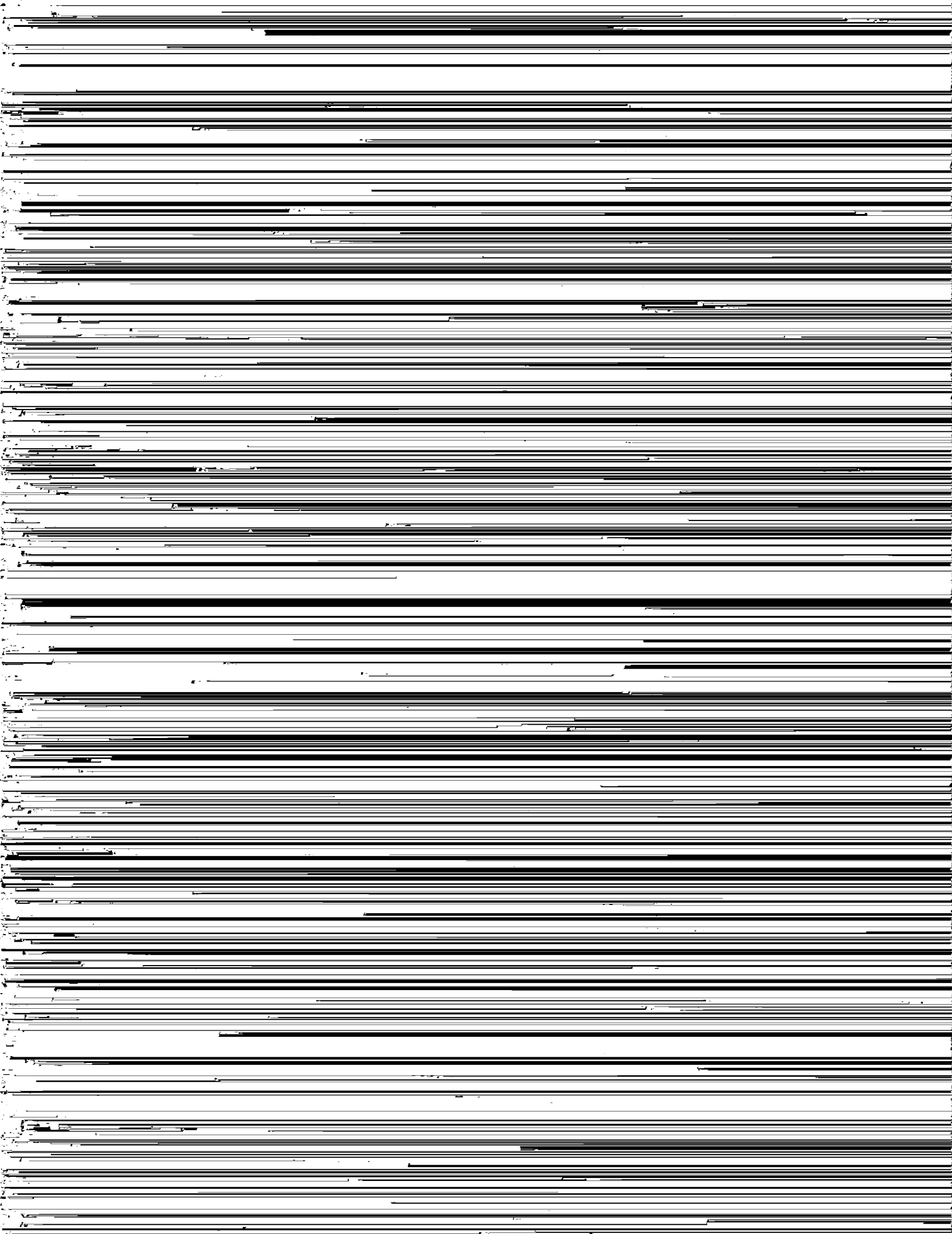
Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because it is not needed for other public services.

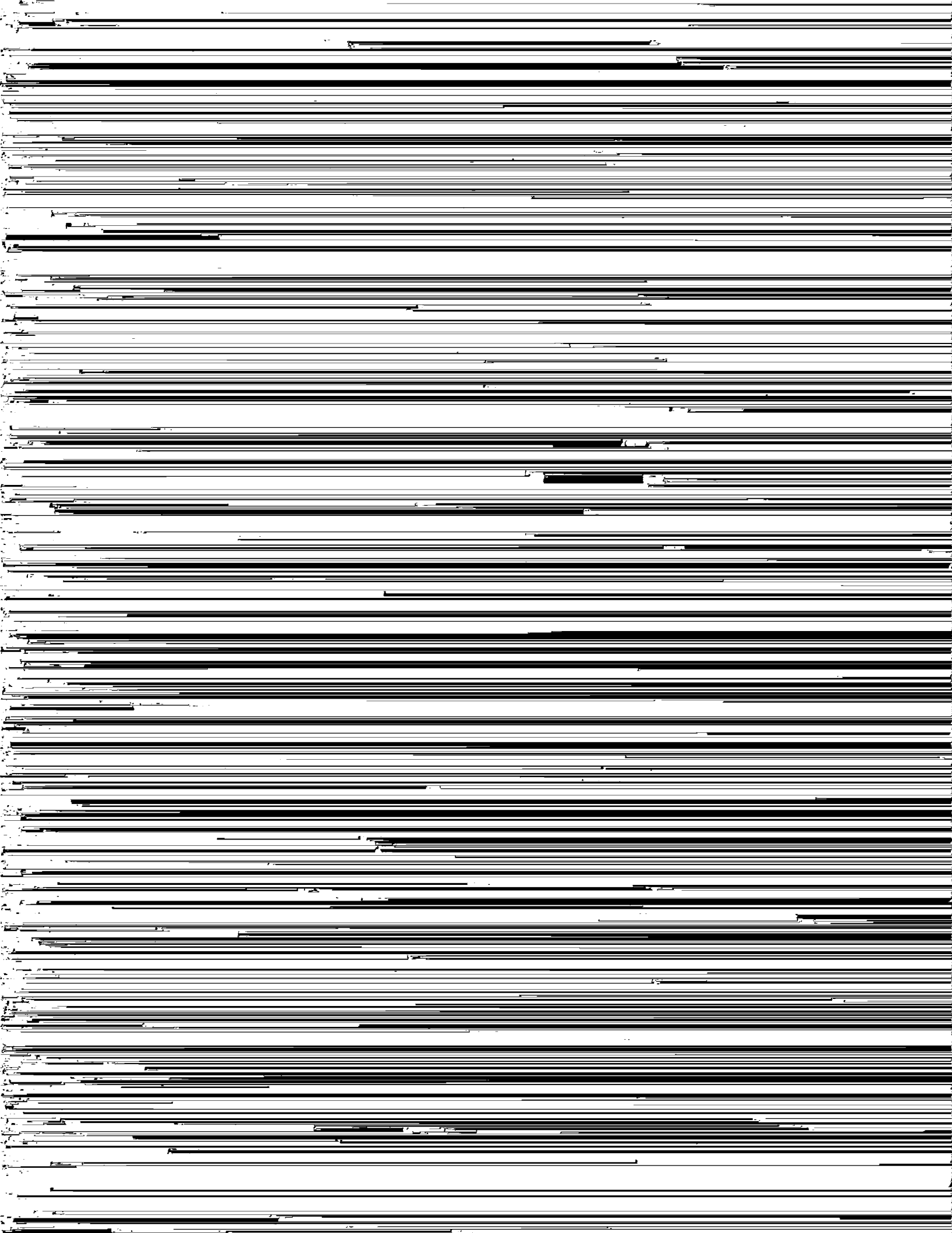
FISCAL IMPACT: None

ATTACHMENTS:

[Easement Agreement for Utilities, Doc. No. 2008-00040011](#)
[Survey of 0.10-acre to be released](#)
[Resolution](#)







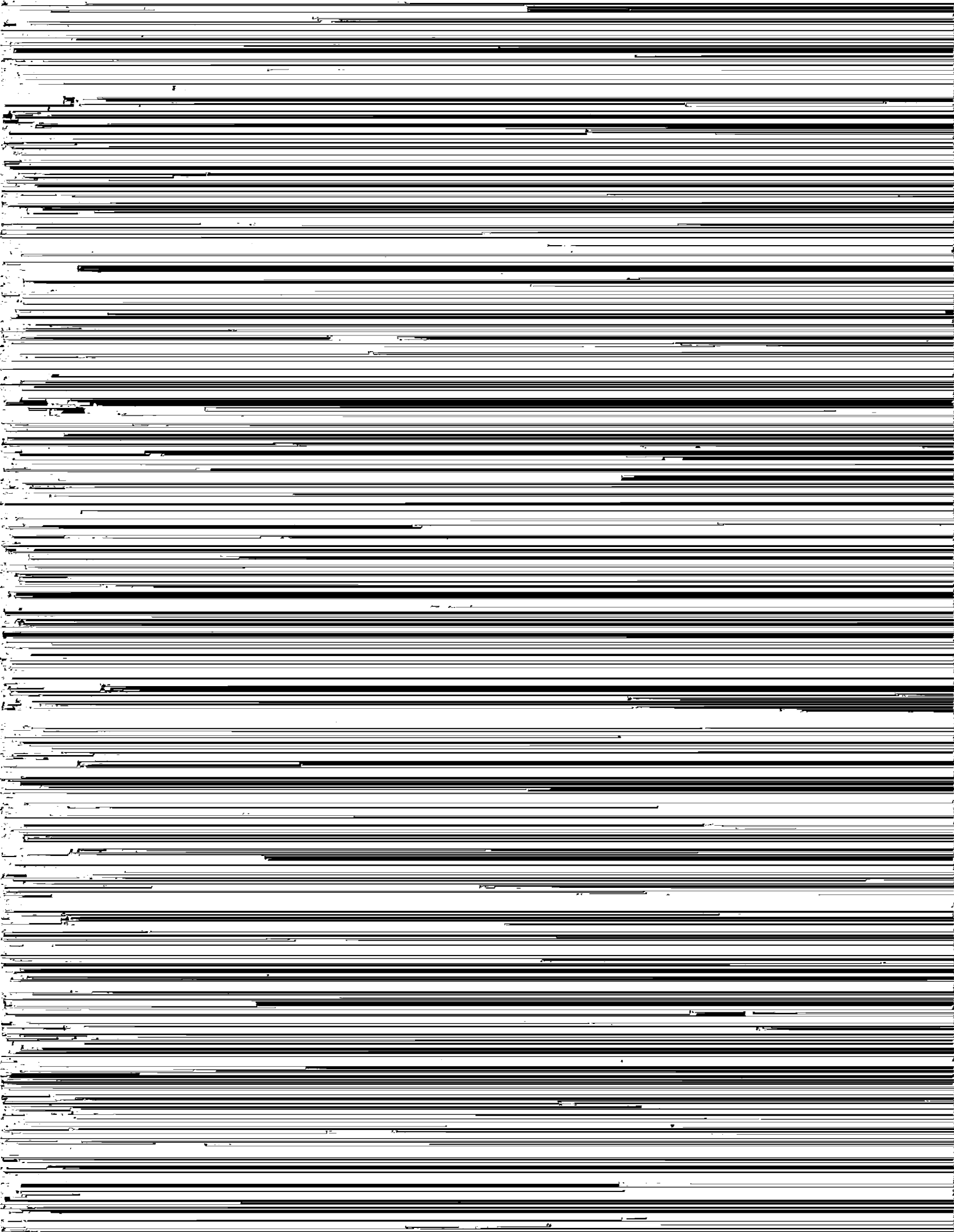


EXHIBIT "A"
WASTEWATER EASEMENT
BELL COUNTY, TEXAS

Being a fifteen (15) foot wide strip or parcel of land situated in the BALDWIN ROBERTSON SURVEY, Abstract No. 17, Bell County, Texas, and being out of the remainder of a called 169.72 acre tract of land as described by a deed to WBW LAND INVESTMENTS, LP, recorded in Document No. 201800011974, Real Property Records in Bell County, Texas, and also being part of an existing fifteen (15) foot wide strip of land described as a 1.009 acre easement to THE CITY OF TEMPLE, TEXAS, recorded in Document No. 200800040011, of said Property Records, being more particularly described by metes and bounds as follows:

COMMENCING at a 1 inch iron rod found in the west right-of-way line of North Pea Ridge Road, for the southeast corner of said 169.72 acre tract and at the northeast corner of HILDELL ESTATES, an addition to the City of Temple, Texas, according to the plat of record in Cabinet A, Slide 210-A, of said Plat Records, for the southeast corner of the herein described tract;

THENCE N 37° 37' 48" W, 947.28 feet, across and upon said 169.72 acre tract to the **POINT OF BEGINNING** in the east line of said 1.009 acre easement for the southeast corner of this tract, from which an angle point of said 1.009 acre easement bears S 27° 15' 36" E, 114.69 feet;

THENCE S 75° 29' 48" W, 15.38 feet, across and upon said 1.009 acre easement to a point in the west line of said easement for the southwest corner of this tract;

THENCE N 27° 15' 36" W, 283.90 feet, with the west line of said 1.009 acre easement to a point for the northwest corner of this tract;

THENCE S 87° 02' 10" E, 17.36 feet, across and upon said 1.009 acre easement to a point in the east line of said easement for northeast corner of this tract;

THENCE S 27° 15' 36" E, 278.56 feet, with the east line of said 1.009 acre easement to the **POINT OF BEGINNING** and containing 0.10 acre of land, more or less.

NOTES:

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Texas Central Zone No. 4203, as derived from GPS observations. All coordinates may be referenced to Temple City Monument No. 195, which bears N 13° 41' 53" W, 6483.41 feet from the northwest corner of this tract. The average Combined Correction Factor (CCF) is 0.99985735. Ground distance = Grid Distance / CCF.


Luther E. Frobish
Registered Professional Land Surveyor
State of Texas No. 6200

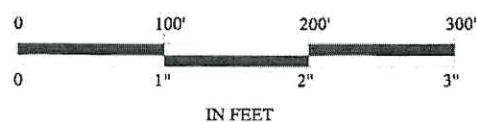


SKETCH illustrating the location of the easement. It is not intended as an actual survey made on the ground. a metes and bounds description is attached hereto.

15' WIDE
WASTEWATER EASEMENT



GRAPHIC SCALE



RESOLUTION NO. 2020-0085-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RELEASE OF AN APPROXIMATELY 0.10-ACRE PORTION OF A WASTEWATER EASEMENT DESCRIBED IN AN EASEMENT AGREEMENT FOR UTILITIES TO THE CITY OF TEMPLE, RECORDED IN DOCUMENT NO. 2008-00040011, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Yalgo Engineering, on behalf of the property owner, WBW Land Investments, LP, requests the release of a 15-foot wide, approximately 0.10-acre portion of a wastewater easement located in the Lake Pointe Terrace Phase Two subdivision - the acreage to be released is a portion of a 1.009-acre utility easement granted to the City by Estherbell Messer Caesar, et al, in Document No. 2008-00040011;

Whereas, the easement area requested to be abandoned is located on Lots 4 and 5, Block 10 in the Lake Pointe Terrace Phase Two subdivision - the plat has not been recorded at this time but was approved by the Planning and Zoning Commission on September 16, 2019;

Whereas, the property owner and developer plans to re-route the existing wastewater service to make the land useable for residential home sites;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easements may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services;

Whereas, Staff recommends Council authorize the release of an approximately 0.10-acre portion of a wastewater easement described in an Easement Agreement for Utilities to the City of Temple, recorded in Document No. 2008-00040011, Official Public Records of Bell County, Texas; and

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

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

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

Part 2: The City Council authorizes the release of an approximately 0.10-acre portion of a wastewater easement described in an Easement Agreement for Utilities to the City of Temple,

recorded in Document No. 2008-00040011, Official Public Records of Bell County, Texas.

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 **4th** day of **June, 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

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

06/04/20
Item #3(K)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Kathryn Davis, City Attorney
Christina Demirs, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the release of ten-feet of a fifteen-foot utility easement on Lot Eighteen, Block Two, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The applicants and property owners, Victor and Jasmine Lam, request the release of ten-feet of a fifteen-foot utility easement on Lot Eighteen, Block Two, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas. This easement is located in the back of the property and will leave a five-foot utility and drainage easement. The property owners plan to construct an in-ground swimming pool.

Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easement may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because it is not needed for other public services.

FISCAL IMPACT: None

ATTACHMENTS:

[Groves at Lakewood Ranch, Phase 1 Subdivision Plat](#)
[Survey of area to be released](#)
[Resolution](#)

CURVE	LENGTH	RADIUS	CHORD
C1	8.21	710.00	S 03°21'13" W, 8.21
C2	45.87	530.00	S 01°12'21" W, 45.87
C3	343.78	1072.81	S 28°58'17" W, 344.28
C4	316.77	982.81	S 28°58'17" W, 315.40
C5	683.56	845.00	N 15°01'49" E, 685.07
C6	361.73	755.00	N 24°28'45" E, 358.28
C7	108.47	755.00	N 02°50'33" E, 108.38
C8	647.16	800.00	N 15°01'49" E, 629.63
C9	331.27	1027.81	S 28°58'17" W, 329.84
C10	217.35	1072.81	S 25°32'31" W, 216.98
C11	128.43	1072.81	S 34°46'32" W, 128.35
C12	178.50	982.81	S 24°56'27" W, 138.16
C13	138.28	982.81	S 34°10'28" W, 138.16
C14	2.22	755.00	N 38°07'14" E, 2.22
C15	82.48	755.00	N 34°54'23" E, 82.44
C16	87.79	755.00	N 28°26'43" E, 87.74
C17	87.79	755.00	N 21°46'59" E, 87.74
C18	101.44	755.00	N 14°36'10" E, 101.37
C19	409.79	900.00	N 23°31'50" E, 405.32
C20	237.37	900.00	N 00°21'21" E, 236.50
C21	61.44	710.00	S 01°12'21" W, 61.43
C22	33.23	710.00	S 00°52'28" W, 33.22
C23	59.28	685.00	S 01°12'21" W, 59.26
C24	57.12	660.00	S 01°12'21" W, 57.10
C25	54.77	175.00	S 82°18'24" E, 54.55
C26	62.60	200.00	S 82°18'24" E, 62.34
C27	70.42	225.00	S 82°18'24" E, 70.14
C28	106.08	600.00	N 03°47'29" E, 105.94
C29	76.65	755.00	N 02°32'43" E, 76.59
C30	85.49	625.00	N 02°38'42" E, 85.42
C31	248.70	625.00	N 22°32'53" E, 247.07
C32	302.05	600.00	N 23°16'40" E, 298.87
C33	264.45	375.00	N 24°31'25" E, 262.13
C34	20.55	50.00	S 22°10'26" W, 20.41
C35	143.72	67.50	N 71°23'51" E, 143.07
C36	54.16	45.00	N 72°10'47" E, 50.25
C37	24.07	20.00	N 72°10'47" E, 22.64
C38	22.46	50.00	N 60°28'20" W, 22.27
C39	121.53	375.00	N 31°38'40" E, 121.31
C40	142.92	375.00	N 18°28'7" E, 142.55
C41	16.15	50.00	N 64°05'06" W, 16.08
C42	6.31	30.00	N 51°13'02" W, 6.30
C43	58.91	67.50	N 72°36'30" E, 57.06
C44	54.57	67.50	N 59°13'43" E, 53.09
C45	30.24	67.50	N 23°14'05" E, 29.39
C46	23.69	625.00	N 32°51'44" E, 23.68
C47	72.68	625.00	N 28°26'43" E, 72.63
C48	72.68	625.00	N 21°46'59" E, 72.63
C49	79.67	625.00	N 14°48'01" E, 79.61
C50	71.51	325.00	S 77°14'31" E, 71.45
C51	68.10	500.00	S 77°14'31" E, 68.05
C52	64.70	475.00	S 77°14'31" E, 64.65
C53	12.92	475.00	S 74°07'11" E, 12.92
C54	51.77	475.00	S 78°01'18" E, 51.75
C55	36.20	525.00	S 75°18'55" E, 36.19
C56	35.31	525.00	S 73°13'02" E, 35.30
C57	23.32	50.00	N 06°42'06" W, 23.11
C58	13.47	50.00	S 87°39'16" W, 13.43
C59	9.85	50.00	N 78°59'02" W, 9.83
C60	70.69	45.00	S 28°20'24" E, 63.64
C61	31.42	20.00	S 28°20'24" E, 28.28
C62	168.99	67.50	S 28°20'24" E, 168.19
C63	53.11	67.50	S 75°40'02" E, 53.60
C64	34.43	67.50	S 30°29'11" E, 33.03
C65	59.39	67.50	S 18°10'45" W, 57.49
C66	23.32	50.00	N 30°01'17" E, 23.11
C67	5.89	50.00	N 40°00'37" E, 5.88
C68	17.43	50.00	N 26°38'55" E, 17.35

LINE	LENGTH	BEARING
L1	36.10	N 63°31'09" E
L2	35.89	S 24°23'48" E
L3	71.78	N 19°44'16" E
L4	62.25	S 19°44'16" W
L5	94.87	S 01°16'25" E
L6	150.00	N 08°08'38" W
L7	58.85	N 08°08'38" W
L8	80.21	N 08°08'38" W
L9	6.96	N 88°43'35" E
L10	31.96	N 88°43'35" E
L11	6.96	N 08°43'35" E
L12	81.67	S 81°08'38" E
L13	56.13	S 81°08'38" E
L14	56.13	S 81°08'38" E
L15	30.01	N 17°20'16" E
L16	35.97	N 72°40'35" W

NO.	NORTHING	EASTING
TA-515	10384306.7043	3197837.1675
TA-516	10384595.2687	3197796.9231
TA-517	10384666.9901	3198158.7493
TA-518	10385022.0830	3198162.2130
TA-519	10384997.6805	3197961.1342
TA-520	10385324.6435	3197963.2825
TA-521	10385431.2228	3197960.8712
TA-522	10384698.3777	3197882.2927
TA-523	10384843.2791	3197340.2511
TA-524	10385102.6664	3197423.8249
TA-525	10385437.2537	3197218.6988

NOTES:
 BL - Building Line
 UE - Utility Easement
 DE - Drainage Easement
 POB - Point of Beginning
 ① - Block Designation
 --- TADOT ACCESS DENIAL LINE

Owners: Kiella Development Inc.,
 John Kiella President and
 Clintie-Miller, Inc., Edward Clintie,
 President
 Total = 43,560 Acres
 BLOCKS - 7
 LOTS - 63

Residential lots shall have a 25 feet front building setback line and a 10 feet rear building setback line. Side building setback lines shall be 10% of the lot width with a minimum of 6 feet and a maximum of 7.5 feet. There shall be a 15 foot side building setback line adjacent to street rights-of-way.

A 4' wide sidewalk shall be constructed along one side of Clintie Grove Boulevard.

Port improvements in the value of \$12,835 will be made prior to submission of an application for building permit for the single family portion of this plat.

Landscape easement shown on Lot 1, Block 2 and Lot 1, Block 7 are to be maintained by Lakewood Ranch Home Owners Association.
 A blanket Joint Use Cross Access Easement shall be created by separate instrument which will allow for cross access between Lots 1 and 2, Block 1 and between Lots 1, 2 and 3, Block 3 as shown hereon.
 This document is of record in Document No. 2013-00001, 2013-00002, 40205, Official Public Records of Bell County, Texas.

TAX CERTIFICATE
 THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.
 DATED THIS 11 DAY OF SEPT, 2013.
 BELL COUNTY TAX APPRAISAL DISTRICT
 BY: *[Signature]*

This property is not within the Special Flood Hazard Area as per the Federal Emergency Management Agency Federal Insurance Administration Map No. 48027C0175E and 48027C0350E, dated September 28th 2008.



STATE OF TEXAS
 COUNTY OF BELL

KIELLA DEVELOPMENT, INC. AND CLINTIE-MILLER, INC., OWNERS OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE GROVES AT LAKEWOOD RANCH, PHASE I, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSIDIARIZED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, AND WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA DEVELOPMENT, INC. A TEXAS CORPORATION
 JOHN KIELLA, PRESIDENT
 CLINTIE-MILLER, INC. A TEXAS CORPORATION
 EDWARD CLINTIE, PRESIDENT

STATE OF TEXAS
 COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 10 DAY OF Sept., 2013 BY JOHN KIELLA, PRESIDENT OF KIELLA DEVELOPMENT, INC., A TEXAS CORPORATION, ON BEHALF OF SAID CORPORATION.

[Signature]
 NOTARY PUBLIC

SHERREY ARNOLD
 MY COMMISSION EXPIRES March 23, 2017

STATE OF TEXAS
 COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 10 DAY OF Sept., 2013 BY EDWARD CLINTIE, PRESIDENT OF CLINTIE-MILLER, INC., A TEXAS CORPORATION, ON BEHALF OF SAID CORPORATION.

[Signature]
 NOTARY PUBLIC

KEENE MURRAY
 Notary Public - State of Texas
 Commission Expires: 08/01/2016

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 12 DAY OF September, 2013.

[Signature]
 SECRETARY TO PLANNING & ZONING COMMISSION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 12 DAY OF September, 2013.

[Signature]
 COMMISSIONER

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 12 DAY OF September, 2013.

[Signature]
 CITY SECRETARY:

STATE OF TEXAS
 COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

[Signature]
 VICTOR D. TURLEY, P.E.
 NO. 32525

STATE OF TEXAS
 COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

[Signature]
 MICHAEL E. ALVIS, R.P.L.S.
 NO. 5402

FINAL PLAT OF:
**THE GROVES AT LAKEWOOD RANCH
 PHASE I**

7 BLOCKS, 63 LOTS
 LOTS 1 thru 2, BLOCK 1
 LOTS 1 thru 24, BLOCK 2
 LOTS 1 thru 4, BLOCK 3
 LOTS 1 thru 12, BLOCK 4
 LOTS 1 thru 11, BLOCK 5
 LOTS 1 thru 4, BLOCK 6
 LOTS 1 thru 6, BLOCK 7

43,560 ACRES
 OUT OF AND A PART OF THE JOHN J. SIMMONS SURVEY, MOST 737
 A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

43,560 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES TRACT SURVEYED APRIL 15, 2013

ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST.
 TEMPLE, TEXAS 76501
 E-MAIL: VTURLEY@AOL.COM

(254) 773-2400
 (254) 773-3998

FINAL PLAT OF:
**THE GROVES AT LAKEWOOD RANCH
 PHASE I**

JOHN J. SIMMONS SURVEY, ABSTRACT NO. 737
 BELL COUNTY TEXAS

ORDERED BY:
KIELLA LAND INVESTMENTS, LTD.
 P.O. BOX 1344
 TEMPLE, TEXAS 76503

REVISIONS	DATE	COMMENTS	MEASUREMENT
05/24/13	COMMENTS	MEA	
08/23/13	EASEMENTS	MEA	

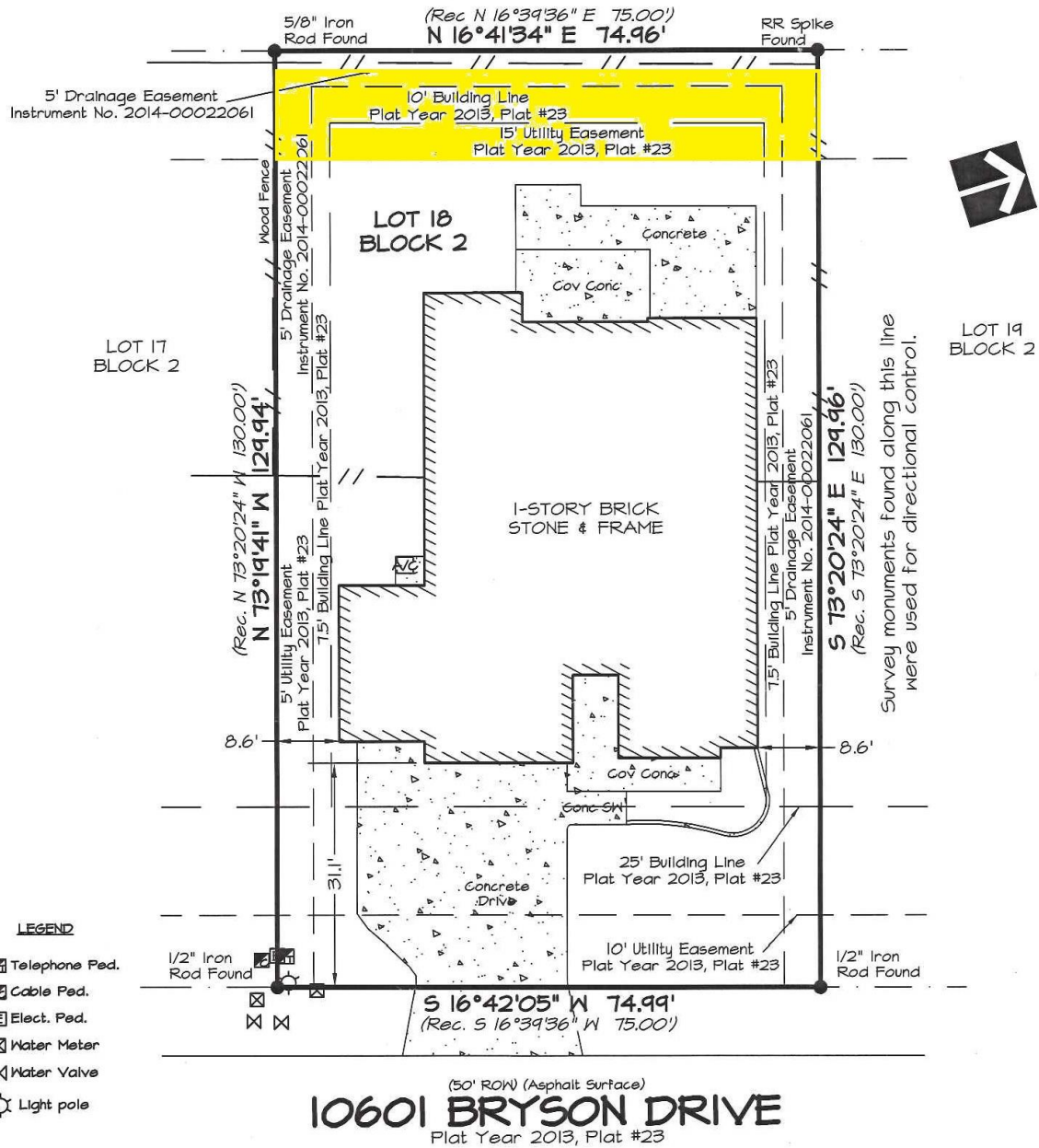
DATE: April 30, 2013
 DRN. BY: MEA
 REF.:

FB/LB: DATA COL
 JOB NO.: 13-243
 SHEET 1 OF 1
 COMPUTER 13243 P/P
 DWG. NO.

12685-D
 FILE NO.

Survey showing LOT EIGHTEEN (18), BLOCK TWO (2), of THE GROVES AT LAKEWOOD RANCH, PHASE I, in the City of Temple, Bell County, Texas, according to the plat of record in Plat Year 2013, Plat #23, Plat Records of Bell County, Texas.

Michael & Sharon Nipper
Volume 4589, Page 159
OPRBCT



Survey performed as per that title commitment provided by CENTRALAND TITLE COMPANY, GF No. C1677590, EFFECTIVE DATE: July 10, 2016.

This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

ACS
ALL COUNTY SURVEYING, INC.
1303 South 21st Street
Temple, Texas 76504
254-778-2272 Killeen 254-634-4636
Fax 254-774-7608
Tx. Firm Lic. No. 10023600



Survey completed: 08-05-2016
Scale: 1" = 20'
Job No.: 160221.2
Dwg No.: 160221.2
Drawn by: RLB
Surveyor: GWM # 4982
Copyright 2016 All County Surveying, Inc.

Plot Date: 08-12-2016

RESOLUTION NO. 2020-0086-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RELEASE OF TEN FEET OF A FIFTEEN FOOT UTILITY EASEMENT ON LOT 18, BLOCK 2, OF THE GROVES AT LAKEWOOD RANCH, PHASE 1, IN THE CITY OF TEMPLE, BELL COUNTY TEXAS, ACCORDING TO THE PLAT OF RECORD IN PLAT YEAR 2013, PLAT NO. 23, PLAT RECORDS OF BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicants and property owners, Victor and Jasmine Lam, request the release of 10 feet of a 15-foot utility easement on Lot 18, Block 2, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas - this easement is located in the back of the property and will leave a five-foot utility and drainage easement;

Whereas, the property owners plan to construct an in-ground swimming pool;

Whereas, Staff has contacted all public and private service providers, including the Public Works Department, and confirmed that the easements may be released, as the providers' responses indicate there are no existing public facilities or utilities in the easement and there are no objections to releasing the easement because they are not needed for other public services;

Whereas, Staff recommends Council authorize the release of ten feet of a fifteen foot utility easement on Lot 18, Block 2, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas; and

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

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

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

Part 2: The City Council authorizes the release of ten feet of a fifteen foot utility easement on Lot 18, Block 2, of The Groves at Lakewood Ranch, Phase 1, in the City of Temple, Bell County Texas, according to the plat of record in Plat Year 2013, Plat No. 23, Plat Records of Bell County, Texas.

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 **4th** day of **June, 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

STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Timothy A. Davis, Mayor of the City of Temple, Texas.

Notary Public, State of Texas

Return Recorded Document to:

*City Attorney's Office
2 North Main Street, Suite 308
Temple, TX 76501*



COUNCIL AGENDA ITEM MEMORANDUM

06/04/20
Item #3(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jim Tobin, Interim Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Police Department to submit an application and accept funding through the Bureau of Justice Assistance Fiscal 2020 Patrick Leahy Bulletproof Vest Partnership for the purchase of ballistic vests and replacements, in the amount of \$52,156, with \$26,078 of required City matching funds.

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

ITEM SUMMARY: The Temple Police Department desires approval to accept grant funds available through the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program. This will be the 18th grant received from this program. The grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests. The Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant.

FISCAL IMPACT: If the grant is awarded, the City could receive up to \$26,078 in grant funds with the City's match being up to \$26,078. Total funding for the purchase of 60 vests is estimated at \$52,156. The grant funds are reimbursed to the City after the purchase is completed.

Once awarded, a budget adjustment will be presented for Council's approval appropriating the grant revenue to be received. Funds are appropriated in the Police Department's FY 2020 operating budget, account 110-2011-521-2113, Clothing and Uniforms for the City's required match.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2020-0087-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE TEMPLE POLICE TO SUBMIT AN APPLICATION AND ACCEPT FUNDING THROUGH THE BUREAU OF JUSTICE ASSISTANCE FISCAL 2020 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP FOR THE PURCHASE OF BALLISTIC VESTS AND REPLACEMENTS FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$52,156, WITH \$26,078 OF REQUIRED CITY MATCHING FUNDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Justice, Bureau of Justice Assistance Bulletproof Vest Partnership Program offers a matching grant program for the purchase of bulletproof vests for the Temple Police Department - this will be the 19th grant received from this program;

Whereas, the grant requires a City match of 50% of the cost associated with the purchase of new ballistic vests, and the Police Department buys vests on a yearly basis and budgets for the matching funds required by the grant;

Whereas, Staff recommends Council authorize the submission of an application and if awarded the acceptance of grant funds from the Bureau of Justice Assistance Fiscal 2020 Patrick Leahy Bulletproof Vest Partnership for the purchase of 60 ballistic vests and replacements for the Police Department in the estimated amount of \$52,156, with an estimated \$26,078 of required City matching funds;

Whereas, if awarded, the City anticipates receiving \$26,078 in grant funds with the City's matching funds being \$26,078 - total funding for the purchase of 60 vests is estimated at \$52,156;

Whereas, the grant funds are reimbursed to the City after the purchase is completed – and therefore a budget adjustment must be approved to appropriate the grant revenue to be received in the amount of \$26,078;

Whereas, funds are appropriated in the Police Department's fiscal year 2020 operating budget, Account No. 110-2011-521-2113, Clothing and Uniforms for the City's required match; 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 submission of an application and if awarded the acceptance of grant funds from the Bureau of Justice Assistance Fiscal 2020 Patrick Leahy Bulletproof Vest Partnership for the purchase of 60 ballistic vests and replacements for the Police Department in the estimated amount of \$52,156, with an estimated \$26,078 of required City matching funds.

Part 3: The City Council authorizes the City Manager, or her designee, after approval as to form by the City Attorney's office, to execute any documents which may be necessary for this grant and accept any funds that may be received for this grant.

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 4th day of **June, 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

06/04/20
Item #3(M)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: SECOND & FINAL READING – FY-20-19-ZC: Consider adopting an ordinance authorizing a rezoning from Agricultural to Single Family-One zoning district on 26.459 +/- acres, located in the Maximo Moreno Survey, Abstract 14, in Bell County, Texas, addressed as 6510 Hartrick Bluff Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At the April 20, 2020 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend rezoning to Single Family-One (SF-1).

STAFF RECOMMENDATION: Staff recommends approval for a rezoning from Agricultural (AG) to Single Family-One (SF-1) district for the following reasons:

1. The proposed Single Family-One zoning is compatible with surrounding zoning, existing and anticipated uses;
2. The proposal is in compliance with the Thoroughfare Plan and Future Land Use Plan; and
3. Public facilities are available to serve the subject property.

ITEM SUMMARY: This rezoning is requested to allow residential development and future connection with the existing Highland Park neighborhoods to the west and southwest. The property directly to the west is part of the Master Preliminary Plat of Highland Park Phase II & III, approved in December 2018. The developer intends for this property to become the primary entrance into the adjoining phases of Highland Park and will follow a similar development pattern. The minimum lot size in SF-1 is 7,500 sq ft as compared to the 1 acre minimum required in AG zoning.

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

Future Land Use Map / Future Development Plan (CP Map 3.1)

The subject property is shown as 'Estate Residential' on the current Future Land Use Map. In comparison, the Future Development Plan (FDP) in the draft 2020 Comprehensive Plan designates it as 'Residential and Neighborhood Services'. This designation is intended primarily for new single-family neighborhoods, with detached homes and amenities such as parks, trails, or open spaces. These areas are intended to have a mix of suburban and auto-oriented development character. This request is **in compliance** with the Future Development Plan.

Thoroughfare Plan (CP Map 5.2)

The subject property fronts along Hartrick Bluff Road, shown as a collector on both the current and draft Thoroughfare Map. Additionally, a community collector and neighborhood collector are both proposed to provide future connectivity as the area is developed. This request is **in compliance** with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

Sewer facilities are not currently available on the subject property, but a 10" line is located roughly 200' from the southwest corner. Water is available from 6" and 1.5" lines that follow Hartrick Bluff Road. Expanded facilities may be constructed when this area is platted.

SUBDIVISION PLAT: A subdivision plat will be required for this property prior to development. The plat will address connection to public facilities, drainage, and future connectivity with streets, sidewalks, and/or trails.

DEVELOPMENT REGULATIONS: The attached tables compare and contrast the uses allowed in the Agricultural and Single Family-One Zoning Districts.

PUBLIC NOTICE: Twelve notices were sent to property owners within 200-feet of the subject property containing notice of the public hearing as required by State law and City Ordinance. As of Tuesday, May 12, 2020, at 12:00 PM, one notice in agreement and three notices in disagreement have been received. An update regarding late notices will be provided at the Council meeting, if necessary.

The newspaper printed notice of the public hearing on April 8, 2020, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Survey \(Exhibit A\)](#)

[Use Tables](#)

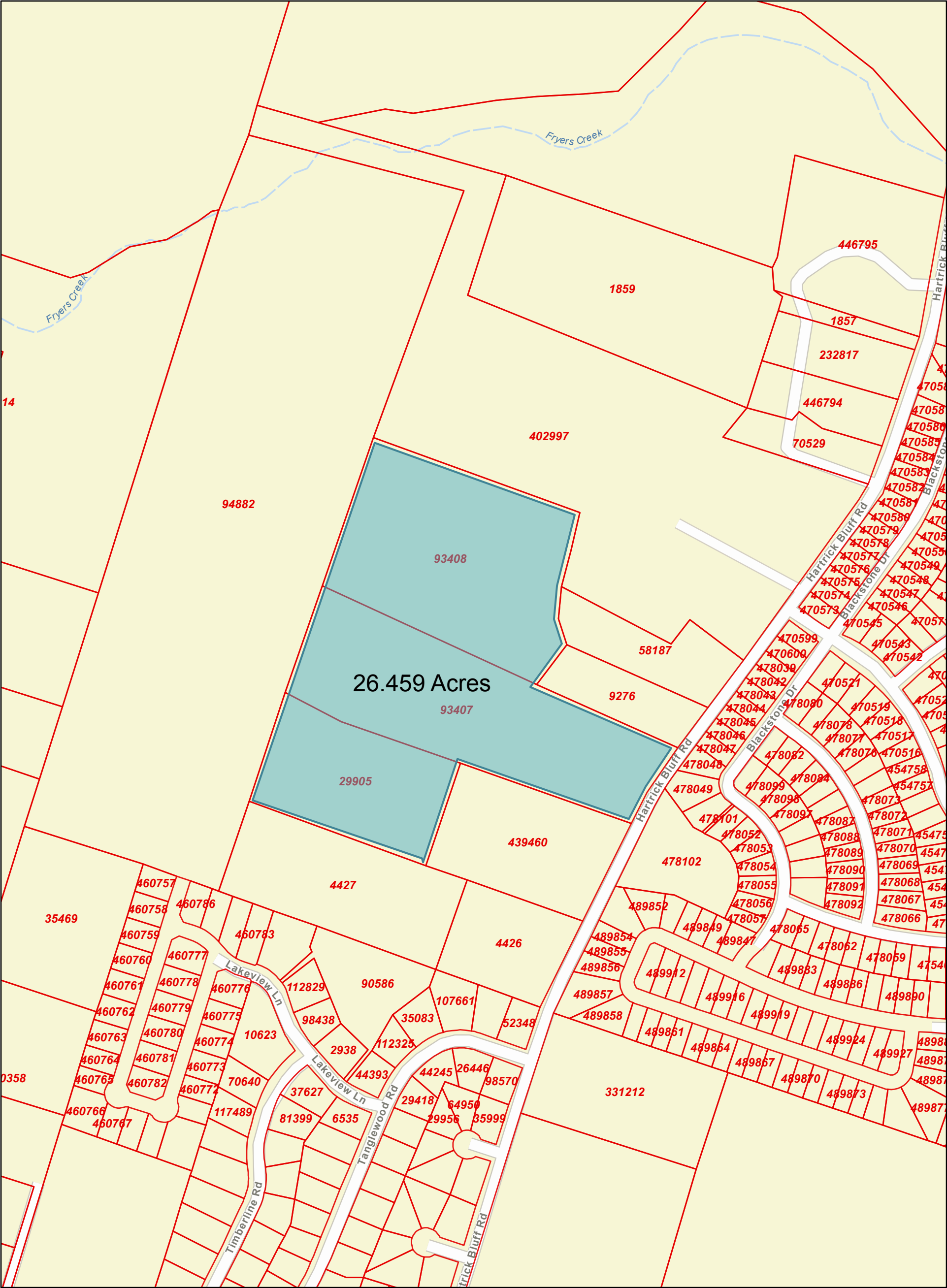
[Maps](#)

[Site Photos](#)

[Returned Property Notices](#)

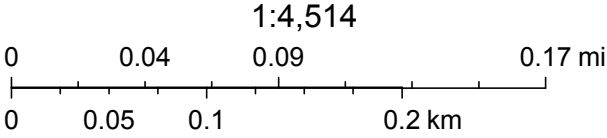
[Ordinance](#)

Exhibit A



2/19/2020, 5:35:40 PM

 Parcels

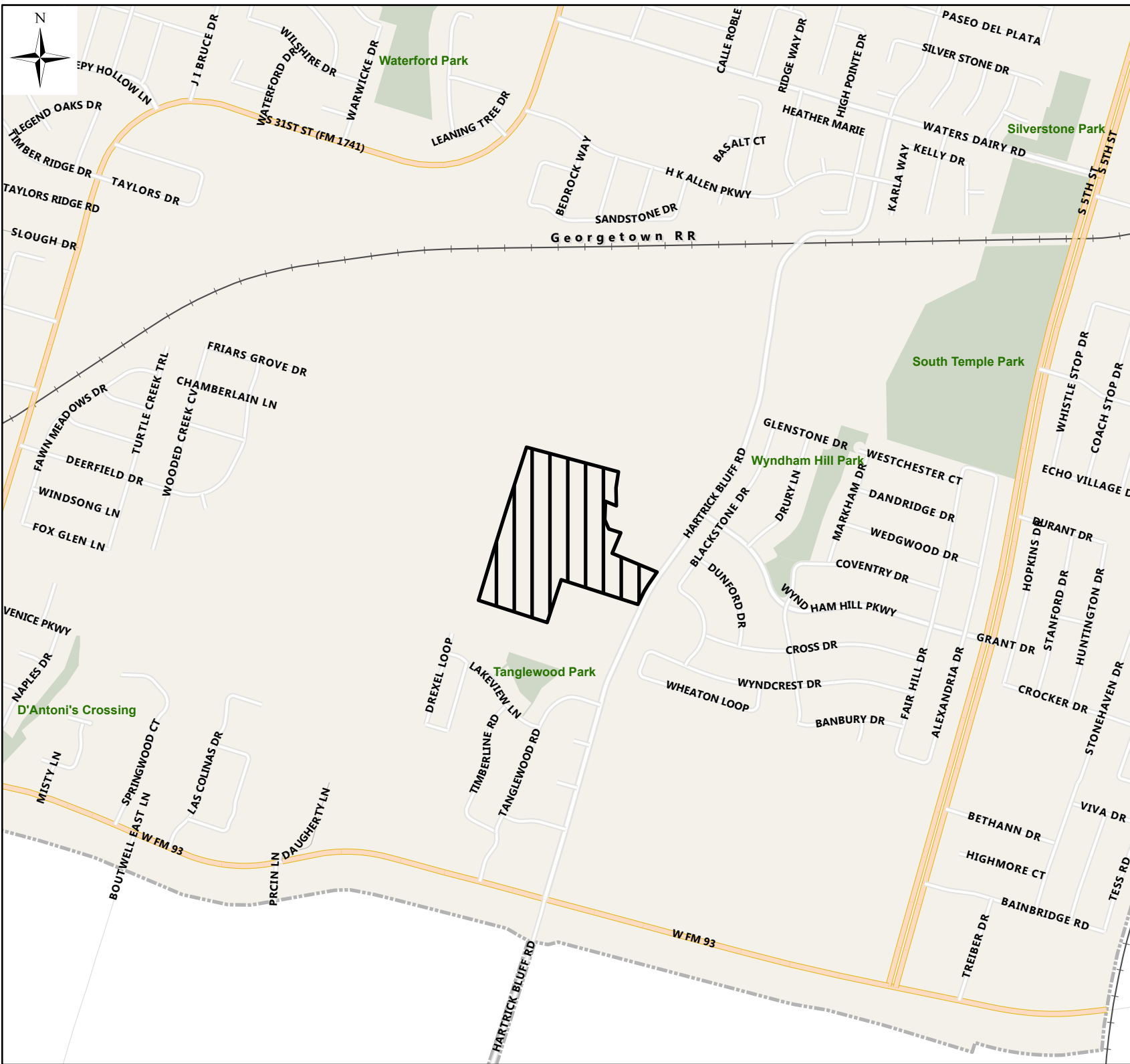


Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Tables

Permitted & Conditional Uses Table
Comparison between AG & SF-1

Use Type	Agricultural (AG)	Single Family 1 (SF-1)
Residential Uses	<ul style="list-style-type: none"> • Single Family Residence (Detached) • Industrialized housing • Recreational Vehicle Park (CUP) 	<ul style="list-style-type: none"> • Single Family Residence (Detached) • Industrialized housing • Family or Group home
Agricultural Uses	<ul style="list-style-type: none"> • Animal Shelter • Farm, Orchard, Garden • Greenhouse / Nursery 	<ul style="list-style-type: none"> • Farm, Orchard, Garden
Retail & Service Uses	<ul style="list-style-type: none"> • Exercise Gym (CUP) 	None
Office Uses	None	None
Commercial Uses	None	None
Industrial Uses	<ul style="list-style-type: none"> • Animal Feedlot (CUP) • Temporary Asphalt/Concrete Plant (CUP) • Laboratory – medical, scientific, or research (CUP) • Recycling Collection (CUP) 	<ul style="list-style-type: none"> • Temporary Asphalt or Concrete Plant (CUP)
Recreational Uses	<ul style="list-style-type: none"> • Day Camp for children • Park or playground • Rodeo Grounds (CUP) • Amusement, Commercial, outdoor (CUP) 	<ul style="list-style-type: none"> • Park or Playground • Stadium (CUP)
Vehicle Service Uses	None	None
Restaurant Uses	None	None
Overnight Accommodations	<ul style="list-style-type: none"> • Recreational Vehicle Park (CUP) 	None



AG to SF-1

VICINITY MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

Transportation

Streets

MAJOR ARTERIAL

COLLECTOR

LOCAL STREET

PRIVATE

Railroad

Temple Municipal Boundary

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

jdeckman
Date: 4/3/2020





AG to SF-1

AERIAL MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

Transportation

Streets

COLLECTOR

LOCAL STREET

Temple Municipal Boundary

Parcel Features

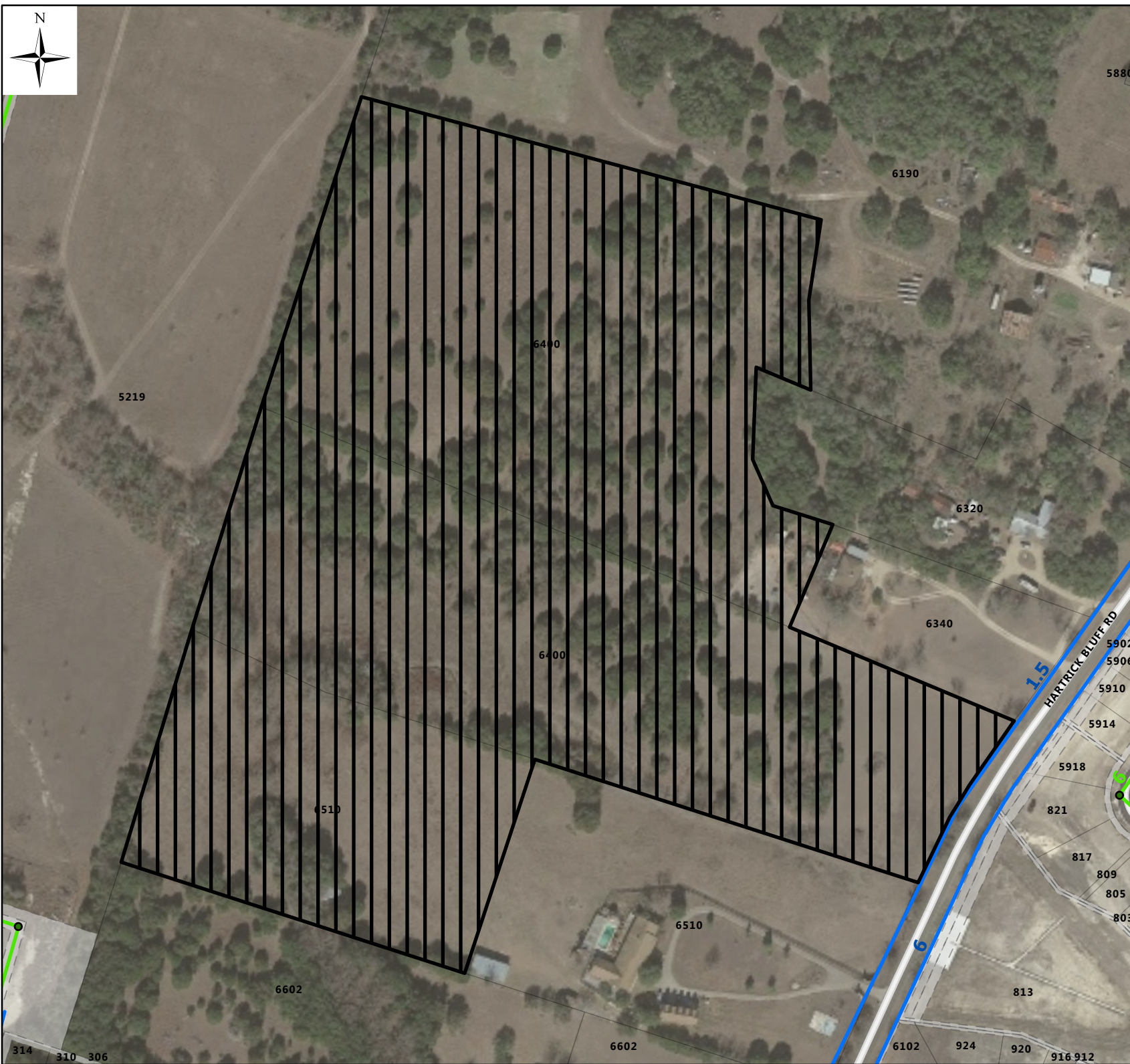
Parcels

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

jdeckman

Date: 4/3/2020





AG to SF-1

UTILITY MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

Sewer

- Manhole
- Gravity Main

WaterDistribution

- ✚ Hydrant
- Main

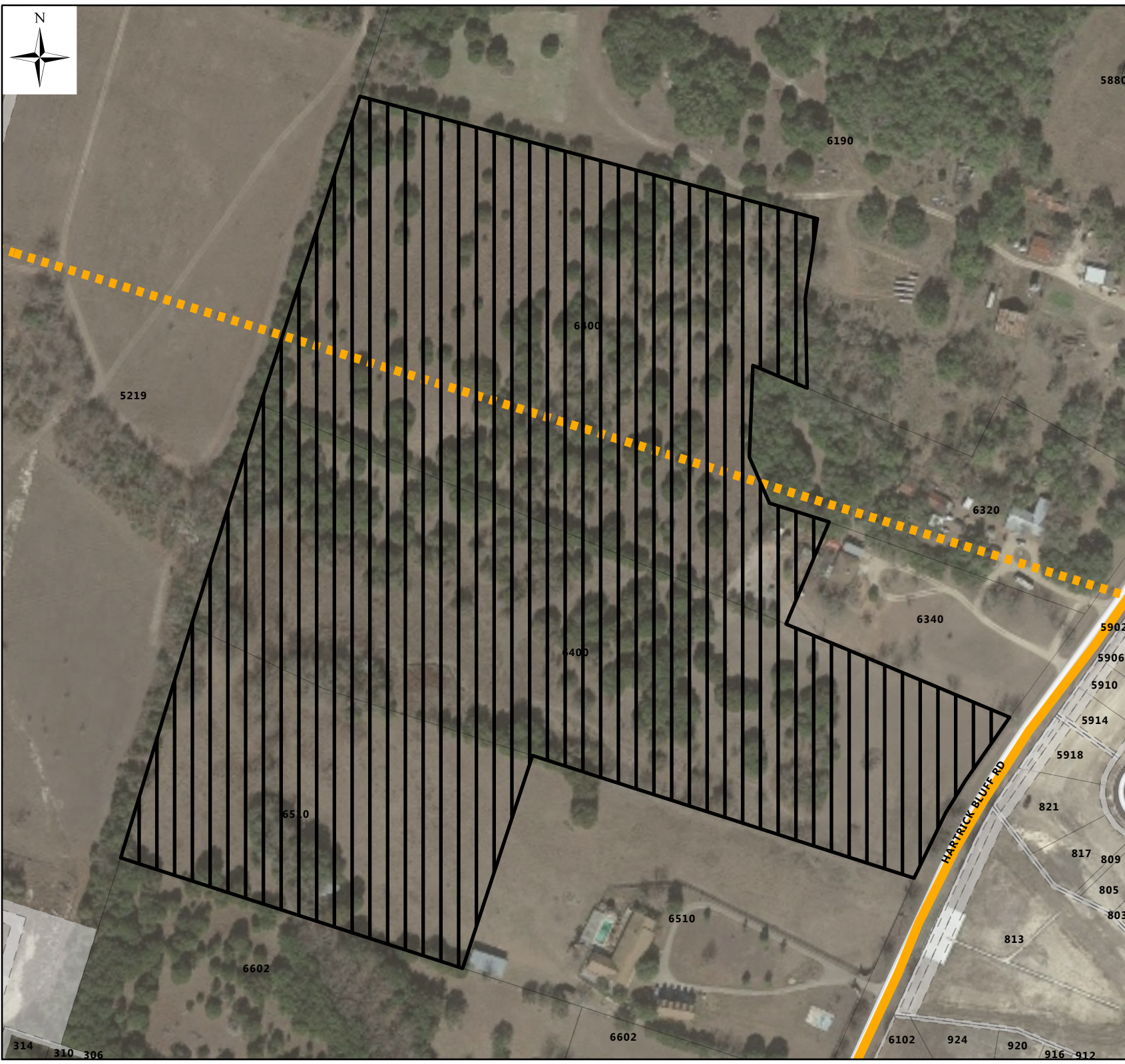
Parcel Features

- ▭ Parcels
- ▭ Easement

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

jdeckman
Date: 4/3/2020





AG to SF-1

THOROUGHFARE AND TRAILS MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

- Parcel Features**

 - Parcels
 - Easement
- Thoroughfare Plan**

 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan**

 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
 - PROPOSED, COMMUNITY WIDE CONNECTOR
 - PROPOSED, LOCAL CONNECTOR

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

jdeckman
Date: 4/3/2020





AG to SF-1

FUTURE LAND USE MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

Future LUP

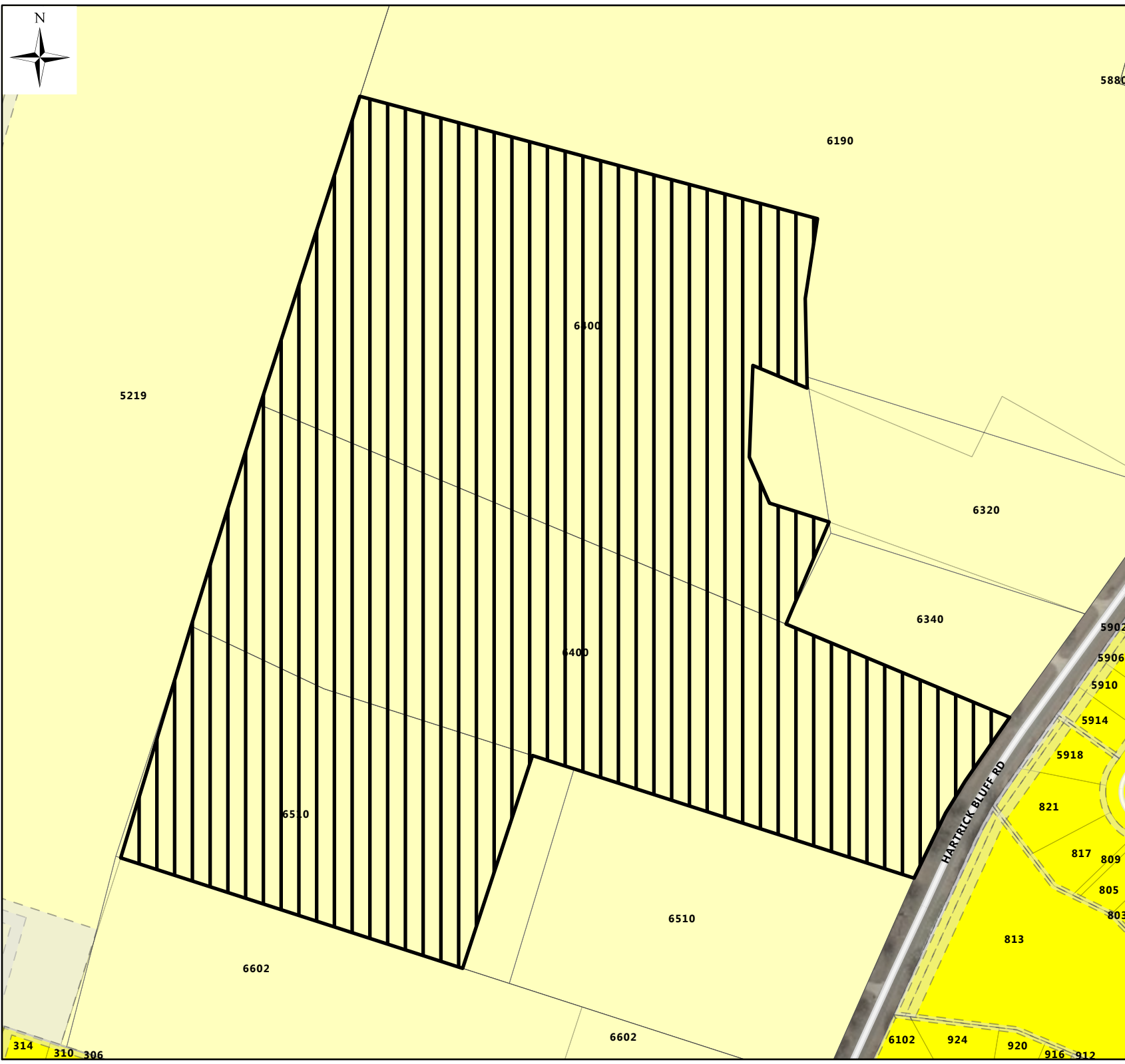
- Agricultural/Rural
- Auto-Urban Commercial
- Auto-Urban Mixed Use
- Auto-Urban Multi-Family
- Auto-Urban Residential
- Business Park
- Estate Residential
- Industrial
- Neighborhood Conservation
- Parks & Open Space
- Public Institutional
- Suburban Commercial
- Suburban Residential
- Temple Medical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

Parcel Features

- Parcels
- Easement

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jdeckman
Date: 4/3/2020





Facing west into subject property



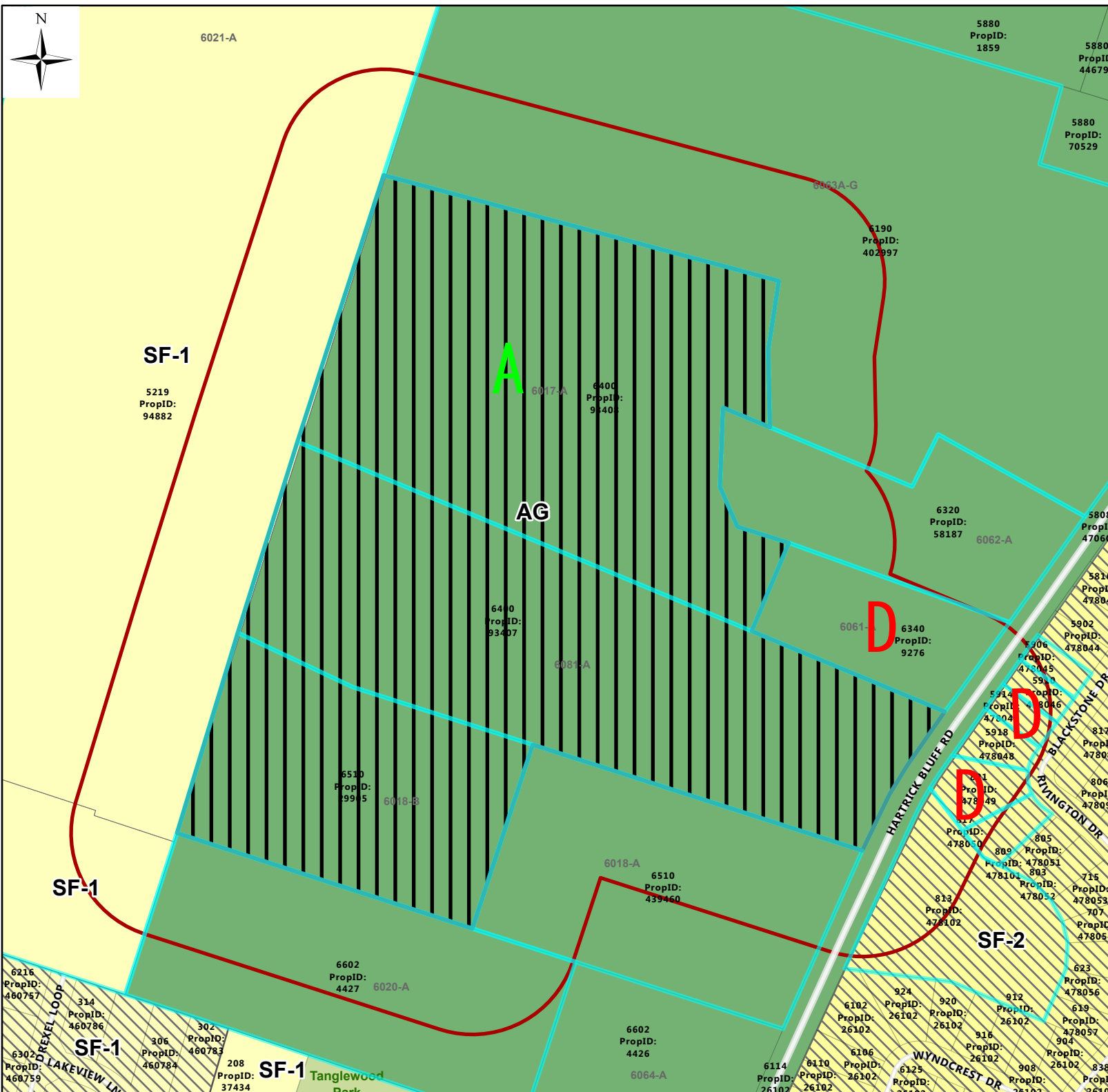
Facing southwest towards neighboring homes



Facing northeast across Hartrick Bluff Road



Facing southwest along Hartrick Bluff Road



AG to SF-1

200' NOTIFICATION MAP

Zoning Case:
FY-20-19-ZC

6510 Hartrick Bluff Rd

Transportation		2F - CUP	LI - CUP
EXPRESSWAY		2F - PD	LI - PD
MAJOR ARTERIAL		MF-1	LI - CUP, PD
COLLECTOR		MF-1 - CUP	HI
LOCAL STREET		MF-1 - PD	HI - PD
MINOR ARTERIAL		MF-2	AG
PRIVATE		MF-2 - CUP	AG - CUP
RAMP		MF-2 - PD	MH
Railroad		MF-3 - PD	MH - CUP
		O-1	MH - PD
Parcel Features		O-1 - CUP	MU
Parcels		O-1 - PD	MU - CUP
		O-2	SD-C
CurrentZoning		HI - CUP	SD-C - CUP
UE		O-2 - CUP	SD-H
UE - PD		O-2 - PD	SD-H - CUP
SF-1		NS	SD-T
SF-1 - CUP		NS - CUP	SD-V
SF-1 - PD		NS - PD	T4
SF-2		GR	T4 - PD
SF-2 - PD		GR - CUP	T4 - CUP
SF-3		GR - PD	T5-C
SF-3 - PD		GR - CUP, PD	T5-C - CUP
SF-3 - CUP, PD		CA	T5-C - PD
SFA		CA - CUP	T5-E
SFA-2		CA - PD	T5-E - CUP
SFA-2 - PD		C	T5-E - PD
SFA-3		C - CUP	NO BASE
SFA-3 - PD		C - PD	CUP
2F		C - CUP, PD	PD
		LI	

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

jdeckman
Date: 4/3/2020





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

April 6, 2020

Parcel ID# 93408
STELLAR IMPROVEMENT CORPORATION
PO BOX 292
BELTON, TX 76513-0292



Zoning Application Number: FY-20-19-ZC

Case Manager: Jason Deckman

Location: 6510 Hartrick Bluff Road

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

I ☒ agree

() disagree with this request

Comments:

Signature

Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 20, 2020**.

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

Number of Notices Mailed: 12

Date Mailed: April 6, 2020

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



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

April 6, 2020

Parcel ID# 478047
KARPULEON, GARY L ETUX JUDITH M
5914 BLACKSTONE DR
TEMPLE, TX 76502



Zoning Application Number: FY-20-19-ZC

Case Manager: Jason Deckman

Location: 6510 Hartrick Bluff Road

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

I () agree

☒ disagree with this request

Comments:

Gary L. Karpuleon
Signature

Gary L. Karpuleon
Print Name

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 20, 2020**.

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

Number of Notices Mailed: 12

Date Mailed: April 6, 2020

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



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

April 6, 2020

Parcel ID# 9276
BENSON, KENNETH RAY
6340 HARTRICK BLUFF RD
TEMPLE, TX 76502-

Zoning Application Number: FY-20-19-ZC

Case Manager: Jason Deckman

Location: 6510 Hartrick Bluff Road

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

I () agree

☒ disagree with this request

Comments:

TO EARLY FOR THIS ACTION

Kenneth R. Benson Sr.

Signature

KENNETH R. BENSON SR

Print Name

(Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 20, 2020**.

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

Number of Notices Mailed: 12

Date Mailed: April 6, 2020

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



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

April 6, 2020

Parcel ID# 478049
MAGNIA, OSCAR ETUX APRIL
821 RIVINGTON DR
TEMPLE, TX 76502

Zoning Application Number: FY-20-19-ZC

Case Manager: Jason Deckman

Location: 6510 Hartrick Bluff Road

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

I ☐ agree

☒ disagree with this request

Comments:

My privacy will be impacted by a builder who will build as many homes that will fit in the proposed 3 lots equaling 26 acres.

Al Magnia

Signature

Oscar Magnia

Print Name

aprilandoscar1@hotmail.com or Almagnia@gmail.com (Optional)

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

If you would like to submit a response, please email a scanned version of this completed form to the Case Manager referenced above, jdeckman@templetx.gov or mail or hand-deliver this comment form to the address below, no later than **April 20, 2020**.

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

Number of Notices Mailed: 12

Date Mailed: April 6, 2020

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

ORDINANCE NO. 2020-5028
(FY-20-19-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO SINGLE FAMILY ONE ZONING DISTRICT ON APPROXIMATELY 26.459 ACRES, LOCATED IN THE MAXIMO MORENO SURVEY, ABSTRACT 14, IN BELL COUNTY, TEXAS, ADDRESSED AS 6510 HARTRICK BLUFF ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this rezoning request will allow residential development and future connection with the existing Highland Park neighborhoods to the west and southwest - the property directly to the west is part of the Master Preliminary Plat of Highland Park Phase II & III, approved in December 2018;

Whereas, the developer intends for this property to become the primary entrance into the adjoining phases of Highland Park and will follow a similar development pattern - the minimum lot size in Single Family One zoning is 7,500 square feet as compared to the 1 acre minimum required in Agricultural zoning;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its April 20, 2020 meeting voted 7 to 0 to recommend Council approve of the rezoning, from Agricultural to Single Family One zoning district on approximately 26.459 acres, located in the Maximo Moreno Survey, Abstract 14, in Bell County, Texas, addressed as 6510 Hartrick Bluff Road as shown in 'Exhibit A,' attached hereto and incorporated herein for all purposes; and

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

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

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

Part 2: The City Council approves of the rezoning from Agricultural to Single Family One zoning district on approximately 26.459 acres, located in the Maximo Moreno Survey, Abstract 14, in Bell County, Texas, addressed as 6510 Hartrick Bluff Road, as shown here in 'Exhibit A' attached hereto and incorporated herein for all purposes.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **May, 2020.**

PASSED AND APPROVED on Second Reading on the **4th** day of **June, 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

06/04/20

Item #4

Regular Agenda

Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Principal Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – FY-20-8-ANX: Consider adopting an ordinance authorizing the voluntary annexation of two tracts of land, totaling approximately 40.093 +/- acres, upon petition of the landowner, Daniel Three Forks Farm LTD, said tracts being generally located south of FM 93 and east of Hartrick Bluff Road.

STAFF RECOMMENDATION: Approve as presented and schedule second reading for June 16, 2020.

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

LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation. On February 10, 2020, property owner Martha Daniel filed a written request seeking voluntary annexation of 19.014 +/- acres and 21.079 +/- acres respectively for a total of 40.093 +/- acres of land, as shown by Exhibit A and being more particularly described in Exhibit B.

Prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23. The property owner was offered and rejected offers for a development agreement on February 10, 2020.

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

LGC § 43.0673 requires that the City hold one public hearing prior to adopting an ordinance annexing an area on the written request of a landowner. The City's Charter requires a second reading to adopt the annexation ordinance. The second reading will be held on June 16, 2020.

LGC §§ 43.905 and 43.9051 requires a City to provide written notice regarding any financial impact caused by the proposed annexation to the affected school district as well as the political subdivisions and public entities that provide services in the area. The City notified the Temple Independent School District (TISD) and Bell County on May 18, 2020. While the City of Temple did notify all of the public entities required by State law about the potential fiscal impact on those organizations, a better understanding of that impact can be determined once the owner proposes rezoning and development in the future.

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

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

ATTACHMENTS:

[Vicinity Map \(Exhibit A\)](#)

[Voluntary Petition for Annexation for 19.014 +/- Acres \(Feb 6, 2020\)](#)


[Voluntary Petition for Annexation for 21.079 +/- Acres \(Feb 10, 2020\)](#)

[Municipal Services Agreement \(Exhibit B\)](#)


[Ordinance](#)


EXHIBIT A






Voluntary Annexation

 21.079 acres; 19.014 acres

 Municipal Boundary

0 250 500 1,000 Feet

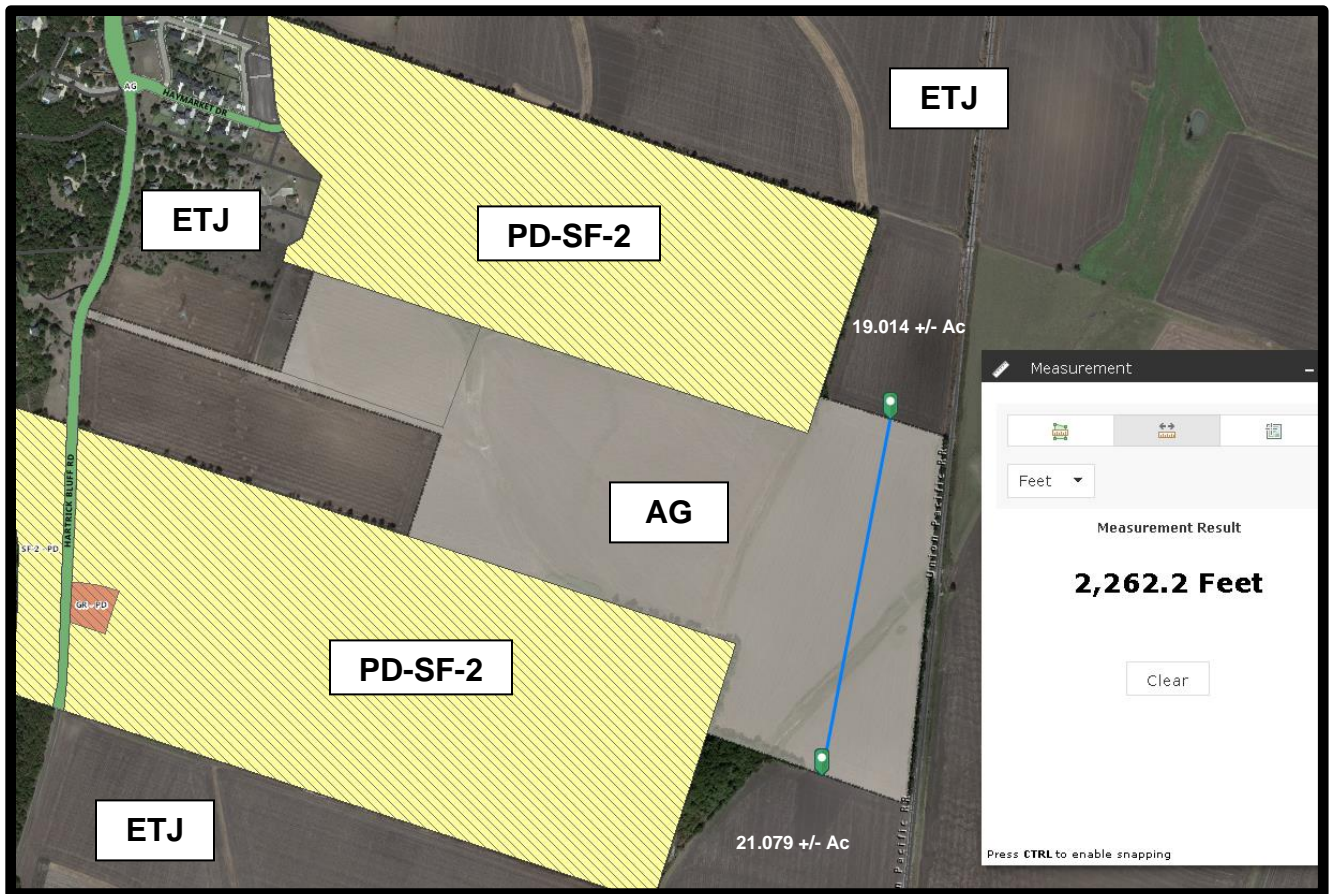
DISCLAIMER:
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Vicinity Map



Vicinity Map – South of FM 93 & East of Hartrick Bluff Road (City of Temple GIS Maps)



Vicinity Map & Existing Zoning – Distance between tracts and adjacent ETJ and City limits
(City of Temple GIS Maps)



TURLEY ASSOCIATES, INC.

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

February 10, 2020

City of Temple
Attn: Brian Chandler, Planning Director
2 North Main Street
Temple, TX 76501

**RE: Voluntary Annexation Request
19.014 Acres**

Dear Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City Council approve voluntary annexation of the 19.014 acres listed in the attached petition. Attached please find the boundary surveys, field notes and Voluntary Petition of Annexation. Zoning will be done at a later date.

If you have any questions or need any additional information, please contact our office.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in black ink, appearing to be "B.J. Little", written over a horizontal line.

B.J. Little, Manager

Attachments

BJL/sb

VOLUNTARY PETITION FOR ANNEXATION

DATE: FEBRUARY 6, 2020

To the City Council of the City of Temple:

Daniel Three Forks Farm, Ltd., a Texas Limited Partnership, is the sole owner of the tract of land containing approximately 19.014 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is currently adjacent to the John M. Baker 143.985 acre property, as well as the Short Term Lending GP, INC. 122.191 acre property that is currently being annexed. The owner is petitioning the City Council to take the appropriate actions to annex the 19.014 acre tract.

Texas Local Government Code ("LGC") § 43.016 requires a municipality to offer a property owner a development agreement under LGC § 212.172 prior to annexation that would guarantee the continuation of the extraterritorial status of the property and authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the land for agriculture, wildlife management, or timber purposes. These development agreements are sometimes commonly referred to as "non-annexation" agreements. Local Government Code § 43.016 applies to properties appraised for ad valorem tax purposes and land for agricultural use, or wildlife management, or timber uses under the Texas Tax Code.

The City has determined that your property meets the requirements in LGC § 43.016; therefore, the City is offering to enter into a development agreement under LGC § 212.172 for your property.

Please indicate below whether you accept or reject the development agreement and would prefer to proceed with annexation.

 I accept the Development Agreement and request to retain my extraterritorial status.

MD I reject the Development Agreement and request annexation by the City of Temple.

DANIEL THREE FORKS FARM, LTD.,
a Texas limited partnership

By: DANIEL THREE FORKS FARM MANAGEMENT, LC,
a Texas limited liability company,
general partner

By: Martina K. Daniel
MARTHA K. DANIEL, President

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on FEBRUARY 6, 2020, by MARTHA K. DANIEL, in her capacity as President of DANIEL THREE FORKS FARM MANAGEMENT, LC, a Texas limited liability company, in its capacity as general partner of DANIEL THREE FORKS FARM, LTD., a Texas limited partnership, for and on behalf of said limited liability company and said limited partnership.

Given under my hand and seal of office this 6 day of FEBRUARY, 2020.



Juanita Weir
Notary Public State of Texas



TURLEY ASSOCIATES, INC.

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

February 10, 2020

City of Temple
Attn: Brian Chandler, Planning Director
2 North Main Street
Temple, TX 76501

**RE: Voluntary Annexation Request
21.079 Acres**

Dear Mr. Chandler,

On behalf of our client, Turley Associates, Inc. respectfully requests that the City Council approve voluntary annexation of the 21.079 acres listed in the attached petition. Attached please find the boundary surveys, field notes and Voluntary Petition of Annexation. Zoning will be done at a later date.

If you have any questions or need any additional information, please contact our office.

Sincerely,
TURLEY ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "B.J. Little", is written over a horizontal line.

B.J. Little, Manager

Attachments

BJL/sb

VOLUNTARY PETITION FOR ANNEXATION

DATE: FEBRUARY 6, 2020

To the City Council of the City of Temple:

Daniel Three Forks Farm, Ltd., a Texas Limited Partnership, is the sole owner of the tract of land containing approximately 21.079 acres ("the Tract"). The Tract is more particularly described by metes and bounds in Exhibit A to this petition.

The Tract is currently adjacent to the John M. Baker 143.985 acre property, as well as the Kiella Land Investments LTD. 160.047 acre property that is currently being annexed. The owner is petitioning the City Council to take the appropriate actions to annex the 21.079 acre tract.

Texas Local Government Code ("LGC") § 43.016 requires a municipality to offer a property owner a development agreement under LGC § 212.172 prior to annexation that would guarantee the continuation of the extraterritorial status of the property and authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the land for agriculture, wildlife management, or timber purposes. These development agreements are sometimes commonly referred to as "non-annexation" agreements. Local Government Code § 43.016 applies to properties appraised for ad valorem tax purposes and land for agricultural use, or wildlife management, or timber uses under the Texas Tax Code.

The City has determined that your property meets the requirements in LGC § 43.016; therefore, the City is offering to enter into a development agreement under LGC § 212.172 for your property.

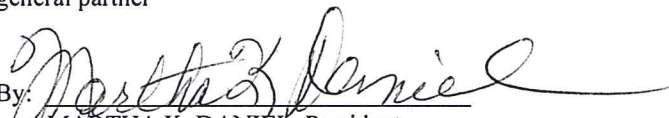
Please indicate below whether you accept or reject the development agreement and would prefer to proceed with annexation.

 I accept the Development Agreement and request to retain my extraterritorial status.

M.D. I reject the Development Agreement and request annexation by the City of Temple.

DANIEL THREE FORKS FARM, LTD.,
a Texas limited partnership

By: DANIEL THREE FORKS FARM MANAGEMENT, LC,
a Texas limited liability company,
general partner

By: 
MARTHA K. DANIEL, President

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on FEBRUARY 6, 2020, by MARTHA K. DANIEL, in her capacity as President of DANIEL THREE FORKS FARM MANAGEMENT, LC, a Texas limited liability company, in its capacity as general partner of DANIEL THREE FORKS FARM, LTD., a Texas limited partnership, for and on behalf of said limited liability company and said limited partnership.

Given under my hand and seal of office this 6 day of FEBRUARY, 2020.




Notary Public State of Texas

EXHIBIT B

MUNICIPAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS AND DANIEL THREE FORKS FARM LTD

This Municipal Services Agreement ("Agreement") is entered into on _____ day of _____, 2020, by and between the City of Temple, Texas, a home-rule municipality of the State of Texas, ("City") and Daniel Three Forks Farm, LTD., a Texas limited partnership ("Owner").

RECITALS

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

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

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

WHEREAS, Owner owns certain parcels of land situated in Bell County, Texas, which consists of approximately 40.093 acres of land in the City's extraterritorial jurisdiction, such property being more particularly described and set forth in Exhibit A attached and incorporated herein by reference ("Property");

WHEREAS, Owner has filed a written request with the City for full-purpose annexation of the Property, identified as Annexation Case No. FY-20-8-ANX ("Annexation Case");

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

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

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

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

3. MUNICIPAL SERVICES.

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

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

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

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

Signatures to follow.

CITY OF TEMPLE

By: _____
Brynn Myers, City Manager

DANIEL THREE FORKS FARM, LTD.

By: Martha K. Daniel
Martha K. Daniel, President and
Manager Daniel Three Forks Farm
Management, L.C. as general partner
of Daniel Three Forks Farm, LTD

ATTEST:

City Secretary

APPROVED AS TO FORM:

Cylena Davis
City Attorney's Office

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of _____, 20 ____,
by **Brynn Myers**, as City Manager of the City of Temple, a Texas home rule City.

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on APRIL 30, 2020, by
MARTHA K. DANIEL, in her capacity as President of DANIEL THREE FORKS FARM
MANAGEMENT, LC, a Texas limited liability company, in its capacity as general partner of DANIEL
THREE FORKS FARM, LTD., a Texas limited partnership, for and on behalf of said limited liability
company and said limited partnership.



Juanita Weir
Notary Public, State of Texas



THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, TEXAS. THE SURVEY WAS MADE BY TURLEY ASSOCIATES, INC., A PROFESSIONAL ENGINEERING FIRM, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.



NOTES:
1. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, TEXAS.
2. THE SURVEY WAS MADE BY TURLEY ASSOCIATES, INC., A PROFESSIONAL ENGINEERING FIRM, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

BEING a 21.079 acre tract of land more particularly described by reports and notes, THE SURVEY WAS COMPLETED IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, TEXAS. THE SURVEY WAS MADE BY TURLEY ASSOCIATES, INC., A PROFESSIONAL ENGINEERING FIRM, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.



THE SURVEY WAS COMPLETED IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, TEXAS. THE SURVEY WAS MADE BY TURLEY ASSOCIATES, INC., A PROFESSIONAL ENGINEERING FIRM, AND THE RESULTS ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.



REVISIONS	DATE	DESCRIPTION	BY	CHKD
1	19-1632	191632-DE		

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

PREPARED FOR:
DANIEL THREE FORKS FARM, LTD.

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
321 N. 3rd St.
TEMPLE, TEXAS 76701
Phone No. 2-1151 • TELEX No. 10059800
www.turley-inc.com

TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
321 N. 3rd St.
TEMPLE, TEXAS 76701
Phone No. 2-1151 • TELEX No. 10059800
www.turley-inc.com

BEING a 21.079 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of the that certain called 20.884 acre tract of land described in a Warranty Deed dated July 7, 2000 from E. J. Daniel and wife, Martha K. Daniel to Daniel Three Forks Farm and being of record in Volume 4225, Page 711, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the northeast corner of the said 20.884 acre tract and being the southeast corner of that certain 124.36 acre tract (TRACT ONE) described in a Deed dated October 14, 1983 from Henry Wayne Chupik and wife, Barabara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas and being in the west right-of-way line of the M.K.T. Railroad company as occupied and evidenced on the ground for corner;


THENCE S. 04° 19' 37" W., 655.96 feet departing the said 124.36 acre tract (TRACT ONE) ad with the east boundary line of the said 20.884 acre tract (calls S. 05° 54' 15" W., 654.88 feet) and with the said west right-of-way line to a Steel fence corner post found being the southeast corner of the said 20.884 acre tract and being the northeast corner of that certain 98.242 acre tract of land described in a Warranty Deed dated December 16, 1994 to Garland Daniel and being of record in Volume 3251, Page 401, Official Public Records of Bell County, Texas for corner;

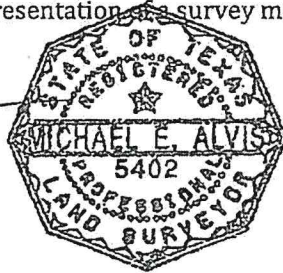
THENCE N. 73° 35' 21" W., 1468.07 feet departing the said west right-of-way line and with the south boundary line of the said 20.884 acre tract (calls N. 71° 45' 01" W., 1460.09 feet) and with the north boundary line of the said 98.242 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set being the southwest corner of the said 20.884 acre tract and being the northwest corner of the said 98.242 acre tract and being in the east boundary line of that certain 160.050 acre tract of land described in a Warranty Deed dated March 15, 2018 from Mary Lavelle Hartrick Amato to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00010557, Official Public Records of Bell County, Texas for corner;

THENCE N. 16° 24' 40" E., 672.34 feet departing the said 98.242 acre tract and with the west boundary line of the said 20.884 acre tract (calls N. 18° 06' 15" E., 669.85 feet) and with the said east boundary line (calls S. 16° 24' 40" W., 1694.53 feet) to a 1" iron pipe found being the northwest corner of the said 20.884 acre tract and being the most easterly southwest corner of the aforementioned 124.36 acre tract (TRACT ONE) for corner;

THENCE S. 72° 15' 29" E., 1331.10 feet departing the said 124.36 acre tract (TRACT ONE) and with the north boundary line of the said 20.884 acre tract (calls S. 70° 26' 43" E., 1322.11 feet) and with the south boundary line of the said 124.36 acre tract (TRACT ONE) (calls S. 70° 22' 24" E., 1323.17 feet) to the Point of BEGINNING and containing 21.079 acres of land.

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


Michael E. Alvis, R.P.L.S. #5402
January 29, 2019



TURLEY ASSOCIATES, INC.

ENGINEERING • SURVEYING • PLANNING
301 NORTH 3RD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
ENGINEERING FIRM #1658 SURVEY FIRM #10056000

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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 30' 47''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE $X = 3,216,784.76$ $Y = 10,341,981.47$

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. $81^{\circ} 19' 38''$ E., 9823.00 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE



BEING a 19.014 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of that certain 18.983 acre tract of land being described in a Warranty Deed dated June 22, 2000 from E. J. Daniel and wife, Martha Kamas Daniel to Daniel Three Forks Farm, Ltd., a Texas limited partnership and being of record in Volume 4225, Page 711, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the southwest corner of the said 18.983 acre tract and being the most easterly northwest corner of that certain 124.36 acre tract (TRACT ONE) described in a Deed dated October 14, 1983 from Henry Wayne Chupik and wife, Barabara Chupik to John M. Baker and wife, Bobbie L. Baker and being of record in Volume 1901, Page 821, Deed Records of Bell County, Texas and being in the east boundary line of the remainder of that certain 122.191 acre tract of land described in a Correction Affidavit dated April 23, 2018 from JDJS Investments, Inc. to Short-Term Lending Gp, Inc and being of record in Document No. 2018-00020037, Official Public Records of Bell County, Texas for corner;

THENCE departing the said 124.36 acre tract (TRACT ONE) and with the west boundary line of the said 18.983 acre tract (calls N. 18° 28' 52" E., 1219.61 feet) the following two (2) calls:

- 1) N. 16° 50' 35" E., 1159.31 feet with the east boundary line of the said remainder 122.191 acre tract (calls S. 16° 50' 35" W., 1159.31 feet) to a 1/2" iron rod found being the northeast corner of the said remainder 122.191 acre tract and being the southeast corner of that certain 160 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 773, Page 277, Deed Records of Bell County, Texas for corner;
- 2) N. 16° 23' 05" E., 57.11 feet departing the said remainder 122.191 acre tract and with the east boundary line of the said 160 acre tract to a 1" iron pipe found being the northwest corner of the said 18.983 acre tract and being the southwest corner of that certain 187.2 acre tract of land standing in the name of Patsy Beasley and being of record in Volume 667, Page 626, Deed Records of Bell County, Texas for corner;

THENCE S. 73° 28' 38" E., 547.56 feet departing the said 160 acre tract and with the north boundary line of the said 18.983 acre tract (calls S. 71° 23' 24" E., 545.98 feet) and with the south boundary line of the said 187.2 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set being the northeast corner of the said 18.983 acre tract and being the southeast corner of the said 187.2 acre tract and being in the west right-of-way line of the M.K.T. Railroad company as occupied and evidenced on the ground for corner;

THENCE S. 04° 12' 23" W., 1237.73 feet departing the said 187.2 acre tract and with the east boundary line of the said 18.983 acre tract (calls S. 05° 51' 53" W., 1236.53 feet) and with the said west right-of-way line to a 1/2" iron rod with cap stamped "RPLS 2475" set being the southeast corner of the said 18.983 acre tract and being the northeast corner of the aforementioned 124.36 acre tract (TRACT ONE) for corner;

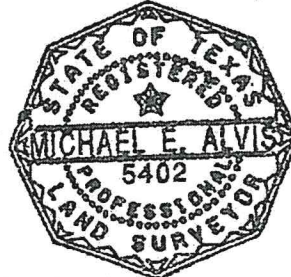
THENCE N. 73° 58' 43" W., 817.95 feet departing the said west right-of-way line and with the south boundary line of the said 18.983 acre tract (calls N. 72° 20' 27" W., 816.15 feet) and with the north boundary line of the said 124.36 acre tract (TRACT ONE) (calls N. 71° 02' 20"

W., 410.0 feet and N. 72° 13' 38" W., 381.0 feet) to the Point of BEGINNING and containing 19.014 acres of land.

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



Michael E. Alvis, R.P.L.S. #5402
September 29, 2019



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

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 541

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 30' 47"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999858

PUBLISHED CITY COORDINATES ARE X = 3,216,784.76 Y = 10,341,981.47

THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS

N. 66° 12' 20" E., 9938.10 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

ORDINANCE NO. 2020-5029
(FY-20-8-ANX)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE VOLUNTARY ANNEXATION OF TWO TRACTS OF LAND, TOTALING APPROXIMATELY 40.093 ACRES, UPON PETITION OF THE LANDOWNER, DANIEL THREE FORKS FARM LTD, SAID TRACTS BEING GENERALLY LOCATED SOUTH OF FM 93 AND EAST OF HARTRICK BLUFF ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, LGC § 43.0671 allows a municipality to annex an area if each owner of land in the area requests the annexation - on February 10, 2020, property owner Martha Daniel filed a written request seeking voluntary annexation of approximately 19.014 acres and 21.079 acres of land respectively for a total of approximately 40.093 acres of land, as shown by Exhibit 'A' and being more particularly described as in Exhibit 'B';

Whereas, prior to annexing an area of land, the City must offer the property owner a development agreement if the area would be eligible for an agreement under LGC Chapter 212, Subchapter G and appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber use pursuant to Texas Tax Code Chapter 23 - the property owner was offered and rejected a development agreement on February 10, 2020;

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

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

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

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

Whereas, while the City of Temple did notify all of the public entities required by State law about the potential fiscal impact on those organizations, a better understanding of that impact can be determined once the owner proposes rezoning and development in the future;

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

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

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

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

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

Part 2: The City Council approves the voluntary annexation of two tracts of land, totaling approximately 40.093 acres, upon petition of the landowner, Daniel Three Forks Farm LTD, said tracts being generally located south of FM 93 and east of Hartrick Bluff Road, as shown and described in Exhibits 'A' and 'B' attached hereto, and said property is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof.

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

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

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

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **4th** day of **June, 2020**.

PASSED AND APPROVED on Second and Final Reading on the **18th** day of **June, 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

06/04/20
Item #5
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION REVIEW:

Amanda Rice, Deputy City Attorney
Mitch Randles, Fire Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance amending City Code of Ordinances, Chapter 12, Fire Prevention and Protection.

STAFF RECOMMENDATION: Adopt ordinance on first reading in the item description and conduct a public hearing. Second reading will be scheduled for June 18, 2020.

ITEM SUMMARY: As part of the City's continuing effort to update the City's Code of Ordinances and to bring the City's code up to date with current City policies and to better protect citizens against fire, City Staff recommends amending Chapter 12, Fire Prevention and Protection, of the City's Code of Ordinances.

The proposed amendments include:

- General housekeeping such as reformatting and renumbering the Chapter, updating City Staff titles, and removing obsolete sections;
- Adopting the 2015 International Code Council International Fire Code;
- Revising the Appeals section of the Chapter to help deter frivolous appeals and ensure uniform application of fire safety regulations;
- Requiring fire apparatus access road gates to be equipped with Knox gate and key switches or padlocks approved by the Fire Marshal to ensure access to private properties in cases of emergency;
- Updating the controlled burning section of the Chapter to comply with state law's requirements for outdoor burning and providing exceptions and regulations for allowed outdoor burning;
- Requiring private property owners to annually perform testing and maintenance on all private fire hydrants located upon their property;
- Amending the extraction operations section to reduce the maximum ground vibration limit to $\frac{3}{4}$ " and establishing a monthly permit re-certification process in addition to an annual permit application requirement;

- Creating a new blasting regulation section to regulate blasting related to construction, tunneling, and demolition;
- Removing a section offering a reward for the arrest and conviction of arsonists;
- Creating new offenses for false alarms and burning without a permit; and
- Updating the penalties section to require the pleading of a culpable mental state for offenses with a fine over \$500.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Current copy of Chapter 12](#)
[Clean copy of Chapter 12 with proposed amendments](#)
[Ordinance](#)



Chapter 12

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

- Sec. 12-1. Appointment qualifications, general powers, and duties of the fire chief.**
- Sec. 12-2. Appointment qualification, general powers, and duties of the fire code official.**
- Sec. 12-3. Definitions.**

ARTICLE II. ADOPTION OF FIRE PREVENTION CODE

- Sec. 12-4. Adoption of fire prevention code.**

ARTICLE III. EXCLUSIONS OF INTERNATIONAL FIRE CODE 2009

ARTICLE IV. REVISIONS OF INTERNATIONAL FIRE CODE 2009

- Sec. 12-5. Adjustment to Chapter 1, “Administration.”**
- Sec. 12-6. Replace Table 906.3(1), “Fire Extinguishers for Class A Fire Hazards,”**
- Sec. 12-7. Replace Table 906.3(2), “Flammable or Combustible Liquids with Depths of Less than or Equal to 0.25- inch,”**
- Sec. 12-8. Adjustment to Chapter 33, “Explosives and Fireworks,” Section 3307 “Blasting,” Subsection 3307.1 “General,”**
- Sec. 12-9. Adjustment to Chapter 38, “Liquefied Petroleum Gases,” Section 3801, “General,” 3801.1 “Scope,”**
- Sec. 12-10. Adjustment to Appendix D, “Fire Apparatus Access Roads.”**

ARTICLE V. ADDITIONS TO INTERNATIONAL FIRE CODE 2009

- Sec. 12-11. Fireworks.**
- Sec. 12-12. Controlled Burning**
- Sec. 12-13. Private Fire Apparatus Access Road and Fire Lanes.**
- Sec. 12-14. Fire Hydrants**
- Sec. 12-15. Extraction Operations Regulations**
- Sec. 12-16. Business Registration.**

ARTICLE VI. MICELLANEOUS

- Sec. 12-17. Establishment of limits of the fire district.**
- Sec. 12-18. Unauthorized use of fire apparatus.**
- Sec. 12-19. Injuring or driving over fire hose.**
- Sec. 12-20. Reward for arrest and conviction of arsonists.**
- Sec. 12-21. New Materials, processes or occupancies which may require permits.**
- Sec. 12-22. Exemptions.**
- Sec. 12-23. Permit Fees.**
- Sec. 12-24. Enforcement.**

Chapter 12

Fire Prevention and Protection

Article I. In General

Sec. 12-1. Appointment qualifications, general powers, and duties of the fire chief.

- a) The fire chief of Temple Fire & Rescue shall be appointed by the city manager, with approval of the city council. The fire chief shall be skilled in the management of the department and in the conduct thereof, and in the fighting and control of fires and conflagrations, and shall devote his entire time to the services of the department under such rules and regulations as may be laid down by the city manager and/or city council from time to time.
- b) The chief, under the direction of the city manager, shall have control of all fire stations and apparatus in the city, shall direct the department and preside over same in its efforts to extinguish all fires and conflagrations, and shall at all times be ready with his department for all the services which are usually expected of an efficient department.
- c) Wherever fire chief appears in this chapter, it shall mean the fire chief or his designee.

Sec. 12-2. Appointment qualifications, general powers, and duties of the fire code official

- a) The fire prevention division is hereby created. Such division shall be in Temple Fire & Rescue with the fire code official being a member of that division and reporting directly to the chief.
- b) The fire code official shall be appointed by the fire chief. The fire code official shall be skilled in investigations, inspections, management and shall devote his time to educating the public in fire safety while enforcing federal, state, and local laws as they pertain to fire prevention. The fire code official must be a licensed peace officer, in accordance with 2.12 of the Code of Criminal Procedures, unless otherwise approved by the Fire Chief.
- c) Wherever fire code official appears in this chapter, it shall mean the fire code official or his designee.
- d) When, in the opinion of the fire code official, further investigation of a fire is necessary, he shall take or cause to be taken the testimony on oath of all persons

supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing.

- e) The fire code official shall have the power to summons witness before him to testify in relation to any matter which is, by the provisions of this chapter, a subject of inquiry and investigation, and may require the production of any book, paper, document, or information deemed pertinent thereto. The fire code official is hereby authorized and empowered to administer oaths and affirmation to any persons appearing as witnesses before him.
- f) All investigations held by or under the direction of the fire code official may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.
- g) Any witness who refuses to be sworn, or who refuses to appear to testify, or who disobeys any lawful order of the fire code official, or who fails or refuses to produce any book, paper, document or information touching any matter under examinations, or who commits any contemptuous conduct during an investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as provided in this article, may be charged with a misdemeanor, and it shall be the duty of the fire code official to cause all such offenders to be prosecuted.
- h) When the fire code official determines that the condition of any premises creates a serious fire hazard dangerous to human life, he may order the utility company or companies to disconnect the utility service until the hazardous condition is removed. In cases of emergency or in situations where a utility company does not respond to or comply with the order of the fire code official shall have the authority to immediately disconnect or cause the disconnection of utility service. Any person whose property is affected by the act or order of the fire code official shall have the right of direct appeal to the city manager.

Sec. 12-3. Definitions.

In this chapter:

Fire Lane shall mean an off-street area that is accessible to the public and is to remain free and clear of parked and standing vehicles in order to provide access to commercial buildings for emergency response purposes. This term includes specifically marked areas in public parking lots.

Private Fire Apparatus Access Road shall mean a road that extends from the property line of a private property to within 150 feet of all points on a commercial building located on

that property, to include private streets and access roadways.

The route that a fire hose would be laid shall mean the routing of fire hose from either a public or approved on-site fire hydrant to the fire apparatus along the length of the public roadway and/or approved private fire lanes.

Article II. Adoption of Fire Prevention Code

Sec. 12-4. Adoption of fire prevention code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain code known as the International Fire Code 2009, International Code Council, as well as Appendices B, D, E, F, G, H, I, and J as it now exists and as it may be revised from time to time, and the whole thereof, save and except:

- A.** Exclusions as noted in Article III of this chapter;
- B.** Revisions as noted in Article IV of this chapter;
- C.** Additions as noted in Article V of this chapter; and
- D.** Such portions as are hereinafter modified and amended, of which code not less than three (3) copies have been and now are filed in the Office of the Building Official and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date of which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Temple, Texas.

Article III. Exclusions of International Fire Code 2009

The following provisions of the International Fire Code 2009 are excluded:

- A.** Exclude Chapter 3, "General Precautions Against Fire," Section 307, "Open Burning and Recreation Fires," but see Section 12-14, "Controlled Burning," herein.
- B.** Exclude Chapter 5, "Fire Service Features," Section 505, "Premises Identification," Subsection 505.1, "Address Numbers," but see Chapter 32, "Streets and Sidewalks," Section 32-9, "Residence and Building Address Numbering," from the city code.
- C.** Exclude Chapter 33, "Explosives and Fireworks," in its entirety, but see Section 12-13, "Fireworks," herein.

- D.** Exclude Chapter 5, “Fire Service Features,” Section 507, “Fire Protection Water Supplies”, Subsection 507.5, “Fire Hydrant Systems,”, but see Section 12-16, “Fire Hydrants,” herein.
- E.** Exclude Chapter 1, “Administration,” Section 105, “Permits,” Subsection 105.6, “Required operational permits,” Part 105.6.35, “Private Fire Hydrant Exception,” but see Section 12-16, “Fire Hydrants,” herein.
- F.** Exclude Chapter 3, “General Requirements,” Section 308, “Open Flames,” Subsection 308.3, “Open Flames,” Subsection 308.3, “Open Flames,” Part 308.4, “Open-flame Cooking Devices Exception,” but see Section 12-14 b, “Recreational Fires and Outside Fires for Domestic Purposes,” herein.
- G.** Exclude Chapter 9, “Fire Protection Systems,” Section 906, “Portable Fire Extinguishers,” Subsection 906.1, “Where Required Exception,” but see Section 12-9, Table 906.3 (1), “Fire Extinguishers for Fire Hazards,” and Section 12-10, Table 906.3 (2) “Flammable or Combustible Liquids with Depths of less than or equal to 0.25-inch.”

Article IV. Revisions of International Fire Code 2009

Sec. 12-5. Adjustment to Chapter 1, “Administration.”

- a) Adjustment to Chapter 1, “Administration,” Section 101, “General,” Subsection 101.1, “Title,” amended to read as follows:
 - 1) In the title insert “The City of Temple.”
 - 2) Replace all references to “the ICC Electrical Code” with “the currently adopted edition of the City of Temple Electric Code.”
- b) Adjust Chapter 1, “Administration,” Section 105, “Permits,” Subsection 105.1, “General,” Part 105.1.1, “Permits Required,” amend to read as follows:

Permits required by this code shall be obtained from the construction safety division of the city. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

- c) Adjustment to Chapter 1, “Administration,” Section 108, “Board of Appeals,” Subsection 108.1, “Board of Appeals Established,” amended to read as follows:

Refer to Chapter 7, “Buildings,” of the City of Temple Code of Ordinances.

Sec. 12-6. Replace Table 906.3(1), “Fire Extinguishers for Class A Fire Hazards,” with the following table:

Fire Extinguisher Requirement Based on Square Footage			
	LIGHT (LOW) HAZARD OCCUPANCY	ORDINATRY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum Rated Single Extinguisher	5 lb. ABC	5 lb. ABC	5 lb. ABC
Maximum Floor Area Per Unit	3,000 square feet	1,500 square feet	1,000 square feet
Maximum Travel Distance to Extinguisher	75 feet	75 feet	75 feet

Sec. 12-7. Replace Table 906.3(2), “Flammable or Combustible Liquids with Depths of Less than or Equal to 0.25-inch,” with the following table:

TYPE OF HAZARD	BASIC MINIMUM EXTINGUISHER RATING	MAXIMUM TRAVEL DISTANCE TO EXTINGUISHERS (FEET)
Light (Low)	5 lb, ABC	75 feet
Ordinary (Moderate)	5 lb, ABC	75 feet
Extra (High)	5 lb, ABC	75 feet

Sec. 12-8. Adjustment to Chapter 33, “Explosives and Fireworks,” Section 3307, “Blasting,” Subsection 3307.1, “General,” amend to read as follows:

Blasting operations shall be conducted only by approved, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the provisions of NFPA 495 and Section 12-23, “Extrication Operations Regulations.”

Sec. 12-9. Adjustment to Chapter 38, “Liquefied Petroleum Gases,” Section 3801, “General,” 3801.1 “Scope,” amend to read as follows:

Storage handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such use shall comply with this chapter, the

Texas Railroad Commission Rules governing LP-gas and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58.

Sec. 12-10. Adjustment to Appendix D, “Fire Apparatus Access Roads.”

a) Section D103, “Minimum Specifications,” amended as follows:

1) Exclude Table D103.4, “Requirements for Dead-end Fire Apparatus Roads.”

2) Subsection D103.4, “Dead-ends,” amend to read as follows:

Public Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) in length shall be designed in accordance with the City of Temple Design and Development Manual.

3) Subsection D103.5, “Fire apparatus road gates,” amended to read as follows

5. The minimum gate width shall be 20 feet for gates serving as entrance and exit. Gates that are paired and separated by an island are permitted to be a minimum of 16 feet each (one for exit and one for entrance). All electric gates shall be equipped with a device approved by the Fire Code Official to be operated by a designated emergency radio frequency and have a separate manual release. This release will be used by Temple Fire & Rescue personnel for emergency access in the event of a power failure. Any manual release devices used for emergency access to a property shall be approved by the fire code official. Gates that are manned 24 hours a day and 7 days a week are exempt from the radio frequency device, however must have a Fire Department emergency manual release. All existing gates not in compliance with this standard must meet the standard by May 2nd 2014 or be locked in the open position until such time as it can comply with the standard.

4) Adjustment to Section D103.6 Signs amended to read as follows:

Where required by the fire code official, private fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on both sides of the private fire apparatus road, where the width of the road surface is less than 28 feet. Obstructions to a fire access roadway such as traffic calming devices may be approved by the fire code official when; such traffic calming devices as lane separating

islands, boulevards, and roundabouts have a minimum back of curb to back of curb distance of 18 feet on each side of the obstruction with signs placed along the obstruction. When approved by the fire code official, fire apparatus access roads may be designated by painting the curb or roadway with a 6-inch red strip with white 4 inch lettering of NO PARKING FIRE LANE every 30 - 40 feet.

b) Section D106, “Multiple-Family Residential Developments,” amend to read as follows:

- 1) D106.1, “Projects having 1-75 dwelling units.” Multiple-family residential projects having 1-75 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the city’s Design & Development Standards Manual.
- 2) D106.2, “Projects having 75-150 dwelling units.” Multiple-family residential projects having more than 75-150 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City of Temple Design & Development Standards Manual. The exception to this sub-section is excluded. See Article II of this chapter.
- 3) D106.3, “Projects having 151-300 dwelling units.” Multiple-family residential projects having more than 151-300 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City of Temple Design & Development Standards Manual.
- 4) D106.4, “Projects having 301 or more dwelling units.” Multiple-family residential projects having 301 or more dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City of Temple Design & Development Standards Manual.

c) Adjustment to Section D107, “One- or Two- Family Dwelling Residential Developments” amend to read as follows:

- 1) D107.1, “Developments having 1-75 dwelling units.” One- or Two-family dwelling residential development having 1-75 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City of Temple Design & Development Standards Manual.
- 2) D107.2, “Development having 76-150 dwelling units.” One- or Two- Family residential having 76-150 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City’s Design & Development Standards Manual. The exception to this subsection is excluded. See Article II of this chapter.

- 3) D107.3, “Developments having 151-300 dwelling units.” One- or Two- Family residential having more than 151-300 dwelling units shall have residential subdivision Entrance/Access roads designated as required by the City’s Design & Development Standards Manual.

Article V. Additions to International Fire Code 2009

Sec. 12-11. Fireworks

A. Definitions:

Distributor means a person who:

- a. imports fireworks into this state; or
- b. sells fireworks to:
 1. a jobber, retailer, or other distributor for resale; or
 2. a holder of a single public display permit, a multiple public display permit,
or another fireworks permit.

Fireworks means a composition or device:

1. designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation; and
2. defined by 49 C.F.R. Section 173.56(j)(1996).

Fireworks 1.3G means a large fireworks device:

1. primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and
2. classified as a 1.3G explosive by the department in 49 C.F.R. Part 173 (1996).

Fireworks 1.4G means a small fireworks device:

1. primarily designed to produce visible or audible effects by combustion,
deflagration, or detonation;
2. that complies with the construction, labeling, and chemical composition
requirements of the United States Consumer Product Safety Commission in
16 C.F.R. Part 1507 (1996), or the most recently adopted version of
that
rule; and

3. that is classified by the department in 49 C.F.R. Part 173 (1996).

Illegal fireworks means a fireworks device possessed, sold, manufactured, discharged, or transported in violation of this chapter.

Jobber means a person who purchases fireworks only for resale to retailers.

Manufacturer means a person, firm, corporation, or association who makes fireworks.

Person means an individual or entity, including an owner, manager, officer, employee, or occupant.

Public display means the igniting of Fireworks 1.3G for public or private amusement.

Pyrotechnic operator means an individual who, by experience, training, and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising public displays of Fireworks 1.3G or Fireworks 1.4G.

Pyrotechnic special effects operator means an individual who, by experience, training, and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising proximate displays of Fireworks 1.3G or Fireworks 1.4G.

Retailer means a person who purchases fireworks for resale only to the general public.

B. *Exemptions:*

This article does not apply to:

- a. a toy pistol, toy cane, toy gun, or other device that uses paper or plastic caps in sheets, strips, rolls, or individual caps that contain not more than an average of 25 hundredths of a grain of explosive composition per cap and that is packed and shipped under 49 C.F.R. Part 173 (1996).
- b. a model rocket or model rocket motor designed, sold, and used to propel recoverable aero models.
- c. the sale or use of, in emergency situations, pyrotechnic signaling devices or distress signals for marine, aviation, or highway use;
- d. the use of a fusee or a railway torpedo by a railroad;
- e. the sale of blank cartridges for:
 1. use in a radio, television, film or theater production;

2. a signal or ceremonial purpose in an athletic event; or
3. an industrial purpose; or

f. the use of a pyrotechnic device by a military organization.

- C. *General prohibition against possession, sale, manufacture, discharge, or transportation.* Except as otherwise specifically provided in this article, it shall be unlawful for any person to possess, sell, manufacture, discharge, transport, or otherwise assemble, store, receive, keep, offer or have in his possession with intent to possess, sell, manufacture, transport, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description.
- D. *Permitted transportation.* It shall be lawful for any distributor, jobber, manufacturer, pyrotechnic operator, pyrotechnic special effects operator, or retailer to transport fireworks in accordance with the interstate commerce commission regulations regarding the transportation of explosives and other dangerous articles by motor, rail, and water.
- E. *Illegal fireworks as a nuisance; seizure and destruction, etc.* The presence of any fireworks within the jurisdiction of the city in violation of this section is hereby declared to be a common and public nuisance. The fire code official is directed and required to seize and cause to be safely destroyed any fireworks found in violation of this article and any member of the fire prevention division of the Temple Fire & Rescue Department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally until the fire code official can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this section. Notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the city or the fire code official, or both, for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the jurisdiction of the city and to aid the fire code official in the discharge of his duties and to particularly prevent any person from interfering with the seizure and destruction of such fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.
- F. *Section provisions to apply within five thousand feet of the city limits.* This section shall also be applicable and in force within the area immediately adjacent and contiguous to the city limits of the City of Temple and extending for a distance outside the city limits for a total of five thousand (5,000) feet, and it shall be unlawful to do or perform any act in violation of this Article within such area of five thousand (5,000) feet outside the city limits; provided that this Article shall not apply within any portion of such five thousand-foot area which is contained within the territory of any other municipal corporation.

- G. *Right of entry to enforce section.* The fire code official is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks; but such authority does not include the right to enter a private dwelling or apartment.
- H. *Public displays; when permitted.* A public display of fireworks shall be-permitted when made in compliance of the terms and conditions of this article.
- I. *Application for permit.* Any adult person or any firm, co-partnership, corporation or association planning to make a public display of fireworks shall first make written application for a permit to the fire code official at least seventy-two (72) hours in advance of the date of the proposed display. No city permit shall be issued until a permit for said purposes has been issued by the State of Texas.
- J. *Issuance or denial and term of permit; permit non-transferable.* It shall be the duty of the fire code official or his designee to make an investigation as to whether the display as proposed by the applicant for a permit under this article shall be of such a character that it may be hazardous to property or dangerous to any person, and he shall, in the exercise of reasonable discretion, grant or deny the application, subject to the conditions prescribed in this section. In the event the application is approved, a permit shall be issued for the public display by the fire code official. The fire code official shall determine what fire protection safety measures will be required before, during and after the display and it is the responsibility of the permittee to make sure the fire protection measures are enforced, such permit shall be for a period of time designated on the permit but can be extended by the fire code official. The permit is non-transferable and shall only be good for one display. In the event the permit is denied by the fire code official, he shall notify the applicant of the denial, in writing.
- K. *Insurance or bond required.* The applicant for a display permit under this section shall, at the time of making application, furnish proof that he carries compensation insurance for his employees, as provided by the laws of this state, and he shall file with the fire code official a certificate of insurance evidencing the carrying of public liability insurance in an amount not less than one million dollars (\$1,000,000) issued by an insurance carrier authorized to transact business in the state, for the benefit of the person named therein as assured, as evidence of ability to respond to damages in at least the amount of one million dollars (\$1,000,000), such policy to be approved by the City of Temple. In lieu of insurance, the applicant may file with the fire code official, a bond in the amount of one million dollars (\$1,000,000) issued by an authorized surety company approved by the City of Temple, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant or his agents, servants, employees, or subcontractors in the

presentation of the public display. The City of Temple shall also be designated as an insured by the insurance policy and bonded by the bond.

- L. *Only aerial displays permitted.* Any fireworks display authorized under this article shall be limited to an aerial display.
- M. *Storage of material prohibited in the city.* The material to be used for a public display authorized by this article shall not be stored within the city limits, but shall be brought in on the date of the public display and then shall be taken immediately to the place of display for further handling and storage; except that such materials may be stored within the city limits in a secured storage area designated by the fire code official.
- N. *Hazardous conditions prohibited.* Any persons overseeing a display of fireworks under this article shall be a competent, adult person, an experienced pyrotechnic operator, and approved by the fire code official. No person shall handle fireworks at a public display unless such person has been approved by to do so by the fire code official. The names of all experienced pyrotechnic operators shall be designated on the permit issued for the public display.
- O. *Firefighter to be present.* For each public display of fireworks under this section, not less than two (2) firefighters of the city shall be in attendance during the display. The expense of such firefighters at the display shall be borne by the applicant for the permit.

Sec. 12-12. Controlled Burning

- a) *Burning of debris and other inflammable materials, generally.*
 - 1) Permit. It shall be unlawful for any person to burn trash, brush, tree limbs, grass, trees, leaves, paper, boards, planks, lumber, or any other character of debris or inflammable materials whatsoever in the city, except in an incinerator or container which has been approved, in writing, by the fire code official or his designee. An exception shall be considered by the fire code official on an individual basis when and after the Texas Commission on Environmental Quality (T.C.E.Q.) has issued, in writing, a permit to so burn debris and other inflammable materials.
 - i. A copy of the T.C.E.Q. letter of determination or permission to conduct a controlled burning must be presented to the fire code official or his designee.
 - ii. The fire code official or his designee shall inspect the location of a controlled burn and shall determine if the burn can be safely conducted before any actual burning occurs.

- iii. The fire code official may require the following, depending on conditions found during the controlled burn site inspection:
 - a. A specified number of individuals be present with fire extinguishing devices and appliances;
 - b. Fire breaks to be cut around the area to be burned;
 - c. A trench to be dug and any burning be conducted in the trench; or
 - d. Any other requirements that the fire code official may deem necessary to safely conduct the controlled burn.
- 2) A controlled burn that the T.C.E.Q. has authorized and that has been approved by the fire code official must meet criteria as outlined in the remainder of this chapter.
- 3) Burning shall be commenced when the wind will carry smoke and other pollutants away from the city or any residential, recreational, commercial, or industrial area, navigable water, public road, or landing strip which may be affected by the smoke. Burning shall not be conducted when a shift in wind direction is predicted which could produce adverse effects to persons, animals, or property during the burning period. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post a flag person on affected roads in accordance with the requirements of the Department of Public Safety.
- 4) Burning must be conducted downwind of or at least 300 feet from any structure located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
- 5) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - i. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard conditions. In no case shall the extent of the burn area be allowed to increase after this time.
 - ii. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period. This information can be obtained by contacting

the Draughon-Miller Central Texas Regional Airport or the National Weather Service.

- 6) Per T.C.E.Q. Rules & Regulations, heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any material which may produce an unreasonable amount of smoke must not be burned.
- 7) Incinerator or container for fire. An incinerator or container used for burning of any material mentioned in this section (12-20) shall be located so that smoke will not become a nuisance to occupants of surrounding building and such incinerator or container shall not create a hazard to surrounding property. All incinerators must meet any regulation set forth by the T.C.E.Q.
- 8) Any and all burning of debris and other inflammable materials will be extinguished immediately if determined by the fire code official to be unsafe or constituting a hazard to the environment or interferes with the reasonable use of any properties.
- 9) The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

b) *Recreational Fire and Outside fires for domestic purposes.*

- 1) Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes, and town homes, subject to the regulations contained herein.
- 2) Fires shall be limited to a maximum 3 feet diameter and 2 feet in height, must be contained in a non-combustible chimenea, outdoor fireplace, fire pit, or other method approved by the fire code official.
- 3) All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and ember.
- 4) Fires must be kept at least 10 feet from any structure or combustible exterior wall.
- 5) Fires must be constantly attended.
- 6) No such fire or container used for an open burning may be used on any porch, deck, balcony, or other portion of a building; within any room space; or under any building overhang.

- 7) The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than 3 inches in diameter, untreated lumber, garbage, paper products, or anything other than firewood as set forth herein is prohibited.
 - 8) The fire code official, police officer, or code enforcement officer may order any open fire, or use of a chimenea, outdoor fireplace, or fire pit which creates a nuisance to be extinguished.
 - 9) All chimineas must be extinguished by 1:00 A.M.
- c) *Burning of garbage, petroleum products and motor vehicles prohibited.* The burning of garbage in any form, or petroleum products, or automobiles or other motor vehicles or any part thereof for wrecking or salvage purposes in or on any lot or other premises within the city limits is hereby prohibited.
 - d) *Fire prohibited in streets, alleys and on or in public property.* It shall be unlawful for any person to light or have lighted any fire in or on any street, alley, thoroughfare, or public property.

Sec. 12-13. Private Fire Apparatus Access Road and Fire Lanes

a) Maintenance

- 1) A property owner shall at all times maintain and keep in good repair all private apparatus access roads and fire lanes on the premises.
 - 2) The owner shall maintain all signs and/or markings in good condition and legible at all times.
- b) *Abandonment of Private Fire Apparatus Access Roads and Fire Lanes.* No owner or person in charge of any premises served by a private fire apparatus access road shall abandon or close any such fire apparatus access road without complying with the following procedure:
- 1) A request to the fire code official shall be made in writing by the owner stating the reason for abandonment of the private fire apparatus access road;
 - 2) The fire code official shall determine if said property is no longer subject to the requirements of this code;
 - 3) The fire code official shall either approve or deny the request for abandonment and notify the owner in writing within 10 days of receiving the request; and
 - 4) No private fire apparatus access road may be abandoned until the fire code official has approved the abandonment, in writing.

- c) *Authority to Determine Location.* The locations of fire lanes/private apparatus access roads shall be determined by the fire code official of the City of Temple or his designated representative, hereinafter called “the authority,” in conformity with the provisions of this article.
- d) *Location of Private Fire Apparatus Access Roads and Fire Lanes.* No building, other than single-family or two-family dwellings, shall be constructed so that any part of the perimeter of the building is greater than one hundred and fifty (150) feet from a public way or public place unless the owner or property manager constructs and maintains a private apparatus access road or fire lane having a minimum width of twenty (20) feet and a minimum overhead clearance throughout of no less than thirteen (13) feet six (6) inches and terminating within one hundred and fifty (150) feet from the furthestmost point of said building. The same being reflected on the first plat of the property.
- e) *Restrictions.*
 - 1) Private apparatus access road or fire lanes shall not be used as loading zones.
 - 2) There shall be no parking in any private apparatus access road or fire lane at any time.
- f) *Posting of Signage and Markings for Fire Lanes.*
 - 1) All required fire lanes shall be conspicuously marked and shall have signage posted that shall read “NO PARKING FIRE LANE,” and all required fire hydrants on private property shall be marked “Fire Hydrant—Do Not Block.”
 - 2) Signage can be either rectangular signs or red striping; this to be determined by fire code official.
 - i) Rectangular signs shall be a minimum of 12” width x 18” height. They will have a white background with red lettering and be made of reflective material.
 - ii) Striping will consist of a 6” wide red strip with 4” high white letters.
 - 3) Required fire lane signage shall be placed no less than thirty (30) feet and no greater than forty (40) feet apart.
 - 4) Required fire hydrant markings shall be placed on both sides of a hydrant and at a distance of no less than fifteen (15) feet from the hydrant.
- g) *Private Dead-end Fire Apparatus Access Roads.* Private dead-end fire apparatus access roads in excess of 150 feet (45 720mm) in length shall be provided with a 120 foot hammerhead, 60 foot “Y”, or 94 foot diameter cul-de-sac in accordance with figure D103.1 of the 2009 International Fire Code.

Sec. 12-14. Fire Hydrants

A. Authority to determine location. The fire chief or his designee, hereinafter called “the authority,” shall determine the location of fire hydrants in conformity with the provisions of this article.

B. Fire hydrants; location.

- (1) As residential zoned property is developed, fire hydrants shall be located at a maximum spacing of six hundred (600) feet as measured along the length of the roadway and no part of any structure shall be farther than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.
- (2) As non-residential zoned property is developed, fire hydrants shall be located a maximum spacing of three hundred (300) feet as measured along the length of the roadway and no part of any structure shall be further than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose is laid.
- (3) Spacing of hydrants along roadways designated by the City of Temple as expressways and major arterials will be required on both sides of the roadway with the maximum distance of 600 feet for residential and 1200 feet for non-residential zoned properties, on each side of the roadway. No part of any structure shall be further than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose is laid.

C. Restrictions.

- (1) Type of fire hydrants. All required fire hydrants shall be of the national standard three-way breakaway type no less than five and one-fourth (5 ¼) inches in size and shall conform to the provisions of the latest American Water Works Association (A.W.W.A.) specifications C-502 and shall be placed upon approved water mains of no less than six (6) inches in size.
- (2) Valves shall be placed on all fire hydrant leads.
- (3) Required fire hydrants shall be installed in such a manner that the breakaway point will be more than three (3) inches, and not greater than five (5) inches, above the ground surface.
- (4) A spacing of no less than eighteen (18) inches shall be provided between center of the barrel of the large steamer connection and the finished grade surface.

- (5) No fire hydrant located on a six-inch (6 inch) dead-end water main shall be located more than 1,800 ft. from a six-inch (6 inch) or greater main.
- (6) No six-inch looped water main shall exceed three thousand five hundred (3,500) feet in length.
- (7) Fire hydrants shall be installed on a water main that is separate from the domestic water supply, except when it is determined by the fire code official that the required maximum one (1) hour demand plus the needed minimum fire flow of one thousand (1,000) gallons per minute will be met by alternate installation.
- (8) Fire hydrants located on public property shall be located a minimum of two (2) feet and a maximum of four (4) feet behind the curb line.
- (9) Protection of fire hydrants. All fire hydrants placed on private property shall be adequately protected by either curb stops or concrete posts or other methods, as approved by the fire code official. Such stops or posts shall be maintained by the property owner or manager
- (10) All fire hydrants shall be installed so that the steamer connection faces the fire lane or street.
- (11) Fire hydrants, when placed at intersections or access drives to parking lots, when practical, shall be placed so that no part of a fire truck connected to the hydrant will block the intersection or parking lot access.
- (12) Obstructions. Post, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- (13) Fire hydrants located on private property shall be accessible to the fire department at all times and free of any type of obstruction that would hinder their use (i.e. vegetation). A 3-foot clear space shall be maintained around the circumference of fire hydrants.
- (14) The fire code official shall have the authority to approve a variance of up to 10 percent of the footage requirements found at Sec. 12-23.B. parts (a) and (b).

D. Maintenance

(1) All fire hydrants shall be inspected, flushed and painted at least once annually and such inspections, flushing and painting shall be the responsibility of Temple Fire & Rescue. Fire hydrants shall be color coded as follows:

- i. Less than 500 gpm – Red Bonnet
- ii. 500-999 gpm – Yellow Bonnet
- iii. 1000-1499 gpm – Green Bonnet
- iv. Over 1500 gpm – Blue Bonnet

(2) Any maintenance or repairs required to keep a fire hydrant in proper working order, other than the maintenance found at a subsection above, shall be the responsibility of the property owner, or manager of the property on which the fire hydrant is located.

E. Use; opening and closing. The chief or his designee shall prescribe the manner in which all fire hydrants shall be opened or closed. No person shall open or close any fire hydrant unless authorized to do so by the chief or his designee.

Sec. 12-15. Extraction Operations Regulations

(a) Purpose.

- (1) In order to promote the health, safety, and welfare of those who work or reside near extraction operations, and to protect air quality and the water resources of the city, the regulations in this section are applicable to extraction operations.
- (2) This section shall apply to all extraction operations conducted within the territorial limits of the city and in the extraterritorial jurisdiction within 5000 feet of said territorial limits.

(b) Definitions.

In this section:

Blasting shall mean the practice or occupation of extracting heavy masses of rock, or other materials imbedded in the ground, by means of explosives or blasting agents.

Extraction operations shall mean the use of a lot or tract of land primarily for extraction of materials (including, but not limited to, limestone, rock, sand, gravel, or soil, but not oil or natural gas).

Extraction site shall mean the location of materials or rock removal or extraction operations as delineated by a site plan or a certificate of occupancy.

Regulatory authority shall mean The Temple Fire & Rescue Department

(c) *Blasting*. All blasting activity that falls within the scope of this Article shall comply with the following provisions;

(1) Permit required.

- i. An appropriate blasting or explosives permit must be acquired from the regulatory authority prior to any blasting activity or preparation for blasting activity at an extraction site.
- ii. A blasting or explosives permit will authorize blasting for the extraction of materials (e.g., rock or stone) only at the extraction site designated on the permit.
- iii. The extraction site operator, or designated representative, may apply for a blasting or explosives permit in accordance with the following procedures:
 1. The applicant shall submit a completed permit application form and fee, as required by the regulations contained in the 2009 International Fire Code, as adopted and amended by the City Council. The permit fee shall be in an amount set by resolution of the City Council.
 2. The fire code official shall have thirty (30) days in which to approve or deny a permit application.
 3. Any party aggrieved by the denial of a permit or inaction by the fire code official may appeal such decisions to the Building Board of Appeals, in writing. Upon receipt of an appeal notification, the Board shall take the actions required to review the appeal, in accordance with the 2009 International Fire Code.
 4. The application shall contain the following information:
 1. Name of the operator(s) conducting the blasting;
 2. Identification of extraction site;
 3. Description of conditions, if any, which may cause possible adverse blasting effects;
 4. Normal extraction operations schedule;
 5. Type of explosives or blasting agents to be used;
 6. Type of stemming;

7. Name(s) of licensed blasters on the job;
8. Copy of Mine Safety Health Administration (MSHA) Certificate of Training (Form 5000-23) for all personnel involved in the extraction operations.
9. Copy of Insurance Certificate of Blasting Liability Coverage

(2) Insurance required.

- i. Before a permit is issued, the applicant shall obtain and maintain general liability insurance having limits of not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage combined with one million dollars (\$1,000,000) or greater annual aggregate throughout the permitted period for the purpose of the payment of all damages to persons or property which arise, or are caused by, the conduct of any act or omission authorized by the permit. The general liability insurance shall name the City of Temple as an additional insured with a waiver of subrogation in favor of the City of Temple. The policy shall contain a provision requiring the insurance company to furnish the City of Temple with written notification on any cancellation or nonrenewal of the policy thirty (30) days prior to the cancellation date or inception date, whichever case may be.
- ii. Evidence of compliance with this requirement shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with, and approved by, the fire code official. Such policy shall include an endorsement that the fire code official shall be notified at least thirty (30) days in advance in the event the policy or policies are canceled. The City may cancel a permit for any violation of this section.

(3) Regulatory Compliance. All blasting operations located within an extraction site shall comply with the applicable provisions of the 2009 International Fire Code and with this section, as well as all applicable local, state, and federal regulations concerning industrial noise and dust levels and applicable drainage, water and air standards.

(4) Annual permit renewal required.

- i. In addition to compliance with local, state, or federal regulations, the operator shall be required to comply with the provisions of this section by renewing a permit annually before the anniversary date of the permit.

ii. Upon renewal, the extraction site operator shall:

1. certify in writing that the blasting activities at the permitted extraction site are anticipated to remain materially unchanged from the activities described on the permit application; or
2. provide all relevant information relating to material changes at the permitted extraction site to the fire code official for review;
3. pay the annual permit fee; and
4. file a current certificate of insurance which complies with this section.

iii. A blasting permit will remain in force and effect, provided that the blasting activities at the extraction site specified in the permit are anticipated to remain materially unchanged, the permittee has complied with the requirement of this section during the preceding permit year, and the annual renewal requirements have been met.

(5) Hours of operation. The hours during which extraction operations may take place by blasting shall be at any time during the hours between 8:00 a.m. and 5:00 p.m. Extraction by blasting shall be prohibited on Saturdays, Sundays, and legal holidays unless a variance is obtained from the fire code official based upon public safety concerns or extraordinary economic considerations.

(6) Monitoring of Blasting.

i. The extraction site operator shall monitor each blast to accumulate data with respect to seismographic and air blast effects of the blasting activity, as required by state and federal law. The extraction site operator shall conduct independent monitoring of blasting events, if directed, and to the extent and frequency reasonably required by the regulatory agency.

ii. Information generated in the form of reports or other data from this monitoring shall be submitted to the fire code official within seventy-two (72) hours of each blasting event.

iii. Monitoring information shall include:

1. actual date and time of the blast;
2. type of explosives or blasting agents used;
3. technical data and material safety data sheets for all explosives or blasting agents used;
4. total pounds of explosives used in each blast;
5. number, spacing, stemming and depth of holes;

6. maximum pounds per delay;
7. firing sequence, delay sequence, and typical hole load diagrams;
8. location and distance of extraction operation from seismographs;
9. weather conditions at time and location of blast;
10. seismograph data;
11. and ground vibrations or air blast records which shall include:
 1. Type of instrument, sensitivity and calibration signal of certification of annual calibration.
 2. Exact location of instrument and the date, time and distance from the blast;
 3. Name of person and firm taking the reading as well as the person analyzing the seismic record; and
 4. The vibration and air blast level recorded.

(7) Safety Standards. The extraction site operator is responsible and required to comply with all applicable provisions of any state or federal law or applicable regulations promulgated by the Occupational Safety Health Administration (OSHA), Mine Safety Health Administration (MSHA), Alcohol, Tobacco, and Firearms (ATF), or any other executive agency of the state or federal government relating to use, handling, transportation, storage, or detonation of explosives or blasting agents.

(8) Records and Inspections

- i. The holder of a blasting permit shall make the extraction operations site available to the fire code official for inspection at all times during regular business hours.
- ii. The permittee shall retain a record of all blasts and monitoring information for at least five (5) years past the to include date of a blast.
- iii. All records, including monitoring records referenced in subsection (f)(iii) above, relating to blasting activities shall be made available to the fire code official during normal business hours within seventy-two (72) hours of request.

(d) *Control of Adverse Effects.*

(1) Air Blast (Noise) Limits. For the purpose of this section, the air overpressure and related noise generated by the use of explosives or blasting agents in extraction operations shall be measured by the air blast created thereby. Air blast shall not exceed 134 dB peak (± 3 dB) at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area, except as provided in subsection (e) of this section.

- (2) Ground vibration. In all blasting operations, except as otherwise authorized in subsection (e) below, the maximum ground vibration shall not exceed one (1) inch per second at the location of any dwelling.
- (3) Monitoring Requirement. The operator shall conduct monitoring to ensure compliance with the air blast standards and ground vibration standards. Air blast and ground vibration measurements of blasts must be performed to the extent required this section.
- (4) Flyrock. Flyrock traveling in the air or along the ground shall not be cast from the blasting site beyond the area under the control of the operator.
- (5) Exception. The maximum air blast and ground-vibration standards of this section shall not apply at the following locations:
 - i. At structures owned by the permittee and not leased to another person;
 - ii. At structures owned by the permittee and leased to another person, if a written waiver by the lessee has been obtained.

Sec. 12-16. Business Registration.

- i. *Purpose*. Business registration is a procedure administered by Temple Fire & Rescue, in conjunction with the Utilities department, which assures that all businesses within the City of Temple are registered for 911 services, inspected and comply with all city codes.
- ii. *Registration prerequisite to doing business in the City of Temple*. All businesses shall comply with the registration requirements of this article as a precondition of initiating or continuing any business within the City of Temple. For the purpose of this article, the term “business” includes any commercial enterprise, school, church or governmental office located within the city limits. Each occupant of a building used by a business shall have responsibility for complying with the registration requirements of this section.
- iii. *Registration procedure*.
 - i. When a business owner applies for utilities he or she shall fill out a business registration form and return to Temple Fire & Rescue prior to the business receiving utilities or opening its doors for business.
 - ii. Registration or re-registration with the city is required prior to changing the name, ownership, operator, location, or use of an existing business.

Article VI. Miscellaneous

Sec. 12-17. Establishment of limits of the fire district.

Beginning at the point of intersection of the south line of Calhoun Avenue with the east line of North 5th Street; thence in southerly direction along the east line of North 5th Street to the south line of Barton Avenue; thence in a westerly direction along said south line of Barton Avenue to the point of intersection with the east right-of-way of the Gulf, Colorado and Santa Fe Railroad; thence in a southeasterly direction along the east line of South 9th Street, if extended; thence in a southerly direction with said line to the north line of Avenue D; thence in a easterly direction with said line to the east line of South 1st Street; thence in a southerly direction along said line to the north line of Avenue E; thence in an easterly direction along said line, if extended, to the west line of 6th Street, if extended; thence in a northerly direction along said west line of 6th Street, if extended, to the north line of Avenue A; thence in an easterly direction along said line to the west line of 8th Street; thence in a northerly direction with said line to the south line of Central Avenue; thence in a westerly direction with said line to the west line of 6th Street; thence in a northerly direction along said line to the south line of Adams Avenue; thence in a westerly direction along said line to the west line of 4th Street; thence in a northerly direction along said line to the south line of Barton Avenue; thence in a westerly direction along said line to the west line of 2nd Street; thence in a northerly direction along said line to the south line of Calhoun Avenue; thence in a westerly direction along said line to the point of beginning.

Sec. 12-18. Unauthorized use of fire apparatus.

It shall be unlawful for any person, under any pretext whatever, other than for the purposes for which they were intended in Temple Fire & Rescue, to take or use any engine, truck, ladder, fire axe, or other apparatus belonging to or in possession of the department, or any member or company thereof, or to break, deface, or injure the same.

Sec. 12-19. Injuring or driving over fire hose.

It shall be unlawful for any person to cut, deface, tear or otherwise injure, or drive any vehicle over any fire hose belonging to the City of Temple or any fire department that is providing mutual aid for the City of Temple.

Sec. 12-20. Reward for arrest and conviction of arsonists.

The city hereby offers a reward of five hundred dollars (\$500) for the arrest and conviction of any person for the crime of arson committed within the city limits of the City of Temple. The sum of five hundred (\$500) is hereby appropriated out of any funds belonging to the city not already appropriated for some other purpose for the payment of such reward.

Sec. 12-21. New materials, processes or occupancies which may require permits.

The fire chief or his designee shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those enumerated in this chapter. The fire chief or his designee shall post such lists in a conspicuous place in their offices, and distribute copies thereof to interested persons.

Sec. 12-22. Exemptions.

Nothing contained in this Ordinance shall be construed as applying to the regular military or naval forces of the United States, the duly authorized militia of the State, or the police and fire departments of the city in the proper performance of their duties.

Sec. 12-23. Permit Fees.

The city council shall, by resolution, set the amount of all permit fees required by this chapter. A copy of any resolution setting permit fees shall be maintained in the office of the fire code official.

Sec. 12-24. Enforcement.

This chapter shall be enforced by the fire chief or his designee.

Penalties

(a) *Criminal Offenses.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction, shall be fined an amount not exceeding two thousand (\$2,000) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

(b) The city attorney may seek remedies at law or in equity to prevent a violation of this chapter

~~(Ordinance No. 2011-4485, November 17, 2011)~~

(REVISED: Ordinance No. 2013-4586, May 16, 2013)

CHAPTER 12
FIRE PREVENTION AND PROTECTION

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Chapter 12

Fire Prevention and Protection

Article I. In General

Sec. 12-1. Definitions.

For the purposes of this Chapter, and as used herein, the following terms will have the meanings as given in this Section:

Air blast means an airborne pressure wave resulting from the detonation of explosives.

Blast means a detonation of explosive materials or blasting agents.

Blasting operations includes blasting and blasting related activities, including, but not limited to, blasting explosives and preparing for blasts, drilling holes for the loading of explosives, loading explosives, setting up of blasting monitoring equipment, posting signs and flags related to blasting, rerouting traffic, erecting barricades, and setting up safety equipment prior to blasting.

Blasting project means each blast requiring a separate Fire Marshal inspection. Fire Marshal inspections will be required as deemed necessary by the Fire Marshal to protect the public's health, safety, or welfare or for the protection of property.

City means the City of Temple, Texas, the City Council of Temple, Texas, or their representative, employee, agent, or designee.

City Attorney means the City's city attorney appointed by the City Council or the City Attorney's designee.

City Council means the governing body of the City.

City Manager means the City's city manager appointed by the City Council or the City Manager's designee.

City holidays means a holiday observed by the City.

Days mean calendar days.

Delay means a distinct pause of pre-determined time between detonations of single charges or groups of charges.

Distributor means a person who:

(a) Imports fireworks into the State of Texas; or

(b) Sells fireworks to:

- (1) A jobber, retailer, or other distributor for resale; or
- (2) A holder of a single public display permit, a multiple public display permit, or any other type of fireworks permit.

Extraction operations means the use of a lot or tract of land primarily for extraction of materials (including, but not limited to, limestone, rock, sand, gravel, or soil, but not oil or natural gas).

Extraction site means the location of materials, rock removal, or extraction operations as delineated by a site plan or a certificate of occupancy.

False alarm means a fire alarm signal from a fire detection or fire alarm system that is not caused by fire, heat, or smoke.

Fire apparatus access road means a road that provides fire apparatus access from a fire station to a facility, building, or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and access roadway that may be used for access by a fire apparatus.

Fire Chief means the fire chief of Temple Fire & Rescue appointed by the City Manager and approved by the City Council or the Fire Chief's designee.

Fire Marshal means the Fire Marshal assigned by the Fire Chief or the Fire Marshal's designee.

Fire lane means a fire lane as defined by the International Code Council's (ICC) 2015 International Fire Code. This term includes specifically marked areas in public and private parking lots.

Fire protection personnel will be defined by Texas Government Code Section § 419.021, as amended.

Fireworks will be defined by 27 C.F.R. § 555.11, as amended.

Fireworks 1.3G means a large fireworks device:

- (a) Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and
- (b) Classified as a 1.3G explosive by the United States Department of Transportation in 49 C.F.R. Part 173, as amended.

Fireworks 1.4G means a small fireworks device:

- (a) Primarily designed to produce visible or audible effects by combustion, deflagration, or detonation;

- (b) That complies with the construction, labeling, and chemical composition requirements of the United States Consumer Product Safety Commission in 16 C.F.R. Part 1507, as amended; and
- (c) That is classified as a 1.4G explosive by the United States Department of Transportation in 49 C.F.R. Part 173, as amended.

Jobber means a person who purchases fireworks only for resale to retailers.

Manufacturer means a person who makes fireworks.

Maximum peak particle velocity or *maximum PPV* means the maximum peak particle velocity in any seismic trace at the dominant frequency to be allowed at a particular location.

Peak particle velocity or *PPV* means the maximum of the three ground vibration velocities measured in the vertical, longitudinal and transverse directions. Velocity units are expressed in inches per second (ips).

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

Public display means the igniting of Fireworks 1.3G for public or private amusement.

Pyrotechnic operator means an individual who, by experience, training, and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising public displays of Fireworks 1.3G or Fireworks 1.4G.

Pyrotechnic special effects operator means an individual who, by experience, training, and examination, has demonstrated the necessary skill and ability for safely assembling, discharging, and supervising proximate displays of Fireworks 1.3G or Fireworks 1.4G.

Retailer means a person who purchases fireworks for resale only to the general public.

Scaled distance means a factor describing relative vibration energy based on distance and charge-per-delay. For ground vibration control and prediction purposes, scaled distance (D_s) is obtained by dividing the distance of concern (D) by the square root of the charge-per-delay (W) : $D_s = D/(W)^{1/2}$.

Sub-drilling means the portion of the blasthole that is drilled below or beyond the desired excavation depth or limit. Sub-drilling is generally required to prevent the occurrence of high or tight areas of unfractured rock between blastholes.

Stemming means crushed stone, tamped clay or other inert earth material placed in the unloaded collar area of blastholes for the purpose of confining explosive charges and limiting rock movement and air overpressure.

TCEQ means the Texas Commission on Environmental Quality.

Temple Fire & Rescue or the fire department means the City's fire department.

The route that a fire hose would be laid means the routing of fire hose from either a public or approved on-site private fire hydrant to the fire apparatus along the length of the public roadway and approved fire apparatus access roads.

Sec. 12-2. Appointment, qualifications, general powers, and duties of the Fire Chief.

- (a) The Fire Chief of Temple Fire & Rescue will be appointed by the City Manager, with approval of the City Council. The Fire Chief must be skilled in the management of the fire department and in the conduct thereof and in the fighting and control of fires and conflagrations and must devote their entire time to the services of the fire department under such rules and regulations as may be promulgated by the City Manager and City Council from time to time.
- (b) The Fire Chief, under the direction of the City Manager, will have control of all fire personnel, stations, and apparatus in the City, will direct the fire department and preside over the same in its efforts to extinguish all fires and conflagrations and perform rescues, and must at all times be ready for all the services which are usually expected of an efficient fire department.

Sec. 12-3. Appointment, qualifications, general powers, and duties of the Fire Marshal.

- (a) The fire prevention and investigation division is hereby created. Such division will be in the Temple Fire & Rescue with the Fire Marshal being a member of that division and reporting directly to the Fire Chief.
- (b) The Fire Marshal will be appointed by the Fire Chief. The Fire Marshal must be skilled in investigations, inspections, and management and will devote their time to educating the public in fire safety while enforcing federal, state, and local laws, rules, and regulations as they pertain to fire prevention. Prior to being appointed to arson investigation duties, the Fire Marshal and any fire protection personnel must comply with all required state laws, rules, and regulations for arson investigators, including possessing a current peace officer license from the Texas Commission on Law Enforcement (TCOLE), if applicable.
- (c) When the Fire Chief or Fire Marshal determines that the condition of any premises creates a serious fire hazard dangerous to human life, either may order a utility company to disconnect the utility service until the hazardous condition is removed. In cases of emergency or in situations where a utility company does not respond to or comply with any such order, the Fire Chief or Fire Marshal has the authority to immediately disconnect or cause the disconnection of utility service. Any person whose property is affected by an act or an order by the Fire Chief or Fire Marshal under this Section may appeal as provided by Sec. 12-6(c) (*Amendments to Chapter 1, "Scope and Administration"*).

Article II. Adoption of the 2015 International Fire Code

Sec. 12-4. Adoption of the 2015 International Fire Code.

- (a) The 2015 International Fire Code, published by the International Code Council, as well as its Appendices B, D, E, F, G, H, I, and J, as this code and appendices now exist and as they may be revised from time to time, is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, save and except:
 - (1) Exclusions as noted in Article III of this Chapter;
 - (2) Amendments as noted in Article IV of this Chapter; and
 - (3) Additions as noted in Articles V and VI of this Chapter.
- (b) The provisions of the 2015 International Fire Code and its appendices B, D, E, F, G, H, I, and J, as modified and amended herein, are incorporated as fully as if set out at length herein from the date the adoption by City Council will take effect, and such provisions will be controlling within the limits of the City.
- (c) A copy of the adopted 2015 International Fire Code and its appendices will be kept on file in the office of the Building Official.

Article III. Exclusions from the 2015 International Fire Code

Sec. 12-5. Exclusions from the 2015 International Fire Code.

The following provisions of the 2015 International Fire Code are excluded:

- (a) Chapter 3, “General Requirements,” Section 307, “Open Burning, Recreational Fires and Portable Outdoor Fireplaces,” but see Sec. 12-13, “Outdoor Burning,” herein.
- (b) Chapter 5, “Fire Service Features,” Section 507, “Fire Protection Water Supplies,” Subsection 507.5, “Fire Hydrant Systems,” but see Sec. 12-15, “Fire Hydrants,” herein.
- (c) Chapter 9, “Fire Protection Systems,” Section 906, “Portable Fire Extinguishers,” Subsection 906.3, “Size and distribution,” Table 906.3(1), “Fire Extinguishers for Class A Fire Hazards” and Table 906.3(2), “Flammable or Combustible Liquids with Depths of Less Than or Equal to .25-Inch,” but see Sec. 12-7, replacing the 2015 International Fire Code, Table 906.3(1), “Fire Extinguishers for Class A Fire Hazards,” and Sec. 12-8, replacing the 2015 International Fire Code, Table 906.3(2) “Flammable or Combustible Liquids with Depths of Less than or Equal to 0.25-inch,” herein.
- (d) Chapter 56, “Explosives and Fireworks,” Section 5607, “Blasting,” Subsection 5607.4, “Restricted Hours,” but see Sec. 12-16, “Extraction Operations Regulations,” and Sec. 12-17, “Blasting Operations Regulations,” herein.
- (e) Chapter 56, “Explosives and Fireworks,” Section 5607, “Blasting,” Subsection 5607.5, “Utility notification,” but see Sec. 12-17, “Blasting Operations Regulations,” herein.

Article IV. Amendments to the 2015 International Fire Code

Sec. 12-6. Amendments to Chapter 1, “Scope and Administration.”

- (a) Chapter 1, “Scope and Administration,” Section 101, “Scope and General Requirements,” Subsection 101.1, “Title,” is amended to read as follows:

These regulations shall be known as “the Fire Code of The City of Temple,” hereinafter referred to as “this code.”

- (b) Chapter 1, “Scope and Administration,” Section 105, “Permits,” Subsection 105.1, “General,” Part 105.1.1, “Permits Required,” is amended to read as follows:

Permits required by this Chapter must be obtained from the department or division of the City designated to issue building permits or the fire department, as applicable. Permit fees, if any, must be paid prior to the issuance of the permit. Issued permits must be kept on the premises designated by the City and be readily available for inspection by the Fire Marshal.

- (c) Chapter 1, “Scope and Administration,” Section 108, “Board of Appeals,” is amended to read as follows:

The City of Temple Building Board of Appeals, as established by Section 7-2, Chapter 7, Buildings, of the City of Temple Code of Ordinances, has the authority and duty to hear appeals brought under this Chapter. Such appeals will be heard and decided as provided by, Chapter 7, Buildings, of the City of Temple's Code of Ordinances.

A person may appeal a decision of the Fire Department, Fire Chief, or Fire Marshal if:

1. The person believes that the intent of this Chapter or the 2015 International Fire Code or the policies or rules legally adopted hereunder have been incorrectly interpreted or the provisions of this Chapter or the 2015 International Fire Code do not fully apply to a situation or circumstance; or
2. The person is proposing an equivalent method of protection or safety that is not authorized by Fire Department, Fire Chief, or Fire Marshal.

The Building Board of Appeals does not have the authority to waive requirements of this Chapter or the 2015 International Fire Code.

- (d) Chapter 1, “Scope and Administration,” Section 111, “Stop Work Order,” Subsection 111.4, “Failure to Comply,” is amended to read as follows:

Any person who continues any work after having been issued a stop work order commits an offense under this Chapter, unless the person is performing such work as the person is directed by the City to remove a violation or unsafe condition.

Sec. 12-7. Replacement of Table 906.3(1), “Fire Extinguishers for Class A Fire Hazards.”

Chapter 9, “Fire Protection Systems,” Section 906, “Portable Fire Extinguishers,” Section 906.3,

“Size and Distribution,” Table 906.3(1), "Fire Extinguishers for Class A Fire Hazards," is amended by replacing Table 906.3(1) with the following table:

TABLE 906.3(1)
FIRE EXTINGUISHERS FOR CLASS A FIRE HAZARDS

	LIGHT (LOW) HAZARD OCCUPANCY	ORDINARY (Moderate) HAZARD OCCUPANCY	EXTRA (High) HAZARD OCCUPANCY
Minimum Rated Single Extinguisher	5 lb. ABC	5 lb. ABC	5 lb. ABC
Maximum Floor Area Per Unit	3,000 square feet	1,500 square feet	1,000 square feet
Maximum Travel Distance to Extinguisher	75 feet	75 feet	75 feet

Sec. 12-8. Replacement of Table 906.3(2), “Flammable or Combustible Liquids with Depths of Less than or Equal to 0.25-inch.”

Chapter 9, “Fire Protection Systems,” Section 906, “Portable Fire Extinguishers,” Section 906.3, “Size and Distribution,” Table 906.3(2), "Flammable or Combustible Liquids with Depths of Less than or Equal to 0.25-Inch," is amended by replacing Table 906.3(2) with the following table:

TABLE 906.3(2)
**FLAMMABLE OR COMBUSTIBLE LIQUIDS WITH DEPTHS OF LESS THAN OR
EQUAL TO 0.25-INCH^a**

TYPE OF HAZARD	BASIC MINIMUM EXTINGUISHER RATING	MAXIMUM TRAVEL DISTANCE TO EXTINGUISHERS (FEET)
Light (Low)	5 lb. ABC	75 feet
Ordinary (Moderate)	5 lb. ABC	75 feet
Extra (High)	5 lb. ABC	75 feet

For SI: 1 inch = 25.4 mm, 1 foot = 304.8. m

^a For requirements on water-soluble flammable liquids and alternative sizing criteria, see Section 5.5 of NFPA 10.

Sec. 12-9. Amendments to Chapter 56, “Explosives and Fireworks,” Section 5607, “Blasting,”

Subsection 5607.1, "General."

- (a) Chapter 56, "Explosives and Fireworks, Section 5607, "Blasting," Subsection 5607.1, "General," is amended to read as follows:

Blasting and extraction operations must only be conducted by approved, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the most current provisions of NFPA 495, Sec. 12-16, "Extraction Operations Regulations," and Sec. 12-17, "Blasting Operations Regulations."

- (b) Chapter 56, "Explosives and Fireworks, Section 5607, "Blasting," Subsection 5607.2, "Manufacturer's instructions," is amended to read as follows:

Blasting and extraction operations must be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

Sec. 12-10. Amendment to Chapter 61, "Liquefied Petroleum Gases," Section 6101, "General," Subsection 6101.1, "Scope."

Chapter 61, "Liquefied Petroleum Gases," Section 6101, Subsection 6101.1, "Scope," is amended to read as follows:

Storage handling and transportation of liquefied petroleum gas (LP-gas) and the installation of LP-gas equipment pertinent to systems for such uses must comply with this Chapter, the Texas Railroad Commission's rules and regulations governing LP-gas, and NFPA 58. Properties of LP-gases will be determined in accordance with Appendix B of NFPA 58.

Sec. 12-11. Amendments to Appendix D, "Fire Apparatus Access Roads."

- (a) Appendix D, "Fire Apparatus Access Roads," Section D103, "Minimum Specifications," is amended as follows:

- (1) Subsection D103.4, "Dead ends," is amended to read as follows:

Public dead-end fire apparatus access roads must be designed in accordance with the City's design and development standards.

- (2) Table D103.4, "Requirements for Dead-end Fire Apparatus Roads" is deleted.

- (3) Subsection D103.5, "Fire apparatus access road gates," Paragraph 1, is amended to read as follows:

1. The minimum gate width must be twenty (20) feet for gates serving as an entrance or exit. Gates that are paired and separated by an island are permitted to be a minimum of sixteen (16) feet each (one for exit and one for entrance).

- (4) Subsection D103.5, "Fire apparatus access road gates," Paragraph 5, is amended to read as

follows:

5. All electric gates must be equipped with a device approved by the Fire Marshal to be operated by a designated emergency radio frequency and have a separate manual release and Knox Gate and Key Switch. All manual gates must be equipped with a Knox padlock. Any manual release devices, Knox Gate and Key Switches, and Knox padlocks used for emergency access to a property must be approved by the Fire Marshal. Gates that are manned twenty-four (24) hours a day and seven (7) days a week are exempt from the radio frequency device requirement but must have a separate manual release and Knox and Gate Key Switch or Knox padlock as provided by this Section. All existing gates not in compliance with this Section must meet the requirements of this Section by July 1, 2021 and if not in compliance after this date, be locked in the open position until they comply with this Section's requirements.

(5) Section D103.6, "Signs," is amended to read as follows:

- A. Where required by the Fire Marshal, fire apparatus access roads must be marked with signs, painted curbs, or striping. Any fire apparatus access road markings must be in accordance with the fire department's policy for such markings.
- B. Islands that separate lanes and boulevards and roundabouts that obstruct fire apparatus access roads may be approved by the Fire Marshal where there is a minimum back of curb to back of curb distance of eighteen (18) feet on each side of the obstruction with signs placed along the obstruction.

(b) Section D106, "Multiple-Family Residential Developments," is amended to read as follows:

Multiple-family residential projects must have residential subdivision Entrance/Access roads designated as required by the City's design and development standards.

(c) Section D107, "One- or Two- Family Residential Developments" is amended to read as follows:

One- or two-family dwelling residential developments must have residential subdivision Entrance/Access roads designated as required by the City's design and development standards.

Article V. Additions to the 2015 International Fire Code

Sec. 12-12. Fireworks.

(a) This Section does not apply to:

- (1) A toy pistol, toy cane, toy gun, or other device that uses paper or plastic caps in sheets, strips, rolls, or individual caps that contain no more than an average of twenty-five hundredths (.0025) of a grain of explosive composition per cap and that is packed and shipped under 49 C.F.R. Part 173, as amended;
- (2) A model rocket or model rocket motor designed, sold, and used to propel recoverable aero

models;

- (3) The sale or use of, in emergency situations, pyrotechnic signaling devices or distress signals for marine, aviation, or highway use;
 - (4) The use of a fusee or a railway torpedo by a railroad;
 - (5) The sale of blank cartridges for:
 - A. Use in a radio, television, film, or theater production;
 - B. A signal or ceremonial purpose in an athletic event; or
 - C. An industrial purpose; or
 - (6) The use of a pyrotechnic device by a military organization;
- (b) Unless otherwise provided in this Section, it is unlawful for any person to possess, sell, manufacture, discharge, transport, or otherwise assemble, store, receive, keep, offer or have in their possession with intent to possess, sell, manufacture, transport, discharge, cause to be discharged, ignite, detonate, fire, or otherwise set in action any fireworks of any description.
- (1) It is an affirmative defense to Subsection (b), above, if a distributor, jobber, manufacturer, pyrotechnic operator, pyrotechnic special effects operator, or retailer transports fireworks in accordance with state and federal laws, rules, and regulations applicable to the transportation of explosives and other dangerous articles by motor, rail, or water.
- (c) Unlawful transportation and storage of fireworks.
- (1) The presence of any fireworks within the jurisdiction of the City in violation of this Section is hereby declared to be a nuisance and is unlawful. The Fire Marshal is directed and required to seize and cause to be safely destroyed fireworks found in violation of this Section, and any member of the fire prevention and investigation division of Temple Fire & Rescue and any licensed police officer is authorized to stop the transportation of and detain any fireworks found being transported illegally and to close any building where any fireworks are found stored illegally until the Fire Marshal can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this Section. All seizures and destruction of fireworks must be in compliance with all state and federal laws, rules, and regulations.
 - (2) Regardless of, and in addition to, any penal provision of this Chapter, the City Attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping, or use of fireworks within the jurisdiction of the City, aid the Fire Marshal in the discharge of their duties, and prevent any person from interfering with the seizure and destruction of such fireworks.
 - (3) The remedies provided for in this Section are not exclusive. The City may take any, all, or

any combination of these remedies against a person who violates this Section.

- (d) A public display of fireworks may only be permitted under the terms and conditions of this Chapter and state and federal laws, rules, and regulations.
- (e) Any person planning to make a public display of fireworks must first make a written application for a public display permit to the Fire Marshal at least seventy-two (72) hours in advance of the date of the proposed display. The City may not issue a public display permit without the applicant providing proof that they received a public display permit for the fireworks display from the state if required.
- (f) It is the duty of the Fire Marshal to make an investigation as to whether a public display of fireworks as proposed by the applicant for a permit under this Section will be of such a character that it may be hazardous to property or dangerous to any person. The Fire Marshal will, in the exercise of reasonable discretion, grant or deny a public display of fireworks application, subject to the conditions prescribed in this Section. In the event the application is approved by the Fire Marshal, the Fire Marshal will issue a permit to the applicant. Such permit will be valid for the period specified on the permit but may be extended by the Fire Marshal. A public display permit is non-transferable, non-renewable, and is only valid for one display. If a permit is granted, the Fire Marshal will determine what fire protection safety measures will be required before, during, and after the display. It is the responsibility of the permittee to ensure that all fire protection measures are taken. In the event the permit is denied by the Fire Marshal, the Fire Marshal will notify the applicant of the denial in writing.
- (g) The applicant for a display permit under this section must, at the time of making application, furnish proof that he carries workers' compensation insurance for his employees, as provided by the laws of the State of Texas, and he must file with the Fire Marshall a certificate of insurance evidencing the carrying of public liability insurance coverage in an amount not less than one million dollars (\$1,000,000) issued by an insurance carrier authorized to transact business in the State of Texas, for the benefit of the person named therein as assured, as evidence of ability to respond to damages in at least the amount of one million dollars (\$1,000,000), such policy to be approved by the City of Temple. In lieu of insurance, the applicant may file with the Fire Marshal, a bond in the amount of one million dollars (\$1,000,000) issued by an authorized surety company approved by the City of Temple, conditioned upon the applicant's payment of all damages to persons or property which will or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant or his agents, servants, employees, or subcontractors in the presentation of the public display. The City of Temple must also be designated as an insured by the insurance policy and bonded by the bond.
- (h) Any public fireworks display authorized under this Section is limited to an aerial display.
- (i) The material to be used for a public display authorized by this Section may not be stored within the City limits but must be brought in on the date of the public display and then must be taken immediately to the place of display for further handling and storage, unless such materials are stored within the City limits in a secured storage area designated by the Fire Marshal and only for the length of time approved by the same in writing.

- (j) Any persons supervising or conducting a public fireworks display under this Section must be a competent person twenty-one (21) years of age or older, licensed by the state as a pyrotechnic operator, experienced in pyrotechnics, and approved by the Fire Marshal. No person may handle fireworks at a public display unless such person has been approved to do so by the Fire Marshal. The names of all licensed pyrotechnic operators involved in a public display must be listed on the permit issued by the City for the public display.
- (k) For each public display of fireworks conducted under this Section, no less than two (2) firefighters of the City must be in attendance during the display. The expense of such firefighters at the public display must be borne by the permit holder.

Sec. 12-13. Outdoor burning.

- (a) General outdoor burning prohibition. Unless otherwise provided by this Section, it is unlawful for any person to burn outdoors any material, including trash, brush, tree limbs, grass, trees, leaves, paper, boards, planks, lumber, or any other type of debris or combustible materials of any kind within the territorial limits of the City.
- (b) Permitted outdoor burning.
 - (1) Fires used for Recreation, Ceremony, Cooking, or Warmth.
 - A. Outdoor burning is permitted when used solely for recreational or ceremonial purposes, or in the non-commercial preparation of food, or used exclusively for the purpose of supplying warmth.
 - B. A person conducting outdoor burning under this Subsection (b)(1) may not burn:
 - i. Yard waste, including, but not limited to, grass clippings, bushes, shrubs, or clippings from bushes and shrubs; however, a person may burn firewood, small branches and twigs, and wood chunks or chips; or
 - ii. Paper products; however, a person may burn a small amount of paper (less than a ream) to start such fire.
 - C. Fires used for recreation, ceremonial purposes, cooking, or warmth under this Subsection (b)(1):
 - i. Are limited to a maximum of three (3) feet diameter and two (2) feet in height and must be contained in an outdoor burn container, such as a non-combustible chimenea, outdoor fireplace, grill, fire pit, or other similar non-combustible container;
 - a. Outdoor burn containers placed on a combustible structure, including a porch, deck, or balcony, must be elevated at least three (3) feet off the structure while in use,
 - b. All openings in outdoor burn containers must be covered by wire mesh, grill grates, or other screening material that prevents the passage of sparks and ember

while the container is in use, and

- c. Outdoor burn containers may not be used indoors.
 - ii. Must be kept at least twenty (20) feet from any structure or combustible exterior wall, fence, or overhang;
 - iii. Are prohibited on any porch, deck, balcony, or any other structure connected to a multi-family dwelling;
 - iv. Must be constantly attended by a competent person thirteen (13) years of age or older;
 - v. Must be extinguished by 12:00 A.M.; and
 - vi. Are not permitted when winds are over 20 mph.
 - (2) On-site burning of plant growth. On-site burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, or maintenance along water canals when no practical alternative to burning exists is permitted as provided by 30 Tex. Admin. Code § 111.209, as amended.
 - (3) Crop Residue. Crop residue burning is permitted for agricultural management purposes when no practical alternative exists as provided by 30 Tex. Admin. Code § 111.209, as amended.
 - (4) Fire training. Outdoor burning is permitted for fire training as provided by 30 Tex. Admin. Code § 111.205, as amended.
 - (5) City and County burning. The City or a Bell County employee or agent may burn brush, trees, or other plant growth that causes a detrimental public health and safety condition as provided by 30 Tex. Admin. Code § 111.209, as amended.
- (c) Requirements for outdoor burning.
- (1) All outdoor burns must comply with all applicable terms and conditions imposed by TCEQ and all other applicable local, state, and federal permits, laws, rules, and regulations, including 30 Tex. Admin. Code, Chapter 111, Subchapter B, Outdoor Burning, as amended. If any applicable provision conflicts with another, the stricter provision will control.
 - (2) A person must obtain a permit from the Fire Marshal prior to burning under Subsections (b)(2)-(b)(5), unless otherwise provided below, and comply with the permit's terms and conditions.
 - A. A permit for outdoor burning for fire training or City or County burning is not required if the burn is authorized by the Fire Chief.
 - B. A permit is only valid for the time period specified upon the face of the permit. A person may not conduct a burn under an expired permit. The Fire Marshal may extend an issued permit at the Fire Marshal's discretion.

- (3) A copy of a TCEQ written authorization to burn, if required by state law, rules, or regulations, must be presented to the Fire Marshal prior to conducting any burn authorized by this Section. The Fire Marshal may not issue a permit for a burn if the applicant fails to provide a required TCEQ written authorization to the Fire Marshal nor may a person conduct any burn without a required TCEQ written authorization.
- (4) Regardless of whether an outdoor burn is authorized under this Section, a person may not burn electrical insulation, treated lumber (including lumber treated with paint, stain, varnish, clear coat, or any other kind of treatment), plastics, non-wood construction, renovation, or demolition materials, heavy oils, petroleum products, asphaltic materials, potentially explosive materials, chemical wastes, items containing natural or synthetic rubber, pine needles, trash, garbage, or other type of debris, or motor vehicles or any part thereof within the City unless authorized in writing by TCEQ.
- (5) No person may burn within the City when there is a burn ban in effect for the City or Bell County.
- (6) Any fire permitted under this Section must be extinguished immediately if it is determined by the Fire Marshal to be unsafe, constitute a hazard to the environment, people, or private or public property, cause or contribute to a nuisance or traffic hazard, violate any local, state, or federal law, rule, or regulation, or interfere with the reasonable use of any property. The Fire Marshal is authorized to order any person who received a permit under this Section, any person responsible for the burn, or the fire department to extinguish such burns or fires. Failure to obey any order issued under this Subsection is an offense under this Chapter.

Sec. 12-14. Fire apparatus access roads and fire lanes.

(a) Location of fire apparatus access roads and fire lanes.

- (1) The locations of fire lanes and fire apparatus access roads will be determined by the Fire Marshal in conformity with the provisions of this Section and any applicable local or state laws, policies, rules, or regulations.
- (2) No building, other than single-family or two-family dwellings, may be constructed so that any part of the perimeter of the building is greater than one hundred fifty (150) feet from a public way or public place unless the owner or property manager constructs and maintains a private fire apparatus access road or fire lane having a minimum width of twenty (20) feet and a minimum overhead clearance throughout of no less than thirteen (13) feet six (6) inches and terminating within one hundred fifty (150) feet from the furthestmost point of said building.

(b) Restrictions.

- (1) A person may not use fire apparatus access roads or fire lanes as loading or unloading zones.
- (2) A person may not park, stop, or stand a motor vehicle in a fire apparatus access road or fire

lane at any time.

(c) Where required by the Fire Marshal, fire lanes and fire apparatus access roads must be marked with signs, painted curbs, or striping. Any fire lane and fire apparatus access road markings must be in accordance with the fire department's policy for such markings.

(1) It is not a defense to prosecution under Subsection (b) if the fire lane or fire apparatus access road markings are not in accordance with the fire department's policy for such markings, if a reasonable person would find that the markings at the time the violation occurred were clearly marked and legible.

(d) Maintenance.

(1) A private property owner must maintain and keep in good repair all private fire apparatus access roads and fire lanes on their property.

(2) A private property owner must maintain all private fire lane and fire apparatus access road markings in good condition and keep such markings legible and in compliance with this Section.

(e) Abandonment of private fire apparatus access roads and fire lanes.

(1) No private property owner or person in charge of any premises served by a private fire apparatus access road or fire lane may abandon, block, or close any fire apparatus access road or fire lane on their premises without complying with the following procedure:

A. Requesting the Fire Marshal in writing to abandon, block, or close the fire apparatus access road or fire lane and providing the reasons for the request; and

B. Receiving the Fire Marshal's written approval of such request.

i. The Fire Marshal must approve or deny a request for abandonment, blockage, or closure of a private fire apparatus access road or fire lane and notify the property owner of their decision within ten (10) days of receiving a request. If the Fire Marshal does not approve or deny this request within this time period, the request is automatically denied.

(f) Private dead-end fire apparatus access roads must comply with the requirements under the City's design and development standards.

Sec. 12-15. Fire hydrants.

(a) Authority to determine location. The Fire Chief or Fire Marshal will determine the location of fire hydrants in conformity with the provisions of this Section.

(b) Fire hydrants; location.

- (1) As residential zoned property is developed, fire hydrants must be located at a maximum spacing of six hundred (600) feet as measured along the length of the roadway, and no part of any structure may be farther than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.
- (2) As non-residential zoned property is developed, fire hydrants must be located a maximum spacing of three hundred (300) feet as measured along the length of the roadway, and no part of any structure may be further than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.
- (3) Spacing of hydrants along roadways designated by the City as expressways and major arterials will be required on both sides of the roadway with the maximum distance of six hundred (600) feet for residential and one thousand two hundred (1200) feet for non-residential zoned properties, on each side of the roadway. No part of any structure may be further than five hundred (500) feet from the fire hydrant as measured by the route that a fire hose would be laid.

(c) Restrictions.

- (1) Type of fire hydrants. All required fire hydrants must be of the national standard three-way breakaway type no less than five and a one-fourth (5 ¼) inches in size, must conform to the provisions of the latest American Water Works Association specifications C-502, and placed upon City approved water mains of no less than six (6) inches in size.
- (2) Valves must be placed on all fire hydrant leads.
- (3) Required fire hydrants must be installed in such a manner that the breakaway point is more than three (3) inches and no greater than five (5) inches above the ground surface.
- (4) A spacing of no less than eighteen (18) inches must be provided between the center of the barrel of the large steamer connection and the finished grade surface.
- (5) No fire hydrant located on a six- (6-) inch dead-end water main may be located more than one thousand eight hundred (1,800) feet from a six- (6-) inch or greater main.
- (6) No six- (6-) inch looped water main may exceed three thousand five hundred (3,500) feet in length.
- (7) Fire hydrants must be installed on a water main that is separate from the domestic water supply, unless it is determined by the Fire Marshal that the required maximum one- (1-) hour demand plus the needed minimum fire flow of a thousand (1,000) gallons per minute will be met by an alternative installation.
- (8) Fire hydrants located on public property must be located a minimum of two (2) feet and a maximum of four (4) feet behind the curb line.
- (9) All fire hydrants placed on private property must be adequately protected by either curb stops

or concrete posts or by other methods as approved by the Fire Marshal. Such stops or posts must be maintained by the property owner.

- (10) All fire hydrants must be installed so that the steamer connection faces the fire lane or street.
- (11) Where feasible, fire hydrants placed at intersections or access drives to parking lots must be placed so that no part of a fire truck connected to the hydrant will block the intersection or parking lot access.
- (12) Post, fences, vehicles, vegetation, trash, storage, and other materials or objects may not be placed, maintained, or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrant from being immediately discernible or accessible. A three- (3-) foot clear space must be maintained around the circumference of fire hydrants. The fire department may not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

(d) Maintenance.

- (1) All fire hydrants within the City must be inspected, flushed, and maintained at least once annually.
 - A. Annual inspections, flushing, and maintenance of public fire hydrants will be the responsibility of Temple Fire & Rescue.
 - B. Annual inspections, flushing, and maintenance of private fire hydrants will be responsibility of the property owner of the property on which the private fire hydrant is located.
 - i. The property owner may complete the requirements of Subsection (d)(1)(B) themselves or through an employee or agent. The property owner must file a signed statement with Temple Fire & Rescue within one week of the time this work is completed providing what work was performed, the date the work was completed, and the name and contact information of the person who performed the work. Any inspection or flushing of a private fire hydrant performed by a property owner or their employee or agent must be performed by a person trained to perform such tasks.
 - ii. A property owner may request Temple Fire & Rescue to complete the requirements of Subsection (d)(1)(B). If this work is performed by Temple Fire & Rescue, the City may charge the property owner for this work.
- (2) The property owner of the property where a private fire hydrant is located is responsible for the maintenance and repairs required to keep the private fire hydrant in proper working order and properly painted.

- (3) The Fire Chief and Fire Marshal may inspect any private fire hydrant and review any maintenance records of a private fire hydrant to ensure that the requirements of this Section are being met.
- (4) If the Fire Chief or Fire Marshal determines that a private fire hydrant is not in proper working order or needs to be painted, flushed, or inspected, they may order the property owner to perform the work necessary to bring the private fire hydrant back into compliance with this Section or cause this work to be performed by Temple Fire & Rescue. If this work is completed by Temple Fire & Rescue, the City may charge the property owner for this work.
- (5) Fire hydrants must be painted as follows:
 - A. Less than 500 gallons per a minute (gpm) – Red Bonnet
 - B. 500-999 gpm – Yellow Bonnet
 - C. 1000-1499 gpm – Green Bonnet
 - D. Over 1500 gpm – Blue Bonnet
- (e) Use; opening and closing. No person may open or close any public fire hydrant within the City unless authorized to do so by the Fire Chief, Fire Marshal, or the Director of Public Works or their designee. A person authorized to open or close a fire hydrant must do so as prescribed by the City.

Sec. 12-16. Extraction operations regulations.

(a) Purpose; Applicability.

- (1) The purpose of this Section is to promote the health, safety, and welfare of those who work or reside near extraction operations and to protect air quality and the water resources of the City.
- (2) The regulations in this Section are applicable to extraction operations within the territorial limits of the City.

(b) Blasting.

All blasting activity that falls within the scope of this Section must comply with the following provisions:

- (1) Permit required.
 - A. An appropriate extraction blasting permit must be acquired from Temple Fire & Rescue prior to any blasting activity or preparation for blasting activity at an extraction site.

- B. An extraction blasting permit will authorize blasting for the extraction of materials (e.g., rock or stone) only at the extraction site designated on the permit.
- C. The extraction site operator, or designated representative, must apply for an extraction blasting permit in accordance with the following procedures:
 - i. The applicant must submit a completed permit application form and applicable permit fee to Temple Fire & Rescue.
 - ii. The Fire Marshal has thirty (30) days to approve or deny an extraction blasting permit application. If the Fire Marshal has not approved or denied a permit application under this Section within this thirty- (30-) day period, the permit is automatically denied.
 - iii. The Fire Marshal may deny an extraction blasting permit for any of the following reasons:
 - a. The submitted application is incomplete or contains incomplete, insufficient, false, or fraudulent documents or information;
 - b. The information or documentation submitted in a permit application fails to comply with local, state, or federal laws, rules, or regulations;
 - c. The City determines that issuing an extraction blasting permit will cause or may cause an imminent danger to property or public health, safety, or welfare; or
 - d. For any other good cause determined by the City.
 - iv. An extraction blasting permit application must contain the following information:
 - a. Name of the extraction site operator(s) conducting the blasting;
 - b. Identification of extraction site;
 - c. Description of conditions, if any, which may cause possible adverse blasting effects;
 - d. Normal extraction operations schedule;
 - e. Type of explosives or blasting agents to be used;
 - f. Type of stemming;
 - g. Names and copies of the licenses for all of the blasters at an extraction site and a direct contact phone number to contact them on-site;
 - h. The name, title, and phone number of any individuals actively managing an

extraction site and a direct contact phone number to contact them on-site;

- i. Copy of Mine Safety and Health Administration (MSHA) Certificate of Training (Form 5000-23) for all personnel involved in the extraction operations; and
- j. Copy of Insurance Certificate of Blasting Liability Coverage or the related insurance policy or copy of the insurance policy.
- v. If a change to any of the above information is made the permittee or their designated representative must apply for a new extraction blasting permit, pay the application fee, and have their permit approved by Temple Fire & Rescue prior to performing any blasting operation at the extraction site. Failure to do so may result in the City suspending or revoking the permittee's extraction blasting permit or issuing a stop work order.
- vi. An extraction blasting permit issued under this Section is non-transferable.

(2) Insurance required.

- A. Before a permit may be issued under this Section, the applicant must obtain and maintain general liability insurance having limits of not less than one million dollars (\$1,000,000) per occurrence for bodily injury and property damage combined with one million dollars (\$1,000,000) or greater annual aggregate throughout the permitted period for the purpose of the payment of all damages to persons or property which arise, or are caused by, the conduct of any act or omission authorized by the permit. The general liability insurance must name the City of Temple as an additional insured with a waiver of subrogation in favor of the City of Temple. The policy must contain a provision requiring the insurance company to furnish the City with written notification of any cancellation or non-renewal of this policy thirty (30) days prior to the cancellation or expiration date.
- B. Evidence of compliance with this requirement will be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with, and approved by, the Fire Marshal. This policy must include an endorsement that the Fire Marshal will be notified at least thirty (30) days in advance in the event the policy or policies are canceled or expire.

(3) Regulatory compliance.

All blasting operations located within an extraction site must comply with the applicable provisions of the 2015 International Fire Code and with this Section, as well as all applicable local, state, and federal laws, rules, and regulations, including industrial noise, dust levels, applicable drainage, water, and air standards. If there is a conflict between provisions, the stricter provision will control unless preempted by law.

(4) Expiration date of extraction blasting permit and monthly re-certifications.

- A. An extraction blasting permit expires one year after the date of issuance. If a permittee

wishes to continue extraction operations after the permit's expiration date, the permittee must apply for a new permit as provided by Subsection (b)(1), above, at least thirty (30) days prior to the permit's expiration date. Failure to timely reapply for an extraction blasting permit as provided by this Subsection may result in the City denying the permit.

- B. The permittee must re-certify the permittee's extraction blasting permit every thirty (30) days from the date that the permit is issued.
 - i. To re-certify, the permittee must:
 - a. Certify in writing that the blasting operations at the permitted extraction site are anticipated to remain materially unchanged from the activities described on the permit application, and, if not, provide all relevant information relating to material changes at the permitted extraction site to the Fire Marshal for review and approval;
 - b. Pay the applicable monthly permit fee; and
 - c. File a current certificate of insurance which complies with this Section.
- C. Failure to re-certify an extraction blasting permit each month may result in the City issuing a stop work order or suspending or revoking the permit.
- D. A person holding an existing current extraction blasting permit as of July 1, 2020 does not have to comply with this Section until such permit expires or is revoked, whichever occurs first.

(5) Hours of operation.

- A. Blasting may only be performed during the hours of 8:00 AM and 5:00 PM, Central Standard Time, Monday through Friday; however, no blasting may be performed on City holidays.
- B. Regardless of Subsection (b)(5)A, above, blasting may occur outside of the above prescribed hours or days if authorized in writing by the Fire Marshal.

(6) Notification of blast.

An extraction site operator must notify the Fire Marshal a minimum of twenty-four (24) hours prior to a scheduled blast.

(7) Monitoring of blasting.

- A. An extraction site operator must monitor each blast to accumulate data with respect to seismographic and air blast effects of the blasting activity as required by state and federal law. The extraction site operator must conduct independent monitoring of blasting events to the extent and frequency reasonably required by Temple Fire & Rescue.

B. Information generated in the form of reports or other data from the monitoring required above must be submitted to the Fire Marshal within seventy-two (72) hours of each blasting event.

C. Monitoring information must include, but is not limited to:

- i. Actual date and time of the blast;
- ii. Type of explosives or blasting agents used;
- iii. Technical data and material safety data sheets for all explosives or blasting agents used;
- iv. Total pounds of explosives used in each blast;
- v. Number, spacing, stemming, and depth of holes;
- vi. Maximum pounds per delay;
- vii. Firing sequence, delay sequence, and typical hole load diagrams;
- viii. Location and distance of extraction operation from seismographs;
- ix. Weather conditions at time and location of blast; and
- x. Seismograph and air blast data.

D. Seismograph and air blast data must include the:

- i. Type of instrument, sensitivity, and calibration signal of certification of annual calibration;
- ii. Exact location of instrument and the date, time, and distance of the instrument from the blast;
- iii. Name of person and firm taking the reading as well as the person analyzing the seismic record; and
- iv. Ground vibration and air blast levels recorded.

(8) Safety standards.

An extraction site operator is responsible and required to comply with all applicable provisions of state and federal rules and regulations promulgated by the Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and any other executive agency of the state or federal government relating to use, handling, transportation, storage,

or detonation of explosives or blasting agents.

(9) Records and inspections.

- A. An extraction blasting permittee must make the permitted extraction operation site available to the Fire Marshal for inspection at all times during regular business hours.
- B. The permittee must retain a record of all blasts and monitoring information for each blast for a period of five (5) years after the date of the blast.
- C. All records, including monitoring records referenced in Subsection 12-16(b)(7), above, relating to extraction operations must be made available to the Fire Marshal during normal business hours within seventy-two (72) hours of the Fire Marshal's request.

(c) Control of Adverse Effects.

(1) Air blast noise limits.

For this Section, the air overpressure and related noise generated by the use of explosives or blasting agents in extraction operations will be measured by the air blast created thereby. Air blast may not exceed one hundred thirty-four (134) dB peak (\pm three (3) dB) at the location of any dwelling, public building, hospital, school, church, or community or institutional building outside the permit area, unless otherwise provided in Subsection 12-16(c)(5), below.

(2) Ground vibration.

In all extraction operations, unless otherwise authorized in Subsection 12-16(c)(5), the maximum ground vibration may not exceed three fourths of an inch (.75") per second at the location of any dwelling.

(3) Monitoring requirement.

An extraction site operator must conduct monitoring to ensure compliance with the air blast standards and ground vibration standards. Air blast and ground vibration measurements of blasts must be performed to the extent required this Section. If determined necessary by the Fire Marshal, an additional air blast and vibration monitor must be installed and monitored by the extraction site operator and the Fire Marshal. This additional monitor must be paid for by the extraction site operator.

(4) Flyrock.

Flyrock traveling in the air or along the ground may not be cast from the blasting site beyond the area under the control of the extraction site operator.

(5) Non-applicability.

The maximum air blast and ground-vibration standards of this Subsection do not apply to the

following:

- i. Structures located within the extraction site;
- ii. Structures owned by the permittee and not leased to another person; or
- iii. Structures owned by the permittee and leased to another person if a written waiver by the lessee has been obtained by the permittee.

(d) Suspensions, revocations, denial of re-certifications, and stop work orders.

- (1) The City may suspend or revoke a permit, deny approval of a permit re-certification, or issue a stop work order for any of the following reasons:
 - A. The information or documentation submitted by the permittee in the permittee's extraction blasting permit application or permit re-certification is determined by the City to be incomplete, insufficient, false, or fraudulent;
 - B. The permittee does not comply with all provisions of this Section;
 - C. The permittee does not comply with all terms and conditions of the permit;
 - D. The City determines that the permittee's blasting or extraction operations will cause or may cause an imminent danger to property or public health, safety, or welfare;
 - E. The Fire Marshal finds that any work regulated by this Section is being performed in a manner contrary to the provisions of this Chapter, or in a dangerous or unsafe manner;
 - F. A local, state, or federal license, certificate, or permit required to conduct a blast or that is related to the blast has expired or is suspended or revoked;
 - G. The insurance required under this Section is cancelled or expires without the required thirty- (30-) day notification to the Fire Marshal;
 - H. The City discovers new information or new conditions that the City determines requires the issuance of the stop work order, denial of approval of a permit re-certification, or suspension or revocation of the permit; or
 - I. For any other good cause determined by the City.
- (2) A stop work order and notification of denial of approval of a permit re-certification or a revocation or suspension of a permit must be in writing and be given to the owner of the property or to the owner's authorized agent, the permittee, or the person doing the work; however, where an emergency exists, the Fire Marshal is not required to give written notice prior to stopping the work.

- (3) Upon notification that a permit has been suspended or revoked, a permit re-certification has been denied, or a stop order has been issued, all blasting operations as specified by the City must immediately cease and all explosive materials must be removed from the permit area immediately; however a person may perform work to remove a violation or unsafe condition as directed by the City.
- (4) The City may reinstate a suspended extraction blasting permit, approve a permit re-certification, or rescind a stop work order if the conditions that caused the suspension, denial, or issuance of the stop work order have been corrected. If the conditions have not been corrected within thirty (30) days of service of the notice of suspension or denial of approval of re-certification or issuance of the stop work order, the permit may be revoked.
- (5) A permit that is revoked may not be reinstated. The holder of a revoked permit must submit a new extraction blasting permit application to resume blasting or extraction operations on a site where a permit has been revoked.

(e) Appeal.

Any person aggrieved by an action or inaction of the Fire Department, Fire Chief, Fire Marshal, or City taken under this Section may appeal such decision to the Building Board of Appeals in writing. Upon receipt of an appeal notification, the Board will take the actions required to review the appeal in accordance with Sec. 12-6(c) (*Amendments to Chapter 1, "Scope and Administration"*).

Sec. 12-17. Blasting operations regulations.

(a) Purpose.

The purpose of this Section is to establish requirements for blasting operations, blast limitations, explosive materials, equipment, labor, and supervision for use of explosives, drilling, and charging of blast holes, protection of existing structures, facilities, and other property, and repair of damage due to blasting operations within the City.

(b) Applicability.

This Section does not apply to extraction operations, which will be governed by Sec. 12-16, (*Extraction Operations Regulations*).

(c) Definitions.

(1) The following definitions apply to this Section:

- A. The definitions set forth in the 2015 ICC International Fire Code, Chapter 56, Explosives and Fireworks, Section 5602.

- B. The definitions set forth in most recent version of the National Fire Protection Association (NFPA) 495, Explosive Materials Code, and any amendments thereto, are adopted by reference.
 - C. *Permit area* means the area within the perimeter of the property on which a blast site is authorized by a permit under this Section.
- (2) Whenever any conflict exists between definitions, the most restrictive definition will apply, unless otherwise preempted under law.
- (d) Permit required.
- (1) No person may be in possession of explosive materials, transport explosive materials, or perform an activity involving explosive materials, including the loading and firing of explosive materials, in the City without a City blasting permit or as otherwise permitted under this Chapter or other law.
 - (2) A person may not sell, give, deliver, or transfer explosive materials within the City to a person not in possession of a City blasting permit or who is not otherwise permitted to buy, receive, accept, or possess explosive materials under this Chapter or other law.
 - (3) A City blasting permit does not take the place of any other license or permit required by other law.
 - (4) A City blasting permit is required for each blasting project.
- (e) Blasting permit application.
- (1) To apply for a blasting permit a person must submit to the City a completed City application form. The following documents and information must also be submitted to the City with the completed application form for the blasting permit application to be deemed complete:
 - A. A transportation plan as provided under Subsection (f) (*Transportation Plan*);
 - B. A traffic control plan as provided under Subsection (g) (*Traffic Control Plan*);
 - C. A blasting plan as provided under Subsection (h) (*Blasting Plan*);
 - D. A liability waiver and indemnification agreement executed by the applicant; and
 - E. Any other information deemed necessary by the City.
 - (2) If any information or documentation required in Subsection (e)(1), above, changes, the applicant, or the permittee if the permit has been issued, must notify the City within three (3)

days of the change. An applicant or permittee may not perform any blasting operations until the City is notified and approves the change.

- (3) All applicable departments will review completed blasting applications. After review, the City will approve or deny permits.

(f) Transportation plan.

- (1) Vehicles used to transport explosive materials, and the operation of such vehicles, must comply with all local, state, and federal laws, rules, and regulations for the transport of explosive materials.
- (2) A plan that addresses the transportation of explosive materials within the City must be included with blasting permit application as provided under Subsection (e) (*Blasting Permit Application*), above.
- (3) The City may require the below information to be included in the applicant's transportation plan:
 - A. Routes used for explosive material deliveries and returns;
 - B. Hours of explosive material transport;
 - C. Maximum quantities of explosive materials being transported, and the types of explosive materials being transported;
 - D. Types of vehicles to be used for transporting explosive materials; and
 - E. Any other information deemed necessary by the City.

(g) Traffic control plan.

- (1) A traffic control plan must be included with a blasting permit application as provided under Subsection (e) (*Blasting Permit Application*), above.
- (2) The City may require the below information related to blasting operations to be included in the applicant's traffic control plan:
 - A. Locations, type, and quantity of signs, flags, and barricades;
 - B. Road closures;
 - C. Detour routes for traffic; and
 - D. Any other information deemed necessary by the City.

- (3) If any road closures are proposed, the traffic control plan must account for school bus schedules; blasting operations may not delay school buses on regularly scheduled routes.

(h) Blasting plan.

- (1) A blasting plan must be included with a blasting permit application as provided under Subsection (e) (*Blasting Permit Application*), above. An applicant's blasting plan must include detailed plans for pre-blast notifications, pre-blast inspections, post-blast inspections, and blast monitoring that comply with the requirements of this Section.
- (2) In addition to the information required under Subsection (h)(1), above, the City may require the applicant to provide the following information as part of the applicant's blasting plan:
 - A. The location where the blasting is to occur;
 - B. The approximate total volume of material to be blasted;
 - C. The incremental volumes, per blast, of material to be blasted;
 - D. The types and packaging of explosive materials to be used;
 - E. The drill hole diameters, depths, patterns, sub-drilling depths, and drill hole orientations to be used;
 - F. The initiation system, the incremental delay times, and the location of the primers in the explosive column;
 - G. The stemming depths and stemming material for the various estimated depths of drill holes to be blasted;
 - H. The approximate types and quantities of explosive materials anticipated to be used;
 - I. The fly-rock control procedures and equipment, if any, to be used;
 - J. The maximum number of blasts to be made in any one day;
 - K. The blast warning sound system and equipment to be used;
 - L. The scheduled start date and finish date of blasting operations; and
 - M. Any other information deemed necessary by the City.
- (3) Applicable distances.

A. The distances from the blasting for which pre-blast notification, pre-blast structural inspection, and blast monitoring are required will be determined by the scaled distance formulas set forth below:

- i. Distance from the blast within which pre-blast notification to all property owners and homeowner and property owner associations is required: $D_a = 90W$.
- ii. Distance from the blast within which pre-blast inspection of all properties is required: $D_b = 75W$.
- iii. Distance from the blast within which monitoring of selected structures is required: $D_c = 60W$.

B. In the above scaled distance formulas:

- i. D_a , D_b , and D_c are the actual distances in feet from the closest point in the blast; and
- ii. “W” is the square root of the maximum weight of the explosives in pounds detonated with a minimum eight millisecond delay from another detonation event in a sequentially delayed blast.

(4) Pre-blast notifications to property owners and HOAs and POAs.

A. The permittee must mail pre-blast notifications to all property owners and homeowner and property owner associations within a specified distanced as provided under Subsection (h)(3), above, and a copy of the mailed notification provided to the City, no less than seven (7) days prior to the start of blasting and no more than thirty (30) days prior to the start of blasting.

B. The City may require the pre-blast notification to include the following information:

- i. General description of the blasting operations;
- ii. Why the blasting is necessary;
- iii. Name of the blasting company and blaster’s contact information;
- iv. Name of the applicant and the applicant’s contact information;
- v. The anticipated duration of blasting;
- vi. An anticipated schedule for blasts, including estimated dates and times of blasting;
- vii. Measures to be taken for the control of ground vibrations, air blast, fly rock, fumes, and dust;

- viii. Where the blasting will be conducted;
- ix. A map showing the location of blasting;
- x. Description of warning signals for blasting and all clear signal; and
- xi. Any other information deemed necessary by the City.

C. When no blasting occurs for a period of thirty (30) days or more, a new pre-blast notification must be mailed as provided by this Subsection.

(5) Pre-blast notification to utilities.

The permittee must call Texas811 at least seventy-two (72) hours prior to blasting and comply with all Texas811 instructions.

(6) Pre-Blast Inspections.

- A. The permittee must mail a notification to all property owners within a specified distanced as provided under Subsection (h)(3), above, that notifies the property owners of their right to request a pre-blast inspection and the procedure for requesting such inspection. This notification must be mailed to the required property owners, and a copy provided to the City, no less than seven (7) days prior to the start of blasting and no more than sixty (60) days prior to the start of blasting.
- B. All pre-blast inspections requested must be completed at least forty-eight (48) hours prior to the permittee's first blast.
- C. Pre-blast inspections must be performed by an independent Texas licensed Professional Real Estate Inspector or Texas licensed engineer, who is not an employee of the permittee, at the permittee's expense.
- D. The pre-blast inspector must determine the condition of the property and must document with scaled photographs and any supplemental sketches any pre-blasting damage and other physical factors that could reasonably be affected by the blasting. Documentation must include foundation and building construction details, other improvements, and landscape features.
- E. Written report of pre-blast inspections must be signed by the pre-blast inspector.
- F. The permittee must submit to the City a copy of the individual pre-blast inspection reports and a log of all photos taken during pre-blast inspections as well as any written owner refusals of pre-blast inspections at least forty-eight (48) hours prior to the permittee's first blast.

- G. Pre-blast inspections are valid for sixty (60) days. After sixty (60) days from the date an inspection is completed, if a permittee wishes to blast, the permittee must re-perform all the requirements of this Subsection (h)(6).

(7) Post-blast inspections.

- A. Property owners may request an inspection of their property, if following a blast, the property owners feel that the blasting caused damage to their property. This request may be made regardless of whether the property was outside of the pre-blast inspection specified distance provided under Subsection (h)(3), above.
- B. The property owner must request the permittee to perform a post-blast inspection in writing.
- C. The post-blast inspection must be performed by the permittee within ten (10) days of the property owner's request.
 - i. If a pre-blast inspection was performed, the post-blast inspection report must consist of scaled photographs of any alleged damages and a written report comparing the pre-blast photographs with the post-blast photographs. If a pre-blast inspection was not performed, the post-blast inspection report must consist of scaled photographs of any alleged damages and a written report describing the alleged damage.
 - ii. A copy of the post-blast inspection report must be timely provided to the property owner and to the City.
- D. If no agreement is arrived at between the permittee and the property owner after a post-blast inspection performed under Subsections (h)(7)A-C, above, the permittee must arrange for an independent Texas licensed Professional Real Estate Inspector or Texas licensed engineer, who is not an employee of the permittee, to perform a post-blast inspection and prepare a post-blast inspection report. The post-blast inspector must timely submit the post-blast inspection report to the permittee, the property owner, and the City.
 - i. The cost of this additional post-blast inspection and post-blast inspection report must be borne equally by the property owner and the permittee, unless the post-blast inspector finds that the sole cause of the damage was due to the blasting, in which case the permittee must bear the full cost of the post-blast inspection and post-blast report.

(8) Monitoring.

- A. The permittee must monitor each blast to accumulate data with respect to the seismographic and air blast effects of the blasting operation and must conduct

independent monitoring of blasting events as directed by the City and to the extent and frequency reasonably required by the City.

- B. Within seventy-two (72) hours of each blast, the permittee must submit seismograph and air blast data to the Fire Marshal.
- C. Seismograph or air blast data submitted to the Fire Marshal must include the:
 - i. Type of instrument, sensitivity, and calibration signal of certification of annual calibration;
 - ii. Exact location of instrument and the date, time, and distance of the instrument from the blast;
 - iii. Name of person and firm taking the reading as well as the person analyzing the seismic record; and
 - iv. Ground vibration and air blast levels recorded.
- D. Ground vibration and air blasts monitoring and limits.
 - i. Ground vibrations and air blasts must be monitored with blasting seismographs that conform to guidelines provided by the City.
 - ii. Blasting seismographs must be deployed in the field according to guidelines provided by the City.
 - iii. Permittees must place blasting seismographs at all locations specified by the Fire Marshal.
 - iv. The maximum charge-per-delay in all blasts must be sized to conform with the maximum PPV limits and minimum scaled distance limitations shown in Table 1, below. The most restrictive minimum scaled distance limitation must be used at all locations.

Table 1

Location	Maximum PPV (in/s)	Minimum Scaled Distance Limitation (ft/lb^{1/2})
Dwellings, Schools, and Hospitals	.75	60
Industrial Buildings	.75	40
Railroad Tracks	2.0	30
Buried Pipes and Utilities	4.0	15

- E. Air Blast. For the purpose of this Section, the air overpressure and related noise generated by the use of explosives or blasting agents in blasting operations will be measured by the air blast created thereby. Air blast may not exceed one hundred thirty-four (134) dB peak (\pm three (3) dB) at the location of any dwelling, public building, hospital, school, church, or community or institutional building outside of the permit area.
- F. Within twenty-four (24) hours of each blast, the permittee must submit a shot report to the Fire Marshal containing the following information:
 - i. Date, time, and location of the blast;
 - ii. Type of explosives or blasting agents used;
 - iii. Total pounds of each type of explosive used;
 - iv. Technical data and material safety data sheets for all explosives or blasting agents used;
 - v. Number, spacing, stemming, diameter, and depth of holes;
 - vi. Sub-drill depth;
 - vii. Amount and type of stemming material;
 - viii. Maximum pounds of explosives detonated in any eight-millisecond time interval;
 - ix. Firing sequence, delay sequence, and typical hole load diagrams;
 - x. Schematic showing drill hole pattern;
 - xi. Initiation delay sequence;
 - xii. Weather conditions at time and location of blast;
 - xiii. Type and size of any fly-rock protection devices used, if any; and
 - xiv. Any other information required by the Fire Marshal.
- (9) The City may waive property owner notification and inspection requirements and maximum air blast and ground vibration limits and standards required under this Section for property owned by the permittee or by the permit area property owner if requested in writing by the applicable party.
- (i) Blasting permit denial.
- (1) The issuance of a blasting permit is a discretionary action on the part of the City and as such the City has the right to deny a blasting permit.

- (2) Blasting permit applications will be subject to review and approval by the Fire Chief and the City's public works department and any other person or department designated by the City Manager.
 - (3) The City's denial of a blasting permit must be in writing and must state the reason for the denial.
 - (4) The City may deny a blasting permit for any of the below reasons:
 - A. The applicant does not comply with Subsection (e) (*Blasting Permit Application*) or the submitted application information or documentation is incomplete, insufficient, false, or fraudulent;
 - B. The information or documentation submitted under Subsection (e) (*Blasting Permit Application*) fails to comply with applicable local, state, or federal laws, rules, and regulations;
 - C. The City determines that issuing a blasting permit will cause or may cause an imminent danger to property or public health, safety, or welfare;
 - D. The applicant does not provide proof of a valid local, state, or federal license, certificate, or permit required to conduct a blast or that is related to the blast; or
 - E. For any other good cause determined by the City.
 - (5) A person may appeal a permit denial as provided by Sec. 12-6(c) (*Amendments to Chapter I, "Scope and Administration"*).
- (j) Insurance required.
- (1) If the City approves a blasting permit, the City may not issue the permit to the applicant until the applicant provides to the City proof of a commercial general liability insurance with a minimum limit of one million dollars (\$1,000,000) per occurrence. Such insurance must not exclude explosion, collapse, and underground (XCU) coverage. The City reserves the right upon review of a permit application, and in its sole discretion, to require higher minimum liability amounts and coverage endorsements (e.g. environmental liability) based on project specifics and potential hazards.
 - (2) If the applicant does not provide the proof of insurance to the City within the time period prescribed by the City, the City may rescind the approval of the permit and deny the permit application.
 - (3) A permittee must carry such insurance throughout the term of the permit. The permittee must not cancel or materially change such insurance coverage or allow such insurance coverage to expire or lapse without notification to and approval from the City.

(k) Non-transferable blasting permit.

- (1) Blasting permits are not transferable.
- (2) Any change of ownership of the permittee will require that a new permit be issued.

(l) Length of time a blasting permit is valid.

- (1) A blasting permit is valid for thirty (30) days; however, a blasting permit may be extended over thirty (30) days for extenuating circumstances at the discretion of the Fire Marshal. In no case may a blasting permit be extended more than thirty (30) days past the date the permit was originally issued.
- (2) A permittee wishing to extend a permit must submit a written request to the Fire Marshal and receive written approval from the Fire Marshal for the extended date.
- (3) After a permit expires, a person wishing to blast must apply for a new blasting permit as provided by Subsection (e) (*Blasting Permit Application*).

(m) Permittee requirements.

- (1) A permittee must comply with all:
 - A. Applicable federal, state, and local laws, rules, and regulations, including, but not limited to, all laws, rules, and regulations applicable to obtaining, owning, possessing, transporting, storing, handling, and using explosive materials;
 - B. Permit terms and conditions imposed by the City;
 - C. City contract provisions; and
 - D. The permittee's plans submitted and approved under Subsection (e) (*Blasting Permit Application*).
- (2) If any of the provisions in Subsection (m)(1) conflict, the strictest provision will prevail, unless otherwise preempted by law.
- (3) The City may impose additional requirements on the permittee, or supplement any existing permit term or condition, whenever, in the opinion of the City, later information or newly discovered conditions justify such actions.

(n) Work hours.

- (1) Blasting operations may only be performed during the hours of 8:00 AM and 5:00 PM, Central Standard Time, Monday through Friday; however, no blasting operations may be performed on City holidays.
 - (2) Regardless of Subsection (n)(1), the permittee may perform blasting operations outside of above prescribed hours or days if authorized by the City in writing.
- (o) Storage and handling of explosives within the City.
- (1) Explosive materials may not be stored within the City limits, unless otherwise authorized by local, state, or federal law, rule, or regulation.
 - (2) Permittees under this Section must transport explosive materials into the City at the beginning of each workday. Unused explosive materials must be removed from the City at the end of the same workday.
 - (3) Explosive materials must remain in the vehicle that the explosive materials were transported in until the explosive materials are loaded or deployed.
 - (4) The permit area must be on standby during loading of explosive materials.
 - (5) Blast holes loaded with explosive materials must be shot on the day the holes are loaded.
- (p) Fire Marshal notification and inspections.
- (1) The permittee must notify the Fire Marshal at least twenty-four (24) hours prior to blasting. Notification must be made per the Fire Marshal's policy.
 - (2) The permittee must allow the Fire Marshal to conduct an inspection of the permit area for each blasting project prior to blasting.
 - (3) Fire Marshal inspections may be required for every blast until the permittee can demonstrate an ability to safely blast in conformance to the blast plan and control the extraneous effects of blasting such as fly-rock, noise, and air blast and ground vibration. Additional inspections may be required for any blaster or permittee who is unable or does not comply with the approved blasting plan or control the extraneous effects of blasting.
 - (4) If more than two Fire Marshal inspections are required for a blasting project, an additional fee may be assessed against the permittee.
 - (5) No person may blast within the City without passing a Fire Marshal inspection and receiving approval from the Fire Marshal to blast.
 - (6) Permittees must allow the City access to the permit area during reasonable times to inspect for compliance with all applicable local, state, and federal laws, rules, and regulations.

(q) Damage and complaints.

- (1) Upon completion of blasting, the permittee must perform a permit area inspection to determine if any damage or injury resulted from the blasting.
- (2) The permittee must immediately notify the City in writing of any damage or injury resulting from the permittee's blasting operations.
- (3) The permittee must notify the City in writing of any complaint reported to the permittee related to the permittee's blasting operations within twenty-four (24) hours of receiving a complaint.

(r) Permit suspension and revocation; stop work order.

- (1) The City may suspend or revoke a blasting permit or issue a stop work order for any of the following reasons:
 - A. The information or documentation submitted by the permittee under Subsection (e) (*Blasting Permit Application*) is determined by the City to be incomplete, insufficient, false, or fraudulent;
 - B. The permittee fails to notify the City within three (3) days of a change to the information or documentation required under Subsection (e) (*Blasting Permit Application*) or blasting operations occur before the City is notified or approves such change;
 - C. The permittee does not comply with all provisions of this Section;
 - D. The City determines that the permittee's blasting operations will cause or may cause an imminent danger property or public health, safety, or welfare;
 - E. The Fire Marshal finds that any work regulated by this Section is being performed in a manner contrary to the provisions of this Chapter, or in a dangerous or unsafe manner;
 - F. A local, state, or federal license, certificate, or permit required to conduct a blast or that is related to the blast has expired or is suspended or revoked;
 - G. The insurance required under Subsection (j) (*Insurance Required*) is cancelled, lapses, or expires or is materially changed without notification to or approval from the City;
 - H. A stop work order is issued for the site in which the blasting would occur;
 - I. The City discovers new information or new conditions that the City determines requires the issuance of the stop work order or suspension or revocation; or
 - J. For any other good cause determined by the City.

- (2) A stop work order and notification of a revocation or suspension of a blasting permit must be in writing and be given to the owner of the property or to the owner's authorized agent, the permittee, or the person doing the work; however, where an emergency exists, the Fire Marshal is not required to give written notice prior to stopping the work.
 - (3) Upon notification that a permit has been suspended or revoked or a stop order, all blasting operations as specified by the City must immediately cease and all explosive materials must be removed from the permit area immediately; however a person may perform work to remove a violation or unsafe condition as directed by the City.
 - (4) The City may reinstate a suspended blasting permit or rescind a stop work order if the conditions that caused the suspension or issuance of the stop work order have been corrected. If the conditions have not been corrected within thirty (30) days of service of the notice of suspension or stop work order, the permit may be revoked.
 - (5) A permit that is revoked may not be reinstated. The holder of a revoked permit must submit a new blasting permit application to resume blasting operations on a site where a permit has been revoked.
 - (6) Any person aggrieved by an action or inaction of the Fire Marshal or City taken under this Article may appeal such decision to the Building Board of Appeals in writing. Upon receipt of an appeal notification, the Board will take the actions required to review the appeal in accordance with Sec. 12-6(c) (*Amendments to Chapter 1, "Scope and Administration"*).
- (s) No assumption of liability to the City.
- (1) By the passage this Section or the issuance of any permit under this Section, the City assumes no responsibility for any damage caused by persons blasting within the City under this Section's provisions or under any permit issued under this Section.
 - (2) This Section will be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
 - (3) It is the intent of this Section to place the obligation of complying with its requirements upon the permittee. No provision of or any term used in this Section is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

Sec. 12-18. Business registration.

- (a) Business registration is administered by Temple Fire & Rescue, in conjunction with the Utilities department, which assures that all businesses within the City of Temple are registered for 911 services, inspected, and comply with all City codes.

- (b) All businesses must comply with the registration requirements of this Section as a precondition of initiating or continuing any business within the City of Temple. For the purpose of this Section, the term “business” includes any commercial enterprise, school, church, or governmental office located within the City limits. Each occupant of a building used by a business is responsible for complying with the registration requirements of this Section.
- (c) Registration procedure.
 - (1) When a business owner applies for utilities, they must fill out a business registration form and return the form to Temple Fire & Rescue prior to the business receiving utilities or opening its doors for business.
 - (2) Registration or re-registration with the City is required prior to changing the name, ownership, operator, location, or use of an existing business.

Article VI. Miscellaneous Additions to the 2015 International Fire Code

Sec. 12-19. Reserved.

Sec. 12-20. Unauthorized use of fire apparatus.

It is unlawful for any person, unless authorized by the Fire Chief, to take or use or break, deface, damage, or destroy any engine, truck, ladder, fire axe, or other fire apparatus belonging to or in possession of Temple Fire & Rescue or any fire department that is providing mutual aid to the City of Temple.

Sec. 12-21. Injuring or driving over fire hose.

It is unlawful for any person, unless as authorized by the Fire Chief, to break, cut, deface, tear, damage, or destroy or drive any vehicle or machinery over any fire hose belonging to or in possession of Temple Fire & Rescue or any fire department that is providing mutual aid to the City of Temple.

Sec. 12-22. Failure to comply with orders.

It is unlawful for any person to fail to comply with the Fire Chief or Fire Marshal’s orders made during the course of their official duties.

Sec. 12-23. New materials, processes, or occupancies which may require permits.

The Fire Chief has the authority to determine and specify, after giving the public an opportunity to be heard, any new materials, processes, activities, or occupancies that will require permits issued by Temple Fire & Rescue, in addition to those enumerated in this Chapter. The Fire Chief must post such permit lists in a conspicuous place in their offices and stations and distribute copies to interested persons.

Sec. 12-24. False alarms; duty to notify of testing and correct malfunctions.

(a) Persons in charge of buildings or properties must:

- (1) Notify the Fire Marshal prior to working on or testing sprinkler and fire alarm systems; and
- (2) Promptly correct fire alarm malfunctions.

(b) The Fire Marshal may issue a citation to the person in charge of a building or property for each false alarm after three (3) false alarms in a one-year period due to the person's failure to comply with Subsection (a), above.

(c) Failure to comply with Subsection (a) is a Class C misdemeanor and is punishable by a fine of up to \$150 for each violation. Each occurrence of a violation per a day is a separate offense.

(d) Proof of a culpable mental state is expressly waived for this offense.

Sec. 12-25. False alarms; Causing false alarms.

(a) It is an offense for a person to intentionally, knowingly, or recklessly cause a false alarm.

(b) A violation of Subsection (a) is a Class C misdemeanor and is punishable by a fine of up to \$1000 for each violation. Each occurrence of a violation per a day is a separate offense.

Sec. 12-26. Burning or hazardous activity without a permit.

(a) It is an offense for a person to burn or perform any hazardous activity or operation without a permit required under this Chapter that causes an emergency response.

(b) A violation of Subsection (a) is a Class C misdemeanor and is punishable by a fine of up to \$500 for each violation. Each occurrence of a violation per a day is a separate offense.

(c) Proof of a culpable mental state is expressly waived for this offense.

Sec. 12-27. Exemptions.

Nothing contained in this Chapter may be construed to apply to any local, state, or federal authority in the performance of their official duties, except as otherwise provided by this Chapter.

Sec. 12-28. Fees.

City Council will, by resolution, set the amount of all fees, including permit fees, imposed under this Chapter or related to fire prevention or rescue. A copy of any resolution setting fees will be maintained in the office or station of the Fire Marshal.

Sec. 12-29. Enforcement.

The Fire Chief, any licensed peace officer, City code enforcement officer, and any person designated by the City Manager has the authority to enforce this Chapter.

Sec. 12-30. Penalties.

- (a) Criminal Prosecution. Unless otherwise provided by this Chapter, a person who violates any provision of this Chapter commits a Class C misdemeanor and upon conviction will be fined an amount not exceeding \$500 unless proof of a culpable mental state is pled, in which case the fine upon conviction may not exceed \$2000. Proof a culpable mental state is expressly waived when a fine of \$500 or less is sought for the offense. Each occurrence of a violation per a day is a separate offense.
- (b) Civil remedies. The City may:
 - (1) Seek all available civil remedies in a court of competent jurisdiction for violations of this Chapter; and
 - s
(2) Suspend or revoke any City permit granted to a person who has committed a violation under this Chapter.
- (c) The remedies provided for in this Section are not exclusive. The City may take any, all, or any combination of these remedies against a person who violates this Chapter.

Sec. 12-31. Severability.

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

ORDINANCE NO. 2020-5030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 12, "FIRE PREVENTION AND PROTECTION"; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the City's continuing effort to update the City's Code of Ordinances and to bring the City's code up to date with current City policies and to better protect citizens against fire, City Staff recommends amending Chapter 12, Fire Prevention and Protection, of the City's Code of Ordinances;

Whereas, the proposed amendments include:

- General housekeeping such as reformatting and renumbering the Chapter, updating City Staff titles, and removing obsolete sections;
- Adopting the 2015 International Code Council International Fire Code;
- Revising the Appeals section of the Chapter to help deter frivolous appeals and ensure uniform application of fire safety regulations;
- Requiring fire apparatus access road gates to be equipped with Knox gate and key switches or padlocks approved by the Fire Marshal to ensure access to private properties in cases of emergency;
- Updating the controlled burning section of the Chapter to comply with state law's requirements for outdoor burning and providing exceptions and regulations for allowed outdoor burning;
- Requiring private property owners to annually perform testing and maintenance on all private fire hydrants located upon their property;
- Amending the extraction operations section to reduce the maximum ground vibration limit to 3/4-inch and establishing a monthly permit re-certification process in addition to an annual permit application requirement;
- Creating a new blasting regulation section to regulate blasting related to construction, tunneling, and demolition;
- Creating new offenses for false alarms and burning without a permit; and
- Updating the penalties section to require the pleading of a culpable mental state for offenses with a fine over \$500.

Whereas, Staff recommends Council amend the Code of Ordinances Chapter 12, "Fire Prevention and Protection," as outlined in Exhibit 'A,' attached hereto and incorporated herein for all purposes; and

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

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 12, “Fire Prevention and Protection” as outlined in Exhibit ‘A,’ attached hereto and incorporated herein for all purposes.

Part 3: All Ordinances or parts of Ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 4th day of **June, 2020.**

PASSED AND APPROVED on Second Reading on the 18th day of **June, 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

06/04/20

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 – Conduct a public hearing and consider adopting a resolution approving the substantial amendment to the Community Development Block Grant 2019 Annual Action Plan, including the funding recommendations.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY: The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive annual 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.

On March 27, 2020, the president signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to respond to the growing effects of this historic health crisis. The CDBG program can be employed by states and local governments to support economic and community development efforts in response to the COVID-19 pandemic. The CARES Act includes \$5 billion for the Community Development Fund, enabling additional HUD support for CDBG grantees.

The City of Temple will receive \$368,691 in CARES Act funding from HUD. Grantees received guidance describing the immediate availability of waivers for a 5-day public comment period for amendments and new plan submissions, uncapped percentage of CDBG funding for public services to prevent, prepare for, and respond to coronavirus, as well as other flexibilities. Amendments to the plan may apply to the allocations of current and past CDBG program grant funding years. These combined funds will specifically be utilized for protections, prevention, preparation and response to the Coronavirus pandemic. This is the first allocation of this type of funding. HUD is developing a formula to allocate a second round of CARES Act funding in the near future. The City plans to allocate the CARES Act supplemental funding from HUD to meet the immediate needs of individuals, families, and businesses directly impacted by COVID-19.

Typically, a substantial amendment requires an amendment to both the Annual Action Plan and Consolidated Plan; however, an amendment to the Annual Action Plan is only required with this supplemental funding allocation.

FISCAL IMPACT: A total of \$368,691 from Plan Year 2019 CDBG-CV funding will be allocated to a public service agency. A budget adjustment is attached appropriating the additional CDBG revenue and expenditure. Additional CARES Act funding from HUD is expected in the near future. Expenditures may run into the next plan year.

ATTACHMENTS:

[2019-2020 Annual Action Plan](#)
[Budget Adjustment](#)
[Resolution](#)



CITY OF TEMPLE, TEXAS

SUBSTANTIAL AMENDMENT TO FY 2019 ANNUAL ACTION PLAN FOR CARES ACT FUNDS CDBG

Overview/Objective

The federal CARES Act, P.L. 116-136, made available supplemental funding through the Community Development Block Grant (CDBG) Program. \$368,691 in CDBG-CV funds were allocated to the City of Temple by the US Department of Housing and Urban Development (USHUD). The City of Temple has completed a Substantial Amendment to its CDBG FY 2019 Annual Action Plan to include new programs to prevent, prepare for, and respond to the coronavirus.

Special USHUD waivers permits CDBG-CV funding to be utilized for public services and other activities that will prevent, prepare for, and respond to coronavirus. The broad flexible waivers will permit the City of Temple to address the challenges facing the city.

Public Comment

The U.S. Department of Housing and Urban Development (HUD) granted several waivers to program procedure to expedite the use of these funds. These waivers included an ability to amend the Citizen Participation Plan and allow for a much shorter timeframe for public display, use of the internet to make the Substantial Amendment available to the public and use of virtual meetings to allow for input and comment. The City of Temple advertised and made the Substantial Amendment available to the public on Friday, May 29, 2020, for a period of 5 days and held a virtual public hearing by (ZOOM, call in, etc.) on Thursday, June 4, 2020, at 5:00 pm.

Rationale for amendment

The Coronavirus Aid, Relief, and Economic Security Act, (CARES Act) which was signed into law on March 27, 2020, provides funds through the CDBG, ESG and HOPWA programs. The CARES Act provides for allocations of funds to prevent, prepare for, and respond to coronavirus.

The City of Temple has taken stock of local needs and the parameters of each of the programs and determined how the funds allocated will be used in this community. The following activities will be funded:

- Subsistence Payments (rental, utility and mortgage assistance)
- Economic Development

The two (2) main objectives of the City of Temple COVID response would be to:

- Prevent homelessness in the City by providing rental, mortgage and utility assistance to low-to-moderate income households “at risk” of homelessness.
- Provide financial assistance to small business that provide employment opportunities to low-to moderate-income residents.

1. CDBG CV Rent, Utility and Mortgage Assistance Program

City of Temple residents have experienced significant financial hardship due to social distancing restrictions imposed in response to the COVID-19 public health emergency. The goal of the subsistence payments program would be to provide low-moderate income, qualifying households that have lost employment income as result of the pandemic, short term (no more than 3 months) rental, mortgage and/or utility assistance. The program will be administered by the United Way of Central Texas.

Program Budget

The United Way of Central Texas estimates serving 50 households with subsistence payments with a total budget of \$270,000.

2. CDBG CV Community Relief Fund-Small Business

The City of Temple has recognized the need to provide financial assistance to small businesses, defined as having 50 or fewer employees, who have had a reduction in revenue of at least 50% as a result of COVID-19. Financial assistance will be given in the form of no interest loans, which can convert to grants after 1 year, granted the business creates or retains jobs for low to moderate income residents. Funds must be used for associated payroll costs, interest on mortgages, rent, utilities, operating costs, and working capital. The program will be administered by the United Way of Central Texas.

Program Budget

Temple estimates spending approximately \$90,000, retaining or creating 50 low to moderate income jobs.

3. CDBG CV Administration

In order to provide programmatic oversight, the City of Temple will use a portion of CDBG-CV to pay for program administration.

Program Budget

Total cost for Program Administration is \$8,691.

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.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
260-6100-571-26-58		Public Service Agency	\$ 368,691		\$ -	
260-0000-431-01-31		CDBG Federal Grant	368,691		-	
TOTAL.....			\$ 737,382		\$ -	

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

Appropriate CDBG CARES Act funding allocated from HUD. The funds will be distributed to a public service agency to meet the immediate needs of individuals, families, and businesses directly impacted by COVID-19.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

6/4/2020

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2020-0088-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE SUBSTANTIAL AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT 2019 ANNUAL ACTION PLAN, INCLUDING THE FUNDING RECOMMENDATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive annual 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, on March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act to respond to the growing effects of this historic health crisis which includes \$5 billion for the Community Development Fund, enabling additional HUD support for CDBG grantees - the CDBG program can be employed by states and local governments to support economic and community development efforts in response to the COVID-19 pandemic;

Whereas, the City of Temple will receive \$368,691 in CARES Act funding from HUD and grantees have received guidance describing the immediate availability of waivers for a 5-day public comment period for amendments and new plan submissions, uncapped percentage of CDBG funding for public services to prevent, prepare for, and respond to coronavirus, as well as other flexibilities - amendments to the plan may apply to the allocations of current and past CDBG program grant funding years;

Whereas, these combined funds will specifically be utilized for protections, prevention, preparation and response to the Coronavirus pandemic - this is the first allocation of this type of funding and HUD is developing a formula to allocate a second round of CARES Act funding in the near future;

Whereas, the City plans to allocate the CARES Act supplemental funding from HUD to meet the immediate needs of individuals, families, and businesses directly impacted by COVID-19;

Whereas, a substantial amendment requires an amendment to both the Annual Action Plan and Consolidated Plan; however, an amendment to the Annual Action Plan is only required with this supplemental funding allocation;

Whereas, a total of \$368,691 from Plan Year 2019 CDBG-CV funding will be allocated - additional CARES Act funding from HUD is expected in the near future and expenditures may run into the next plan year;

Whereas, the City Council has considered this matter and deems it in the public interest to adopt the Community Development Block Grant 2019 Annual Action Plan and Budget for fiscal year 2020, including funding recommendations.

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 adopts the Community Development Block Grant 2019 Annual Action Plan and Budget for fiscal year 2020, including funding recommendations.

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 this the **4th** day of **June, 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

06/04/20
Item #7
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION REVIEW:

Jason Deckman, Planner

ITEM DESCRIPTION: FY-20-28-PLT: Consider adopting a resolution authorizing approval of the Preliminary Plat of Honey Glen Acres Addition, a 35.44 +/- acre, 25-lots, 2-block, residential subdivision, with developer-requested exceptions to the Unified Development Code Section 8.2 related to dedication of right-of-way and the projection of streets, situated in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Honey Glen Acres Addition, with developer-requested exceptions to Section 8.2 of the Unified Development Code.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its May 4, 2020 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation.

ITEM SUMMARY: This plat would create 25 new lots on a tract of land located along FM 436 in Temple southwestern ETJ. TxDOT will not allow more than one entrance onto the state right-of-way from this subdivision. FM 436 is shown as a minor arterial on the Thoroughfare Plan, and in the current plan, a proposed major arterial is shown along the eastern edge of this property. Normally, this would require dedication of right-of-way to provide for construction of a future thoroughfare. However, during development of the new Comprehensive Plan, this major arterial was relocated due to local terrain and to better tie in with Belton's Thoroughfare Plan. An exception is required while the current Thoroughfare Plan is in effect. The developer is requesting an exception from UDC Section 8.2.1 regarding street projections (commonly referred to as 'stub-outs'). The code requires that a new subdivision must make provisions for the future projection of streets into neighboring property that has not yet been subdivided. The properties to the west, south, and east are estate-style residential homes on large multi-acre lots. Staff does not expect these properties to be re-developed in the near future, and stub-outs to the adjacent properties would not provide additional connectivity. The applicant's letter requesting the exception is attached to this report.

Armstrong Water Supply Company has provided an estimated cost to provide water service to the subdivision. The applicant has filed an appeal with the Texas Public Utilities Commission challenging that cost estimate. This pending legal issue would have to be resolved prior to the approval of any final plat. The applicant is proposing to construct on-site septic and designs have been approved by the Bell County Health Department.

The Development Review Committee (DRC) reviewed the Preliminary Plat of Honey Glen Acres Addition on March 5, 2020. It was deemed administratively complete and filed on April 28, 2020.

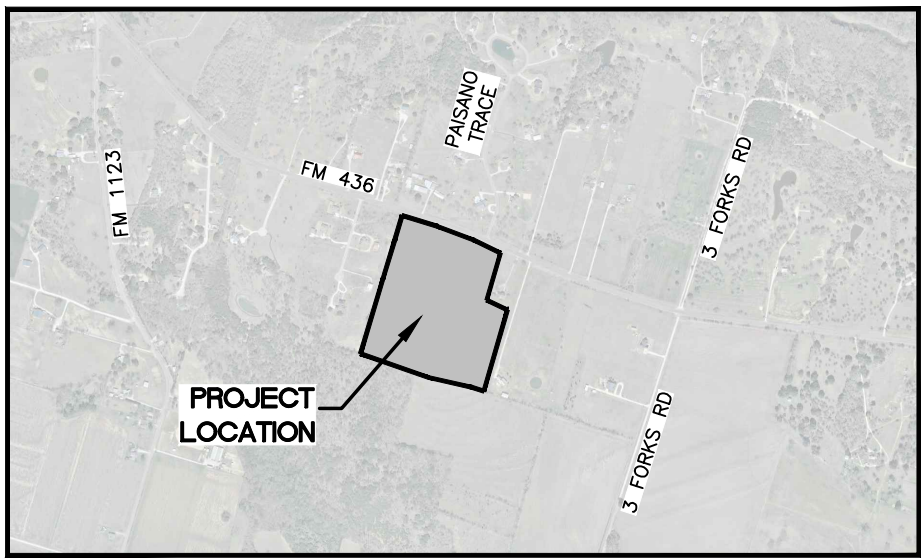
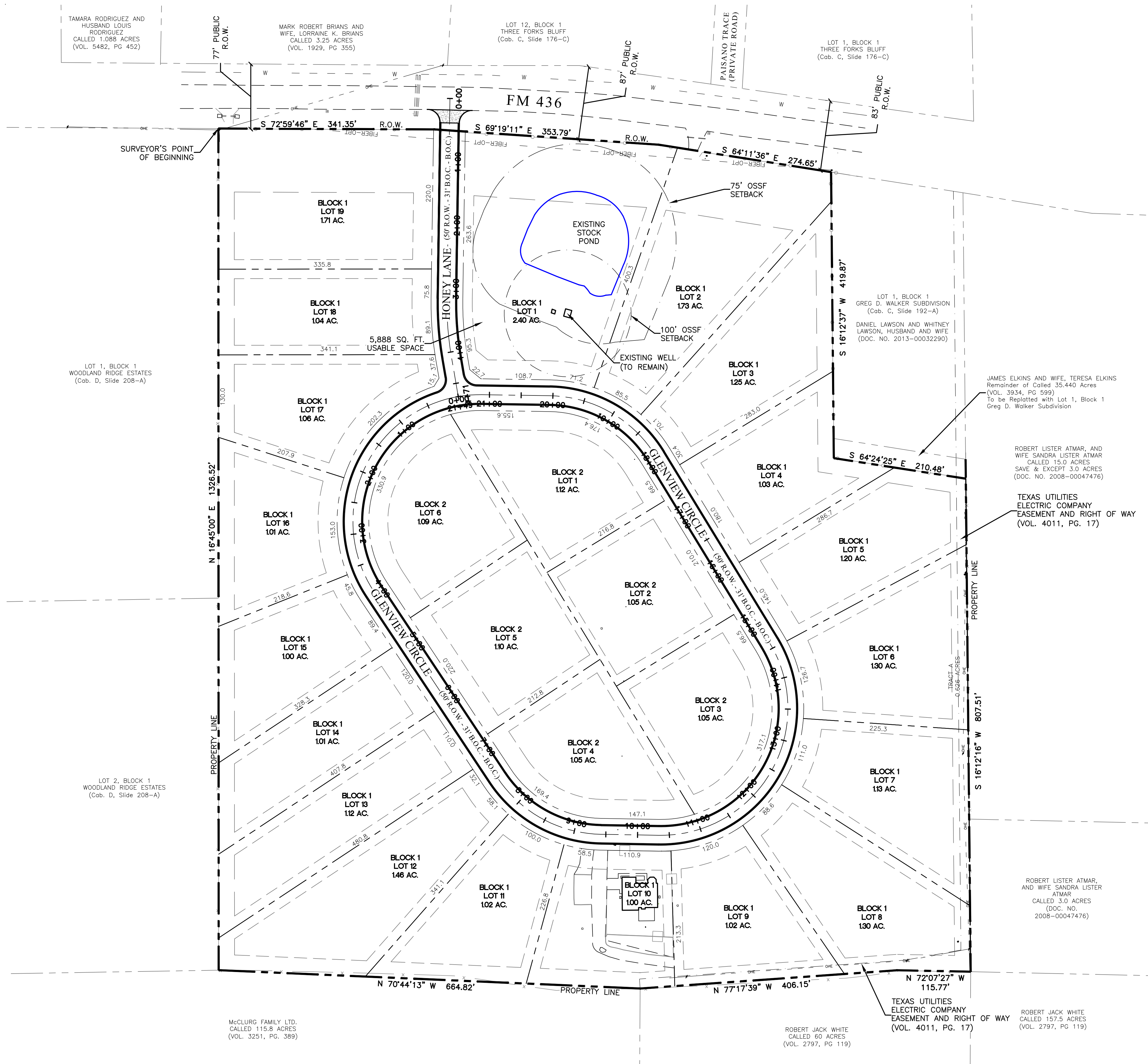
The City Council is the final authority for the Preliminary Plat of Honey Glen Acres Addition, since the developer is requesting exceptions to the UDC.

SCHOOL DISTRICT: Belton Independent School District (BISD)

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Preliminary Plat](#)
[Topo & Utility Layout](#)
[Vicinity Map and Aerial Image](#)
[Thoroughfare Map](#)
[Site Photos](#)
[Request for Exception](#)
[Resolution](#)



SITE VICINITY MAP = N.T.S.

DEVELOPER:

dba of BHW HOLDINGS, LLC
4404 CEDAR CREEK ROAD, TEMPLE, TEXAS 76504
(254) 749-8881

REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC
4330 S. 5TH STREET, TEMPLE, TEXAS 76502
(254) 778-2272

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN STREET, TEMPLE, TEXAS 76501
(254) 899-0899

OWNER:

dba of BHW HOLDINGS, LLC
4404 CEDAR CREEK ROAD, TEMPLE, TEXAS 76504
(254) 749-8881

SURVEY NOTES:

THE BEARINGS CITED HEREON ARE GRID BEARINGS AND ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, AS PER GPS OBSERVATIONS. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED. THIS TRACT IS REFERENCED TO CITY OF TEMPLE CP-100, HAVING PUBLISHED COORDINATES OF N= 10,343,436.23 E= 3,204,864.27

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.



3-27-20
MONTY L. CLARK
REGISTRATION NUMBER 90894

RECOMMENDED FOR PRELIMINARY APPROVAL:

STATE OF TEXAS
COUNTY OF BELL

BEING THE OWNER OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS HONEY GLEN ACRES, A SUBDIVISION IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE TO THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

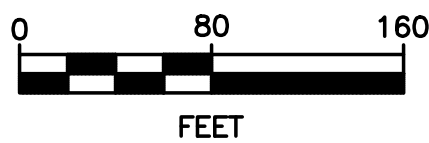
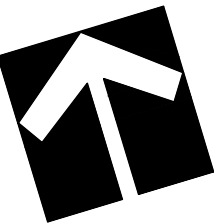
BWH HOLDINGS, LLC SERIES 1

STATE OF TEXAS
COUNTY OF BELL
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS
THE ____ DAY OF _____, 2020.

NOTARY PUBLIC, STATE OF TEXAS

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE:

SECRETARY, PLANNING AND ZONING COMMISSION DATE:



DEVELOPMENT STATISTICS

TOTAL NUMBER OF LOTS =	25
TOTAL NUMBER OF BLOCKS =	2
MINIMUM LOT SIZE =	1.00 ACRES
TOTAL ACREAGE =	33.29 ACRES

EASEMENTS AND BUILDING LINES
(UNLESS OTHERWISE NOTED)

FRONT BUILDING LINE =	30'
SIDE STREET BUILDING LINE =	15'
SIDE BUILDING LINES =	15'
REAR BUILDING LINE =	25'

GENERAL NOTES:

1. STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF TEMPLE'S DRAINAGE ORDINANCE.
2. BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEDERAL INSURANCE RATE MAP (FIRM), MAP NUMBER 48027C0345E, DATED SEPTEMBER 26, 2008, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA", AND APPEARS TO BE SITUATED IN ZONE X. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL NEVER FLOOD, NOR DOES IT CREATE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

FLOOD PLAIN NOTES

THE PROPERTY IS NOT LOCATED WITHIN THE 100-YR FLOOD PLAIN BOUNDARY BASED ON INFORMATION AVAILABLE FROM THE FEMA FIRM RATE MAP NUMBERED 48027C0345E, DATED SEPTEMBER 26, 2008.



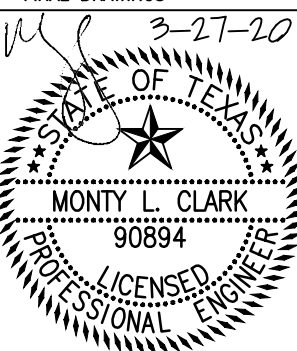
HONEY GLEN ACRES
NEW RESIDENTIAL SUBDIVISION
EXTRATERRITORIAL JURISDICTION OF
TEMPLE, TEXAS

PRELIMINARY PLAT

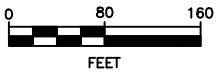
DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO: F-10384.
☒ FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
FINAL DRAWINGS



Designed	MLC
Drafted	JRC
Project No	192040.00
Plot Date	3-27-20



LEGEND

EXISTING WATER MAIN
W

WATER NOTES:

1. ARMSTRONG WATER SUPPLY CORPORATION IS THE WATER PURVEYOR FOR THIS DEVELOPMENT.
2. THE ENGINEER FOR THE ARMSTRONG WATER SUPPLY CORPORATION WILL SUPPLY THE PROPOSED WATER DESIGN FOR THE DEVELOPMENT.

GENERAL NOTES:

1. PROPOSED LOTS TO BE SERVICED BY ON SITE SEWER FACILITIES (SEPTIC SYSTEMS)



HONEY GLEN ACRES NEW RESIDENTIAL SUBDIVISION EXTRATERRITORIAL JURISDICTION OF TEMPLE, TEXAS

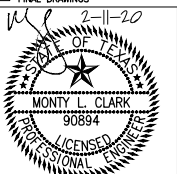
TOPOGRAPHIC AND UTILITY MAP

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF
MONTY L. CLARK P.E. 90894, CLARK & FULLER, PLLC FIRM NO: F-10384.

☒ FOR REVIEW
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CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION"
CAN BE CONSIDERED COMPLETE.

☐ FOR CONSTRUCTION
FINAL DRAWINGS



Designed	MLC
Drafted	JRC
Project No	192040.00
Plot Date	2-11-20

TAMARA RODRIGUEZ AND
HUSBAND LOUIS
RODRIGUEZ
CALLED 1.088 ACRES
(VOL. 5482, PG. 452)

MARK ROBERT BRIANS AND
WIFE, LORRAINE K. BRIANS
CALLED 3.25 ACRES
(VOL. 1929, PG. 355)

LOT 12, BLOCK 1
THREE FORKS BLUFF
(Cab. C, Slide 176-C)

LOT 1, BLOCK 1
THREE FORKS BLUFF
(Cab. C, Slide 176-C)

PAISANO TRACE
(PRIVATE ROAD)

EXISTING
CULVERT

EXISTING DOUBLE
BARREL CULVERT

FM 436

S 72°59'46" E 341.35'

S 69°19'11" E 353.79'

S 64°11'36" E 274.65'

BLOCK 1
LOT 18
171 AC.

BLOCK 1
LOT 19
104 AC.

BLOCK 1
LOT 17
106 AC.

BLOCK 1
LOT 16
101 AC.

BLOCK 1
LOT 15
100 AC.

BLOCK 1
LOT 14
101 AC.

BLOCK 1
LOT 13
112 AC.

BLOCK 1
LOT 12
146 AC.

BLOCK 1
LOT 11
102 AC.

BLOCK 1
LOT 10
100 AC.

BLOCK 1
LOT 9
102 AC.

BLOCK 1
LOT 8
121 AC.

BLOCK 1
LOT 7
103 AC.

BLOCK 1
LOT 6
107 AC.

BLOCK 1
LOT 5
111 AC.

BLOCK 1
LOT 4
103 AC.

BLOCK 1
LOT 3
125 AC.

BLOCK 1
LOT 2
173 AC.

BLOCK 1
LOT 1
240 AC.

BLOCK 2
LOT 1
112 AC.

BLOCK 2
LOT 6
109 AC.

BLOCK 2
LOT 2
105 AC.

BLOCK 2
LOT 5
110 AC.

BLOCK 2
LOT 4
105 AC.

BLOCK 2
LOT 3
105 AC.

BLOCK 2
LOT 1
112 AC.

BLOCK 2
LOT 12
146 AC.

BLOCK 2
LOT 11
102 AC.

BLOCK 2
LOT 10
100 AC.

BLOCK 2
LOT 9
102 AC.

BLOCK 2
LOT 8
121 AC.

BLOCK 2
LOT 7
103 AC.

BLOCK 2
LOT 6
109 AC.

BLOCK 2
LOT 5
110 AC.

BLOCK 2
LOT 4
105 AC.

BLOCK 2
LOT 3
105 AC.

BLOCK 2
LOT 2
173 AC.

BLOCK 2
LOT 1
240 AC.

LOT 1, BLOCK 1
WOODLAND RIDGE ESTATES
(Cab. D, Slide 208-A)

LOT 2, BLOCK 1
WOODLAND RIDGE ESTATES
(Cab. D, Slide 208-A)

McCLURG FAMILY LTD.
CALLED 115.8 ACRES
(VOL. 3251, PG. 389)

ROBERT JACK WHITE
CALLED 60 ACRES
(VOL. 2797, PG. 119)

TEXAS UTILITIES
ELECTRIC COMPANY
EASEMENT AND RIGHT OF WAY
(VOL. 4011, PG. 17)

ROBERT LISTER ATMAR,
AND WIFE SANDRA LISTER
ATMAR
CALLED 3.0 ACRES
(DOC. NO.
2008-00047476)

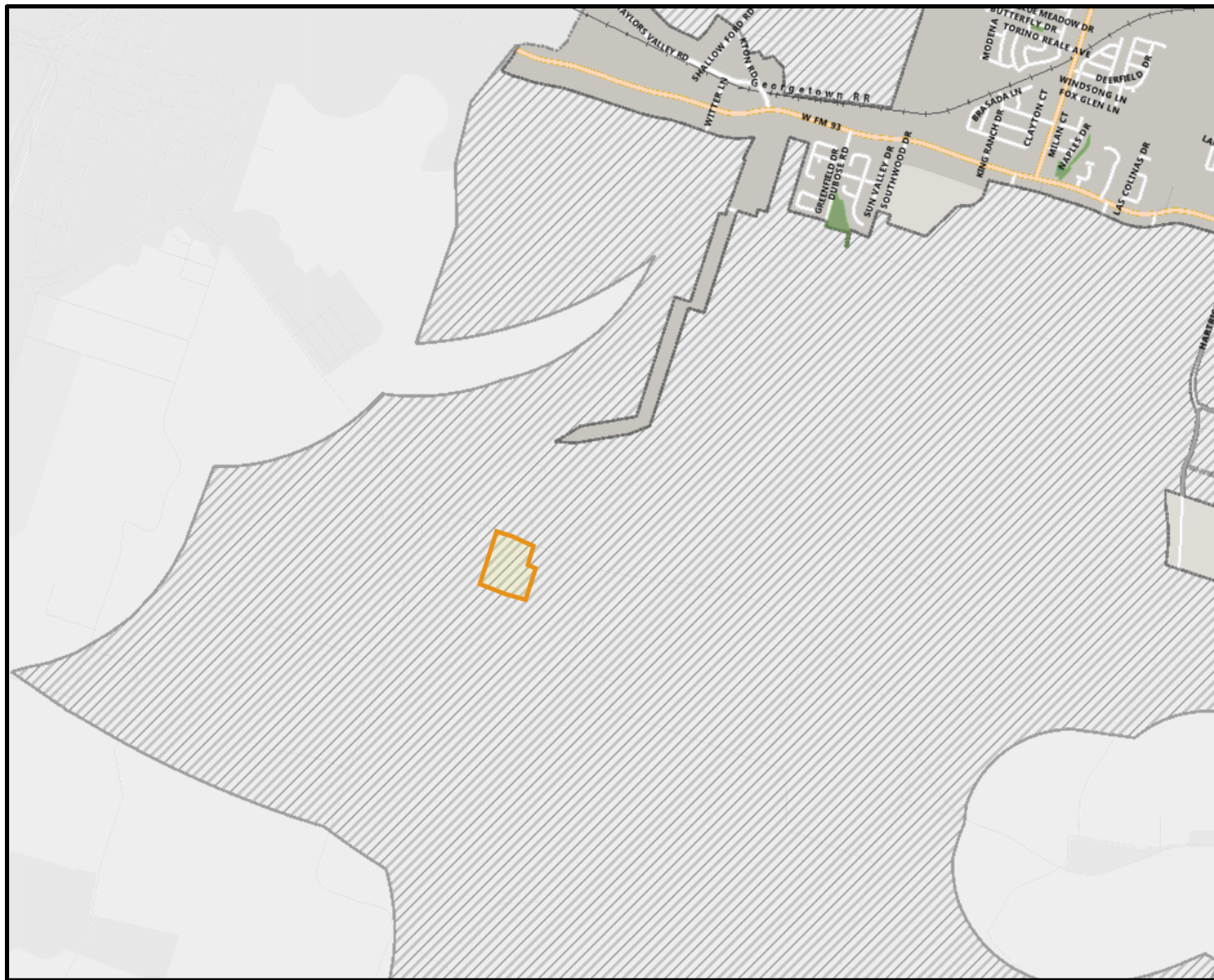
ROBERT JACK WHITE
CALLED 157.5 ACRES
(VOL. 2797, PG. 119)

TEXAS UTILITIES
ELECTRIC COMPANY
EASEMENT AND RIGHT OF WAY
(VOL. 4011, PG. 17)

JAMES ELKINS AND WIFE, TERESA ELKINS
Remainder of Called 35.440 Acres
(VOL. 3934, PG. 599)
To be Replotted with Lot 1, Block 1
Greg D. Walker Subdivision

ROBERT LISTER ATMAR, AND
WIFE SANDRA LISTER ATMAR
CALLED 15.0 ACRES
SAVE & EXCEPT 3.0 ACRES
(DOC. NO. 2008-00047476)

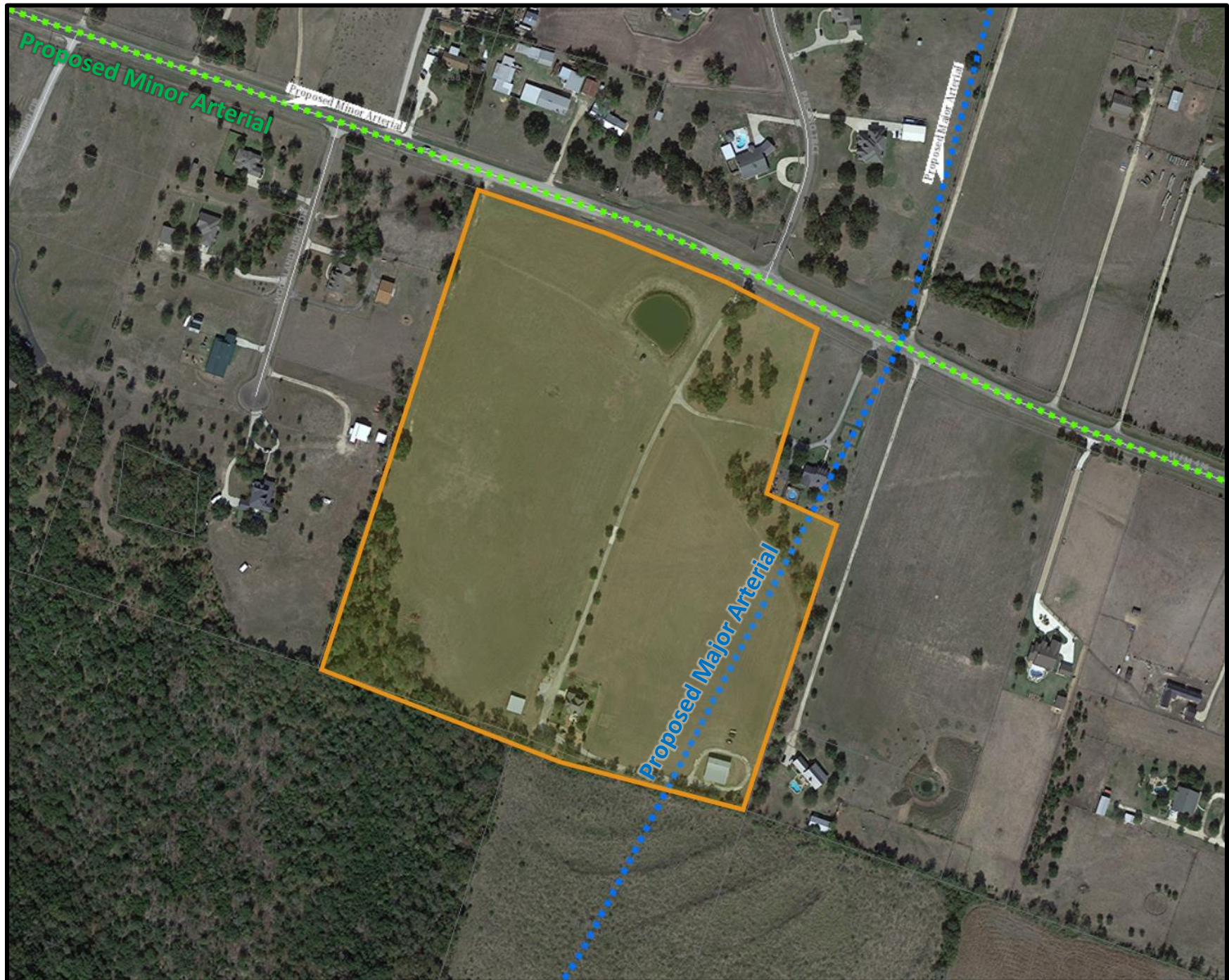
Vicinity Map



Aerial Imagery



Current Thoroughfare Plan





Facing south from FM 436 into subject property



Facing southeast from FM 436 into subject property



Facing north across FM 436



Adjacent home to east, facing southeast from FM 436



April 15, 2020

City of Temple
Planning Department
2 N Main St
Temple, TX 76501
Attn: Brian Chandler, Director of Planned and Development, AICP

RE: Request for Exception – Honey Glen Acres

Dear Mr. Chandler,

Mr. Whatley, the owner of the proposed subdivision known as Honey Glen Acres, wishes to respectfully request an exception for the subdivision requirements set forth by the City of Temple.

The variance requested is as follows:

- A. Street Projections every 1000 feet:
The project is located within the City of Temple ETJ and we believe it is unlikely that the adjacent properties will develop in the near future. The street projections would be useless in that case.
- B. Sidewalks along Minor Arterial FM 436:
This project is located within the City of Temple ETJ. Presently, there are no sidewalks adjacent to FM 436 near the subject property. Sidewalks would not serve a functional purpose at this time.

Please feel free to contact us if you have any questions or comments.

Sincerely,

Monty Clark, P.E.

RESOLUTION NO. 2020-0089-R
(FY-20-28-PLT)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE PRELIMINARY PLAT OF HONEY GLEN ACRES ADDITION, AN APPROXIMATELY 35.44-ACRE, 25-LOT, 2-BLOCK, RESIDENTIAL SUBDIVISION, WITH DEVELOPER-REQUESTED EXCEPTIONS TO THE UNIFIED DEVELOPMENT CODE SECTION 8.2 RELATED TO DEDICATION OF RIGHT-OF-WAY AND THE PROJECTION OF STREETS, SITUATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF TEMPLE IN BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this plat would create 25 new lots on a tract of land located along FM 436 in Temple's southwestern extraterritorial jurisdiction (ETJ) – the Texas Department of Transportation (TxDOT) will not allow more than one entrance onto the state right-of-way from this subdivision

Whereas, FM 436 is shown as a minor arterial on the Thoroughfare Plan, and in the current plan, a proposed major arterial is shown along the eastern edge of this property - normally, this would require dedication of right-of-way to provide for construction of a future thoroughfare, however, during development of the new Comprehensive Plan, this major arterial was relocated due to local terrain and to better tie in with Belton's Thoroughfare Plan;

Whereas, an exception is required while the current Thoroughfare Plan is in effect and the developer is requesting an exception from Unified Development Code (UDC) Section 8.2.1 regarding street projections - the code requires that a new subdivision must make provisions for the future projection of streets into neighboring property that has not yet been subdivided;

Whereas, the properties to the west, south, and east are estate-style residential homes on large multi-acre lots - Staff does not expect these properties to be re-developed in the near future, and stub-outs to the adjacent properties would not provide additional connectivity;

Whereas, Armstrong Water Supply Company has provided an estimated cost to provide water service to the subdivision and the applicant has filed an appeal with the Texas Public Utilities Commission challenging that cost estimate - this pending legal issue would have to be resolved prior to the approval of any final plat;

Whereas, the applicant is proposing to construct on-site septic and designs have been approved by the Bell County Health Department;

Whereas, at its May 4, 2020 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the preliminary plat of Honey Glen Acres Addition, an approximately 35.44-acre, 25-lot, 2-block, residential subdivision, with developer-requested exceptions to the

Unified Development Code Section 8.2 related to dedication of right-of-way and the projection of streets;

Whereas, Staff recommends Council approve the preliminary plat of Honey Glen Acres Addition, an approximately 35.44-acre, 25-lot, 2-block, residential subdivision, with developer-requested exceptions to the Unified Development Code Section 8.2 related to dedication of right-of-way and the projection of streets, situated in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the preliminary plat of Oak Ridge, with the above requested exceptions.

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

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

Part 2: The City Council approves the preliminary plat of Honey Glen Acres Addition, an approximately 35.44-acre, 25-lot, 2-block, residential subdivision, with developer-requested exceptions to the Unified Development Code Section 8.2 related to dedication of right-of-way and the projection of streets, situated in the extraterritorial jurisdiction of the City of Temple in Bell County, Texas.

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 4th day of **June, 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