



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, JANUARY 5, 2012

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 5, 2012.
2. Receive briefing on FY 2013 Strategic Planning & Budget processes and issues.

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

III. 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 for each of the following:

Minutes

- (A) [May 23, 2011 Special Called Meeting](#)
[December 1, 2011 Special Called and Regular Meeting](#)
[December 15, 2011 Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6513-R](#): Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.

- (C) [2012-6514-R](#): Consider adopting a resolution authorizing a construction contract with Structural Protection Services, LLC, of Louisiana, for construction services required to rehabilitate Nugent elevated storage tank (EST) in an amount not to exceed \$451,249.12.
- (D) [2012-6515-R](#): Consider adopting a resolution authorizing a construction contract with Wolff Construction, LP, of Salado for construction services required to construct Phase 1 of the Replacement of the 18" waterline from the WTP to Loop 363, distribution mains in the 720 pressure plane, in an amount not to exceed \$664,893.20.
- (E) [2012-6516-R](#): Consider adopting a resolution authorizing a construction contract with Lewis Contractors, Inc., of Bertram for construction services required to install wastewater main improvements from IH 35, through Bird Creek to Loop 363 in an amount not to exceed \$919,986.
- (F) [2012-6517-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs) for construction phase services in an amount not to exceed \$96,100 for Phase 2A of the Bird Creek Interceptor Project.
- (G) [2012-6518-R](#): Consider adopting a resolution authorizing an annual contract for large meter inventory testing and repair with Great Southwest Meters, Inc. of Waxahachie for an estimated annual amount of \$40,000.
- (H) [2012-6519-R](#): Consider adopting a resolution authorizing the purchase of various replacement parts for the Membrane Water Treatment Plant from Pall System Services of Cortland, NY, as a sole source provider for specialized membrane components in the estimated amount of \$112,478.20.
- (I) [2012-6520-R](#): Consider adopting a resolution authorizing the purchase of twelve (12) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract in the amount of \$62,461.25.
- (J) [2012-6521-R](#): Consider adopting a resolution authorizing the purchase of approximately 105 Panasonic CF-31 Mobile Data Laptops and equipment for Police and Fire Departments in an amount of \$485,150 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project
- (K) [2012-6522-R](#): Consider adopting a resolution authorizing the purchase of nine marked police vehicles and eight unmarked police vehicles from Caldwell Country in Caldwell, utilizing BuyBoard contract and two (2) State of Texas contracts, for a total price for vehicles and equipment of \$424,658.
- (L) [2012-6523-R](#): Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$308,750.14:
 - 1. Two (2) Ford Focus passenger cars from Johnson Brothers Ford of Temple in the amount of \$28,832.82 (Bid Tabulation #1);
 - 2. Eight (8) ½-ton light duty full-size pickups (F150's) from Johnson Brothers Ford of Temple in the amount of \$161,659.04 (Bid Tabulation #2);

3. One (1) ½-ton super crew/quad cab pickup with short bed (Ram 1500) from Meador Dodge Chrysler Jeep of Fort Worth in the amount of \$20,663.00(Bid Tabulation #3);
4. One (1) 1-ton crew cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$34,126.76 (Bid Tabulation #7); and
5. Two (2) 1-ton cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$63,468.52 (Bid Tabulation #8).

Ordinances – Second & Final Reading

- (M) [2011-4498](#): SECOND READING - Z-FY-12-01: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.
- (N) [2011-4499](#): SECOND READING - Z-FY-12-05(A): Consider adopting an ordinance authorizing amendments to Articles 5, 6 and 11 of the Unified Development Code to add “Recreational Vehicle Park” as a Conditional Use in the use tables and to establish a definition related to such addition.
- (O) [2011-4500](#): SECOND READING - Z-FY-12-06: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.
- (P) [2011-4501](#): SECOND READING - Z-FY-12-07: Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan’s Point Road and Bonnie Lane.
- (Q) [2011-4502](#): SECOND READING - Z-FY-12-08: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 5: Transportation Plan Map, Figure 5.2, to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.
- (R) 1. [2011-4503](#): SECOND READING: Consider adopting an ordinance designating a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Three for commercial/industrial tax abatement.
2. [2012-6524-R](#): Consider adopting a resolution authorizing a tax abatement agreement with Sparetime Entertainment, LLC, for real property on a tract of land located at 5434 205 Loop, Temple, Bell County, Texas.

- (S) [2011-4504](#): SECOND READING: Consider adopting an ordinance designating the Martin Luther King, Jr. Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Four for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment and amending the City's Comprehensive Economic Development Ordinance to reflect those changes.

Misc.

- (T) [2012-6525-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

IV. REGULAR AGENDA

ORDINANCES – SECOND & FINAL READING – PUBLIC HEARING

4. [2011-4497](#): SECOND READING – PUBLIC HEARING – Z-FY-12-16: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive.

ORDINANCES

5. [2012-4505](#): FIRST READING – PUBLIC HEARING - Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add "Transitional Shelter" as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.
6. [2012-4506](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school zones and setting speed limits and crosswalks within the school zones to conform to school schedules.

RESOLUTIONS

7. [2012-6526-R](#): P-FY-12-05: Consider adopting a resolution authorizing the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

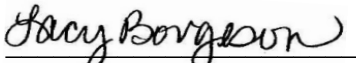
8. **2012-6527-R:** Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$78,265.00:
- (A) One (1) ½-ton super crew cab pickup with regular bed (F150) from Sam Pack's Five Star Ford of Carrollton in the amount of \$25,127 (Bid Tabulation #4);
 - (B) One (1) ¾-ton medium duty pickup with utility body (F250) from Sam Pack's Five Star Ford of Carrollton in the amount of \$29,795 (Bid Tabulation #5); and
 - (C) One (1) 1-ton medium duty full size pickup (F350) from Sam Pack's Five Star Ford of Carrollton in the amount of \$23,343 (Bid Tabulation #6).

BOARD APPOINTMENTS

9. **2012-6528-R:** Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Planning and Zoning Commission - two members to fill unexpired terms through September 1, 2012 & September 1, 2014.
 - (B) Tree Advisory Board – one member to fill an ex-officio for BISD

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 posted in a public place at 2:15 PM, on December 30, 2011.



Lacy Borgeson
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ on the _____ day of _____ 2012. _____



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) May 23, 2011 Special Called Meeting
- December 1, 2011 Special Called and Regular Meeting
- December 15, 2011 Special Called and Regular 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 23, 2011 Special Called Meeting
December 1, 2011 Special Called and Regular Meeting
December 15, 2011 Special Called and Regular Meeting

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

MAY 23, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Monday, May 23, 2011, at 1:00 PM at Municipal Building, 2 North Main Street, City Council Chambers, Temple, TX 76501

David Blackburn, City Manager stated the City of Temple has funded the public service agencies in past years. Currently, 13 agencies were funded in the amount of \$586,862. For 2012, 16 agencies have requested funding for a total amount of \$762,112. Mr. Blackburn noted this is an open application process, which allows any public service agency to participate. The Temple Symphony Orchestra and Czech Heritage Museum opted to not make a presentation today.

Councilmember Perry inquired on the process of the meeting and if there were limitations.

Jonathan Graham, City Attorney advised Councilmember Perry that if he was going to receive compensation, then yes, he would need to remove himself. Since action or inaction could influence the city he would need to abstain and no participation in any discussion.

1. Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2011-2012:

Representatives from the following agencies made presentations to the City Council. They discussed the programs and services currently being provided, as well as their funding requests for 2012 and the proposed use of those funds.

Keep Temple Beautiful

Railroad & Heritage Museum

No presentation made for Ralph Wilson Youth Club; at this time Mayor Jones adjourned the meeting for a short recess.

Ralph Wilson Youth Clubs of Temple, Inc.

No presentation made from this agency.

Temple Civic Theatre

Temple College Foundation

Bell County Business Alliance

At this time Mayor Jones adjourned the meeting at approximately 2:35 pm for a short recess.

Mayor Jones reconvened the meeting of the Temple City Council at approximately 2:45 pm.

Bell County Expo Center**Bell County Public Health District****Bell County Human Service Department****Children's Advocacy Center**

No presentation made for this agency.

Cultural Activities Center

At this time Mayor Jones adjourned the meeting at approximately 3:41 pm for a short recess.

Mayor Jones reconvened the meeting of the Temple City Council at approximately 3:48 pm.

Hill Country Transit District**Hillcrest Cemetery****Kaleidoscope Early Childhood Development Center**

Mayor Jones asked if there were any additional comments from Council. There being none, Mayor Jones adjourned the Special Called Meeting at 4:29 p.m.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

DECEMBER 1, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 1, 2011, at 3:00 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Councilmember Danny Dunn

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 1, 2011.

Regular Agenda Item 4(I) - Standards for use of donation boxes - Mayor Pro Tem Schneider inquired on the material used to make the boxes, would it be wood, metal or both? Ms. Speer indicated the boxes are allowed to be made out of both materials. Contact information will also be permitted to be placed on the storage boxes.

Regular Agenda Item 4(L) - Budget Amendments for FY 2012 - Ms. Barnard gave a brief overview to the Council regarding bond sales. Total savings for the life of bonds was \$965,000.

Regular Agenda Item 8 - Taxation of goods-in-transit - Mr. Blackburn gave the Council a brief overview. He also noted that this maintains status quo.

2. Receive update on I-35.

David Blackburn, City Manager stated the improvements to 35 has been funded and TxDOT is working towards a date of late summer 2012. We will see significant redevelopment due to this project. Mr. Blackburn noted that updates will follow as they occur.

Brian Mabry, Director of Planning gave a brief presentation the Council and Staff. He reviewed the existing regulations and standards already adopted by council. There are 4 different subdistricts within the corridor; and each has different standards. Mr. Mabry also identified several properties that would be acquired due to the expansion of Interstate 35. The standards will improve aesthetic, reduce some of the clutter, and optimize redevelopment due to the expansion of 35. Mr. Mabry also noted that new construction or

50%+ additions or remodeling requires compliance with all standards. This is based on square footage or value of improvements. All improvements will be tracked over a 15 year period. To date the Planning and Zoning Commission has heard and granted 4 appeals; which are from Firestone, Mueller Metal Buildings, Trantum Auto Group, and Johnson Brothers Ford. At this time Planning and Zoning Commission is the final authority for the appeals.

Mayor and Council discussed whether or not Council needs to be final action for appeals. Staff will provide Council will provisions to review.

Mayor Pro Tem Schneider stated the owners need to understand the potential cost to retain their businesses on I-35.

Mayor Jones stated the City Council would enter into executive session at this time, approximately 4:00 pm.

3. **Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Secretary. No final action will be taken.**
4. **Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the Municipal Court Judge. No final action will be taken.**

Mayor Jones reconvened the work session at approximately 5:00 pm with no action being taken by the City Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 1, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

Absent:

Councilmember Danny Dunn

I. CALL TO ORDER

1. Invocation

Father Tom Chamberlain, of Our Lady of Guadalupe Catholic Church voiced the Invocation.

2. Pledge of Allegiance

Ronnie Bruggman, United States Army Corps of Engineers led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Recognition of the Temple Police Department by US Army Corps of Engineer.

Ronnie Bruggman, US Army Corps of Engineers thanked the Temple Police Department for their efforts in patrolling Temple Lake Park during the summer months.

(B) Presentation of the Centex Cup.

Glenn Morrison, Interim City Manager for Killeen presented the Centex Cup trophy to David Blackburn, City Manager of Temple for the 2011 Centex Games. This helps to build the wellness program that we promote to the employees.

David Blackburn, City Manager of Temple introduced Mr. Morrison and gave highlights of the games. This has a positive impact on the organization.

Ken Cicora, noted 250 people from Temple participated in all activities and everyone had a great time.

Hilliary Shine, Public Info officer for Killeen, presented the City of Temple with a Historic Killeen book.

III. PUBLIC COMMENTS

Public Comments:

Steve Wolfe, 2810 Wickersham, Temple, Texas - noted that he made a few recommendations to Council and Staff regarding drop boxes throughout the City. They include section 1B - permit information be provided on the boxes; section 2D - written authorization from land owner, section 2E - joint liability by both permit holder and land owner, section 3E - boxes are made of 100% metal.

IV. CONSENT AGENDA

4. Consider adopting a resolution approving the Consent Agenda

items and the appropriate resolutions for each of the following:

(A) November 17, 2011 Special Called and Regular Meeting

(B) 2011-6492-R: Consider adopting a resolution authorizing the purchase of two fire quick response vehicles from Philpott Motors utilizing the BuyBoard in the amount of \$247,035.50.

(C) 2011-6493-R: Consider adopting a resolution authorizing the purchase and installation of five propane conversion kits from Philpott Motors of Port Neches, utilizing a BuyBoard cooperative contract in the amount of \$41,920.

(D) 2011-6494-R: Consider adopting a resolution authorizing a two-year renewal to an existing inter-local agreement with Bell County for the purchase of fuel from Texas Fleet Fuel in the estimated annual amount of \$1,856,000.

(E) 2011-6495-R: Consider adopting a resolution authorizing a two-year renewal to the purchase agreement with Triple S Petroleum of Austin for the purchase of on-site fuel for Sammons Golf Links, the Water Treatment Plant, and Draughon-Miller Central Texas Regional Airport in the estimated annual amount of \$54,455.

(F) 2011-6496-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for engineering services including design, surveying, and construction administration required to rehabilitate Friar's Creek Lift Station, to include replacement of pumps, motors, electrical panels, wiring, and other fixtures, in an amount not to exceed \$68,995.60.

(G) 2011-6497-R: Consider adopting a resolution authorizing a construction contract with Bauer Sport Floors, Inc. of Houston for the replacement of the gymnasium floor at the Clarence Martin Recreation Center in the amount of \$54,900.

(H) 2011-6498-R: Consider adopting a resolution authorizing a contract with Scott & White Health Plan and establishing rates for substitute Medicare supplement insurance for City of Temple retirees and the City's contribution thereto for calendar year 2012.

(I) 2011-4490: SECOND READING - Z-FY-11-30: Consider adopting an ordinance authorizing amendments to Section 7.6 General Development Standards to provide standards for the use

of donation boxes. AS- donation boxes permitted in all non residential areas. currently allowing both wood and metal for make up of box. MJ - responsibility of box? AS - permittee is resp. JG- written authorization could be added to ord.- code enfo. action would be on both parties. - permit number on box as well for code enf purposes. MJ - continue to permit wooden boxes for the time.

(J) 2011-4491: SECOND READING - Z-FY-11-48: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption on a portion of Lots 11, 12, and 13, Block 25, Roach Addition, commonly known as 313 East Central Avenue, zoned Central Area (CA) District.

(K) 2011-4492: SECOND READING - Z-FY-11-51: Consider adopting an ordinance authorizing a rezoning from Multiple-Family One District (MF1) to General Retail District (GR) on ± 0.6 acres in Abstract 5, located on the north side of West Adams Avenue/FM 2305, ±185-feet west of the Holy Trinity Catholic High School driveway, generally known as 6758 West Adams Avenue. Misc.

(L) 2011-6499-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

Motion by Councilmember Perry Cloud adopt resolution approving Consent Agenda. seconded by Councilmember Judy Morales.

(I) 2011-4490: SECOND READING - Z-FY-11-30: Consider adopting an ordinance authorizing amendments to Section 7.6 General Development Standards to provide standards for the use of donation boxes.

Ms. Speer stated donation boxes are permitted in all non residential areas. Currently the city allows both wood and metal for make up of box.

Mayor Jones inquired on the responsibility of boxes?

Ms. Speer commented that as it is written the permittee is the responsible party.

Mr. Graham stated that written authorization could be added to ordinance and then code enforcement action would be on both parties. Mr. Graham also noted that the permit number on boxes will be added as well for code enforcement purposes.

Mayor Jones added that we will continue to permit wooden boxes for the time.

Motion by Councilmember Judy Morales adopt ordinance with joint liability from both permittee and landowner, contact information be displayed on the containers/ boxes, and written authorization from the landowner for placement of the containers. seconded by Councilmember Perry Cloud.

V. REGULAR AGENDA

ORDINANCES

- 5. 2011-4493: FIRST READING - PUBLIC HEARING - Z-FY-11-52: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar on a portion of Lots 11 and 12, Block 22, Original Town Addition, commonly known as 11 East Central Avenue.**

Brian Mabry, Director of Planning presented this case to the Council. The applicant is O'Brien's Irish Pub which has been in operation since October 2007. This area is Central Area zoning and no off street parking required in the district. Mr. Mabry added this is an existing bar and the state license requirements triggered the CUP. This CUP stays with the land regardless of ownership change. Mr. Mabry discussed parking requirements; lighting for the area around the bar. Also discussed was CUP criteria. Planning and Zoning Commission voted 6/0 to approved the Conditional Use Permit with lights to be installed.

Mayor Jones declared the public hearing open with regards to agenda item 5 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second reading and final adoption set for December 15, 2011. seconded by Councilmember Judy Morales.

- 6. 2011-4494: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance establishing a school zone and setting speed limits within the school zone around St. Mary's Catholic School.**

Nicole Torralva, Director of Public Works presented this item to the Council. This will establish a school zone around all four corners around the school. She noted the times of 7:00 am - 8:30 am and 3:00 pm - 4:30pm.

Mayor Jones declared the public hearing open with regards to agenda item 6 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second reading and final adoption set for December 15, 2011. seconded by Councilmember Perry Cloud.

7. 2011-4495: FIRST READING - PUBLIC HEARING - Z-FY-12-15: Consider adopting an ordinance re-naming Belmont Drive in Heritage Place Phase III to Frontier Drive.

Brian Mabry, Director of Planning presented this case to the Council. The applicant is Turley Associates for Keilla Development. There are four lots addressed from this segment of Belmont Drive. Belmont will no longer be a continuous street through the subdivision; no addresses would be affected by change. Planning and Zoning Commission recommends approval.

Mayor Jones declared the public hearing open with regards to agenda item 7 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second reading and final adoption set for December 15, 2011. seconded by Councilmember Perry Cloud.

8. 2001-4496: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance providing for the continued taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code.

David Blackburn, City Manager presented a brief overview of this item. This is needed to maintain status quo.

Jonathan Graham, City Attorney added that in 2001 voter approved an amendment to the Constitution which allowed the exemption for "goods-in-transit". This creates an exemption for goods in transit unless the city opts out. Temple is a major distributor in this area for the state. In 2007 the City Council

opted out of the expemptin due to the significant impact this could potential have on revenues. This ordinance will to allow us to continue to tax the goods-in-transit.

Mayor Jones declared the public hearing open with regards to agenda item 8 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance, with second reading and final adoption set for December 15, 2011. seconded by Councilmember Judy Morales.

RESOLUTIONS

9. **2011-6500-R: P-FY-12-04: Consider adopting a resolution authorizing the second amended Preliminary Plat of Heritage Place and Heritage Place Village, 37.868± acre, 212-lot residential subdivision, located south of West Nugent Avenue, west of Bird Creek and east of Heritage Place Phase II with developer-requested exceptions to Unified Development Code Sections 8.2.1.C, 8.2.1.K and 8.3 related to reduced street width, installation of mountable curbs and reduced parkland dedication.**

Brian Mabry, Director of Planning presented this item to the Council and Staff. Council is the final authority due to exceptions being requested. Mr. Mabry presented maps to show location of plats. The East-West streets on subject plat were proposed go through the plat, but due to previous item the streets will not be through streets as originally proposed. This is SF3 zoning. The developer requeust is for reduced street width; mountable curbs and reducing the parkland dedication. The applicant will dedicate 1.763 acres for trail area. These improvements will need to be completed and installed prior to recording the final plat. Staff supports the exception request as it will allow consistency with others in the area. Planning and Zoning voted 6/0 in favor of recommending approval of exceptions.

Motion by Mayor Pro Tem Russell Schneider adopt resolution seconded by Councilmember Perry Cloud.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

DECEMBER 15, 2011

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 15, 2011, at 2:30 P.M., at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present: Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 15, 2011.

Regular Agenda Item #12 - Martin Luther King, Jr. SIZ Corridor - Councilmember Dunn expressed his desire to change minimum investment for the North 3rd Street amount to \$20,000 to be consistent with the other corridors as noted in the Comprehensive Economic Development policy ordinance.

Regular Agenda Item #3 - Public Comments/ Appearance - Mr. Blackburn reminded council of an investigation that this being conducted.

Regular Agenda Item #4(N) - Local Preference Policy amendments - Mayor Pro Tem Schneider clarified the amendments with legal staff.

2. Discuss the Capital Improvement Plan as related to transportation projects.

David Blackburn, City Manager presented this to the Council. Mr. Blackburn provided Council with a packet of information related to this item. He also discussed current status, the Pavement Assessment Report, and the Mobility Report. Mr. Blackburn noted that historically we have focused on the maintenance of the streets and maintaining the current positions. With this we'd like to focus on capacity, connectivity and reconstruction. In 2010 there were 862 lanes of city maintained streets; 67% of streets conditions were given "B" grade or better. The response to 2010 PAR is three fold, we need to recognize street conditions and give more attention, recognize that resource levels are not attainable within current funding levels, and develop a multi-year phased strategy to address the maintenance issues with primary objective being to maintain current conditions. Mr. Blackburn asked the council to consider a CIP Streets Program outside of the annual budget process. Public Works has been asked to update the CIP Street listing. Mr. Blackburn gave council a few scenarios for funding obtaining this outside of

the budget process.

Traci Barnard, Director of Finance reviewed the financing options with Council to include, General Obligation Bonds, Certificates of Obligations, Limited Tax Notes, Pay-As-You-Go or a combination of the three.

Mr. Dan Wiegmler, Specialized Financing Investments explained the different options and structures of using the GO's and CO's for this program.

Mayor Jones stated the City Council would enter into an executive session at this time, approximately 3:45 pm

- 3. Executive Session: Chapter 551, Government Code, §551.074 - Personnel Matter - The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Manager. No final action will be taken.**

Mayor Jones reconvened the work session at approximately 5:00 pm, with no action being taken by the City Council.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 15, 2011 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Danny Dunn
Mayor Pro Tem Russell Schneider
Councilmember Judy Morales
Mayor William A. Jones, III

I. CALL TO ORDER

1. Invocation

Pastor Pat Dietrich, First Lutheran Church voiced the Invocation.

2. Pledge of Allegiance

Bell County Commissioner Eddy Lange led the Pledge of Allegiance.

II. PUBLIC COMMENTS

- 3. Receive comments from Mr. Lascelles G. McCarthy, II regarding safety for businesses in neighborhood. His business is located at 2708 Exchange Place - McCarthy's Tae Kwon Do and self**

defence. These classes are for those five years of age and adults. My business encourage kids to stay in school and do right in the community. This visit is of great urgency. A new business " Temple Sweepstakes" has opened near my business and other businesses that cater to children. The business operates 7 days a week with late hours of operation. Since the opening of Temple Sweepstakes, the climate of neighborhood has changed. Several occasions class have had to be cancelled. Both parents and students are concerned and have stated they will pull their children out of class. Many of the businesses within this area are unhappy with this business being allowed to operate. Please make this a top priority for a new year. Mr. McCarthy provided several statements from his clients to the Council.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

- 4. Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$72,830.81.**

Mayor Jones received a check from Commissioner Lange for the Child Saffety Funds collected in the amount of \$72,830.81.

Sharon Long, Bell County Tax Assessor/ Collector explained this program started in 2001 and that a \$1.50 per registered vehicle is collected by the county tax assesor for this.

IV. PUBLIC COMMENTS

Dr. John Asbury, 4201 Dove Lane, Temple, Coordinator of Temple Community Garden presented the 2011 Report. He expressed thanks to Ken Circora and Parks Staff for their efforts in making this possible for the community.

Milton Pool, 2740 Martin Luther King Drive stated that two weeks ago he was robbed by four armed individuals. He does not feel that Temple is safe anymore. We need to look into why this continuing in our city.

At this time Mayor Jones allowed the other individuals with Mr. McCarthy to speak as part of the Public Appearance.

Mr. Mark Mattke, 911 Old Glory Port, Temple - We need to use commen sense in when we allow businesses to come into our city. We need regulations in place.

Mrs. Speer stated we do not issue business licenses or change of use licenses in the City.

Mayor Jones explained what the city requires for businesses to open.

Dawn Sprague, 3108 Oak Ridge Drive - stated she is a student of Mr. McCarthy and since Temple Sweepstakes has opened the area has become very unsafe.

V. CONSENT AGENDA

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

(A) 2011-6501-R: Consider adopting a resolution authorizing an annual construction contract with K&S Backhoe Services, Inc. of Gatesville for water line repairs necessary on an as-needed basis to maintain the water system in various locations throughout the City in an estimated amount of \$596,079.

(B) 2011-6502-R: Consider adopting a resolution authorizing a construction contract with Environmental Improvements, Inc. for the replacement of two traveling bar screens at the conventional raw water intake in the Leon River in the amount of \$423,284.

(C) 2011-6503-R: Consider adopting a resolution authorizing a construction contract with APAC Texas, Inc. of Belton for milling and resurfacing Avenue H:

- 1. A construction contract in the amount of \$342,909.74 for milling and resurfacing Avenue H beginning at South 1st Street and ending at South 25th Street; and**
- 2. A deductive change order in the amount of \$147,179.75 that reduces the scope of services in the base bid making the revised contract value \$195,729.99.**

(D) 2011-6504-R: Consider adopting a resolution authorizing an inter-local agreement with the City of Leander to allow them to utilize the City of Temple's oil and lubricant annual purchase agreement with Brazos Valley Lubricants.

(E) 2011-6505-R: Consider adopting a resolution authorizing the purchase of two playground units and surfacing from The PlayWell Group, Inc. of Dallas, utilizing a BuyBoard cooperative contract in the amount of \$33,792.29.

(F) 2011-6506-R: S-FY-12-02: Consider adopting a resolution

granting a street use license for a proposed shed with an encroachment of 5 feet into the 10-foot wide utility easement along the rear property line of Lot 6, Block 3, Woodbridge Creek Phase II, located at 3403 Whispering Oaks.

(G) 2011-6507-R: Consider adopting a resolution authorizing a farm lease with Ray Davis for approximately 170 acres at Pegasus Drive and Moores Mill Road.

(H) 2011-6508-R: Consider adopting a resolution authorizing a five (5) year lease agreement with Craig Caddell, Central Texas Flight Training, Inc., for the rental of a hangar for the purpose of operating a flight training and aircraft rental service business at the Draughon-Miller Central Texas Regional Airport.

(I) 2011-4497: FIRST READING - Z-FY-12-16: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive.

(J) 2011-4493: SECOND READING - Z-FY-11-52: Consider adopting an ordinance authorizing a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar on a portion of Lots 11 and 12, Block 22, Original Town Addition, commonly known as 11 East Central Avenue.

(K) 2011-4494: SECOND READING: Consider adopting an ordinance establishing a school zone and setting speed limits within the school zone around St. Mary's Catholic School.

(L) 2011-4495: SECOND READING - Z-FY-12-15: Consider adopting an ordinance re-naming Belmont Drive in Heritage Place Phase III to Frontier Drive.

(M) 2001-4496: SECOND READING: Consider adopting an ordinance providing for the continued taxation of goods-in-transit otherwise exempt pursuant to Section 11.253(b) of the Texas Tax Code.

(N) 2011-6509-R: Consider adopting a resolution amending the City's local preference policy to be applicable for construction services contracts in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000, to reflect what is allowed by current legislation.

(O) 2011-6510-R: Consider adopting a resolution accepting the 2010-2011 Risk Management Annual Report.

(P) 2011-6511-R: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for fiscal year 2010-2011.

(Q) 2011-6512-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

Motion by Councilmember Danny Dunn adopt resolution approving Consent Agenda. seconded by Councilmember Judy Morales.

VI. REGULAR AGENDA

ORDINANCES

- 6. 2011-4498: FIRST READING - PUBLIC HEARING - Z-FY-12-01: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.**

Autumn Speer, Director of Community Services presented this case to the Council. This is part of an annual clean up for the Future Land Use Map which is staff initiated. Ms. Speer reviewed the seven properties that didn't conform. Planning and Zoning Commission voted 7/0 recommending approval.

Mayor Jones declared the public hearing open with regard to agenda item 6 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for January 5, 2012 seconded by Mayor Pro Tem Russell Schneider.

- 7. 2011-4499: FIRST READING - PUBLIC HEARING - Z-FY-12-05(A): Consider adopting an ordinance authorizing amendments to Articles 5, 6 and 11 of the Unified Development Code to add "Recreational Vehicle Park" as a Conditional Use in the use tables and to establish a definition related to such addition.**

Autumn Speer, Director of Community Services presented this

case to the Council. Ms. Speer provided background to the Council and Staff. This item addresses the use of RV Parks, through a CUP process. The Planning and Zoning Commission voted 7/0 recommending approval.

Mayor Pro Tem Schneider asked if a CUP will always be required for an RV Park.

Ms. Speer replied yes, as it is written.

Mayor Jones declared the public hearing open with regards to agenda item 7 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for January 5, 2012. seconded by Councilmember Judy Morales.

8. **2011-4500: FIRST READING - PUBLIC HEARING - Z-FY-12-06: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.**

Autumn Speer, Director of Community Services presented this case to the Council. Ms. Speer stated this is for a residential subdivision. Urban Estates allows for larger lot size. Ms. Speer provided photos of the subject property as well as surrounding areas. Notices were mailed out with no responses returned. Planning and Zoning Commission voted 7/0 recommending approval.

Mayor Jones declared the public hearing open with regard to agenda item 8 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for January 5, 2012. seconded by Councilmember Perry Cloud.

9. **2011-4501: FIRST READING - PUBLIC HEARING - Z-FY-12-07: Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane.**

Autumn Speer, Director of Community Services presented this case to the Council. Ms. Speer noted the applicant wishes to have larger lots for this property. This is a heavily wooded area and the developer intends on saving trees over 12 inches. Ms. Speer noted that water and sewer is available. Planning and Zoning Commission vote 7/0 recommending approval.

Mayor Jones declared the public hearing open with regard to agenda item 9 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for January 5, 2012. seconded by Councilmember Perry Cloud.

- 10. 2011-4502: FIRST READING - PUBLIC HEARING - Z-FY-12-08: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 5: Transportation Plan Map, Figure 5.2, to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.**

Autumn Speer, Director of Community Services presented this case to the Council. Ms. Speer noted this thoroughfare plan was requested by Mr. Kiella and that North Pea Ridge Road is a minor arterial. By fulfilling this, it will continue the minor arterial needed between SH 317 and Hilliard to Westfield. This amendment will reclassify North Pea Ridge Road from West Adams to SH 36 from minor arterial to collector. Westfield will become the new minor arterial. Ms. Speer reviewed street classifications with Council and Staff for collectors and minor arterials. Surrounding property owners were notified; and staff recommends approval.

Mayor Jones declared the public hearing open with regard to agenda item 10 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance, with second and final reading set for January 5, 2012. seconded by Mayor Pro Tem Russell Schneider.

11. **2011-4503: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Three for commercial/industrial tax abatement.**

Jonathan Graham, City Attorney presented this item to the Council. This will create Tax Abatement Reinvestment Zone #23. The area is about 4.91 acre tract of land located at 5435 Loop 205. The property was rezoned to commercial in September 2011. Mr. Graham stated the application has been received and will be brought to Council for review at the next reading. Mr. Graham stated staff recommends approval for area to be a zone, as meets all the criteria. The proposed use is for an indoor recreational use area for both kids and adults; this too will be brought to Council at the next reading.

Mayor Jones declared the public hearing open with regard to agenda item 11 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Danny Dunn adopt ordinance, with second and final reading set for January 5, 2012. seconded by Councilmember Judy Morales.

12. **2011-4504: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating the Martin Luther King, Jr. Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Four for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment and amending the City's Comprehensive Economic Development Ordinance to reflect those changes.**

Jonathan Graham, City Attorney presented this item to the Council. This will create Tax Abatement Reinvestment Zone #24 for the Martin Luther King area. Mr. Graham noted that this will encourage redevelopment in the area with the incentive of 380 Agreements. This similar to the other SIZ areas in the City for commercial and industrial development. Mr. Graham stated this will allow for a 5 year 100% abatement of the increased value of eligible and real property as well helps with job creation. Mr. Graham reviewed the incentive grant matrix with Council and Staff. Also noted was that \$100K for SIZ/ 380

Grants was budgeted for FY2012.

Councilmember Dunn asked that the City lower the North 3rd minimum investment amount to be \$20,000 which is consistent the other SIZ Cooridors.

Councilmember Morales noted this is a good oportunity to see growth in the community.

Mayor Jones declared the public hearing open with regard to agenda item 12 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance, with second and final reading set for January 5, 2012. seconded by Mayor Pro Tem Russell Schneider.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(B)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution accepting the annual Child Care Standards report form Parks and Leisure Services Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Leisure Services Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for Cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the Temple policy include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective Youth Program employees
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Leisure Services Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.

- Assuring parents that they will be notified immediately if a:
 - (1) participant is injured
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)
 - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Confirming that all program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year.
- Requiring the Parks and Leisure Services Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

FISCAL IMPACT: None

ATTACHMENTS:

[2011 Child Care Standards Report](#)
[2012 Child Care Standards](#)
[Resolution](#)

Parks and Leisure Services Department
Child Care Standards Annual Report
2011

Throughout the 2011 year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses and three Belton I.S.D campuses and St. Mary's Catholic School. The department also organized three summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with the Temple I.S.D and Belton I.S.D. calendar, including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and holidays, the schedule adjusted to a full day.

The children are provided with a quality recreation program that includes such activities as arts and crafts, athletics, tutoring, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Recreation Coordinator and Recreation Specialist.

<u>Location</u>	<u>Attendance (daily average)</u>	
	2010	2011
Thornton Elementary	40	40
Western Hills	16	25
Kennedy Powell	47	45
Cater	11	15
Lakewood	45	45
Pirtle	45	44
Tarver	40	37
St. Mary's	26	32

Camps

In addition to Camp Heatwave, which took place at the Wilson Recreation Center, two summer camps were held, Camp Quest at Thornton Elementary school and Camp Horizon at Tarver Elementary School. All three were 11 week programs that were staffed with part-time recreation leaders and a full-time Recreation Specialist. They were supervised by a Recreation Coordinator. The same staffing format also occurred with Camp Holidayze and Camp Adventure

The summer camp's schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday at Camp Heatwave and 7:30 a.m. to 5:30 p.m. at Horizon and Quest. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children were provided a lunch and an afternoon snack from the Temple I.S.D. and Belton I.S.D. summer lunch programs.

Through a partnership with the Temple Independent School District's A.C.E program was able to scholarship 40 children for the summer program at Camp Heatwave.

Each participant must submit a signed waiver, registration form and emergency contact information.

<u>Camp Name</u>	<u>Attendance (daily average)</u>	
	<u>2010</u>	<u>2011</u>
Camp Holidaze (Christmas Break)	78	Not occur yet
Camp Adventure (Spring Break)	87	92
Camp Heatwave (Summer Camp)	253	247
Camp Horizon	65	65
Camp Quest	47	15

Scholarships

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 38 participants received aid in the form of reduced fees.

After School Program

26 – 80% (Parents paid \$7 per child, weekly)

2 – 60% (Parents paid \$14 per child, weekly)

1 – 40% (Parents paid \$14 per child, weekly)

1 – 20% (Parents paid \$14 per child, weekly)

Camp Holidaze

Camp Adventure

11 – 80% (Parents paid \$10 per child per week)

Camp Heatwave, Quest, Horizon

32 – 80% (Parents paid \$12 per child, weekly)

3 – 60% (Parents paid \$24 per child, weekly))

Inspection Schedule

- The Wilson Recreation Center was inspected in January and May 2010 for any hazards or potential problems by the Recreation Superintendent. None were noted.
- The Wilson Recreation Center passed the annual fire inspection June 14, 2011.
- All school sites were inspected by the Fire Marshall.
- To comply with the guidelines, the Health Department was contacted twice by staff, once in May and once in July to do an inspection. No inspections were conducted.

Training

- Per the adopted Childcare Standards, all staff are CPR/First trained within one year of their hire date. Training is twice a year.
- All staff who worked with children were given at least 10 hours of training pertinent to their programming responsibilities.
- All staff were given quarterly safety training.
- All training requirements were met.

Recommendations

There no recommendations for changes in the policy at this time

EXHIBIT “A”

TEMPLE YOUTH PROGRAMS’ STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Leisure Department will operate the City’s Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs (“Program”) to which these Standards will apply are the programs held at the Wilson Recreation Center and other “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Leisure Services Website www.Temple-Parks.net.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) felony or a misdemeanor classified as an offense against a person or family;
 - (2) felony or misdemeanor classified as public indecency;
 - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) offense involving moral turpitude;
 - (5) offense that would potentially put the City of Temple at risk.

2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Leisure Services Department of the city of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Leisure Services or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Leisure Services
- H. Program Coordinator or Coordinator: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Leisure Services Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Leisure Services Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-14, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Leisure Services Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
 - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
 - (1) pre-summer check in May of each year
 - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parents and telephone during program hours;
 - (3) names and telephone numbers of people to whom the child can be released;
 - (4) statement of the child's special problems or needs;

- (5) proof of residency when appropriate;
- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Leisure Services Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple , but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Leisure Services Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.

- D. A leader must be with participants at all times or aware of the participants location.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

- A. Parents must be notified immediately if:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is

reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities,
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the

group and must check the roll frequently.

- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Temple ambulance or emergency medical services.
 - (2) Temple Police Department.
 - (3) Temple Fire Department.
 - (4) Poison Control.
 - (5) The telephone number for the site itself.
 - (6) Numbers at which parents may be reached.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety

concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.

- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. The list of Program sites will be provided to the Bell County Health District-Environmental Health Division so that the Health Division can conduct health inspection (s).

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE ANNUAL CHILD CARE STANDARDS REPORT FROM THE PARKS AND LEISURE SERVICES DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in accordance with the requirement of the Texas Department of Protective and Regulatory Services, on November 19, 2004, the City adopted a “Standards of Care” policy to be utilized with youth recreation programs;

Whereas, the purpose of the guidelines is to assure the community that when they place their children in one of the City’s recreation programs the facilities are safe, a background check has been done on staff, and that they are properly trained for the programs they will be conducting;

Whereas, City of Temple’s policy requires the Parks and Leisure Services Director to make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care; 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: The City Council accepts the annual Child Care Standards report from the Parks and Leisure Services Department, attached here to as Exhibit A.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E. Director of Public Works
Michael Newman, P.E., CFM Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Structural Protection Services, LLC, of Louisiana, for construction services required to rehabilitate Nugent elevated storage tank (EST) in an amount not to exceed \$451,249.12.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 20, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA) in the amount of \$84,500 to design, bid, and inspect a construction contract for the rehabilitation of Nugent EST.

The City owns and operates Nugent EST, located in the Northern part of town off Nugent Avenue and serving properties in the 876 pressure plane. This steel tank, originally erected in 1933, is currently in need of both interior and exterior recoating. This project will rehabilitate the EST, maintaining potable water quality standards and compliance with TCEQ regulation.

On December 22, 2011, seven bids were received for the construction work. Per the attached bid tabulation, Structural Protection Services, LLC, submitted the low bid in the amount of \$451,249.12. KPA has reviewed the information submitted by all bidders and believes that the low bid submitted by Structural Protection Services, LLC is a fair and reasonable amount for the scope of work to be performed (see attached recommendation). Construction of the project is anticipated to last 120 calendar days and be completed by summer 2012.

FISCAL IMPACT: Funding in the amount of \$600,000 was appropriated in account #561-5100-535-6904, project # 100800 for the Rehabilitation of Nugent Tank. After funding the professional services agreement in the amount of \$84,500 and advertising cost of \$209.42 a balance of \$515,290.58 is available to fund this construction contract. This project was approved by Council on September 1, 2011 as part of the FY 2012 Capital Improvement Plan.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

December 27, 2011

Mr. Salvador Rodriguez, P.E., C.F.M.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Nugent Tank Rehabilitation

Dear Mr. Rodriguez:

On December 22, 2011, the City of Temple received competitive bids from seven contractors for the rehabilitation of the 500,000 gallon Nugent Tank and replacement of altitude valves at Nugent, West Park, Range Road, Scott and Apache Tanks. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Structural Protection Services, LLC of Gramercy, Louisiana as the low bidder at \$451,249.12. The bids ranged from this low bid to \$722,800.00. Our Final Opinion of Probable Cost for this project was \$475,000.

Since we were not familiar with Structural Protection Services, LLC from previous projects, we requested a list of similar projects, list of equipment and financial statement. Structural Protection Services provided all of the requested information in a timely manner. We spoke with several references for similar projects, which confirmed Structural Protection Service's ability to perform tank rehabilitation work with lead removal.

In addition to speaking with references, we reviewed Structural Protection Services's financials and equipment list and they appear to be in order. Our review of past projects leads us to conclude that Structural Protection Services, LLC is qualified to perform this project. Therefore, we recommend that a contract be awarded to Structural Protection Services, LLC in the amount of \$451,249.12.

Sincerely,

Ginger R. Tolbert, P.E.

GRT/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2011-142-40

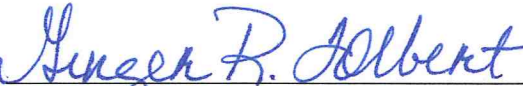
BID TABULATION
CITY TEMPLE, TEXAS
REHABILITATION OF NUGENT TANK
December 22, 2011; 2:30 PM

2011-142-40

				BIDDER INFORMATION														
				Structural Protection Services LLC 710 E Airline Hwy Gramercy LA 70052		NG Painting LP 1225 Bandera Hwy Ste A2 Kerville TX 78028		Classic Protective Coatings Inc N7670 State Highway 25 Menomonie WI 54751		Caldwell Tanks 15802 Afure Drive Crosby TX 77532		LC United Painting Co Inc 3525 Barbara Drive Sterling Heights MI 48310		M K Painting Inc 4157 Seventh Street Wyandotte MI 48192		TMI Coatings Inc 3291 Terminal Drive St Paul MN 55121		
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	
1	100%	LS	Abrasive blast, prime & paint the INTERIOR of the existing 500,000 gal EST	\$ 81,910.00	\$ 81,910.00	\$ 100,000.00	\$ 100,000.00	\$ 72,000.00	\$ 72,000.00	\$ 114,500.00	\$ 114,500.00	\$ 60,000.00	\$ 60,000.00	\$ 80,000.00	\$ 80,000.00	\$ 120,800.00	\$ 120,800.00	
2	100%	LS	Abrasive blast, prime & paint with two color finish, the EXTERIOR of the existing 500,000 gal EST	191,124.00	191,124.00	200,000.00	200,000.00	175,008.00	175,008.00	206,500.00	206,500.00	320,000.00	320,000.00	220,000.00	220,000.00	317,000.00	317,000.00	
3	100%	LS	Dust Collection & Fully Contain the Entire Exterior of the existing 500,000 gal EST	36,000.00	36,000.00	70,000.00	70,000.00	82,000.00	82,000.00	90,000.00	90,000.00	62,000.00	62,000.00	180,000.00	180,000.00	74,100.00	74,100.00	
4	100%	LS	Dehumidify the interior of the existing 500,000 gal EST	8,400.00	8,400.00	30,000.00	30,000.00	25,000.00	25,000.00	21,000.00	21,000.00	12,000.00	12,000.00	10,000.00	10,000.00	9,200.00	9,200.00	
5	100%	LS	Remove & replace 6"Ø PVC Drain Line with 6"Ø ductile iron pipe	600.00	600.00	3,000.00	3,000.00	10,500.00	10,500.00	3,000.00	3,000.00	14,000.00	14,000.00	3,250.00	3,250.00	3,500.00	3,500.00	
6	100%	LS	Install 30"Ø manway on wet riser	9,200.00	9,200.00	6,500.00	6,500.00	5,850.00	5,850.00	5,200.00	5,200.00	8,000.00	8,000.00	6,000.00	6,000.00	6,200.00	6,200.00	
7	100%	LS	Replace Gaskets on all manways & hatches	3,000.00	3,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	700.00	700.00	
8	100%	LS	Install a 24"Ø AWWA Approved Frost Free Aluminum Roof Vent	5,000.00	5,000.00	7,000.00	7,000.00	4,850.00	4,850.00	8,500.00	8,500.00	7,000.00	7,000.00	9,500.00	9,500.00	10,000.00	10,000.00	
9	100%	LS	Repair & secure an OSHA Approved roof to interior bowl access ladder & exterior ladder with cable type saf-t-climbs	3,200.00	3,200.00	2,000.00	2,000.00	19,500.00	19,500.00	*	6,000.00	6,000.00	12,000.00	12,000.00	6,000.00	6,000.00	2,700.00	2,700.00
10	100%	LS	Install a mid rail & raising the top rail to 42"	12,000.00	12,000.00	9,000.00	9,000.00	22,500.00	22,500.00	17,500.00	17,500.00	11,000.00	11,000.00	15,000.00	15,000.00	15,900.00	15,900.00	
11	100%	LS	Install a 30"Ø aluminum roof access hatch, Model No. FIR3030, manufactured by Halliday Products	2,500.00	2,500.00	5,000.00	5,000.00	1,650.00	1,650.00	5,200.00	5,200.00	6,000.00	6,000.00	6,000.00	6,000.00	6,200.00	6,200.00	
12	100%	LS	Remove the existing Cathodic Protection System, including replacement of all anode plate covers with aluminum covers & gasket	1,500.00	1,500.00	3,000.00	3,000.00	1,500.00	1,500.00	6,000.00	6,000.00	2,000.00	2,000.00	3,000.00	3,000.00	3,200.00	3,200.00	
13	100%	LS	Install FAA beacon light assembly including all necessary electrical wiring	2,500.00	2,500.00	3,000.00	3,000.00	5,250.00	5,250.00	4,000.00	4,000.00	8,000.00	8,000.00	7,500.00	7,500.00	5,000.00	5,000.00	
14	40	MHR	Perform welding repairs, surface repairs & general repair work as deemed necessary	55.00	2,200.00	100.00	4,000.00	125.00	5,000.00	100.00	4,000.00	80.00	3,200.00	175.00	7,000.00	170.00	6,800.00	
15	100	Tube	Perform caulking (Sika-flex 1A) work as deemed necessary	20.00	2,000.00	60.00	6,000.00	40.00	4,000.00	50.00	5,000.00	8.00	800.00	40.00	4,000.00	45.00	4,500.00	
16	2	EA	Painting a "City of Temple" Logo on the exterior of the tank bowl, including clear coat	3,500.00	7,000.00	2,000.00	4,000.00	6,000.00	12,000.00	7,000.00	14,000.00	4,000.00	8,000.00	6,500.00	13,000.00	4,400.00	8,800.00	
17	100%	LS	Install a 10" Cla-val Two Way Altitude Control Valve, Model 210-16, including removal of existing valve	11,576.08	11,576.08	10,000.00	10,000.00	19,750.00	19,750.00	18,500.00	18,500.00	14,000.00	14,000.00	20,000.00	20,000.00	21,400.00	21,400.00	
18	100%	LS	Video Taping Project Site Before the Start of Construction on the Project	800.00	800.00	1,000.00	1,000.00	2,750.00	2,750.00	4,000.00	4,000.00	2,000.00	2,000.00	1,000.00	1,000.00	400.00	400.00	
19	100%	LS	Install a 12" Cla-val Two Way Altitude Control Valve, Model 210-16, at West Park Tank, including removal of existing valve	17,684.76	17,684.76	14,000.00	14,000.00	22,500.00	22,500.00	21,000.00	21,000.00	18,000.00	18,000.00	23,500.00	23,500.00	26,600.00	26,600.00	
20	100%	LS	Install a 12" Cla-val Two Way Altitude Control Valve, Model 210-16, at Range Road Tank, including removal of existing valve	17,684.76	17,684.76	14,000.00	14,000.00	22,500.00	22,500.00	21,000.00	21,000.00	18,000.00	18,000.00	23,500.00	23,500.00	26,600.00	26,600.00	
21	100%	LS	Install a 12" Cla-val Two Way Altitude Control Valve, Model 210-16, at Scott Tank, including removal of existing valve	17,684.76	17,684.76	14,000.00	14,000.00	22,500.00	22,500.00	21,000.00	21,000.00	18,000.00	18,000.00	23,500.00	23,500.00	26,600.00	26,600.00	
22	100%	LS	Install a 12" Cla-val Two Way Altitude Control Valve, Model 210-16, at Apache Tank, including removal of existing valve	17,684.76	17,684.76	14,000.00	14,000.00	22,500.00	22,500.00	21,000.00	21,000.00	18,000.00	18,000.00	23,500.00	23,500.00	26,600.00	26,600.00	
TOTAL BASE BID AMOUNT (Items 1 - 22)					\$ 451,249.12		\$ 520,500.00		\$ 560,108.00		\$ 617,900.00		\$ 623,000.00		\$ 686,250.00		\$ 722,800.00	

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES	YES

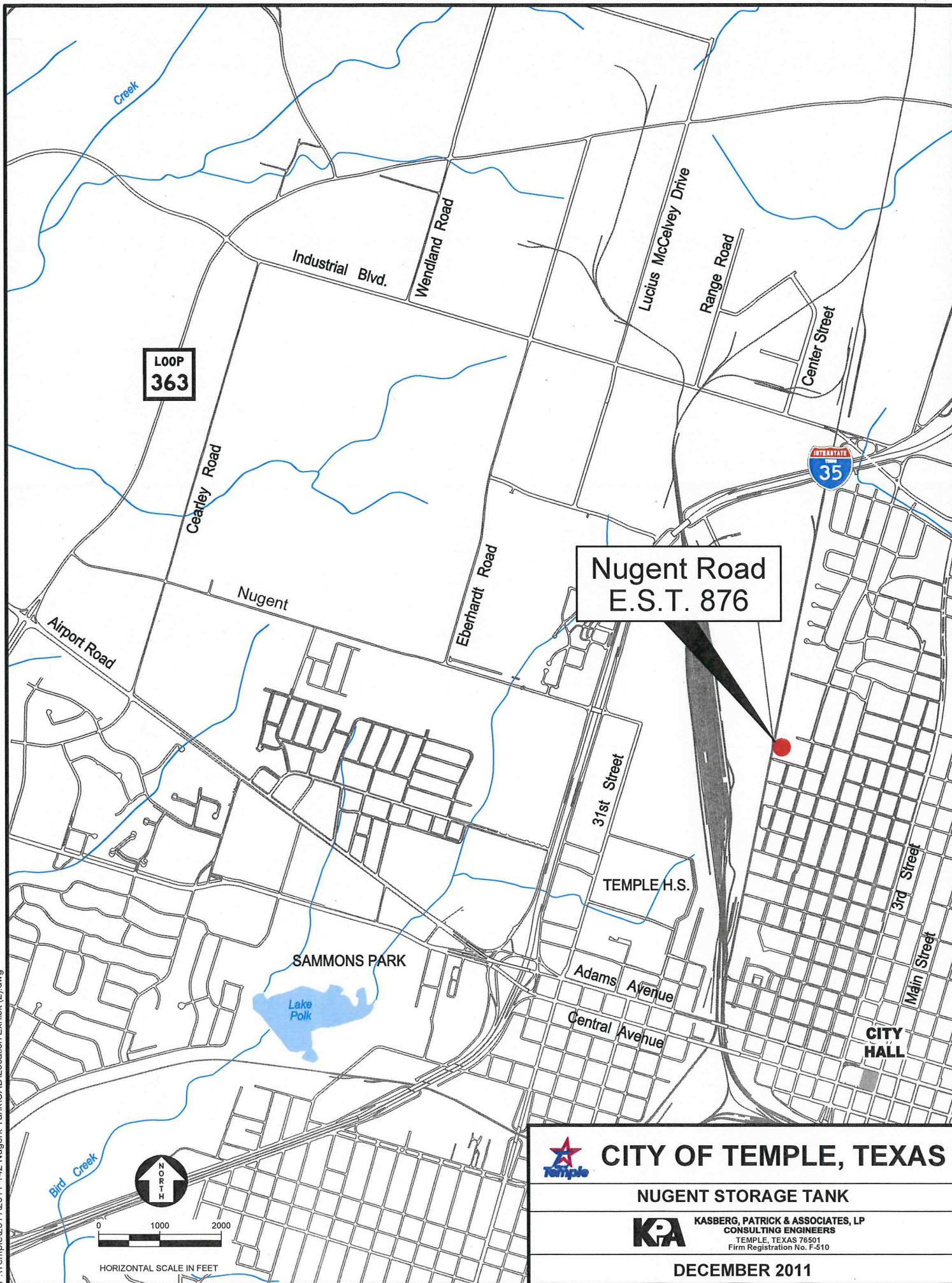
I hereby certivy that this is a correct and true tabulation of all bids received


Ginger R. Tolbert, PE
Kasberg, Patrick & Associates, LP

12/22/11
Date



* Unite price and written unit price do not correspond. Written price prevails



CITY OF TEMPLE, TEXAS

NUGENT STORAGE TANK



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

DECEMBER 2011

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH STRUCTURAL PROTECTION SERVICES, LLC, OF GRAMERCY, LOUISIANA, FOR CONSTRUCTION SERVICES REQUIRED TO REHABILITATE NUGENT ELEVATED STORAGE TANK, IN AN AMOUNT NOT TO EXCEED \$451,249.12; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 20, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA) to design, bid and inspect a construction contract for the rehabilitation of Nugent Elevated Storage Tank (EST);

Whereas, the City of Temple owns and operates Nugent EST, located in the northern part of town off Nugent Avenue and serving properties in the 876' pressure plane – this steel tank is currently in need of rehabilitation;

Whereas, this project was approved by Council on September 1, 2011 as part of the FY 2012 Capital Improvement Plan;

Whereas, funds are available for this project in Account No. 561-5100-535-6904, Project No. 100800; 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: The City Council authorizes the City Manager, or his designee, to execute a construction contract between the City of Temple and Structural Protection Services, LLC, after approval as to form by the City Attorney, for construction services required to rehabilitate Nugent Elevated Storage Tank, in an amount not to exceed \$451,249.12.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E. Director of Public Works

Michael Newman, P.E., CFM Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Wolff Construction, LP, of Salado for construction services required to construct Phase 1 of the Replacement of the 18" waterline from the WTP to Loop 363, distribution mains in the 720 pressure plane, in an amount not to exceed \$664,893.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 5, 2011, Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA) in the amount of \$945,000 to design, bid, and inspect two construction contracts for replacement of the 18" diameter transmission main from the water treatment plant (WTP) to Loop 363. This project is being constructed in two phases, with extension of distribution lines in the 720 pressure plane necessary for transfer of existing services currently located on the 18" transmission line constructed as Phase 1. Phase 2, construction of the main transmission main, will be bid later in 2012.

This project, Phase 1, includes construction of approximately 10,400 linear feet of 8" diameter water mains. These water mains will allow for the transfer of approximately 55 water services from the existing 18" transmission main to new distribution mains. The 18" transmission main is estimated to be over 70 years old and has experienced numerous failures in the recent past. Customers receiving water from this transmission main are negatively impacted when frequent repairs are made, and need to be removed from this main altogether.

On December 20, 2011, twelve bids were received for the construction work. Per the attached bid tabulation, Wolff Construction submitted the low bid in the amount of \$664,893.20. KPA has reviewed the information submitted by all bidders and believes that the low bid submitted by Wolff Construction is a fair and reasonable amount for the scope of work to be performed (see attached recommendation). Construction of the project is anticipated to last 150 days and be complete by fall 2012.

FISCAL IMPACT: Funding in the amount of \$4,750,000 was appropriated in account 561-5200-535-6939, project # 100608 for the Replacement of the 18" Waterline from WTP to Loop 363 from the 2010 Utility Revenue Bond Issue. After funding preliminary and final design for a total of \$1,018,385, ROW services in the amount of \$342,500, miscellaneous charges related to the project in the amount of \$221 and this construction contract in the amount of \$664,893.20 a balance of \$2,724,000.80 remains available to fund Phase 2 of construction.

ATTACHMENTS:

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



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

R. DAVID PATRICK, P.E., C.F.M.

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

3613 Williams Drive, Suite 406
Georgetown, Texas 78628
(512) 819-9478

December 20, 2011

Mr. Salvador Rodriguez, P.E., C.F.M.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Replacement of 18" Water Line from WTP to Loop 363-Charter Oaks
Phase I – 720 Zone Water Distribution Lines

Dear Mr. Rodriguez:

On December 20, 2011, the City of Temple received competitive bids from twelve contractors for the above referenced project. This project consists of additional water lines to remove the remaining connections from the existing transmission main, as required by the Texas Commission on Environmental Quality (TCEQ). A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Wolff Construction, LP of Belton, Texas as the low bidder at \$664,893.20. The bids ranged from this low bid to \$1,337,907.60. Our Final Opinion of Probable Cost for this project was \$1,200,000.

Since we were not familiar with Wolff Construction, LP from previous projects, we requested a list of similar projects, list of equipment and financial statement. Wolff Construction provided all of the requested information in a timely manner. We spoke with several local references for similar projects, which confirmed Wolff Construction's ability to perform utility work. Negative comments that we received were unrelated to utility work and we found that Wolff Construction corrected noted deficiencies on these projects to fulfill their contractual obligations.

In addition to speaking with references, we reviewed Wolff Construction's financials and equipment list and they appear to be in order. Our review of past projects and utility project references lead us to conclude that Wolff Construction, LP is qualified to perform this project. Therefore, we recommend that a contract be awarded to Wolff Construction, LP.

Sincerely,

Ginger R. Tolbert, P.E.
GRT/

xc: Ms. Belinda Mattke, City of Temple (1 copy with Original Bid Documents)
2011-119-40

CITY TEMPLE, TEXAS

PHASE I - 720 ZONE WATER DISTRIBUTION LINES

December 20, 2011; 2:00 PM

BIDDER INFORMATION															
				Wolff Construction PO Box 1002 Salado TX 76571		Nelson Lewis Inc 450 FM 1431 East Marble Falls TX 78654		McLean Construction PO Box 10759 Killeen TX 76547		TTG Utilites LP PO Box 299 Gatesville TX 76528		Qro Mex Construction Co., Inc. 2801 Prairie Creek Rd. Granite Shoals, TX 78654		Patin Construction LLC 3800 W 2nd Street Taylor TX 76574	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 18,179.00	\$ 18,179.00	\$ 36,200.00	\$ 36,200.00	\$ 22,000.00	\$ 22,000.00	\$ 16,775.00	\$ 16,775.00	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00
2	10,408	LF	Preparation of ROW	1.89	19,671.12	2.00	20,816.00	2.50	26,020.00	1.85	19,254.80	1.50	15,612.00	1.00	10,408.00
3	100%	LS	Trench Safety Plan prepared & signed by PE	1,060.00	1,060.00	2,000.00	2,000.00	954.00	954.00	910.00	910.00	3,000.00	3,000.00	1,500.00	1,500.00
4	10,408	LF	Implement & Follow Trench Safety Plan (Pipe)	1.06	11,032.48	0.50	5,204.00	* 1.00	10,408.00	0.50	5,204.00	1.00	10,408.00	0.30	3,122.40
5	12,720	SF	Implement & Follow Trench Safety Plan (Bore Pits)	0.11	1,399.20	0.50	6,360.00	0.65	8,268.00	0.55	6,996.00	0.50	6,360.00	0.15	1,908.00
6	100%	LS	Stormwater Pollution Prevention Plan	2,279.00	2,279.00	5,000.00	5,000.00	2,299.00	2,299.00	1,815.00	1,815.00	5,000.00	5,000.00	1,500.00	1,500.00
7	100%	LS	Traffic Control Plan prepared & signed by a PE	1,908.00	1,908.00	3,500.00	3,500.00	2,092.00	2,092.00	2,420.00	2,420.00	7,000.00	7,000.00	1,500.00	1,500.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan	6,174.50	6,174.50	5,000.00	5,000.00	2,988.00	2,988.00	9,070.00	9,070.00	8,000.00	8,000.00	5,400.00	5,400.00
9	100%	LS	Provide Project Record Drawings (As Built)	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
10	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions	530.00	530.00	1,500.00	1,500.00	830.00	830.00	3,075.00	3,075.00	3,000.00	3,000.00	500.00	500.00
11	10,408	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00
12	10,386	LF	8" Diameter C900 PVC Water Line, including Thrust Restraint	15.19	157,763.34	15.00	155,790.00	14.00	145,404.00	22.30	231,607.80	26.00	270,036.00	35.00	363,510.00
13	22	LF	6" Diameter C900 PVC Water Line, including Thrust Restraint	19.03	418.66	14.00	308.00	14.70	323.40	24.00	528.00	28.00	616.00	35.00	770.00
14	120	LF	2" Diameter PVC Water Line, including Thrust Restraint	7.52	902.40	11.00	1,320.00	8.40	1,008.00	13.00	1,560.00	22.00	2,640.00	18.00	2,160.00
15	1,326	LF	16" Diameter Steel Encasement by Bore	182.18	241,570.68	180.00	238,680.00	188.00	249,288.00	205.00	271,830.00	200.00	265,200.00	170.00	225,420.00
16	23	EA	Furnish & Install 8" Gate Valve	886.24	20,383.52	1,200.00	27,600.00	1,047.00	24,081.00	1,025.00	23,575.00	1,100.00	25,300.00	1,000.00	23,000.00
17	2	EA	Furnish & Install 6" Gate Valve	609.78	1,219.56	* 900.00	1,800.00	757.00	1,514.00	725.00	1,450.00	750.00	1,500.00	985.00	1,970.00
18	1	EA	Furnish & Install 2" Gate Valve	366.76	366.76	700.00	700.00	474.00	474.00	445.00	445.00	450.00	450.00	560.00	560.00
19	10	EA	8" x 8" Tee	282.27	2,822.70	300.00	3,000.00	386.00	3,860.00	380.00	3,800.00	320.00	3,200.00	400.00	4,000.00
20	1	EA	8" x 6" Tee	247.35	247.35	300.00	300.00	366.00	366.00	335.00	335.00	290.00	290.00	360.00	360.00
21	2	EA	8" x 3" Tee	237.94	475.88	300.00	600.00	304.00	608.00	325.00	650.00	310.00	620.00	325.00	650.00
22	3	EA	8" x 6" Reducer	163.14	489.42	200.00	600.00	246.00	738.00	225.00	675.00	170.00	510.00	160.00	480.00
23	4	EA	8" Plug	123.64	494.56	150.00	600.00	183.00	732.00	200.00	800.00	75.00	300.00	115.00	460.00
24	6	EA	Ductile Iron 90° Bends, 8" Diameter	203.77	1,222.62	200.00	1,200.00	310.00	1,860.00	285.00	1,710.00	240.00	1,440.00	360.00	2,160.00
25	17	EA	Ductile Iron 45° Bends, 8" Diameter	186.86	3,176.62	200.00	3,400.00	289.00	4,913.00	260.00	4,420.00	235.00	3,995.00	330.00	5,610.00
26	9	EA	Ductile Iron 22.5° Bends, 8" Diameter	185.11	1,665.99	200.00	1,800.00	302.00	2,718.00	260.00	2,340.00	235.00	2,115.00	325.00	2,925.00
27	15	EA	Ductile Iron 11 1/4° Bends, 8" Diameter	179.28	2,689.20	200.00	3,000.00	297.00	4,455.00	255.00	3,825.00	220.00	3,300.00	315.00	4,725.00
28	2	EA	6" Plug	110.41	220.82	150.00	300.00	171.00	342.00	130.00	260.00	85.00	170.00	100.00	200.00
29	1	EA	Ductile Iron 90° Bends, 6" Diameter	169.15	169.15	250.00	250.00	249.00	249.00	240.00	240.00	175.00	175.00	250.00	250.00
30	2	EA	3" x 2" Reducer	165.28	330.56	100.00	200.00	167.00	334.00	175.00	350.00	135.00	270.00	135.00	270.00
31	1	EA	2" Plug	18.02	18.02	50.00	50.00	164.00	164.00	35.00	35.00	35.00	35.00	75.00	75.00
32	1	EA	Ductile Iron 22.5° Bends, 2" Diameter	19.20	19.20	100.00	100.00	188.00	188.00	115.00	115.00	35.00	35.00	180.00	180.00
33	17	EA	Furnish & Install Standard Fire Hydrant	2,604.70	44,279.90	3,500.00	59,500.00	2,972.00	50,524.00	3,465.00	58,905.00	3,350.00	56,950.00	3,800.00	64,600.00
34	2	EA	Connect to Existing 8" Water Line	632.33	1,264.66	500.00	1,000.00	1,269.00	2,538.00	1,580.00	3,160.00	2,500.00	5,000.00	5,000.00	10,000.00
35	4	EA	Connect to Existing 6" Water Line	580.69	2,322.76	500.00	2,000.00	1,095.00	4,380.00	1,180.00	4,720.00	2,200.00	8,800.00	5,000.00	20,000.00
36	55	EA	Furnish & Install 3/4" Water Service Connections, Including Meter Box & Lid	506.41	27,852.55	600.00	33,000.00	610.00	33,550.00	890.00	48,950.00	800.00	44,000.00	1,200.00	66,000.00
37	100%	LS	Pressure Testing Water Pipe, Including Any Necessary Repairs	2,173.00	2,173.00	2,000.00	2,000.00	2,488.00	2,488.00	9,500.00	9,500.00	5,000.00	5,000.00	5,000.00	5,000.00
38	100%	LS	Sampling Stations for Microbiological Testing	1,039.79	1,039.79	500.00	500.00	1,294.00	1,294.00	2,050.00	2,050.00	10,000.00	10,000.00	* 1,200.00	1,200.00
39	100%	LS	Temporary Flush Assembly(ies)	1,818.14	1,818.14	1,200.00	1,200.00	3,574.00	3,574.00	1,065.00	1,065.00	8,000.00	8,000.00	2,500.00	2,500.00
40	1,194	LF	Asphalt Pavement Replacement	18.13	21,647.22	16.00	19,104.00	33.00	39,402.00	16.00	19,104.00	10.00	11,940.00	6.00	7,164.00
41	219	LF	Gravel Driveway Replacement	7.00	1,533.00	8.00	1,752.00	19.00	4,161.00	10.00	2,190.00	5.00	1,095.00	3.00	657.00
42	43	LF	Concrete Replacement	34.09	1,465.87	45.00	1,935.00	40.00	1,720.00	36.70	1,578.10	16.00	688.00	8.00	344.00
43	500	LF	Rock Berm as required in the Stormwater Pollution Prevention Plan	21.44	10,720.00	40.00	20,000.00	18.00	9,000.00	35.00	17,500.00	18.00	9,000.00	20.00	10,000.00
44	6,000	LF	Silt Fence as required in the Stormwater Pollution Prevention Plan	1.84	11,040.00	4.00	24,000.00	2.10	12,600.00	1.85	11,100.00	2.50	15,000.00	2.25	13,500.00
45	21,000	SY	Hydro Mulch Seeding For Permanent Erosion Control	0.62	13,020.00	0.40	8,400.00	1.50	31,500.00	0.90	18,900.00	0.75	15,750.00	0.50	10,500.00
TOTAL BID AMOUNT (Items 1 - 45)					\$ 664,893.20		\$ 727,385.00		\$ 742,025.40		\$ 840,608.70		\$ 892,616.00		\$ 942,854.40
Did Bidder Acknowledge Addenda No. 1?				YES		YES		YES		YES		YES		YES	
Did Bidder provide Bid Security?				YES		YES		YES		YES		YES		YES	

* Written price Numerical price do not correspond. Written amount prevails.
** Total amount has been corrected.

CITY TEMPLE, TEXAS

PHASE I - 720 ZONE WATER DISTRIBUTION LINES

December 20, 2011; 2:00 PM

				BIDDER INFORMATION											
				Joe Bland Construction 13111 Dessau Road Austin TX 78754		Royal Vista 350 CR 260 Liberty Hill TX 78642		Bruce Flanigan Construction 5114 Lampasas Lane Belton TX 76513		Bell Contractors Inc 3082 Hwy 190 Belton TX 76513		Austin Engineering Co 3317 Ranch Road 620 North Austin TX 78734		Lewis Contractors, Inc. P.O. Box 1623 Bertram, TX 78605	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 52,654.00	\$ 52,654.00	\$ 51,000.00	\$ 51,000.00	\$ 57,500.00	\$ 57,500.00	\$ 54,000.00	\$ 54,000.00
2	10,408	LF	Preparation of ROW	1.80	18,734.40	2.00	20,816.00	12.40	129,059.20	3.20	33,305.60	6.00	62,448.00	12.70	132,181.60
3	100%	LS	Trench Safety Plan prepared & signed by PE	350.00	350.00	1,200.00	1,200.00	1,069.00	1,069.00	800.00	800.00	4,000.00	4,000.00	1,200.00	1,200.00
4	10,408	LF	Implement & Follow Trench Safety Plan (Pipe)	0.65	6,765.20	0.50	5,204.00	0.50	5,204.00	1.50	15,612.00	0.50	5,204.00	1.00	10,408.00
5	12,720	SF	Implement & Follow Trench Safety Plan (Bore Pits)	0.65	8,268.00	0.50	6,360.00	0.50	6,360.00	0.50	6,360.00	1.00	12,720.00	1.00	12,720.00
6	100%	LS	Stormwater Pollution Prevention Plan	2,000.00	2,000.00	3,500.00	3,500.00	19,706.00	19,706.00	1,800.00	1,800.00	7,500.00	7,500.00	9,000.00	9,000.00
7	100%	LS	Traffic Control Plan prepared & signed by a PE	2,000.00	2,000.00	5,000.00	5,000.00	1,688.00	1,688.00	580.00	580.00	20,000.00	20,000.00	2,200.00	2,200.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan	5,500.00	5,500.00	12,000.00	12,000.00	15,575.00	15,575.00	42,100.00	42,100.00	35,000.00	35,000.00	11,000.00	11,000.00
9	100%	LS	Provide Project Record Drawings (As Built)	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
10	100%	LS	Provide DVD of ROW pre-construction & post construction site conditions	300.00	300.00	3,000.00	3,000.00	432.00	432.00	540.00	540.00	5,000.00	5,000.00	3,300.00	3,300.00
11	10,408	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00	2.00	20,816.00
12	10,386	LF	8" Diameter C900 PVC Water Line, including Thrust Restraint	29.00	301,194.00	35.00	363,510.00	29.10	302,232.60	28.10	291,846.60	30.23	313,968.78	46.00	477,756.00
13	22	LF	6" Diameter C900 PVC Water Line, including Thrust Restraint	80.00	1,760.00	35.00	770.00	27.60	607.20	27.50	605.00	36.00	792.00	60.00	1,320.00
14	120	LF	2" Diameter PVC Water Line, including Thrust Restraint	39.00	4,680.00	35.00	4,200.00	24.30	2,916.00	12.20	1,464.00	30.00	3,600.00	37.00	4,440.00
15	1,326	LF	16" Diameter Steel Encasement by Bore	217.00	287,742.00	215.00	285,090.00	201.00	266,526.00	240.00	318,240.00	225.00	298,350.00	190.00	251,940.00
16	23	EA	Furnish & Install 8" Gate Valve	1,500.00	34,500.00	1,100.00	25,300.00	879.00	20,217.00	1,300.00	29,900.00	1,425.00	32,775.00	1,600.00	36,800.00
17	2	EA	Furnish & Install 6" Gate Valve	1,200.00	2,400.00	900.00	1,800.00	664.00	1,328.00	900.00	1,800.00	800.00	1,600.00	1,200.00	2,400.00
18	1	EA	Furnish & Install 2" Gate Valve	960.00	960.00	700.00	700.00	478.00	478.00	480.00	480.00	600.00	600.00	800.00	800.00
19	10	EA	8" x 8" Tee	890.00	8,900.00	350.00	3,500.00	443.00	4,430.00	520.00	5,200.00	387.00	3,870.00	600.00	6,000.00
20	1	EA	8" x 6" Tee	850.00	850.00	300.00	300.00	415.00	415.00	460.00	460.00	387.00	387.00	600.00	600.00
21	2	EA	8" x 3" Tee	840.00	1,680.00	300.00	600.00	381.00	762.00	410.00	820.00	375.00	750.00	600.00	1,200.00
22	3	EA	8" x 6" Reducer	750.00	2,250.00	250.00	750.00	289.00	867.00	290.00	870.00	175.00	525.00	500.00	1,500.00
23	4	EA	8" Plug	720.00	2,880.00	150.00	600.00	178.00	712.00	140.00	560.00	150.00	600.00	500.00	2,000.00
24	6	EA	Ductile Iron 90° Bends, 8" Diameter	800.00	4,800.00	300.00	1,800.00	368.00	2,208.00	370.00	2,220.00	300.00	1,800.00	600.00	3,600.00
25	17	EA	Ductile Iron 45° Bends, 8" Diameter	780.00	13,260.00	300.00	5,100.00	350.00	5,950.00	340.00	5,780.00	300.00	5,100.00	500.00	8,500.00
26	9	EA	Ductile Iron 22.5° Bends, 8" Diameter	780.00	7,020.00	300.00	2,700.00	348.00	3,132.00	340.00	3,060.00	300.00	2,700.00	700.00	6,300.00
27	15	EA	Ductile Iron 11 1/4° Bends, 8" Diameter	770.00	11,550.00	300.00	4,500.00	342.00	5,130.00	330.00	4,950.00	300.00	4,500.00	500.00	7,500.00
28	2	EA	6" Plug	700.00	1,400.00	150.00	300.00	350.00	700.00	110.00	220.00	175.00	350.00	400.00	800.00
29	1	EA	Ductile Iron 90° Bends, 6" Diameter	760.00	760.00	250.00	250.00	306.00	306.00	290.00	290.00	175.00	175.00	520.00	520.00
30	2	EA	3" x 2" Reducer	500.00	1,000.00	250.00	500.00	202.00	404.00	180.00	360.00	150.00	300.00	445.00	890.00
31	1	EA	2" Plug	370.00	370.00	150.00	150.00	131.00	131.00	73.00	73.00	100.00	100.00	340.00	340.00
32	1	EA	Ductile Iron 22.5° Bends, 2" Diameter	420.00	420.00	150.00	150.00	260.00	260.00	130.00	130.00	150.00	150.00	400.00	400.00
33	17	EA	Furnish & Install Standard Fire Hydrant	3,300.00	56,100.00	3,100.00	52,700.00	3,284.00	55,828.00	3,500.00	59,500.00	4,500.00	76,500.00	4,100.00	69,700.00
34	2	EA	Connect to Existing 8" Water Line	1,200.00	2,400.00	2,500.00	5,000.00	2,732.00	5,464.00	1,500.00	3,000.00	1,500.00	3,000.00	2,200.00	4,400.00
35	4	EA	Connect to Existing 6" Water Line	1,100.00	4,400.00	2,300.00	9,200.00	2,687.00	10,748.00	1,500.00	6,000.00	1,500.00	6,000.00	2,200.00	8,800.00
36	55	EA	Furnish & Install 3/4" Water Service Connections, Including Meter Box & Lid	1,200.00	66,000.00	1,000.00	55,000.00	602.00	33,110.00	630.00	34,650.00	1,200.00	66,000.00	1,100.00	60,500.00
37	100%	LS	Pressure Testing Water Pipe, Including Any Necessary Repairs	3,200.00	3,200.00	5,000.00	5,000.00	8,045.00	8,045.00	3,300.00	3,300.00	5,000.00	5,000.00	17,000.00	17,000.00
38	100%	LS	Sampling Stations for Microbiological Testing	2,800.00	2,800.00	3,000.00	3,000.00	84.00	84.00	11,800.00	11,800.00	2,000.00	2,000.00	13,000.00	13,000.00
39	100%	LS	Temporary Flush Assembly(ies)	6,600.00	6,600.00	4,000.00	4,000.00	2,006.90	2,006.90	15,000.00	15,000.00	5,000.00	5,000.00	20,000.00	20,000.00
40	1,194	LF	Asphalt Pavement Replacement	41.00	48,954.00	25.00	29,850.00	25.70	30,685.80	30.00	35,820.00	45.00	53,730.00	23.00	27,462.00
41	219	LF	Gravel Driveway Replacement	28.00	6,132.00	20.00	4,380.00	8.50	1,861.50	12.50	2,737.50	20.00	4,380.00	6.00	1,314.00
42	43	LF	Concrete Replacement	95.00	4,085.00	60.00	2,580.00	58.10	2,498.30	30.00	1,290.00	40.00	1,720.00	150.00	6,450.00
43	500	LF	Rock Berm as required in the Stormwater Pollution Prevention Plan	26.00	13,000.00	30.00	15,000.00	6.50	3,250.00	22.00	11,000.00	20.00	10,000.00	25.00	12,500.00
44	6,000	LF	Silt Fence as required in the Stormwater Pollution Prevention Plan	1.60	9,600.00	2.00	12,000.00	0.70	4,200.00	0.60	3,600.00	2.00	12,000.00	2.00	12,000.00
45	21,000	SY	Hydro Mulch Seeding For Permanent Erosion Control	0.40	8,400.00	0.70	14,700.00	1.00	21,000.00	2.10	44,100.00	1.00	21,000.00	0.35	7,350.00
TOTAL BID AMOUNT (Items 1 - 45)					\$ 1,016,780.60		\$ 1,022,876.00		\$ 1,056,056.50	**	\$ 1,079,039.70		\$ 1,174,510.78		\$ 1,337,907.60
Did Bidder Acknowledge Addenda No. 1?				YES		YES		YES		YES		YES		YES	
Did Bidder provide Bid Security?				YES		YES		YES		YES		YES		YES	

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

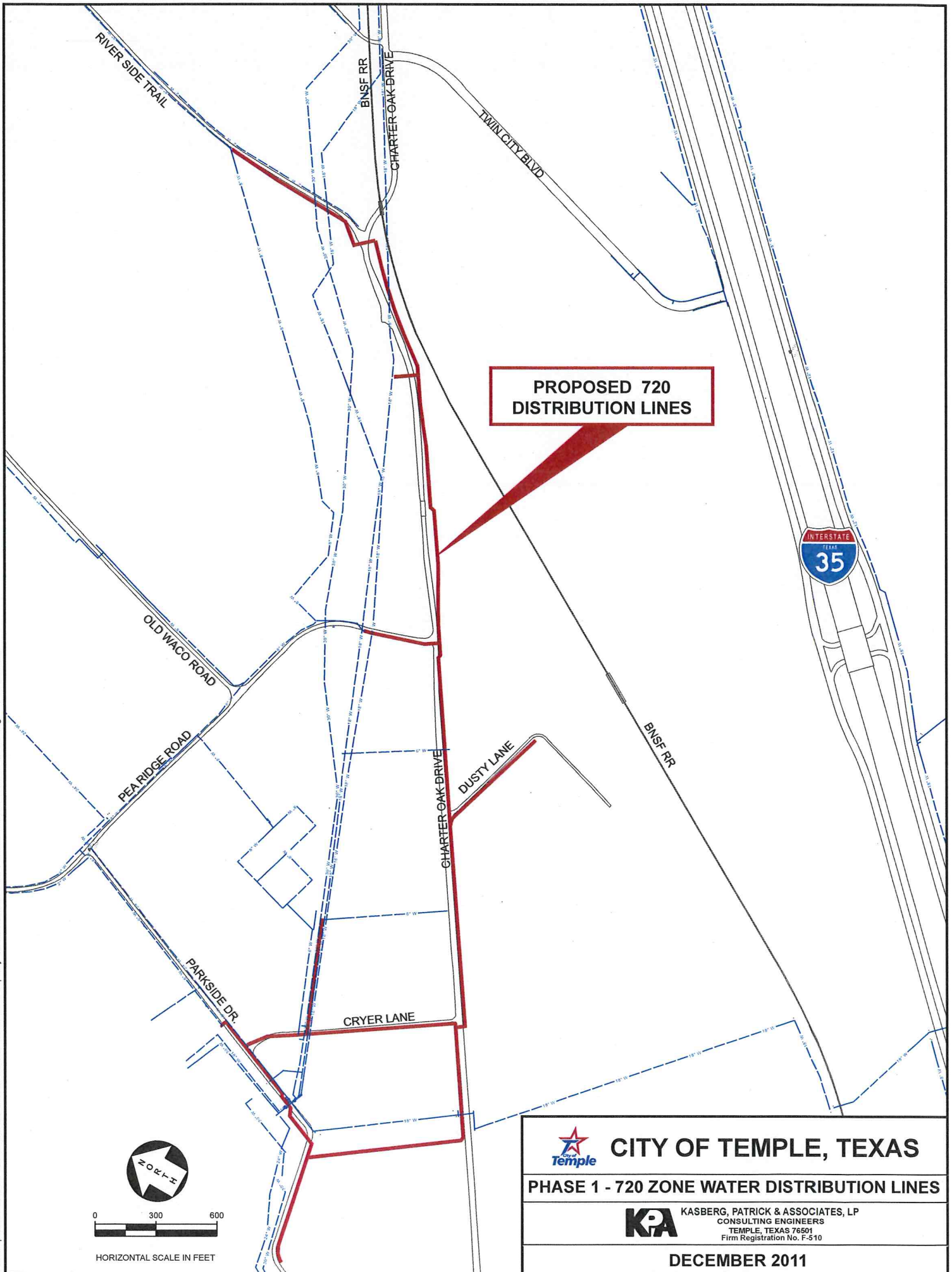
Ginger R. Tolbert

Ginger R. Tolbert, PE
Kasberg, Patrick & Associates, LP



12/20/11
Date

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WOLFF CONSTRUCTION, LP, OF SALADO, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO CONSTRUCT PHASE 1 REPLACEMENT OF THE 18" WATERLINE FROM THE WATER TREATMENT PLANT TO LOOP 363 – DISTRIBUTION MAINS IN THE 720 PRESSURE PLANE, IN AN AMOUNT NOT TO EXCEED \$664,893.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 5, 2011, the Council authorized a professional services contract with Kasberg, Patrick & Associates, LP (KPA) to design, bid and inspect two construction contracts for replacement of the 18" diameter transmission main from the water treatment plant to Loop 363;

Whereas, this project is being constructed in two phases, with the extension of distribution lines in the 720 pressure plane necessary for transfer of existing services currently located on the 18" transmission line constructed as Phase 1 – Phase 2 construction will be bid later in 2012;

Whereas, on December 20, 2011, twelve bids were received for the construction work - Staff recommends accepting the bid (\$664,893.20) from Wolff Construction, LP, of Salado, Texas;

Whereas, funds are available for this project in Account No. 561-5200-535-6939, Project No. 100608; 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: The City Council authorizes the City Manager, or his designee, to execute a construction contract between the City of Temple and Wolff Construction, LP, after approval as to form by the City Attorney, for construction services required to construct the Phase 1 Replacement of the 18" waterline from the Water Treatment Plant to Loop 363, in an amount not to exceed \$664,893.20.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works

Michael Newman, P.E., CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Lewis Contractors, Inc., of Bertram for construction services required to install wastewater main improvements from IH 35, through Bird Creek to Loop 363 in an amount not to exceed \$919,986.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In March of 2007, the Temple City Council contracted with Carter & Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs) for professional services required to investigate and engineer solutions to unauthorized sanitary sewer discharges into Bird Creek. That project is targeted toward reducing sanitary sewer overflows and rehabilitating existing deteriorated wastewater infrastructure, providing increased capacity to the wastewater collection system, and eliminating sanitary sewer overflows.

The existing Bird Creek Interceptor was built in the mid-1950's and provides wastewater service to many neighborhoods, restaurants, industrial and commercial developments, draining an area approximately 6,200 acres in size through the middle of Temple. This construction project will replace approximately 1,820 linear feet of 30 inch diameter wastewater main and 150 linear feet of 12 inch diameter wastewater main.

The City of Temple received bids from seven qualified utility contractors. Jacobs has reviewed the information submitted by all bidders and believes that the low bid submitted by Lewis Contractors, Inc. is a fair and reasonable amount for the scope of work to be performed. (See attached recommendation)

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$1,016,086 of project savings to account #561-5400-535-6925, project #100842. \$1,000,000 for the construction of Phase 2A was approved as part of the FY 2012 CIP approved on September 1, 2011. Additional funds are available from completed projects. The \$1,016,086 will fully fund this construction contract and the pending contract amendment with Carter Burgess, Inc also on this agenda. Construction of the project is anticipated to last 120 days and be complete July 2012.

ATTACHMENTS:

Budget Adjustment
Engineer's Letter of Recommendation
Bid Tabulation
Project Map
Resolution

FY 2012**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	
561-5400-535-69-25	100842	Birdcreek Phase 2A	\$1,016,086		
561-5100-535-69-04	100619	Pepper Creek Tank Rehab		296,093	
561-5100-535-69-06	100407	Project Savings		6,078	
561-5100-535-69-31	100336	SCADA Upgrades		34,652	
561-5200-535-69-07	100223	317 Waterline Relocation		21,460	
561-5200-535-69-36	100391	Tarver-Old Waco Utility Relocation		166,000	
561-5400-535-69-25	100045	Birdcreek Phase I		239,888	
561-5400-535-69-35	100407	Project Savings		55,898	
561-5400-535-69-37	100470	General Bruce & 57th Street		189,620	
561-5800-535-69-29	100407	Project Savings		6,397	
TOTAL.....			\$1,016,086	\$1,016,086	

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

To appropriate project savings from completed projects for the construction of Phase 2A and construction phase services. This agenda is approving a construction contract in the amount of \$919,986 with Lewis Contractors, Inc. for the construction services required to install the wastewater main improvements and a contract amendment in the amount of \$96,100 with Jacobs Engineering Group, Inc. for construction phase services.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

January 5, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



2705 Bee Cave Road, Suite 300
Austin, Texas 78746
1.512.314.3100 Fax 1.512.314.3135

December 27, 2011

Salvador Rodriguez, P.E.
City of Temple
3210 E. Ave. H., Building A
Temple, TX 76501

Re: Bird Creek Wastewater Replacement – Phase 2A

Dear Mr. Rodriguez,

Bids were received for the subject project on December 22, 2011 at 2:00 pm. Enclosed is a copy of the bid tabulation form, which shows the seven (7) bids that were received. The low bidder is Lewis Contractors, Inc. of Bertram Texas at a base bid of \$919,986.00.

Jacobs has reviewed the information submitted by all bidders. It is our opinion that Lewis Contractors is qualified to perform the required scope of work. It is also our opinion that the low bid submitted by Lewis Contractors, Inc. is a fair and reasonable amount for the scope of work to be performed. We hereby recommend award of the contract to Lewis Contractors, Inc. in the amount of **\$919,986.00**.

Jacobs appreciates the opportunity to provide this information to the City of Temple. If you have any questions or need additional information, please feel free to contact me at (512) 314-3100.

Sincerely,

Roman D. Grijalva P.E., PMP
Sr. Project Manager
Jacobs Engineering Group Inc.

W/enclosures

City of Temple
Bird Creek Wastewater Replacement - Phase 2A
December 22, 2011
Bid Tabulation

Item No.	Reference	Item Description	Unit	Quantity	Lewis Contractors		McLean Construction, Inc.		Patin Construction LLC		Bell Contractors, Inc.		Joe Bland Construction		TTG Utilities		Austin Engineering Co., Inc.	
1	107.19.3	Furnish and Install Trench Safety, for _____ Dollars and _____ Cents per LF, complete and in place.	LF	1,772	\$ 2.00	\$ 3,544.00	\$ 4.60	\$ 8,151.20	\$ 10.00	\$ 17,720.00	\$ 2.50	\$ 4,430.00	\$ 2.50	\$ 4,430.00	\$ 2.60	\$ 4,607.20	\$ 2.00	\$ 3,544.00
2	201.5	Furnish and Install Silt Fence, for _____ Dollars and _____ Cents per LF, complete and in place.	LF	925	\$ 2.00	\$ 1,850.00	\$ 3.00	\$ 2,775.00	\$ 2.25	\$ 2,081.25	\$ 2.50	\$ 2,312.50	\$ 2.30	\$ 2,127.50	\$ 3.50	\$ 3,237.50	\$ 2.00	\$ 1,850.00
3	201.8	Furnish and Install Triangular Sediment Filter Dike, for _____ Dollars and _____ Cents per LF, complete and in place.	LF	268	\$ 6.00	\$ 1,608.00	\$ 19.00	\$ 5,092.00	\$ 6.00	\$ 1,608.00	\$ 6.00	\$ 1,608.00	\$ 5.30	\$ 1,420.40	\$ 6.20	\$ 1,661.60	\$ 3.50	\$ 938.00
4	201.14	Furnish and Install Inlet Protection, for _____ Dollars and _____ Cents per EA, complete and in place.	EA	1	\$ 100.00	\$ 100.00	\$ 200.00	\$ 200.00	\$ 50.00	\$ 50.00	\$ 300.00	\$ 300.00	\$ 83.00	\$ 83.00	\$ 300.00	\$ 300.00	\$ 100.00	\$ 100.00
5	202.1	Furnish and Install Tree Protection, for _____ Dollars and _____ Cents per LF, complete and in place.	LF	630	\$ 4.00	\$ 2,520.00	\$ 7.50	\$ 4,725.00	\$ 2.50	\$ 1,575.00	\$ 9.60	\$ 6,048.00	\$ 3.20	\$ 2,016.00	\$ 6.20	\$ 3,906.00	\$ 3.50	\$ 2,205.00
6	202.6	Furnish and Install Seeding Turfgrass, for _____ Dollars and _____ Cents per SY, complete and in place	SY	1,250	\$ 1.00	\$ 1,250.00	\$ 2.10	\$ 2,625.00	\$ 1.00	\$ 1,250.00	\$ 0.42	\$ 525.00	\$ 7.40	\$ 9,250.00	\$ 8.20	\$ 10,250.00	\$ 5.00	\$ 6,250.00
7	402	Furnish and Install Sidewalk Cut and Repair, for _____ Dollars and _____ Cents per SY, complete and in place	SY	20	\$ 80.00	\$ 1,600.00	\$ 48.00	\$ 960.00	\$ 200.00	\$ 4,000.00	\$ 40.00	\$ 800.00	\$ 111.00	\$ 2,220.00	\$ 46.90	\$ 938.00	\$ 90.00	\$ 1,800.00
8	403	Furnish and Install Pavement Section as shown in standard details for _____ Dollars and _____ Cents per SY, complete and in place	SY	1,600	\$ 50.00	\$ 80,000.00	\$ 46.00	\$ 73,600.00	\$ 36.00	\$ 57,600.00	\$ 25.00	\$ 40,000.00	\$ 57.00	\$ 91,200.00	\$ 39.70	\$ 63,520.00	\$ 39.00	\$ 62,400.00
9	502.1	Furnish and Install 4' Diameter Standard Manhole (6' depth), for _____ Dollars and _____ Cents per EA, complete and in place	EA	1	\$ 3,500.00	\$ 3,500.00	\$ 2,500.00	\$ 2,500.00	\$ 3,500.00	\$ 3,500.00	\$ 2,100.00	\$ 2,100.00	\$ 9,000.00	\$ 9,000.00	\$ 5,180.00	\$ 5,180.00	\$ 3,800.00	\$ 3,800.00
10	502.1	Remove and replace MH K23-01566 with Standard 4' Diameter Manhole, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 3,200.00	\$ 3,200.00	\$ 4,000.00	\$ 4,000.00	\$ 2,400.00	\$ 2,400.00	\$ 12,000.00	\$ 12,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,600.00	\$ 6,600.00
11	502.1	Remove and replace MH K23-00829 with Standard 4' Diameter Manhole, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 3,200.00	\$ 3,200.00	\$ 4,000.00	\$ 4,000.00	\$ 2,900.00	\$ 2,900.00	\$ 12,000.00	\$ 12,000.00	\$ 6,000.00	\$ 6,000.00	\$ 7,800.00	\$ 7,800.00
12	502.1	Furnish and Install 6' Diameter Standard Manhole (6' depth), for _____ Dollars and _____ Cents per EA, complete and in place	EA	6	\$ 6,500.00	\$ 39,000.00	\$ 7,500.00	\$ 45,000.00	\$ 6,000.00	\$ 36,000.00	\$ 5,800.00	\$ 34,800.00	\$ 12,000.00	\$ 72,000.00	\$ 11,140.00	\$ 66,840.00	\$ 7,200.00	\$ 43,200.00
13	502.1	Furnish and Install 6' Manhole Extra Depth, for _____ Dollars and _____ Cents per VF.	VF	40	\$ 400.00	\$ 16,000.00	\$ 422.00	\$ 16,880.00	\$ 225.00	\$ 9,000.00	\$ 480.00	\$ 19,200.00	\$ 722.00	\$ 28,880.00	\$ 380.00	\$ 15,200.00	\$ 760.00	\$ 30,400.00
14	502.1	Furnish and Install 6' Diameter MH2A-A1, Standard or Doghouse, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 6,400.00	\$ 6,400.00	\$ 4,000.00	\$ 4,000.00	\$ 4,400.00	\$ 4,400.00	\$ 13,000.00	\$ 13,000.00	\$ 14,600.00	\$ 14,600.00	\$ 9,800.00	\$ 9,800.00
15	502.1	Furnish and Install 6' Diameter MH2A-A3, Standard or Doghouse, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 7,500.00	\$ 7,500.00	\$ 6,500.00	\$ 6,500.00	\$ 4,500.00	\$ 4,500.00	\$ 14,000.00	\$ 14,000.00	\$ 15,800.00	\$ 15,800.00	\$ 13,000.00	\$ 13,000.00
16	502.1	Furnish and Install 6' Diameter MH2A-A5, Standard or Doghouse, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 7,000.00	\$ 7,000.00	\$ 6,100.00	\$ 6,100.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00	\$ 12,000.00	\$ 12,000.00	\$ 14,000.00	\$ 14,000.00	\$ 10,600.00	\$ 10,600.00
17	502.1	Remove and Replace Manhole K23-00828 with 6' Diameter MH2A-A11, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 11,000.00	\$ 11,000.00	\$ 7,500.00	\$ 7,500.00	\$ 8,300.00	\$ 8,300.00	\$ 4,700.00	\$ 4,700.00	\$ 10,000.00	\$ 10,000.00	\$ 13,000.00	\$ 13,000.00	\$ 12,000.00	\$ 12,000.00
18	502.10.4	Furnish and Install Wastewater Conduit Connections, Connection to Existing Interceptor, for _____ Dollars and _____ Cents per EA.	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,700.00	\$ 1,700.00	\$ 500.00	\$ 500.00	\$ 2,000.00	\$ 2,000.00	\$ 4,700.00	\$ 4,700.00	\$ 4,400.00	\$ 4,400.00	\$ 2,800.00	\$ 2,800.00
19	C-6	Furnish and Install Wastewater Conduit Connections, Reconnection of Existing 4" Lateral with Inserta Tee or approved equal, including cleanout and SDR 26 PVC, for _____ Dollars and _____ Cents per EA, complete and in place	EA	1	\$ 1,600.00	\$ 1,600.00	\$ 1,100.00	\$ 1,100.00	\$ 600.00	\$ 600.00	\$ 570.00	\$ 570.00	\$ 4,500.00	\$ 4,500.00	\$ 3,620.00	\$ 3,620.00	\$ 4,200.00	\$ 4,200.00
20	C-6	Furnish and Install Wastewater Conduit Connections, Reconnection of Existing 6" Lateral with Inserta Tee or approved equal, including cleanout and SDR 26 PVC, for _____ Dollars and _____ Cents per EA, complete and in place	EA	6	\$ 1,600.00	\$ 9,600.00	\$ 1,400.00	\$ 8,400.00	\$ 650.00	\$ 3,900.00	\$ 1,100.00	\$ 6,600.00	\$ 3,500.00	\$ 21,000.00	\$ 3,440.00	\$ 20,640.00	\$ 5,400.00	\$ 32,400.00
21	C-6	Furnish and Install Wastewater Conduit Connections, Reconnection of Existing 8" Lateral with Inserta Tee or approved equal, including cleanout and SDR 26 PVC, for _____ Dollars and _____ Cents per EA, complete and in place	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,800.00	\$ 1,800.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 4,800.00	\$ 4,800.00	\$ 3,500.00	\$ 3,500.00	\$ 6,400.00	\$ 6,400.00
22	502.10.4	Furnish and Install Wastewater Conduit Connections, Reconnection of Existing Lateral, for _____ Dollars and _____ Cents per EA, complete and in place	EA	2	\$ 1,400.00	\$ 2,800.00	\$ 4,200.00	\$ 8,400.00	\$ 500.00	\$ 1,000.00	\$ 810.00	\$ 1,620.00	\$ 3,900.00	\$ 7,800.00	\$ 3,050.00	\$ 6,100.00	\$ 1,600.00	\$ 3,200.00
23	503	Jacking and Boring 48" Pipe, ASTM A252 Grade 2 Steel Encasement, 3/8" minimum thickness, including 30" PVC ASTM PS115 carrier pipe, vents, signs, bollards, casing spacers, and end seals, for _____ Dollars and _____ Cents per LF, complete and in place	LF	261	\$ 1,000.00	\$ 261,000.00	\$ 940.00	\$ 245,340.00	\$ 850.00	\$ 221,850.00	\$ 1,100.00	\$ 287,100.00	\$ 1,100.00	\$ 287,100.00	\$ 800.00	\$ 208,800.00	\$ 1,090.00	\$ 284,490.00

City of Temple
Bird Creek Wastewater Replacement - Phase 2A
December 22, 2011
Bid Tabulation

Item No.	Reference	Item Description	Unit	Quantity	Lewis Contractors		McLean Construction, Inc.		Patin Construction LLC		Bell Contractors, Inc.		Joe Bland Construction		TTG Utilities		Austin Engineering Co., Inc.	
24	507	Furnish and Install Pipe, 6" PVC ASTM D3034 SDR 26, 0'-12' Depth, including excavation and backfill, for _____ Dollars and _____ Cents per LF, complete and in place	LF	50	\$ 55.00	\$ 2,750.00	\$ 48.00	\$ 2,400.00	\$ 100.00	\$ 5,000.00	\$ 75.20	\$ 3,760.00	\$ 120.00	\$ 6,000.00	\$ 55.00	\$ 2,750.00	\$ 86.00	\$ 4,300.00
25	507	Furnish and Install Pipe, 12" PVC ASTM D3034 SDR 26, 0'-12' Depth, including excavation and backfill, for _____ Dollars and _____ Cents per LF, complete and in place	LF	150	\$ 89.00	\$ 13,350.00	\$ 55.00	\$ 8,250.00	\$ 150.00	\$ 22,500.00	\$ 89.20	\$ 13,380.00	\$ 90.00	\$ 13,500.00	\$ 85.00	\$ 12,750.00	\$ 98.00	\$ 14,700.00
26	507	Furnish and Install Pipe, 30" PVC ASTM F679 PS115, 0'-12' Depth, including excavation and backfill, for _____ Dollars and _____ Cents per LF, complete and in place	LF	468	\$ 170.00	\$ 79,560.00	\$ 140.00	\$ 65,520.00	\$ 200.00	\$ 93,600.00	\$ 210.00	\$ 98,280.00	\$ 176.00	\$ 82,368.00	\$ 230.00	\$ 107,640.00	\$ 224.00	\$ 104,832.00
27	507	Furnish and Install Pipe, 30" PVC ASTM F679 PS115, 12'-16' Depth, including excavation and backfill, for _____ Dollars and _____ Cents per LF, complete and in place	LF	602	\$ 187.00	\$ 112,574.00	\$ 171.00	\$ 102,942.00	\$ 225.00	\$ 135,450.00	\$ 230.00	\$ 138,460.00	\$ 219.00	\$ 131,838.00	\$ 281.00	\$ 169,162.00	\$ 276.00	\$ 166,152.00
28	507	Furnish and Install Pipe, 30" PVC ASTM F679 PS115, 16'-20' Depth, including excavation and backfill, for _____ Dollars and _____ Cents per LF, complete and in place	LF	492	\$ 215.00	\$ 105,780.00	\$ 192.10	\$ 94,513.20	\$ 315.00	\$ 154,980.00	\$ 260.00	\$ 127,920.00	\$ 350.00	\$ 172,200.00	\$ 430.00	\$ 211,560.00	\$ 362.00	\$ 178,104.00
29	-	Stabilization of interceptor near bore pit, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00	\$ 7,200.00	\$ 7,200.00	\$ 2,300.00	\$ 2,300.00	\$ 2,700.00	\$ 2,700.00	\$ 11,600.00	\$ 11,600.00	\$ 15,000.00	\$ 15,000.00
30	801.1	Furnish and Install Traffic Control, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 5,200.00	\$ 5,200.00	\$ 5,280.00	\$ 5,280.00	\$ 14,800.00	\$ 14,800.00	\$ 6,300.00	\$ 6,300.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
31	SS107	Furnish Preconstruction Photography, for _____ Dollars and _____ Cents per LS	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 280.00	\$ 280.00	\$ 598.00	\$ 598.00	\$ 6,450.00	\$ 6,450.00	\$ 4,500.00	\$ 4,500.00
32	SS502	Furnish and Install Bypass Pumping for Construction, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 43,000.00	\$ 43,000.00	\$ 20,000.00	\$ 20,000.00	\$ 56,300.00	\$ 56,300.00	\$ 42,000.00	\$ 42,000.00	\$ 67,300.00	\$ 67,300.00	\$ 60,000.00	\$ 60,000.00
33	SS601	Abandon 18" WWL with Cellular Concrete, for _____ Dollars and _____ Cents per CY, complete and in place	CY	125	\$ 100.00	\$ 12,500.00	\$ 154.00	\$ 19,250.00	\$ 200.00	\$ 25,000.00	\$ 150.00	\$ 18,750.00	\$ 190.00	\$ 23,750.00	\$ 300.00	\$ 37,500.00	\$ 113.00	\$ 14,125.00
34	D-2	Manhole Abandonment, for _____ Dollars and _____ Cents per EA, complete and in place	EA	4	\$ 1,500.00	\$ 6,000.00	\$ 1,900.00	\$ 7,600.00	\$ 500.00	\$ 2,000.00	\$ 990.00	\$ 3,960.00	\$ 2,200.00	\$ 8,800.00	\$ 1,700.00	\$ 6,800.00	\$ 2,000.00	\$ 8,000.00
35	-	Manhole Removal, for _____ Dollars and _____ Cents per EA, complete and in place	EA	6	\$ 1,400.00	\$ 8,400.00	\$ 2,500.00	\$ 15,000.00	\$ 750.00	\$ 4,500.00	\$ 1,500.00	\$ 9,000.00	\$ 2,400.00	\$ 14,400.00	\$ 940.00	\$ 5,640.00	\$ 3,600.00	\$ 21,600.00
36	SS602-A	Modification of existing Manhole 00110, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 2,300.00	\$ 2,300.00	\$ 2,500.00	\$ 2,500.00	\$ 2,900.00	\$ 2,900.00	\$ 9,100.00	\$ 9,100.00	\$ 5,800.00	\$ 5,800.00	\$ 2,800.00	\$ 2,800.00
37	-	Reconstruct existing steel pipe fence, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 800.00	\$ 800.00	\$ 5,800.00	\$ 5,800.00	\$ 500.00	\$ 500.00	\$ 11,900.00	\$ 11,900.00	\$ 1,400.00	\$ 1,400.00	\$ 4,300.00	\$ 4,300.00	\$ 6,000.00	\$ 6,000.00
38	-	Reconstruct existing cinder block wall and concrete dumpster pad, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 6,500.00	\$ 6,500.00	\$ 500.00	\$ 500.00	\$ 7,000.00	\$ 7,000.00	\$ 2,900.00	\$ 2,900.00	\$ 9,550.00	\$ 9,550.00	\$ 3,000.00	\$ 3,000.00
39	-	Clearing and Grubbing, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 23,000.00	\$ 23,000.00	\$ 3,750.00	\$ 3,750.00	\$ 31,800.00	\$ 31,800.00	\$ 40,000.00	\$ 40,000.00	\$ 24,000.00	\$ 24,000.00	\$ 7,000.00	\$ 7,000.00
40	SS02295-A	Furnish and Install Type 2 Deformation Monitoring Point, for _____ Dollars and _____ Cents per EA, complete and in place	EA	4	\$ 200.00	\$ 800.00	\$ 1,300.00	\$ 5,200.00	\$ 1,200.00	\$ 4,800.00	\$ 320.00	\$ 1,280.00	\$ 300.00	\$ 1,200.00	\$ 310.00	\$ 1,240.00	\$ 4,500.00	\$ 18,000.00
41	SS02295-B	Geotechnical Monitoring Program, for _____ Dollars and _____ Cents per LS, complete and in place	LS	1	\$ 17,500.00	\$ 17,500.00	\$ 25,000.00	\$ 25,000.00	\$ 18,000.00	\$ 18,000.00	\$ 31,200.00	\$ 31,200.00	\$ 20,000.00	\$ 20,000.00	\$ 45,200.00	\$ 45,200.00	\$ 20,000.00	\$ 20,000.00
42	SS700	Total Mobilization Payment, for _____ Dollars and _____ Cents per LS.	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 47,000.00	\$ 47,000.00	\$ 40,000.00	\$ 40,000.00	\$ 45,400.00	\$ 45,400.00	\$ 35,000.00	\$ 35,000.00	\$ 15,000.00	\$ 15,000.00	\$ 50,000.00	\$ 50,000.00

ALLOWANCE ITEMS

1	SS106	Allowance for Guy wire/anchor removal and replacement.	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
2	SS106	Allowance for pylon sign removal, storage, and reconstruction.	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00

Itemized Summation	\$ 919,986.00	\$ 970,123.40	\$ 967,794.25	\$ 1,077,783.50	\$ 1,264,580.90	\$ 1,286,342.30	\$ 1,297,890.00
Contractor submitted bid	\$ 919,986.00	\$ 970,211.20	\$ 985,854.25	\$ 1,077,783.50	\$ 1,264,580.90	\$ 1,286,342.30	\$ 1,297,890.00



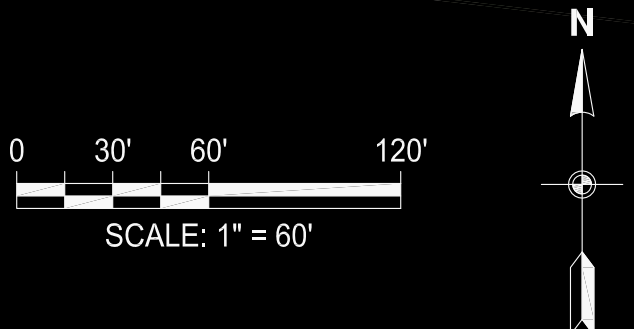
INTERSTATE 35

S.H.K. DODGEN LP

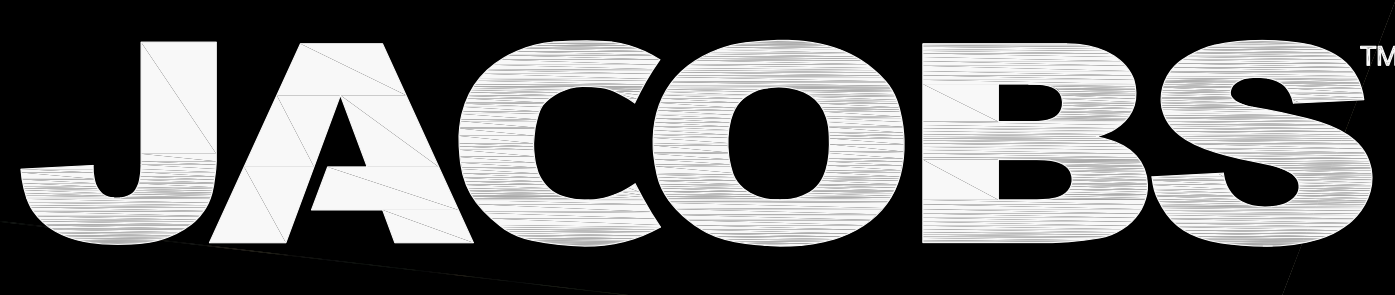
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EXISTING BIRD CREEK INTERCEPTOR

PHASE 2A WASTEWATER REPLACEMENT



BIRD CREEK INTERCEPTOR
WASTEWATER REPLACEMENT
PHASE 2A



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH LEWIS CONTRACTORS, INC. OF BERTRAM, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO INSTALL WASTEWATER MAIN IMPROVEMENTS FROM IH-35 THROUGH BIRD CREEK TO LOOP 363, IN AN AMOUNT NOT TO EXCEED \$919,986.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in March of 2007, Council contracted with Carter & Burgess, Inc., now Jacobs Engineering Group, Inc. for professional services required to investigate and engineer solutions related to unauthorized sanitary sewer discharges into Bird Creek – that project is targeted toward reducing sanitary sewer overflow and rehabilitating existing deteriorated wastewater infrastructure;

Whereas, the City received seven bids from qualified utility contractors - Staff recommends accepting the bid (\$919,986.00) from Lewis Contractors, Inc., of Bertram, Texas, for this project;

Whereas, this project is part of the FY 2012 CIP which was approved by Council on September 1, 2011 – funds are available for this project, but an amendment to the FY2011-12 budget needs to be approved to transfer the funds to the appropriate expenditure account; 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: The City Council authorizes the City Manager, or his designee, to execute a construction contract with Lewis Contractors, Inc., of Bertram, Texas, after approval as to form by the City Attorney, for construction services required to install wastewater main improvements from IH-35 through Bird Creek to Loop 363, in an amount not to exceed \$919,986.00.

Part 2: The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for this project.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works

Michael Newman, P.E., CFM, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc. (Jacobs) for construction phase services in an amount not to exceed \$96,100 for Phase 2A of the Bird Creek Interceptor Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2007, the Temple City Council authorized a professional services agreement with Carter Burgess, Inc., now Jacobs Engineering Group, Inc., for engineering services related to the Bird Creek Interceptor Project. This project, targeted toward reducing sanitary sewer overflows, will rehabilitate existing deteriorated infrastructure through the heart of the City.

Phase 1 improvements included investigation of the existing interceptor, installation of flow meters to measure existing flows and development of a hydraulic model to simulate existing flow conditions in the interceptor. Phase 2 improvements included preliminary engineering and preparation of a preliminary engineering report to define the full extent of the project and provide solutions to rehabilitate or replace the existing sanitary sewer line. Phase 3, 4, and 5 provided for final design of four anticipated construction contracts.

This contract amendment for Phase 2A provides for professional services associated with bidding/contract award and construction phase services for this portion of construction.

FISCAL IMPACT: Funding is available in account #561-5400-535-6925, project #100842. \$1,000,000 for this project was approved as part of the FY 2012 CIP approved on September 1, 2011. Additional funds in the amount of \$16,086 are available from completed projects. The \$1,016,086 project budget will fully fund this contract amendment with Carter Burgess, Inc and the construction contract with Lewis Contractors, Inc. also presented on this agenda.

ATTACHMENTS:

[Attachment A – Scope of Work Amendment No. 5](#)
[Fee Schedule](#)
[Project Map](#)
[Resolution](#)

ATTACHMENT A – SCOPE OF WORK

Amendment No. 5 Temple Bird Creek Interceptor Improvements Construction Phase Services (Phase 2A) Prepared By Jacobs Engineering Group, Inc.

Project Description

The Bird Creek Interceptor is one of the primary wastewater collection lines through the City of Temple, traversing pastureland, park areas, neighborhoods, and golf courses. This interceptor, comprised of vitrified clay pipe and brick manholes, over the years has experienced numerous overflows due to excessive infiltration/inflow (I/I), lack of capacity and poor condition. The interceptor is approximately 5.3 miles long and about 50-years old.

Phases 1 (Flow Monitoring & Rain gauge installation) and Phase 2 (Preliminary Engineering Report & Hydraulic Modeling) have been completed. Portions of Phase 3 (Final Design) is currently underway

The purpose of this Scope of Work for Amendment No. 5 is to provide Bidding/Contract Award and Construction Phase services for Phase 2A of construction. Anticipated improvements include approximately 1,833 LF of 30-inch diameter relief interceptor and associated appurtenances.

Detailed tasks included this Amendment No. 5 are described herein.

A. PHASE 4A – BID AND CONTRACT AWARD SERVICES (Contract 2A)

After acceptance by City of the Bidding Documents and the most recent opinion of probable construction cost as determined in the Final Design Phase, assist with the Bid Phase for Phase 2A of construction of the project between Airport Blvd and NW of I-35. Tasks include:

1. Attend pre-Bid Conference.
2. Answer questions during the bidding process.
3. Attend the City Council meeting for the award of the first construction contract.
4. Receive and evaluate bids and make a recommendation on award.
5. Prepare PowerPoint presentation on on-going activities for the City's use. Assumes the City will make presentation to the staff.

B. PHASE 5A – CONSTRUCTION PHASE SERVICES (Contract 2A)

1. Project Management. Manage scope, schedule and budget of construction management phase and coordinate with City and sub consultants.

2. Review Shop Drawings and Submittals – maintain a submittal log. Submittals will be reviewed and returned within 14 calendar days.
3. Requests for Information – answer RFI's and maintain an RFI log.
4. Construction Meetings – Conduct pre-construction and monthly construction meetings (14 maximum). Prepare field change orders, meeting minutes and issue field inspection reports during each month of construction. Process pay applications and issue pay recommendations to the City.
5. As-built preparation.
6. Inspection - provide on-site field representation assuming 120 working days construction time with average inspection of four hours per day. Prepare progress and inspection reports, identify and rectify noncompliant work, prepare punch list of deficient items and conduct final walkthrough. Provide construction staking one time for contractor.

C. ADDITIONAL SERVICES

The following services are not included in the scope of services:

1. Services for condemnation proceedings if required for easement acquisition.
2. Design of entire roadways. It was assumed that pavement will be replaced on top of trench only where the pipeline is in paved areas.

D. PROJECT ASSUMPTIONS

1. Recommended improvements will consist of approximately 1,833 LF of 30-inch diameter relief interceptor for the existing Bird Creek Interceptor.
2. Entire length of improvements will be open-cut construction with the exception of the following locations:
 - i. Between Sta. 1+15.35 to 4+38.35 – installed by trenchless method.
3. Project will be performed in general time frame as required by the proposed construction schedule, currently slated for 120 Calendar days beginning March 1, 2012 or as agreed to by City and Jacobs.
4. All fees charged by title company for vesting information, preliminary title commitments and any and all closing costs charged by the title company on the closing statement, including but not limited to, title insurance premiums, recording fees, document preparation, tax certificates, courier fees, guaranty fee, overnight fees, escrow and/or closing fees will be a pass through expense and billed directly to City by the title company.
5. Archeological investigation and permitting assumes no mitigation of significant historical sites will be required.



ATTACHMENT B - FEE SCHEDULE

Temple Bird Creek Interceptor Improvements
Amendment No. 5 - Construction Phase Services (Ph 2A)



Scope Item	Description	Project Manager	Senior Project Engineer	EIT	CADD Designer	Clerical	Total Jacobs	Bury & Partners	All-County Survey	Total Sub Consultant	Expenses	Total Services
		Grijalva	Bridges	Bush	Reyes	Boecker						
Amendment No. 5												
C. Ph 4 - Bid and Contract Award (2nd Contract)												
1	Attend pre-bid conference	4		4			\$ 1,044			\$ -	\$ 250	\$ 1,294
2	Answer questions during bidding	4	12	18		2	\$ 4,709			\$ -		\$ 4,709
3	Attend City Council meeting to award construct	4		4			\$ 1,044			\$ -	\$ 250	\$ 1,294
4	Recommendation of award	2	8	4		2	\$ 2,379			\$ -		\$ 2,379
5	Staff Presentation Preparation	2		4			\$ 698			\$ -		\$ 698
										\$ -		
Subtotal		16	20	34	-	4	\$ 9,874			\$ -	\$ 500	\$ 10,400
D. Ph 5A - Constn Phase Services (2nd Contract)												
1	Project Management	30				3	\$ 5,455			\$ -	\$ 250	\$ 5,705
2	Review Shop Drawings	4	10	12			\$ 3,628			\$ -		\$ 3,628
3	Requests for Information	4	8	4			\$ 2,548			\$ -	\$ 250	\$ 2,798
4	Construction Meetings/Periodic Site Visits	21	32	42			\$ 13,251			\$ -	\$ 600	\$ 13,851
5	As-built preparation	2	4	8	40	4	\$ 5,756			\$ -	\$ 200	\$ 5,956
6	Inspection (4 hours / day avg.)						\$ -	\$ 48,000	\$5,500	\$ 53,500	\$ 300	\$ 53,800
Subtotal		61	54	66	40	7	\$ 30,638	\$48,000	\$5,500	\$ 53,500	\$ 1,600	\$ 85,700
Total - Lump Sum (Sect C-D)		77	74	100	40	11	\$ 40,511	\$ 48,000	\$ 5,500	\$ 53,500	\$ 2,100	\$ 96,100



INTERSTATE 35

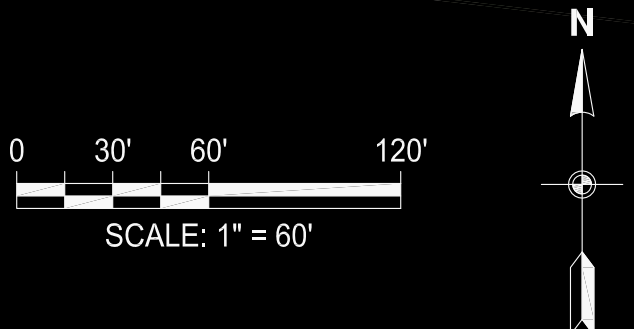
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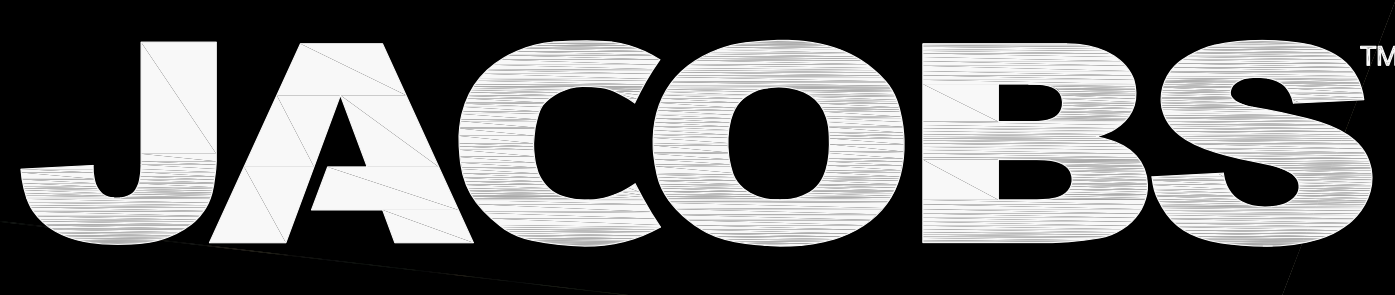


EXISTING BIRD CREEK INTERCEPTOR

PHASE 2A WASTEWATER REPLACEMENT



BIRD CREEK INTERCEPTOR
WASTEWATER REPLACEMENT
PHASE 2A



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CARTER & BURGESS, INC., NOW JACOBS ENGINEERING GROUP, INC., FOR CONSTRUCTION PHASE SERVICES – PHASE 2A OF THE BIRD CREEK INTERCEPTOR PROJECT, IN AN AMOUNT NOT TO EXCEED \$96,100; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 1, 2007, the City Council authorized a Professional Services Agreement with Carter & Burgess, Inc., for engineering services for Phase 1 of the Bird Creek Interceptor Project – amendments to the agreement were approved on May 17, 2007, March 5, 2009, November 25, 2009 and September 16, 2010;

Whereas, the Staff recommends approval of Amendment No. 5 to the contract for Phase 2A of the project, which provides for professional services associated with bidding/contract award and construction phase services for this portion of construction;

Whereas, this project is part of the FY 2012 CIP which was approved by Council on September 1, 2011 - funds are available for this project in Account No. 561-5400-535-6925, Project No. 100842; 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: The City Council authorizes the City Manager, or his designee, to execute Amendment No. 5 to the Professional Services Agreement, in an amount not to exceed \$96,100, with Jacobs Engineering Group, Inc., after approval as to form by the City Attorney, for bidding/contract award and construction phase services for this portion of construction related to the Bird Creek Interceptor Project.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Heather Mikulas, Utility Business Office Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual contract for large meter inventory testing and repair with Great Southwest Meters, Inc. of Waxahachie for an estimated annual amount of \$40,000.

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

ITEM SUMMARY: A relatively small percentage of water utility customers consume a very high volume of water, measured through large water meters. The City has approximately 195 meters that are 3 inches and larger in inventory. Those customers account for about 30% of water consumption billed each year. Billing of these customers represents a significant portion of revenue. These meters should be tested on a regular basis. It is important for large water meters to measure accurately both for the customer and the City.

Historically, City metering staff has tested these large meters for accuracy. With current staffing levels and equipment, the City has only been able to test approximately 30% of the large meters each year.

As shown on the attached bid tabulation, on December 6, 2011, the City received one bid for large meter testing and repair services. The bidder was Great Southwest Meters, Inc. of Waxahachie, Texas. The City has checked several business references and finds them to be a responsible bidder.

The bid included estimated quantities based on historical usage. The recommended contract is for a period of one (1) year commencing immediately, with the option for four (4) one-year renewals, if so agreed to by the City and Great Southwest Meters, Inc.

FISCAL IMPACT: Funds are budgeted in 520-5300-535-26-23, Contracted Services, as approved in the FY2012 budget.

ATTACHMENTS:

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

Tabulation of Bids Received
 on December 6, 2011 at 2:00 p.m.
 Larger Water Meter Inspection, Testing, Repair & GPS Location Services
 Bid #53-02-12

		Bidders	
		Great Southwest Meters Waxahachie, TX	
Description	Qty	Unit Price	Total Price
Bid Price for Testing 3" Meters	109	\$165.00	\$17,985.00
Bid Price for Testing 4" Meters	56	\$175.00	\$9,800.00
Bid Price for Testing 6" Meters	31	\$195.00	\$6,045.00
Bid Price for Testing 8" Meters	4	\$205.00	\$820.00
Bid Price for Labor to Repair Meters	80	60.00	\$4,800.00
Total Bid Price for Testing and Labor to Repair Meters Based on Estimated Quantities		39,450.00	
Exceptions		Yes	
Local Preference		No	
Insurance Affidavit		Yes	
Credit Check Authorization		Yes	

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

6-Dec-11

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ANNUAL CONTRACT WITH GREAT SOUTHWEST METERS, INC., OF WAXAHACHIE, TEXAS, FOR LARGE METER INVENTORY TESTING AND REPAIR, IN THE ESTIMATED ANNUAL AMOUNT OF \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a relatively small percentage of water utility customers consume a very high volume of water, measured through large water meters – these customers account for approximately 30% of water consumption billed each year and represents a significant portion of revenue and these meters should be tested on a regular basis;

Whereas, historically, City metering staff has tested these large meters for accuracy – with current staffing levels and equipment, the City has only been able to test approximately 30% of the large meters each year;

Whereas, after receiving only 1 bid for large meter testing and repair services, Staff recommends entering into an annual contract with Great Southwest Meters, Inc., of Waxahachie, Texas for a one year term with four one-year renewals;

Whereas, funds are budgeted for this contract in Account No. 520-5300-535-2623; 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: The City Council authorizes the City Manager, or his designee, to execute an annual contract, with four one-year option renewals, with Great Southwest Meters, Inc., of Waxahachie, Texas, after approval as to form by the City Attorney, for large meter inventory testing and repair, in an estimated annual amount of \$40,000.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P. E., Director of Public Works
Johnnie Reisner, Superintendent of Water Production

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of various replacement parts for the Membrane Water Treatment Plant from Pall System Services of Cortland, NY, as a sole source provider for specialized membrane components in the estimated amount of \$112,478.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of normal membrane plant operations, water treatment personnel regularly perform required maintenance within the facility to keep all components and operations functioning year round. To conduct this maintenance, an inventory of many common parts is kept on hand at the plant for use when necessary. As inventory declines, these parts must be restocked to enable maintenance and operations to continue.

At the time the Membrane Plant was built, Pall Corporation's parts and equipment were originally installed. Due to the specialized nature of the equipment, replacement for some of these parts can only be supplied by the original vendor, Pall Corporation. These items include valves, straining media, retaining rings, gaskets, couplings, repair pins, modules and transducers. A summary of the items, in the estimated amount of \$112,478.20, to be purchased from Pall is shown on the attached spreadsheet.

FISCAL IMPACT: Funding in the amount of \$115,265 is available in account 520-5121-535-6310, project #100798 for the replacement of component parts at the Water Treatment Plant Membrane Facility.

ATTACHMENTS:

[Pall Parts List](#)
[Resolution](#)



PALL ADVANCED SEPARATIONS SYSTEMS
Pall Technology Services Group

839 NYS Route 13
Cortland, NY 13045
Phone: 607-753-6041
Fax: 607-758-4526

December 2, 2011

City of Temple
Water Treatment Plant, 7296 CHARTER OAK LOOP
Temple, TX 76504

Contact: Scott Edwards
E-Mail Address: "Scott Edwards" sedwards@ci.temple.tx.us

Shop Order No: 31 / Z4494
Equipment Part No.: 4UFD40004-140, Pall Microza Water System
PASS WBS # 01.00001

Dear Scott,

The spare parts for Membrane and Conventional Plant listed below are sole sourced through Pall Corporation for City of Temple.

Material Master	PARTS NAME
MM39980	SPARE PARTS STRAINING MEDIA
MM40813	SPARE PARTS RETAINING RINGS
MM#13668	MANFOLD VALVE W/22 STATION VLV 2005 A, AL
MM#14327	Coupling, Adapter, 50MM, PVC Clear
MM# 13881	MANIFOLD VALVE 10 STATION 2005, AL
MM#15478	Elec-Air Positioner,Elec-Pneum Digital SMC
MM17795	Transducer,Dewpoint/Temp Trans,Honeywell,0-350PSI

We look forward to providing these items for City of Temple.

Sincerely,

Dawn Speranza
Sales Specialist
Technology Services
Phone: 607-758-1691
Cell: 607-222-0696
Fax: 607-758-4526
E-mail: Dawn_Speranza@pall.com

**SOLE SOURCE
PALL EQUIPMENT PARTS**

QUANTITY	PARTS NUMBER	Material Master	PARTS NAME	PRICE	TOTAL
800	2222735	MM39980	SPARE PARTS STRAINING MEDIA	\$48.89	\$39,112.00
800	2222736	MM40813	SPARE PARTS RETAINING RINGS	\$16.99	\$13,592.00
2	2216880	MM#13668	MANFOLD VALVE W/22 STATION VLV 2005 A, AL	\$5,416.00	\$10,832.00
150	2091578	MM#14327	Coupling, Adapter, 50MM, PVC Clear	\$40.32	\$6,048.00
2		MM# 13881	MANIFOLD VALVE 10 STATION 2005, AL	\$2,458.00	\$4,916.00
2	2214931	MM#15478	Elec-Air Positioner,Elec-Pneum Digital SMC	\$1,820.00	\$3,640.00
1		MM17795	Transducer,Dewpoint/Temp Trans,Honeywell,0-350PSI	\$4,063.50	\$4,063.50
				GRAND TOTAL	\$82,203.50
					without frieght
				TOTAL	\$82,203.50
				Fr.	\$ 500.00
					\$82,703.50



PALL ADVANCED SEPARATIONS SYSTEMS

Pall Technology Services Group

839 NYS Route 13
Cortland, NY 13045
Phone: 607-753-6041
Fax: 607-756-1862

June 15, 2011

City of Temple
Water Treatment Plant, 7296 CHARTER OAK LOOP
Temple, TX 76504

Contact: Johnnie Reisner
Email: Johnnie Reisner <jreisner@ci.temple.tx.us>

Shop Order No: 31 / Z4494
Equipment Part No.: 4UFD40004-140, Pall Microza Water System
PASS WBS # 01.00001

Dear Scott,

The spare parts for Membrane and Conventional Plant listed below are sole sourced through Pall Corporation for City of Temple.

Part # / MM #	Parts Name
15807	UNA 620A Module
14298	Module O-Ring

We look forward to providing these items for City of Temple.

Sincerely,

Dawn Speranza
Special Projects Administrator
Technology Services
Phone: 607-758-1691
Cell: 607-222-0696
E-mail: Dawn_Speranza@pall.com

LuAnne Barton

From: Dawn_Speranza@pall.com
Sent: Thursday, November 17, 2011 2:18 PM
To: Scott Edwards
Cc: Johnnie Reisner; LuAnne Barton
Subject: Re: Quote price for 10 Membrane Modules with shipping included with the price



Pall Advanced Separation Systems
Pall Technology Services

839 NYS Route 13
Cortland, NY 13045
Phone: 607-758-1691

Fax: 607-756-4562

PROPOSAL

Date: 11/17/2011

To: City of Temple
Attn: Scott Edwards

Quotation No.: 342012-82982DSP-
Reference:

Inquiry Date:	Shipping Terms: Please Provide UPS or Fed EX # for Shipping	EXWORKS Factory	Quote Valid for 30 Days
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Quantity	PASS MM #	Part No. / Description:	Unit Sell Price:	Total Sales Price:
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10	MM#15807	UNA-620A Module	\$2900.00	\$29000.00
10	MM#14298	O-RING,MODULE,AUME-UV62-10B	\$2.47	\$24.70
1	MM#15475	Freight	\$750.00	\$750.00

} TOTAL
29,774.70

Lead Time: 2 weeks ARO, subject to prior sale.

Shipment: Shipment is made via 3rd party billing (please provide an account number), or origin collect. Please include Palls' shipping terms on your purchase order.

Comments:

NOTE: The PASS minimum order value for parts purchases \$200.00. Exception to this will be taken only on a case by case basis. An order processing fee may apply to those ordered that are accepted, but do not meet the minimum order value. If the ordered quantity is different than the quoted quantity, the unit price is subject to change and will require confirmation from Pall Advanced Separations Systems prior to order acceptance.

Please Address Your Order to: PALL ADVANCED SEPARATIONS SYSTEMS and Fax: 607-756-1862 or email: pall_technology_csc@pall.com

Respectfully Submitted,

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VARIOUS REPLACEMENT PARTS FOR THE MEMBRANE WATER TREATMENT PLANT FROM PALL ADVANCED SEPARATIONS SYSTEMS OF CORTLAND, NY, IN THE ESTIMATED AMOUNT OF \$112,478.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of normal membrane plant operations, water treatment personnel regularly perform required maintenance within the facility to keep all components and operations functioning year round – as inventory declines, these parts must be restocked to enable maintenance and operations to continue;

Whereas, the Staff recommends purchasing various replacement parts for the Membrane Water Treatment Plant from Pall Advanced Separations Systems of Cortland, NY, as a sole source provider, in the estimated amount of \$112,478.20;

Whereas, funds are available for this purchase in Account No. 520-5121-535-6310, Project No. 100798; 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: The City Council authorizes the purchase of various replacement parts necessary to restock inventory at the Membrane Water Treatment Plant from Pall Advanced Separations Systems of Cortland, NY, as a sole source provider, in the estimated amount of \$112,478.20.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(I)
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DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of twelve (12) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract in the amount of \$62,461.25.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase mobile digital video systems to be installed in the (12) replacement vehicles that are on order. The digital video systems are the same videos we have been purchasing in the last 2 years. This system wirelessly downloads videos to a server which reducing the costs associated with purchasing these recording media. The system also provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system.

This purchase is being recommended utilizing a Houston-Galveston Area Council (HGAC) Cooperative contract (#EF04-11). All contracts available through the HGAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

FISCAL IMPACT: In the FY 2012 budget, funding in the amount of \$350,000 was appropriated in account 110-2031-521-62-13, project #100768 for the purchase of 10 marked vehicles and related accessories. In addition two vehicles, which were totaled in FY 2011, will be replaced. After funding the purchase of three Tahoes for the K-9 unit in November 2011, a balance of \$238,049 is available to fund the purchase of 12 mobile digital video systems. The remaining funds will be used to fund the purchase of the remaining marked vehicles.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 12 MOBILE DIGITAL VIDEO SYSTEMS FOR THE NEW POLICE VEHICLES FROM L-3 MOBILE VISION UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE, HGAC CONTRACT #EF04-11, IN THE AMOUNT OF \$62,461.25; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department needs to purchase mobile digital video systems to be installed in the 12 replacement police vehicles that are on order;

Whereas, the digital video system being considered wirelessly downloads videos to a server which reduces the costs associated with purchasing these recording media – the system also provides quicker access to the recordings when incidents need to be reviewed, or are moving through the criminal justice system;

Whereas, the Staff recommends purchasing the mobile digital video systems from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract pricing (contract # EF04-011) in the amount of \$62,461.25;

Whereas, funds were appropriated in the FY2011-12 budget and funding is available for this purchase in Account No. 110-2031-521-6213, project # 100768; 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: The City Council authorizes the purchase of 12 mobile digital video systems for the replacement police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract pricing (contract # EF04-011), in an amount of \$62,461.25.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of approximately 105 Panasonic CF-31 Mobile Data Laptops and equipment for Police and Fire Departments in an amount of \$485,150 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This purchase will be done through the CDW Government (*State of Texas DIR Contract DIR-SDD-1365*). The City currently has 130 Mobile Data Laptops installed in Police and Fire vehicles throughout the City. Approximately 105 of these laptops approximately 5 Years in age, and are now considered obsolete equipment by the manufacturer. We cannot obtain any maintenance from the manufacturer on the current equipment, cannot get the necessary parts to maintain for an extended period of time, and the current laptops cannot handle new software applications currently required for future field operations. The rate of technology change is increasing at a rapid pace, resulting in shorter life cycles for personal computers.

The rate of technology change is increasing at a rapid pace, resulting in shorter life cycles and faster system development. In an effort to have an effective and sustainable technology plan, it is recommended that the City replace the Police and Fire Mobile Data Laptops every four years. This will result in a systematic technology replacement that meets industry standards, facilitates standardization efforts, improves operating efficiency and provides for an effective disposal strategy for used equipment.

The Police Department currently uses the Panasonic CF-29 and would like to continue to use the Panasonic laptops as they have proven very reliable. Panasonic Mobile Data Laptops are engineered to withstand drops, spills, dust and vibration, and to perform in the harshest environments, which is necessary for Public Safety vehicles. Panasonic Toughbooks are the laptop of choice for most government agencies.

FISCAL IMPACT: It is anticipated that Limited Tax Notes will be issued in the amount of \$485,150 to fund the purchase of the Panasonic CF-31 Mobile Data Laptops and equipment. Initial funding for this project will be allocated from General Fund Balance Designated for Capital Project-Unallocated. Proceeds from the Limited Tax Notes will reimburse General Fund Balance Designated for Capital Project-Unallocated in May of 2012.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF APPROXIMATELY 105 CF-31 MOBILE DATA LAPTOPS AND EQUIPMENT FROM CDW GOVERNMENT (STATE OF TEXAS DIR CONTRACT DIR-SDD-1365), IN THE AMOUNT OF \$478,500; DECLARING OFFICIAL INTENT TO REIMBURSE THIS EXPENDITURE PRIOR TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS FOR THIS PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently has 130 Mobile Data Laptops installed in Police and Fire vehicles throughout the City – approximately 105 of these laptops are now considered obsolete by the manufacturer;

Whereas, the rate of technology change is increasing at a rapid pace, resulting in shorter life cycles and faster system development – it is recommended that the City replace the Police and Fire Mobile Data Laptops every four years which will result in a systematic technology replacement that meets industry standards, facilitates standardization efforts, improves operating efficiency and provides for an effective disposal strategy for used equipment;

Whereas, funds will be allocated from the General Fund Balance designated for Capital Projects - Unallocated. Proceeds from Limited Tax Notes will reimburse the General Fund Balance designated for Capital Projects - Unallocated in May of 2012;

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

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

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

Whereas, 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: The City Council authorizes the City Manager, or his designee, to execute a contract for the purchase of approximately 105 CF-31 Mobile Data Laptops and Equipment from CDW Government (State of Texas DIR Contract DIR-SDD-1365), in the amount of \$478,500.

Part 2: The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

Part 3: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

Part 4: The following is a general functional description of the purchase for which the expenditures to be reimbursed are paid and a statement of the maximum principal amount of debt expected to be issued for the purpose of paying the costs of the Project.

Purchase Description

Debt To Be Issued

Purchase of approximately 105
Panasonic CF-31 Mobile Data Laptops
And Equipment for Police and Fire

\$478,500

Part 5: The expenditure described in Part 4 is a capital expenditure under general Federal income tax principles or a cost of issuance.

Part 6: Except for the proceeds of the Obligations, no funds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City or by any member of the same controlled group to pay for the expenditures described in Part 4.

Part 7: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of nine marked police vehicles and eight unmarked police vehicles from Caldwell Country in Caldwell, utilizing BuyBoard contract and two (2) State of Texas contracts, for a total price for vehicles and equipment of \$424,658.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the vehicle replacement schedule, ten marked police vehicles and eight unmarked vehicles are due for replacement this year. Additionally, two marked police vehicles were lost due to crashes in 2011. This request includes replacing those two vehicles as well, using dollars recovered from insurance claims, bringing the total to twelve marked vehicles for this fiscal year. The purchase of three marked vehicles for K-9 operations was previously authorized by the Council in November 2011.

The Department seeks approval to purchase eight 2012 Chevrolet Tahoes for Field Supervisor operations at a cost of \$33,180 each. These vehicles will be equipped to accommodate the specific needs of sergeants in the patrol service. The Department also requests to purchase one 2012 Chevrolet Caprice PPV to place into general patrol service at a cost of \$32,476. The combined price for marked vehicles and equipment along with the \$400 BuyBoard fee is \$298,316. These vehicles will be purchased utilizing the BuyBoard contract #358-10.

The Department also seeks approval to purchase eight unmarked vehicles from the same vendor. Six of the vehicles will be 2012 Ford Fusion sedans at a cost of \$16,210 each, for a total of \$97,260. The other two vehicles will be 2012 Ford Focus sedans at a cost of \$14,541 each, for a total of \$29,082. . The total cost for unmarked vehicles is \$126,342. These vehicles will be purchased utilizing two State of Texas contracts #CPA 071/359A and #CPA 071/351A.

FISCAL IMPACT: In the FY 2012 budget, funding in the amount of \$350,000 was appropriated in account 110-2031-521-6213, project #100768 for the purchase of 10 marked vehicles and related accessories. In addition two vehicles, which were totaled in FY 2011, will be replaced for a total of 12 marked vehicles. After funding the purchase of 3 Tahoes for the K-9 unit in November 2011 and the mobile digital video systems on this agenda, a balance of \$171,994 is available to partially fund this contract. A budget adjustment is presented for Council's approval appropriating \$120,133 of Federal Seized funds to account 110-2031-521-6231, project #100768 to fully fund this contract and remaining accessories.

In addition, \$128,000 was appropriated in account 110-5900-521-6213, project #100769 for the purchase of 8 unmarked vehicles and accessories. After funding this contract for \$126,342 a balance of \$1,658 will be available to purchase accessories.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF NINE MARKED POLICE VEHICLES FROM CALDWELL COUNTRY OF CALDWELL, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE CONTRACT #358-10 AND TWO STATE OF TEXAS CONTRACTS #CPA 071/359A AND #CPA 071/351A, IN THE TOTAL COMBINED AMOUNT OF \$424,658; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in accordance with the vehicle replacement schedule, ten marked police vehicles are due for replacement this fiscal year – additionally two marked vehicles were lost due to crashes in 2011;

Whereas, the Department seeks to purchase eight 2012 Chevrolet Tahoe's for Field Supervisor operations and one marked 2012 Chevrolet Caprice PPV which will be placed into general patrol service, for a combined total price of \$298,316. These nine vehicles will be purchased utilizing the BuyBoard Local Government Online Purchasing Cooperative Contract #358-10;

Whereas, the Department also seeks to purchase six unmarked 2012 Ford Fusion sedans and two unmarked 2012 Ford Focus sedans, for a combined total cost of \$126,342. These eight vehicles will be purchased utilizing two State of Texas contracts #CPA 071/359A and #CPA 071/351A;

Whereas, the Staff recommends the purchase of these vehicles through the BuyBoard Local Government Online Purchasing Cooperative and the State of Texas Contracts - funds are budgeted for these expenditures in Account No. 110-2031-521-6213, Project No. 100768 for the purchase of ten marked vehicles, in Account No. 110-5900-521-62-13, Project No. 100769 for the purchase of eight unmarked vehicles; and the two additional vehicles will be purchased using insurance claims from the two vehicles that were total losses in FY 2010-11, but a budget adjustment needs to be approved to transfer funds to the appropriate expenditure accounts; 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: The City Council authorizes the purchase of eight marked 2012 Chevrolet Tahoe's, one marked 2012 Chevrolet Caprice PPV, six unmarked 2012 Ford Fusion sedans and two unmarked 2012 Ford Focus sedans from Caldwell Country of Caldwell, Texas through both the BuyBoard Local Government Online Purchasing Cooperative

Contract and two State of Texas contracts, for a total overall cost in the amount of \$424,748.

Part 2: The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, for these purchases.

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

Part 4: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Superintendent of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$308,750.14:

1. Two (2) Ford Focus passenger cars from Johnson Brothers Ford of Temple in the amount of \$28,832.82 (Bid Tabulation #1);
2. Eight (8) ½-ton light duty full-size pickups (F150's) from Johnson Brothers Ford of Temple in the amount of \$161,659.04 (Bid Tabulation #2);
3. One (1) ½-ton super crew/quad cab pickup with short bed (Ram 1500) from Meador Dodge Chrysler Jeep of Fort Worth in the amount of \$20,663.00 (Bid Tabulation #3);
4. One (1) 1-ton crew cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$34,126.76 (Bid Tabulation #7); and
5. Two (2) 1-ton cab and chassis with utility body (F350) from Johnson Brothers Ford of Temple in the amount of \$63,468.52 (Bid Tabulation #8).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 20, 2010, four (4) vendors submitted pricing on five (5) independent vehicle bids.

Staff recommends award of the following four (4) bids to **Johnson Brothers Ford.** Exceptions taken by Johnson Brothers were routine in nature and did not impact the overall quality of the vehicles; accordingly, staff is will to accept their exceptions. The City has done business with Johnson Brothers in the past and finds them to be a responsible vendor.

Bid Tabulation #1-Five Door Passenger Cars (Ford Focus):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
1	Fire (replaces asset 10207)	1	110-5900-522-6213	100752	\$ 18,500.00	\$ 14,416.41
1	Parks (replaces asset 10379)	1	110-5935-552-6213	100754	\$ 17,000.00	\$ 14,416.41
Sub-Total for two (2) five door passenger cars					\$ 35,500.00	\$ 28,832.82

Bid Tabulation #2-Eight (8) ½-Ton Light Duty Full-Size Pickups (F150):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
2	Animal Services (replaces Asset #12340)	1	110-5900-529-6213	100744	\$ 20,500.00	\$ 19,419.88
2	Engineering(replaces Asset #11178 & 11179)	2	110-5900-533-6213	100745 100746	\$ 37,000.00	\$ 40,639.76
2	Solid Waste (replaces Asset #11610)	1	110-5900-540-6213	100770	\$ 22,500.00	\$ 20,319.88
2	Traffic Signals (replaces Asset #11639)	1	110-5900-532-6213	100778	\$ 20,500.00	\$ 20,319.88
2	Metering (replaces Asset #11926 & 11927)	2	520-5300-535-6213	100784 100785	\$ 41,000.00	\$ 40,639.76
2	Sewer (replaces Asset #11462)	1	520-5400-535-6213	100788	\$ 20,500.00	\$ 20,319.88
Sub-Total for Four (4) ½ Ton Light Duty Full-Size Pickups					\$162,000.00	\$161,659.04

Bid Tabulation #7-One (1) 1-Ton Crew Cab & Chassis with Utility Body (F350):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
7	Sewer (replaces Asset #11475)	1	520-5400-535-6213	100787	\$ 36,500.00	\$ 34,126.76
Sub-Total for one (1) 1-Ton Crew w/ Utility Body					\$ 36,500.00	\$ 34,126.76

Bid Tabulation #8-Two (2) 1-Ton Cab & Chassis Dual with Utility Body (F350):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
8	Parks (replaces Asset #10245)	1	110-5935-552-6213	100756	\$ 31,000.00	\$ 31,821.76
8	Water Dist (replaces Asset #11474)	1	520-5200-535-6213	100794	\$ 34,500.00	\$ 31,646.76
Sub-Total for one (1) 1-Ton with Utility Body					\$ 65,500.00	\$ 63,468.52

Staff recommends award of the following bid to **Meador Dodge Chrysler Jeep**. Meador took exception to the miles per gallon requirement of 20, stating that their Dodge Ram is rated at 19. Staff is willing to accept this exception. The City has not done business with Meador previously; accordingly, references were checked and Meador was found to be a responsible vendor.

Bid Tabulation #3-1/2-Ton Super Crew/Quad Pickup (Ram 1500):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid
3	Fire (replaces Asset # 9987)	1	110-5900-522-6213	100751	\$ 26,900.00	\$ 20,663.00
Sub-Total for one 1/2-Ton Super Crew/Quad Pickup					\$ 26,900.00	\$ 20,663.00

FISCAL IMPACT: Funding for the purchase of the 14 vehicles identified above were included in the Council-adopted FY 2012 budget in the accounts as defined in the Item Summary above in the amount of \$326,400. Total funding needed for the recommended purchases is \$308,750.14 resulting in a net savings over budget in the amount of \$17,649.86.

ATTACHMENTS:

[Bid Tabulations \(5\)](#)
[Resolution](#)

Bid Tabulation #1

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
5 Door Passenger Cars
Bid# 13-13-12**

Bidders									
		Meador Dodge Chrysler Jeep		Caldwell Automotive Partners		Sam Pack's Five Star Ford		Johnson Brothers Ford	
		Ft. Worth		Temple/Caldwell		Carrollton		Temple	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Total Bid Price	2	No Bid		\$15,871.00	\$31,742.00	\$14,981.00	\$29,962.00	\$14,416.41	\$28,832.82
Total Alternate Bid Price	2	No Bid		N/A		N/A		N/A	
Delivery within 120 days?		No Bid		Yes		Yes		No	
Acknowledge Addendum?		No Bid		Yes		Yes		Yes	
Local Preference?		No Bid		Yes		No		Yes	
Exceptions?		No Bid		None		None		Yes	
Credit Check Authorization		No Bid		Yes		Yes		Yes	

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

**Note: Highlighted bid is recommended
for Council approval.**

Bid Tabulation #2

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1/2-Ton Light Duty Full-Size Pickups
Bid# 13-13-12**

		Bidders							
		Meador Dodge Chrysler Jeep Ft. Worth		Caldwell Automotive Partners Temple/Caldwell		Sam Pack's Five Star Ford Carrollton		Johnson Brothers Ford Temple	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	8	\$19,220.00	\$153,760.00	\$17,447.00	\$139,576.00	\$17,327.00	\$138,616.00	\$17,694.88	\$141,559.04
AFTER MARKET OPTIONS:									
Headache Rack	7	\$395.00	\$2,765.00	\$395.00	\$2,765.00	\$375.00	\$2,625.00	\$350.00	\$2,450.00
Tool Box	7	\$589.00	\$4,123.00	\$589.00	\$4,123.00	\$585.00	\$4,095.00	\$550.00	\$3,850.00
5-Year/100,000 mile extended warranty	0	\$0.00	\$0.00	\$750.00	\$0.00	\$1,890.00	\$0.00	\$1,295.00	\$0.00
CGN/LPG Engine Prep Kit	0	N/A	\$0.00	\$261.00	\$0.00	N/A	\$0.00	N/A	\$0.00
Light Bar	8	\$2,185.00	\$17,480.00	\$2,185.00	\$17,480.00	\$2,335.00	\$18,680.00	\$1,725.00	\$13,800.00
Labor to Install Light Bars and Control Boxes	0	\$389.00	\$0.00	\$389.00	\$0.00	\$255.00	\$0.00	\$200.00	\$0.00
Total Bid Being Recommended for Award		\$178,128.00		\$163,944.00		\$164,016.00		\$161,659.04	
Delivery within 120 days?		Yes		Yes		Yes		No	
Acknowledge Addendum?		Yes		Yes		Yes		Yes	
Local Preference?		No		Yes		No		Yes	
Exceptions?		Yes		None		Yes		None	
Credit Check Authorization		Yes		Yes		Yes		Yes	

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

**Note: Highlighted bid is recommended
for Council approval.**

Bid Tabulation #3

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1/2-Ton Super Crew/Quad Cab Pickup (Short Bed)
Bid# 13-13-12**

	Bidders			
	Meador Dodge Chrysler Jeep	Caldwell Automotive Partners	Sam Pack's Five Star Ford	Johnson Brothers Ford
	Ft. Worth	Temple/Caldwell	Carrollton	Temple
Description	Unit Price	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$20,273.00	\$21,976.00	\$21,893.00	\$23,246.88
AFTER MARKET OPTIONS:				
5-Year/100,000 mile extended warranty	\$0.00	\$750.00	\$1,890.00	\$1,295.00
Light Bar	\$2,770.00	\$2,690.00	\$2,220.00	\$1,825.00
Labor to Install Light Bars and Control Boxes	\$390.00	\$390.00	\$255.00	\$225.00
Total Bid Being Recommended for Award	\$20,663.00	\$22,366.00	\$22,148.00	\$23,471.88
Delivery within 120 days?	Yes	Yes	Yes	No
Acknowledge Addendum?	Yes	Yes	Yes	Yes
Local Preference?	No	Yes	No	Yes
Exceptions?	Yes	None	Yes	None
Credit Check Authorization	Yes	Yes	Yes	Yes

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

20-Dec-11

Date

**Note: Highlighted bid is recommended
for Council award**

Bid Tabulation #7

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1-Ton Crew Cab & Chassis with Utility Body
Bid# 13-13-12**

	Bidders			
	Meador Dodge Chrysler Jeep	Caldwell Automotive Partners	Sam Pack's Five Star Ford	Johnson Brothers Ford
	Ft. Worth	Temple/Caldwell	Carrollton	Temple
Description	Unit Price	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$35,212.00	\$36,178.00	\$35,768.00	\$32,831.76
AFTER MARKET OPTIONS:				
5-Year/100,000 extended warranty	\$0.00	\$1,105.00	\$2,080.00	\$1,295.00
Total Bid Being Recommended for Award	\$35,212.00	\$37,283.00	\$37,848.00	\$34,126.76
Delivery within 120 days?	Yes	Yes	Yes	No
Acknowledge Addendum?	Yes	Yes	Yes	Yes
Local Preference?	No	Yes	No	Yes
Exceptions?	Yes	None	Yes	None
Credit Check Authorization	Yes	Yes	Yes	Yes

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

***Note: Highlighted bid is recommended
for Council award***

Bid Tabulation #8

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1-Ton Cab & Chassis with Utility Body
Bid# 13-13-12**

		Bidders							
		Meador Dodge Chrysler Jeep		Caldwell Automotive Partners		Sam Pack's Five Star Ford		Johnson Brothers Ford	
		Ft. Worth		Temple/Caldwell		Carrollton		Temple	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TOTAL BASE BID PRICE	2	\$32,936.00	\$65,872.00	\$31,846.00	\$63,692.00	\$31,496.00	\$62,992.00	\$29,673.76	\$59,347.52
AFTER MARKET OPTIONS:									
5-Year/100,000 mile extended warranty	1	\$0.00	\$0.00	\$1,105.00	\$1,105.00	\$2,080.00	\$2,080.00	\$1,295.00	\$1,295.00
Dual Spot Lights	1	\$684.00	\$684.00	\$684.00	\$684.00	\$750.00	\$750.00	\$678.00	\$678.00
Hydraulic Utility Body Lift Gate	1	\$2,075.00	\$2,075.00	\$2,075.00	\$2,075.00	\$2,275.00	\$2,275.00	\$2,148.00	\$2,148.00
Total Bid Being Recommended for Award		\$68,631.00		\$67,556.00		\$68,097.00		\$63,468.52	
Delivery within 120 days?		Yes		Yes		Yes		No	
Acknowledge Addendum?		Yes		Yes		Yes		Yes	
Local Preference?		No		Yes		No		Yes	
Exceptions?		Yes		None		Yes		None	
Credit Check Authorization		Yes		Yes		Yes		Yes	

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

**Note: Highlighted bid is recommended
for Council approval.**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 14 VEHICLES FOR VARIOUS DEPARTMENTS FROM JOHNSON BROTHERS FORD OF TEMPLE, TEXAS IN THE AMOUNT OF \$288,087.14 AND FROM MEADOR DODGE CHRYSLER JEEP OF FORT WORTH, TEXAS, IN THE AMOUNT OF \$20,663.00; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 20, 2010, 4 vendors submitted pricing on 5 independent vehicle bids;

Whereas, the Staff recommends award of the four bids for: (A) Two Ford Focus passenger cars for the Fire Department and the Parks Department in the amount of \$28,832.82 to Johnson Brothers Ford of Temple, Texas; (B) Eight 1/2 –ton light duty full-size pickups (F150's) for the Animal Services Department, Engineering Department, Solid Waste Department, Traffic Signals Department, Metering Department and the Sewer Department in the amount of \$161,659.04 to Johnson Brothers Ford of Temple, Texas; (C) One ½ ton super crew/quad cab with short bed (Ram 1500) for the Fire Department in the amount of \$20,663.00 to Meador Dodge Chrysler Jeep of Fort Worth, Texas; (D) One 1-ton crew cab and chassis with utility body (F350) for the Sewer Department in the amount of \$34,126.76 to Johnson Brothers Form of Temple, Texas; and (E) Two 1-ton cab and chassis with utility body (F350) for the Parks Department and the Water Distribution Department in the amount of \$63,468.52 to Johnson Brothers Form of Temple, Texas;

Whereas, funding for the purchase of the 14 vehicles is included in the Council-adopted FY 2011-12 budget for each department; 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: The City Council authorizes the purchase of: (A) Two Ford Focus passenger cars for the Fire Department and the Parks Department in the amount of \$28,832.82 to Johnson Brothers Ford of Temple, Texas; (B) Eight 1/2 –ton light duty full-size pickups (F150's) for the Animal Services Department, Engineering Department, Solid Waste Department, Traffic Signals Department, Metering Department and the Sewer Department in the amount of \$161,659.04 to Johnson Brothers Ford of Temple, Texas; (C) One ½ ton super crew/quad cab with short bed (Ram 1500) for the Fire Department in the amount of \$20,663.00 to Meador Dodge Chrysler Jeep of Fort Worth,

Texas; (D) One 1-ton crew cab and chassis with utility body (F350) for the Sewer Department in the amount of \$34,126.76 to Johnson Brothers Form of Temple, Texas; and (E) Two 1-ton cab and chassis with utility body (F350) for the Parks Department and the Water Distribution Department in the amount of \$63,468.52 to Johnson Brothers Form of Temple, Texas.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-12-01: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the amendment to Temple Comprehensive Plan Figure 3.1.

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

Staff recommends approval of Z-FY-12-01, an amendment to the Temple Comprehensive Plan 2008-2030 to revise specific future land use areas.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-07, from the Planning and Zoning Commission meeting, November 21, 2011. This proposed update is to Chapter 3 of the Comprehensive Plan. The City Council adopted the Plan by Ordinance in late September of 2008. Chapter 3 is the Urban Design and Future Land Use Chapter emphasizes Community Character, which can be described as the distinctive qualities that the City Council wants Temple to conserve or acquire over the next 10-20 years.

In past years, a Future Land Use and Character Map (FLUCM) revision has been presented as a yearly update in response to approved rezonings made by the City Council, and corrections or additions identified by Staff. The attached map sheets show each of these specific amendments in detail. Staff will have a full-sized map at the meeting.

The FLUCM focuses on the character of specific land areas. The list of future land use and character categories pertinent to this report is attached at the end of the Staff report from the Planning and Zoning Commission meeting, November 21, 2011.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 7, 2011, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Before and After Future Land Use and Character Map Adjustments
P&Z Staff Report \(Z-FY-12-01\)](#)
[List of Selected FLUCP Designations with Definitions](#)
[P&Z Minutes \(11/21/11\)](#)
[Complete Adjusted Figure 3.1: Future Land Use and Character Map
Ordinance](#)

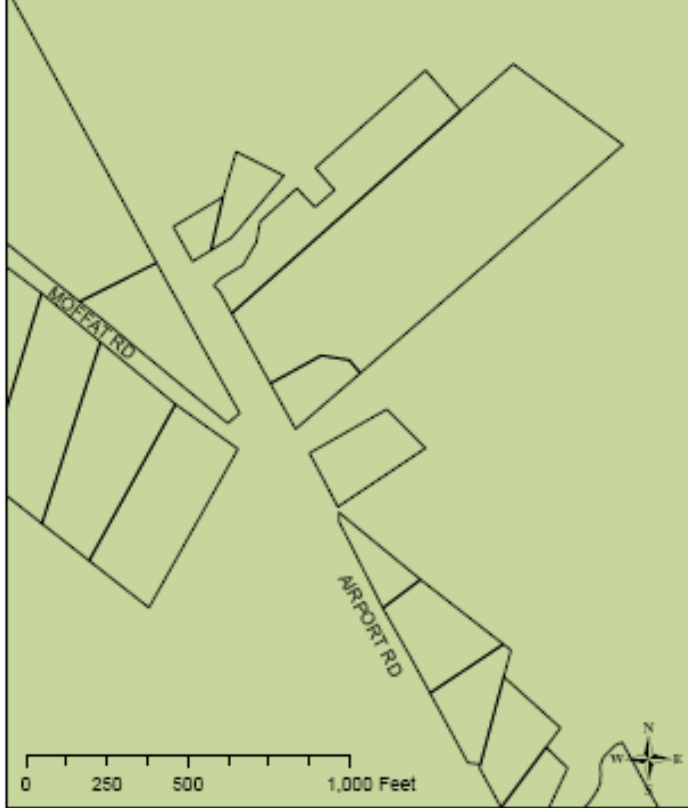
Future Land Use and Character Map Update

AIRPORT RD &
MOFFAT RD

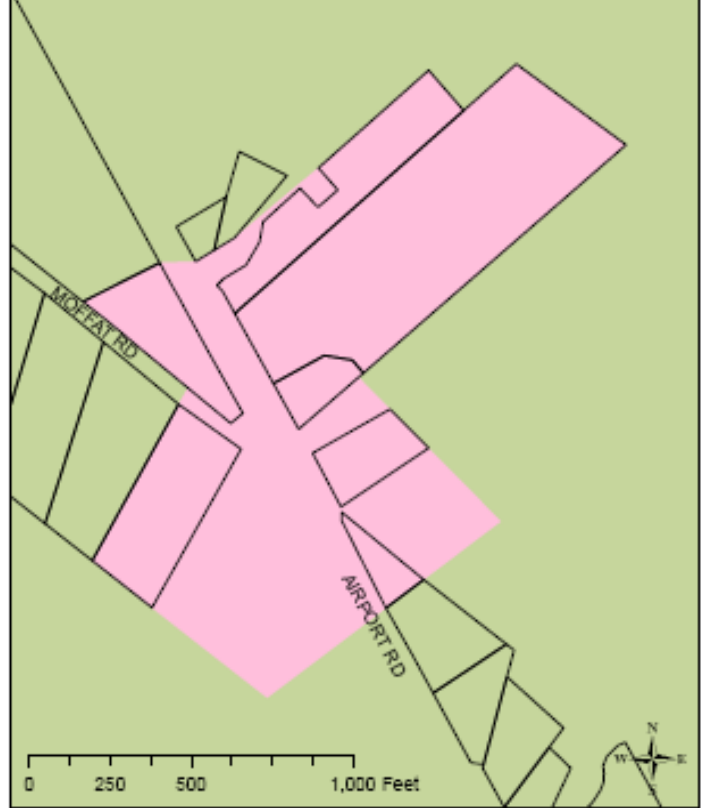


Z-FY-12-01

Existing Future Land Use & Character



Proposed Future Land Use & Character



Future Land Use & Character Designations

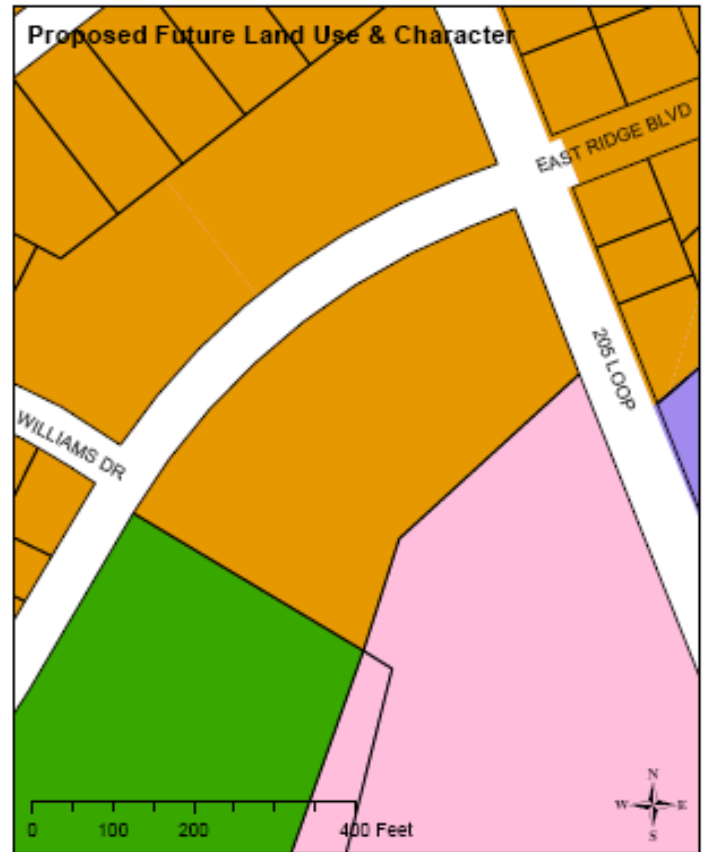
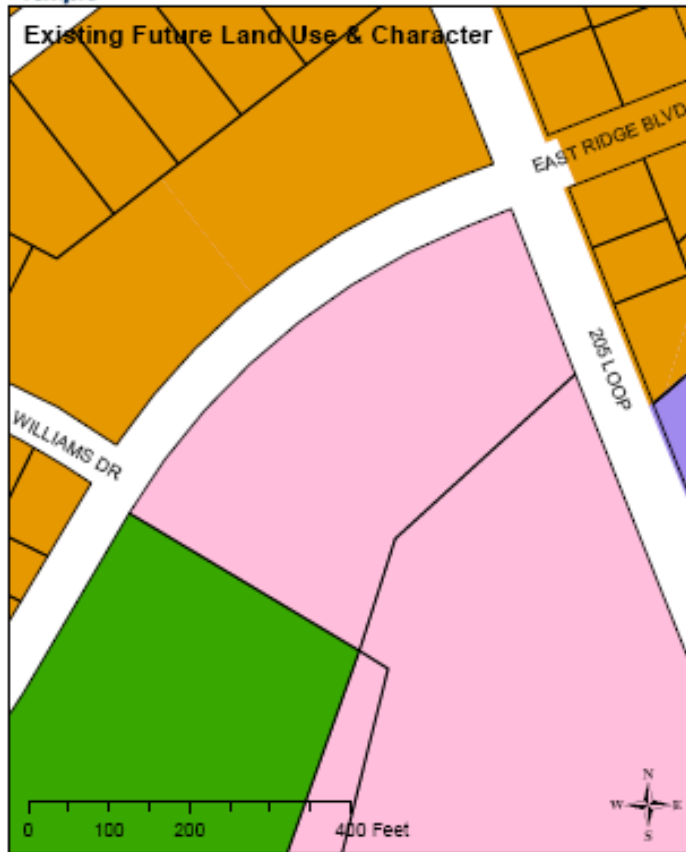
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Z-FY-12-01

Future Land Use and Character Map Update

EAST RIDGE BLVD &
205 LOOP



Future Land Use & Character Designations

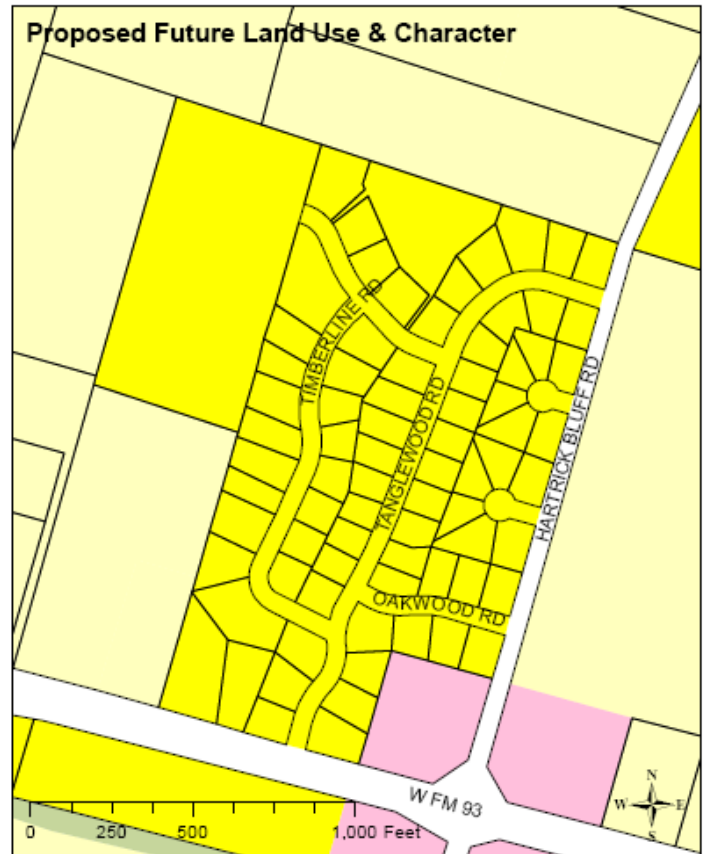
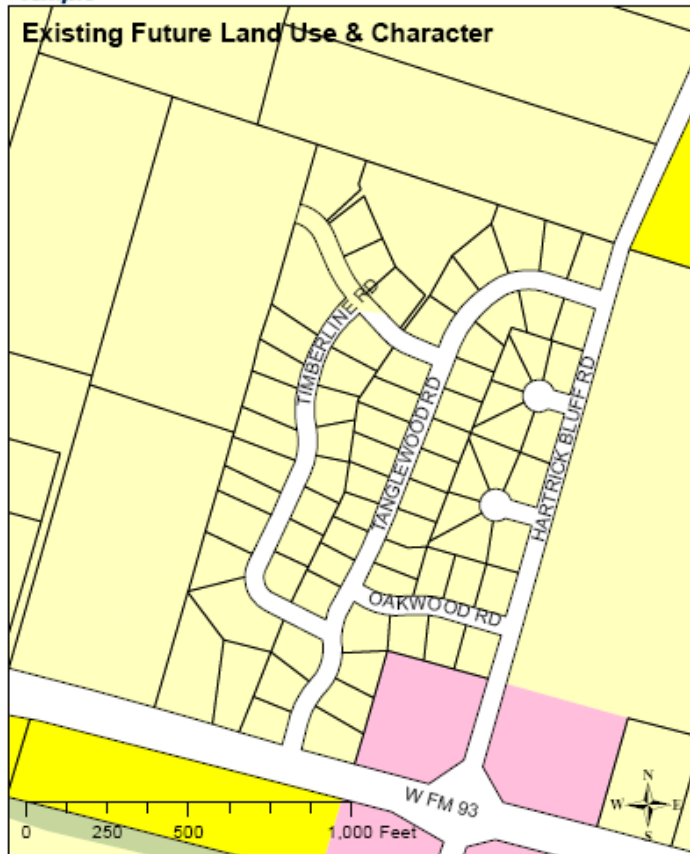
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Z-FY-12-01

Future Land Use and Character Map Update

HARTRICK BLUFF RD &
W FM 93



Future Land Use & Character Designations

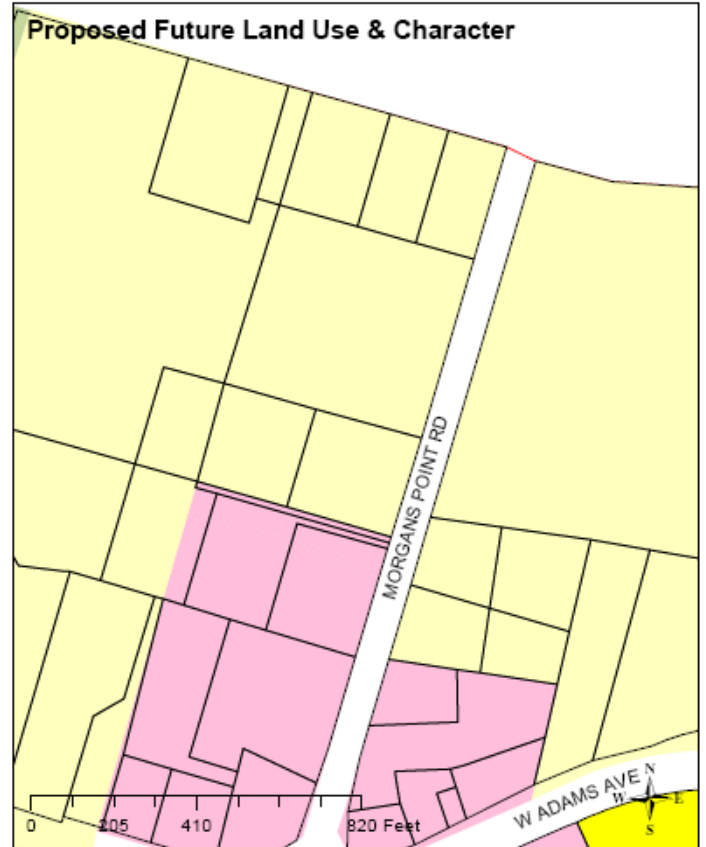
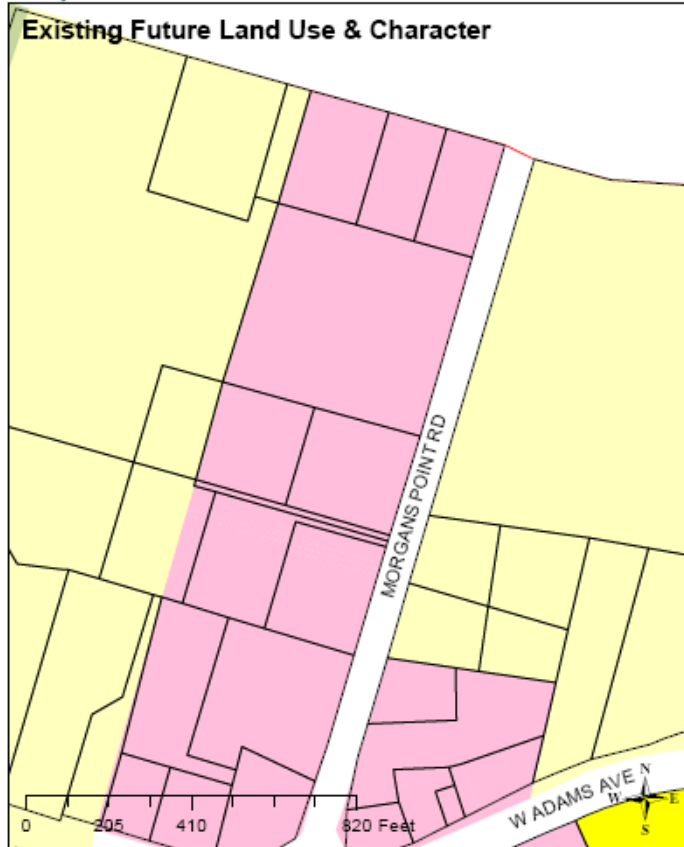
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Z-FY-12-01

Future Land Use and Character Map Update

MORGANS POINT RD
NORTH OF W ADAMS AVE N



Future Land Use & Character Designations

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

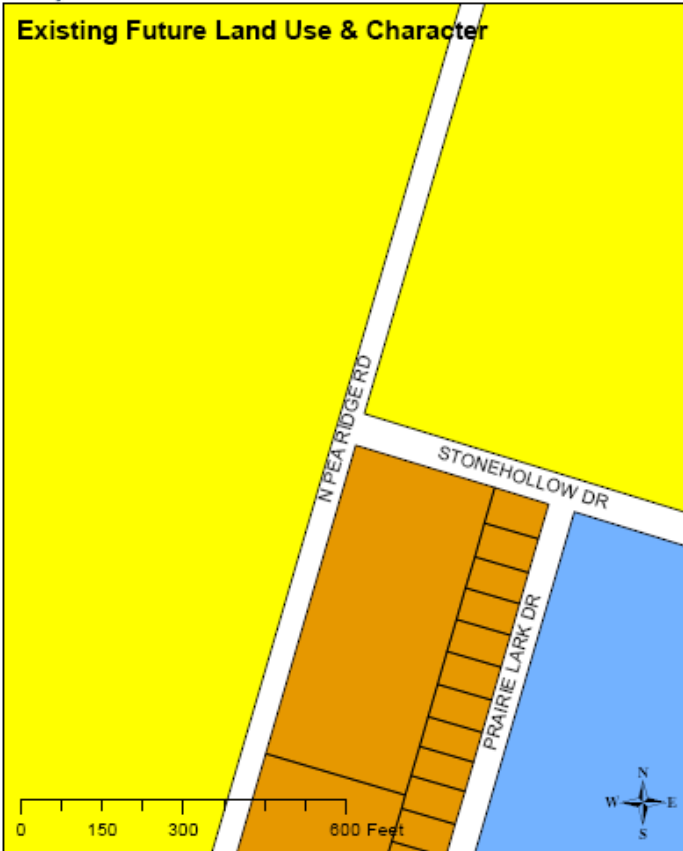


Z-FY-12-01

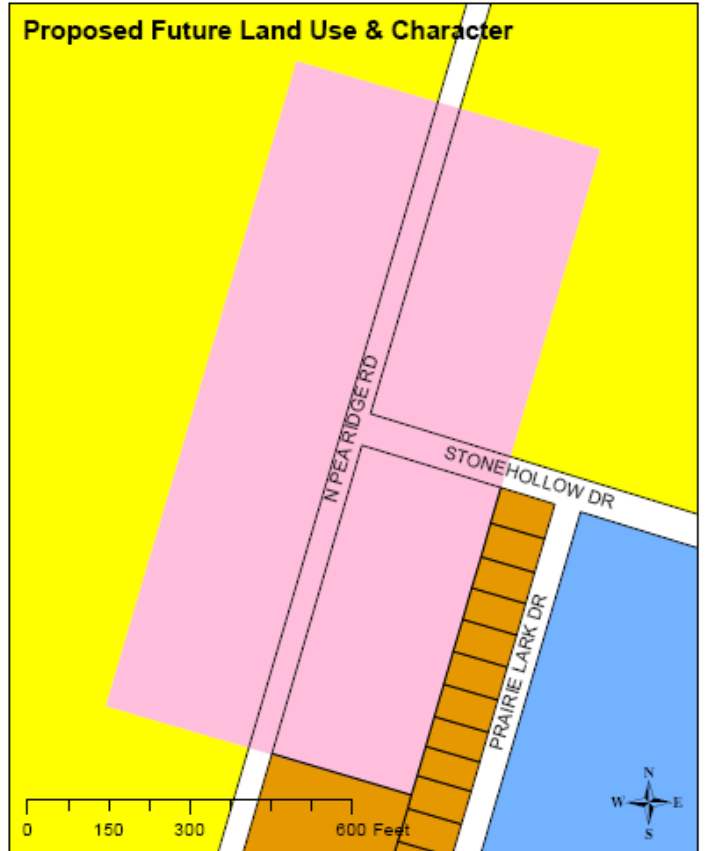
Future Land Use and Character Map Update

N PEA RIDGE RD &
STONEHOLLOW DR

Existing Future Land Use & Character



Proposed Future Land Use & Character



Future Land Use & Character Designations

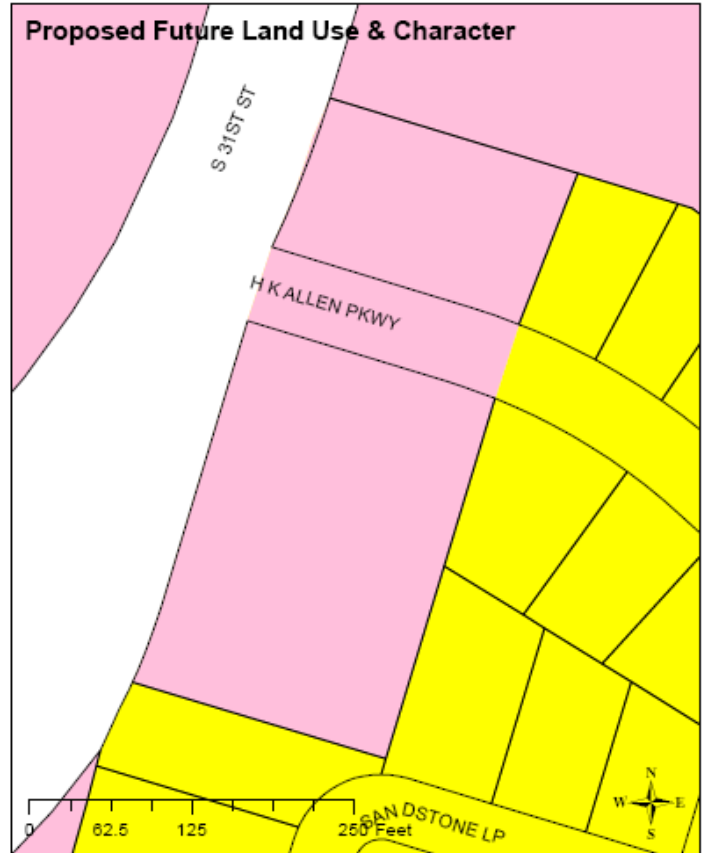
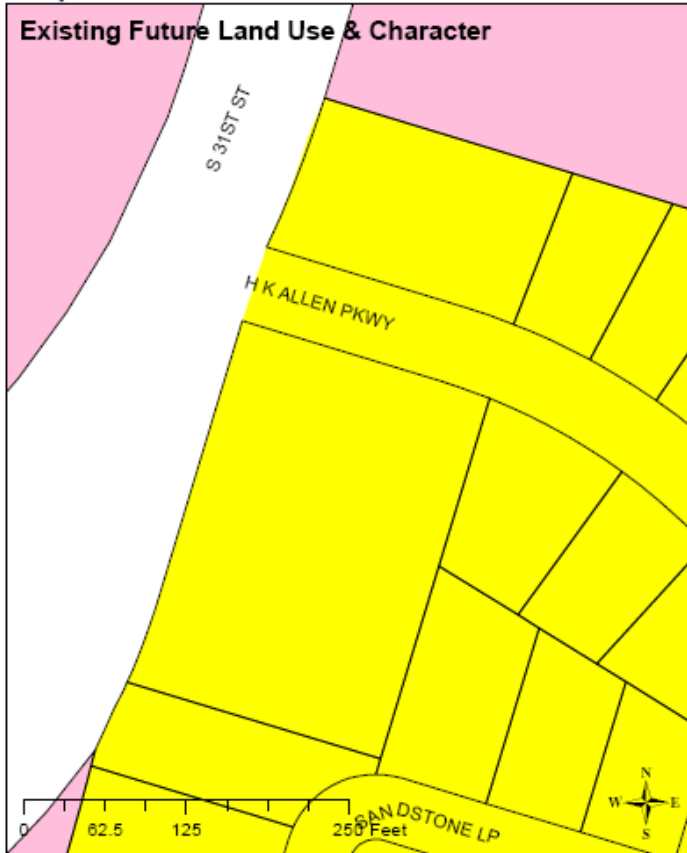
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Z-FY-12-01

Future Land Use and Character Map Update

S 31ST ST &
H K ALLEN PKWY



Future Land Use & Character Designations

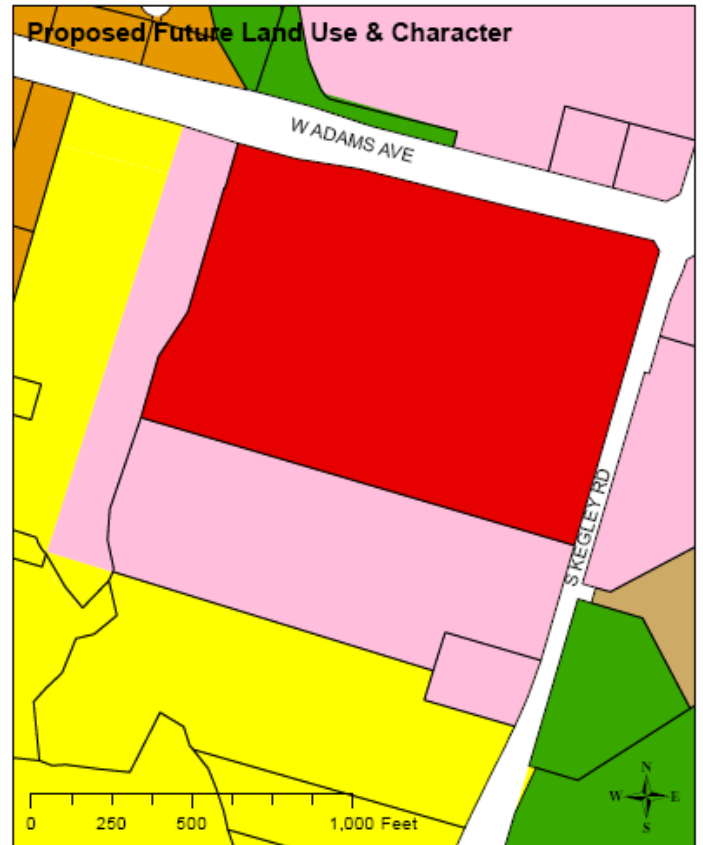
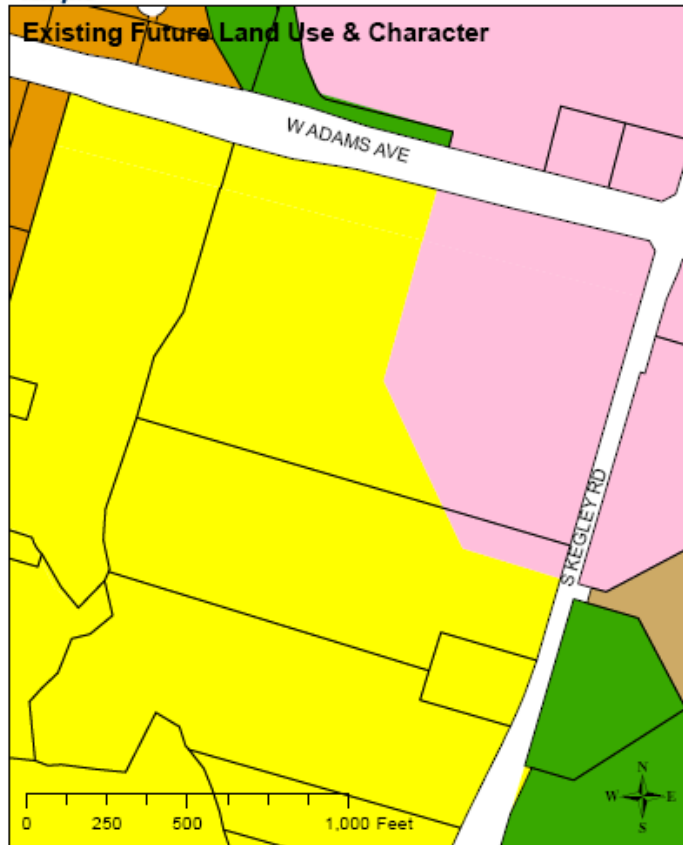
Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural



Z-FY-12-01

Future Land Use and Character Map Update

W ADAMS AVE &
S KEGLEY RD



Future Land Use & Character Designations

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



PLANNING & ZONING COMMISSION ITEM MEMORANDUM

11/21/11
Item #7
Regular Agenda
Page 1 of 3

APPLICANT: City of Temple

DEPT. /DIVISION SUBMISSION & REVIEW: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-01 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1.

ITEM SUMMARY:

This proposed update is to Chapter 3 of the Comprehensive Plan. The City Council adopted the Plan by Ordinance in late September of 2008. Chapter 3 is the Urban Design and Future Land Use Chapter emphasizes Community Character, which can be described as the distinctive qualities that the City Council wants Temple to conserve or acquire over the next 10-20 years.

In past years, a Future Land Use and Character Map (FLUCM) revision has been presented as a yearly update in response to approved rezonings made by the City Council, and corrections or additions identified by Staff. The attached map sheets show each of these specific amendments in detail. Staff will have a full-sized map at the meeting.

The FLUCM focuses on the character of specific land areas. The list of future land use and character categories is attached at the end of this report for reference.

Proposed Changes to FLUCP Map by Area

The following items, as discussed earlier, are clean-up changes for rezonings that have been approved by the City Council.

1. Z-FY 11-28, AG to C, Airport and Moffat Roads This intersection on the City limits line has had several individual rezoned properties in the past 3-4 years from AG to various nonresidential zoning districts. There are several open businesses in the vicinity, such as a truck stop and convenience store, a mini-storage center, and a string of contractor offices.

- Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG Agricultural
- Proposed FLUCP Designation: Suburban Commercial
Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

2. Z-FY 11-44, C to PD-2F, East Ridge Road and 205 Loop Although this small area is between two commercial uses, the bulk of the neighborhood is developed as a residential area. Residential is a preferred use here, because a commercial use, such as a warehouse, would not be as desirable across from the established residential uses north and west of the parcel.

- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Proposed FLUCP Designation: Auto-Urban Residential
Proposed Compatible Zoning Districts: SF2 & SF3, Single-Family Residential; TH, Townhouse; 2F, Two-Family

3. Z-FY 10-50, AG to SF1, Hartrick Bluff Drive and State Hwy 93 This area is being changed as the extension of this neighborhood will be built with smaller lots than the Estate Residential district that is currently reflected on the FLUCP.

- Current FLUCP Designation: Estate Residential
Current Compatible Zoning Districts: UE, Urban Estate
- Proposed FLUCP Designation: Suburban Residential
Proposed Compatible Zoning Districts: SF1 & SF2; Single-Family Residential

4. Z-FY 11-14, Lago Terra Addition, Morgan's Point Road, north of W. Adams Avenue at the City Limits This area has been platted as a new, larger-lot, gated development. Surrounding that area, to the north and south are existing estate homes and lots.

- Current FLUCP Designation: Suburban Commercial
- Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Current FLUCP Designation: Estate Residential
Current Compatible Zoning Districts: UE, Urban Estate

5. Z-FY 11-32, AG to GR (and SF2), SE of N. Pea Ridge Road and Stonehollow Drive This area appears as Suburban Residential on the current FLUCM. Much of the undeveloped areas are shown in this way or as Estate Residential on the FLUCM as they more likely to be developed in the near future and City facilities could be feasibly extended. This intersection is about one mile from the commercial area along W. Adams Avenue and would well serve the residential homes with neighborhood services in the future.

- Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG, Agricultural
- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

6. Z-FY 11-10, PD-SF1 to PD-GR, S. 31st Street and H. K. Allen Parkway This area is adjacent to the heavily traveled S. 31st Street corridor and is at an entrance to a platted, but unbuilt, subdivision. The property, while small, is a better land use adjacent to a major arterial.

- Proposed FLUCP Designation: Suburban Residential
Proposed Compatible Zoning Districts: SF1 and SF2, Single-Family Residential
- Current FLUCP Designation: Suburban Commercial

Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

7. Z-FY 11-41, AG to C, W. Adams Avenue and S. Kegley Road This area is at the intersection of two arterials. This parcel and its surroundings are being adjusted as this is a prime corner for a shopping area or large retail store. The area is being changed to the more intensive commercial with a ring of less intensive commercial to reflect the likely land use.

- Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG Agricultural
- Proposed FLUCP Designation: Auto Urban Commercial and Suburban Commercial
Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail; C, Commercial.

Several small areas which had rezonings approved within the last two years are not reflected in the above changes. They were either too small of a parcel, or in areas where staff believes making a long term change was not advisable given the surrounding character of the properties.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on November 4, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-12-01, an amendment to the Temple Comprehensive Plan 2008-2030 to revise specific future land use areas.

FISCAL IMPACT: NA

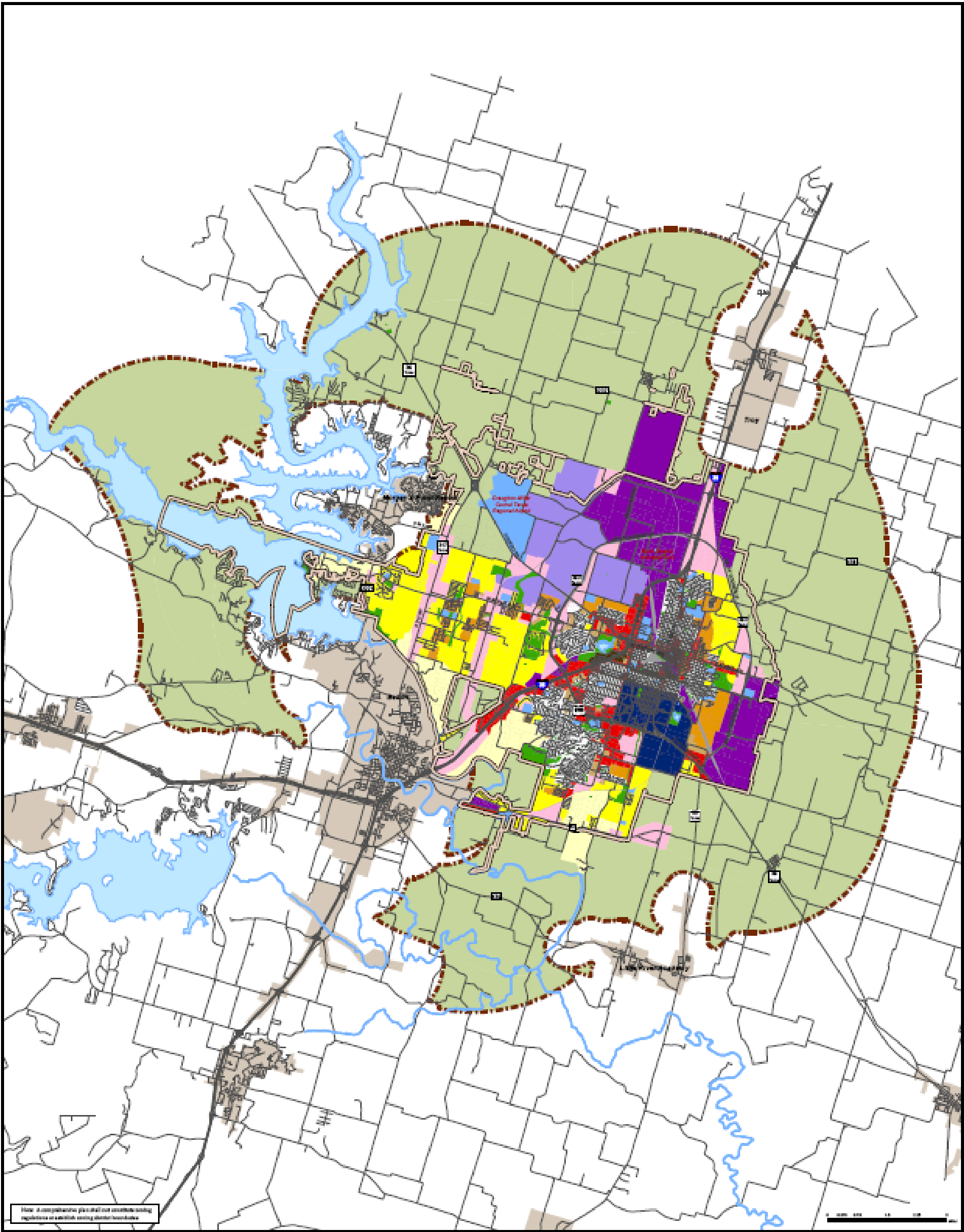
ATTACHMENTS:

[Selected Future Land Use Categories in the Comprehensive Plan](#)
[Specific FLUCP Map Images \(seven proposed map changes\)](#)
[Complete FLUCP Map \(with changes\)](#)

Selected Future Land Use Categories in the Comprehensive Plan

The Future Land Use Character Districts relevant to this report include:

- ☐ **AUTO-URBAN COMMERCIAL**
 - Auto-urban commercial development is the principal non-residential character pattern in the city. Examples of auto-urban commercial can be found along I-35, H.K. Dodgen Loop, 31st Street, and along Adams and Central Avenues.
- ☐ **AUTO-URBAN MIXED USE**
 - Examples of auto-urban - mixed use include where W. H Avenue intersects IH 35 and the surrounding Interstate areas, south of downtown, and along the W. H Avenue corridor.
- ☐ **AUTO-URBAN RESIDENTIAL – MULTI-FAMILY**
 - Examples of auto-urban residential - multi-family include neighborhoods with apartment complexes, such as on the west side of S. 31st Street in the Canyon Creek area and between MLK Blvd. and S. 1st Street and H.J. Dodgen Loop.
- ☐ **AUTO-URBAN RESIDENTIAL**
 - Auto-urban residential, single-family is the residential development pattern of many smaller lot established neighborhoods. These neighborhoods have multiple residential types, such as single family and duplex units and are scattered all over town.
- ☐ **SUBURBAN RESIDENTIAL**
 - Several suburban residential developments include newer neighborhoods with more average lot sizes. Wildflower Addition on South Kegley is an example that fulfills this definition in the Comprehensive Plan because the presence of a significant amount of common open space results in a more open suburban feel.
- ☐ **SUBURBAN COMMERCIAL**
 - Examples of suburban commercial development include the southwest corner of Industrial Boulevard and the Loop, South 31st and FM 93. Suburban commercial development should be concentrated in nodes at major intersections and can be characterized by extensive landscaping and/or open space. The architectural style of buildings, building materials, roof, signage and lighting also all contribute to a more suburban character.
- ☐ **ESTATE RESIDENTIAL**
 - An estate character requires low-density development on larger properties (typically one acre or larger), thereby producing a visual openness. The larger lot sizes, open space and vegetation are intended to be the more dominate views, while the buildings are to be apparent, yet secondary to the landscape. The estate character may resemble a less dense version of the typical suburban character, sometimes being characterized as a “ranch-ette”.
- ☐ **AGRICULTURAL/RURAL**
 - In this character class, much of the surrounding area has a rural character with scattered homesteads and other development. The visible distinction of rural character is the importance of the natural landscape, rather than buildings. Agricultural activities and undisturbed natural areas are the dominant land use rather than conventional suburban and estate residential developments. Uses are parts of rural water cooperatives and mostly on septic services.



2030 Future Land Use & Character

- | | | |
|-----------------------------|-------------------------------------|----------------------|
| □ Neighborhood Conservation | ■ Urban Center | ⊗ City Limits |
| ■ Estate Residential | ■ Temple Medical Education District | ⬆ Lake; River |
| ■ Suburban Residential | ■ Industrial | ⚡ Railroad |
| ■ Auto-Urban Residential | ■ Business Park | ⬆ Extraterritorial |
| ■ Auto-Urban Multi-Family | ■ Public Institutional | ⬆ Jurisdiction (ETJ) |
| ■ Auto-Urban Mixed Use | ■ Parks & Open Space | ⬆ Right-of-Way |
| ■ Auto-Urban Commercial | ■ Agricultural/Rural | |
| ■ Suburban Commercial | | |

3.1

FIGURE

11.14.2011

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011**

ACTION ITEMS

Item 7: Z-FY-12-01 – Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 3: Future Land Use and Character Plan Map, Figure 3.1. (Applicant: City of Temple)

Ms. Leslie Matlock stated the Future Land Use and Character Map cleanup was for the last few years where zoning approvals have taken place but did not conform to the map. City Council first reading would take place on December 15, 2011 and second and final action on January 5, 2012.

1. The intersection of Airport and Moffat Road has slowly developed into a commercial area. Changing the area to Suburban Commercial would be allowing compatible uses such as Office One (O1), Office Two (O2), Neighborhood Services (NS), and General Retail (GR).
2. Eastridge Road and Loop 205 recently was changed from Suburban-Commercial and a Two Family (2F) residential is being considered. This would make it less likely to have a warehouse use in the area.
3. Hartrick Bluff Road and West Highway 93 is currently Estate Residential which usually has UE. The development taken place has been compatible with SF1 and SF2 and the proposed change would be Suburban Residential
4. Lago Terra came in and changed the area to SF1 to have single family houses. The proposal for this area is to change Suburban Commercial to Urban Estates.
5. Southeast corner of N. Pea Ridge Road and Stonehollow Rd. The zoning was changed to GR and the proposed designation would be Auto Urban Commercial changing from Suburban Residential.
6. HK Allen Parkway (nonexisting street directly south of Waters Dairy and South 31st Street) is currently designated as Single Family and Suburban-Residential. This area will now be considered a Suburban Commercial area.
7. West Adams Avenue and South Kegley Road, intersection of two arterials, primed for larger retail/shopping area. Proposal is Auto Urban

Commercial wrapped by a Suburban-Commercial edge. This is a change from Suburban Residential and Suburban Commercial.

Staff recommends approval to these changes to the Future Land Use and Character Map.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Vice-Chair Staats made a motion to approve Item 7, **Z-FY-12-01**, as presented and Commissioner Rhoads made a second.

Motion passed: 7:0

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-01]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHOICES '08, CITY OF TEMPLE COMPREHENSIVE PLAN, BY REVISING THE SECTION 3; FUTURE LAND USE AND CHARACTER PLAN MAP, FIGURE 3.1; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City Council approved Ordinance No. 2008-4230 which adopted *Choices '08*, the City of Temple Comprehensive Plan;

Whereas, Chapter 3 of *Choices '08* is the Urban Design and Future Land Use contains an emphasis on community character which can be described as the distinctive qualities that the City Council wants Temple to conserve or acquire over the next 10-20 years;

Whereas, on November 21, 2011, the Planning and Zoning Commission recommended the adoption of an ordinance amending the 2030 Future Land Use and Character Plan Map, Figure 3.1, in the *Choices '08* Comprehensive Plan;

Whereas, the changes, more fully described herein, are clean-up changes for rezoning that have been approved by the City Council; and

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

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

Part 1: The City Council approves amending *Choices '08* City of Temple Comprehensive Plan, by revising the 2030 Future Land Use and Character Plan Map, Figure 3.1, by sector, as follows:

1. Z-FY 11-28, AG to C, Airport and Moffat Roads. This intersection on the City limits line has had several individual rezoned properties in the past 3-4 years from AG to various nonresidential zoning districts. There are several open businesses in the vicinity, such as a truck stop and convenience store, a mini-storage center, and a string of contractor offices.
 - Current FLUCP Designation: Agricultural/Rural
Current Compatible Zoning Districts: AG Agricultural
 - Proposed FLUCP Designation: Suburban Commercial

Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail

2. Z-FY 11-44, C to PD-2F, East Ridge Road and 205 Loop. Although this small area is between two commercial uses, the bulk of the neighborhood is developed as a residential area. Residential is a preferred use here, because a commercial use, such as a warehouse, would not be as desirable across from the established residential uses north and west of the parcel.

- Current FLUCP Designation: Suburban Commercial
Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Proposed FLUCP Designation: Auto-Urban Residential
- Proposed Compatible Zoning Districts: SF2 & SF3, Single-Family Residential; TH; Townhouse; 2F, Two-Family

3. Z-FY 10-50, AG to SF1, Hartrick Bluff Drive and State Hwy 90. This area is being changed as the extension of this neighborhood will be built with smaller lots than the Estate Residential district that is currently reflected on the FLUCP.

- Current FLUCP Designation: Estate Residential
- Current Compatible Zoning Districts: UE, Urban Estate
- Proposed FLUCP Designation: Suburban Residential
- Proposed Compatible Zoning Districts: SF1 & SF2; Single-Family Residential

4. Z-FY 11-14, Lago Terra Addition, Morgan's Point Road, North of W. Adams Avenue at the City Limits. This area has been platted as a new, larger-lot, gated development. Surrounding that area, to the north and south are existing estate homes and lots.

- Current FLUCP Designation: Suburban Commercial
- Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
- Current FLUCP Designation: Estate Residential
- Current Compatible Zoning Districts: UE, Urban Estate

5. Z-FY 11-32, AG to GR (and SF2), SE of N. Pea Ridge Road and Stonehollow Drive. This area appears as Suburban Residential on the current FLUCM. Much of the undeveloped areas are shown in this way or as Estate Residential on the FLUCM as they are more likely to be developed in the near future and City facilities could be feasibly extended. This intersection is about one mile from the commercial area along W. Adams Avenue and would well serve the residential homes with neighborhood services in the future.

- Current FLUCP Designation: Agricultural/Rural
- Current Compatible Zoning Districts: AG, Agricultural

- Current FLUCP Designation: Suburban Commercial
 - Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
6. Z-FY 11-10, PD-SF1 to PD-GR, S. 31st Street and H.K. Allen Parkway. This area is adjacent to the heavily traveled S. 31st Street corridor and is at an entrance to a platted, but unbuilt, subdivision. The property, while small, is a better land use adjacent to a major arterial.
- Proposed FLUCP Designation: Suburban Residential
 - Proposed Compatible Zoning Districts: SF1 and SF2, Single-Family Residential
 - Current FLUCP Designation: Suburban Commercial
 - Current Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail
7. Z-FY 11-41, AG to C.W. Adams Avenue and S. Kegley Road. This area is at the intersection of two arterials. This parcel and its surroundings are being adjusted as this is a prime corner for a shopping area or large retail store. The area is being changed to the more intensive commercial with a ring or less intensive commercial to reflect the likely land use.
- Current FLUCP Designation: Agricultural/Rural
 - Current Compatible Zoning Districts: AG Agricultural
 - Proposed FLUCP Designation: Auto-Urban Commercial and Suburban Commercial
 - Proposed Compatible Zoning Districts: O1 & O2, Office; NS, Neighborhood Services; GR, General Retail; C, Commercial

Several small areas which had rezoning approved within the last two years are not reflected in the above changes. They were either too small of a parcel, or in areas where staff believes making a long term change was not advisable given the surrounding character of the properties.

Part 2: 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 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: It is hereby officially found and determined that the meeting at which this Ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-12-05(A): Consider adopting an ordinance authorizing amendments to Articles 5, 6 and 11 of the Unified Development Code to add "Recreational Vehicle Park" as a Conditional Use in the use tables and to establish a definition related to such addition.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above.

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

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-05, from the Planning and Zoning meeting, November 21, 2011. Staff will present another set of UDC amendments, Z-FY-12-05(B), for first reading at the January 15, 2012, City Council meeting.

This proposed amendment modifies Article 5 and Article 6 of the UDC to address where in the City a Recreation Vehicle Park may be located. Chapter 31 of the City Code contains standards and requirements for Recreational Vehicle Parks. However, the current use tables in Article 5, Use Standards; Section 6.1, Manufactured Housing; and Sec.6.7, Interstate 35 Corridor Overlay, do not address Recreational Vehicle Parks as a permitted use. The proposed amendment provides for the use as a CUP request in the following zoning districts:

- Manufactured Housing (MH);
- General Retail (GR);
- Light Industrial (LI); and
- Agriculture (AG)

These are the zoning districts in which Recreation Vehicle parks currently exist in Temple. In addition, the amendment proposes to prohibit Recreational Vehicle Parks in the I-35 Corridor overlay zoning district.

The proposed amendment to Article 11, Definitions, simply carries over the existing Recreational Vehicle Park definition from Chapter 31 of the City Code.

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Amendment to UDC Articles 5, 6 and 11](#)
[P&Z Staff Report \(Z-FY-12-05\)](#)
[P&Z Minutes \(11/21/11\)](#)
[Ordinance](#)

Attachment - RV Park Use Tables - Citywide

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
RESIDENTIAL USES																						
Boarding or rooming house											P	P		P			P	P	P	P		
Convent or monastery	C	C															P	P	P	P		
Family or Group Home	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		5.3.1
Fraternity or sorority	C	C									C	C	C	P	P		P	P	P	P		
Home for the aged	C	C									C	P	P	C	P		P	P	P	P		
Industrialized housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
HUD-Code manufactured home land lease community	C																					5.3.2
HUD-Code manufactured home subdivision	L																					5.3.2
Multiple-family dwelling (apartment)											L	L	L		L				L			5.3.3
Patio home						L		L	L													5.3.4
<u>Recreational vehicle park</u>	<u>C</u>																<u>C</u>			<u>C</u>		
Single-family attached dwelling						P	P	L	P	P	P	P		P	P	P	P	P	P			5.3.5
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			
Townhouse								L	L		L	L		L	L	L	L	L	L			5.3.6
Triplex										C	P	P			P				P			
Two-family dwelling (duplex)										P	P	P		P	P		P	P	P			
Zero lot line dwelling						P	L	P	P	P	P	P										5.3.7
NONRESIDENTIAL USES																						
AGRICULTURAL USES																						
Animal shelter (public or private)	C																	C		P	P	
Farm, ranch, orchard or garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouse or nursery (wholesale)	P																	P	P	P	P	

Article 6 Special Purpose and Overlay Zoning Districts

Sec. 6.1. MH, Manufactured Home

6.1.1 Use Table

The following uses are permitted by right, permitted subject to limitations, or require a Conditional Use Permit in the MH, Manufactured Home zoning district.

Use	Permitted by Right or Permitted Subject to Limitations	Conditional Use	Standard
RESIDENTIAL USES			
Convent or monastery		✓	
Family or group home	✓		
HUD-Code manufactured home subdivision	✓		5.3.2
HUD-Code manufactured home land lease community	✓		5.3.2
Industrialized housing	✓		
<u>Recreational vehicle park</u>		✓	
Single-family detached dwelling	✓		
NONRESIDENTIAL USES			
Asphalt or concrete batching plant (temporary)		✓	
Cemetery, mausoleum or crematorium		✓	
Child care: group day care home		✓	5.3.9
Child care: family home	✓		5.3.9
Community center		✓	
Electrical substation (high voltage bulk power)		✓	
Electrical transmission line (high voltage)		✓	
Fire Station	✓		
Gas line and regulating station	✓		
Institution religious – charitable – philanthropic nature		✓	
Park or playground	✓		
Petroleum or gas well		✓	
Place of worship	✓		
Playfield or stadium		✓	
Pre-school		✓	
Railroad track or right-of-way or team track	✓		
School, (elementary or secondary), public or private	✓		
Sewage pumping station		✓	
Shop yard of local, state or		✓	

Attachment - RV Park Use Tables - I-35 Corridor - Industrial Subdistrict

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	✓		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Regulation	Measurement
Min. Lot Area	1 acre

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental	✓		

Attachment - RV Park Use Tables - I-35 Corridor - City Entry Subdistrict

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		

Attachment - RV Park Definition

Article 11: Definitions

Sec. 11.2. Defined Terms

principal side. The other side facing the street will be secondary frontage. (Ord. 2010-4415)

Private Garage. An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

Processing. The method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

Shop Yard of Local, State or Federal Government. Facilities such as office buildings, maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard, City service center or experiment station.

Radio or Television Tower. Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Railroad Team Track. A siding for spotting and unloading or loading box cars or other railroad cars and that is connected to a public street by a drive for access.

Railroad Track and Right-Of-Way. Does not include railroad stations, siding, team tracks, loading facilities, docks, yards or maintenance areas.

Recreational Vehicle Park. A parcel of land which has been planned and improved for the placement of recreational vehicles for transient use and for the temporary parking of recreational vehicles, placement of supplementary structures and accessory uses not prohibited by the City Code or this UDC and containing sanitary facilities for the direct discharge from recreational vehicle holding tanks and utility hookups.

Recyclable Materials. Materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts and machinery that have no economic value except as composition material.

Recycling Collection Facility. A location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no processing on site and usually occurring as an accessory use on the property.

Replatting. The alteration of any part or all of any lot, block or tract of a previously platted subdivision.

Residential Area. Any area that in whole or in part is platted for the development of dwelling units or residences, whether single-family, townhouse, two-family, multifamily, owner occupied, condominium or rental dwelling units.

Residential Structure. Any structure where a minimum of 50 percent of the building's intended use is residential.

Restaurant (Not Drive-In). An establishment serving food to the general public in specific, designated dining areas. This term does not include drive-in establishments where food is delivered to or eaten in automobiles.

Restaurant (Drive-In). An establishment designed and constructed to serve food for consumption on the premises in an automobile or for carry-out for off-premises consumption and that establishment may or may not have on premises dining room or counter.

Retail Sales and Service. Companies or individuals involved in the sale, lease or rental of new or used



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #9
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-05 Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.

BACKGROUND: Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use “Recreational Vehicle Park” to the use table as a Conditional Use Permit in specific zoning districts.
3. Add the use “Transitional Shelter” to the use table as a Conditional Use Permit in specific zoning districts.
4. Increase the setbacks for street trees on South First Street per TxDOT request.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
6. Amend the sign requirements in the I-35 Corridor Overlay; and
7. Add definitions related to the above additions.

CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

RECREATIONAL VEHICLE PARK USE (ATTACHMENT 2): This proposed amendment modifies Article 5 and Article 6 of the UDC. Chapter 31 of the City Code addresses standards and requirements for Recreational Vehicle Parks. However, the current use tables in Article 5, Use Standards, and Section 6.1, Manufactured Housing, do not address Recreational Vehicle Parks as a permitted use. The proposed amendment provides for the use as a CUP request in the following zoning districts:

- Manufactured Housing (MH)
- General Retail (GR)
- Light Industrial (LI) and
- Agriculture (AG)

These are the zoning districts in which Recreation Vehicle parks currently exist in Temple.

TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 3): This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
 - Alcoholic beverage sales, on-premise or off-premise consumption
 - All residential uses or zoning districts
 - Daycares or schools
 - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.

Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 4): This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 6): This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and

present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 7): This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Recreational Vehicle Park
- Transitional Shelter

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Conditional Use Permit Time Limit \(Attachment 1\)](#)

[Recreational Vehicle Park Use \(Attachment 2\)](#)

[Transitional Shelter Use \(Attachment 3\)](#)

[Street Tree Setbacks in TMED on First Street \(Attachment 4\)](#)

[I-35 Corridor Overlay Sidewalks \(Attachment 5\)](#)

[I-35 Corridor Overlay Signs \(Attachment 6\)](#)

[Associated Definitions \(Attachment 7\)](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011

ACTION ITEMS

Item 9: Z-FY-12-05 – Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards. (Applicant: City of Temple)

Mr. Mabry stated these items were considered housekeeping issues which relate mainly to Planning and Code Enforcement.

1. Granting of a Conditional Use Permit (CUP) by City Council would provide a clear option for the City Council to approve a CUP with an attached associated time limit and a requirement for reapplying for the CUP to get a continuance on the use of the property for that CUP.

Mr. Mabry stated if things were not going as expected under the CUP, it could be revoked. This time limit would apply to new CUPs only.

2. Recreational Vehicle Parks - The UDC does not have provisions for where and what zoning districts an RV park may take place in. The proposed amendment would require a CUP for RV parks and they would be located in the Manufactured Home (MH), General Retail (GR), Light Industrial (LI) and Agricultural (AG) districts. RV parks would be prohibited in the I35 Overlay.
3. Transitional Shelter – Transitional or Emergency Shelter would be the same as far as the land use table in the UDC was concerned (although the uses differ). The proposed amendment would require a CUP for a transitional or emergency shelter located in the LI district. Some standards have been developed and proposed in order for these shelters to comply with eligibility for a CUP.

Separation standards of 1000 feet between the shelter and alcohol beverage sales (on- or off-premise sales—package store, convenience store, bar, etc.), 1000 foot separation between all residential uses and zoning districts—SF up to MF both in use and zoning districts), 1000 foot separation between day cares and schools (includes all levels of day care, businesses, public/private schools from K-12, etc.), and from other shelters as well.

Other standards include having adequate space for potential clients to wait inside the building, have working HVAC units in the building, meet International Fire and Building Codes, ratio of one staff person per 25 on-site clients, and limit emergency shelters to provide shelter not to exceed 30 days. As far as regulations, time limits are the only difference between emergency and transitional shelters.

Shelters would be prohibited in the I35 Overlay.

4. Increase the setbacks for street trees on South First Street per TxDOT request from 7.5 feet to 8.5 feet. This would allow for better safety, visibility, and maintenance.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage. Width and material standards would comply with the Trails Plan.

Trails Plan overlay is shown to provide additional details and locations.

6. Currently in the I35 Overlay some types of signs are addressed and others are not.

All permitted uses in the I35 Corridor may have a wall sign limited to 10% of the façade of the building and no projection of the wall sign will be over the building.

Window signs would be the same with 20% of the window area.

Monument signs are allowed, eight feet in height, 50 square feet, no setbacks needed. The proposed spacing standards would be 25 feet. Currently it is a 10 foot separation citywide and 20 feet in the Central Area.

Any permitted use within the overlay may have a pylon sign (large monument sign with encased base), 20 feet in height, 200 square foot sign face, 10 foot setback with 50 feet spacing between each sign.

Fuel sales, overnight accommodations, and restaurant uses (travel related) would be allowed a larger sign of 40 feet in height, 300 square foot sign face, a 15 foot setback from the property line, and 100 foot spacing between signs. For example, if a single restaurant had 200 feet of frontage, it could have one sign.

A multi-tenant site, 3 or more tenants on a unified site, may have a pylon sign, 40 feet in height and 400 square foot area, and same setbacks as travel related uses with a minimum spacing of 200 feet from other signs.

A multi-tenant monument sign may be 10 feet in height, 65 square foot area, no setback required, and 25 foot spacing between signs.

Specific provisions for multi-tenant signs:

1 freestanding per 200 feet of frontage on I-35;

Multi-tenant pylon signs oriented to I-35 frontage roads;

Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35;

Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs; and

1 monument sign per individual business advertised on multi-tenant signs

Example:

Bird Creek – +/- 1600' frontage on I-35 = Maximum 8 pylon signs
Unlimited monument signs (spacing)
Multi-Tenant monument on Loop side

Now (I-35 Side):

3 Multi-tenant pylon signs (2 on Loop)
0 Monument signs
3 Individual pole signs

Pylon Sign Provisions:

Minimum height to width ratio is 1:.15

Bottom of the sign face may be no more than 6' from the ground

Example:

40' tall pylon must be minimum 6' wide and 6' from ground

Prohibited Signs:

Roof Signs
Banner or Pole Banner
Fence Sign
Inflatable Device
Message Board
Pole Sign (pole with sign at the top)

7. Defining Terms related to the standards:

Recreational Vehicle Park

From City Code

Emergency Shelter

30 consecutive days or less

Transitional Shelter

Drug & alcohol, homelessness, domestic abuse
Longer-term

Multi-Tenant Site

Unified development that contains multiple commercial uses under same primary ownership or lease

Multi-Tenant Sign

Freestanding sign that advertises for more than two businesses on a multi-tenant site

Pole Sign

Freestanding sign with visible support structures

Pylon Sign

Freestanding sign with support structures concealed and enclosed with decorative masonry material

Staff supports the proposed amendments to UDC Articles 3, 5, 6, and 11 as presented:

1. Time limit for CUPs
2. Add RV Park as CUP in certain districts
3. Add Transitional or Emergency Shelter in certain districts
4. Increase street tree setback on S. 1st
5. Specify where sidewalks are required along I-35
6. Modify sign requirements along I-35
7. Add definitions related to above

Commissioner Talley asked for clarification of 'emergency' since some churches help out families periodically and would the church have to take out a permit? Mr. Mabry stated no, churches are usually temporary uses, such as Family Promise, are rotating and not an established use part of the church.

Commissioner Talley also asked what the procedure would be in a natural disaster and how would the 30 day time limit work. Mr. Mabry stated the intent was not meant to stand in the way of a declared emergency. This was directed toward shelters doing this as a living/profession.

Mr. Mabry clarified that any of the signs allowed in I35 under the proposal would not be pole signs. The support would need to be encased in some type of masonry from bottom to top.

Vice-Chair Staats asked about the 200 foot spacing (such as Bird Creek example) and there would be too many signs. Ms. Speer stated the Commission could increase the distance if desired. Vice-Chair Staats suggested regardless of the size of the property, the number of signs should be limited. A pylon sign may be 40 feet in height in the proposal. Optimum spacing would be 300 to 400 feet.

Discussion about various signs and pads along I35.

Commissioner Sears asked if there were currently any RVs or shelters located in the I35 overlay. Ms. Speer stated there was one, permitted, RV park with a CUP, called Lucky's, located on the north side of Temple along I35 and would not be affected by this proposal. Ms. Speer also stated there were seven mobile home parks within Temple that do have RVs in them and all are licensed but have no code enforcement or restrictions on RV uses. The City has offered a one-time CUP for an RV park with those specific RV sites grandfathered in.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Commissioner Talley moved to accept the recommendation presented by Staff of Item 9, **Z-FY-12-05**, and Commissioner Pilkington made a second.

Vice-Chair Staats amended the motion by Commissioner Talley to recommend a 300 foot spacing increase opposed to the stated 200 foot spacing, and Commissioner Sears made a second to the amendment.

Amendment passed: (6:1)

Commissioner Pilkington voted nay

Amended Motion passed: (7:0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLES 5, 6 AND 11, ADDING “RECREATIONAL VEHICLE PARK” AS A CONDITIONAL USE IN THE USE TABLES, AND ESTABLISHING A DEFINITION RELATED TO SUCH ADDITION; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its November 21, 2011 meeting, the Planning and Zoning Commission voted to amend the UDC to add “Recreational Vehicle Park” as a Conditional Use in the use tables and to establish a definition related to such addition;

Whereas, this proposed amendment modifies Article 5 and Article 6 of the UDC to address where in the City a Recreational Vehicle Park may be located. Chapter 31 of the City Code contains standards and requirements for Recreational Vehicle Parks; however the current use tables in Article 5 do not address Recreational Vehicle Parks as a permitted use;

Whereas, the proposed amendment provides for the use as a CUP request in the following zoning districts outlined in Exhibit A attached – the proposed amendment to Article 11 simply carries over the existing Recreational Vehicle Park definition from Chapter 31 of the City Code;

Whereas, the Staff recommends amending the Unified Development Code to address where a Recreational Vehicle Park may be located and to carry over the existing definition from Chapter 31; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Articles 5, 6 and 11, adding “Recreational Vehicle Park” as a conditional use in the use tables and establishing a definition related to such addition, said amendment being more fully described in Exhibit A, attached hereto for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 5: It is hereby officially found and determined that the meeting at which this ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson

Jonathan Graham

City Secretary

City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(O)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-12-06: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with Staff recommendation to recommend approval of a rezoning from AG to UE.

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

Staff recommends approval of a rezoning from AG to UE for the following reasons:

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. Public and private facilities will serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-06, from the Planning and Zoning Commission meeting, November 21, 2011. The applicant, Turley Associates for Kiella Land Development, requests the rezoning from Agricultural District (AG) to Urban Estate (UE) to allow a single-family subdivision north of Inverness Road. The applicant's 11.8-acre property is large enough to accommodate approximately 18 single-family dwellings with a rezoning to UE.

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Residential future land use. The property is bordered by Suburban Residential and ETJ with Estate Residential nearby. This request continues the Urban Estate zoning district to the West. The rezoning request complies with the FLUC map.

Thoroughfare Plan (CP Map 5.2)

The main access road is Richland Dr. which is not designated as anything beyond a local road on the Thoroughfare Map and therefore the rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 6" water line. The nearest sewer line is approximately 1,350 ft to the South on Adams. Septic systems are in place in the neighboring divisions of Campuses at Lakewood Ranch. Adequate public and private facilities are available for this property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does not designate any trails in this area. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

The Urban Estates zoning district permits single-family detached dwellings with rural characteristics in a suburban environment. Lot sizes are larger than other residential zonings and allow for larger single-family properties to be built. Parkland can also be permitted inside of an Urban Estate zoning district. The following table demonstrates the Residential Dimensional Standards for the Urban Estates zoning:

UE, Urban Estates	
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3
Min. Yard (ft)	
Front	30
Side	15
Side (street)	15
Rear	10

PUBLIC NOTICE:

Sixteen notices to property owners within 200-feet of the subject property were sent regarding the Planning and Zoning Commission public hearing. As of Wednesday, November 16, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 7th, 2011, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Aerial](#)
[Future Land Use and Character Map](#)
[Zoning Map](#)
[Utility Map](#)
[Thoroughfare Plan Map](#)
[Notice Map](#)
[P&Z Staff Report \(Z-FY-12-06\)](#)
[P&Z Minutes \(11/21/11\)](#)
[Ordinance](#)



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

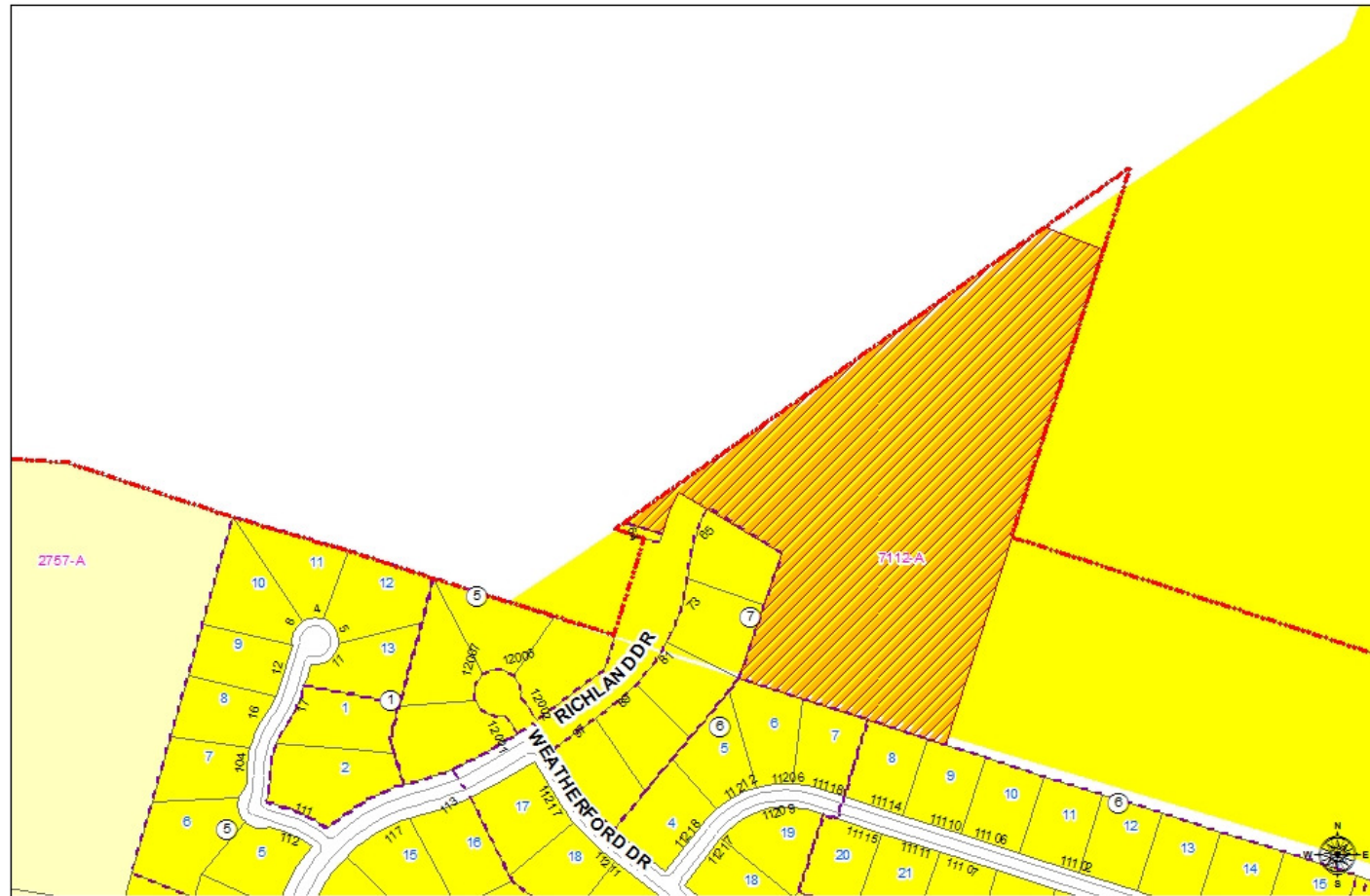
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305 and
North of Inverness Drive



- | | | | | | |
|-----------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 12-06 | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

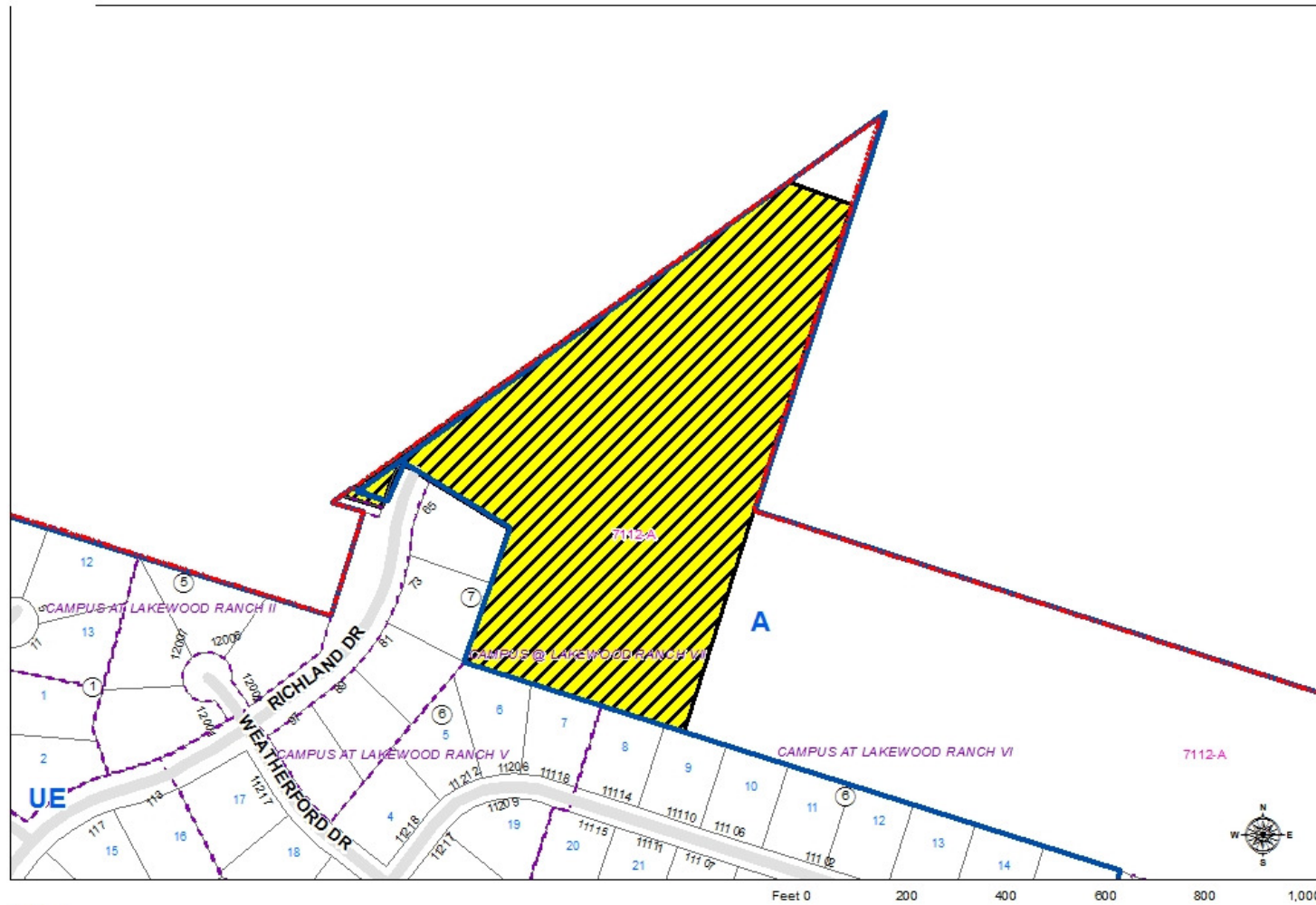
1 inch = 285 feet
JCalhoun Planning 11.14.11



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



ZFY 12-06

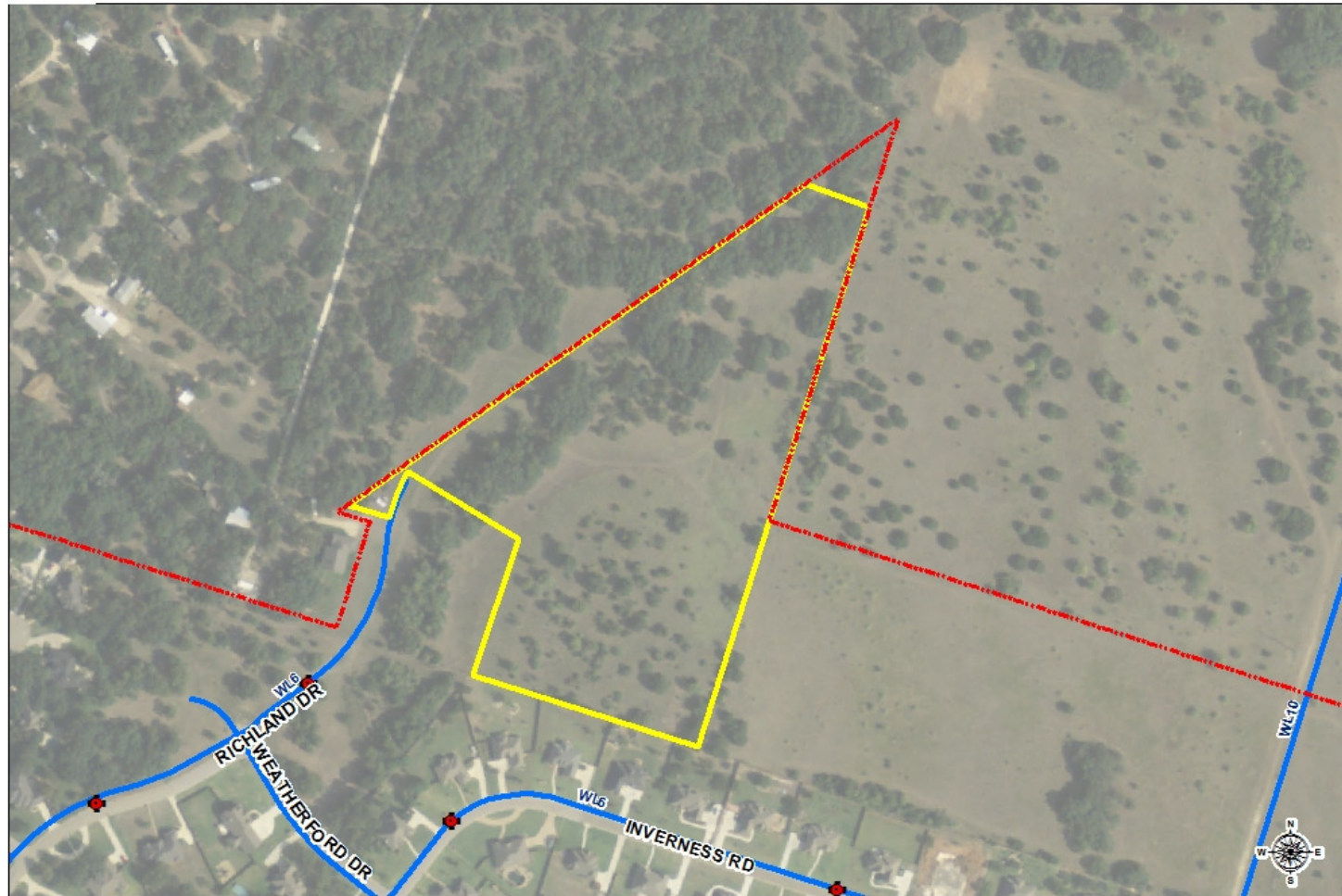
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



- ZFY 12-06
- Water Line
- Fire Hydrant
- Sewer Line

Feet 0 200 400 600 800 1,000

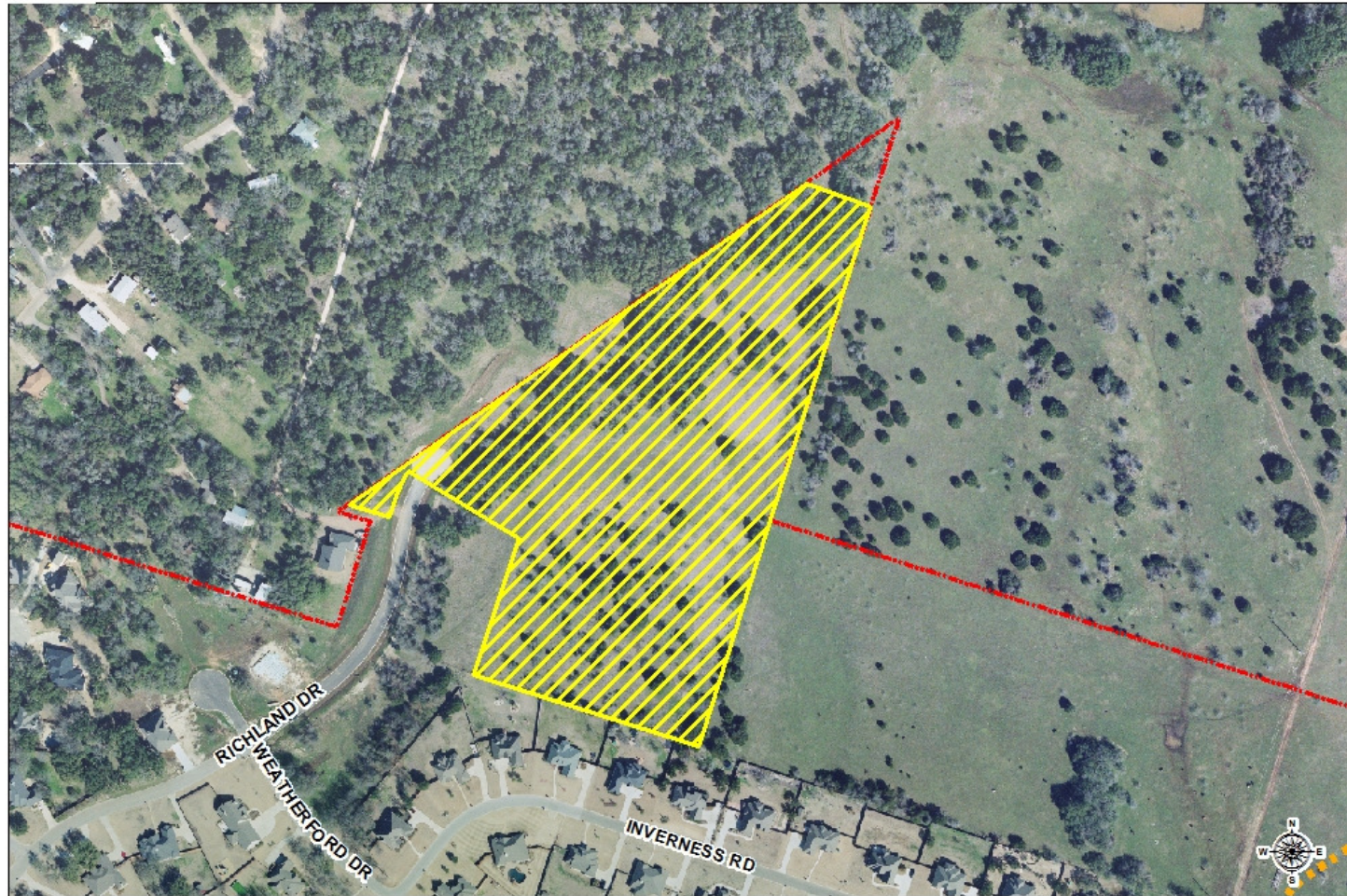
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



 ZFY 12-06

JCalhoun 10.25.2011



Z-FY-12-06

AG to UE

North of FM 2305
and North of Inverness Drive



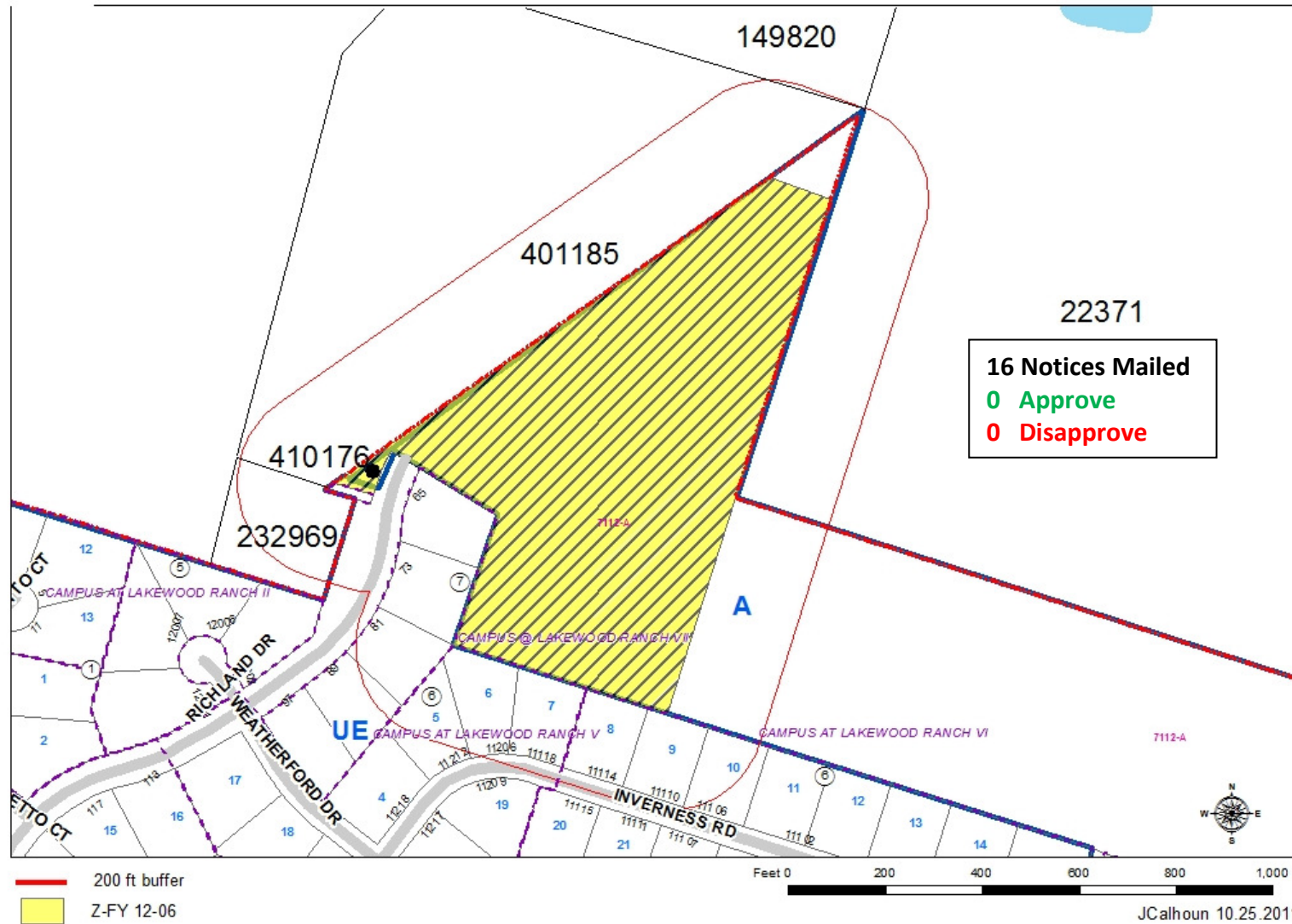
JCalhoun 10.25.2011



Z-FY-12-06

AG to UE 11.759 acres
in the George W. Lindsey Survey

North of FM 2305
and North of Inverness Drive





PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #5
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Turley Associates for Kiella Land Development

CASE MANAGER: Jacob Calhoun, Planning Intern




ITEM DESCRIPTION: Z-FY-12-06 Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759 acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive.

BACKGROUND: The applicant is requesting the rezoning from AG to UE because the property is planned for a residential subdivision. The subdivision is expected to begin use within one year of rezoning completion.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Agricultural use	

Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural Outside City Limits	
South	UE	Campus @ Lakewood Ranch V,VI, and VII	
East	AG	Agricultural Temple ETJ	

Direction	Zoning	Current Land Use	Photo
West	AG	Agricultural Outside City Limits	

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The Future Land Use and Character Map designates the property as Suburban Residential future land use. The property is bordered by Suburban Residential and ETJ with Estate Residential nearby. This request continues the Urban Estate zoning district to the West. The rezoning request complies with the FLUC map.

Thoroughfare Plan (CP Map 5.2)

The main access road is Richland Dr. which is not designated as anything beyond a local road on the Thoroughfare Map and therefore the rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

The property is served by a 6" water line. The nearest sewer line is approximately 350 ft to the South on Adams. Septic systems are in place in the neighboring divisions of Campuses @ Lakewood Ranch. Adequate public and private facilities are available for this property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan does not designate any trails in this area. This rezoning will not trigger dedication for the Trails Master Plan.

DEVELOPMENT REGULATIONS:

The Urban Estates zoning district permits single-family detached dwellings with rural characteristics in a suburban environment. Lot sizes are larger than other residential zonings and allow for larger single-family properties to be built. Parkland can also be permitted inside of an Urban Estate zoning district. The following table demonstrates the Residential Dimensional Standards for the Urban Estates zoning:

UE, Urban Estates	
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3
Min. Yard (ft)	
Front	30
Side	15
Side (street)	15
Rear	10

PUBLIC NOTICE:

16 notices to property owners within 200-feet of the subject property were sent regarding the Planning and Zoning Commission public hearing. As of Wednesday, November 16, at 5 PM, no notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 7th, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning from AG to UE for case Z-FY-12-06 for the following reasons:

1. The request complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities will serve the property.

FISCAL IMPACT: Not applicable

ATTACHMENTS:

[Aerial](#)
[Future Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Plan Map](#)
[Utility Map](#)
[Trails Map](#)
[Notice Map](#)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011**

ACTION ITEMS

Item 5: Z-FY-12-06 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) to Urban Estates (UE) on 11.759± acres in the George W. Lindsey survey, Abstract No. 513, Bell County, TX, located North of FM 2305 and North of Inverness Drive. (Applicant: Turley Associates for Kiella Land Development)

Mr. Jacob Calhoun, Planning Intern, stated the applicant was requesting a rezoning from Agricultural (AG) to Urban Estates (UE) because the property is planned for a residential subdivision.

Surrounding properties include an UE residential subdivision (Campus at Lakewood Ranch) to the south, undeveloped AG to the east, and undeveloped ETJ properties to the north and west.

The Future Land Use and Character Map designates this property and its surroundings, as Suburban-Residential.

There are no major or minor arterial roads, only local designated roads.

A six-inch water line is located to the southwest with no sewer line connections. Most of the adjacent subdivision runs on septic systems.

Twelve notices were mailed out and zero responses were returned.

UE standards include:

- Permits single-family detached dwellings with rural characteristics in a suburban environment.
- Lot sizes are larger than other residential zonings
- Allows for larger single-family properties to be built.
- Parkland can also be permitted inside of an Urban Estate zoning district.

Staff recommends approval of the zoning request from AG to UE since the request complies with the Future Land Use and Character Plan; the Thoroughfare Plan; and public and private facilities will be available to serve the site.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Commissioner Rhoads made a motion to approve Item 5, **Z-FY-12-06**, as presented and Commissioner Sears made a second.

Motion passed: 7:0

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-06)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL (AG) TO URBAN ESTATES (UE) ON APPROXIMATELY 11.759 ACRES IN THE GEORGE W. LINDSEY SURVEY, ABSTRACT NO. 513, BELL COUNTY, TEXAS, LOCATED NORTH OF FM 2305 AND NORTH OF INVERNESS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural (AG) to Urban Estates (EU) on approximately 11.759 acres in the George W. Lindsey survey, Abstract No. 513, located north of FM 2305 and north of Inverness Drive, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(P)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-12-07: Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 6/0 in accordance with staff recommendation to recommend approval of a rezoning from AG to SF1. Commissioner Staats abstained.

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

Staff recommends approval of a rezoning from AG to SF1 for the following reasons:

1. The request is partially compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-07, from the Planning and Zoning Commission meeting, November 21, 2011. The applicant, Jason Carothers, requests the rezoning from Agricultural District (AG) to Single Family One District (SF1) to allow a single-family subdivision along Morgans Point Road, southeast of Bonnie Lane and across from Lago Terra Subdivision. The applicant's 19-acre property is large enough to accommodate approximately 100 single-family dwellings at five units per acre with a rezoning to SF1. However, the applicant has verbally informed Planning Staff of his intent to development approximately 15,000 square-foot lots and to preserve oak trees over 12" in diameter.

At the Planning and Zoning meeting, property owners within the Extraterritorial Jurisdiction (ETJ) asked questions regarding future drainage and traffic impact on Morgans Point Road, a minor arterial on the Thoroughfare Plan. If this rezoning request is approved, many of the concerns would be addressed during the platting process.

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The requested rezoning does not fully comply with the Future Land Use and Character Map. The Map recommends the Estate Residential future land use category for the property and some of its surroundings. The Estate Residential future land use category is for large lot rural development generally on the fringes of the City. The zoning district that most complies with Estate Residential is Urban Estate (UE).

Although both are single-family zoning districts, the UE district has a 22,500 square-foot minimum lot area, 80' minimum lot width, 30' minimum front yard setback and 15' side yard setback. The requested SF-1 district has a 7,500 square-foot minimum area, 60' minimum lot width, 25' front yard setback and a side yard setback equal to 10% of the lot width.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line running along Morgan's Point road serves the subject property. The nearest wastewater line is 400' from the property. The applicant intends to tie into a wastewater line running along Adams approximately 570 feet to the south with an off-site easement when platting occurs.

DEVELOPMENT REGULATIONS:

The requested SF1 zoning district is used for single family homes and related uses such as parks, playgrounds, and churches. There are several Conditional Uses that are permitted in this district such as cemeteries, community centers, fire stations, and schools.

The SF1 District has a minimum Lot area of 7,500 square feet, a minimum Lot width of 60 feet, and a minimum Lot depth of 100 feet.

PUBLIC NOTICE:

Eighteen notices were mailed regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. Fifteen courtesy notices were mailed to property owners in the Extraterritorial Jurisdiction. As of Tuesday, November 29, 2011, at 2 PM, two notices were returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 7, 2011, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Aerial
Future Land Use and Character Map
Zoning Map
Utility Map
Thoroughfare Plan Map
Master Trails Plan Map
Notice Map
P&Z Staff Report (Z-FY-12-07)
P&Z Minutes (11/21/11)
Ordinance



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



Feet 0 300 600 900

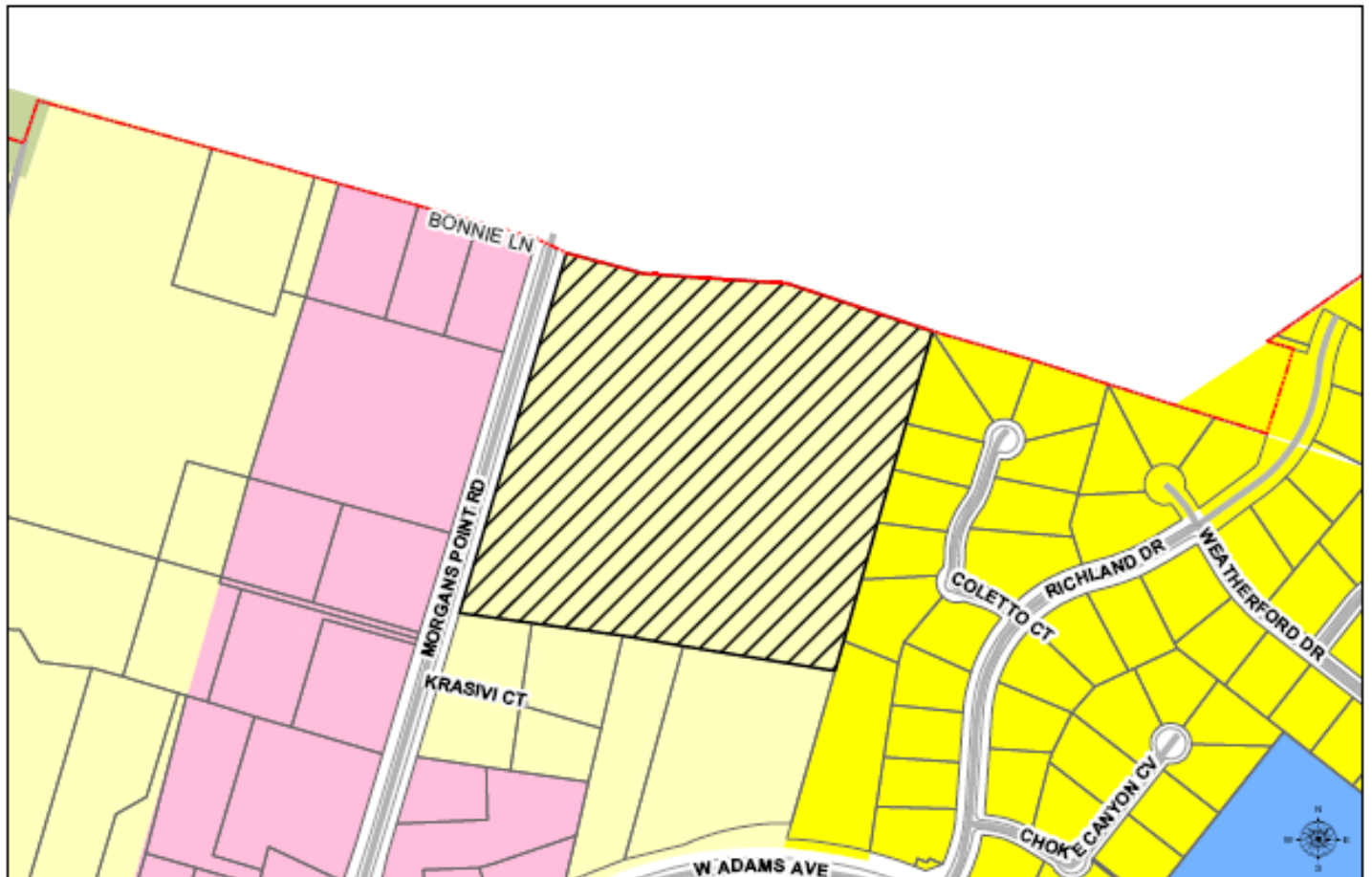
LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- | | | | | | |
|-------------------------|-------------------------|--------------------|---------------------------|-----------------------------------|--------------|
| ZFY 12-07, 19.065 Acres | Auto-Urban Mixed Use | Business Park | Neighborhood Conservation | Suburban Commercial | Urban Center |
| Agricultural/Rural | Auto-Urban Multi-Family | Estate Residential | Parks & Open Space | Suburban Residential | |
| Auto-Urban Commercial | Auto-Urban Residential | Industrial | Public Institutional | Temple Medical Education District | |

1 Inch = 320 feet

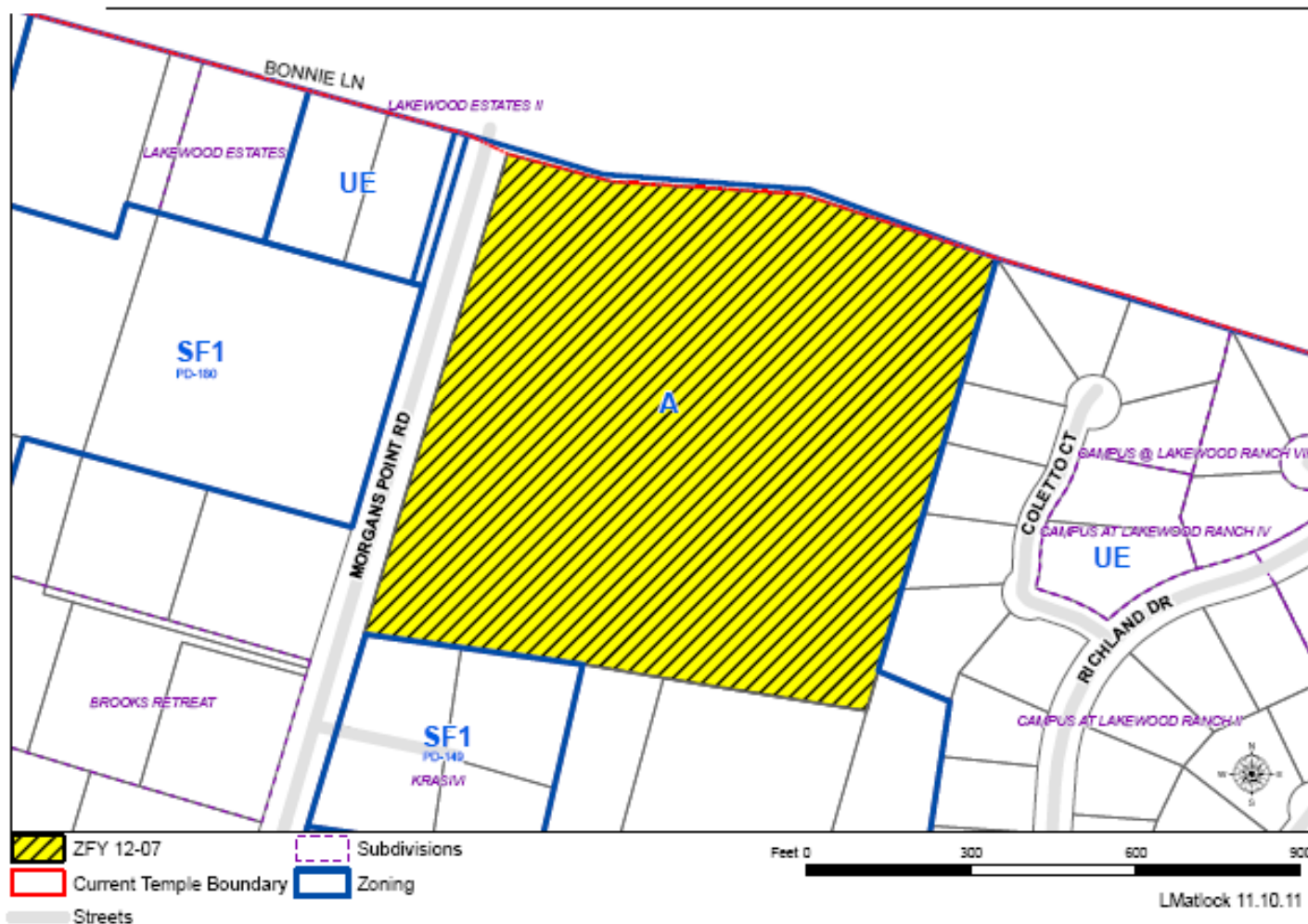
LMatlock Planning 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III

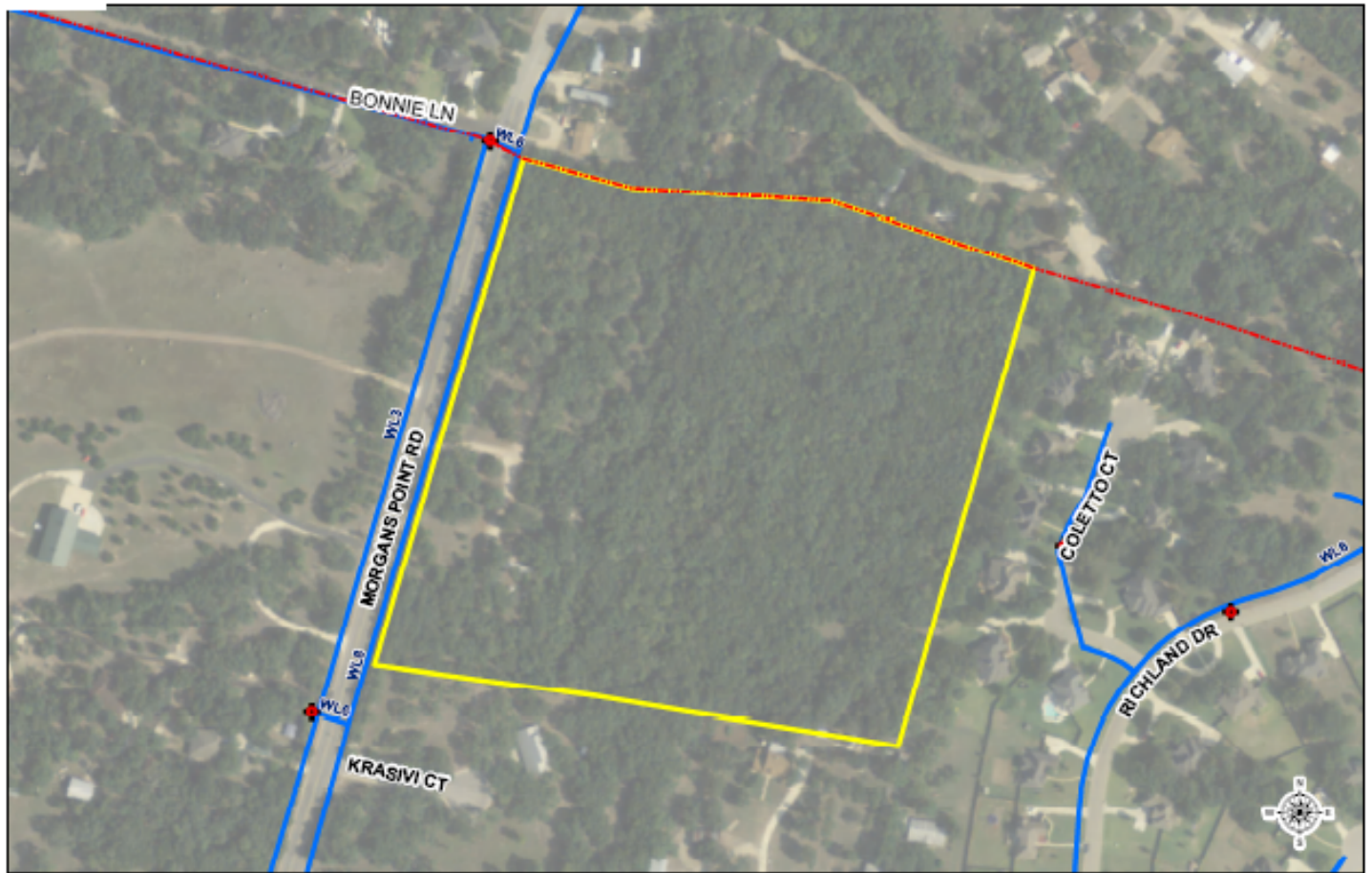




Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- ZFY 12-07
- SEWER LINE
- FIRE HYDRANT
- WATER LINE

Feet 0 300 600 900

LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



ZFY 12-07

Current Temple Boundary

Minor Arterial

Feet 0 300 600 900

LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- ZFY 12-07
- Proposed Local Connector Trail
- Current Temple Boundary

Feet 0 300 600 900

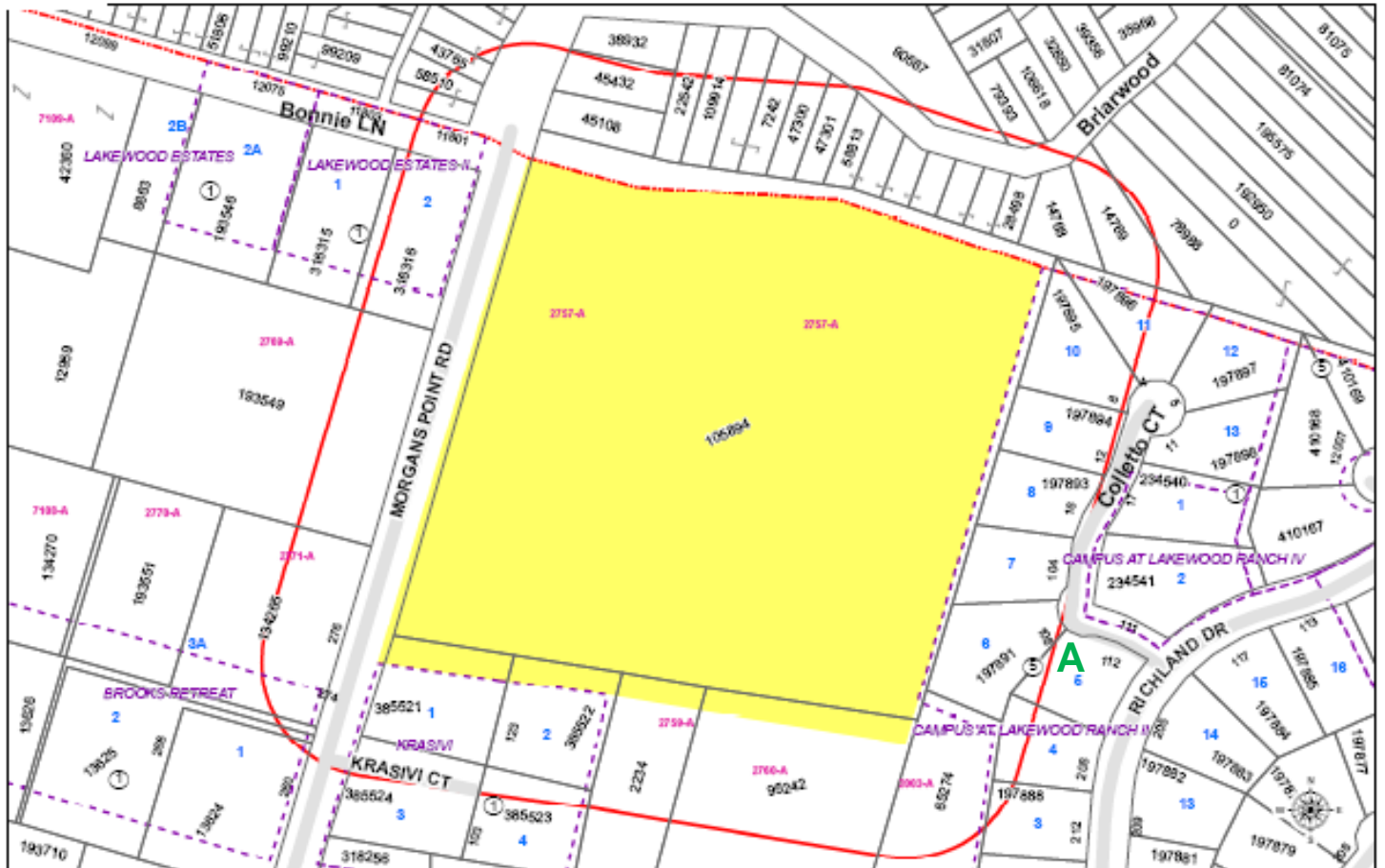
LMatlock 11.10.11



Z-FY-12-07

AG to SF1

19.065 Acres, E of Morgan's Point Rd
W of Lakewood Ranch III



- ZFY 12-07
- ZFY 12-07 200-ft Notification Boundary
- Current Temple Boundary

Feet 0 300 600 900

LMatlock 11.10.11

18 Notices Mailed

1 Approve

0 Disapprove

16 Notices Mailed

were sent to

Citizens in ETJ



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #6
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Jason Carothers of Carothers Executive Homes, Owner

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-12-07 Hold a public hearing to discuss and recommend action on a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane.






BACKGROUND: The applicant requests this rezoning from AG to SF1 to allow the construction of single-family homes on this property. The property is across Morgans Point Road from the Lago Terra Subdivision, item #2 on the P&Z's agenda. If the rezoning is approved, the site is large enough to accommodate approximately 100 single-family dwellings. This amounts to five units per acre. By comparison, the adjacent Campus at Lakewood Ranch, which is zoned Urban Estate, is 1 ½ units per acre. Although Temple does not have a citywide tree preservation requirement, the developer has voluntarily preserved 12" and large diameter oak trees on the site.



Heavily Wooded Subject Property

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG –Agriculture (SF1 proposed)	Undeveloped Land	
North	ETJ- Extra Territorial Jurisdiction	Single Family Homes	
South	SF1 and AG	Single Family Homes	
East	UE – Urban Estate	Single Family Homes on Large Lots	
West	UE,SF1, and AG	Undeveloped Land and Single Family Homes	

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use and Character (CP Map 3.1)

The requested rezoning does not fully comply with the Future Land Use and Character Map. The Map recommends the Estate Residential future land use category for the property and some of its surroundings. The Estate Residential future land use category is for large lot rural development generally on the fringes of the City. The zoning district that most complies with Estate Residential is Urban Estate (UE).

Although both are single-family zoning districts, the UE district has a 22,500 square-foot minimum lot area, 80' minimum lot width, 30' minimum front yard setback and 15' side yard setback. The requested SF-1 district has a 7,500 square-foot minimum area, 60' minimum lot width, 25' front yard setback and a side yard setback equal to 10% of the lot width.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line running along Morgan's Point road serves the subject property. The nearest wastewater line is 400' from the property. The applicant intends to tie into a wastewater line running along Adams approximately 570 feet to the south with an off-site easement when platting occurs.

DEVELOPMENT REGULATIONS:

The requested SF1 zoning district is used for single family homes and related uses such as parks, playgrounds, and churches. There are several Conditional Uses that are permitted in this district such as cemeteries, community centers, fire stations, and schools.

The minimum setback is shown on the table below.

SF1, Single-Family One	
Min. Lot Area (sq. ft.)	7,500
Min. Lot Width (ft.)	60
Min. Lot Depth (ft.)	100
Max. Height (stories)	2
Min. Yard (ft)	
Front	25
Side	10% of the width 6-ft min, 7.5 ft max
Side (street)	15
Rear	10

PUBLIC NOTICE:

Eighteen notices were mailed regarding the Planning and Zoning Commission public hearing to property owners within 200-feet of the subject property. Fifteen courtesy notices were mailed to property owners in the Extraterritorial Jurisdiction. As of Tuesday, November 15, 2011, at 5 PM, one notice was returned in favor of and no notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on November 7, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning for case Z-FY-12-07 for the following reasons:

1. The request partially complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public facilities are available within the vicinity of the property.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)
[Future Land Use and Character Map](#)
[Zoning Map](#)
[Thoroughfare Plan Map](#)

[Utility Map](#)
[Trails Map](#)
[Notice Map](#)
[Responses](#) (if applicable)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011**

ACTION ITEMS

Item 6: Z-FY-12-07 – Hold a public hearing to discuss and recommend action on a rezoning from Agriculture (AG) to Single Family One (SF1) on 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane. (Applicant: Jason Carothers of Carothers Executive Homes)

Vice-Chair Staats stated he would need to recuse himself from this Item.

Ms. Tammy Lyerly, Planner, stated City Council first reading would take place on December 15, 2011 and second and final action on January 5, 2012.

The subject property is currently zoned AG and the applicant requested Single Family One (SF1).

The subject property lies just south of the north city limit line. Surrounding properties include Morgan's Point Road to the west, UE to the east (Campus at Lakewood Ranch—several phases), Planned Development Single Family 1 (PD-SF1) to the south, and residential to the north (in the ETJ).

The Future Land Use and Character Map designate this property as Estate Residential. Morgan's Point Road is classified as a minor arterial and the development would be subject to development requirements along an arterial road.

Water lines are located along Morgan's Point Road (east side) and in the Lakewood Ranch area. The developer proposes to tie-in to the wastewater line that runs along Adams Avenue.

Single Family One (SF1) dimensional standards were given. The applicant proposes approximately 37 homes would have lot depths of 102 feet by 150 feet with approximately 15,000 square feet with a price range between \$275,000 and \$425,000. This is more than what the SF1 district permits.

Eighteen notices were mailed out within the City limits and two responses were received in favor, zero in opposition. Fifteen courtesy notices were mailed out to the ETJ property owners and zero responses were received.

Staff recommends approval of the requested rezoning since the request 'partially' complies with the Future Land Use and Character Map—Urban Estates would be a more fitting designation, however, the request is appropriate since UE is a single-family residential zoning district and sewer is proposed for the property. This request does

comply with the Thoroughfare Plan and public facilities would be available to serve the property.

Chair Martin opened the public hearing.

Mr. David Hardy, 3 Buffalo Bill, Morgan's Point, Texas, stated there would only be two accesses for this development – 2483 (which ends at 317) and 2305 (which is well controlled). Traffic lights should be considered for intersection control of the area, especially with continued development and additional potential schools.

Mr. Jeff Bucher, 43 Briarwood Road, Belton, Texas, asked where all of the drainage would go since it currently runs into a valley that crosses Briarwood. Ms. Lyerly stated when the developer goes through the platting process, all drainage issues would be addressed to meet the appropriate requirements.

There being no further speakers, Chair Martin closed the public hearing.

Commissioner Rhoads asked if TxDOT were aware of the light situation (flashing light) and Ms. Lyerly stated during the platting process all utility providers, including TxDOT, would be contacted for their input in order to meet appropriate configurations and standards.

Commissioner Pilkington made a motion to approve Item 6, Z-FY-12-07, as presented and Commissioner Sears made a second.

Motion passed: 6:0

Vice-Chair Staats abstained

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-07)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL (AG) TO SINGLE FAMILY ONE (SF1) ON APPROXIMATELY 19.065 ACRES IN ABSTRACT 513, BELL COUNTY, TEXAS, LOCATED ON THE SOUTHEAST CORNER OF MORGAN'S POINT ROAD AND BONNIE LANE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural (AG) to Single Family One (SF1) on approximately 19.065 acres in Abstract 513, located on the southeast corner of Morgan's Point Road and Bonnie Lane, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(Q)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING - Z-FY-12-08: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, Temple Comprehensive Plan, Section 5: Transportation Plan Map, Figure 5.2, to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the amendment to Temple Comprehensive Plan Figure 5.2.

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

Staff recommends approval of Z-FY-12-08, an amendment to the Temple Comprehensive Plan 2008-2030 to amend the Thoroughfare Plan as stated in the item description.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-08, from the Planning and Zoning Commission meeting, November 21, 2011. This proposed update is to the Thoroughfare Plan Map in Chapter 5 of the Comprehensive Plan. The City Council adopted the Plan by Ordinance in late September of 2008.

The applicant, Turley Associates for Kiella Land Development, proposes this amendment to the Thoroughfare Plan as a way to improve traffic circulation on the west side of Temple. The Thoroughfare Plan map shows where future roads should be built in the City and where existing roads should be widened. The map currently shows North Pea Ridge Road as a Minor Arterial and Westwood Boulevard as a local street, although the existing portion of Westfield Blvd is built to Minor Arterial standards.

The map below illustrates the requested amendment.



The requested amendment has several advantages, which include:

- Downgrading Pea Ridge from a Minor Arterial to a Collector negates the need for the contentious "S" Curve the currently traverses through a property that is soon to be developed
- Fewer property owners are involved with the proposed route than are involved with the current designations, which makes widening the road easier
- The proposed amendment results in three evenly-spaced arterial intersections along State Highway 36 (SH 317, Westfield Boulevard and Research Parkway) that are just over 1 mile apart while the existing alignment is not as evenly spaced

PUBLIC NOTICE:

City staff has notified by certified mail the two other land owners whose property the proposed Minor Arterial would pass through. One owner, Hugh Shine, initially expressed hope that the intersection of Westfield Boulevard and State Highway 36 would align with the entry to the Airport. At a later point, in a discussion with the Planning Director, he stated he was satisfied with the applicant's proposed alignment. The other property owner, John Von Rosenberg, has not provided any feedback on the proposal.

FISCAL IMPACT: If the requested amendment is approved by City Council, the applicant will pursue a development agreement with the City in which the City would pay for the engineering and construction costs to oversize the road from collector to arterial standards. An engineer's cost estimate for oversizing the road is attached to this report. The development agreement would require City Council action apart from approval of this amendment.

ATTACHMENTS:

Letter Requesting Thoroughfare Plan Amendment
Applicant's Requested Thoroughfare Plan Amendment
Alternative Amendments (2)
P&Z Staff Report (Z-FY-12-08)
P&Z Minutes (11/21/11)
Ordinance



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

October 20, 2011

City of Temple
City Council Members

RE: City of Temple Thoroughfare Plan; Westfield Boulevard

Dear City Council:

On behalf of our client, Kiella Development, Inc., Turley Associates, Inc. respectfully requests the City of Temple to participate in an agreement to designate Westfield Boulevard as a minor arterial from F.M. 2305 to State Highway 36.

Westfield Boulevard is currently built to minor arterial standards from F.M. 2305 to Stonehollow Drive. Kiella Development, Inc. requests that the future Westfield Boulevard from Stonehollow Drive to Prairie View Road be designated as an arterial road. Kiella Development, Inc. will donate all right-of-way for an arterial section. Kiella Development, Inc. will pay engineering and construction costs for a local collector cross section and requests that the City of Temple enter into a Developer's Agreement to pay for the engineering and construction costs to oversize the road to arterial standards. See attached Engineer Estimate.

Mr. Kiella will work with the property owners to the north of Prairie View Road (south of State Highway 36), John Von Rosenberg and Hugh Shine, to obtain approval for an arterial road to intersect their properties.

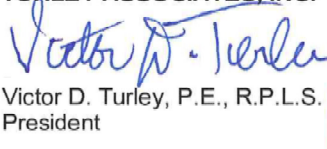
Mr. Kiella asks that the City of Temple's thoroughfare plan be updated to designate Westfield Boulevard as a minor arterial and the existing Pea Ridge Road designation be downgraded to a collector.

There are many benefits of changing these designations. Westfield Boulevard is built to arterial standards from F.M. 2305 to Stonehollow Drive currently. Also to the north Belton Independent School District will be building a middle school in the next 5 years on 30 acres of property they currently own. Pea Ridge is not constructed to local standards at this time and right-of-way along the west side of the road will be more difficult to obtain due to existing homesteads. Even though Pea Ridge is at a signalized intersection, it is aligned with a "S" curve at F.M. 2305. Mr. Kiella feels it would be safer to have an arterial intersection away from the "S" curve.

In summary, we request that the thoroughfare plan be revised showing Westfield Boulevard to be a minor arterial, revise Pea Ridge from an arterial to a collector and the City of Temple to agree to enter into a Developer's Agreement for the upsizing of Westfield Boulevard from Stonehollow Drive to Prairie View Road.

Thank you for your consideration in this matter. Please feel free to call or email me to discuss.

Sincerely,
TURLEY ASSOCIATES, INC.



Victor D. Turley, P.E., R.P.L.S.
President

VDT/sb

TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

Engineer's Cost Estimate
WESTFIELD BLVD (Stonehollow to Praire View)
 Collector Approx. 3092 LF
 36' B-B

ITEM DESCRIPTION	NO. OF UNITS	UNIT OF MEAS.	UNIT COST	TOTAL ITEM COST
<u>PAVING</u>				
Std. Curb & Gutter	6171	L.F.	\$ 8.25	\$ 50,910.75
HMAC 2"	10971	SY	\$ 7.50	\$ 82,282.50
12" Base	12342	SY	\$ 7.85	\$ 96,883.37
Excavation	4114	CY	\$ 5.00	\$ 20,570.00
4' Wide Sidewalk	3092	LF	\$ 16.50	\$ 51,018.00
Engineering Design	1	LS	\$ 15,000.00	\$ 15,000.00
Construction Staking	1	LS	\$ 6,000.00	\$ 6,000.00
TOTAL				\$ 322,664.62

Engineer's Cost Estimate
WESTFIELD BLVD (Stonehollow to Praire View)
 Arterial Approx. 3092 LF
 71' B-B with a 21' wide median/divider

ITEM DESCRIPTION	NO. OF UNITS	UNIT OF MEAS.	UNIT COST	TOTAL ITEM COST
PAVING				
Std. Curb & Gutter	12342	L.F.	\$ 8.25	\$ 101,821.50
HMAC 2"	15799	SY	\$ 7.50	\$ 118,492.50
12" Base	24341	SY	\$ 7.85	\$ 191,073.87
Excavation	10142	CY	\$ 5.00	\$ 50,710.00
4' Wide Sidewalk (both sides)	6171	LF	\$ 16.50	\$ 101,821.50
Additional 3" Base	24341	SY	\$ 3.00	\$ 73,023.00
Engineering Design	1	LS	\$ 20,000.00	\$ 20,000.00
Construction Staking	1	LS	\$ 12,000.00	\$ 12,000.00
TOTAL			\$	668,942.37

Total Estimated Cost of Upgrade	\$ 346,277.75
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Applicant's Requested Thoroughfare Plan Amendment



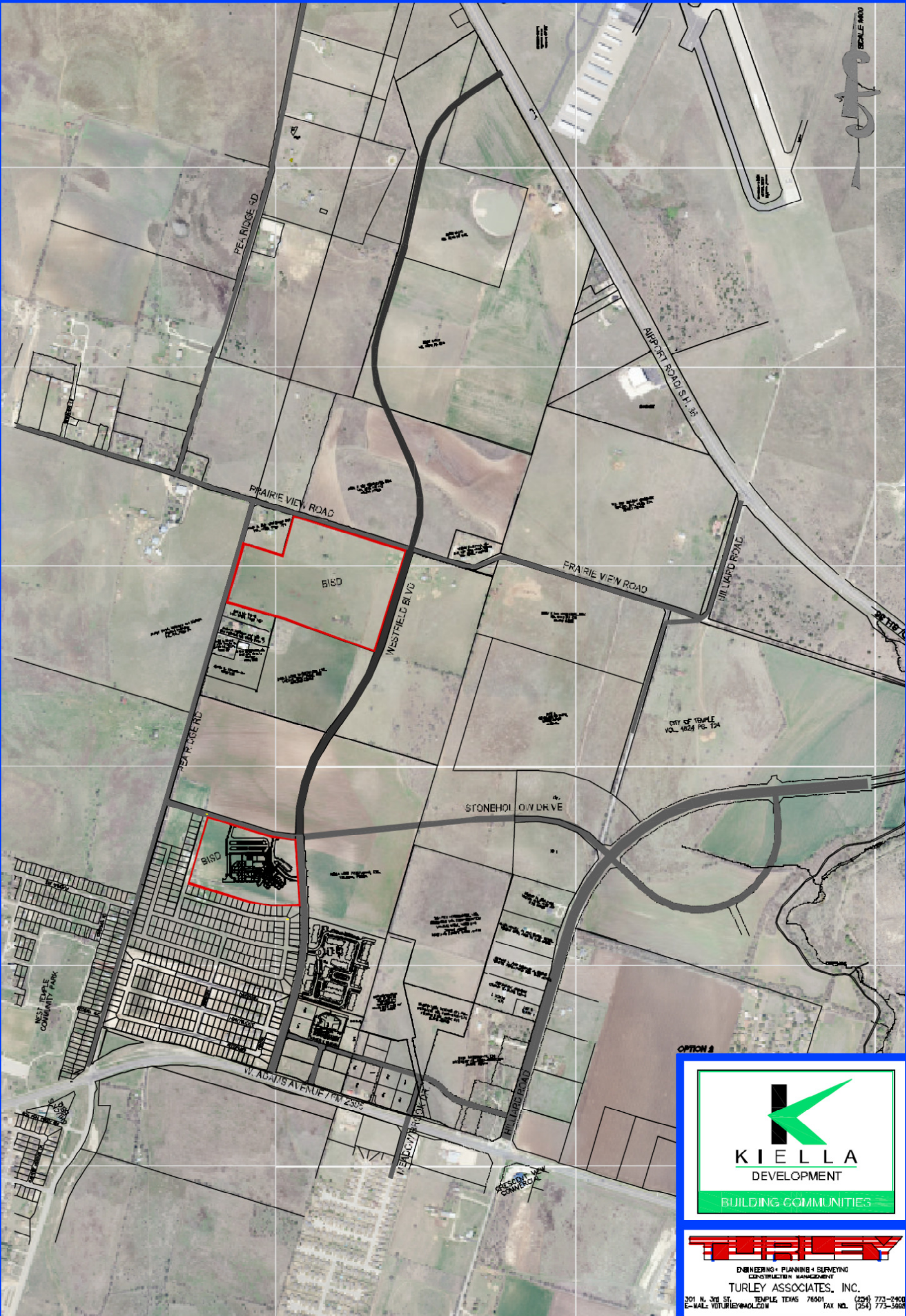


KIELLA
DEVELOPMENT
BUILDING COMMUNITIES



TURLEY
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3rd St. Temple, Texas 76781 (254) 773-2400
E-MAIL: info@turleyinc.com FAX NO. (254) 773-3888

Alternative Alignment 1





KIELLA
DEVELOPMENT
BUILDING COMMUNITIES



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 301 ST. TEMPLE, TEXAS 76701 (254) 773-2400
E-MAIL: YOTURLEY@AOL.COM FAX NO. (254) 773-5800

Alternative Alignment 2





KIELLA
DEVELOPMENT
BUILDING COMMUNITIES



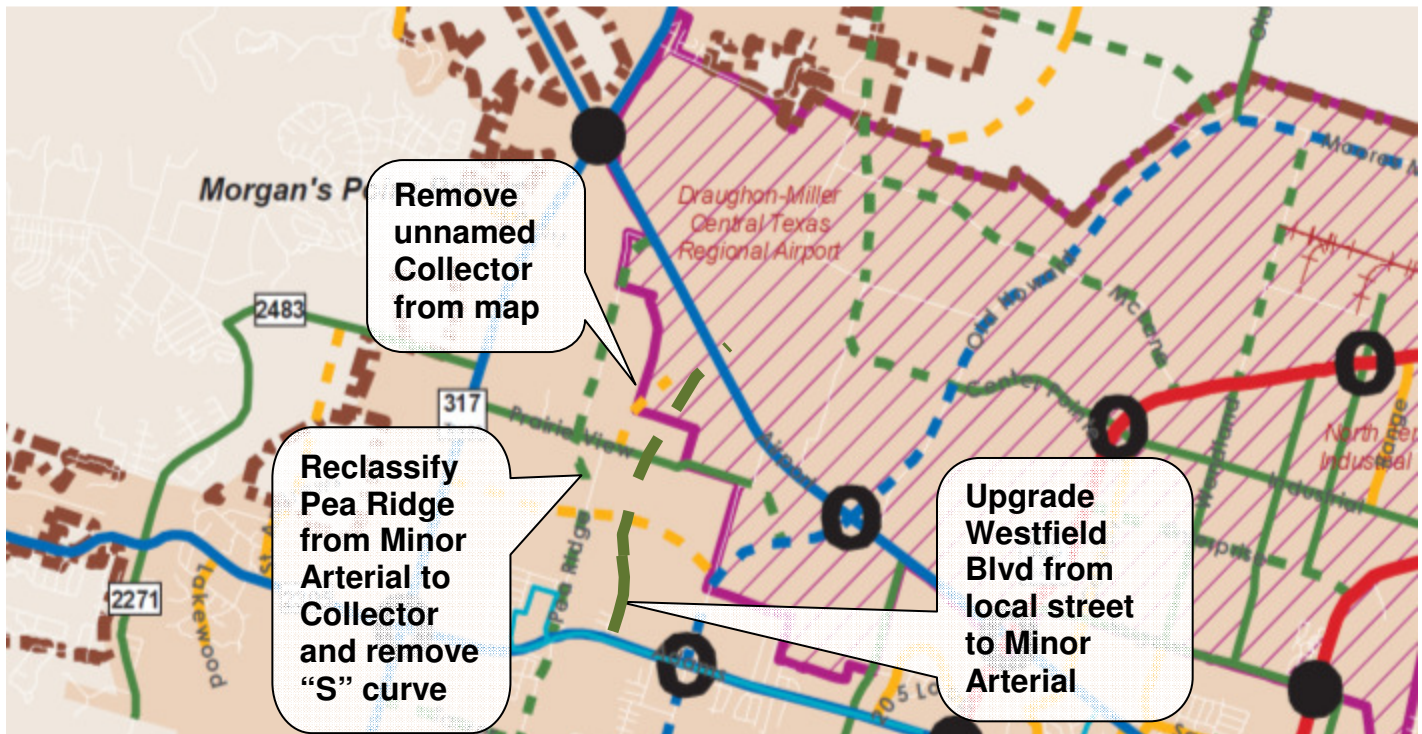
ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
TURLEY ASSOCIATES, INC.
301 N. 3RD ST. TEMPLE, TEXAS 76781 (254) 773-2400
E-MAIL: VOTURLEY@AOL.COM FAX NO. (254) 773-3806



Page 1 of 3

- Reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 to a Collector road;
- Remove the proposed “S” curve south of Prairie View Road;
- Reclassify the existing and future Westfield Boulevard from a local street to a Minor Arterial; and
- Remove an existing unnamed Collector road from the map that connects Prairie View Road to State Highway 36.

Please see the map below to make the existing alignment and the proposed alignment more clear.



Collector streets have right-of-way widths of 55 feet and paved widths of 36 feet. Collectors provide circulation within neighborhoods and carry traffic from local streets to arterial streets or major thoroughfares. Minor Arterials have right-of-way widths of 70 feet and paved widths of 49 feet. They provide higher speed traffic circulation with limited access (for example, driveways and street intersections).

The requested amendment has several advantages, which are listed in the Staff Recommendation.

PUBLIC NOTICE:

City staff has notified by certified mail the two other land owners whose property the proposed Minor Arterial would pass through. One owner, Hugh Shine, expressed hope that the intersection of Westfield Boulevard and State Highway 36 would align with the entry to the Airport. This is not the preferred alignment for the applicant because it causes the road to be longer, but the applicant has submitted two additional drawings, one of which shows such alignment. The other property owner, John Von Rosenberg, has not provided any feedback on the proposal.

STAFF RECOMMENDATION: Staff recommends approval of the requested Thoroughfare Plan amendment because:

- Downgrading Pea Ridge from a Minor Arterial to a Collector negates the need for the contentious "S" Curve the currently traverses through a property that is soon to be developed
- Fewer property owners are involved with the proposed route than are involved with the current designations, which makes widening the road easier
- The proposed amendment results in three evenly-spaced arterial intersections along State Highway 36 (SH 317, Westfield Boulevard and Research Parkway) that are just over 1 mile apart while the existing alignment is not as evenly spaced

FISCAL IMPACT: If the requested amendment is approved by City Council, the applicant will pursue a development agreement with the City in which the City would pay for the engineering and construction costs to oversize the road from collector to arterial standards. An engineer's cost estimate for oversizing the road is attached to this report. The developer agreement would require City Council action apart from approval of this amendment.

ATTACHMENTS:

Letter Requesting Thoroughfare Plan Amendment
Applicant's Requested Thoroughfare Plan Amendment
Alternative Amendments (2)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011

ACTION ITEMS

Item 8: Z-FY-12-08 – Hold a public hearing to consider and recommendation action on an amendment to the Thoroughfare Plan to designate the existing and future Westfield Boulevard from West Adams Avenue to State Highway 36 as an arterial road and to reclassify N. Pea Ridge Road from West Adams Avenue to State Highway 36 from a minor arterial to a collector road. (Applicant: Turley Associates for Kiella Land Development)

Mr. Brian Mabry, Planning Director, stated the Thoroughfare Plan was part of the Choices '08 Comprehensive Plan and shows what type of roads should be widen and/or where they should be extended in the future. There are several different categories of road in the Comprehensive Plan that deal with right-of-way widths and their paved widths including major arterials, minor arterials, and collector roads. Roads within the City are built either through platting and development or as part of a Capital Improvements Plan.

North Pea Ridge Road, north of West Adams and south of State Highway 36 is shown as a minor arterial and Westfield Blvd. is shown as a local street. Westfield is built to minor arterial standards, has an 85 foot right-of-way and 75 foot paved width and exceeds current arterial standards.

If approved, this amendment would reclassify North Pea Ridge from West Adams to State Highway 36 from a minor arterial down to a collector road. A result of that reclassification would be the removal of the S curve that is currently shown for Pea Ridge Road south of Prairie View Road. This amendment would reclassify the existing and future path of Westfield Boulevard from Adams to State Highway 36 as a minor arterial, and remove a proposed unnamed collector that connects Prairie View to State Highway 36.

Route options are shown and explained.

A collector road has a 65 foot right-of-way and paved width of 36 feet. The Unified Development Code (UDC) and the Thoroughfare Plan state the purpose of a collector road is to provide circulation within neighborhoods and to carry traffic from local streets over to arterials and thoroughfares.

A minor arterial is a minimum of 70 foot right-of-way width and paved width is 49 feet. The purpose of an arterial is to provide higher speed traffic circulation with limited access (driveways in the street intersections).

The applicant's preferred route is shown for Westfield Boulevard, where existing route of Westfield starts at Adams and goes past the Westfield Subdivision and Belton school, crossing Stonehollow and continue up where the future path would end up passing just east of the future Belton school and continue north pass Prairie View through the Von Rosenberg and Shine properties eventually connecting to Airport Road.

An alternate route for Westfield Boulevard would be the same route as above but ending up across the road from the Draughton Miller Regional Airport driveway. A disadvantage to this alignment would be it is longer and more costly to build than the preferred alignment.

The two property owners involved, Mr. Shine and Von Rosenberg Family, were notified by certified mail. Mr. Shine came in and discussed his opinions with Mr. Mabry and Mr. Mabry could only verbally pass along some of Mr. Shine's comments and concerns. Mr. Shine ended up supporting both route proposals. The Von Rosenberg Family has not returned any written documentation or called in to discuss the proposals.

Staff supports this requested alignment and change in the Thoroughfare Plan because downgrading North Pea Ridge from an arterial to a collector would negate the need for the S curve option, fewer property owners are involved in the current proposal, and the amendment would result in three evenly spaced arterial intersections along Highway 36 (Highway 317, Westfield and Research).

Chair Martin opened the public hearing.

Ms. Joyce Novak, 3305 Oakridge, Temple, Texas, asked if Westfield Boulevard would be east of the school property and Mr. Mabry responded yes, either route being proposed is on the east border of the future school property that BISD would like to build at that site. Ms. Novak asked where it crosses the street at Prairie View, then it would be on the Von Rosenberg and Shine property. Mr. Mabry responded yes, and it would not touch Ms. Novak's property as presented by the applicant.

Ms. Phyllis Hardy, 3 Buffalo Bill, Morgan's Point, Texas, stated traffic at Highway 317 and 2483 was a death trap and difficult to get out. Safety issues and visibility were major concerns for Ms. Hardy and she suggested installing a traffic light at 2483 and 317 in order to help control the traffic.

Mr. John Kiella, 11122 Whiterock Drive, Temple, Texas, stated he represented the developer. Mr. Kiella stated he has had some discussions with the Belton I.S.D. and it seemed the proposed school would probably be built within three years instead of the six to seven years as originally planned. Mr. Kiella has worked with engineers and Public Works to analyze and develop the three options being presented.

Mr. Kiella stated he would continue to find and work with the Von Rosenberg Family. He stated Mr. Shine agrees with the proposed routes. Mr. Kiella stated he has been working with Nicole Torralva to take a look at the Prairie View issue and these matters needed to be addressed as early as possible.

Commissioner Rhoads asked Mr. Kiella what properties were his and Mr. Kiella stated most all the land (indicated on the monitor) except for the City owned 80 acre park.

Discussion regarding reasons and opinions for proposed options.

Commissioner Rhoads asked Staff, if based on Mr. Kiella's comments, would any of the options proposed and presented need to be reworked for what they might do in the future. Mr. Mabry stated if Westfield were approved as the applicant's preference has been presented, he did not feel it would need to be changed in the future.

Mr. David Hardy, 3 Buffalo Bill, Morgan's Point, Texas, stated Prairie View has become more populated with traffic. The Westfield connection would be much better than Pea Ridge. Research has become very dangerous on 36 and needs to be a controlled intersection.

There being no further speakers, Chair Martin closed the public hearing.

Commissioner Staats asked if a traffic study for that intersection area would be performed by a professional organization. Mr. Mabry stated there would have to be funds in the budget to allow for the study and is not the norm for an intersection.

Discussion about measurements, TxDOT, right-of-way, flexibility with developer, etc.

Commissioner Rhoads made a motion to approve Item 8, Z-FY-12-08, as presented by Staff and Mr. Kiella and Commissioner Jones made a second.

Motion passed: 7:0

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-08]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING CHOICES '08, CITY OF TEMPLE COMPREHENSIVE PLAN, BY REVISING SECTION 5; TRANSPORTATION PLAN MAP, FIGURE 5.2, TO DESIGNATE THE EXISTING AND FUTURE WESTFIELD BOULEVARD FROM WEST ADAMS AVENUE TO STATE HIGHWAY 36 AS AN ARTERIAL ROAD AND TO RECLASSIFY NORTH PEA RIDGE ROAD FROM WEST ADAMS AVENUE TO STATE HIGHWAY 36 FROM A MINOR ARTERIAL TO A COLLECTOR ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City Council approved Ordinance No. 2008-4230 which adopted *Choices '08*, the City of Temple Comprehensive Plan;

Whereas, Chapter 5, Figure 5.2 of *Choices '08* is the Thoroughfare Plan Map which presently shows where future roads should be built in the City and where existing roads should be widened. The current map shows North Pea Ridge Road as a minor arterial and Westwood Boulevard as a local street, although the existing portion of Westfield Boulevard is built to minor arterial standards;

Whereas, on November 21, 2011, the Planning and Zoning Commission recommended the adoption of an ordinance amending the 2030 Temple Comprehensive Plan, Section 5, Transportation Plan Map, Figure 5.2, in the *Choices '08* Comprehensive Plan;

Whereas, the changes would reclassify North Pea Ridge Road from West Adams Avenue to State Highway 36 to a Collector road; remove the proposed "S" curve south of Prairie View Road; reclassify the existing and future Westfield Boulevard from a local street to a Minor Arterial; and remove an existing unnamed Collector road from the map, that connects Prairie View Road to State Highway 36; 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: The City Council approves amending the *Choices '08* Temple Comprehensive Plan, by revising Section 5, Transportation Plan Map, Figure 5.2, which is more fully shown on Exhibit A, attached hereto for all purposes.

Part 2: 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 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: It is hereby officially found and determined that the meeting at which this Ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance designating a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Three for commercial/industrial tax abatement.

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

ITEM SUMMARY: The proposed ordinance designates a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

The City Council approved a final plat on the property in question on November 7, 2011. The property was rezoned from GR to C (Commercial) on September 1st. We anticipate receiving an application for tax abatement on the property in the near future. The applicant will be seeking 5 year, 100% tax abatement on the increased value of the real property improvements.

Chapter 312 of the Texas Tax Code requires that property be within a tax abatement reinvestment zone (or an enterprise zone) to be eligible for tax abatement. The designation of a tax abatement reinvestment zone requires an ordinance, two readings and a public hearing. We are also required to give seven days prior notice to the other taxing entities before final approval of the ordinance, which will be done.

The proposed tax abatement reinvestment zone as described above, is proposed for commercial or industrial tax abatement (the property is currently zoned Commercial). Chapter 312 requires that the City make the following findings when it adopts an ordinance creating a tax abatement reinvestment zone: (1) that the creation of the tax abatement reinvestment zone will result in benefits to the City and to the land included in the zone after the term of any agreement, and that the improvements being sought are feasible; and (2) that the tax abatement reinvestment zone meets the criteria for creation of a zone under State law and the City's own criteria and guidelines for tax abatement.

I have reviewed both the State law and our criteria and guidelines, and believe that the creation of the proposed reinvestment zone and subsequent approval of a tax abatement agreement with the property owner will lead to the retention of primary employment in the area, and the creation of new real and personal property improvements in the area—as contemplated by our State and local criteria. The Staff recommends approval of the ordinance for the above reasons.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA DESCRIBED AS LOT 5, BLOCK 1, FRIENDSHIP PLAZA SUBDIVISION, LOCATED AT 5434 205 LOOP, TEMPLE, TEXAS, AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-THREE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

WHEREAS, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

WHEREAS, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-THREE") should be the area described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, in the City of Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER TWENTY-THREE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

D. That REINVESTMENT ZONE NUMBER TWENTY-THREE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

E. That REINVESTMENT ZONE NUMBER TWENTY-THREE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop in the City of Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-Three, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on January 5, 2012, or at an earlier time designated by subsequent ordinance.

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect;

D. Requiring an annual report by the owner to all of the taxing entities authorizing the agreement which certifies the owner's compliance with all of the terms of the agreement.

E. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: 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: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty-Three shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a tax abatement agreement with Sparetime Entertainment, LLC, for real property on a tract of land located at 5435 205 Loop, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution authorizes the City Manager to execute an agreement with Sparetime Entertainment, LLC, (Sparetime) which if approved gives the company five years of 100% tax abatement on the increased taxable value of real property improvements located on a tract of land consisting of approximately 4.91 acres located at 5435 205 Loop. The tax abatement applies only to real property improvements.

Sparetime timely filed an application to receive tax abatement on improvements to real property proposed for a facility located on 205 Loop. A separate, related item on this agenda is an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of a family entertainment venue which includes bowling, laser tag, game room, meeting rooms and a prize center. The proposed increase in both personal and real property improvements will be an estimated \$6,000,000 once the project is complete. The taxable value of real property, on which the tax abatement is requested, will be increased by an estimated \$2,000,000—and another approximately \$4 million in personal property improvements made (not eligible for tax abatement). Sparetime is expected to employ about 25 full time employees and 55 part time employees.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The improvements proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a one-hundred percent tax abatement for five years.

Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Sparetime and any of the taxing entities which sign the agreement even if not all sign. Under State law, taxes on supplies and inventory are not eligible for tax abatement.

Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Sparetime to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Sparetime's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's industrial growth, which would not have occurred in the absence of tax abatement.

FISCAL IMPACT: The tax abatement agreement would have the potential of abating approximately \$56,790 in City taxes over the 5 year life of the Agreement using the proposed FY 2012 tax rate of \$0.5679 per \$100 value based on an anticipated increase in appraised real property of \$2 million.

ATTACHMENTS:

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

STATE OF TEXAS §

COUNTY OF BELL §

Tax Abatement Agreement (2012)
Sparetime Entertainment, LLC
(For Real Property located at 5434 205 Loop)

This Agreement is entered into by and between the City of Temple, Texas, a home rule city and municipal corporation of Bell County, Texas, duly acting herein by and through its Mayor, (hereinafter referred to as "CITY"); Temple College duly acting herein by and through its President of the Board of Trustees; Bell County duly acting by and through its County Judge; Elm Creek Water District duly acting by and through its Chairman of the Board of Directors; and the Clearwater Underground Water Conservation District duly acting by and through its Chairman of the Board of Directors (hereinafter referred to individually by name or as a "TAXING ENTITY", and collectively as "TAXING ENTITIES"); and Sparetime Entertainment, LLC, duly acting by and through its authorized corporate officer (hereinafter referred to as "APPLICANT").

W I T N E S S E T H :

WHEREAS, the CITY has adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

WHEREAS, on the 17th day of November, 2011, the City Council adopted Ordinance No. 2011-4489, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

WHEREAS, the PREMISES (defined below) proposed to be improved by APPLICANT are located within the boundaries of the City's Tax Abatement Reinvestment Zone Number Twenty-Three for commercial-industrial development, which by authority of Chapter 312 of the Tax Code, makes the property eligible for tax abatement;

WHEREAS, the CITY desires to participate in tax abatement to maintain or enhance the economic and employment base of the Temple area to the long term interest and benefit of the CITY and TAXING ENTITIES, in accordance with Chapter 312 and the CITY'S economic development policy;

WHEREAS, APPLICANT has requested that the City consider granting tax abatement for proposed real property improvements to said PREMISES; and

WHEREAS, the contemplated uses by APPLICANT of the PREMISES, as hereinafter described, and the contemplated improvements to said PREMISES in the form and amounts set forth in this Agreement, are consistent with encouraging development within the CITY and in accordance with the criteria and guidelines for tax abatement in the CITY'S Economic Development Policy;

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. Property. The real property that is the subject of this Agreement is a tract of land consisting of approximately 4.91 acres and described as Lot 5, Block 1, Friendship Plaza Subdivision, located at 5434 205 Loop, Temple, Bell County, Texas, (hereinafter referred to as the "PREMISES"). A map of the PREMISES is attached hereto as Exhibit "A." An artist's rendering of the proposed real property improvements to the Premises is attached hereto as Exhibit "B."

2. Obligations of Applicant. APPLICANT shall construct a building to house a family entertainment and operate the same. The building will contain state-of-the-art bowling, a multi-level laser tag arena, a game room, multi-purpose meeting rooms for birthday parties, company events, school and church group meetings as well as a full-service dining and beverage service on the PREMISES (collectively, the "IMPROVEMENTS") with an aggregate investment by Applicant in the PREMISES and the IMPROVEMENTS of not less than \$6,000,000, with approximately \$2 million in real property improvements and the balance in personal property improvements. The Applicant agrees to create and maintain approximately 25 full-time and 55 part-time jobs during the term of this Agreement. The construction of the IMPROVEMENTS is to be substantially completed on or about December 30, 2012; provided, that APPLICANT shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if APPLICANT is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of APPLICANT including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omission of APPLICANT), fire, explosions, adverse weather conditions or floods, and strikes. The date of completion of the IMPROVEMENTS shall be defined as the date a certificate of occupancy is issued by the CITY.

3. Completion of Improvements. APPLICANT agrees and covenants that it will diligently and faithfully pursue the completion or cause the completion of the IMPROVEMENTS as a good and valuable consideration for this Agreement. APPLICANT further covenants and agrees that all construction of the IMPROVEMENTS will be in accordance with applicable State and local laws and regulations, or valid waiver thereof. In further consideration, APPLICANT shall thereafter, from the date a certificate of occupancy is issued until the expiration of this Agreement, continuously operate and maintain the PREMISES as a family entertainment center.

4. Terms of Abatement. For a term of 5 years, beginning on the earlier of (i) January 1, 2012, or (ii) the January 1st following the date the IMPROVEMENTS are placed on the PREMISES, and continuing for a term of 5 years, a portion of ad valorem taxes on the real property improvement on the PREMISES otherwise owed to the CITY and TAXING ENTITIES shall be abated in accordance with the terms of this Agreement and all applicable state and local regulations or valid waiver thereof. Said abatement shall be on the ad valorem taxes assessed upon the increased value of the real property constituting the IMPROVEMENTS over the value in the year in which this Agreement is executed, in the following percentages:

Years 1-5 100% (real property improvements only)

For purposes of this Agreement, only ad valorem taxes on the IMPROVEMENTS, including the Eligible Property as defined by the terms of City Ordinance No. 2011-4489, Section I(D)(1)(c), and utilized in connection with the IMPROVEMENTS described herein, shall be abated as provided by this Section; provided, that APPLICANT shall have the right to protest or contest any assessment of the PREMISES and

said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest or contest.

5. DEFAULT. IN THE EVENT THAT: (1) THE IMPROVEMENTS FOR WHICH AN ABATEMENT HAS BEEN GRANTED ARE NOT COMPLETED IN ACCORDANCE WITH THIS AGREEMENT OR APPLICANT FAILS TO CREATE AND MAINTAIN THE JOBS SPECIFIED IN PARAGRAPH 2; OR (2) APPLICANT ALLOWS ITS AD VALOREM TAXES OWED THE CITY AND TAXING ENTITIES TO BECOME DELINQUENT AND FAILS TO TIMELY AND PROPERLY FOLLOW THE LEGAL PROCEDURES FOR PROTEST OR CONTEST OF ANY SUCH AD VALOREM TAXES; OR (3) APPLICANT BREACHES ANY OF THE TERMS OR CONDITIONS OF THIS AGREEMENT, THEN APPLICANT SHALL BE IN DEFAULT. IN THE EVENT THAT APPLICANT DEFAULTS IN ITS PERFORMANCE OF (1), (2) OR (3) ABOVE, THEN THE CITY OR TAXING ENTITIES SHALL GIVE APPLICANT WRITTEN NOTICE OF SUCH DEFAULT AND IF APPLICANT HAS NOT CURED SUCH DEFAULT WITHIN SIXTY (60) DAYS AFTER SAID WRITTEN NOTICE, OR, IF SUCH DEFAULT CANNOT BE CURED BY THE PAYMENT OF MONEY AND CANNOT WITH DUE DILIGENCE BE CURED WITHIN AN ADDITIONAL 90-DAY PERIOD OWING TO CAUSES BEYOND THE CONTROL OF APPLICANT, THEN FOLLOWING EXPIRATION OF THE APPLICABLE CURE PERIOD, THIS AGREEMENT MAY BE TERMINATED BY THE CITY OR TAXING ENTITIES, AS BETWEEN APPLICANT AND ANY PARTY GIVING SUCH TERMINATION NOTICE. AS LIQUIDATED DAMAGES IN THE EVENT OF DEFAULT (FOLLOWING WRITTEN NOTICE AND EXPIRATION OF THE ABOVE-MENTIONED APPLICABLE CURE PERIOD), ALL TAXES WHICH OTHERWISE WOULD HAVE BEEN PAID AFTER THE OCCURRENCE OF SUCH EVENT OF DEFAULT TO THE TERMINATING CITY OR TAXING ENTITY WITHOUT THE BENEFIT OF ABATEMENT (BUT WITHOUT THE ADDITION OF PENALTY; INTEREST WILL BE CHARGED AT THE STATUTORY RATE FOR DELINQUENT TAXES AS DETERMINED BY SECTION 33.01 OF THE TAX CODE), AND SUCH AMOUNT WILL BECOME A DEBT TO THE TERMINATING CITY OR TAXING ENTITY AND SHALL BE DUE, OWING AND PAID TO THE TERMINATING CITY OR TAXING ENTITY WITHIN SIXTY (60) DAYS OF THE EXPIRATION OF THE ABOVE-MENTIONED APPLICABLE CURE PERIOD.

6. Conflict of Interest. The CITY and the TAXING ENTITIES each represent and warrant that the PREMISES do not include any property that is owed by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving, or having responsibility for the approval of, this Agreement.

7. Assignment. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by APPLICANT other than to an AFFILIATE of APPLICANT unless written permission is first granted by the CITY and TAXING ENTITIES, which permission shall not be unreasonably withheld, conditioned or delayed. For purposes of this tax abatement agreement, the term "AFFILIATE" shall mean any corporation or entity which, directly or indirectly, (i) owns or controls APPLICANT, (ii) is owned or controlled by APPLICANT, or (iii) is under common ownership or control with APPLICANT.

8. Independent Contractor. It is understood and agreed between the parties that APPLICANT, in performing its obligations hereunder, is acting independently and the CITY and TAXING ENTITIES assume no responsibilities or liabilities in connection therewith to third parties and APPLICANT agrees to indemnify and hold harmless the CITY and TAXING ENTITIES therefrom.

9. Right of Access. APPLICANT further agrees that the CITY and TAXING ENTITIES, their agents and employees, shall have reasonable right of access to the PREMISES to inspect the IMPROVEMENTS in order to insure that the construction of the IMPROVEMENTS are in accordance with this Agreement and all applicable state and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the CITY and TAXING ENTITIES shall have the continuing right to inspect the PREMISES to insure that the PREMISES are thereafter maintained and operated in accordance with this Agreement. Each of the CITY and TAXING ENTITIES agree to give APPLICANT reasonable prior written notice in advance of any such access to or inspection of the PREMISES, either during construction of the IMPROVEMENTS or after completion of the IMPROVEMENTS, and APPLICANT shall have the right to regulate such access and/or inspection by representatives of the CITY and/or TAXING ENTITIES to avoid interference with construction of the IMPROVEMENTS or APPLICANT'S business operations at the PREMISES.

10. Annual Certification of Compliance with Terms of Agreement. As required under TEX. TAX CODE, Section 312.205(a)(6), APPLICANT shall certify annually (on the anniversary date of the execution of this Agreement) in writing to the governing body of each of the TAXING ENTITIES that APPLICANT is in full compliance with each applicable term of this Agreement.

11. This Agreement was authorized by Resolution No. _____ of the City Council of the City of Temple, Texas at its regularly scheduled meeting on the 5th day of January, 2012, granting the Mayor authority to execute the Agreement on behalf of the CITY, a copy of said authorization is attached as Exhibit "B."

12. This Agreement was entered into by the Chairman of the Board of Trustees of Temple College pursuant to authority granted by its Board of Trustees on the ____ day of _____, 2012, on behalf of Temple College, a copy of which authorization is attached hereto as Exhibit "C."

13. This Agreement was entered into by Jon Burrows, the County Judge of Bell County by authority granted by its County Commissioners on the ____ day of _____, 2012, on behalf of Bell County, a copy of said authorization is attached hereto as Exhibit "D."

14. This Agreement was entered into by _____, Chairman of the Board of Directors for Elm Creek Water District, by authority of its Board of Directors on the ____ day of _____, 2012, on behalf of Elm Creek Water District, a copy of said authorization is attached as Exhibit "E."

15. This Agreement was entered into by _____, President of the Board of Directors for Clearwater Underground Water Conservation District, by authority of its Board of Directors on the ____ day of _____, 2012, on behalf of Clearwater Underground Water Conservation District, a copy of said authorization is attached as Exhibit "F."

16. This shall constitute a valid and binding Agreement between the CITY and APPLICANT when executed in accordance herewith, regardless of whether any other TAXING ENTITY executes this Agreement. If one or more of the other TAXING ENTITIES executes this Agreement, this shall constitute a valid and binding Agreement between such TAXING ENTITIES and APPLICANT when executed on behalf of said parties, for the abatement of such TAXING ENTITIES' taxes in accordance therewith.

The Agreement is performable in Bell County, Texas, witness our hands this the **5th** day of **January**, 2012.

ATTEST:

CITY OF TEMPLE

Lacy Borgeson
City Secretary

William A Jones, III, Mayor

Approved as to form:

City Attorney's Office

ATTEST:

TEMPLE COLLEGE

_____, President
Board of Trustees

ATTEST:

BELL COUNTY

Jon Burrows, County Judge

ATTEST:

ELM CREEK WATER DISTRICT

Chairman, Board of Directors

ATTEST:

**CLEARWATER UNDERGROUND
WATER CONSERVATION DISTRICT**

_____, President
Board of Directors

ATTEST:

SPARE TIME

By: _____



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX
ABATEMENT AGREEMENT WITH SPARETIME ENTERTAINMENT,
LLC, FOR REAL PROPERTY ON A TRACT OF LAND LOCATED AT
5434 205 LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

Whereas, on November 17, 2011, the City Council adopted Ordinance No. 2011-4489, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

Whereas, Sparetime Entertainment, LLC, is the owner of property within the City's Tax Abatement Reinvestment Zone Number Twenty-Three, and has requested that the City consider granting tax abatement for proposed improvements to said real property;

Whereas, the contemplated use by Sparetime Entertainment, LLC of the property, as hereinafter described, and the contemplated improvements to said property in the form and amounts set forth in the agreement, are consistent with encouraging economic development, and in accordance with the criteria and guidelines for tax abatement in the City's Economic Development Policy;

Whereas, as required by law the City has notified the other taxing entities of its intent to enter into the agreement; and

Whereas, the City Council has considered the matter and finds that the proposed tax abatement with Sparetime Entertainment, LLC, is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements said company are feasible and likely to attract major investment and expand employment within the City.

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

Part 1: The City Manager, or his designee, is authorized to execute a tax abatement agreement on eligible real property between the City of Temple and Sparetime Entertainment, LLC, after approval as to form by the City Attorney, governing a tract of land consisting of approximately 4.91 acres located at 5434 205 Loop.

Part 2: The City Council approves the attached Tax Abatement Agreement with Sparetime Entertainment, LLC, substantially in the form of the copy attached hereto as Exhibit A.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance designating the Martin Luther King, Jr. Strategic Investment Zone as Tax Abatement Reinvestment Zone Number Twenty-Four for Commercial/Industrial Tax Abatement and authorizing a number of other SIZ economic development incentives for property redevelopment and amending the City's Comprehensive Economic Development Ordinance to reflect those changes.

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

ITEM SUMMARY: As per Council discussion on December 15, 2011, the minimum investment amount for the North 3rd Corridor has been changed from \$50,000 to be \$20,000; this is consistent with the other corridors.

Synopsis: The proposed ordinance designates the proposed MLK SIZ area as both a tax abatement reinvestment zone and a SIZ incentive area. As a tax abatement reinvestment zone, it offers the potential for the City to approve five year tax abatement agreements. As a SIZ incentive zone, it provides authority for the City to consider approving SIZ type match grants similar to what we've made available in the South 1st, Avenue G/H and North 3rd SIZ incentive zones

Background: This ordinance, if adopted, will create the City's fourth SIZ incentive zone. The City Council previously adopted incentive zones for the South 1st Street SIZ, the Avenue G/H SIZ and the North 3rd Street SIZ. As with our three previously adopted ordinances, this proposed ordinance is designed to encourage redevelopment of a strategically important section of the Martin Luther King, Jr. Boulevard (MLK) SIZ corridor that might otherwise not occur in the absence of incentives. The MLK SIZ includes MLK, South 6th Street and South 10th Street from Adams Avenue to the Burlington Northern Santa Fe tracks and extends into the downtown area to connect with the SIZ incentive zones for North 3rd Street and South 1st Street. With the proposed addition most of what people consider "downtown" will be within the boundaries of a SIZ incentive zone and thus eligible for grants to encourage redevelopment.

A map of the boundaries of the MLK tax abatement reinvestment zone/MLK SIZ incentive zone is attached to this narrative as Exhibit A. The MLK SIZ area contains a mixture of CA, LI, HI, Commercial and Single Family zoning. A map depicting that is attached as Exhibit B.

Little new development has occurred within the MLK SIZ incentive area in the past twenty years. The condition of property in the MLK SIZ corridor is likely to substantially arrest or impair sound growth because of the number of deteriorating structures, inadequate streets and sidewalks, lack of accessibility or usefulness of lots, unsanitary and unsafe conditions, the deterioration of site or other improvements, or conditions that endanger life or property by fire or other cause. These conditions justify the use of tax abatement and SIZ-type Chapter 380 incentive agreements.

The proposed ordinance encourages redevelopment in the proposed MLK SIZ incentive area primarily through: (1) the availability of agreements that provide tax abatement for commercial and industrial property on the *increased* value of eligible real and personal property; and (2) the availability of matching grant incentives (Chapter 380) where the City participates with dollars or in-kind services to encourage redevelopment. The proposed ordinance creates enabling authority, but is subject to the availability of funds that may be appropriated from year to year by the City Council as part of the annual budget process.

As the City's adopted SIZ report recommended, the City is employing a 'combined-arms' approach to redevelopment in our Strategic Investment Zones. On one hand we have sought voluntary compliance with existing codes and standards and backed that up with a willingness to compel compliance through enforcement proceedings before the City's Building and Standards Commission. We've also tried a "carrot" incentive through a willingness to assist property owners with the demolition of substandard buildings and signs in our corridors. As we have previously reported to the City Council, the City has demolished a number of dilapidated buildings and signs in the past five years, both within and near our ten SIZ corridors.

The proposed ordinance extends those efforts by offering tax abatement and economic development incentives in the MLK SIZ incentive area. The tax abatement we are proposing is similar to what has been successfully offered in the South 1st SIZ corridor, Avenue G/H corridor and North 3rd Street: 100% tax abatement for five years on the *increased* value of eligible real and personal property constructed in accordance with a tax abatement agreement. Eligible property improvements for *tax abatement* in this SIZ corridor would include only commercial or industrial redevelopment (real and personal property). *SIZ incentive grants* are available for residential, commercial or industrial redevelopment.

MLK SIZ Incentive Area

The MLK SIZ incentive area is an irregular shaped area *roughly* bound by Martin Luther King, Jr. Boulevard on the east, Calhoun Street on the north, Main Street on the west, and Avenue H on the south (depicted on the map attached to this Narrative). While the primary focus of the MLK SIZ incentive area is MLK itself, from Calhoun to Avenue H, we're also recommending that the MLK SIZ incentive area extend west into the downtown area so it touches both the existing South 1st SIZ incentive area (much of west downtown) and a small portion of the North 3rd SIZ incentive area

(which extends down to Adams). On its northern boundary, we're recommending that the MLK SIZ incentive area continue up to Calhoun. The effect of this is to provide a range of SIZ related incentives and the possibility of tax abatement into both the MLK corridor and into the downtown area. *Between the South 1st, North 3rd and MLK SIZ incentive zones, the entire downtown area is effectively open to either tax abatement agreements and SIZ type matching grants.*

In addition to the possibility of five year tax abatement for large, significant projects, the proposed Chapter 380 matching grants for economic development and in-kind services are very similar to those employed in the South 1st Street, "Avenue G/H & North 3rd Street. SIZ and the Avenue G/H SIZ corridors. The grant matrix includes funds or services related to façade replacement or upgrading, sign improvements, landscaping improvements, asbestos surveys and abatements, demolitions and sidewalk replacement. Available of these matching funds would be on a first-come/first-served basis for eligible projects. Approximately \$100,000 is appropriated in FY2011-12 for SIZ incentive agreements for all of the three existing SIZ incentive areas—unless additional funds are appropriated for this new area, any incentive agreements proposed for the MLK SIZ incentive area would come out of the existing appropriation.

Finally, the proposed ordinance amends portions of the City's comprehensive economic development ordinance to reference the MLK area as a tax abatement reinvestment zone and to list the MLK SIZ corridor in Part III, "Additional Economic Incentives within the City," Section C, "Incentives in Certain Strategic Incentive Zones (SIZ), to incorporate MLK as an incentive zone and describe the incentive grants available thereon, which are:

TYPE OF GRANT	MLK, Jr. Boulevard
Façade	\$15,000
Sign	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amount w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500
Sidewalk	\$10,000
Fee Waiver	\$2,000
Code Upgrade (Residential)	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000
Required Minimum Investment	\$20K Commercial/\$10K Residential

There are a few other minor tweaks to Section C/SIZ incentive grant program that I will discuss during my presentation of this item.

FISCAL IMPACT: The City Council authorized \$100,000 in this fiscal year for economic development incentives in Strategic Investment Zone corridors. Tax abatement agreements, if entered into in the future on property in this corridor, would rebate taxes on the increase value of eligible real and personal property in the area and would not require a financial outlay by the City.

ATTACHMENTS:

[Maps](#)
[Ordinance](#)

EXHIBIT

A

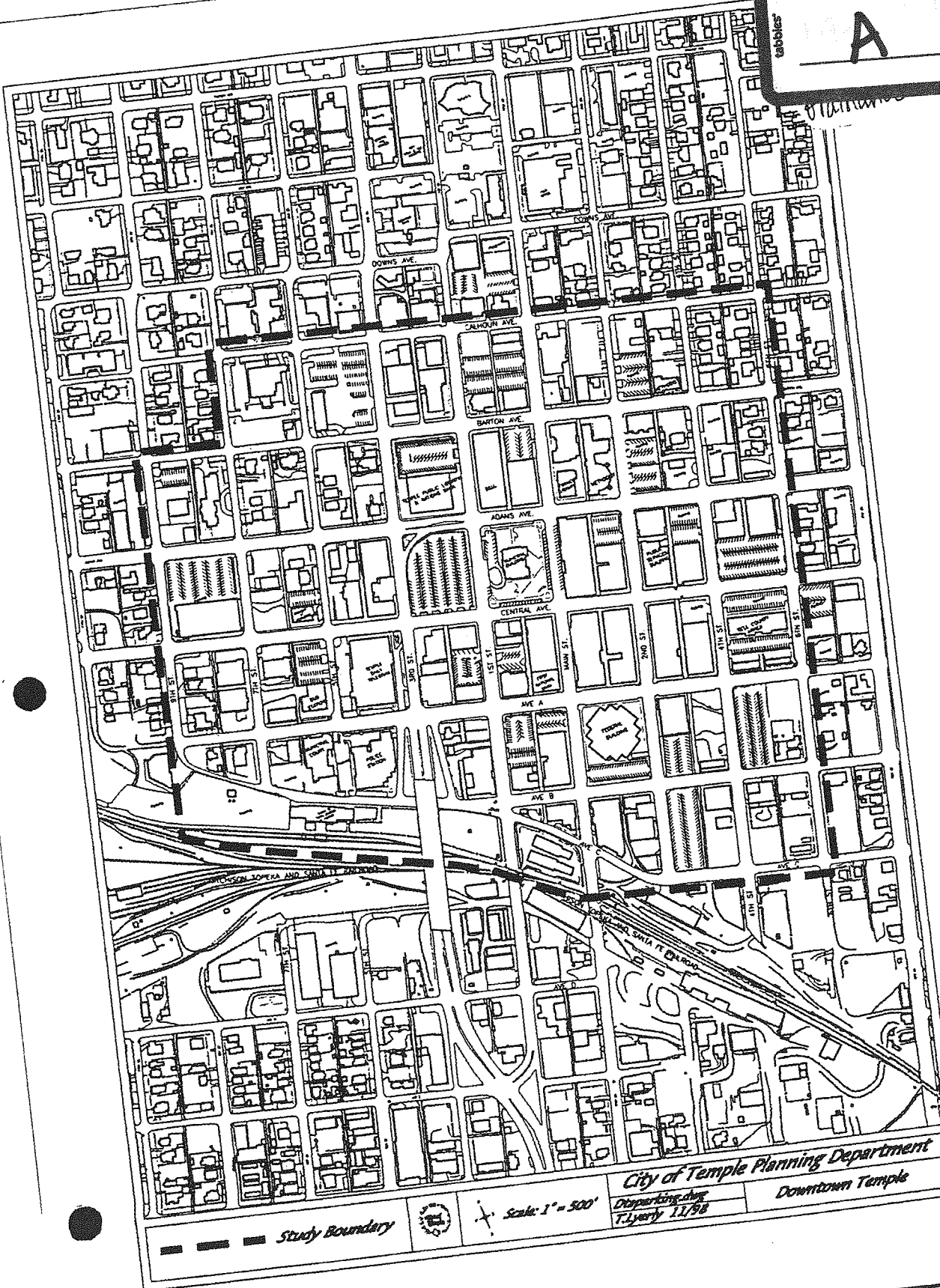




Exhibit S1

South 1st Street Tax Abatement Reinvestment Zone

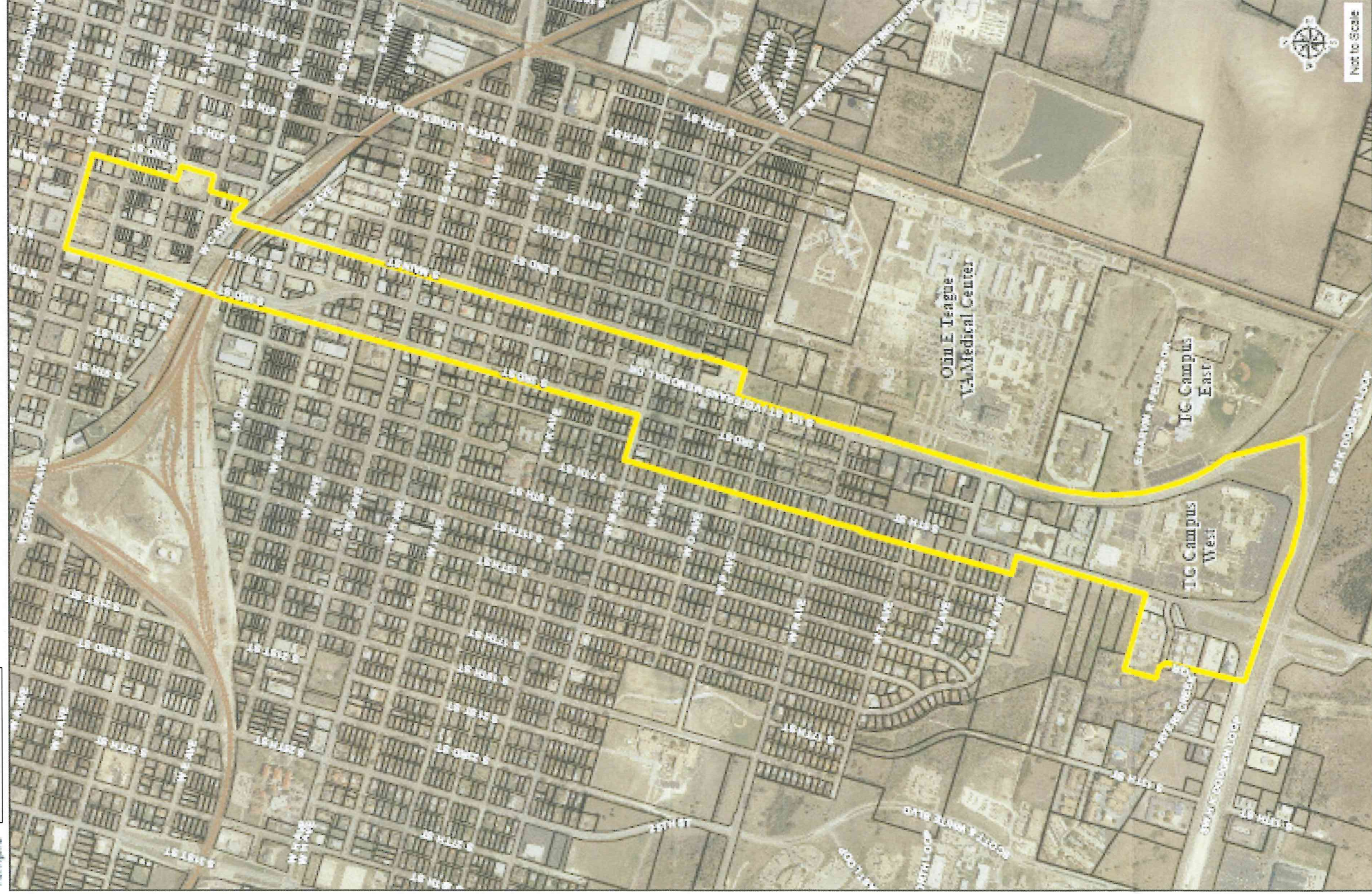
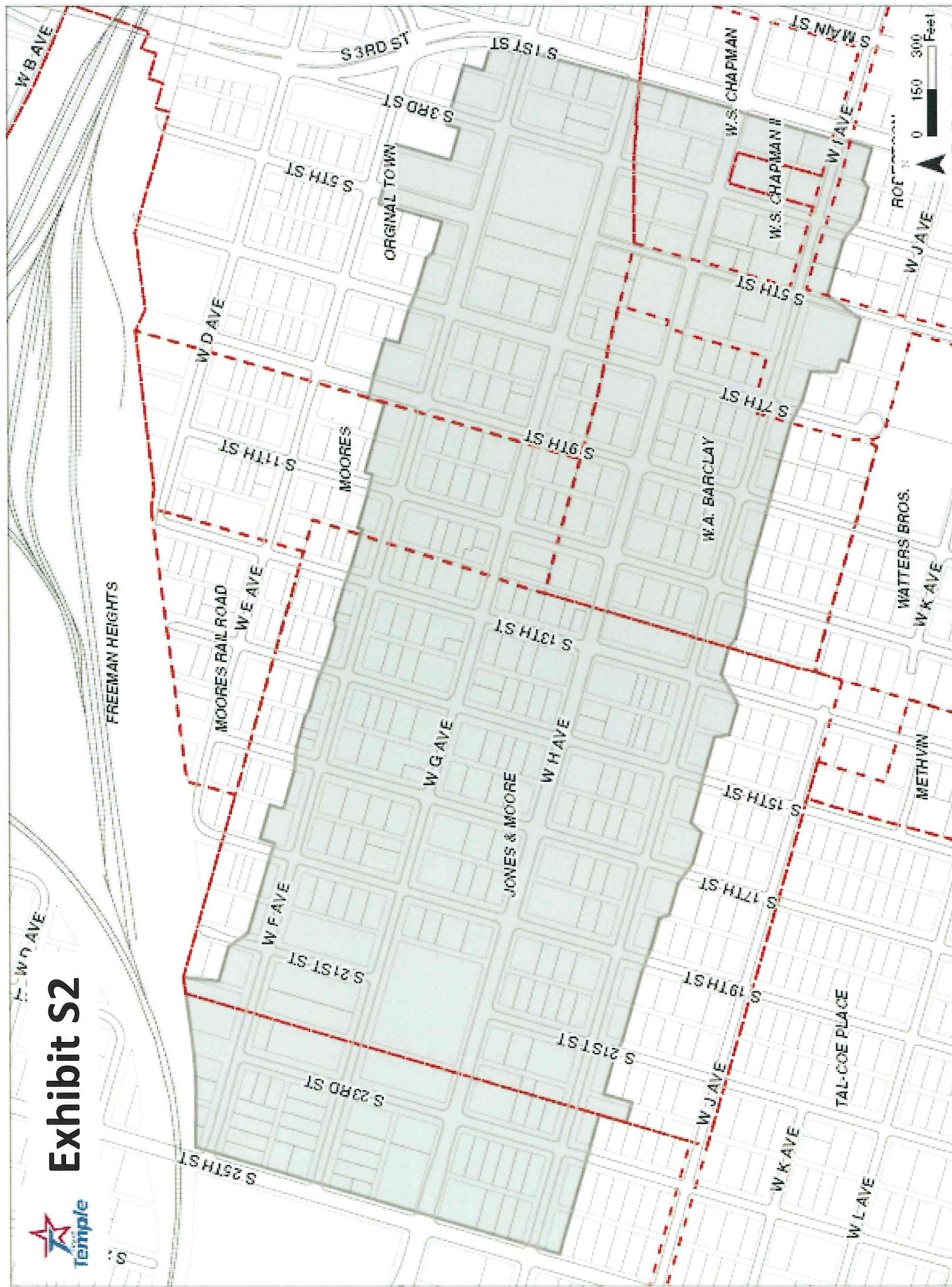




Exhibit S2





North 3rd Street SIZ-TARZ

EXHIBIT

S3

tabbles

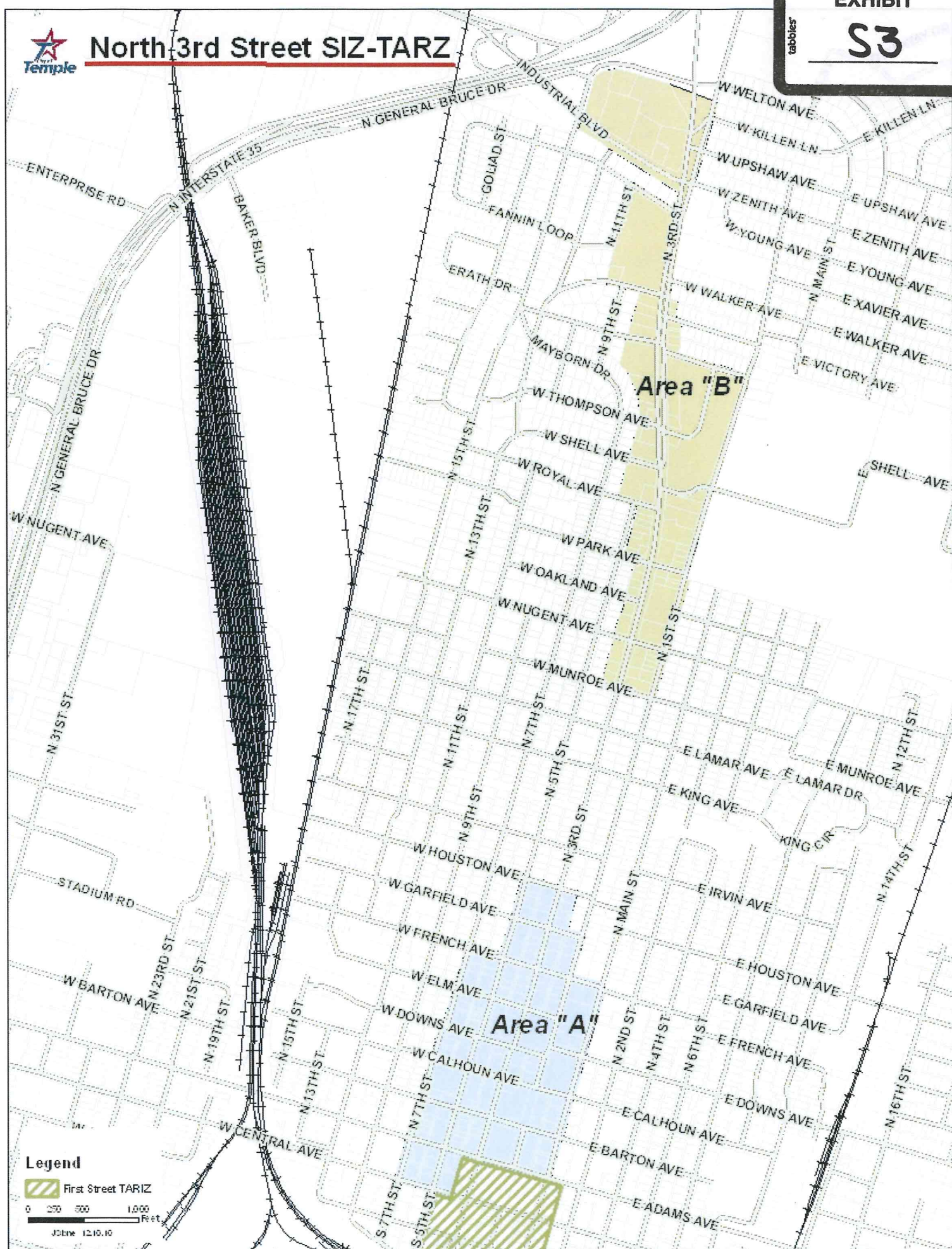
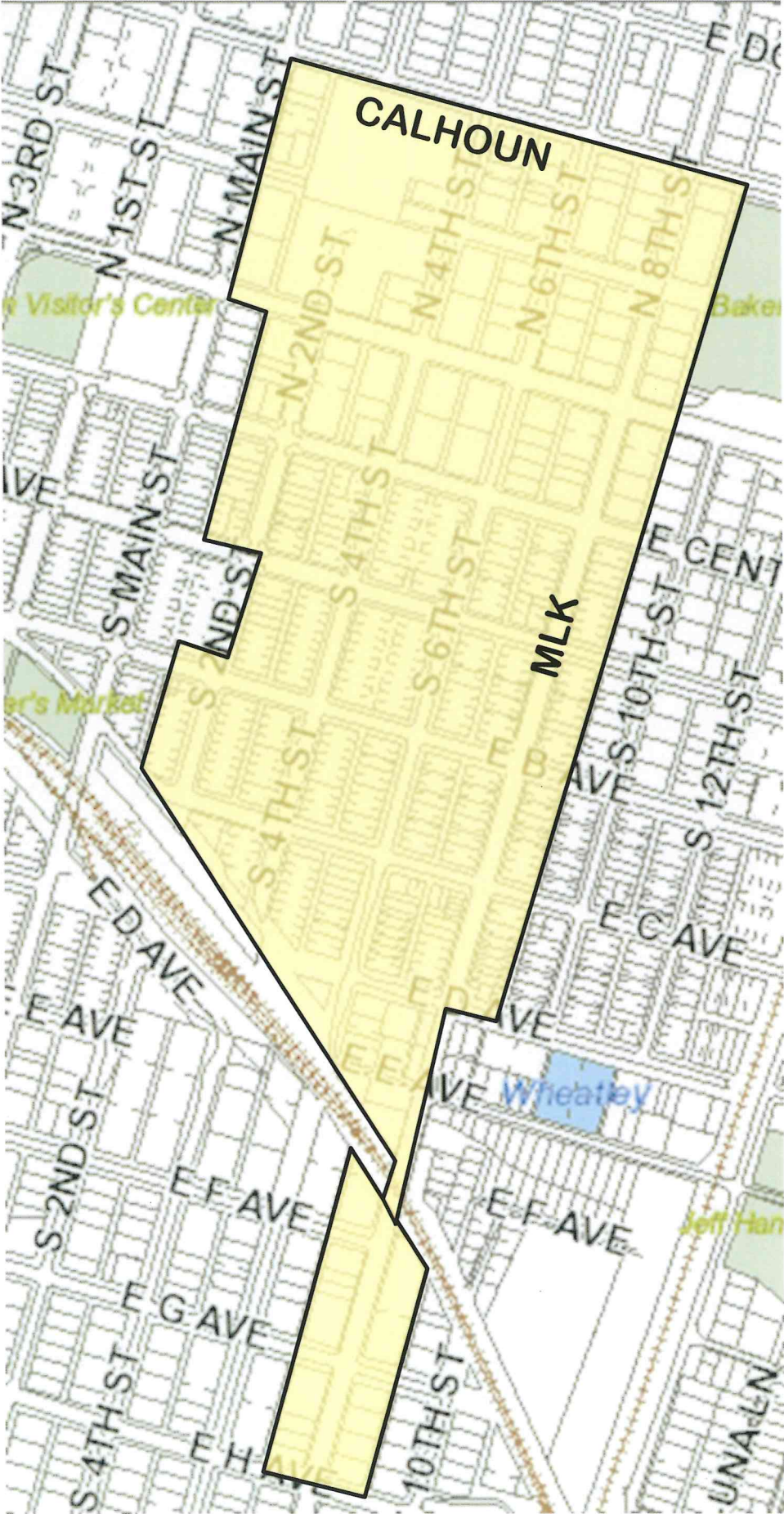


Exhibit S4



ORDINANCE NO. 2011-4504

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A COMPREHENSIVE ECONOMIC DEVELOPMENT POLICY FOR THE CITY OF TEMPLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is committed to establishing long-term economic vitality, an essential key to the growth of any community, by responding and preparing for challenges and changes in an environment characterized by ongoing competition for sustained economic advantage and identity;

Whereas, in an effort to enrich an already substantial diversity of economic activity, the City of Temple desires to establish an *Economic Development Policy* consolidating the City's existing and newly-proposed economic development policies into one comprehensive document;

Whereas, the City has established criteria and guidelines governing tax abatement within the City pursuant to Chapter 312 of the Tax Code, and by ordinance has designated two tax abatement reinvestment zones;

Whereas, the City has by ordinance created a tax increment financing reinvestment zone pursuant to Chapter 311 of the Tax Code, and used the tax increments accrued in said zone to construct public improvements intended to spur economic development of the zone;

Whereas, Article 3, Section 52-a of the State Constitution, authorizes the Legislature to provide for the creation of programs for the making of loans and grants of public money for the public purposes of development and diversification of the economy of the State;

Whereas, the Legislature, in Tex. Rev. Civ. Stat. Ann. art. 835s, has authorized home rule cities to acquire land and buildings for the purpose of leasing the land or improvements thereto to private companies for use in manufacturing or other commercial activity;

Whereas, the Legislature, in Chapter 380 of the Local Government Code, has authorized home rule cities to establish programs for making loans and grants of public money to promote State or local economic activity within their boundaries; 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:

Part 1: That a comprehensive *Economic Development Policy* is hereby adopted by the City of Temple, Texas, to read as follows:

ECONOMIC DEVELOPMENT POLICY

FOR THE CITY OF TEMPLE, TEXAS

ADOPTED JANUARY 5, 2012

I. Criteria and Guidelines Governing Tax Abatement.

A. Definitions.

1. "**Abatement**" means the full or partial exemption from ad valorem taxes of certain real property in a reinvestment zone designated by the City for economic development purposes.

2. "**Agreement**" means a contract between a property owner or lessee and the City.

3. "**Base year value**" means the assessed value of eligible property on January 1st of the year of the execution of the tax abatement Agreement, plus the agreed upon value of eligible property improvements made after January 1 but before the execution of the Agreement.

4. "**Deferred Maintenance**" means those improvements necessary for continued operation but which do not improve productivity or alter any process technology. Exterior improvements (e.g., painting, installing, repairing, removing or replacing a facade) to the exteriors of buildings in the Downtown Development Area which are designed to improve visual appearance of property are not deferred maintenance.

5. "**Downtown Development Area**" is an approximately 43 block area of downtown Temple as shown by the map and description attached hereto as Exhibit "A."

6. "**Eligible Facilities**" means those new, expanded or modernized buildings and structures, including fixed machinery and equipment, which are reasonably likely as a result of granting abatement, to contribute to the retention or expansion of primary employment or to attract major investment in the reinvestment zone that would be a benefit to the property and that would contribute to the economic development within the City Eligible Facilities in all commercial/industrial tax abatement reinvestment zones include manufacturing, distribution and storage facilities, office buildings, transportation facilities, and entertainment complex. Additional Eligible Facilities in reinvestment zones established in the Downtown Development Area include retail stores, apartment buildings, restaurants and entertainment facilities (excluding sexually oriented businesses) facilities.

7. "**Expansion**" means the addition of buildings, structures, machinery, equipment or payroll for purposes of increasing production capacity.

8. "**Facility**" means property improvements completed or in the process of construction which together comprise an integral whole.

9. **"Modernization"** means a complete or partial demolition of Facilities and the complete or partial reconstruction or installation of a Facility of similar or expanded production capacity. Modernization may result from the construction, alteration, or installation of buildings, structures, machinery or equipment, or both. Modernization in the Downtown Development area includes painting of exterior walls, restoring, removing or installing a facade and related exterior improvements designed to visually improve the exterior of a building or block.

10. **"New Facility"** means a property previously undeveloped which is placed into service by means other than or in conjunction with Expansion and Modernization.

11. **"Productive Life"** means the number of years a property improvement is expected to be in service for a facility.

12. **"South 1st SIZ incentive area"** is an area comprised of approximately a 74 block area, which includes South 1st Street from Adams Avenue to South Loop 363 and portions of several adjacent streets including portions of South 2nd Street, South 3rd Street and South 5th Street, as shown by the map and description attached hereto as Exhibit "S1."

13. **"Avenue G/H SIZ incentive area"** is an area consisting of Avenues F, G, H & I from South 1st Street to South 25th Street, as shown by the map and description attached hereto as Exhibit "S2."

14. **"North 3rd Street SIZ incentive area"** is an area consisting of two tracts of land centered on North 1st Street; Area A is bounded on the west by North 7th Street [from Central to French] and on the east from Adams—where it adjoins the South 1st SIZ incentive area—north to French Avenue, and North 3rd Street, and Area B Tax Increment Financing Reinvestment Zone is an irregular shaped area on North 3rd Street running north-south roughly from Munroe Avenue to Industrial Boulevard, as shown by the map and description attached hereto as Exhibit "S3."

15. **"MLK SIZ incentive area"** is an area on the east side of downtown Temple roughly bound on the north by Calhoun Street, on the east by MLK, on the south by Avenue H, and on the west by the BNSF tracks and 2nd Avenue, as shown by the map and description attached hereto as Exhibit "S4."

B. Statement of Purpose.

The City is committed to the promotion of high quality commercial and industrial development in all parts of the City, and an ongoing improvement of the quality of life of its citizens. These objectives may be served by the enhancement and expansion of the local economy. The City will consider, on a case-by-case basis granting property tax abatement as a stimulus for economic development in accordance with the criteria and guidelines established herein. Nothing herein shall imply or suggest that the City is under any obligation to provide tax abatement to any applicant, that any applicant has a property right or interest in tax abatement, or that the City is precluded from considering other options which may be in the best interest of the City.

C. Designation of Tax Abatement Reinvestment Zones.

The City will consider designating areas within the City limits or extraterritorial jurisdiction of the City as commercial-industrial tax abatement reinvestment zones which meet one or more of the criteria

for designation of a reinvestment zone under Section 312.202 of the Tax Code, and where the property owner meets the minimum qualifications to qualify for a tax abatement under Part I.D. 1.b. of this Policy. Designation of an area as a tax abatement reinvestment zone is a prerequisite to entering into a tax abatement agreement with the owner of the property in a particular area. Property located within a City created (and State-approved) Enterprise Zone is eligible for consideration for tax abatement agreements without the necessity of separate designation as a tax abatement reinvestment zone.

D. Abatement Authorized.

1. Eligible Facilities. Upon application, the City will consider granting tax abatement on Eligible Facilities as hereinafter provided.

a. Creation of New Value. The City will consider granting tax abatement only for the additional value of eligible property improvements made subsequent to, and specified in, an abatement agreement between the City and the property owner or lessee, subject to such limitations as the City may require.

b. New and Existing Eligible Facilities. The City will consider granting abatement for new Eligible Facilities and for improvements to existing Eligible Facilities for purposes of Modernization and Expansion.

c. Eligible Property. The City will consider granting abatement to the value of real property improvements (buildings, structures, fixed [permanently attached] machinery and equipment, site improvements, related fixed improvements necessary to the operation and administration of the Facility), and personal property (excluding inventory or supplies) with a Productive Life of ten years or more.

d. Ineligible Property. The following types of property shall remain fully taxable and ineligible for tax abatement: land, supplies, inventory, housing, Deferred Maintenance, property to be rented or leased except as provided in subpart (5) below, and other property which has a Productive Life of less than ten years.

e. Owned/Leased Facilities. If a Leased Facility is granted abatement, the agreement shall be executed with the lessor and the lessee.

2. Standards for Tax Abatement.

a. Minimum Standards. The City will consider tax abatement only on eligible facilities which meet at least two of the following criteria.

(1) The project involves a minimum increase in property value of three hundred percent (300%) for construction of a new facility, or fifty percent (50%) for expansion of an existing facility, with an overall new investment of at least \$1 million in taxable assets. For eligible facilities in any reinvestment zone within the Downtown Development Area or within the South 1st, North 3rd, Avenue G/H or MLK SIZ incentive areas, the project must involve either a minimum increase in property value of one hundred and fifty percent (150%) for construction of a

new facility, or twenty-five percent (25%) for expansion of an existing facility, with an overall new investment of at least \$50,000 in taxable assets.

(2) The project makes a substantial contribution to redevelopment efforts, special area plans, or strategic economic development programs by enhancing either functional or visual characteristics, e.g., historical structures, traffic circulation, parking facades, materials, signs.

(3) The project has high visibility, image impact, or is of a significantly higher level of development quality.

(4) The project is an area which might not otherwise be developed because of constraints of topography, ownership patterns, site configuration, etc.

(5) The project can serve as a prototype and catalyst for other development of a higher standard.

(6) The project stimulates desired concentrations of employment or commercial activity.

(7) The project generates greater employment than would otherwise be achieved, e.g., commercial/industrial versus manufacturing versus warehousing.

(8) For eligible facilities in any reinvestment zone within the Downtown Development Area, the project improves the aesthetic appearance of the neighborhood, brings new jobs to the Downtown area, increases the availability of public parking, or increases the amount of green space (landscaping).

b. Terms of Abatement/Minimum Required Investment. The City will consider executing tax abatement agreements with a term of five years provided that the applicant agrees to make the minimum investment in real property improvements, personal property improvements, or job creation specified herein. An applicant requesting tax abatement shall agree as a condition of any tax abatement ultimately approved by the City Council to expend a certain minimum amount of funds on real or personal property improvements, or to provide a certain number of jobs, as provided below:

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
25%	\$250,000-\$400,000	\$1,000,000-\$1,600,000	25-30 jobs
30%	400,001-550,000	1,600,001-2,200,000	31-35 jobs
35%	550,001-700,000	2,200,001-2,800,000	36-40 jobs
	700,001-850,000	2,800,001-3,400,000	41-45 jobs

Percentage of increased value to be abated	Minimum Required Real or Personal Property Investment or Job Creation		
	Eligible Real Property Improvements	Eligible Personal Property*	Job Creation [†]
40%			
45%	850,001-1,000,000	3,400,001-4,000,000	46-50 jobs
50%	1,000,001-1,300,000	4,000,001-5,200,000	51-55 jobs
55%	1,300,001-1,600,000	5,200,001-6,400,000	56-60 jobs
60%	1,600,001-1,900,000	6,400,001-7,600,000	61-65 jobs
65%	1,900,001-2,200,000	7,600,001-8,800,000	66-70 jobs
70%	2,200,001-2,500,000	8,800,001-10,000,000	71-75 jobs
75%	2,500,001-3,500,000	10,000,001-14,000,000	76-85 jobs
80%	3,500,001-4,500,000	14,000,001-18,000,000	86-95 jobs
85%	4,500,001-5,500,000	18,000,001-22,000,000	96-105 jobs
90%	5,500,001-6,500,000	22,000,001-26,000,000	106-115 jobs
95%	6,500,001-7,500,000	26,000,001-30,000,000	116-125 jobs
100%	7,500,001-10,000,000	30,000,001-40,000,000	126-175 jobs

The City may consider approving tax abatement agreements with a term longer than five years, but not more than ten years, where a project involves an investment in real property in excess of \$10,000,000 or in eligible personal property of more than \$40,000,000, or the creation of more than 175 new full time jobs, **or where the City deems a project critical to the development of the City because of the nature of the project or industry, or the types of jobs being created or retained.**

If a request for tax abatement is justified on the basis of the purchase and maintenance of eligible personal property or on the creation of jobs, the applicant must agree to maintain the personal property or jobs for a period of not less than twice the period for which tax abatement is granted. For example, if an applicant requests and receives 75% tax abatement for five years based on the purchase and maintenance of eligible personal property, the applicant must agree in the tax abatement agreement, subject to recapture of all abated taxes, to maintain the personal property on the property tax roll for not less than ten years.

*Personal property with a useful life of less than ten years is not eligible for tax abatement. Personal property on site prior to the effective date of the tax abatement agreement is not eligible. Supplies and inventory are ineligible for tax abatement under this policy and State law.

[†] As used herein, the creation of jobs refers to the creation of a job paying not less than \$10 per hour, the approximate median salary for employees in Bell County. To qualify for a level of tax abatement, e.g., 25%, based on the creation of a specific number of jobs, you must commit to hiring the required effective number of employees by the end of year 2 of the agreement. To calculate the effective

number of jobs created: (1) calculate the total annual payroll created (based on the number of employees you will hire at various annual salaries); (2) divide this annual payroll by \$20,640 (our calculated annual salary for a \$10/hr employee); and (3) round this figure to the nearest whole integer.

c. Additional or Enhancement Factors. In addition to the minimum investment or job creation criteria listed in (2) above, the following factors, among others, shall be considered in determining whether to grant Tax Abatement, and if so, in what percentage of value to be abated and the duration:

- (1) value of land and existing improvements, if any;
- (2) type and value of proposed improvements;
- (3) productive life of proposed improvements;
- (4) number of existing jobs to be retained by proposed improvements;
- (5) number, salary, and type of new jobs to be created by proposed improvements;
- (6) amount of local payroll to be created;
- (7) whether the new jobs to be created will be filled by persons residing or projected to reside within the City;
- (8) amount of local sales taxes to be generated directly;
- (9) the costs, if any, to be incurred by the City to provide facilities or services directly resulting from the new improvements;
- (10) the amount of ad valorem taxes to be paid the City during the Abatement period considering the existing values, the percentage of new value abated, the Abatement period, and the projected property value after expiration of the Abatement period;
- (11) population growth that occurs directly as a result of new improvements;
- (12) the types and value of public improvements, if any, to be constructed and paid for by the applicant seeking Abatement;
- (13) the extent to which the proposed improvements compete with existing businesses;
- (14) the positive or negative impact on the opportunities of existing businesses;
- (15) the attraction of other new businesses to the area;
- (16) the overall compatibility with the City's zoning and subdivision regulations, and over-all comprehensive plan; and
- (17) whether the project is environmentally compatible with the community (no appreciable negative impact on quality-of-life perceptions).

Each Eligible Facility shall be reviewed on its merits utilizing the factors provided above. After such review, abatement may be denied entirely or may be granted to the extent deemed appropriate after full evaluation.

3. Abatement barred in certain circumstances. Neither a reinvestment zone nor an abatement agreement shall be authorized, if the City Council determines that:

- a. there would be a substantial adverse effect on the provision of government service or tax base;
- b. the applicant has insufficient financial capacity to meet the requirements of the proposed abatement agreement;
- c. planned or potential use of the property would constitute a hazard to public safety, health, or morals;

d. approval of a reinvestment zone or abatement agreement would violate State or Federal laws or regulations; or

e. there exists any other valid reason for denial deemed appropriate by the City.

4. Property subject to Taxation. From the execution of an Abatement Agreement to the end of the effective abatement period under the Agreement, taxes shall be payable as follows:

a. the value of ineligible property (Part I.D.1.d.) shall be fully taxable;

b. the base year value of existing eligible property as determined each year shall be fully taxable;

c. the additional value of new eligible property shall be taxed in the manner and for the period provided for in the Abatement Agreement; and

d. the additional value of new, eligible property shall be fully taxable at the end of the Abatement period.

5. Application for Tax Abatement.

a. Any present or potential owner of taxable property in the City of Temple, Texas, may request the creation of a tax abatement reinvestment zone and tax abatement by filing a written request with the City. The application shall then be forwarded to the City Manager for review. After processing the application, the City Manager shall make a recommendation to the City Council of the City for final disposition.

b. The application shall consist of a completed application form, which shall provide detailed information on the items described in Part I.D.2. above; a map and property description; and a time schedule for undertaking and completing the planned improvements. In the case of Modernization, a statement of the assessed value of the facility, separately stated for real and personal property, shall be given for the tax year immediately proceeding the application. The application form may require such financial and other information as may be deemed appropriate for evaluating the financial capacity and other factors of the applicant.

c. The City shall give notice as provided by the Tax Code, i.e., written notice to the presiding officer of the governing body of each taxing unit in which the property to be subject to the agreement is located, no later than the seventh day before the date the City Council considers approval of a tax abatement agreement.

d. The City shall not establish a reinvestment zone for the purpose of Abatement if it finds that the request for the abatement was filed after the commencement of construction of a New Facility, or alteration, Modernization, Expansion of an existing Facility.

6. Tax Abatement Agreements

a. After preliminary approval of an application, the City shall formally pass a resolution authorizing an Agreement with the owner (and lessee, where applicable) of the Facility, which Agreement shall include, but not be limited to:

- (1) The kind, number, and location of all proposed improvements of the property;
- (2) A provision for access to and authorize inspection of the property by municipal employees to ensure that the improvements or repairs are made according to the specifications and conditions of the Agreement;
- (3) Limits for the uses of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period the property tax exemptions are in effect;
- (4) Provide for recapturing property tax revenue lost as a result of the Agreement if the owner of the property fails to make the improvements or repairs as provided by the Agreement;
- (5) Each term agreed to by the owner of the property;
- (6) A requirement that the owner of the property annually certify to the governing body of each taxing unit that the owner is in compliance with each applicable term of the Agreement;
- (7) Provide that the City Council may cancel or modify the Agreement if the property fails to comply with the Agreement;
- (8) The percentage of value to be abated each year; and
- (9) The commencement date and the termination date of Abatement.

b. To be effective, a tax abatement agreement must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council.

c. Agreements shall normally be approved or disapproved within sixty (60) days from the date the applicant filed a properly completion application for tax abatement with the City Manager.

7. Recapture of Abated Taxes Upon Default.

a. In the event that the company or individual:

- (1) allows its ad valorem taxes owed the City to become delinquent and fails to timely and properly follow the legal procedures for their protest or contest, or
- (2) violates any of the terms and conditions of the Abatement Agreement, and fails to cure during the Cure Period hereinafter described,
- (3) the Agreement then may be terminated, and the company or individual whose Agreement is terminated shall repay, as liquidated damages, all taxes previously abated by virtue of the Agreement to the City within thirty (30) days of the termination.

b. Should the City determine that the company or individual is in default according to the terms and conditions of its Agreement, the City shall notify the company or individual of such default in

writing at the address stated in the Agreement, and if such is not cured within thirty (30) days from the date of such notice ("Cure Period"), then the Agreement may be terminated.

8. Administration.

a. The Chief Appraiser of the Bell County Appraisal District will annually determine an assessment of the real and personal property comprising the reinvestment zone. Each year, the company or individual receiving abatement shall furnish the Appraiser with such information as may be necessary for the Abatement. Once value has been established, the Chief Appraiser will notify the City of the amount of the assessment.

b. An abatement agreement shall stipulate that employees or designated representatives of the City will have access to the reinvestment zone during the term of the Abatement to inspect the Facility to determine if the terms and conditions of the agreement are being met. All inspections will be made only after the giving of twenty-four (24) hours prior notice and will only be conducted in such manner as to not unreasonably interfere with the construction or operation of the Facility. All inspections will be made with one or more representatives of the company or individual and in accordance with its safety standards.

c. Upon completion of construction, the designated representative of the City shall annually evaluate each Facility receiving Abatement to insure compliance with the agreement, and a formal report shall then be made to the City Council of Temple regarding the findings of the evaluation.

9. Assignment of Tax Abatement Agreements.

Abatement may be transferred and assigned by the holder to a new owner or lessee of the same Facility upon the approval by resolution of the City subject to the financial capacity of the assignee and provided that all conditions and obligations in the Abatement Agreement are guaranteed by the execution of a new contractual Agreement with the City. No assignment or transfer shall be approved if the parties to the existing Agreement, the new owner or new lessee, are liable to any jurisdiction for outstanding taxes or other obligations. Approval of assignments will not be unreasonably withheld.

10. Sunset Provision.

These tax abatement criteria and guidelines are effective upon the date of their adoption and will remain in force for two years, unless amended by three-quarters vote of the City Council, at which time all reinvestment zones and tax abatement agreements created pursuant to these provisions will be reviewed to determine whether the goals have been achieved. Based on that review, the criteria and guidelines may be modified, renewed or eliminated.

II. Availability of Tax Increment Financing of Public Improvements.

A. Existence of tax increment financing district.

The City of Temple has previously created Tax Increment Financing District Number One. To be designated as a tax increment financing reinvestment zone (TIFRZ), an area must meet the criteria established for reinvestment zones under Section 311.005 of the Tax Code. Designation of an area of the City as an enterprise zone under Tex. Rev. Civ. Stat. Ann. art. 5190.7, the Texas Enterprise Zone Act, qualifies an area automatically for designation as a tax increment financing reinvestment zone.

B. Development agreements.

The City will consider entering into development agreements with the owners of property within a TIFRZ where construction of a public improvement(s), e.g., a street, sewer or water line, bridge, railroad spur, or drainage project, using tax increment funds is likely to result in the significant expansion or modernization of an existing facility, the construction of a major new facility, the creation of a significant number of new jobs, or otherwise accomplishes one of the major goals of Chapter 311 of the Tax Code. The City Council may by ordinance or resolution, with the advice and recommendation of the Board of Directors of Tax Increment Financing Reinvestment Zone Number One, may establish minimum criteria for consideration of development agreements.

III. Additional Economic Incentives within the City

A. Designation of Enterprise Zone.

The City has nominated an area of the City for designation as an enterprise zone by the State of Texas, acting through its Department of Commerce, under Tex. Rev. Civ. Stat. Ann. art. 5190.7 (the Texas Enterprise Zone Act). Pending approval of the area as an enterprise zone by the State, the City will consider granting several types of economic incentives with the enterprise zone.

1. Sales and use tax refunds.

a. Minimum qualifications. To encourage development of the Enterprise Zone, the City will consider granting sales and use tax rebates to businesses within the Enterprise Zone which:

- (1) meet the definition of "qualified businesses" for purposes of Section 3(a)(11) of the Enterprise Zone Act;
- (2) meet the qualifications for, and receive designation by the State as an enterprise project as an enterprise project as provided for in Section 10 of the Enterprise Zone Act.

b. Eligible taxes. The City may agree to a refund of its sales and use taxes paid by qualified business designated as an enterprise project on the purchase, lease, or rental of equipment or machinery for use in an enterprise zone or on the purchase of material for use in remodeling, rehabilitating, or constructing a structure in the Enterprise Zone.

c. Agreement required. The City will, by development agreement, consider refunding up to one-half (1/2) of the *eligible* sales and use tax paid by a qualified business and enterprise project for a period of up to three (3) years.

d. Documentation required. A qualified business and enterprise project entitled to a refund of sales and use tax under this Section by agreement shall pay the entire amount of State and local sales and use taxes at the time of purchase. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement may request a refund once each year in writing. A qualified business and enterprise project entitled to a refund of sales and use tax by agreement must provide documentation necessary to support a refund claim in a form prescribed by the City's Director of Finance.

2. Waiver of permit fees.

By resolution, the City Council may adopt a policy to waive certain building, permit, license or development fees to qualified businesses which have been designated as enterprise projects within the Enterprise Zone. The City Council, or where applicable the City Manager, is authorized to waive building, permit, license or development fees up to \$10,000 as part of a Chapter 380 agreement approved under Part III, B(2) of this ordinance.

B. Other economic incentives within the City.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity within the City.

2. Upon application, the City may consider one or more of the following economic tools to encourage economic development:

- (a) The City may purchase tracts of land in the City to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the City, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$25,000 within the South 1st SIZ incentive area, the Avenue G/H SIZ incentive area, the North 3rd SIZ Incentive area, or the MLK SIZ incentive area, subject to the availability of funds appropriated annually for that purpose.
- (c) To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$10,000 within any of the City's other Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R. To promote economic development within the City, the City Manager is authorized to execute Chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, up to \$7,500 in any part of the City not covered by one of the City's Strategic Investment Zones, as designated in City Resolution No. 2007-4965-R.
- (d) The City Manager shall provide the City Council with a quarterly report listing and describing the terms and conditions of any Chapter 380 agreements approved under Part III, B(2) of this ordinance in the preceding quarter.
- (e) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs within the City. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives within the City		
Value of grant, or value of reduction in lease payments or sale price	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>both</u> improvements to real property (new construction or expansion of existing facility) <u>and</u> the creation of new jobs	
Not to exceed \$150,000	Not less than \$7.5 million	Not less than 125 new jobs
Not to exceed \$300,000	Not less than \$15 million	Not less than 250 new jobs
Not to exceed \$450,000	Not less than \$22.5 million	Not less than 375 new jobs
Not to exceed \$600,000	Not less than \$28 million	Not less than 500 new jobs

Incentives under Chapter 380 of the Local Government Code where the investment and number of jobs exceed the chart above will be individually negotiated. The City Council may on a case by case basis consider approving chapter 380 agreements involving grants of public funds, or the transfer of land with value, providing personnel and services of the municipality, with a value of greater than \$7,500 but less than \$150,000.

C. Incentives in Certain Strategic Incentive Zones (SIZ)

1. **Authority.** Pursuant to Article 3, Section 52-a of the Texas Constitution, Chapter 380 of the Texas Local Government Code, and Section III.B of the City's Economic Development Policy ordinance, the City will consider offering additional economic incentives for development within certain of the City's Strategic Investment Zones. If property is located within the boundaries of more than one Strategic Investment Zone which has available incentives, an applicant may apply for incentives under either incentive program (but not more than one), subject to the applicable rules of eligibility.

2. **Purpose.** The City desires to encourage the redevelopment of certain of its Strategic Investment Zones by offering economic development incentives (SIZ grants) within those corridors to property owners who meet certain criteria.

3. **Application Process.** Applications for SIZ grants are available through the City Manager's office. Applications may be picked up at any time, but the City only approves new applications for SIZ grants four times a year: December, March, June & September. Completed applications for SIZ grants must be filed as follows:

For consideration in:

December
March
June
September

Completed Application Due No Later Than:

November 10th
February 10th
May 10th
August 10th

4. Types of Grants.

- a. **Façade Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the replacement or upgrade of an existing façade with an eligible masonry product to an eligible property, or to remove an existing façade to expose the original façade. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, rough-faced block, fiber cement siding products, such as HardiPlank® and such other materials that the City may approve from time to time. A list of eligible materials for the eligible SIZ incentive corridors (See Section 6 below) are maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically *exclude* design costs.
- b. **Sign Improvement Grants.** (commercial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new ground-mounted, monument type (building mounted signs within TMED) signs on eligible properties or the replacement of a dilapidated sign. To be eligible, the base or footing of the sign must be concrete or metal. Sign improvement costs eligible for reimbursement with a sign improvement grant include demolition costs (including labor), landfill costs, and City-approved material and construction (including labor) costs, but specifically *exclude* design costs.
- c. **Landscaping Improvement Grants.** (commercial or industrial property only) The City will consider making grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the installation of new or additional landscaping to an eligible property. To be eligible the landscaping must exceed the City's landscaping requirements for the area, as the same may be established from time to time. If an irrigation system is installed, or already exists, and will be maintained by the applicant, the maximum amount of the landscaping grant is greater than if no irrigation system exists. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs. The City will also consider making grants of trees from the City's tree farm if requested by the applicant as part of a landscaping improvement grant application.
- d. **Asbestos Survey or Abatement Grants.** (commercial or industrial property only) The City will consider a grant (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for owner-initiated asbestos survey of a building and for asbestos abatement for a building on eligible property. Asbestos survey and abatement grant eligible costs include professional fees, labor costs, select demolition/removal costs, and replacement materials.

- e. **Demolition Grants.** (residential, commercial or industrial property) When requested by an applicant the City will consider in its sole discretion, demolishing buildings, signs or parking lots, and disposing of the same at the City's cost, when the City has the capacity and equipment to do so. The City will not demolish buildings where the City in its sole discretion determines that there is a reasonable probability that the building contains asbestos, unless the applicant has obtained an asbestos survey and abated asbestos, where necessary, prior to demolition of the structure. In lieu of doing the demolition work with its own crews, the City will also consider a grant on a 1:1 matching basis for the demolition of existing buildings, signs, or parking lots on eligible property. Where the applicant is performing the demolition and seeking a demolition grant, eligible costs include the labor and landfill costs, and equipment rental, but exclude any design costs.
 - f. **Sidewalk Improvement Grants.** (residential, commercial or industrial property) The City will consider grants (the amount varies depending on the eligible SIZ incentive corridor) on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering on eligible property. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically *exclude* design costs.
 - g. **Waiver of Platting, Zoning and Permit Fees.** (commercial or industrial property only) The City will consider waiving platting, zoning, and building permit fees for eligible projects. The City *cannot* waive water and wastewater tap fees.
 - h. **Code Compliance Grant.** (residential only) The City will consider grants on a 1:4 (City/Property Owner) matching basis for the construction of real property improvements necessary to bring a structure in one of the approved SIZ incentive zones listed in subpart 6 below. To receive a grant under this subsection, the property owner must substantiate actual expenditures necessary to meet an existing City code by the property owner of \$4 dollars for every \$1 of code upgrade grant sought from the City up to the maximum grant as shown in subsection 5 below. For example, to receive a code grant of \$5,000 from the City, the property owner would have to demonstrate actual expenditures by the property owner of \$20,000 that are necessary to meet existing City code requirements.
5. **Maximum Amount of Grants.** The chart below shows the types and dollar amounts of grants available in each of the current SIZ incentive zone corridors. An applicant can request consideration for up to the maximum for each type of grant applicable to his/her property and application, but the total amount that an applicant can receive for any particular application and property is limited by the size of the applicant's actual investment.

TYPE OF GRANT	South 1 st Street	Avenue G/H
Façade	\$15,000	\$10,000
Sign	\$2,500	\$1,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$2,500 or \$3,500 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000+ \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$5,000
Fee Waiver	\$2,000	\$2,000
Code Compliance (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$33,500
Required Minimum Investment	\$20K Commercial/\$10K Residential	\$20K Commercial/\$10K Residential

TYPE OF GRANT	North 3 rd Street	MLK, Jr. Boulevard
Façade	\$15,000	\$15,000
Sign	\$2,500	\$2,500
Landscaping	\$5,000 or \$10,000 (higher amt w/ irrigation)	\$5,000 or \$10,000 (higher amt w/ irrigation)
Asbestos	\$1,000 + \$3,000 (survey + abatement)	\$1,000 + \$3,000 (survey + abatement)
Demolition	\$2,500	\$2,500
Sidewalk	\$10,000	\$10,000
Fee Waiver	\$2,000	\$2,000
Code Upgrade (Residential)	n/a	\$5,000
Theoretical Maximum Grant (lesser of the sum of individual grants and 33% of total investment if project < \$100K or 25% if total investment is ≥ \$100K)	\$46,000	\$46,000
Required Minimum Investment	\$20K Commercial or Industrial	\$20K Commercial/\$10K Residential

The total maximum grant (the sum of all of the individual grants the project is eligible for) is the lesser of: (1) the sum of the individual grants, AND (2) 33% of the applicant's total investment where the investment is less than \$100,000, OR 25% of the applicant's total investment where the investment is greater than \$100,000. Total investment is measured at the time the project is completed, and is subject to verification by the City.

The chart also shows the minimum required investment by a property owner for consideration of a SIZ grant.

6. **SIZ Incentive Zones; Eligible Property.** To be eligible for a SIZ incentive grant under subsection 5 above, the applicant must be the owner or a lessee of property lying within the boundaries of one of the City's SIZ Incentive Zones. The current SIZ Incentive Zones are:

- South 1st SIZ incentive area (Boundary Map—attached as Exhibit “S1”)
- Avenue G/H SIZ incentive area (Boundary Map—attached as Exhibit “S2”)
- North 3rd SIZ incentive area (Parts A & B) (Boundary Map—attached as Exhibit “S3”)
- Martin Luther King SIZ incentive area (Boundary Map—attached as Exhibit “S4”)

7. **Application Form.** To be eligible for the grants described in Part C an applicant must submit an application and received approval from the City prior to commencing the work for which a grant or assistance by the City is sought. Applications must be submitted on a form provided by the City, be fully and accurately completed, and signed by the owner(s) [and the lessee(s), where applicable] of the property. Forms are available in the **City Manager's Office** (c/o Assistant City Manager) and in the office of **Keep Temple Beautiful**, 100 West Adams, Suite 302, Temple, TX 76501, and must be submitted to the City Manager's office for review and potential approval by the City. A completed application must contain a rendering of all proposed improvements and a written description of the same. Where the proposed scope of work requires professional work by an engineer or architect, the plans must be sealed by an engineer or architect prior to the issuance of building permits, as applicable.

8. **Evaluation of Applications.** In evaluating whether to recommend an application for a grant under Part C for consideration by the City Council, the Staff will review and evaluate all SIZ incentive applications using the following criteria:

- (a) the extent to which the property for which a grant is sought is blighted or fails to meet City codes or regulations in one or more aspect (20 points)
- (b) whether the proposed redevelopment is at a higher level than which exists on other properties in the SIZ incentive corridor in which the property is situated (15 points);
- (c) whether the applicant has the financial resources to complete the described in the application (10 points);
- (d) whether the property is unlikely to redevelop without an incentive by the City (20 points);
- (e) whether the proposed use of the property is in keeping with the future uses of property identified in the City's Comprehensive Plan or a master plan adopted by the City Council (8 points);
- (f) whether the development is in an overlay that requires higher standards than in other

parts of the City (5 points);

(g) whether the development remedies deteriorated existing city infrastructure (10 points);

(h) whether the development implements elements of the City Master Plan including sidewalk, trail, or parks master plan (7 points); and

(i) whether there is a known occupant/tenant for the proposed development (5 points).

Applications receiving a score of less than 75 points will not be recommended by the Staff for approval by the City Council. Where the amounts being requested in any quarter exceed the amount of uncommitted funds available for SIZ incentive grants, the City Council may take the rating system into consideration when deciding which applications, if any, to approve.

9. **Evaluation of application.** Upon receipt of an application for a grant under Part 3(a), the City Manager shall cause the application to be evaluated using the criteria established in Part 8 above, and submit the application and the Staff's recommend to approve or deny the request, in whole or part, to the City Council for their consideration.

10. **Approval of grants; duration of approval.** The City Council may approve a request for a grant under Part C in whole or in part, or deny the same. Provided that the City Manager is authorized to approve Chapter 380 agreements providing SIZ incentive grants as provided in Part III(B) of this ordinance.

11. **No Vested Right to Receive a Grant.** The existence of the grant program established in Section C does not create any vested rights to receive a grant or convey a property interest to any person to receive a grant. The award or denial of a grant under this Ordinance shall be at the sole discretion of the City Council. The City Council shall annually appropriate funds for the administration of the grant program in this ordinance, and the granting of funds under the programs established by this ordinance are subject to the availability of funds appropriated for that purpose in any given fiscal year.

12. **Compliance with Terms of a Grant; payment to recipient.** A recipient of a grant from the City must enter into a Chapter 380 development agreement with the City prior to receiving any grant funds or in-kind services by the City. The agreement shall provide that the applicant agrees to: (1) complete the work described in the application in a timely fashion; (2) give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours; (3) perform all of the work described in the grant application in accordance with all applicable City codes and regulations; and (4) to maintain those improvements in the future. The failure by an applicant for a grant to satisfy all of the terms and conditions of the development agreement shall relieve the City of any obligation to provide grants funds under this Ordinance or as described in the development agreement. The Staff is authorized to grant extensions of up to ninety (90) days in the completion date.

Payment to grantees shall be made within thirty (30) days of the work described in the development agreement being completed, inspected and a certificate of occupancy issued by the City. When the recipient of a SIZ grant fails to complete a project by the date provided for completion in his Chapter 380 agreement with the City, inclusive of any extension approved by the Staff (up to ninety days), the amount of the grant provided for in

the Chapter 380 agreement shall be reduced by 5% for each thirty days that the project lacks completion. Completion under this section means the inspection and acceptance of any public improvements by the City and the issuance of a certificate of occupancy (where applicable) by the City.

D. Additional economic incentives in Downtown Development Area.

1. Pursuant to authority delegated by the Legislature to cities under Chapter 380 of the Local Government Code, and as authorized by Article 3, Section 52-a of the Texas Constitution, the City will consider making loans or grants of public funds or property, or the selling or leasing City property at or below the fair market value of said property, to promote State or local economic development and to stimulate business and commercial activity in the Downtown Development Area (as shown on Exhibit "A").

2. Upon application, the City of Temple will consider one or more of the following economic tools to encourage economic development in the Downtown Development Area:

- (a) The City may purchase tracts of land in the Downtown Development Area to encourage economic development if it determines that assembly of smaller tracts into larger tracts will promote the sale or development of property over the long term. The City may also purchase land to sell or lease to a qualified business in the Downtown Development Area, if it determines that a qualified business meets the minimum requirements for additional incentives set out below.
- (b) As further authorized by Tex. Rev. Civ. Stat. Ann. art. 5190.7 § 20(b), the City may sell or lease City-owned property to private developers, if the City Council determines that the property is not needed for any other public purpose, and that sale of the property to a private developer will result in capital improvements or the creation of new jobs in the Downtown Development Area. The City will generally sell or lease public property at its fair market value, but will consider making a one-time grant to an applicant, or selling or leasing property at less than fair market value, according to the following formula:

Additional Incentives in the Downtown Development Area		
Value of grant, or value of reduction in lease payments or sale price or surplus property	To qualify for additional incentive, a qualified business must agree to the following minimum investment in <u>either</u> improvements to real property (new construction or expansion of existing facility) <u>or</u> the creation of new jobs (25% of the holders of which must be residents of zone or economically disadvantaged).	
Not to exceed \$6,000	Not less than \$70,000	Not less than 3 new jobs
Not to exceed \$8,000	Not less than \$100,000	Not less than 5 new jobs
Not to exceed \$10,000	Not less than \$175,000	Not less than 10 new jobs
Not to exceed \$15,000	Not less than \$225,000	Not less than 15 new jobs

Not to exceed \$18,000	Not less than \$300,000	Not less than 20 new jobs
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3. In order for a proposal to be considered for the Additional Incentives under this subsection, an applicant is required to submit a business plan detailing sufficient information to evaluate the development and the opportunities for success. A development agreement will provide clauses that insure the return of monetary or real incentives granted for a project in the event that the project is not undertaken within a specified time.

Part 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 3: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 4: It is hereby officially found and determined that the meeting at which this ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second and Final Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #3(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2011-2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2011-2012 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$1,535,927.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
January 5, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2031-521-6213	100768	Capital Automotive Equipment (Police Dept.)	\$ 11,889	
110-0000-461-0554		Insurance Claims		\$ 11,889
Insurance claim from State Farm Insurance for \$7,664 for totaled vehicle driven by Police Dept. employee, and insurance claim from USAA Insurance for \$4,225 for totaled vehicle drive by Police Officer.				
110-3500-552-2623		Contributions/Prizes (Parks)	\$ 5,000	
110-2310-540-2510		Contributions/Prizes (Solid Waste Admin)		\$ 5,000
Keep Temple Beautiful ended their contribution to the Community Worker Service Program. This program pays for supervisors through the Bell County Probation Office who check in, monitor and work community service workers. Solid Waste has money designated for the Keep Temple Beautiful program to purchase items such as bags, brochures, etc. We are transferring the funds designated in the Solid Waste budget to Parks to continue paying for the Bell County Community Service Worker Program. The Parks program will remain the same and Solid Waste will now direct the County on areas to pick up litter or any other clean up assistance that they might need.				
260-2000-521-2136		Public Safety Expenditures (Police Grant)	\$ 15,000	
260-0000-431-0163		Federal Grants		\$ 15,000
Appropriate funding for expenditures related to the investigation of electronic crimes or cybercrimes and associated revenue to be received from the United States Secret Service (USSS). The Temple Police Department (TPD) entered into a Memorandum of Understanding (MOU) with the USSS in which TPD may request reimbursement for the purchase of equipment and supplies related to the investigation of electronic crimes in an amount not to exceed \$15,000 per fiscal year. Council authorized the MOU in July 2011.				
361-3400-531-2588	100681	NW Loop 363 Improvements	\$ 20,998	
361-3400-531-6854	100407	Project Savings		\$ 14,208
361-2400-519-6807	100160	Project Savings		\$ 6,790
To appropriate funds for Change Order #1 in the amount of \$20,998 for Environmental Mitigation Study related to the NW Loop 363 Improvements.				
364-2000-521-2635		Water/Sewer/Garbage (Police Dept.)	\$ 3,000	
364-2000-521-2636		Electric Utilities	\$ 25,000	
364-2000-521-2637		Gas Utilities	\$ 200	
364-0000-490-2582		Transfer In - General Fund		\$ 28,200
110-2012-521-2635		Water/Sewer/Garbage (Police Dept.)		\$ 3,000
110-2012-521-2636		Electric Utilities		\$ 25,000
110-2012-521-2637		Gas Utilities		\$ 200
110-9100-591-8164		Transfer Out - 2011 Limited Tax Notes	\$ 28,200	
Cover utility costs associated with Police Department move that will not be charged to bond funds.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
January 5, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
520-0000-461-0865		Miscellaneous Reimbursements		\$ 403,880
520-0000-373-0411		Water & Sewer Unreserved Retained Earnings	\$ 403,880	
<p>To appropriate funding for three TxDOT agreements. The City will be reimbursed 100% and expenditures were budgeted in FY 2011.</p>				
520-0000-372-0945		Designated Capital Projects - IH 35 Utility Improvements	\$ 497,760	
520-0000-372-0945	100703	Designated Capital Projects - WLR Poison Oak	\$ 525,000	
520-0000-373-0411		Water & Sewer Unreserved Retained Earnings		\$ 1,022,760
<p>This budget adjustment designates Unreserved Water and Sewer Fund Retained Earnings for various Water and Sewer projects approved as part of the FY 2011 CIP as revised November 19, 2009.</p>				
TOTAL AMENDMENTS			\$ 1,535,927	\$ 1,535,927

GENERAL FUND		
Beginning Contingency Balance	\$	-
Added to Contingency Sweep Account	\$	-
Carry forward from Prior Year	\$	-
Taken From Contingency	\$	-
Net Balance of Contingency Account	\$	-
Beginning Judgments & Damages Contingency	\$	80,000
Added to Contingency Judgments & Damages from Council Contingency	\$	-
Taken From Judgments & Damages	\$	(15,771)
Net Balance of Judgments & Damages Contingency Account	\$	64,229
Beginning Compensation Contingency	\$	863,600
Added to Compensation Contingency	\$	-
Taken From Compensation Contingency	\$	(828,585)
Net Balance of Compensation Contingency Account	\$	35,015
Net Balance Council Contingency	\$	99,244
Beginning Balance Budget Sweep Contingency	\$	-
Added to Budget Sweep Contingency	\$	-
Taken From Budget Sweep	\$	-
Net Balance of Budget Sweep Contingency Account	\$	-
WATER & SEWER FUND		
Beginning Contingency Balance	\$	50,000
Added to Contingency Sweep Account	\$	-
Taken From Contingency	\$	(1,129)
Net Balance of Contingency Account	\$	48,871
Beginning Compensation Contingency	\$	97,000
Added to Compensation Contingency	\$	-
Taken From Compensation Contingency	\$	(84,685)
Net Balance of Compensation Contingency Account	\$	12,315
Net Balance Water & Sewer Fund Contingency	\$	61,186

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
January 5, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	79,303
		Beginning Compensation Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(9,855)
		Net Balance of Compensation Contingency Account	\$	1,445
		Net Balance Hotel/Motel Tax Fund Contingency	\$	80,748
		DRAINAGE FUND		
		Beginning Compensation Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(12,386)
		Net Balance of Compensation Contingency Account	\$	814
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	24,387
		Carry forward from Prior Year	\$	12,105
		Added to Contingency Sweep Account	\$	22,327
		Taken From Contingency	\$	(29,131)
		Net Balance of Contingency Account	\$	29,688

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO
THE 2011-2012 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 1st day of September, 2011, the City Council approved a budget for the 2011-2012 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2011-2012 City Budget.

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

Part 1: The City Council approves amending the 2011-2012 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #4
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Mabry, Planning Director

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING – Z-FY-12-16: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive.

P&Z COMMISSION RECOMMENDATION: At its December 6, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of a rezoning from SF2 to SF3.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on second and final reading.

Staff recommends approval of a rezoning from AG to SF3 for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan Map; and
3. Public facilities are available to serve the property.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-16, from the Planning and Zoning Commission meeting, December 6, 2011. The applicant, John Kiella, requests the rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) to allow the continuation of single-family residential development with 20-foot wide front yard setbacks within the applicant's Westfield Development.

This item is on the Consent Agenda for first reading and will be on the Regular Agenda, with a public hearing, on January 5, 2012.

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The future land use and character map designates the entire property as Auto Urban Residential. The Single-Family Three request complies with the FLUP map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates North Pea Ridge Road a proposed minor arterial; however the road is currently under review to be reclassified as a collector. Other roads that are impacted are classed as local roads. The rezoning request complies with the plan.

Availability of Public Facilities (CP Goal 4.1)

A 6- and an 8-inch water line and sewer line are available near the property. Public facilities are available for extension to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property to the west as a future community-wide connector trail. It also shows a future Local Collector Trail to the north. This rezoning will not affect the Trails Master Plan as any dedication must happen at time of platting.

DEVELOPMENT REGULATIONS:

The purpose of the Single Family Three zoning district is to permit single-family detached residences at urban densities in locations well served by public utilities and roadways. This district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks and shopping areas and transit services. Typical prohibited uses include patio homes, duplexes, apartments, and nonresidential development.

SF-3, Single-Family Three	Minimum Standards
Min. Lot Area (sq. ft.)	4,000
Min. Lot Width (ft.)	40
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	15'
Side	15' (street side) and 5' (interior)
Rear	10'

PUBLIC NOTICE:

Thirty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the property in question, as required by State law and City Ordinance. As of Tuesday, November 29, 2011, at 10 AM, no notices were returned in favor of and no notices were returned in opposition to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 23, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of a rezoning from SF2 to SF3 for the following reasons:

1. The request complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities are available to serve the property.
4. The request would allow the continuation of 20-foot front yard setbacks already established in previous phases of the Westfield Development.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial
Future Land Use and Character Map
Zoning Map
Thoroughfare Plan Map
Utility Map
Notice Map
P&Z Staff Report (Z-FY-12-16)
P&Z Minutes (12/06/11)
Ordinance



 ZFY 12-16

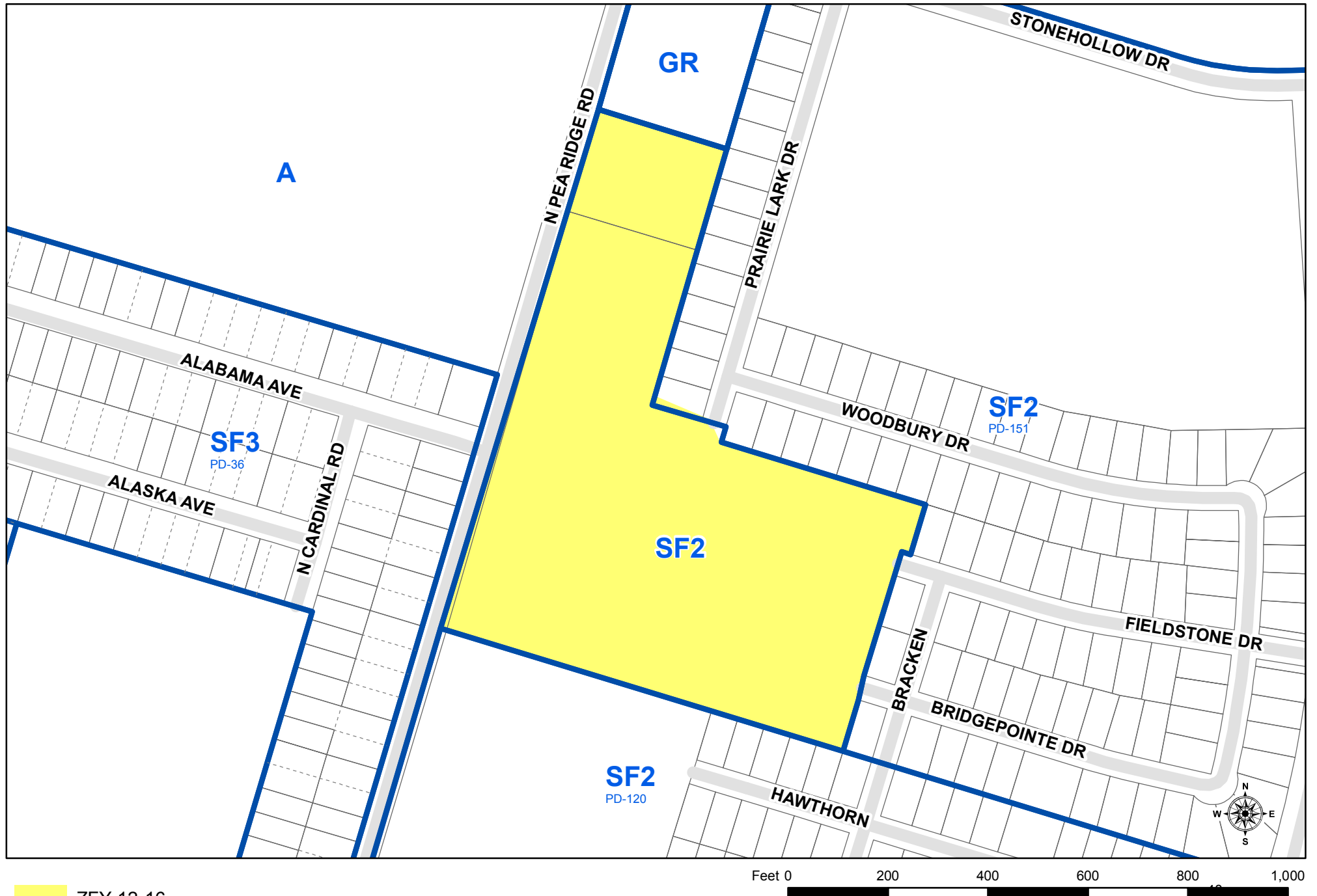
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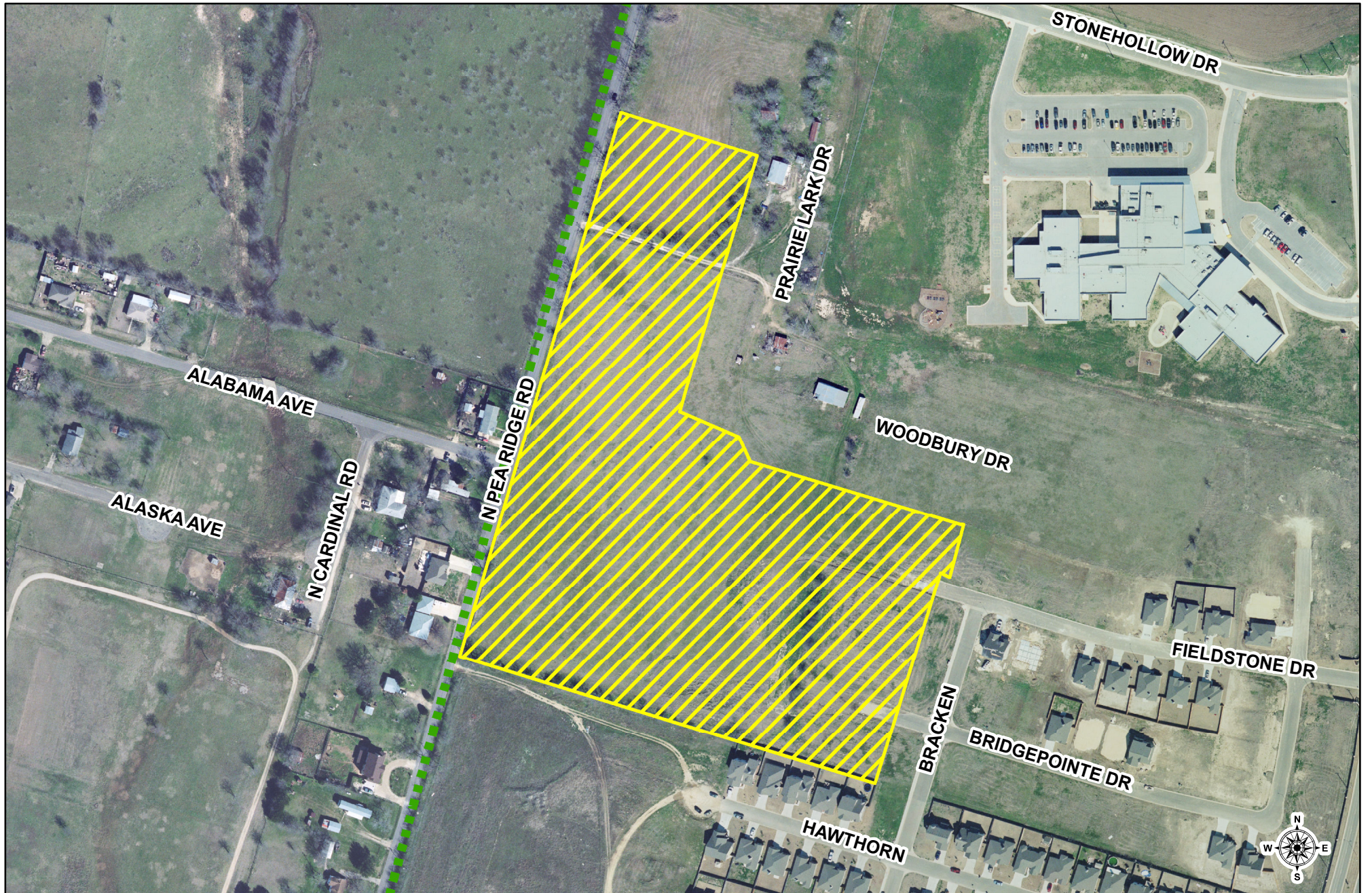
Z FY 12-16

SF2 to SF3


Along Eastside of N. Pea Ridge Rd.



 ZFY 12-16



 ZFY 12-16

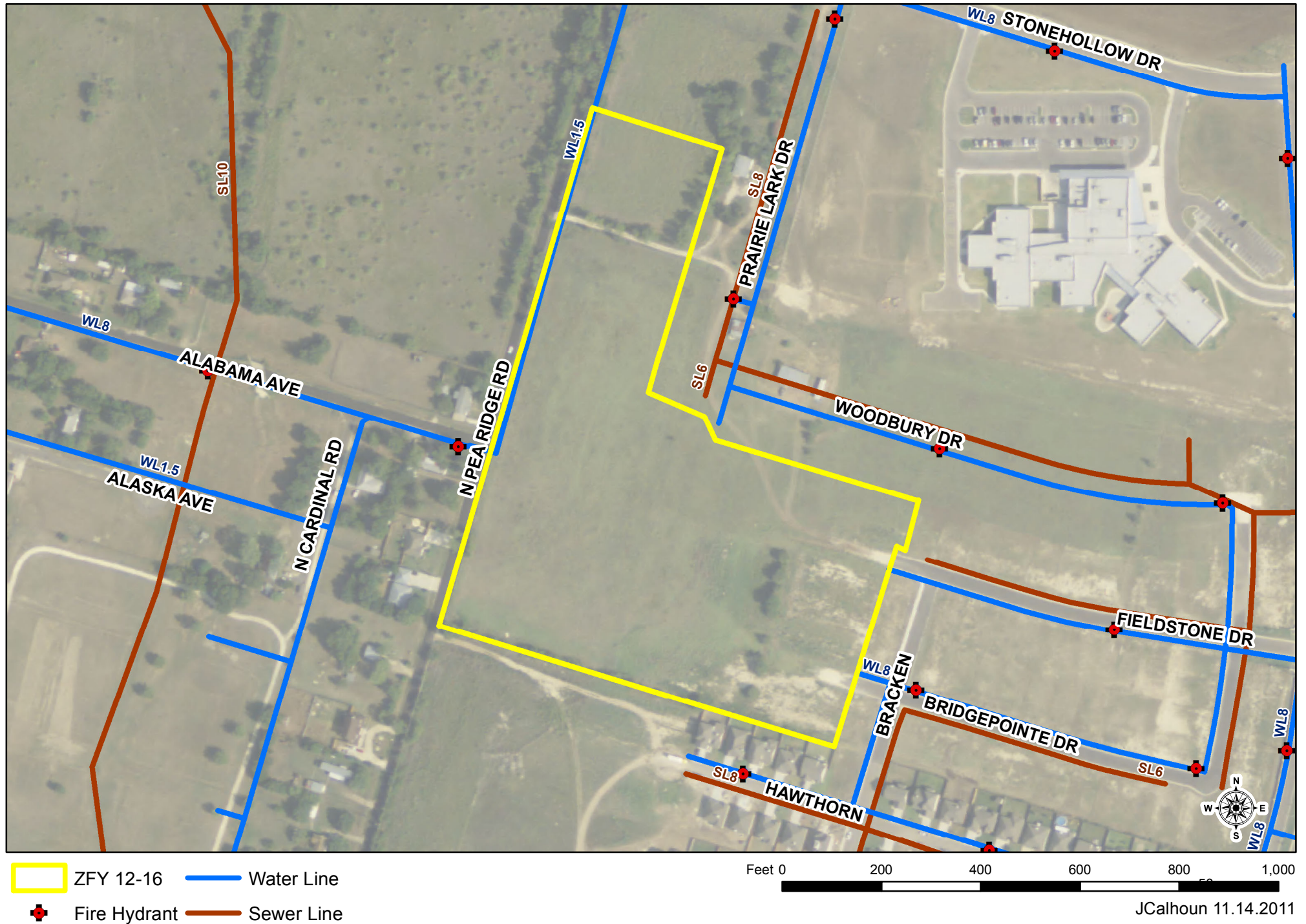
 Proposed Major Arterial



Z FY 12-16

SF2 to SF3

Along Eastside of N. Pea Ridge Rd.

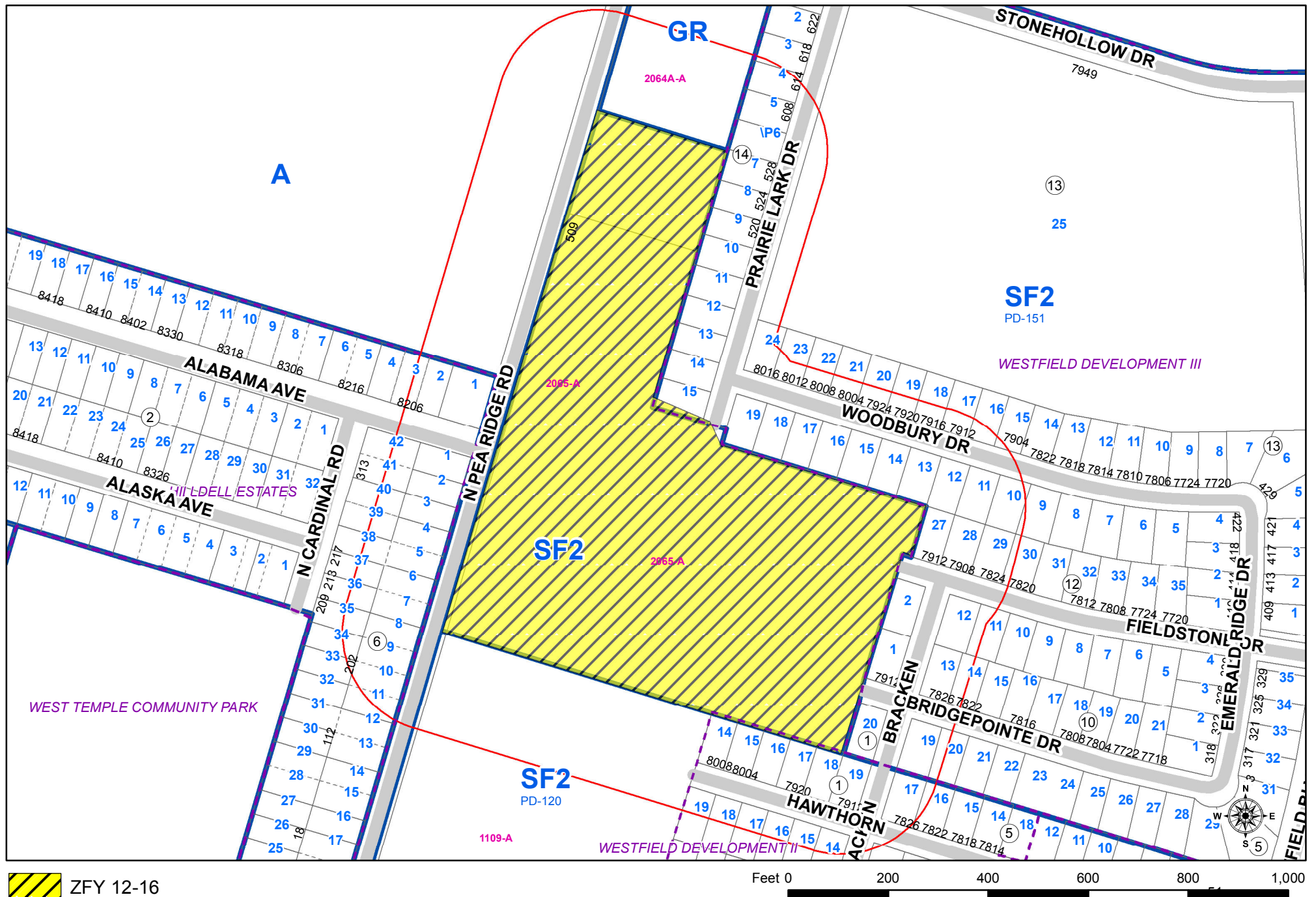




Z FY 12-16

SF2 to SF3

Along Eastside of N. Pea Ridge Rd.



 ZFY 12-16

 200 ft. Buffer



PLANNING AND ZONING COMMISSION AGENDA ITEM

12/06/11
Item #3
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Kiella Development

CASE MANAGER: Tammy Lyerly, Planner


ITEM DESCRIPTION: Z-FY-12-16 Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive.





BACKGROUND: The developer requests a rezoning from Single Family Two (SF2) to Single Family Three (SF3) to allow the continued use of 20-foot front yard setbacks for proposed single-family homes within the next phase of Westfield Development.

The applicant received approval from City Council on August 18, 2011 for a rezoning on the subject property from AG to SF2. The SF2 District requires a minimum front yard setback of 25 feet and a minimum lot area of 5,000 square feet. The requested SF3 District has a minimum front yard setback of 15 feet and a minimum Lot area of 4,000 square feet. The surrounding Planned Development Single Family Two District (PD-SF2) to the east and south allows 20-foot front yard setbacks. If developed to its maximum yield, this single-family development could consist of approximately 90 lots.

SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	SF-2	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	GR	Undeveloped General Retail land	
South	PD-SF2	Residential Subdivision and Undeveloped Land	
East	PD-SF2	Residential Uses and School and Playgrounds	
West	AG and SF3	Single-Family Residential, Undeveloped Lots and Agricultural Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

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

* = See Comments Below CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The future land use and character map designates the entire property as Auto Urban Residential. The Comprehensive Plan states that this is the dominant development pattern of the older portions of Temple. The Single Family Three request complies with the FLUP map.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates North Pea Ridge Road a proposed minor arterial; however the road is currently under review to be reclassified as a collector. Other roads that are impacted are classed as local roads. The rezoning request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 6- and an 8-inch water line and sewer line are available near the property. Public facilities are available for extension to the property.

Temple Trails Master Plan Map

The Sidewalk and Trails Plan designates property to the west as a future community-wide connector trail. It also shows a future Local Collector Trail to the north. This rezoning will not affect the Trails Master Plan as any dedication must happen at time of platting.

DEVELOPMENT REGULATIONS:

The purpose of the Single Family Three zoning district is to permit single-family detached residences at urban densities in locations well served by public utilities and roadways. This district should have adequate thoroughfare access and be relatively well connected with community and neighborhood facilities such as schools, parks and shopping areas and transit services. Typical prohibited uses include patio homes, duplexes, apartments, and nonresidential development.

SF-3, Single-Family Three	Minimum Standards
Min. Lot Area (sq. ft.)	4,000
Min. Lot Width (ft.)	40
Min. Lot Depth (ft.)	100
Max. Height (stories)	2 ½ stories
Min. Yard (ft)	
Front	15'
Side	15' (street side) and 5' (interior)
Rear	10'

PUBLIC NOTICE:

Thirty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the property in question, as required by State law and City Ordinance. As of Wednesday, November 30, 2011, at 2 PM, no notices were returned in favor of and no notices were returned in opposition to the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 23, 2011, in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of a rezoning from SF2 to SF3 for the following reasons:

1. The request complies with the Future Land Use and Character Map.
2. The request complies with the Thoroughfare Plan.
3. Public and private facilities are available to serve the property.
4. The request would allow the continuation of 20-foot front yard setbacks already established in previous phases of the Westfield Development.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial](#)

[Land Use and Character Map](#)

[Zoning Map](#)

[Thoroughfare Plan Map](#)

[Utility Map](#)

[Notice Map](#)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, DECEMBER 6, 2011**

ACTION ITEMS

Item 3: Z-FY-12-16 Hold a public hearing to discuss and recommend action on a rezoning from Single Family Two District (SF2) to Single Family Three District (SF3) on a 13.57-acre tract of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road, and south of Stonehollow Drive. (Applicant: Kiella Development)

[NOTE: These item minutes will not be approved by P&Z Commission until December 19, 2011 scheduled meeting.]

Ms. Tammy Lyerly, Planner, stated this case was scheduled for City Council on December 15, 2011 for first reading and January 5, 2012 for second reading.

The subject property is zoned Single Family Two (SF2) and the applicant is requesting rezoning to Single Family Three (SF3) in order to allow a shorter front yard setback. The SF2 district has a minimum 25-foot setback and the requested SF3 zoning has a minimum of 15-foot setback. Since this is a continuation of the residential development to the east, the developer would like to continue the 20 foot setback already established in the adjacent residential district. The SF3 district would allow him to do that. SF2 also has a minimum lot size of 5,000 square feet and SF3 allows a minimum of 4,000 square feet.

The subject property is located along the east edge of North Pea Ridge Road, south of Stonehollow and Westfield Development lies to the east. Surrounding zoning districts include General Retail (GR) to the north, Planned Development (PD) SF2 districts to the east and south, Agricultural (AG) to the west, and a PD SF3. Surrounding properties include undeveloped GR to the north, undeveloped residential to the east and south, and a combination of undeveloped residential and AG to the west.

The Future Land Use and Character Map designate this property as Auto-Urban Residential so the request complies.

The Thoroughfare Plan classifies North Pea Ridge Road as a minor arterial. Currently there is a Thoroughfare Plan amendment request going forward to City Council on December 15th for a change to make North Pea Ridge Road a collector and Westfield Boulevard an arterial.

There are adequate water and sewer utilities to serve the site.

Thirty-eight notices were mailed to surrounding property owners. Two responses were received back with one in favor and one opposed.

Staff recommends approval of the SF3 rezoning request since the request complies with Future Land Use and Character Map, the Thoroughfare Plan, and public facilities are available to serve the site.

Commissioner Sears asked if a preliminary plat was available, if the streets would be continuous, and if the neighborhood would be the same as the existing one. Ms. Lyerly stated the developer was currently going through the platting process and configurations are dependent on approval or denial of the rezoning request. The proposed plat will continue and be similar to the existing development.

Ms. Lyerly stated the SF2 zoning in the surrounding areas also had a PD designation. That PD allows for a 20 foot setback, however, the City no longer allows a PD strictly for a reduced front yard setback. In this case, the developer is requesting an SF3 rezoning because of the reduced front yard setback. The subject property was not part of the mentioned PD.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Sears made a motion to approve Item 3, Z-FY-12-16, and Commissioner Rhoads made a second.

Motion passed: 6:0

Commissioner Jones absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-12-16]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM SINGLE FAMILY TWO DISTRICT (SF2) TO SINGLE FAMILY THREE DISTRICT (SF3) ON APPROXIMATELY 13.57 ACRES SITUATED IN THE BALDWIN ROBERTSON LEAGUE SURVEY, ABSTRACT 17, LOCATED ALONG THE EAST SIDE OF NORTH PEA RIDGE ROAD AND SOUTH OF STONEHOLLOW DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Single Family Two District (SF2) to Single Family Three District (SF3) on approximately 13.57 acres of land situated in the Baldwin Robertson League Survey, Abstract 17, located along the east side of North Pea Ridge Road and south of Stonehollow Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance is 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 **15th** day of **December**, 2011.

PASSED AND APPROVED on Second Reading on the **5th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-05(B): Consider adopting an ordinance authorizing amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.

P&Z COMMISSION RECOMMENDATION: At its November 21, 2011 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of the amendment to the Unified Development Code set forth in the item description above with an addition to increase the spacing requirement for multi-tenant signs in I-35 from 200’ to 300’.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for January 19, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-05, from the Planning and Zoning meeting, November 21, 2011.

Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use “Transitional Shelter” to the use table as a Conditional Use Permit in specific zoning districts.
3. Increase the setbacks for street trees on South First Street per TxDOT request.
4. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
5. Amend the sign requirements in the I-35 Corridor Overlay; and
6. Add definitions related to the above additions.

CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
 - Alcoholic beverage sales, on-premise or off-premise consumption
 - All residential uses or zoning districts
 - Daycares or schools
 - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.
- A transitional shelter may not provide shelter to a person for a period exceeding one year. (added after P&Z by staff)
- Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 3): This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 4): This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 5): This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

DEFINITIONS (ATTACHMENT 6): This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Transitional Shelter

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

FISCAL IMPACT: NA

ATTACHMENTS:

[Proposed Amendment to UDC Articles 3, 5, 6 and 11](#)
[P&Z Staff Report \(Z-FY-12-05\)](#)
[P&Z Minutes \(11/21/11\)](#)
[Ordinance](#)

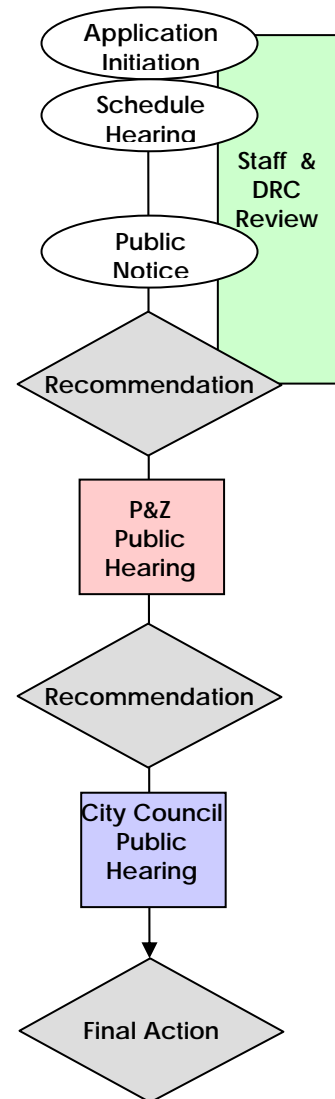
Sec. 3.5. Conditional Use Permit

3.5.1 Applicability

- A. The Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the conditional use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- B. Conditional uses are identified in the use table in Article 5.

3.5.2 Review Process

- A. Except as described below, the Planning and Zoning Commission and City Council review of a CUP application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements for a Zoning District Map Amendment set forth in Sec. 3.3.
- B. Application for a CUP must occur in conjunction with the submittal of a site plan.
- C. The Planning Director must review the CUP application and, with input from the Development Review Committee, make a recommendation to the Planning and Zoning Commission and City Council. Development Review Committee review must focus on the operational and design elements of the submitted CUP site plan.
- D. A Building Permit or Certificate of Occupancy may not be issued for any use that requires a CUP unless a CUP has first been approved in accordance with the provisions of this Section.



3.5.3 Duration

An approved CUP runs with the land and does not expire without City Council revocation as set forth in Sec. 3.5.6. At its discretion, the City Council may impose an expiration date on an approved CUP. The City Council may require that the property owner reapply for CUP approval prior to expiration in order for the conditional use to continue operation.

3.5.4 Review Criteria

In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

Attachment 2 - Shelter Use Tables

Article 5: Use Standards

Sec. 5.1. Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	AG	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
<u>Transitional or emergency shelter</u>																				C		<u>5.3.12</u>
INDUSTRIAL USES																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
Asphalt or concrete batching plant (temporary)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
Brick kiln or tile plant																					C	
Cement or hydrated lime plant																					C	
Compost operations																				C	C	5.3.13
Landfill																				C	C	
Industrial uses other than listed																					C	
Recycling collection location	C																L	L		L	L	5.3.14
Recycling operation inside a building																				C	L	5.3.14
Recycling operation outside a building																					L	5.3.14
Slaughterhouse or meat packing plant																				C	C	
Smelter, refinery or chemical plant																					C	
Wrecking yard																				C	C	
NATURAL RESOURCE STORAGE AND EXTRACTION USES																						
Caliche pit and caliche storage	C																	C		C	P	
Mining and storage of mining waste	C																			C	C	
Petroleum or gas well	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Petroleum storage and collection facilities	C																	C		C	P	
Sand or gravel extraction or storage	C																	C		C	P	
Top soil, earth, clay or stone extraction or storage	C																	C		C	P	

Temple, Texas Unified Development Code

Effective 12/16/10 • Last Amended 10/06/11

Attachment 2 - Shelter Use Tables - I-35
Overlay Industrial Subdistrict

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)	✓		
Auto storage or auto auction	✓		
Boat sales or repair	✓		
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair	✓		
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental sales or rental	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		

**Attachment 2 - Shelter Use Tables - I-35
Overlay Freeway / Retail Subdistrict**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
use table in Sec. 5.1 except as follows:			
Multiple-family dwelling (apartment)		✓	5.3.3
Nonresidential			
Animal feed lot	✓		
Animal shelter (public or private)		✓	
Auto storage or auto auction	✓		
Boat sales or repair		✓	
Bottling works	✓		
Building material sales	✓		
Car wash		✓	
Child care facility		✓	5.3.9 and 5.3.10
Contractor storage and equipment yard	✓		
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair	✓		
Industrial Uses listed in the use table in Sec. 5.1	✓		
Kennel	✓		
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant	✓		
Minor vehicle servicing		✓	5.3.23
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Trailer, recreational vehicle, portable building or HUD-	✓		

**Attachment 2 - Shelter Use Tables - I-35
Overlay City Entry Subdistrict**

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

Use	Prohibited Use	Conditional Use	Standards
equipment yard			
Correctional facility	✓		
Day camp for children	✓		
Drag strip or commercial racing	✓		
Flea market (outdoors)	✓		
Greenhouse or nursery (retail)		✓	
Hatchery, fish or shrimp, fish farm	✓		
Hatchery, poultry	✓		
Heavy machinery sales, storage and repair		✓	
Industrial Uses listed in the use table in Sec. 5.1		✓	
Kennel		✓	
Live stock auction	✓		
Major vehicle repair		✓	5.3.22
Milk depot, dairy or ice cream plant		✓	
Minor vehicle servicing		✓	5.3.23
Motorcycle or scooter sales and repair		✓	
Open storage of furniture, appliances or machinery	✓		
Paint shop		✓	
<u>Recreational Vehicle Park</u>	<u>✓</u>		
Sexually oriented business	✓		
Shooting range (outdoor)	✓		
Stable, residential or noncommercial	✓		
Trailer, recreational vehicle, portable building or HUD-Code manufactured home sales or rental		✓	
<u>Transitional or Emergency Shelter</u>	<u>✓</u>		
Upholstery shop		✓	
Veterinarian hospital (kennels)		✓	
Wrecking or salvage yard	✓		5.3.24

C. Dimensional Standards

Dimensional standards for the base zoning districts as found in Sec. 4.5 of this UDC apply except that the following regulations supersede such requirements for properties in the Industrial Sub-District. Nonconforming lots of record that are smaller than the minimum required lot area may be developed but all requirements of the I-35 Corridor Overlay District apply.

Attachment 2 – Shelter Standards

Sec. 5.4 Specific Use Standards

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5.4.1.1 Transitional or Emergency Shelter

A transitional or emergency shelter may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. The transitional or emergency shelter must be a minimum of 1,000 feet from the following uses:
 - 1. Alcoholic beverage sales (on-premise or off-premise consumption);
 - 2. All residential uses or zoning districts as specified in the zoning district table in Section 4.1.1 and in the use table in Section 5.1.3;
 - 3. Child care uses;
 - 4. Elementary or secondary schools (public or private); and
 - 5. Other transitional or emergency shelters.
- B. The distance required above must be measured in a straight, direct line from the property line of a use listed above to the property line of the transitional or emergency shelter, and in a direct line across intersections.
- C. Space must be provided inside the transitional or emergency shelter so that prospective and current residents are not required to wait on sidewalks or any other public right-of-way.
- D. The transitional or emergency shelter must be equipped with a functioning central heating, ventilation and air conditioning system.
- E. The occupancy load and construction of the building must meet the most recent version of the International Fire Code and Building Code adopted by the City, including all Fire Safety requirements.
- F. A minimum of one shelter staff member must be present per 25 clients on-premise of the transitional or emergency shelter. A minimum of one shelter staff member must be present at the shelter at all times.
- G. An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.
- H. A transitional shelter may not provide shelter to a person for a period exceeding one year.

Attachment 3 - TMED Street Trees

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.3. TMED, Temple Medical and Educational

Street Name	Type A	Type B	Type C	Type D	Type E
25th Street		✓			
S 31st Street (trail on west side)				✓	
13th Street				✓	
17th Street				✓	
West Avenue R (trail on north side)				✓	
West Avenue M					✓
All others					✓

D. Public Frontage Landscape Standards

I. Street Trees

- a. One tree per 25' linear street frontage is required. Trees must be planted in a regularly spaced pattern. Spacing of trees may be offset to allow a view corridor into the primary entry of a nonresidential use.
 - i. Type A, B, C and D Public Frontage
Street trees must be a single species selected from the table in subsection 6.3.12B.
 - ii. Type E Public Frontage.
Street trees must be an alternating species selected from the table in subsection 6.3.12B.
- b. Public frontage trees must be planted within the required street yard planting strip adjacent to the back-of-curb.
 - i. Type A Public Frontage
Trees must be planted seven eight and one-half feet from back-of-curb in the required planting strip.
 - ii. Type B, C, D, and E Public Frontage
Trees must be planted a minimum three feet from back-of-curb in the required planting strip.
- c. Large canopy trees must be planted if overhead utilities are not present. Medium canopy trees must be planted if overhead utilities are present.

2. Planting Area

a. Type A, B, C and D Public Frontage

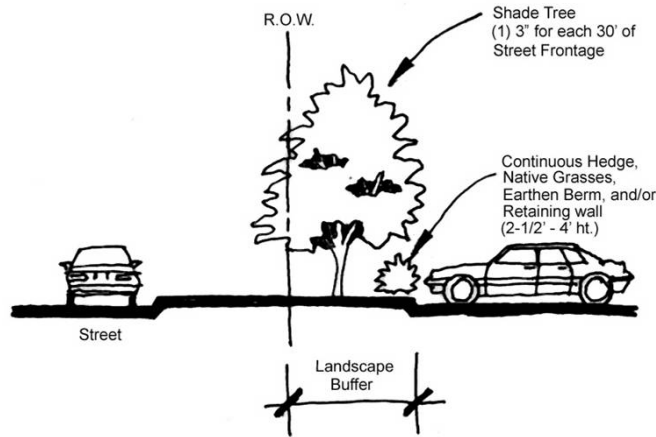
The street yard planting strip must be planted in evergreen groundcover as shown in the table in subsection 6.3.12C at a rate of one one-gallon container per 4 square feet of street yard planting area.

Attachment 4 - I-35 Sidewalks

Article 6: Special Purpose and Overlay Zoning Districts

Sec. 6.7. I35, Interstate 35 Corridor Overlay

- f. Berms not less than 24 inches nor more than 48 inches in height at no more than a four to one slope are required in the landscape buffer, covering a minimum of 50 percent of the buffer area.
- 9. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height:
 - a. Parking lot or vehicle use area;
 - b. Fuel pumps visible from the direction of traffic flow; or
 - c. Vehicle drive-through window facing the street or traffic flow.



- 10. Meandering sidewalks a minimum of five feet in width are required in accordance with City standards within the landscape buffer the entire length of the street frontage in the following locations. ~~Such sidewalks are not required in the Industrial Sub-District.~~
 - a. Along any street in the Civic Sub-District; and
 - b. Along any street that intersects or runs immediately parallel with I-35, if the Trails Master Plan recommends a sidewalk adjacent to the property.
- 11. The width and composition of a sidewalk required in subsection 10 above must be in accordance with the following standards.
 - a. A sidewalk that is a minimum of 10 feet in width is required where the Trails Master Plan shows a Citywide Spine Trail adjacent to the property.
 - b. A sidewalk that is a minimum of eight feet in width is required where the Trails Master Plan shows a Community-Wide Connector Trail adjacent to the property.
 - c. A sidewalk that is a minimum of six feet in width is required where the Trails Master Plan shows a Local Connector Trail adjacent to the property.
- 12. Landscaped parking islands are required as follows in all parking lots, but are not required adjacent to industrial truck docks. Parking islands may count toward the required minimum landscape area set forth in the sub-district Area Regulations.

Attachment 5 – I-35 Signs

Sec. 6.7 I35, Interstate Corridor Overlay

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6.7.5 General Design Requirements

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G. Signs

~~G. Signs~~

- ~~1. The sign standards for the I-35 Corridor Overlay zoning district are the same as required for Low Profile Signs in the Central Avenue Corridor as found in Sec. 7.5.12.~~
- ~~2. The General Standards for Off-Premise Signs as found in Sec. 7.5.11 apply to the I-35 Corridor Overlay District.~~
- ~~3. Design, materials and finish of monument signs must match those of the buildings on the same lot.~~
- ~~4. Signs require approval of a sign permit prior to construction in accordance with Sec. 3.14. The sign standards in this section apply to all Sub-Districts in the I-35 Interstate Corridor Overlay.~~

1. Permitted Sign Types

The table below establishes the sign types and standards that are permitted.

Use	Sign Type	Maximum Number of Sign Faces	Maximum Height	Maximum Area (per sign face)	Minimum Setback (from property line)	Minimum Spacing Between Signs
All permitted Uses	Wall Sign	1 per public façade (maximum 2)	NA (no projection above building)	10% of façade face or 300 sq ft max (whichever is greater)	NA	NA
All permitted Uses	Window Sign	NA	NA	20% of window area	NA	NA
All permitted Uses	Monument Sign	2	8'	50 sq ft	0'	25'
All permitted Uses	Pylon Sign	2	25'	200 sq ft	10'	50'
Fuel Sales	Pylon Sign	2	40'	300 sq ft	15'	100'
Overnight Accommodations	Pylon Sign	2	40'	300 sq ft	15'	100'

Restaurant Uses	Pylon Sign	2	40'	300 sq ft	15'	100'
Multi-Tenant Site	Monument Sign	2	10'	65 sq ft	0'	25'
Multi-Tenant Site	Pylon Sign	2	40'	400 sq ft	15'	200' 300'

2. Maximum Signs per Site

All sites are permitted one freestanding sign (monument or pylon) per site unless they are part of a development requiring multi-tenant signs.

3. Multi-Tenant Sign Provisions

- a.** Developments containing three or more businesses, whether in single or multiple buildings, must share freestanding sign structures for advertisement of multiple businesses within the development. This provision applies to businesses located on the same lot upon which the sign is located as well as to businesses located on different lots within the development.
- b.** Multi-tenant sites are permitted a maximum of one freestanding sign (monument or pylon) per 200 feet of frontage on I-35 Frontage Road. Both individual business freestanding signs and multi-tenant signs count towards the total for the entire development. Signs must comply with the following standards:
 - 1.** Multi-tenant pylon signs must be oriented to I-35 frontage roads, not to side streets.
 - 2.** Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35.
 - 3.** Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs;
 - 4.** One monument sign is permitted per individual business advertised on multi-tenant signs.

4. Freestanding Sign Materials

Freestanding signs must be finished in the same primary masonry building material.

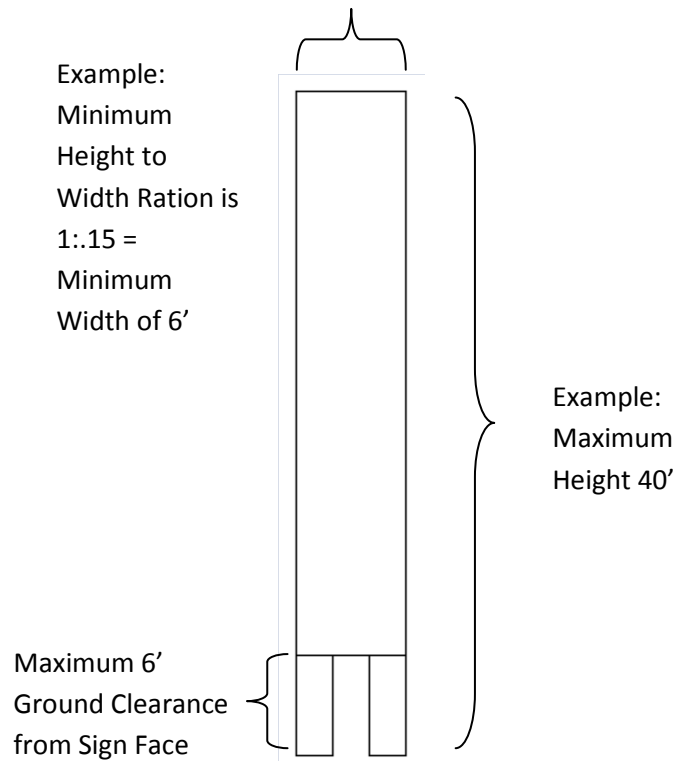
5. Sign Illumination

Monument signs may be externally lit. All other illuminated signs must be internally lit.

6. Pylon Sign Provisions

a. For all pylon signs in the I-35 Overlay Corridor I-35 the following shall apply:

1. The minimum height to width ratio is 1:15;
2. The bottom of the sign face may be no more than 6' from the ground level.



7. Prohibited Sign Types

- a. Roof Signs
- b. Banner or Pole Banner
- c. Fence Sign
- d. Inflatable Device
- e. Message Board
- f. Pole Sign

Attachment 6 – Definitions

Sec 11.2 Defined Terms

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Emergency Shelter. A facility providing temporary shelter, over a period of less than 30 days, for persons who are indigent, needy, homeless or transient.

...

Multi-Tenant site. A unified development site that contains multiple commercial uses and businesses under the same primary ownership or lease agreement.

Multi-tenant sign. A freestanding sign that advertises for more than two businesses on a site containing multiple commercial uses and businesses under the same ownership or lease agreement in a unified development or shopping center.

...

Pole sign. A freestanding sign with visible support structure (s).

...

Pylon Sign. A freestanding sign in which the support structure is concealed and enclosed with a decorative masonry material.

...

Transitional Shelter. A facility providing shelter, over a period of more than 30 days, for persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

- (a) To help residents recuperate from the effects of drugs or alcohol addiction;
- (b) To help homeless persons or families achieve independence and obtain permanent housing;
or
- (c) To provide temporary shelter for persons who are victims of domestic abuse.



PLANNING AND ZONING COMMISSION AGENDA ITEM

11/21/11
Item #9
Regular Agenda
Page 1 of 3

APPLICANT / DEVELOPMENT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-05 Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards.

BACKGROUND: Staff considers this package of proposed amendments house-keeping items to address issues and questions that have come up in Planning and Code Enforcement cases over the past year.

The purpose of this package of amendments to the text of the Unified Development Code (UDC) is to:

1. Add language to provide the option for City Council to add a time limit for the approval of Conditional Use Permits.
2. Add the use “Recreational Vehicle Park” to the use table as a Conditional Use Permit in specific zoning districts.
3. Add the use “Transitional Shelter” to the use table as a Conditional Use Permit in specific zoning districts.
4. Increase the setbacks for street trees on South First Street per TxDOT request.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage;
6. Amend the sign requirements in the I-35 Corridor Overlay; and
7. Add definitions related to the above additions.

CONDITIONAL USE PERMIT (CUP) TIME LIMIT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP.

RECREATIONAL VEHICLE PARK USE (ATTACHMENT 2): This proposed amendment modifies Article 5 and Article 6 of the UDC. Chapter 31 of the City Code addresses standards and requirements for Recreational Vehicle Parks. However, the current use tables in Article 5, Use Standards, and Section 6.1, Manufactured Housing, do not address Recreational Vehicle Parks as a permitted use. The proposed amendment provides for the use as a CUP request in the following zoning districts:

- Manufactured Housing (MH)
- General Retail (GR)
- Light Industrial (LI) and
- Agriculture (AG)

These are the zoning districts in which Recreation Vehicle parks currently exist in Temple.

TRANSITIONAL OR EMERGENCY SHELTER USE (ATTACHMENT 3): This proposed amendment modifies Article 5 of the UDC. The current use table in Article 5 does not address Transitional or Emergency Shelters as a permitted use. The proposed amendment provides for the use as a CUP request for either type of shelter in the Light Industrial (LI) zoning district with the following conditions:

- The transitional shelter must be a minimum of 1,000 feet from the following uses:
 - Alcoholic beverage sales, on-premise or off-premise consumption
 - All residential uses or zoning districts
 - Daycares or schools
 - Other transitional shelters
- Adequate space must be provided inside the shelter so that clients or potential clients are not required to wait outside.
- Must have working HVAC.
- Occupancy load (maximum number of people based on size of building) and building construction must meet International Fire and Building Code.
- One shelter staff member must be present per 25 clients on-premise. A minimum of 1 staff member must always be present.
- An emergency shelter may not provide shelter to a person for a period exceeding 30 consecutive days.

Transitional Shelters are proposed to be prohibited within the I-35 Corridor overlay zoning district.

STREET TREE SETBACKS IN TMED ON FIRST STREET (ATTACHMENT 4): This proposed amendment modifies Article 6 of the UDC. It is a result of a request from TXDOT to increase the required setback for street trees from the back of curb from 7.5' to 8.5' along South First Street to better accommodate safety and maintenance requirements.

I-35 CORRIDOR OVERLAY SIDEWALKS (ATTACHMENT 5): This proposed amendment modifies Article 6 of the UDC. It removes the blanket requirement for the I-35 Corridor Overlay zoning district for sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to Interstate 35. The proposed amendment provides width and material standards identical to those proposed for the Industrial Park.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 6): This proposed amendment modifies Article 6 of the UDC. It provides new standards for taller freestanding signs in the form of pylons as well as clarifies existing and unclear requirements for other type of signs. The current ordinance limits sign height to 8' tall. Current practice is to require a developer to submit a Planned Development to request and permit a taller sign. The proposed amendments allow administrative approval and

present an option for a pylon sign for all uses as well as provide specifications for multi-tenant users. As proposed, travel related businesses and multi-tenant users are permitted to have taller signs.

I-35 CORRIDOR OVERLAY SIGNS (ATTACHMENT 7): This proposed amendment provides definitions for:

- Emergency Shelter
- Multi-Tenant Sign
- Multi-Tenant Site
- Pole Sign
- Pylon Sign
- Recreational Vehicle Park
- Transitional Shelter

PUBLIC NOTICE:

The newspaper printed notice of the Planning and Zoning Commission public hearing on November 10, 2011 in accordance with state law and local ordinance

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments.

FISCAL IMPACT: NA

ATTACHMENTS:

[Conditional Use Permit Time Limit \(Attachment 1\)](#)

[Recreational Vehicle Park Use \(Attachment 2\)](#)

[Transitional Shelter Use \(Attachment 3\)](#)

[Street Tree Setbacks in TMED on First Street \(Attachment 4\)](#)

[I-35 Corridor Overlay Sidewalks \(Attachment 5\)](#)

[I-35 Corridor Overlay Signs \(Attachment 6\)](#)

[Associated Definitions \(Attachment 7\)](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 21, 2011

ACTION ITEMS

Item 9: Z-FY-12-05 – Hold a public hearing to consider and recommend action on amendments to Articles 3, 5, 6 and 11 of the Unified Development Code to: allow the City Council to add a time limit to the approval of a Conditional Use Permit; add “Recreational Vehicle Park” and “Transitional Shelter” as Conditional Uses in the use table; increase the setbacks for street trees in the TMED zoning district; amend sidewalk and sign requirements in the Interstate 35 Corridor Overlay zoning district; and to establish definitions related to such standards. (Applicant: City of Temple)

Mr. Mabry stated these items were considered housekeeping issues which relate mainly to Planning and Code Enforcement.

1. Granting of a Conditional Use Permit (CUP) by City Council would provide a clear option for the City Council to approve a CUP with an attached associated time limit and a requirement for reapplying for the CUP to get a continuance on the use of the property for that CUP.

Mr. Mabry stated if things were not going as expected under the CUP, it could be revoked. This time limit would apply to new CUPs only.

2. Recreational Vehicle Parks - The UDC does not have provisions for where and what zoning districts an RV park may take place in. The proposed amendment would require a CUP for RV parks and they would be located in the Manufactured Home (MH), General Retail (GR), Light Industrial (LI) and Agricultural (AG) districts. RV parks would be prohibited in the I35 Overlay.
3. Transitional Shelter – Transitional or Emergency Shelter would be the same as far as the land use table in the UDC was concerned (although the uses differ). The proposed amendment would require a CUP for a transitional or emergency shelter located in the LI district. Some standards have been developed and proposed in order for these shelters to comply with eligibility for a CUP.

Separation standards of 1000 feet between the shelter and alcohol beverage sales (on- or off-premise sales—package store, convenience store, bar, etc.), 1000 foot separation between all residential uses and zoning districts—SF up to MF both in use and zoning districts), 1000 foot separation between day cares and schools (includes all levels of day care, businesses, public/private schools from K-12, etc.), and from other shelters as well.

Other standards include having adequate space for potential clients to wait inside the building, have working HVAC units in the building, meet International Fire and Building Codes, ratio of one staff person per 25 on-site clients, and limit emergency shelters to provide shelter not to exceed 30 days. As far as regulations, time limits are the only difference between emergency and transitional shelters.

Shelters would be prohibited in the I35 Overlay.

4. Increase the setbacks for street trees on South First Street per TxDOT request from 7.5 feet to 8.5 feet. This would allow for better safety, visibility, and maintenance.
5. Require sidewalks in the I-35 Corridor in specific locations, rather than along the entire I-35 frontage. Width and material standards would comply with the Trails Plan.

Trails Plan overlay is shown to provide additional details and locations.

6. Currently in the I35 Overlay some types of signs are addressed and others are not.

All permitted uses in the I35 Corridor may have a wall sign limited to 10% of the façade of the building and no projection of the wall sign will be over the building.

Window signs would be the same with 20% of the window area.

Monument signs are allowed, eight feet in height, 50 square feet, no setbacks needed. The proposed spacing standards would be 25 feet. Currently it is a 10 foot separation citywide and 20 feet in the Central Area.

Any permitted use within the overlay may have a pylon sign (large monument sign with encased base), 20 feet in height, 200 square foot sign face, 10 foot setback with 50 feet spacing between each sign.

Fuel sales, overnight accommodations, and restaurant uses (travel related) would be allowed a larger sign of 40 feet in height, 300 square foot sign face, a 15 foot setback from the property line, and 100 foot spacing between signs. For example, if a single restaurant had 200 feet of frontage, it could have one sign.

A multi-tenant site, 3 or more tenants on a unified site, may have a pylon sign, 40 feet in height and 400 square foot area, and same setbacks as travel related uses with a minimum spacing of 200 feet from other signs.

A multi-tenant monument sign may be 10 feet in height, 65 square foot area, no setback required, and 25 foot spacing between signs.

Specific provisions for multi-tenant signs:

1 freestanding per 200 feet of frontage on I-35;

Multi-tenant pylon signs oriented to I-35 frontage roads;

Multi-tenant monument signs may be used at primary entranceways (spacing permitting) on streets not directly fronting I-35;

Businesses may not advertise on both multi-tenant pylon signs and individual single-site pylon signs; and

1 monument sign per individual business advertised on multi-tenant signs

Example:

Bird Creek – +/- 1600' frontage on I-35 = Maximum 8 pylon signs
Unlimited monument signs (spacing)
Multi-Tenant monument on Loop side

Now (I-35 Side):

3 Multi-tenant pylon signs (2 on Loop)
0 Monument signs
3 Individual pole signs

Pylon Sign Provisions:

Minimum height to width ratio is 1:.15

Bottom of the sign face may be no more than 6' from the ground

Example:

40' tall pylon must be minimum 6' wide and 6' from ground

Prohibited Signs:

Roof Signs
Banner or Pole Banner
Fence Sign
Inflatable Device
Message Board
Pole Sign (pole with sign at the top)

7. Defining Terms related to the standards:

Recreational Vehicle Park

From City Code

Emergency Shelter

30 consecutive days or less

Transitional Shelter

Drug & alcohol, homelessness, domestic abuse
Longer-term

Multi-Tenant Site

Unified development that contains multiple commercial uses under same primary ownership or lease

Multi-Tenant Sign

Freestanding sign that advertises for more than two businesses on a multi-tenant site

Pole Sign

Freestanding sign with visible support structures

Pylon Sign

Freestanding sign with support structures concealed and enclosed with decorative masonry material

Staff supports the proposed amendments to UDC Articles 3, 5, 6, and 11 as presented:

1. Time limit for CUPs
2. Add RV Park as CUP in certain districts
3. Add Transitional or Emergency Shelter in certain districts
4. Increase street tree setback on S. 1st
5. Specify where sidewalks are required along I-35
6. Modify sign requirements along I-35
7. Add definitions related to above

Commissioner Talley asked for clarification of 'emergency' since some churches help out families periodically and would the church have to take out a permit? Mr. Mabry stated no, churches are usually temporary uses, such as Family Promise, are rotating and not an established use part of the church.

Commissioner Talley also asked what the procedure would be in a natural disaster and how would the 30 day time limit work. Mr. Mabry stated the intent was not meant to stand in the way of a declared emergency. This was directed toward shelters doing this as a living/profession.

Mr. Mabry clarified that any of the signs allowed in I35 under the proposal would not be pole signs. The support would need to be encased in some type of masonry from bottom to top.

Vice-Chair Staats asked about the 200 foot spacing (such as Bird Creek example) and there would be too many signs. Ms. Speer stated the Commission could increase the distance if desired. Vice-Chair Staats suggested regardless of the size of the property, the number of signs should be limited. A pylon sign may be 40 feet in height in the proposal. Optimum spacing would be 300 to 400 feet.

Discussion about various signs and pads along I35.

Commissioner Sears asked if there were currently any RVs or shelters located in the I35 overlay. Ms. Speer stated there was one, permitted, RV park with a CUP, called Lucky's, located on the north side of Temple along I35 and would not be affected by this proposal. Ms. Speer also stated there were seven mobile home parks within Temple that do have RVs in them and all are licensed but have no code enforcement or restrictions on RV uses. The City has offered a one-time CUP for an RV park with those specific RV sites grandfathered in.

Chair Martin opened the public hearing.

There being no speakers, Chair Martin closed the public hearing.

Commissioner Talley moved to accept the recommendation presented by Staff of Item 9, **Z-FY-12-05**, and Commissioner Pilkington made a second.

Vice-Chair Staats amended the motion by Commissioner Talley to recommend a 300 foot spacing increase opposed to the stated 200 foot spacing, and Commissioner Sears made a second to the amendment.

Amendment passed: (6:1)

Commissioner Pilkington voted nay

Amended Motion passed: (7:0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLES 3, 5, 6 AND 11, TO ALLOW THE CITY COUNCIL TO ADD A TIME LIMIT TO THE APPROVAL OF A CONDITIONAL USE PERMIT; ADD “TRANSITIONAL SHELTER” AS A CONDITIONAL USE IN THE USE TABLE; INCREASE THE SETBACKS FOR STREET TREES IN THE TMED ZONING DISTRICT; AMEND SIDEWALK AND SIGN REQUIREMENTS IN THE I-35 CORRIDOR OVERLAY ZONING DISTRICT; AND ESTABLISH DEFINITIONS RELATED TO SUCH STANDARDS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the “Unified Development Code,” which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its November 21, 2011 meeting, the Planning and Zoning Commission voted to amend the UDC to amend Articles 3, 5, 6 and 11 which requests City Council to add a time limit to the approval of a Conditional Use Permit, add “Transitional Shelter” as a Conditional Use in the use table, increase the setbacks for street trees in the TMED Zoning District, amend sidewalk and sign requirements in the I-35 Corridor Overlay Zoning District, and to establish definitions related to such standards;

Whereas, the proposed amendment to Article 3 of the UDC provides a clear option for City Council to approve a CUP with a time limit and requirements for reapplying for a continuation of the CUP, as outlined in Exhibit A attached;

Whereas, the proposed amendment to Article 5 of the UDC addresses “Transitional Shelter” as a CUP request for either a “Transitional Shelter” or a “Emergency Shelter” in the Light Industrial (LI) zoning districts with the conditions outlined in Exhibit B attached;

Whereas, the first proposed amendment to Article 6 of the UDC is a request from TXDOT to increase the required setback for street trees along South First Street to better accommodate safety and maintenance requirements – the second amendment removes the blanket requirement for the I-35 Corridor Overlay Zoning District for

sidewalks within the private property unless the Trails Master Plan recommends a sidewalk along a street that intersects or runs parallel to I-35. This proposed amendment provides width and material standards identical to those proposed for the Industrial Park, and as outlined in Exhibit C attached;

Whereas, the third proposed amendment to Article 6 of the UDC provides new standards for taller freestanding signs in the form of pylons as well as it clarifies existing and unclear requirements for other types of signs, as outlined in Exhibit D attached;

Whereas, the proposed amendments to Article 11 simply establishes definitions related to such standards as outlined above, and as outlined in Exhibit E attached;

Whereas, the Staff recommends amending the Unified Development Code to address the above-referenced amendments to Articles 3, 5, 6 and 11; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Articles 3, 5, 6 and 11, to allow the City Council to add a time limit to the approval of a conditional use permit; add “Transitional Shelter” as a conditional use in the Use Table; increase the setbacks for street trees in the TMED Zoning District; amend sidewalk and sign requirements in the I-35 Corridor Overlay Zoning District; and establish definitions related to such standards, said amendments being more fully described in the exhibits attached hereto for all purposes.

Part 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 3: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs 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 4: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **January**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works

Kenny Henderson, Superintendent of Street and Drainage Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing school zones and setting speed limits and crosswalks within the school zones to conform to school schedules.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance presented in item description, on first reading, and schedule second reading and final adoption for January 19, 2011.

ITEM SUMMARY: In August of 2010 the City adopted an ordinance establishing school crosswalk and setting limits within school zones as agreed upon by the City, TISD and BISD. TISD has requested a school zone be established on Lavendusky Road between SE HK Dodgen Loop and North 50th Street for Hector P. Garcia Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:30 am to 8:30 am and 2:45 pm to 4:30 pm on school days.

TISD has also requested that a school zone be established on East Avenue J between South 12th Street and South 10th Street and South 10th Street between East Avenue I and E Avenue J for Bethune Elementary School, reducing the speed limit from 30 mph to 20 mph from 6:30 am to 8:30 am and 2:45 pm to 4:30 pm on school days.

FISCAL IMPACT:

Budgeted Amount \$33,200 in account 110-3400-531-23-34

Estimated Expenditures \$620.00

ATTACHMENTS:

[List of School Crossings](#)

[Proposed School Zone Maps](#)

[Ordinance](#)

**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Bethune Elementary 510 E Ave J A. Crossing guard works crosswalk on MLK Blvd and Ave J B. School Zone is on E Ave J and S 10th St. The front and westside of school C. One Way on S 10th St from E Ave I to E Ave J	Yes	Yes	School Zone Signs 7:00 to 8:30 14:00 to 15:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:30
Cater Elementary 4111 Lark Trail A. Crossing guard works Crosswalk in school parking area B. School Zone is on Lark Trail in front of School	Yes	Yes	
Emerson Elementary 1400 E Ave B A. Crossing Guard works Crosswalk Works E Ave B and S 24th ST	Yes	Yes	
Hector P. Garcia Elementary 2525 Lavendusky Dr A. No Crosswalk	No	No	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Jefferson Elementary 400 W. Walker Ave A. Crossing Guards (2) Works Crosswalk At N 3rd St and W. Walker Ave B. Crossing Guard works Crosswalk at N 3rd ST and Industrial Blvd this is a controlled signal light. C. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Kennedy-Powell Elementary 3707 W. Nugent Ave A. Crossing Guard will work Crosswalks W. Nugent Ave and Cearley Rd. B. Flashing lights on W. Nugent Ave west and east of Cearley Rd	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Dickson Elementary 1100 S 33rd St A. One way south from W Ave K to W Ave L			One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
Meridith-Dunbar 1717 E Ave J			Flashing Lights

A. Crossing Guard will work Crosswalks at S 30th St and E. Ave J B. Flashing lights on S 30th St C. One Way on E Ave J from S 30th St to S 34th St at posted times	Yes	Yes	06:30 to 08:30 14:45 to 16:30 One Way Time as Posted 7:00 to 8:30 14:00 to 15:00
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**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Raye Allen Elementary 5015 S 5th St A. Crossing Guards will work Crosswalks on S 5th St B. Flashing lights on S 5th St north and south of school	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Scott Elementary 2301 W Ave P A. Crossing Guard will work Crosswalk on W Ave P B. Crossing Guard will work Crosswalk on W Ave M @ S 45th St. C. Flashing lights on W Ave P east of S 49th St and west of S 39th St.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Thornton Elementary 2900 Pin Oak Dr A. Crossing Guard will work Crosswalk on Pin Oak @ East Dr. B. One way on Pin Oak from East Dr. to Mesquite at posted times	Yes	Yes	School Zone Signs 07:30 to 8:30 14:30 to 16:00 One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Western Hills Elementary 600 Arapaho A. Crossing Guard will work Crosswalk on Apache @ Deer Tr B. Crossing Guard will work Crosswalk on Apache @ Gila C. Flashing lights on Apache North of Deer Tr. South of Gila.	Yes	Yes	Flashing Lights 06:30 to 08:30 14:45 to 16:30
Bonham Middle School 4600 Midway Dr A. Flashing Lights on Midway Dr. east and west of school.			Flashing Lights 07:00 to 08:30 15:00 to 16:30
Lamar Middle School 2120 N 1st St A. Flashing lights on N 3rd St are North of W. Walker Ave and North of W Shell Ave.			Flashing Lights 06:30 to 08:30 14:45 to 16:30

B. One way on N 1st St from W Park Ave to W. Virginia Ave at posted times			One Way Time as Posted 7:30 to 8:30 15:00 to 16:00
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**City of Temple
School Zones**

Schools	Cones	Flags	Zone Times
Travis Middle School 1500 S 19th St A. Crossing Guard will work Crosswalk on W Ave M @ S 19th St B. One way on S 19th St from W Ave R to W Ave M			One Way Time as Posted 7:30 to 8:30 14:30 to 16:00
Temple High School 415 N 31st St A. Flashing Lights on N 31st St north of W Barton Ave and North of W Houston Ave			Flashing Lights 07:00 to 16:00
Temple High School Campus 1414 W Barton Ave A. School Zone on Barton from N 31st St to North 27th St			School Zone Signs 07:00 to 16:30
<u>B.I.S.D</u> Lakewood Elementary 11200 FM 2305 A. Flashing lights on FM 2305 in front of school			 Flashing Lights 7:15 to 8:00 14:15 to 15:00
Joe M. Pirtle Elementary 714 South Pea Ridge Rd A. Flashing lights on South Pea Ridge in from of school			Flashing Lights 7:15 to 8:00 14:15 to 15:00
Tarver Elementary 7949 Shone Hollow Dr A. School Zone on Stone Hollow Dr in front of school. B. School Zone on Prairie Lark on northside of school B. School Zone on on Westfield on southside of school			School Zone Signs 7:00 to 8:30 14:30 to 16:00
Lake Belton Middle School 8815 Tarver A. Flashing lights on Tarver in front of			Flashing Lights 7:00 to 8:30

school. B. School zone on Cedar Ln from Tarver to just north of school			14:30 to 16:30
			School Zone Signs 7:00 to 8:30 14:30 to 16:30

DISCLAIMER
GIS information is provided as a public resource for general information purposes only. While it is used to locate, identify, and inventory Public Infrastructure within the City of Temple, no warranty, express or implied, is given as to its accuracy and the City of Temple does not accept any liability for error or omission. No Portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Temple, Tx that may arise from the use of this data.



S MARTIN LUTHER KING JR DR

S 12TH ST

E I AVE

S 10TH ST

E J AVE

S 12TH ST

Install New
School Zone Signs
with Times:
7 to 8:30
2 to 3:30



Bethune Elementary School Zone Times



7 December 2011

1 inch = 100 feet

DISCLAIMER
GIS information is provided as a public resource for general information purposes only. While it is used to locate, identify, and inventory Public Infrastructure within the City of Temple, no warranty, express or implied, is given as to its accuracy and the City of Temple does not accept any liability for error or omission. No Portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against the City of Temple, Tx that may arise from the use of this data.



NE H K DODGEN LOOP

LAVENDUSKY DR

LAVENDUSKY DR

N 50TH ST

Hector P. Garcia Elementary School Zone



7 December 2011

1 inch = 150 feet

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING SCHOOL ZONES AND SETTING SPEED LIMITS AND CROSSWALKS WITHIN A SCHOOL ZONE TO CONFORM TO SCHOOL SCHEDULES; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, in August 2010, the City adopted an ordinance establishing school crosswalks and setting speed limits within school zones as agreed upon by the City, TISD and BISD;

WHEREAS, TISD has requested a school zone be established on Lavendusky Road between SE HK Dodgen Loop and North 50th Street for Hector P. Garcia Elementary School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:30 p.m. on school days; and

WHEREAS, the City Council has considered the matter and deems it in the public interest to establish this school zone for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that a school zone shall be on Lavendusky Road between SE HK Dodgen Loop and North 50th Street for Hector P. Garcia Elementary School – reducing the speed limit from 30 mph to 20 mph from the hours of 6:30 a.m. to 8:30 a.m. and 2:45 p.m. to 4:30 p.m. on school days, more fully shown on Exhibit A which is attached hereto and made a part hereof for all purposes.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

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: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 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 is 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 on the **5th** day of **January**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #7
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: P-FY-12-05: Consider adopting a resolution authorizing the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

P&Z COMMISSION RECOMMENDATION: At its December 19, 2011, meeting, the Planning and Zoning Commission voted 4/1 to recommend approval of the Final Plat of Lake Point II Subdivision, **with** the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring a minimum utility easement of 15 feet in width at the rear of each lot, and with the additional plat notes recommended by staff.

Commissioner Jones and Sears were absent.
Two Commission seats remain unfilled.

STAFF RECOMMENDATION: Adopt resolution as presented in item description with the following additions and corrections to plat notes and park site plan:

1. Add Plat Note "Park fees for multi-family development will be paid prior to the issuance of any building permit for the multi-family Lot 1, Block 14".
2. Provide at least 10 parking spaces in the private park and the minimum setback and landscaping as required in the UDC.

Staff recommends DENIAL of the requested exception to UDC Section 8.2.4.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case P-FY-12-05, from the Planning and Zoning Commission meeting on December 19, 2011.

The Development Review Committee (DRC) reviewed the Final Plat of this development on November 7, 2011, and deemed it a complete submittal on December 9, 2011.

Park dedication or fees, in lieu of dedication, is required for this subdivision. A private park is being proposed, with amenities exceeding the park fee amount (\$166,050) required for the 738 single family lots in all phases of this subdivision as approved in the Preliminary Plat. This phase of the development includes 347 single family lots.

The attached park plan is acceptable to Parks and Leisure Services Department, provided at least 10 parking spaces are shown and the minimum landscape and setback requirements of the UDC are being met. The site plan should be further updated to show the additional parking and six street trees.

Park fees for the multi-family development of this subdivision will be paid prior to issuance of a building permit for multi-family dwellings. The developer has added a plat note to reiterate when fees will be paid for multi-family uses. However, the wording for this plat note should read exactly as follows, "Park fees for multifamily development will be paid prior to the issuance of any building permit for the multi-family, Lot 1, Block 14."

The Preliminary Plat for this subdivision was approved with the provision of a conforming trail dedication through the eastern most property area of this plat and is noted and shown on the plat face.

Park fees are not required for the commercial lot(s) in the subdivision.

EXCEPTION REQUEST: This Final Plat meets the minimum requirements of the Unified Development Code (UDC) except for Section 8.2.4, subdivision requirements, which states that each lot must have access to a utility easement at the rear of all lots not served by a public alley. Lot 1, Block 13 and Lot 1, Block 14, which are the commercial and multi-family zoned lots of this plat, do not have a utility easement to serve them at the rear of the lots. There is a 100-ft dedicated electrical transmission easement adjoining the lots. However, Oncor, the electricity provider for the area, does not have the ability to utilize it for distribution of electricity to the proposed lots. For this reason, Oncor requests a 15-foot wide utility easement adjacent to the transmission easement. Unified Development Code Sec. 8.2.4. states, in part, that:

Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations *as determined by utility providers or the City Engineer*, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.

There has been extensive discussion between City staff, the developer and Oncor, and solutions have been proposed, however the developer does not wish to dedicate the utility easement and is requesting an exception. Please see attached emails from Bob Fajkus of Oncor Energy and to and from Brian Mabry to Garrett Nordyke of Yalgo Engineering.

Staff does not support the requested exception to the UDC Section 8.2.4 as, although the developer does not plan to develop these lots himself at this time, the lots remain noncompliant to the easement requirement.

ATTACHMENTS:

Emails from Developer, Oncor Representative and Planning Director
Park Plan
Plat sheets (3 pages)
P&Z Staff Report
Resolution

Email correspondence:

-From Robert Fajkus, Oncor Representative; email to Planning

From: Robert.Fajkus@oncor.com
Sent: Friday, November 18, 2011 3:48 PM
To: Leslie Matlock
Cc: Brian Mabry
Subject: RE: Utility Easement Request for Lake Point II Addition, Temple

Oncor has no existing facilities on these commercial and multifamily lots. The easements we are requesting will serve the future developments on these lots.

We are proposing 2 new overhead electric circuits from our Lake Belton Substation located just north of this subdivision. These new circuits are being routed to FM 2305 to serve the current and future growth in the western area of Temple. They are also required for serving the commercial, multifamily and 738 residential lots proposed in the Lake Pointe Development.

We selected the requested easement locations to minimize the impact of these overhead facilities on the underground residential portion of this development. However, if the developer does not want to grant platted utility easements, Oncor's next option may be to construct the overhead lines along the street right-of-way of Amber Dawn Dr. and Lake Pointe Dr. The proposed 20 ft wide easement area can be reduced to 15 ft if necessary.

The primary reason for allowing franchised utilities to comment on plats submitted to the city is so we can secure the platted easements necessary for construction of our facilities.

Please let me know how you plan to respond to this developer and if you want to meet for a more detailed discussion about this subdivision.

Bob Fajkus

Oncor Electric Delivery
350 Texas Ave
Round Rock, TX 78664
Ofc 512-244-5691
Fax 512-244-5689

From: Leslie Matlock [<mailto:lmotlock@templetx.gov>]
Sent: Wednesday, November 16, 2011 8:18 AM
To: Fajkus, Bob
Cc: Brian Mabry
Subject: Utility Easement Request for Lake Point II Addition, Temple

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

Brian:

I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.

Thanks,

Scott A. Brooks, P.E., CFM

Yalgo, LLC and W & B Development, Ltd.

(254) 953-5353, x-232

Email correspondence:

-From Brian Mabry email to Garrett Nordyke, Yalgo Engineering

From: Brian Mabry
Sent: Monday, December 12, 2011 11:38 AM
To: 'Garrett Nordyke'
Cc: Leslie Matlock; Scott Brooks ; Robert. Fajkus@oncor.com; Trudi Dill; Autumn Speer; Michael Newman
Subject: RE: Lake Pointe 2

Garrett,

This is to confirm our phone conversation we just had.

My discussions with Oncor continue to portray the requested easement as a *distribution* easement, not a *transmission* easement. As you know, one reason for platting is to ensure that all lots have infrastructure and utility service. If this plat is approved without the easement, then the apartment and commercial lot will have no planned out route for electrical service at the time of approval. I realize that through Oncor's franchise agreement, they could run aerial lines through local public right-of-way. But the City will bear the brunt of aesthetic complaints and safety concerns from future homeowners about utility lines running along the fronts of their lots. I understand that you would not want this to happen for the sake of the marketability of the subdivision, but I have to look at worst case scenarios.

I disagree that an easement is not required as part of this plat and I have consulted with our Legal department on this interpretation. As I've let you know, Sec. 8.2.4.A of the Unified Development Code requires a 15' public utility easement "at the rear of all lots, or at other appropriate locations as determined by utility providers or the City Engineer, reserved for the use of all public utility lines, conduits and equipment."

We appear to be at a stalemate as to whether an easement is required or not and as to whether you are required to submit an exception request or not. We agree that in cases like this, holding the plat in DRC is not the solution. When this goes to P&Z on December 19th, if there is no exception request submitted, we will recommend denial of the plat due to not complying with Sec. 8.2.4.A. If there is an exception request submitted, we will recommend approval of the plat but not support the exception request.

Brian

Mr. Fajkus,

Please see the letter below. WB Development is not wanting to provide the easement you asked for on this development. We were wondering if you have any thoughts?

Thanks,

Leslie Matlock, AICP

Senior Planner

City of Temple

254-298-5668

Brian:

I just spoke with Bruce about the Oncor easements. The easements Oncor is requesting on the commercial and multifamily lots are not required to serve this property. They are wanting them for other purposes, and there is a monetary value to them. Therefore, we don't intend to give them those easements without compensation from them. Since this is not really a plat-related issue, I'm curious what the City's position is - will the City require us to show those easements on our re-submittal? I would hope not, since it would constitute an illegal taking. Please let us know your thoughts.

Thanks,

Scott A. Brooks, P.E., CFM

Yalgo, LLC and W & B Development, Ltd.

(254) 953-5353, x-232

Email correspondences:

-Exception Request from Garrett Nordyke, Yalgo Engineering

From: Brian Mabry
Sent: Tuesday, December 13, 2011 11:34 AM
To: Leslie Matlock
Subject: FW: Lake Pointe electrical
Attachments: Oncor Master Plan Lake Pointe phases one and two.pdf

From: Garrett Nordyke [<mailto:Garrett@wbdevelopment.com>]
Sent: Tuesday, December 13, 2011 11:13 AM
To: Brian Mabry
Cc: Trudi Dill; Scott Brooks
Subject: Lake Pointe electrical

Brian,

Attached is Oncor's proposed distribution system for Lake Pointe phases one and two. I have made notes on this illustration related to commercial electrical service.

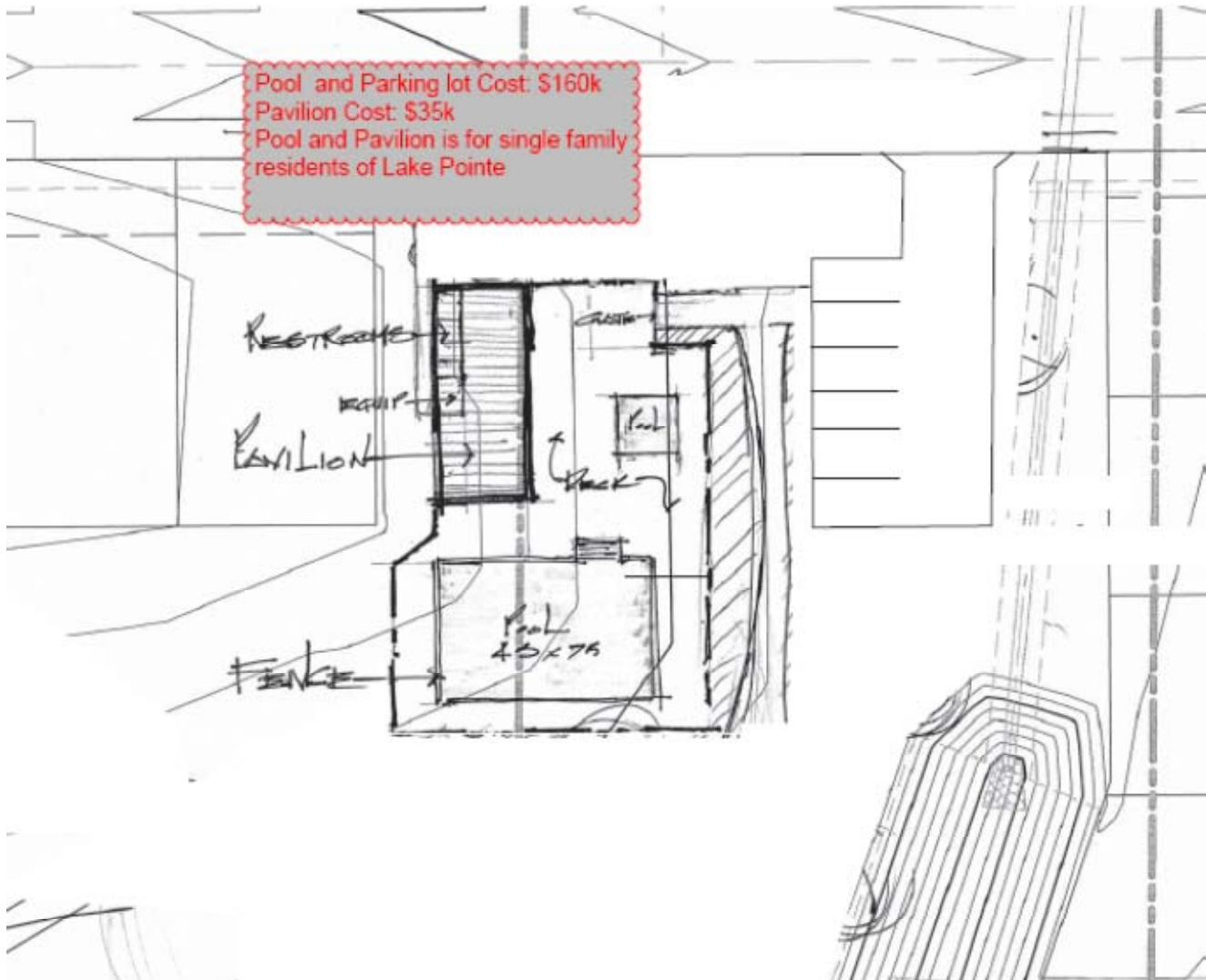
Oncor's requested easement is not necessary to distribute electricity throughout Lake Point. The tracts adjacent to F.M. 317 may be served from the overhead line along the west side of F.M. 317 and the residential lots may be served as proposed by Oncor (see attached illustration). We request an exception to UDC 8.2.4.a which requires easements to be placed "at the rear of all lots, or at other appropriate locations as determined by utility providers." We further express our concerns in regards to allowing utility providers to determine any and all appropriate easement locations. Temple should not structure entitlements to allow private companies to extort easements.

The easement requested by Oncor is neither necessary for this subdivision nor intended for this subdivision.

Thanks,
Garrett

Exhibit
Lake Pointe Addition
Private Park Site Plan Submission

- *Parking Lot proposes 5 parking spaces – 10 parking spaces have been required.
- *Landscaping including at least 6 street trees should be provided along Right-Of-Way (ROW). Parks additionally wants to see placement of a minimum of 6 trees along the frontage of the ROW.
- *Minimum building setback from street for this zoning district should be shown and improvements should be setback behind it.





PLANNING AND ZONING COMMISSION AGENDA ITEM

12/19/11
Item #3
Page 1 of 2

APPLICANT / DEVELOPMENT: Garrett Nordyke of Yalgo Engineering, on behalf of Bruce Whittus of WB Development.

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: P-FY-12-05 Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, with a requested exception to Unified Development Code, Section 8.2.4, regarding utility easements, located southeast of S.H. 317 and Prairie View Road.

BACKGROUND: The Development Review Committee (DRC) reviewed the Final Plat of this development on November 7, 2011, and deemed it a complete submittal on December 9, 2011.

This Final Plat meets the minimum requirements of the Unified Development Code (UDC) except for Section 8.2.4, subdivision requirements, which states that each lot must have access to a utility easement at the rear of all lots not served by a public alley. Lot 1, Block 13 and Lot 1, Block 14, which are the commercial and multi-family zoned lots of this plat, do not have a utility easement to serve them at the rear of the lots. There is a 100-ft dedicated electrical transmission easement adjoining the lots. However, Oncor, the electricity provider for the area, does not have the ability to utilize it for distribution of electricity to the proposed lots. For this reason, Oncor requests a 15-foot wide utility easement adjacent to the transmission easement. Unified Development Code Sec. 8.2.4. states, in part, that:

Each block that does not contain an alley must contain or have access to a utility easement at the rear of all lots, or at other appropriate locations *as determined by utility providers or the City Engineer*, reserved for the use of all public utility lines, conduits and equipment. In the case of rear lot or side lot locations, the utility easements must be a minimum of 15 feet in width.

There has been extensive discussion between City staff, the developer and Oncor, and solutions have been proposed, however the developer does not wish to dedicate the utility easement and is requesting an exception. Please see attached emails from Bob Fajkus of Oncor Energy and to and from Brian Mabry to Garrett Nordyke of Yalgo Engineering.

The Planning and Zoning Commission is not the final plat authority since the developer has requested an exception to the UDC. The City Council makes the final decision on all plats that have associated exception requests by the developer.

City Council is also the final decision maker on the easement abandonment requested as part of this plat. This easement is a wastewater utility easement which will be rerouted around residential lots. Public Works has no objections to this plan.

DEVELOPMENT REVIEW: Park dedication or fees, in lieu of dedication, is required for this subdivision.

A private park is being proposed, with amenities exceeding the park fee amount (\$166,050) required for the 738 single family lots in all phases of this subdivision as approved in the Preliminary Plat. This phase of the development includes 347 single family lots.

The attached park plan is acceptable to Parks and Leisure Services Department, provided at least 10 parking spaces are shown and the minimum landscape and setback requirements of the UDC are being met. The site plan should be further updated to show the additional parking and six street trees.

Park fees for the multi-family development of this subdivision will be paid prior to issuance of a building permit for multi-family dwellings. The developer has added a plat note to reiterate when fees will be paid for multi-family uses. However, the wording for this plat note should read exactly as follows, "Park fees for multifamily development will be paid prior to the issuance of any building permit for the multi-family, Lot 1, Block 14."

The Preliminary Plat for this subdivision was approved with the provision of a conforming trail dedication through the eastern most property area of this plat and is noted and shown on the plat face.

Park fees are not required for the commercial lot(s) in the subdivision.

STAFF RECOMMENDATION: Staff recommends APPROVAL of the Final Plat of Lake Pointe Phase II as submitted subject to the following additions and corrections to plat notes and park site plan:

1. Add Plat Note "Park fees for multi-family development will be paid prior to the issuance of any building permit for the multi-family Lot 1, Block 14".
2. Provide at least 10 parking spaces in the private park and the minimum setback and landscaping as required in the UDC.

Staff recommends DENIAL of the requested exception to UDC Section 8.2.4.

ATTACHMENTS:

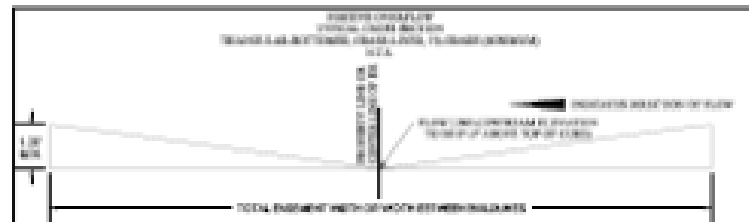
Email correspondences:

- [From Robert Fajkus, Oncor Representative email to Planning](#)
- [From Brian Mabry email to Garrett Nordyke, Yalgo Engineering](#)
- [Exception Request from Garrett Nordyke, Yalgo Engineering](#)

**Private Park Site Plan Exhibit
Plat (Three Pages)**

[illegible]

PFR DATA TABLE				PFR DATA TABLE				PFR DATA TABLE			
BLOCK	LOT	BLK+LOT BLK+LOT+000000	LOT# REQUISITE LOT#	BLOCK	LOT	BLK+LOT BLK+LOT+000000	LOT# REQUISITE LOT#	BLOCK	LOT	BLK+LOT BLK+LOT+000000	LOT# REQUISITE LOT#
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[illegible]

1. All boundary corners and the 10° tree ends with any needed 1/2" or 3/4" radius adjustment noted below.
2. 17.00 Acres for Storage and parking, 17.00 Acres reserved for right-of-way, 10.00 Acres are for residential lots, 27.00 Acres reserved for public facility, and 16.00 Acres reserved for Commercial.

1. **Shoreline boundary** is defined as 100 ft right-of-way shall have a minimum parcel width of 100 ft, beach to beach or bluff. Shoreline boundary 1000 ft right-of-way shall have a minimum parcel width of 100 ft, beach to beach or bluff.
2. **As of 1/1/2015 shall be constructed along the south side of the Port of Everett Bay Avenue bridge.**
3. **Trunk** is 100 ft or more in width dedicated to the RCWA. **Trunk** is to be constructed in a grid and generally oriented along the main RCWA.
4. **Arterial** is a street or road providing an opportunity for acceptance of ownership of the right-of-way solely by the owner.
5. **Feeder** is a street or road that will be constructed at least 100 ft (20 ft and 10 ft) wide and 100 ft (20 ft and 10 ft) deep. The existing roadway is to be constructed to the adjacent to the grid as the street area allows.
6. **On street residential streets** in Municipal Code Districts shall be planned for 100 ft (20 ft and 10 ft) wide and 100 ft (20 ft and 10 ft) deep.
7. **Initial** is any city block that is beyond the boundaries of original small-lotterly building (street).

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To allow for proper drainage conditions, all drainage systems shall be properly graded, maintained free and clear of obstructions, and speed of positive overflow systems shall be provided not substantiated by the lot owner.

The City of Tampa Development Code and Design Manual allows for major developments to receive 100% to 100% of the City of Tampa's maximum height. These maximum height restrictions are subject to the City's planning and zoning code and other applicable laws.

Portions of this map are shown to be within a Special Flood Hazard Area Zone A, per FEMA's Flood Insurance Rate Map (FIRM) Flood for Ball County, Texas dated September 30, 2003, parcel number 08017370700. The Surveyor does not certify as to the accuracy or lawfulness of individual soundings and does not warrant, or imply, that structures placed within the Special Flood Hazard Areas shown herein, or any of the affected areas, will be free from erosion or flood damage.

[illegible]

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, DECEMBER 19, 2012**

ACTION ITEMS

Item 3: P-FY-12-05 – Consider and recommend action on the Final Plat of Lake Pointe Phase II, a 132.85±-acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road. (Applicant: Garrett Nordyke of Yalgo Engineering, on behalf of WB Development)

Ms. Leslie Matlock, Senior Planner, stated this development was 347 lots, single family (SF), one lot multi-family (MF), and one lot commercial (C). City Council is the final authority due to the requested exception and requested abandonment. This final plat meets the minimum requirements of the Development Code except for Section 8.2.4 of the Subdivision requirements which state that every lot must have access to a utility easement at the rear of the lot if they are not served by a public alley. There is a private HOA maintained park and a hike and bike trail. Sanitary sewer line abandonment and realignment is shown on the site plan and these realignments are acceptable to Staff. There is an existing 100 foot electrical utility easement.

The most recent park plan shows five parking spaces, two pools, two restrooms and a covered pavilion. Staff requests that a note be placed on the plat about the timing of the MF park fee payments as they will not be included in the HOA Park and that the plan is revised to show the landscaping, a setback line, and additional required parking spaces.

The C and multi-family zoned lots do not have utility easements to serve the rear of them. Oncor cannot use the 100 foot dedicated electrical easement that adjoins the lots since it goes along the back of the lots through the middle of the MF2 lots.

Discussions between Oncor, Staff and developer have taken place, however, the developer is asking for this exception to be approved and not to have to dedicate the required 15 foot wide easement.

Staff recommends approval of the plat with the following additions:

Add a plat note regarding park fees for MF development will be paid prior to the issuance of any building permit for the MF Lot 1, Block 14;

Provide at least 10 parking spaces in the private park; and

The minimum setback and landscaping as required in the Unified Development Code (UDC).

Staff recommends denial of the requested exception to Section 8.2.4 of the UDC.

This is not a public hearing but Chair Martin allows the representatives to speak.

Mr. Garrett Nordyke, WB Development, 3000 Illinois Avenue, Killeen, Texas, stated previously Oncor approached the developer about getting an easement across the property. During these discussions Oncor felt it may be easier to use this Section of the UDC to get the easement they require. The easement they requested is not for this subdivision and is not necessary for this subdivision. The exception was requested because that easement is not required for this section and the developer would prefer to continue negotiations with Oncor without Temple being a party to those negotiations.

Mr. Nordyke shows an electrical distribution plan produced by Oncor and gives directional information. Oncor's electrical routing for primaries and secondaries are coming off of North Prairie View Road. Mr. Nordyke stated Oncor needs the easement to serve the C and MF property which is not being developed any time soon. All the properties along the east side (SH 317) are served by power lines that are located on the west side of 317. Oncor could provide distribution service to the C and MF lots in the same way they provide service to everyone else. The easement that Oncor is requesting is not for this subdivision and WB would continue to negotiate that with Oncor.

Vice-Chair Staats asked what the underlying purpose of the easement was for. Mr. Nordyke stated Oncor did not explain it in detail but were reworking their distribution in west Temple. Vice-Chair Staats asked why they would not upgrade the existing lines on the west side of 317. Mr. Nordyke was not told this information.

Mr. Nordyke stated it was difficult for WB with the Commercial property because they do not have any buyers, do not know what will go in there, and providing a 15 foot utility easement constrains future plans.

Commissioner Rhoads asked what the developer's opinion was of Staff's recommendation. Mr. Nordyke stated Staff was in a difficult position because according to the UDC, the developer is required to put a 15 foot utility easement in. If the utility easement were required for this subdivision he would support it. However, this easement is not required for this subdivision. The developer has agreed to all the parking requirements.

Commissioner Talley made a motion to approve Item 3, **P-FY-12-05**, with the two exceptions and Commissioner Rhoads made a second.

Motion passed: (4:1)

Commissioner Pilkington voted Nay; Commissioners Jones and Sears absent

Ms. Autumn Speer, Director of Community Services, asked for clarification on the motion made by Commissioner Talley. Chair Martin stated the motion made was to approve the plat with the one exception and two additions and Commissioner Talley agreed that was what he meant.

RESOLUTION NO. _____

(PLANNING NO. P-FY-12-05)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE FINAL PLAT OF LAKE POINT PHASE II, AN APPROXIMATELY 132.85 ACRE, 347-LOT SINGLE-FAMILY RESIDENTIAL, 1 LOT COMMERCIAL AND 1 LOT MULTI-FAMILY RESIDENTIAL SUBDIVISION, WITH DEVELOPER'S REQUESTED EXCEPTION TO SECTION 8.2.4 OF THE UNIFIED DEVELOPMENT CODE REQUIRING UTILITY EASEMENTS, LOCATED SOUTHEAST OF S.H. 317 AND PRAIRIE VIEW ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 19, 2011, the Planning and Zoning Commission approved the final plat of Lake Point Phase II Subdivision, an approximately 132.85 acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road, with the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring a minimum utility easement of 15 feet in width at the rear of each lot not served as a public alley;

Whereas, the Staff recommends approval of the final plat of Lake Point Phase II Subdivision, **without** the developer's requested exception to Section 8.2.4 of the Unified Development Code requiring utility easements; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the final plat of the Lake Point II Subdivision.

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

Part 1: The City Council approves the final plat of Lake Point II Subdivision, an approximately 132.85 acre, 347-lot single-family residential, 1 lot commercial and 1 lot multi-family residential subdivision, located southeast of S.H. 317 and Prairie View Road, more fully shown on the Plat which is on file in the City's Planning Department, incorporated herein and referred to by reference, ***including*** the exception to the Unified Development Code; *Section 8.2.4* requiring a minimum utility easement of 15 feet in width at the rear of each lot not served by a public alley.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #8
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Sam Weed, Superintendent of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of the following vehicles in the amount of \$78,265.00:

- (A) One (1) ½-ton super crew cab pickup with regular bed (F150) from Sam Pack's Five Star Ford of Carrollton in the amount of \$25,127 (Bid Tabulation #4);
- (B) One (1) ¾-ton medium duty pickup with utility body (F250) from Sam Pack's Five Star Ford of Carrollton in the amount of \$29,795 (Bid Tabulation #5); and
- (C) One (1) 1-ton medium duty full size pickup (F350) from Sam Pack's Five Star Ford of Carrollton in the amount of \$23,343 (Bid Tabulation #6).

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

ITEM SUMMARY: On December 20, 2010, four (4) vendors submitted pricing on three (3) independent vehicle bids.

Two (2) of the vendors, Caldwell Automotive Partners and Johnson Brothers Ford, declared the right to be considered a local business under the City's Local Preference Policy. It is staff's conclusion that Caldwell Automotive Partners does not meet the definition of a business whose principal place of business is within the incorporated city limits of Temple for the reason that their head office is not located in Temple and their key management does office in Temple. Consequently, only the bids of Johnson Brothers Ford of Temple were considered under the City's Local Preference Policy.

Staff recommends award of the following three (3) bids to **Sam Pack's Five Star Ford**. Sam Pack's took exception to the requirement that the spare tire be identical in brand to the tires on the vehicle, of which, staff is willing to accept this exception. The City has done business with Sam Pack's in prior years and finds them to be a responsible vendor.

Bid Tabulation #4 – 1/2-Ton Super Crew/Quad Cab Pickup with regular bed (F150):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
4	Streets (replaces Asset # 11656)	1	110-5900-531-6213	100775	\$ 25,000.00	\$ 25,127.00	\$ 26,191.88
Sub-Total for one (1) ½-Ton Super Crew Pickup					\$ 25,000.00	\$ 25,127.00	\$ 26,191.88

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 1/2-Ton Super Crew/Quad Cab Pickup with regular bed to Johnson Brothers Ford in the amount of \$26,141.88, versus the low bid of \$25,037.00 from Sam Pack's Five Star Ford, a \$1,064.88 spread. Johnson Brother's bid is 4.2% higher than Sam Pack's low bid.

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

Bid Tabulation #5 – ¾-Ton Medium Duty Pickup with Utility Body (F250):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
5	Parks (replaces Asset # 10118)	1	110-5935-552-6213	100753	\$ 31,000.00	\$ 29,795.00	\$ 30,793.82
Sub-Total for one (1) ¾-Ton Medium Duty Pickup					\$ 31,000.00	\$ 29,795.00	\$ 30,793.82

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 3/4-Ton Medium Duty Pickup with utility body to Johnson Brothers Ford in the amount of \$30,793.82, versus the low bid of \$29,795.00 from Sam Pack's Five Star Ford, a \$998.82 spread. Johnson Brother's bid is 3.4% higher than Sam Pack's low bid.

Bid Tabulation #6 – 1-Ton Medium Duty Full Size Pickup (F350):

Bid Tab #	Description	Qty	Account	Project #	Budget	Recommended Bid	Local Preference Option
6	Parks (replaces Asset # 10125)	1	110-5935-552-6213	100755	\$ 31,000.00	\$ 23,343.00	\$ 23,448.02
Sub-Total for one (1) 1-Ton Medium Duty Full Size Pickup					\$ 31,000.00	\$ 23,343.00	\$ 23,448.02

In accordance with the City's adopted Local Preference Policy, Council does have the option to award the 1-Ton Medium Duty Full Size Pickup to Johnson Brothers Ford in the amount of \$23,448.02, versus the low bid of \$23,343.00 from Sam Pack's Five Star Ford, a \$105.02 spread. Johnson Brother's bid is 0.4% higher than Sam Pack's low bid.

FISCAL IMPACT: Funding for the purchase of the 3 vehicles identified above were included in the Council-adopted FY 2012 budget in the accounts as defined in the Item Summary above in the amount of \$87,000. Total funding needed for the recommended purchases is \$78,265 resulting in a net savings over budget in the amount of \$8,735.

ATTACHMENTS:

[Bid Tabulations \(3\)](#)

[Summary of Local Preference Options](#)

[Resolution](#)

Bid Tabulation #4

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1/2-Ton Super Crew/Quad Cab Pickup (Regular Bed)
Bid# 13-13-12**

	Bidders			
	Meador Dodge Chrysler Jeep Ft. Worth	Caldwell Automotive Partners Temple/Caldwell	Sam Pack's Five Star Ford Carrollton	Johnson Brothers Ford Temple
Description	Unit Price	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	No Bid	\$22,447.00	\$21,742.00	\$23,516.88
AFTER MARKET OPTIONS:				
Headache Rack	No Bid	\$395.00	\$375.00	\$350.00
Backup Alarm	No Bid	\$79.00	\$90.00	\$50.00
Tool Box	No Bid	\$589.00	\$585.00	\$550.00
5-Year/100,000 mile extended warranty	No Bid	\$750.00	\$1,890.00	\$1,295.00
Light Bar	No Bid	\$2,185.00	\$2,335.00	\$1,725.00
Labor to Install Light Bars and Control Boxes	No Bid	\$389.00	\$255.00	\$200.00
Total Bid Being Recommended for Award	No Bid	\$25,695.00	\$25,127.00	\$26,191.88
Delivery within 120 days?	No Bid	Yes	Yes	No
Acknowledge Addendum?	No Bid	Yes	Yes	Yes
Local Preference?	No Bid	Yes	No	Yes
Exceptions?	No Bid	None	Yes	None
Credit Check Authorization	No Bid	Yes	Yes	Yes
Local Option Available				

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

Belinda Mattke

Belinda Mattke, Director of Purchasing

20-Dec-11

Date

**Note: Highlighted bid is recommended
for Council award**

Bid Tabulation #5

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
3/4-Ton Medium Duty Pickup w/Utility Body
Bid# 13-13-12**

	Bidders			
	Meador Dodge Chrysler Jeep	Caldwell Automotive Partners	Sam Pack's Five Star Ford	Johnson Brothers Ford
	Ft. Worth	Temple/Caldwell	Carrollton	Temple
Description	Unit Price	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	\$29,715.00	\$28,046.00	\$27,460.00	\$28,939.82
AFTER MARKET OPTIONS:				
5-Year/100,000 mile extended warranty	\$0.00	\$1,105.00	\$2,040.00	\$1,295.00
Light Bar	\$2,580.00	\$2,580.00	\$2,335.00	\$1,854.00
Labor to Install Light Bars and Control Boxes	\$389.00	\$389.00	\$255.00	\$480.00
Total Bid Being Recommended for Award	\$32,295.00	\$30,626.00	\$29,795.00	\$30,793.82
Delivery within 120 days?	Yes	Yes	Yes	No
Acknowledge Addendum?	Yes	Yes	Yes	Yes
Local Preference?	No	Yes	No	Yes
Exceptions?	Yes	None	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
Local Option Available				

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

**Note: Highlighted bid is recommended
for Council award**

Bid Tabulation #6

**Tabulation of Bids Received
on December 20, 2011 at 2:30 p.m.
1-Ton Medium Duty Full Size Pickup
Bid# 13-13-12**

Description	Bidders			
	Meador Dodge Chrysler Jeep Ft. Worth	Caldwell Automotive Partners Temple/Caldwell	Sam Pack's Five Star Ford Carrollton	Johnson Brothers Ford Temple
Unit Price	Unit Price	Unit Price	Unit Price	Unit Price
TOTAL BASE BID PRICE	No Bid	\$21,826.00	\$19,763.00	\$20,398.02
AFTER MARKET OPTIONS				
Sprayed on Bed Liner	No Bid	\$325.00	\$385.00	\$425.00
Headache Rack	No Bid	\$395.00	\$275.00	\$350.00
Tool Box	No Bid	\$589.00	\$585.00	\$550.00
Light Bar	No Bid	\$2,185.00	\$2,335.00	\$1,725.00
Labor to Install Light Bars and Control Boxes	No Bid	\$389.00	\$255.00	\$200.00
Total Bid Being Recommended for Award	No Bid	\$25,320.00	\$23,343.00	\$23,448.02
Delivery within 120 days?	No Bid	Yes	Yes	No
Acknowledge Addendum?	No Bid	Yes	Yes	Yes
Local Preference?	No Bid	Yes	No	Yes
Exceptions?	No Bid	?	Yes	Yes
Credit Check Authorization	No Bid	Yes	Yes	Yes
Local Option Available				

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

Belinda Mattke

20-Dec-11

Belinda Mattke, Director of Purchasing

Date

**Note: Highlighted bid is recommended
for Council award**

Vehicle Purchases

Summary of Local Preference Options

January 5, 2012

Item D – One (1) ½-Ton Super Crew Cab Pickup with Reg Bed

Sam Pack's Five Star Ford, Carrollton \$25,127.00

Johnson Brothers \$26,191.88

Difference **\$ 1,064.88**

4.2%

Item E – One (1) ¾-Ton Medium Duty Pickup with Utility Body

Sam Pack's Five Star Ford, Carrollton \$29,795.00

Johnson Brothers \$30,793.82

Difference **\$ 998.82**

3.4%

Item F – One (1) 1-Ton Medium Duty Full Size Pickup

Sam Pack's Five Star Ford, Carrollton \$23,343.00

Johnson Brothers \$23,448.02

Difference **\$ 105.02**

0.4%

TOTAL - \$ 2,168.72

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 3 VEHICLES FOR VARIOUS DEPARTMENTS FROM SAM PACK'S FIVE STAR FORD OF CAROLLTON, TEXAS, IN THE AMOUNT OF \$78,265; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 20, 2010, 4 vendors submitted pricing on 3 independent vehicle bids;

Whereas, two of the vendors (Caldwell Automotive Partners and Johnson Brothers Ford) declared the right to be considered a local business under the City's Local Preference Policy - however it is Staff's conclusion that one of the vendor's does not meet the definition of a business whose principal place of business is within the incorporated city limits of Temple and therefore only the bids of one were considered under the City's Local Preference Policy;

Whereas, Staff recommends award of the three bids to Sam Pack's Five Star Ford of Carrollton, Texas for: (A) One ½-ton super crew cab pickup with regular bed (F150) for the Streets Department in the amount of \$25,127; (B) One ¾-ton medium duty pickup with utility body (F250) for the Parks Department in the amount of \$29,795; and (C) One 1-ton medium duty full size pickup (F350) for the Parks Department in the amount of \$23,343;

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

Whereas, funding for the purchase of the 3 vehicles is included in the Council-adopted FY 2011-12 budget for each department; 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: The City Council authorizes the purchase of: (A) One ½-ton super crew cab pickup with regular bed (F150) for the Streets Department in the amount of \$25,127;

(B) One ¾-ton medium duty pickup with utility body (F250) for the Parks Department in the amount of \$29,795; and (C) One 1-ton medium duty full size pickup (F350) for the Parks Department in the amount of \$23,343.

Part 2: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution is 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 5th day of **January**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

01/05/12
Item #9
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Planning and Zoning Commission - two members to fill unexpired terms through September 1, 2012 & September 1, 2014.
- (B) Tree Advisory Board – one member to fill an ex-officio for BISD

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (A) Bert Pope and Barbara Brown have both resigned from the Planning and Zoning Commission. We request the Council appoint one member to fill an unexpired term through September 2012 and one member to fill an unexpired term through September 2014.

(B) Denise Whitley has resigned effective November 2011 as the Ex-Officio from the Tree Advisory Board. We request the Council appoint Scott Moger of BISD representative.

Please see the attached summary form for these boards which list the current board member, purpose, membership requirements, term and meeting time/ place for the boards. Board applications from citizens requesting service on a city board are also attached.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Board Summary Form](#)

Board Applications – to be provided

Resolution – to be provided



PLANNING & ZONING COMMISSION

TERM EXPIRATION: SEPTEMBER - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
H. Allan Talley FTalley735@aol.com	09/07	2013	5004 Wildflower Lane (h) Temple, TX 76502	770-0289 H
Barbara Brown-resigned 11/2011 Hbbrown76502@sbcglobal.net	01/11	2014	4402 Lonestar Temple, TX 76502	771-2832 H
David Jones David@belltec.net	04/11	2014	11704 Meredith Dr. Belton, TX 76513	939-9404 W 780-1433 H 718-2221 C
Mike Pilkington mpilkington@pilkington-homes.com	09/06	2012	Hm: 8352 Poison Oak Rd Temple, TX 76502 Ofc: 3082 W. Hwy. 190 Belton, TX	780-9596 W 780-3605 H 534-1472 C 939-3500 F
Bert Pope – attendance 10/2011 mvpbep@sbcglobal.net	09/06	2012	1206 North 3 rd Street Temple, TX 76501	773-4198 H 231-1470 C
Greg Rhoads Greg@2thetopluc.com	01/11	2014	2506 Legend Oaks Dr Temple, TX 76502	774-8301 W 770-1844 H 931-0637 C
Will Sears willsears@hotmail.com	09/10	2013	3401 Mesquite Drive Temple, TX 76502 Mail: PO Box 4820 76505	931-2485 W/C 771-0919 H
James Staats (Vice-Chair) jmmstaats@aol.com james@asm-tx.com	08/09	2012	2214 Fox Glen Lane Hm: Temple, TX 76502-H	760-4633W 773-3464 H 534-1233 C
Derek Martin (Chair) derekmartin@templeproventures.com	09/07	2013	Ofc: 3500 SW HK Dodgen, #102 P O Box 310 76503 Hm: 1903 Deerfield 76502	771-2084 W 541-9173 C 771-4120 F

Created originally by Ordinance 149, February 1961; most recently by Ordinance 2030, March 1, 1990.

Purpose: Serves in an advisory capacity to City Council by making recommendations on land use proposals including zone changes, subdivision plats, and annexations; work with City Staff, the community and the Council in the development and updating of the Comprehensive Plan and the Area Plans for the City, as well as the Capital Improvement Program for community facilities.

Membership: 9 members – all residents of City

Term: 3 years

Meeting Time/Place: 1st and 3rd Mondays of each month, 5:30 p.m., Council Chambers, Municipal Building **City Staff:** Planning Director

REVISED 08/18/11

TREE BOARD

TERM EXPIRATION: MARCH - 3 YEAR TERMS

APPOINTED BY: MAYOR/COUNCIL

MEMBER	DATE APPOINTED	EXPIRATION YEAR	ADDRESS	PHONE NUMBER
Allen Einboden (Keep Temple Beautiful) aeinboden@swmail.sw.org	04/05/07	2012	S&W Health Plan 2401 S. 31 st Street Temple, TX 76508	298-3030 W 780-3634 H 298-3011 F
Dr. Tom Gerik (Blackland Research Ctr) tgerik@brc.tamus.edu OMA	04/02/09	2012	720 East Blackland Road Temple, TX 76502-9622	774-6128 W 774-6001 fax
Doug Smith, Vice Chair (Parks & Leisure Services Board) dougs@papergraphicsltd.com	10/16/08	2014	18 West Upshaw Temple, TX 76501	773-7391 W 771-1673 H 534-2943 C
James Staats(Planning & Zoning Comm.) jmmstaats@aol.com james@allcountysurveying.com	09/02/10	2014	2214 Fox Glen Lane Hm:Temple, TX 76502-H Ofc:1303 S. 21 st -W	778-2272 W 773-3464 H 534-1233 C
David Lockwood, Chair (at large) tembelnsy@hotmail.com	04/05/07	2013	Tem-Bel Nursery 5300 S. General Bruce Dr. Temple, TX 76502	778-5651 W 774-8489 H
Kent Boyd (Ex Officio-TISD) kent.boyd@tisd.org	07/20/09		Temple ISD 200 North 23rd Temple, TX 76504	215-6781 W
Denise Whitley – resigned 11/2011 (Ex Officio-BISD) denise.whitley@bisd.org	04/05/07		Belton ISD 616 East 6 th Ave Belton, TX 76513	215-2038 W
Staff: Ken Cicora, Director of Parks & Leisure Services				

Created by Ordinance 2006-4117, Section 22-92

Purpose: To develop public awareness and education programs relating to trees; promote Arbor Day; develop and update 5-year plan for planting trees on City property; advise Parks & Leisure Services on issues relating to planting or maintenance of trees and other landscaping on City property.

Membership: 5 members – (1) member of Parks and Leisure Services Advisory Board; (1) member of Keep Temple Beautiful, Inc. Board of Directors; (1) member of Planning and Zoning Commission; (1) member of Blackland Research and Extension Center; and (1) member at large. Ex Officio members from Temple ISD and Belton ISD

Term: 3 year terms

Meeting Time/Place: Board shall meet a minimum of 4 times each year

