



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MARCH 15, 2012

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 15, 2012.
2. Discuss the Downtown Signage Program.
3. Briefing on City Owned Properties.

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 APPEARANCE

3. Receive comments from [Mr. Kenneth Wilcox and A-1 Fence & Welding, Co.](#) regarding possible amendments to the existing Unified Development Code to allow metal fences.

III. 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.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. (A) [Autism Awareness Day – April 2, 2012](#)

V. CONSENT AGENDA

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

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

Minutes

(A) [March 1, 2012, Special Called and Regular Meeting](#)

Contracts, Leases & Bid

- (B) [2012-6569-R](#): Consider adopting a resolution approving a farm lease with Albert Brenek for approximately 40 acres located to the west of Hilliard Road.
- (C) Consider adopting resolutions approving farm leases with Edward Brenek, Jr. for:
 - (1) [2012-6570-R](#): 8.164 acres east of Wilson Park, and
 - (2) [2012-6571-R](#): 39 acres on Little Flock Road.
- (D) Consider adopting a resolution approving the following farm leases for farming and grazing with Carl Grisham:
 - (1) [2012-6572-R](#): 164 acres located on Old Howard Road, and
 - (2) [2012-6573-R](#): 191 acres located at McLane Blvd and Old Howard Road.
- (E) [2012-6574-R](#): Consider adopting a resolution approving a farm lease with Monique Ricones for approximately 3.7 acres at the southeast corner of the Service Center property on East Avenue H.
- (F) [2012-6575-R](#): Consider adopting a resolution authorizing an Interlocal Agreement with the North Central Texas Council of Governments allowing cooperative purchasing for Actuarial Shared Services.
- (G) [2012-6576-R](#): Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc. for professional services related to right of way acquisition for the Leon River Trunk Sewer in southwest Temple in an amount not to exceed \$171,000.
- (H) [2012-6577-R](#): Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc. for professional services related to right of way acquisition for the South Temple Water Transmission Main, Pump Station, and Ground Storage Tank in South Temple in an amount not to exceed \$218,000.
- (I) [2012-6578-R](#): Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services for employee benefits consulting services at an annual cost of \$32,089.32.
- (J) [2012-6579-R](#): Consider adopting a resolution authorizing a construction contract with Wolff Construction of Salado, to construct the NW Loop 363 Utilities Relocation in an amount not to exceed \$1,680,744.34.
- (K) [2012-6580-R](#): Consider adopting a resolution authorizing a construction contract with Patin Construction, LLC of Taylor for the construction of two Safe Routes to School Trails, in the total amount of \$856,579 (\$398,081 at Bonham Middle School and \$458,498 at Lakewood Elementary School).

- (L) [2012-6581-R](#): Consider adopting a resolution authorizing the purchase of a Toro Groundskeeper 4500-D rotary mower from Professional Turf Products utilizing a BuyBoard contract in the amount of \$52,871.82.

Ordinances – Second & Final Reading

- (M) [2012-4518](#): SECOND READING - Z-FY-12-22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M.
- (N) [2012-4519](#): SECOND READING - Z-FY-12-23: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.
- (O) [2012-4521](#): SECOND READING - Z-FY-12-25: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas located at 2102 Scott Boulevard.

Misc.

- (P) [2012-6582-R](#): Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER IV) in the amount of \$14,230,000, with \$10,000,000 reimbursed to the City through federal funding, to execute the construction of the 1st Street and Loop 363 project, and the construction of hike and bike trails along 1st Street and south along Friar's Creek Trail.
- (Q) [2012-6583-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

VI. REGULAR AGENDA

ORDINANCES

6. [2012-4520](#): SECOND READING – PUBLIC HEARING - Z-FY-12-24: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.
7. [2012-4522](#): FIRST READING – PUBLIC HEARING - Z-FY-12-26: 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 and restaurant on 5.68 acres of Outblock 5008, City Addition, commonly known as 4984 West FM 93.

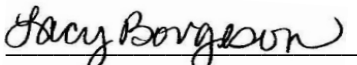
8. [2012-4523](#): FIRST READING – PUBLIC HEARING - Z-FY-12-28: Consider adopting an ordinance authorizing an amendment to Planned Development Ordinance 2001-2778, PD-92 for O1 and specific uses, originally approved July 5, 2001, to allow a fenced contractor storage and equipment yard on ±0.91 acres of land being a part of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, more commonly known as 3802 South 5th Street.
9. [2012-4524](#): FIRST READING- PUBLIC HEARING- Consider adopting an ordinance establishing the prima facie speed limit on SH 36, within the City Limits.

BOARD APPOINTMENTS

10. [2012-6584-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
 - (A) Building and Standards Commission – one alternate member to fill an expiring term through March 1, 2013 and one alternate member to fill an unexpired term through March 1, 2014
 - (B) Building Board of Appeals – two members to fill expiring terms through March 1, 2016
 - (C) Parks and Leisure Services Advisory Board – one member to fill expiring term through March 1, 2015

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 2:00 PM, on March 9, 2012.



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

03/15/12
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Receive comments from [Mr. Kenneth Wilcox and A-1 Fence & Welding, Co.](#) regarding possible amendments to the existing Unified Development Code to allow metal fences.

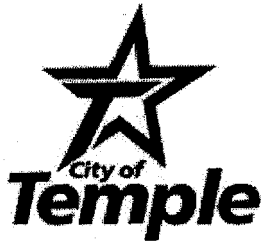
STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Wilcox and a representative from A-1 Fence & Welding, Co. filed Requests for Placement on the City Council Agenda, please see attached form.

FISCAL IMPACT: None

ATTACHMENTS:

[Requests for placement on agenda](#)



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: Kenneth W. Leox

ADDRESS: 7416 N 13th ST TEMPLE

TELEPHONE NO. 254-742-1678

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note – The City Council meets the first and third Thursdays of each month.) 7-15-2012

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.)

CHANGE THE TEMPLE FENCE ORDINANCE
SO THAT SOME METAL FENCES ARE
ALLOWED

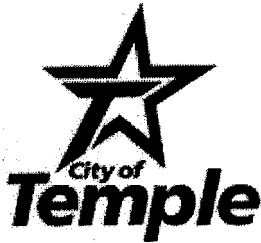
Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

[Signature]
SIGNATURE OF PRESENTER

7-8-12
DATE

For Office Use:



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: A-1 FENCE & WELDING CO.

ADDRESS: 6311-B South Fort Hood St. Killeen

TELEPHONE NO. 254-698-1000

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note -- The City Council meets the first and third Thursdays of each month.) 3/15/12

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) _____

WE ARE TO DISCUSS ABOUT FENCE Rules
DO TO BEING TURN DOWN ON PERMIT
FOR METAL FENCE PROJECT

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

Ronny Perry
SIGNATURE OF PRESENTER

3/15/12
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

03/15/12
Item #4(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Autism Awareness Day April 2, 2012

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY: This proclamation was requested by Charles "Randy" Watts, Director of the Ashton van Almen Foundation, created to aid in the support of many organizations for special needs children.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

03/15/12
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 1, 2012 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:

[March 1, 2012 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

MARCH 1, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, March 1, 2012 at 5:00, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Danny Dunn
Councilmember Perry Cloud
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, March 1, 2012.

Regular Agenda Item 8 - Zoning Case Z-FY-12-24 related to planned development-multiple family one located on Brooklawn - Mayor Jones advised Council that the item was requested to be tabled by the applicant.

Regular Agenda Item 7 - Zoning Case Z- FY-12-23 related to planned development and the drainage issues - Councilmember Dunn asked Mr. Mabry if he had been in contact with Mr. Tapman. Mr. Mabry replied yes, and that Mr. Tapman had been provided the drainage regulations.

Councilmember Cloud asked if this would require additional drainage plans? Mr. Mabry responded yes, any subsequent plans would have to show drainage improvements.

Regular Agenda Item 5(I) - Oncor Transmission relocation - Mr. Graham stated that the dollar amount for this agreement would be \$2,267,876. Also mentioned were the variables within that could potentially increase or decrease the cost of the project.

Regular Agenda Item 11 - Semi Annual Board Appointments - Mayor Jones discussed the recommendations with Council to be voted at the Regular Session.

2. Discuss the Temple Belton Wastewater Treatment Plant's operating agreement with Brazos River Authority.

Mr. Graham stated that both Items 2 and 3 would be discussed at this time. Mr. Graham provided some background on the Temple Belton Wastewater Treatment Plant. The plant began operations in 1975 and was expanded in

1989 and is currently rated at 10 mgd which is permitted average flow and 30 mgd permitted peak flow. Mr. Graham stated this plant serves both Temple and Belton. Temple owns 75% of the capacity and Belton 25%. Under the current agreement both Temple and Belton pays for the actual flow and usage. Temple's flow is about 80% which is still less than our capacity of 75%. Mr. Graham stated that per TCEQ discharge permit, that when reaching 75% over a 3 month period, of your permitted capacity you trigger a requirement for expanding capacity. We have exceeded this trigger and need to expand the plant. The preliminary design is for 18 mgd.

Mr. Graham reviewed the operations of the T-B WWTP with the Council as well. He noted that the plant has been operated by Brazos River Authority for the past 36 years and the City was proceeding with renewing that agreement for the next 3 years. The preliminary design would will be done by KPA and should be completed by September 2012. We anticipate bringing the operating agreement for T-B WWTP with BRA as the operator in April 2012, as well as a separate ownership/ management agreement with Belton. This separate agreement will address strategic planning for the facility, budgeting, expansion and special needs of each the cities.

- 3. Discuss the Temple/ Belton Agreement.**
- 4. Discuss the City's FY 2012-2013 budget process and calendar, and various strategic and budget related policy issues.**

Mr. Blackburn, City Manager, began with a review of the vision and strategic focus areas. He also reviewed the key budget calendar dates, noting those where Council participation is required. The fence posts for the development of FY 2013 budget were discussed as well. Mr. Blackburn stated that it is important to maintain fiscal soundness in the FY 2013 budget. Mr. Blackburn also reviewed some of the Issue Papers that were submitted by Department Heads.

Mr. Blackburn reviewed highlights from the Council Retreat on February 9, 2012. One of which was the Streets CIP; Mr. Blackburn noted that he will continue planning efforts and work on a potential CIP beginning in 2013. Also mentioned were Master and Development Plans and the Education partners.

Councilmember Morales added that she would like to have more information on the education and workforce aspect of the community. Are we meeting the needs of the community and are we moving in the right direction?

Mayor Jones added that he would like to see the Downtown Masterplan reviewed during this process.

The City Council of the City of Temple, Texas conducted a Regular Meeting on

Thursday, March 1, 2012 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

Police Chief Gary Smith voiced the Invocation.

2. Pledge of Allegiance

Dian Rudd, National Association of Social Workers led the Pledge of Allegiance.

II. PUBLIC COMMENTS

Mr. Tom Tapman signed up to address his concerns as related to item 7 on the Regular Agenda. Mayor Jones asked Mr. Tapman if he wished to address Council now or wait. Mr. Tapman advised he would wait for the public hearing.

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) National Association of Women in Construction March 4 - 10, 2012

Mayor Jones present the proclamation to Rhonda Nebgen, National Association of Women in Construction.

(B) Professional Social Work Month March, 2012

Mayor Jones presented the proclamation to Diana Rudd, Nation Association of Social Workers.

IV. REPORTS

4. (A) Receive the Planning and Zoning Commission Annual Report.

Derek Martin, Chair of Planning and Zoning gave a brief overview of

the annual report and the activities of fiscal years 2010-2011 to include annexations, amendments and zoning cases. Mr. Martin stated that we have seen a steady growth in population for our area; we are at par as compared to our neighboring cities. Mr. Martin stated the Commission reviewed amendments to the Future Land Use & Character Map, Standards and Unified Development Code text amendments, as well as zonings and plats. Mr. Martin stated there were three appeals to I-35 Standards in 2011 - Firestone, Mueller Metal Buildings and Trantum Auto Group expansion. Mr. Martin thanked the Planning Staff for direction and guidance.

(B) Receive a report from the Police Department as required by the Racial Profiling Statute contained in the Texas Code of Criminal Procedure.

Police Chief Gary Smith reviewed the 2011 Racial Profile Report with Council. Chief Smith reviewed the data regarding the number of traffic stops, citations and arrests issued during 2011 by the Temple Police Department. The data was based on the U.S. Census Bureau 2010. The data presented in this report relates to race known prior to stop for citations, arrests, citations with search, citations with search by consent, motor vehicle stops leading to arrest and arrest and search. Chief Smith explained how the Temple Police Department operates in a fair and consistent manner with the diversity within our population.

V. CONSENT AGENDA

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

(A) 1. February 9, 2012, Special Called Meeting

2. February 16, 2012 Special Called and Regular Meeting

(B) 2012-6556-R: Consider adopting a resolution authorizing a one-year renewal to an annual services agreement with Heart of Texas Landscape & Irrigation Co., Inc. of Belton for mowing and maintenance services in the estimated annual amount of \$62,090.

(C) 2012-6557-R: Consider adopting a resolution authorizing a contract with Scott and White Hospital for the designation of a Medical Director for the City's Emergency Medical System.

(D) 2012-6558-R: Consider adopting a resolution authorizing a

contract with Progressive Commercial Aquatics, Inc. of Houston, for the purchase and installation of a Hanovia Ultra Violet (UV) Light System at the Lions Junction Water Park in the amount of \$41,646.

(E) 2012-6559-R: Consider adopting a resolution authorizing the purchase of the third year of a Microsoft Software Enterprise Agreement with Dell Corporation of Round Rock utilizing DIR Contract in the amount of \$103,766.08.

(F) 2012-6560-R: Consider adopting a resolution authorizing the City Manager to execute a Memorandum of Agreement between the City of Temple and the Department of Transportation Federal Aviation Administration for a no cost land lease for FAA owned navigation, communication and weather aids for the support of air traffic operations at the Draughon-Miller Central Texas Regional Airport.

(G) 2012-6561-R: Consider adopting a resolution authorizing a developer participation agreement with Omega Community Builders to reimburse the developer for the cost of constructing sidewalks on South 5th Street for the Wyndham Hill, Phase II subdivision in the amount of \$30,095.

(H) 2012-6562-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP of Temple for engineering services including preliminary design of the Leon River Interceptor, Lift Station and Force Main Project, in an amount not to exceed \$ 151,880.

(I) 2012-6563-R: Consider authorizing a resolution to enter into a discretionary services agreement with Oncor Transmission for the relocation of transmission lines for the Loop 363 Pass Thru project and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(J) 2012-6564-R: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the Northwest Loop 363 Project in an amount of \$48,888 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.

(K) 2012-4515: SECOND READING - A-FY-12-05: Consider an ordinance abandoning 0.25 acres of unimproved North 7th Street right of way in Parklawn Addition, located between Lot 3, Block 8

and Lot 1, Block 9 of Parklawn Addition, between properties more commonly known as 2007 North 7th Street and 402 Mayborn Drive; and reserving a public drainage and utility easement in the entire abandoned right-of-way.

(L) 2012-4516: SECOND READING - Z-FY-12-19: Consider adopting an Ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5, 7, 8 and 11 of the Unified Development Code to: add "Kiosk" as permitted uses in the use table of certain zoning districts with specifications; remove "home occupation" as an allowable residential accessory use in the LI and HI zoning districts; Clarify all parking areas must be paved with either asphalt or concrete; Clarify that vehicular backing motions are prohibited into a public street from a parking area on all non-residential sites; Clarify utility poles or other obstructions are not permitted in sidewalks; and to establish or amend definitions related to such uses and standards.

(M) 2012-4517: SECOND READING - Z-FY-12-21: Consider adopting an ordinance authorizing a rezoning from Agricultural District (A) to Commercial District (C) on Tract 1, being a ± 7.684 acre tract of land and Tract 2, being a ± 5.779 acre tract of land both out of the George Givens Survey, Abstract No. 345 and the Nancy Chance Survey, Abstract No. 5, Bell County, Texas located on the east side of South Kegley Road, north of the Caddy Shack Golf Range.

(N) 2012-6565-R: Consider adopting a resolution authorizing acceptance of additional grant funding in the estimated amount of \$442,534 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction of Runway 02/20 at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$44,253.40.

(O) 2012-6566-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. 2012-4518: FIRST READING - PUBLIC HEARING - Z-FY-12-

22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 - 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M.

Brian Mabry, Director of Planning presented this case to the Council. He explained the applicant for this case wishes to expand the existing vehicle repair establishment on South 53rd Street. The applicant wishes to use the existing building as is with no immediate additions planned; but has expressed a desire to beautify the exterior of the building. Mr. Mabry provided Council with photos of the surrounding properties. The requested use which is auto urban commercial is appropriate with designated area. Both water and sewer lines serve this property. Mr. Mabry noted there were 16 notices mailed out, with 2 returned for approval and 1 in disapproval. Mr. Mabry reviewed the development standards which were triggered for this property; landscaping, screening, and parking as well as possible sign permits in the future. Mr. Mabry added that staff recommends approval and Planning and Zoning Commission heard and approved this request on February 6, 2012 with a vote of 7/0.

Mayor Pro Tem Schneider inquired on the Condition Use Permit on the property. Mr. Mabry advised that the CUP would run with the property.

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 Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for March 15, 2012 seconded by Councilmember Perry Cloud.

- 7. 2012-4519: FIRST READING - PUBLIC HEARING - Z-FY-12-23: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.**

Brian Mabry, Director of Planning presented this case to the

Council. This was originally approved in March 2001 as PD-NS with added allowable use of storage. The original site plan was also approved in 2001, and the proposed additions will require an amendment to that plan. Mr. Mabry added the request is for three new open RV storage buildings and one new general storage building. In 2005 there were three new buildings added without coming to Council for amendment to the site plan. Mr. Mabry added that this approval will bring those previously constructed buildings into an approved site plan.

Mr. Mabry reviewed surrounding areas as well as other zoning uses and the site plan. The original planned development ordinance called for improvements to the property that had not been provided until recently. Some have been corrected to comply with the original planned development, such as five trees along the front of the property, a six foot wide sidewalk and a wood fence for screening along the north property line. Mr. Mabry noted the buildings being proposed are not masonry and there is an exception built into the planned development to allow for this. Mr. Mabry explained the reasoning for the exceptions - the new building are between 600 and 1150 feet from State Highway 317, they will be obscured from 317 by the existing buildings on site, the property to the north has been approved for a similar use and the grade differential between the residential properties to the west and the subject property will also obscure the buildings. Mr. Mabry noted there were 28 notices mailed out, with 3 returned as denial, and 1 for approval. The staff recommends approval of amendment with conditions for north fence is extended along the residential common lot line, the sidewalk and trees as adopted in 2001. Planning and Zoning Commission heard this case on February 6, 2012, and voted to approve 7/0. Mr. Mabry added the applicant has agreed to the conditions as well.

Mayor Pro Tem Schneider asked what materials were going to be used on the proposed buildings and asked how the ordinance allows for this.

Mr. Mabry replied, metal and explained that there were provisions in the current UDC that allow for a review when the masonry exception is appropriate.

Councilmember Morales inquired on the denials.

Mr. Mabry provided that one was from First Christian Church and concerns regarding drainage, one was expressing concerns for the view, and the other was regarding the closeness of the buildings to the residential property lines.

Mayor Pro Tem Schneider stated he would like to have consistency for how the masonry ordinance is applied.

Mr. Graham, City Attorney advised that the ordinance allows Council the discretion on how to apply this rule.

Councilmember Dunn noted that quite a bit of work had been done. How did this happen without coming to council?

Mr. Mabry noted the work done has been to help resolve some drainage issues in the rear of the property. The landscaping that has been completed was part of the original planned development.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

Mr. Tom Tapman, 100 Waters Street, Belton, Texas representing First Christian Church addressed the Council with his concern regarding this project. Mr. Tapman stated the church purchased 7.676 acres of land next to the storage facility in 2005 with intention of relocating there in the future. Mr. Tapman stated the church received a letter from the City of Temple on February 12, 2012 informing them about the extent of construction being requested. Mr. Tapman provided photos of the property both before and after the rain of February 18, 2012, which flooded the property. Mr. Tapman stated the holding pond on the site is too small to contain the runoff from the old and new construction sites; and secondly the pond levy has been graded out and the water naturally flows onto the church property. This is unacceptable and devalues the church property.

Councilmember Cloud inquired on the drainage structures, if they were permanent or temporary for the construction phase?

Councilmember Dunn asked Mr. Mabry if the drainage issues should have been addressed in the engineering process.

Mr. Mabry replied yes, and stated a representative of the private engineer firm of the development was available to answer any questions.

Mike Beavers, Commercial Real Estate in Temple, spoke on behalf of the applicant. Mr. Beavers provided the history of the property since 2001. Mr. Beavers added that during the permit review process it was determined that improvements needed to

be done as conditions to the original planned development. These improvement are now being done to become compliant by the new owner. The other work being done is to help resolve some of the drainage issues, not on the proposed buildings. Mr. Beavers noted a private engineer firm has been hired and is conducting the study for the drainage basins. Mr. Beavers added that they want to be good neighbors, do the right thing and fix the problems. Mr. Beavers also addressed the exceptions to the masonry ordinance and lack of visibility to the abutting property owners.

Mayor Pro Tem Schneider stated he was not opposing the metal building, but just wanted to make sure we were being consistent. Mayor Pro Tem also questioned how the 3 building permits were issued without coming to Council for an amendment to a planned development?

Mr. Mabry stated it must have been an oversight.

Kristi Andrews, Comprehensive Engineering Solutions Inc. address the Council. Ms. Andrews stated her firm was the original engineer firm in 2001. She provided a pre-development drainage contour map for Area A from 2001 for this property. Ms. Andrews also noted that her firm designed the detention per City of Temple requirements. The pre-development flow was for 20 cubic feet per second and in October 2011 we visited the property and learned of the additions. The flow is currently only at 5 cubic feet per second; which is inadequate for this property. Ms. Andrews stated new drainage study was done in October 2011. We are proposing an additional outlet structure to increase the flow and increase the volume of the detention to handle the additional water. This will ensure the flow coming out of the detention equals the pre-development flow based on the contours taken in 2001.

Mayor Jones asked Mr. Andrews if her firm had been hired to evaluate this drainage issue.

Ms. Andrews replied yes and the study done in October 2011 has been submitted to the City.

There being no further comments, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for March 15, 2012. seconded by Councilmember Judy Morales.

8. **2012-4520: FIRST READING - PUBLIC HEARING - Z-FY-12-24: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.**

Mayor Jones stated the applicant had requested this item be tabled. No presentation would be made at this time but would conduct the public hearing as scheduled.

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 Perry Cloud this ordinance , be Table, seconded by Councilmember Danny Dunn.

9. **2012-4521: FIRST READING - PUBLIC HEARING - Z-FY-12-25: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas located at 2102 Scott Boulevard.**

Brian Mabry, Director of Planning presented this case to the Council. Mr. Mabry noted the applicant for this case is the City of Temple. This property is an undeveloped lot and the City wishes to dispose of it. This rezoning brings the property into compliance with Future Land Use and Character Map and would also expand the list of possible uses on property. Mr. Mabry noted there were 12 notices mailed out, 2 were returned in approval and 1 in denial, there was also 1 in denial from outside the radius. The concerns expressed by those in denial was the property would be allowed for apartments. Mr. Mabry noted that that is not an allowed use for this area. Staff recommends approval, which will allow the property to be in compliance with Future Land Use Map and Thoroughfare Plan. Planning and Zoning Commission heard this case on February 12, 2012 and voted 8/0 for approval of this rezone.

Mayor Jones declared the public hearing open with regards 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 March 15, 2012. seconded by

Councilmember Perry Cloud.

RESOLUTIONS

10. **2012-6567-R: Z-FY-12-31: Consider adopting a resolution to take action on an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District standards for landscaping and parking for Starbucks Coffee, located at 111 North General Bruce Drive.**

Brian Mabry, Director of Planning presented this case to the Council. Mr. Mabry noted this is the first appeal to the I-35 Standards being brought to the Council for final decision. This appeal is from the Starbucks on North I-35. The applicant's proposal for remodeling triggered the I-35 Standards. Mr. Mabry added that due to intersection of I-35 and Adams this property is part of the City's entry sub district, which has the highest level of standards. Mr. Mabry reviewed the property and layout of the Starbucks with Council. The improvements proposed are for a driveway, outdoor setting area and interior remodeling. This property has mature landscaping throughout. Mr. Mabry noted there are requirements not being met due to the 3 foot wide private property strip along I-35, which included a 25 foot wide front landscape buffer, 20% front buffer, additional 10% vegetation area, ornamental trees in front buffer, one 3 inch tree and berming condition of 50 of the landscape. Mr. Mabry also noted the shared driveway caused the inability to use the enhanced pavers, the parking and landscape islands are also being appealed.

Mr. Mabry stated staff presented this to the Planning and Zoning Commission heard this case on February 21, 2012 and felt the proposed improvements were within the spirit of the I-35 District and would add value and an even more attractive site. Staff recommends approval to this appeal. The Planning and Zoning Commission voted 8/0 for approval.

Mayor Jones inquired on the screening in the back near the service area, is the required or did the applicant request this?

Mr. Mabry noted that screening for service areas are required for dumpster areas. This is not a requirement, but as a trade off for some of the deficiencies.

Mayor Jones asked Chief Smith if this a security issue to have it screened?

Chief Smith recommend full lighting as well as other security methods.

Mayor Pro Tem Schneider inquired on whether or not there would be any sign requirements for this location. Wouldn't this be another exception?

Ms. Speer stated we were in the process of addressing the I-35 sign ordinance when this applicant came in, and the issue of signs was never addressed with them. Ms. Speer stated that it was decided not to require the sign to be changed.

Mayor Pro Tem Schneider stated that anyone already under construction while the sign ordinance was being addressed, would not have to follow the new sign ordinance.

Ms. Speer stated this case is not being required to change their sign. Staff missed this one, and the decision was made to allow the sign to remain as is.

Councilmember Cloud inquired with the expansion of I-35 and the service road, will that change the property configuration or change any of the entrances? The service road is TxDot property and would that take that for their improvements and possibly give another access to the property?

Mr. Mabry noted if any it would be minimal.

Tim Lyssy, CMA Architectural noted that Starbucks didn't see need for new entrance. Having the entrance as is helps to control the flow of the drive thru.

Mayor Pro Tem Schneider asked if the driveway standard exception and would that be for the entrance off the frontage road or all entrances to the facility?

Mr. Mabry stated the enhanced pavers would be for 50% of the driveway on the property.

Mayor Pro Tem Schneider stated than this would be for the driveway going out onto Barton, and asked why it would be exempt.

Mr. Mabry stated in the review process staff focused on the I-35 entrance from the frontage road. Yes, we could require the entrance from Barton to have the enhanced pavers as well. If Council requests, this can be worked into the appeal. Mr. Mabry added this additional exception would be acceptable to

staff.

Mayor Pro Tem Schneider asked if the driveway standards in the overlay are for all driveways or just those that front I-35?

Mr. Mabry stated it would be any property within the overlay district.

Mr. Lyssy stated that additional cost for the for pavers is a concern for Starbucks.

Mayor Pro Tem Schneider stated this is a standard for this area and we need to understand as to why it is okay not to have the pavers for this property as we are setting precedent for future appeals.

Mayor Jones stated this property has two driveways and is within the overlay district, and the current policy reads that all driveways within the district follow this standard. Mayor Jones added this was missed by Staff in the review process and it should have to comply. The frontage drive pavers is part of the exception due to the shared driveway with Whataburger.

Mayor Pro Tem Schneider stated he would like Staff to identify which drives within the district this standard applies to.

Motion by Councilmember Perry Cloud adopt resolution with the exception of eliminating the paving requirement on Barton Drive. seconded by Mayor Pro Tem Russell Schneider.

BOARD APPOINTMENTS

- 11. 2012-6568-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

(A) Building and Standards Commission - three members to fill expiring terms through March 1, 2014; one alternate member to fill an expiring term through March 1, 2014

Reppoint Jeff Norwood, and Fay Evans, and appoint Scott Morrow

(B) Building Board of Appeals - two members to fill expiring terms through March 1, 2016

Appoint Monty Clark (Engineer) and Larry Neal (Architect)

(C) Community Services Advisory Board - one member to fill an unexpired term through September 1, 2014.

Appoint Temika Brown

(D) Development Standards Advisory Board - three members to fill expiring terms through March 1, 2015

Reppoint Chalres Chapman, and Bryan Davis, and appoint Mikle Pilkington

(E) Electrical Board - one member to fill an expiring term through March 1, 2015

Reappoint Kenneth Malina

(F) Parks and Leisure Services Advisory Board - four members to fill expiring terms through March 1, 2015

Reappoint David Rapp, and Doug Smith and Appoint Chuck Lucko and Marylin Janes

(G) Temple Economic Development Corporation - one member to fill an unexpired term through September 1, 2012

Appoint Marc Hallee

(H) Temple Public Safety Advisory Board - one member to fill an unexpired term through September 1, 2012

Appoint Karl Kolbe

(I) Transit Advisory Committee - two members to fill unexpired terms through September 1, 2013

Reappoint Eshter Roque and Mary Ann Rojas

(J) Tree Board - two members to fill expiring terms through March 1, 2015

Appoint Joe Stewart (KTB)

(K) Zoning Board of Adjustment - three members to fill expiring terms through March 1, 2014; two alternate members to fill expiring terms through March 1, 2014

Reappoint Scott Morrow, and Brandon Tarnow and appoint Keith Odom as regular members.
Reappoint Omar Crisp and appoint Mike Pilkington as an alternate members.

Motion by Councilmember Danny Dunn adopt resolution approving the appointments as recommended. seconded by Councilmember Perry Cloud.

Mayor Pro Tem Schneider asked Mr. Graham about the previous item discussed, item 10 as it related to the sign exception and if that needed to be part of the motion.

Mr. Graham, stated he would like to visit with Staff. Mr. Graham asked Mayor Pro Tem Schneider if it would be his desire to have that item brought forward at another date.

Mr. Blackburn added that his interpretation was that the applications were received and processed by staff prior to the sign ordinance being adopted.

Mr. Graham noted that staff would review.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

03/15/12
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving a farm lease with Albert Brenek for approximately 40 acres located to the west of Hilliard Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Albert Brenek is requesting a 12-month pasture lease of approximately 40 acres, located to the west of Hilliard Road, for \$480 per year.

Albert Brenek would like to continue leasing the property for cattle grazing. Mr. Brenek will not be cultivating crops for harvesting or grazing. He will be responsible for any fence repair needed to contain his cattle. He proposes to pay \$480 per year, which equates to \$12 per acre. The property does not have coastal or other improved grasses, or barns, or pens.

Neither the City nor TEDC foresees using the property in the near future. If a need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. The grazing lease will eliminate mowing expense. In the fall of 2012, the City anticipates going out for bid on all land currently under agricultural lease.

Staff recommends approval of a 12-month lease, from January 1, 2012 to December 31, 2012, and rent of \$480 per year.

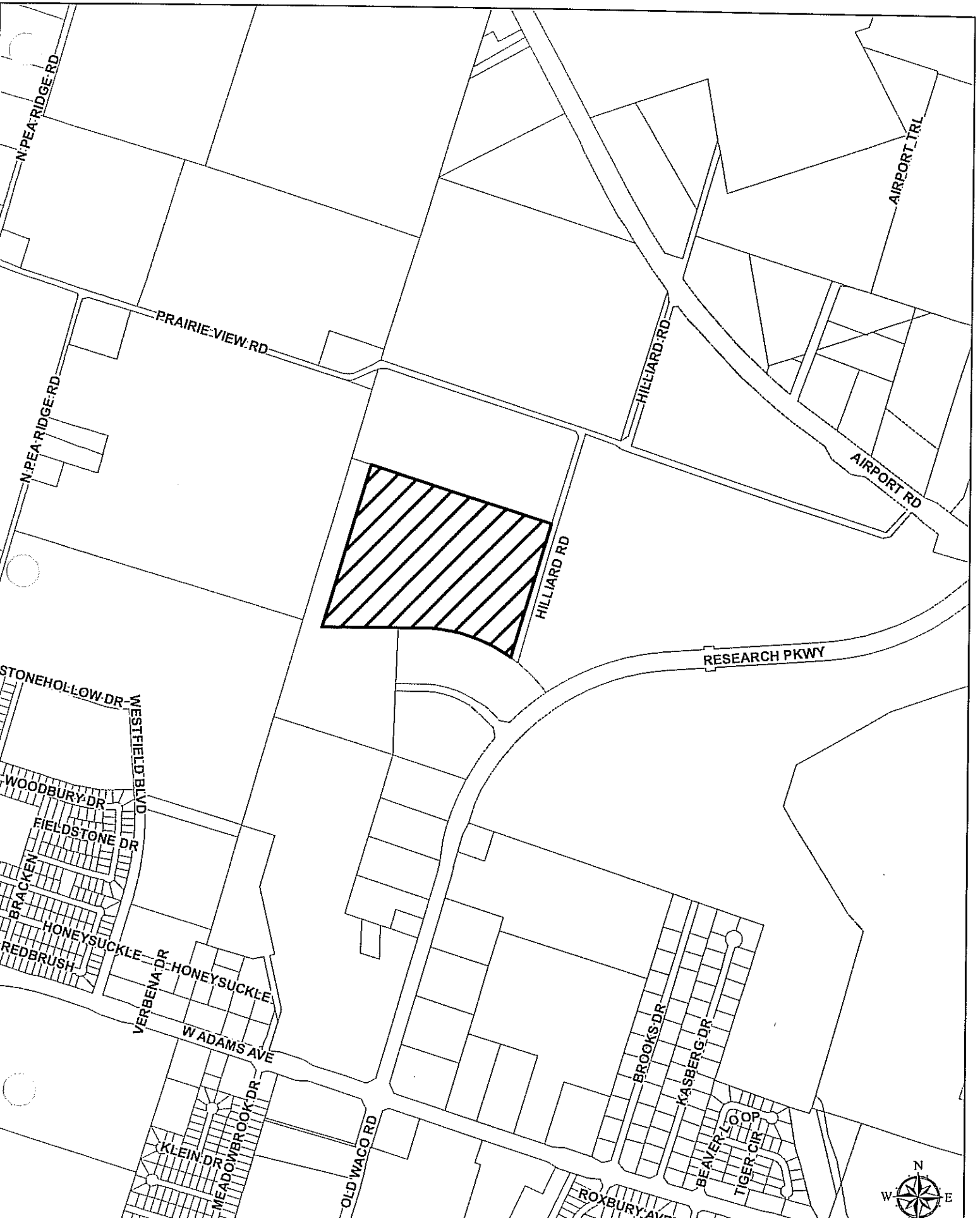
FISCAL IMPACT: Compensation to City for 12-month lease will be \$480.

ATTACHMENTS:

[Location map](#)

[Lease Agreement](#)

[Resolution](#)



LEASE

STATE OF TEXAS '
 '
COUNTY OF BELL '

KNOW ALL MEN BY THESE PRESENTS:

Date: **March 15, 2012**

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Albert Brenek**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for the purpose of grazing of cattle; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, the surface only of approximately **40 acres of City-owned land located to the west of Hillard Rd.**, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st day of January, 2012**, to and including the **31st day of December 31, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of **\$480** per year, to be paid in full at the beginning of the lease term.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon receipt of notice of termination, vacate said premises within thirty (30) days from the date of receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is

terminated by LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

In the event the property should be sold by LESSOR or the lease is terminated before the end of the three (3) year term of this agreement, LESSOR agrees to allow any existing crop to be harvested within a six (6) month period or compensate LESSEE for the value of whatever crop was not able to be harvested based on information from the County Extension Office, or another commonly accepted source, regarding the crop values or for soil preparation expenses.

In the event LESSOR requires a portion of said land, LESSOR and LESSEE agree to an amendment to the acres included in the farm lease with appropriate compensation, based on a commonly accepted source, to the LESSEE for crops already in place or for soil preparation expenses.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fails to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises as a farm and for no other purpose whatsoever.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same "as is" in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless and pay related court costs and attorney's fees against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to, property damage, personal injuries or death to LESSEE and third parties, while in or upon the

premises. LESSEE will maintain insurance on LESSEE's personal property. LESSEE will pay taxes on LESSEE's personal property and crops as required by law.

IX. USES PERMITTED

LESSEE may use the premises for grazing cattle, upon the premises at LESSEE's own expense.

X. FENCING

LESSEE is required to erect permanent fencing, such as barbed wire fencing, to enclose said 40 acres. Fencing shall be complete prior to any livestock grazing the land.

XI. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises.

XII. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XIII. DESCRIPTIVE CAPTIONS

The captions to the numbered paragraphs of this lease are for information purposes only and are not intended to define or limit the scope of any provision or this lease.

XIV. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Sarah Gardner-Cox, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, Municipal Building, Temple, Texas, 76501.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals.

LESSOR:

LESSEE:

THE CITY OF TEMPLE, TEXAS

DAVID A. BLACKBURN, City Manager

ALBERT BRENEK

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____,
2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____,
2012, by **Albert Brenek**.

Notary Public, State of Texas

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE FOR APPROXIMATELY 40 ACRES OF CITY-OWNED LAND LOCATED TO THE WEST OF HILLIARD ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a farm lease with Albert Brenek to continue leasing approximately 40 acres of City-owned land located to the west of Hilliard Road for cattle grazing purposes;

Whereas, Mr. Brenek will be responsible for any fence repair needed to contain his cattle;

Whereas, the annual lease amount will be \$480, and the lease term will be from January 1, 2012, through December 31, 2012, and will provide that the City can terminate the lease with a thirty (30) day notice; 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 farm lease for an annual amount of \$480, between the City of Temple and Albert Brenek, after approval as to form by the City Attorney, for lease of approximately 40 acres of City-owned land located to the west of Hilliard Road.

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 **15th** day of **March**, 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

3/15/12
Item #5(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting resolutions approving farm leases with Edward Brenek, Jr. for:

- (1) 8.164 acres east of Wilson Park, and
- (2) 39 acres on Little Flock Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: (1) Edward Brenek is requesting a one-year lease of approximately 8.164 acres of City land located east of Wilson Park. Mr. Brenek has leased the City's tract since 2001 and farmed it with a larger adjoining tract owned by American GI Forum. He uses the land to harvest hay. Mr. Brenek paid \$20 per acre for the 2010 and 2011 lease (\$20 x 8.164 acres = \$163.28). That price will stay the same for 2012. Parks and Leisure Services does not foresee using the property in the near future.

(2) Mr. Brenek also requests a one-year lease of approximately 39 acres located on Little Flock Road. The City purchased the land in 1999. Mr. Brenek has leased it since 2001 and farmed it with adjoining land leased from other owners. In the past year, the other owners have sold the property reducing the number of acres Mr. Brenek is able to farm. He now wishes to graze cattle on the land. Mr. Brenek paid \$25 per acre for the entire lease in 2009, 2010 and 2011 (\$25 x 39 acres = \$975.)

We have negotiated a lease reduction of \$486, resulting in a 2012 lease payment of \$489. Mr. Brenek was unable to use the leased land for 4-5 months during his last lease due to the neighboring property owner adversely possessing the land and disputing the property line. Additionally, because of these disputes Mr. Brenek had unexpected fencing costs of \$760. The Solid Waste Department does not foresee using the property in the near future.

If a need arises for the City to use any of the leased properties, the lease may be terminated for any reason by giving the tenant 30 days' notice. The leases will eliminate mowing expense. In the fall of 2012, the City will be going out for bids on who will have the option to graze these two properties.

Staff recommends approval of both leases, from January 1, 2012 to December 31, 2012, with rent of \$163.28 for the Wilson Park tract and \$975 for the Little Flock Road tract.

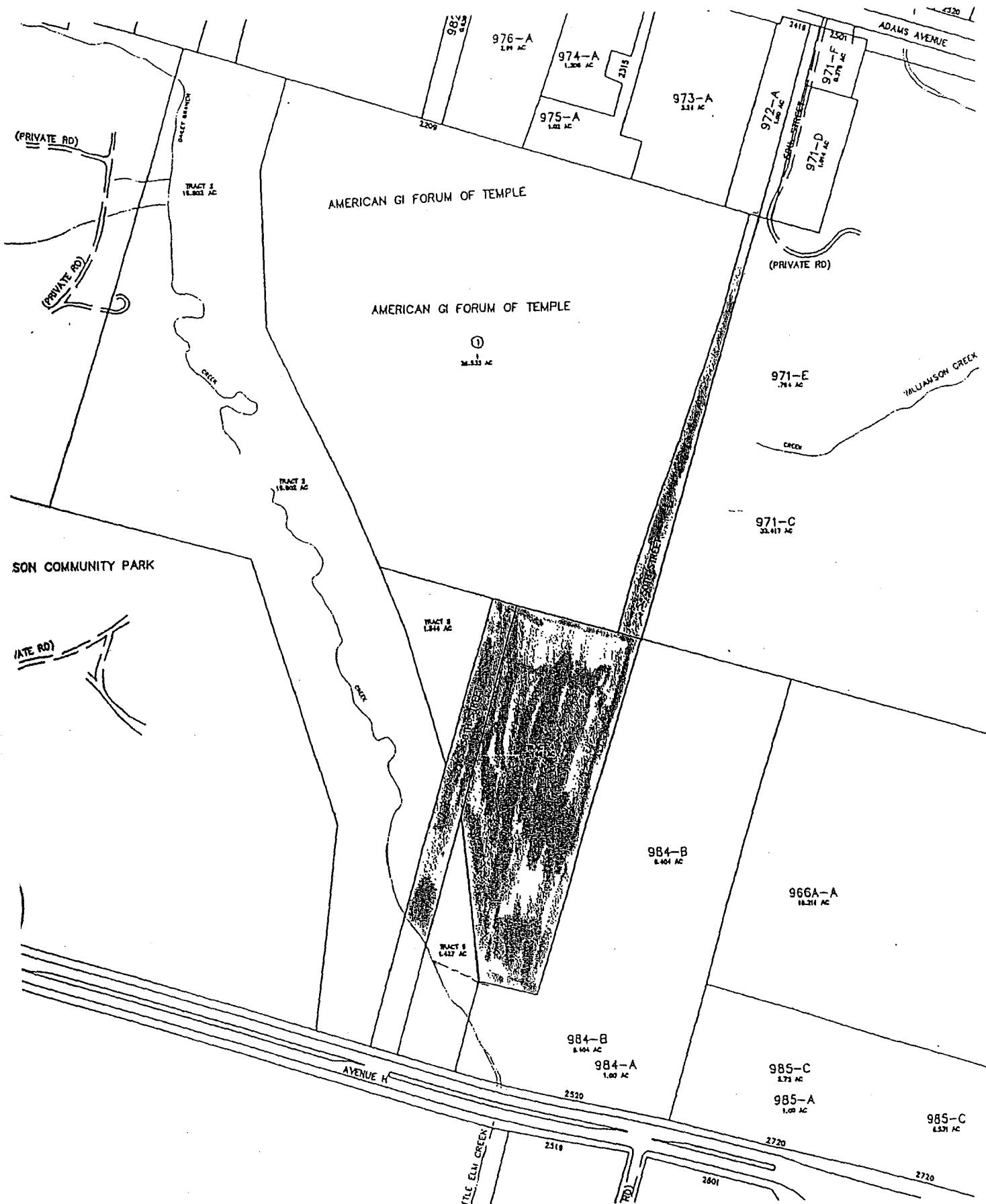
FISCAL IMPACT: Compensation to City for the Wilson Park tract will be \$163.28; and compensation to City for Little Flock Road tract will be \$489.

ATTACHMENTS:

Location map
Lease Agreement
Resolution

tabbles

"A"



EXHIBIT

tabbles

A



LEASE

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

Date: March 15, 2012

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Ed Brenek**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for farming and grazing purposes; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, approximately **8.164 acres** of City-owned land located east of Wilson Park, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st** day of **January, 2012**, to and including the **31st** day of **December, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of \$20 per acre per year, for a total annual rental of **\$163.28**, to be paid in full at the beginning of the lease year.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon receipt of notice of termination, vacate said premises within thirty (30) days from the date of

receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is terminated by LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fail to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises for farming and grazing purposes and for no other purpose whatsoever. LESSEE will obey all laws, ordinances, rules and regulations applicable to the use, condition, and occupancy of the premises.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to, property damage, personal injuries or death to LESSEE and third parties, while in or upon the premises.

IX. USES PERMITTED

LESSEE may use the premises for farming and grazing purposes at LESSEE's own expense.

X. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises. Any physical additions or improvements to the premises made by LESSEE will become property of Landlord.

XI. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XII. LIMITATION OF WARRANTIES

There are no implied warranties of merchantability, of fitness for a particular purpose, or of any other kind arising out of this lease, and there are no warranties that extend beyond those expressly stated in this lease.

XIII. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Sarah Gardner-Cox, Deputy City Attorney, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, 2 North Main Street, Temple, Texas 76501.

LESSOR:
THE CITY OF TEMPLE, TEXAS

LESSEE:

DAVID A. BLACKBURN, City Manager

Ed Brenek
2531 Bob White
Temple, TX 76501

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **Ed Brenek**.

Notary Public, State of Texas

LEASE

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

Date: March 15, 2012

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Ed Brenek**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for farming and grazing purposes; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, approximately **39 acres** of City-owned land located on Little Flock Road, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st** day of **January, 2012**, to and including the **31st** day of **December, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of \$25 per acre per year, for a total annual rental of **\$489.00**, to be paid in full at the beginning of the lease year.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon

receipt of notice of termination, vacate said premises within thirty (30) days from the date of receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is terminated by LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fail to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises for farming and grazing purposes and for no other purpose whatsoever. LESSEE will obey all laws, ordinances, rules and regulations applicable to the use, condition, and occupancy of the premises.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to, property damage, personal injuries or death to LESSEE and third parties, while in or upon the premises.

IX. USES PERMITTED

LESSEE may use the premises for farming and grazing purposes at LESSEE's own expense.

X. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises. Any physical additions or improvements to the premises made by LESSEE will become property of Landlord.

XI. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XII. LIMITATION OF WARRANTIES

There are no implied warranties of merchantability, of fitness for a particular purpose, or of any other kind arising out of this lease, and there are no warranties that extend beyond those expressly stated in this lease.

XIII. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Sarah Gardner-Cox, Deputy City Attorney, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, 2 North Main Street, Temple, Texas 76501.

LESSOR:
THE CITY OF TEMPLE, TEXAS

LESSEE:

DAVID A. BLACKBURN, City Manager

Ed Brenek
2531 Bob White
Temple, TX 76501

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **Ed Brenek**.

Notary Public, State of Texas

RESOLUTION NO. 2012-6570-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A FARM LEASE OF CITY-OWNED LAND;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Edward Brenek, Jr. to continue leasing approximately 8.164 acres of City-owned land located east of Wilson Park for farming purposes;

Whereas, the annual lease amount will be \$163.28, and the lease term will be from January 1, 2012, through December 31, 2012, and will provide that the City can terminate the lease with a 30 day notice;

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 farm lease for an annual amount of \$163.28, between the City of Temple and Edward Brenek, Jr., after approval as to form by the City Attorney, for lease of approximately 8.164 acres of City-owned land located east of Wilson Park for farming 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 **15th** day of **March**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. 2012-6571-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AUTHORIZING A FARM LEASE CITY-OWNED LAND; AND
PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a farm lease with Edward Brenek, Jr. to continue leasing approximately 39 acres of City-owned land on Little Flock Road for farming purposes;

Whereas, the annual lease amount has been reduced from \$975 to \$489 due to Mr. Brenek's inability to use the land for a period of time during 2011. The term for this lease, and the reduction in rent will be from January 1, 2012 through December 31, 2012. The lease will provide that the City can terminate the lease with a (30) day notice;

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 farm lease for a reduced annual amount of \$489, between the City of Temple and Edward Brenek, Jr., after approval as to form by the City Attorney, for lease of approximately 39 acres of City-owned land on Little Flock Road for farming 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 **15th** day of **March**, 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

03/15/12
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving the following farm leases for farming and grazing with Carl Grisham:

- (1) 164 acres located on Old Howard Road, and
- (2) 191 acres located at McLane Blvd and Old Howard Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Carl Grisham is requesting the renewal of two farming and grazing leases. One being a 12 month farming and grazing lease of 164 acres located on Old Howard Road for \$1,968 per year, or \$13.67 per acre. And the other a 12 month farming and grazing lease of 191 acres located at McLane Blvd and Old Howard Road for \$1,910 per year, or \$10 per acre.

Neither the City nor TEDC foresees using the property in the near future. If a need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. In the fall of 2012, the City plans on going out for bids to determine who shall have the option of grazing this land.

Staff recommends approval of both 12-month leases, from January 1, 2012 to December 31, 2012, and rents of \$1,968 and \$1,910 per year respectively.

FISCAL IMPACT: Compensation to City for the 12-month leases will be \$1,968 per year for the 164 acres on Old Howard Road and \$1,910 per year for the 191 acres at McLane Blvd and Old Howard Road.

ATTACHMENTS:

[Location map](#)
[Lease Agreement](#)
[Resolution](#)

DRAUGHON-MILLER
CENTRAL TEXAS
REGIONAL AIRPORT

AIRPORT TR

AIRPORT TR

N
nts

PEPPER CREEK RD

PROPOSED FARM LEASE 164 ACRES

Harrison to City of Temple 180+ acres

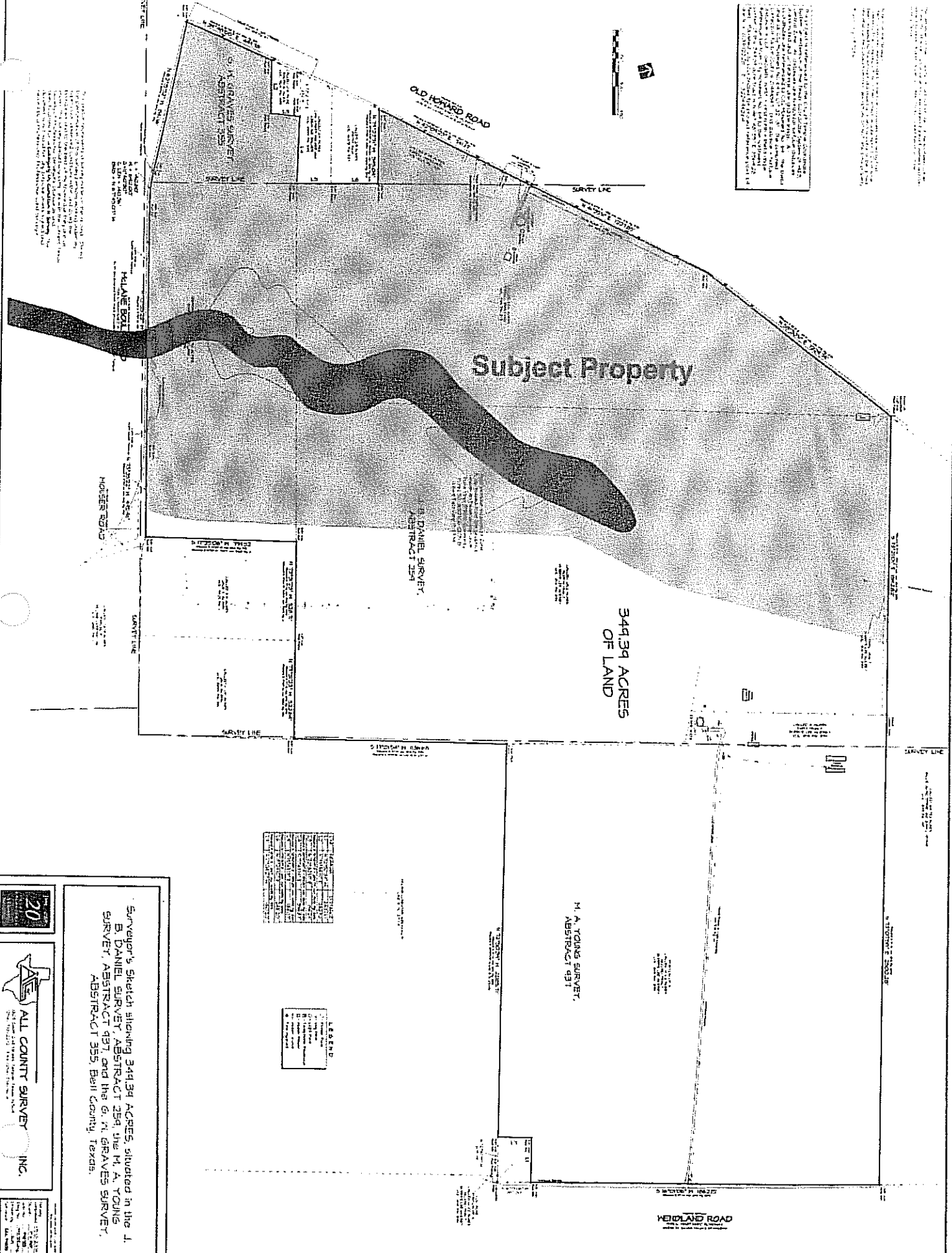
500'
1,300'
Future Projects Area

Future Projects Area

OLD HOWARD RD

INDUSTRIAL BLVD





20

ALL COUNTY SURVEY, INC.

Surveyor's sketch showing 344.39 ACRES, situated in the J. B. DANIEL SURVEY, ABSTRACT 259, the M. A. YOUNG SURVEY, ABSTRACT 431, and the G. H. GRAVES SURVEY, ABSTRACT 355, Bell County, Texas.

LEASE

STATE OF TEXAS '
 '
COUNTY OF BELL '

KNOW ALL MEN BY THESE PRESENTS:

Date: **March 15, 2012**

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Carl and Charles Grisham**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for the purpose of raising crops; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, the surface only of approximately **164 acres of City-owned land located on Old Howard Road**, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st day of January, 2012**, to and including the **31st day of December, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of **\$1,968** per year, to be paid in full at the beginning of the lease term.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon receipt of notice of termination, vacate said premises within thirty (30) days from the date of receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is terminated by

LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

In the event the property should be sold by LESSOR or the lease is terminated before the end of the three (3) year term of this agreement, LESSOR agrees to allow any existing crop to be harvested within a six (6) month period or compensate LESSEE for the value of whatever crop was not able to be harvested based on information from the County Extension Office, or another commonly accepted source, regarding the crop values or for soil preparation expenses.

In the event LESSOR requires a portion of said land, LESSOR and LESSEE agree to an amendment to the acres included in the farm lease with appropriate compensation, based on a commonly accepted source, to the LESSEE for crops already in place or for soil preparation expenses.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fails to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises as a farm and for no other purpose whatsoever.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same "as is" in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless and pay related court costs and attorney=s fees against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to, property damage, personal injuries or death to LESSEE and third parties, while in or upon the premises. LESSEE will maintain insurance on LESSEE=s personal property. LESSEE will pay taxes on LESSEE=s personal property and crops as required by law.

IX. USES PERMITTED

LESSEE may use the premises for raising crops, upon the premises at LESSEE's own expense.

X. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises.

XI. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XII. DESCRIPTIVE CAPTIONS

The captions to the numbered paragraphs of this lease are for information purposes only and are not intended to define or limit the scope of any provision or this lease.

XIII. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Donna McClain, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, Municipal Building, Temple, Texas, 76501.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals.

LESSOR:

LESSEE:

THE CITY OF TEMPLE, TEXAS

DAVID A. BLACKBURN, City Manager

CARL GRISHAM

CHARLES GRISHAM

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2012, by **Carl Grisham**.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2007, by **Charles Grisham**.

Notary Public, State of Texas

LEASE

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

Date: **March 15, 2012**

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Carl and Charles Grisham**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for the purpose of farming and grazing; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, the surface only of approximately **191 acres of City-owned land located at the intersection of McLane Boulevard and Old Howard Road**, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st day of January, 2012**, to and including the **31st day of December, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of **\$1,910** per year, to be paid in full at the beginning of the lease term.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon receipt of notice of termination, vacate said premises within thirty (30) days from the date of receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this

agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is terminated by LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

In the event the property should be sold by LESSOR or the lease is terminated before the end of the three (3) year term of this agreement, LESSOR agrees to allow any existing crop to be harvested within a six (6) month period or compensate LESSEE for the value of whatever crop was not able to be harvested based on information from the County Extension Office, or another commonly accepted source, regarding the crop values or for soil preparation expenses.

In the event LESSOR requires a portion of said land, LESSOR and LESSEE agree to an amendment to the acres included in the farm lease with appropriate compensation, based on a commonly accepted source, to the LESSEE for crops already in place or for soil preparation expenses.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fails to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises as a farm and for no other purpose whatsoever.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same "as is" in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless and pay related court costs and attorney's fees against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to,

property damage, personal injuries or death to LESSEE and third parties, while in or upon the premises. LESSEE will maintain insurance on LESSEE=s personal property. LESSEE will pay taxes on LESSEE=s personal property and crops as required by law.

IX. USES PERMITTED

LESSEE may use the premises for farming and grazing, upon the premises at LESSEE's own expense.

X. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises.

XI. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XII. DESCRIPTIVE CAPTIONS

The captions to the numbered paragraphs of this lease are for information purposes only and are not intended to define or limit the scope of any provision or this lease.

XIII. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Sarah Gardner-Cox, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, Municipal Building, Temple, Texas, 76501.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals.

LESSOR:

LESSEE:

THE CITY OF TEMPLE, TEXAS

DAVID A. BLACKBURN, City Manager

CARL GRISHAM

CHARLES GRISHAM

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2012, by **Carl Grisham**.

Notary Public, State of Texas

STATE OF TEXAS '

COUNTY OF BELL '

This instrument was acknowledged before me on the _____ day of _____, 2011, by **Charles Grisham**.

Notary Public, State of Texas

RESOLUTION NO. 2012-6572-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE OF CITY-OWNED LAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Carl Grisham to continue leasing approximately 164 acres of City-owned land located on Old Howard Road;

Whereas, the annual lease amount will be \$1,968, and the lease term will be from January 1, 2012, through December 31, 2012, and the lease will provide that the City can terminate the lease with a 30 day notice; 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 farm lease for an annual amount of \$1,968, between the City of Temple and Carl Grisham, after approval as to form by the City Attorney, for lease of 164 acres of City-owned land located on Old Howard Road for farming and grazing 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 **15th** day of **March**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

RESOLUTION NO. 2012-6573-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FARM LEASE OF CITY-OWNED LAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a lease with Carl Grisham to continue leasing approximately 191 acres of City-owned land located at McLane Boulevard and Old Howard Road;

Whereas, the annual lease amount will be \$1,910, and the lease term will be from January 1, 2012, through December 31, 2012 - the lease will provide that the City can terminate the lease with a 30 day notice; 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 farm lease for an annual amount of \$1,910, between the City of Temple and Carl Grisham, after approval as to form by the City Attorney, for lease of 191 acres of City-owned land located at McLane Boulevard and Old Howard Road for farming and grazing 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 15th day of **March**, 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

03/15/12
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution approving a farm lease with Monique Ricones for approximately 3.7 acres at the southeast corner of the Service Center property on East Avenue H.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For the past 7 years, Monique Rincones has leased the southeast corner of the Service Center property on East Avenue H, east of the drainage channel. She is requesting a new lease for the 2012 calendar year. Ms. Rincones lives on the property to the west and uses the leased area to graze a few horses. She fenced the area at her own expense in 2003.

The City does not have immediate plans for using the lease area. If a need arises, the lease may be terminated for any reason by giving the tenant 30 days' notice. The grazing lease will eliminate mowing expense. In the fall of 2012, the City plans on going out for bids to determine who shall have the option of grazing this land.

Staff recommends approval of a 12-month lease, from January 1, 2012 to December 31, 2012, and rent of \$37 per year.

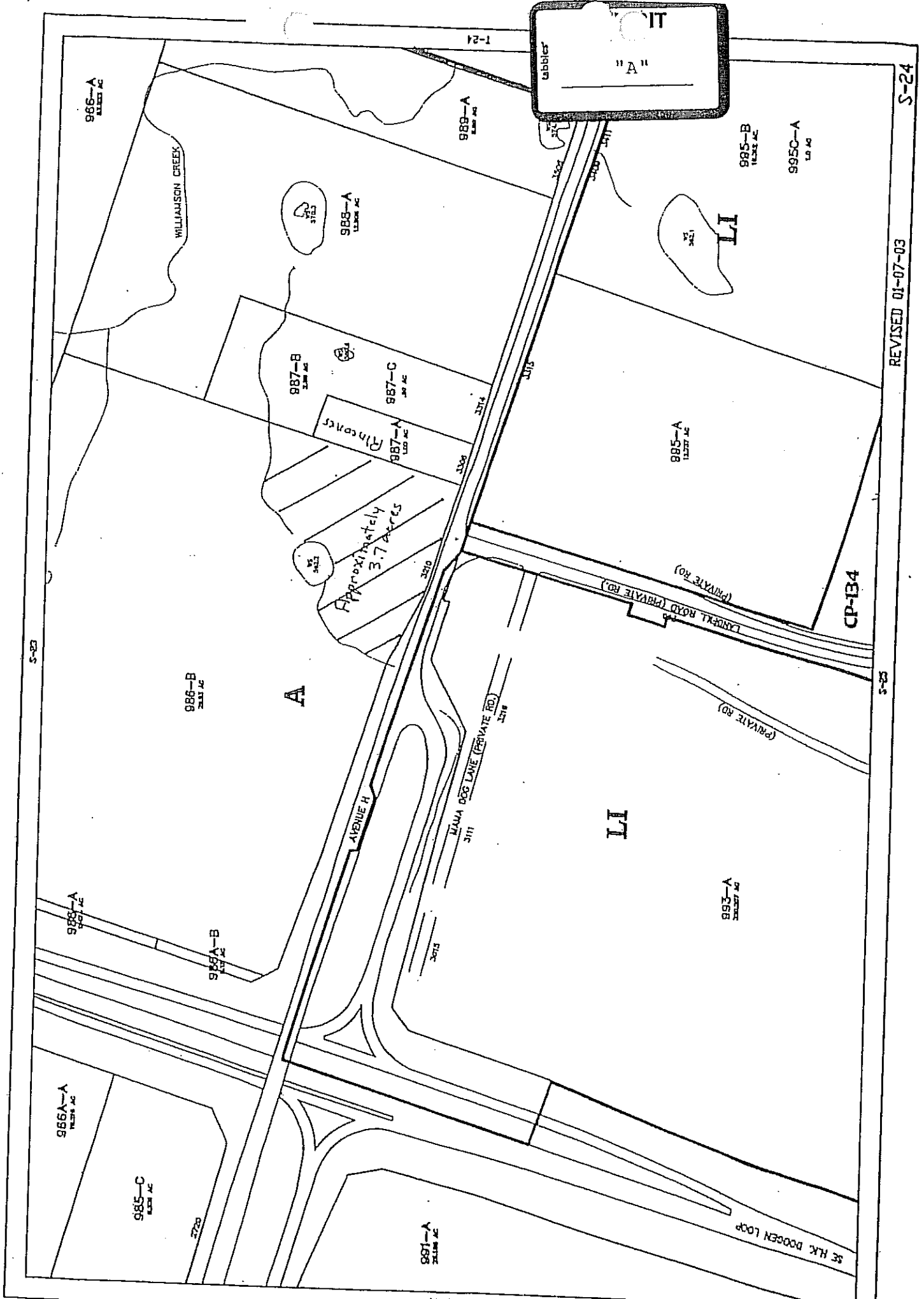
FISCAL IMPACT: Compensation to City for 12-month lease will be \$37.

ATTACHMENTS:

[Location map](#)

[Lease Agreement](#)

[Resolution](#)



LEASE

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

Date: March 15, 2012

THIS AGREEMENT is between the City of Temple, Texas, a Texas municipal corporation, known herein as LESSOR, and **Monique Rincones**, known herein as LESSEE.

WHEREAS, LESSEE desires to use the property covered by this lease agreement for grazing purposes; and

WHEREAS, the use desired by the LESSEE is not inconsistent with the present needs of the City of Temple,

WITNESSETH:

That LESSOR, in consideration of the rents and covenants hereinafter set forth, does hereby demise, lease and let unto the LESSEE, approximately **3.7 acres** of City-owned land located at the southeast corner of the Service Center property on East Avenue H, situated in Bell County, Texas, and more fully shown on Exhibit A, attached hereto and made a part hereof for all purposes.

To have and to hold the above entitled premises to the said LESSEE for and during the term hereof from the **1st** day of **January, 2012**, to and including the **31st** day of **December, 2012**, subject to the terms, provisions, covenants and exceptions hereinafter provided.

I. RENTS

LESSEE agrees to hire and take from LESSOR the said premises, and to pay the LESSOR as rent therefore during the term of this lease, the sum of \$10 per acre per year, for a total annual rental of **\$37.00**, to be paid in full at the beginning of the lease year.

II. SURRENDER OF PREMISES

Said LESSEE agrees and covenants that, at the termination of this lease, he will quietly and promptly yield and surrender said premises to said LESSOR in as good condition of repair as when taken by them, reasonable wear and tear and damage by the elements alone excepted.

III. PREMATURE TERMINATION OF LEASE

LESSEE hereby agrees that LESSOR may terminate this lease at any time, providing LESSEE with thirty (30) days notice of the termination hereof, and that LESSEE shall, upon receipt of notice of termination, vacate said premises within thirty (30) days from the date of receipt of said notice. LESSEE and LESSOR further agree and covenant that, in the event this agreement is prematurely terminated by LESSOR, the rent shall be prorated to the date of said termination and the balance, if any, returned to LESSEE. In the event this lease is terminated by LESSOR, pursuant to the terms of this paragraph, it shall be, except as in this paragraph provided, as if the original term of this agreement has expired.

IV. BREACH OF CONDITIONS

It is agreed to, and covenanted by and between the parties hereto, that if LESSEE fails promptly to make the above stated payments of rent, or fail to keep any of the covenants, agreements, terms and conditions of this lease, LESSOR shall have the right to re-enter and take possession of said rented premises, and hold, enjoy and re-rent the same without such re-entry working on a forfeiture of the rents to be paid hereunder for the full term of this lease.

V. POSSESSION

LESSOR agrees and covenants that LESSEE, on paying the rent in the manner and form herein provided, and performing the covenants, agreements, conditions and terms aforesaid, shall quietly and peacefully have, hold and enjoy said leased premises for the term aforesaid, subject to termination as herein provided.

VI. ASSIGNMENT OF CONTRACT

This contract shall not be assignable nor any part of the premises sublet by LESSEE without the written consent of LESSOR.

VII. UNLAWFUL USE OF PREMISES

LESSEE shall keep and use the said premises for grazing purposes and for no other purpose whatsoever. LESSEE will obey all laws, ordinances, rules and regulations applicable to the use, condition, and occupancy of the premises.

VIII. HOLD HARMLESS

LESSEE has inspected the premises, and accepts the same in its present condition and agrees and covenants that LESSOR shall have no liability to LESSEE by reason of or growing out of, the condition of the premises and defects therein (if any) or by the use of LESSOR or adjacent property. LESSEE agrees to hold LESSOR harmless against any claims or causes of action by reason of any injury or damage to LESSEE's property, invitees, guests, etc., including, but not limited to, property damage, personal injuries or death to LESSEE and third parties, while in or upon the premises.

IX. USES PERMITTED

LESSEE may use the premises for grazing purposes at LESSEE's own expense.

X. TERMINATION

Upon termination, or otherwise, LESSOR shall have no liability or responsibility to LESSEE for improvements of any kind or nature upon the premises. Any physical additions or improvements to the premises made by LESSEE will become property of Landlord.

XI. GOVERNING LAW

This lease shall be interpreted in accordance with the laws of the State of Texas. The parties agree that this agreement is accepted and entered into in Bell County, Texas, and any court of competent jurisdiction sitting in Bell County, Texas, shall have jurisdiction over any dispute involving this lease.

XII. LIMITATION OF WARRANTIES

There are no implied warranties of merchantability, of fitness for a particular purpose, or of any other kind arising out of this lease, and there are no warranties that extend beyond those expressly stated in this lease.

XIII. ADMINISTRATOR

This lease shall be administered on the LESSOR's behalf by Sarah Gardner-Cox, Deputy City Attorney, and all notices, question, or documentation, arising under this lease shall be addressed to the administrator at the Legal Department, 2 North Main Street, Suite 308, Temple, Texas 76501.

LESSOR:
THE CITY OF TEMPLE, TEXAS

LESSEE:

DAVID A. BLACKBURN, City Manager

MONIQUE RINCONES
3306 Little Flock Road
Temple, TX 76501

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

City Attorney's Office

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **David A. Blackburn**, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF BELL §

 This instrument was acknowledged before me on the _____ day of _____,
2012, by **Monique Rincones**.

Notary Public, State of Texas

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A FARM LEASE FOR CITY-OWNED LAND LOCATED AT
THE SOUTHEAST CORNER OF THE SERVICE CENTER PROPERTY ON EAST
AVENUE H; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has had a request to renew a farm lease with Monique Rincones, to continue leasing approximately 3.7 acres of City-owned land located at the southeast corner of the Service Center property on East Avenue H for grazing purposes;

Whereas, the annual lease amount for the approximately 3.7 acres will be \$37 – the lease term will be from January 1, 2012, through December 31, 2012, and the lease will provide that the City can terminate the lease with a 30 day notice; 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 farm lease between the City of Temple and Monique Rincones, after approval as to form by the City Attorney, for approximately 3.7 acres of City-owned land, in the annual amount of \$37, located at the southeast corner of the Service Center property on East Avenue H, for grazing 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 **15th** day of **March**, 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

03/15/12
Item #5(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Interlocal Agreement with the North Central Texas Council of Governments allowing cooperative purchasing for Actuarial Shared Services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The North Central Texas Council of Governments has a shared service arrangement with Gabriel, Roeder, Smith & Co. to provide actuarial valuation services related to Other Post Employment Benefits.

Actuarial Shared Services is a coalition of Texas governments that have agreed to develop a standard approach for acquiring the actuarial services necessary to meet the requirements of Governmental Accounting Standards Board statements 43 (Financial Reporting for Post Employment Benefit Plans Other Than Pension Plans) and 45 (Accounting and Financial Reporting by Employers for Post Employment Benefits Other Than Pensions). Through a procurement process, NCTCOG selected Gabriel, Roeder, Smith & Co. to deliver actuarial and consulting expertise on a shared services basis.

The City would like to benefit from this shared service arrangement and have GRS perform an OPEB Valuation for the City of Temple.

FISCAL IMPACT: There is a \$100 administrative fee that will be due to NCTCOG. The fee for the actuarial services will be \$8,965. Funds are available in account 110-1200-515-2616.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, ALLOWING COOPERATIVE PURCHASING FOR ACTUARIAL SHARED SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the North Central Texas Council of Government (NCTCOG) has a shared service arrangement with Gabriel, Roeder, Smith & Co. (GRS) to provide actuarial valuation services related to Other Post Employment Benefits (OPEB);

Whereas, Actuarial Shared Services is a coalition of Texas governments that have agreed to develop a standard approach for acquiring the actuarial services necessary to meet the requirements of Governmental Accounting Standards Board statements 43 and 45 – through a procurement process, NCTCOG selected Gabriel, Roeder, Smith & Co. to deliver actuarial and consulting expertise on a shared services basis;

Whereas, the Staff recommends entering into an interlocal agreement with the North Central Texas Council of Governments to benefit from this shared service arrangement and have GRS perform an OPEB Valuation for the City of Temple; and

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

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

Part 1: The City Manager, or his designee, is authorized to execute an Interlocal Agreement allowing cooperative purchasing for Actuarial Shared Services with the North Central Texas Council of Governments.

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 15th day of **March**, 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

03/15/12
Item #5(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc. for professional services related to right of way acquisition for the Leon River Trunk Sewer in southwest Temple in an amount not to exceed \$171,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Current and anticipated increased growth interests in south and west Temple are placing higher demand on existing sanitary sewer and planned collection infrastructure. A new trunk sewer interceptor (see attached Map) is required to provide capacity for current and projected growth and to relieve existing infrastructure that is currently operating at or above its intended capacity and beyond its original design life.

On March 1, 2012, Council authorized a professional services contract with Kasberg, Patrick, & Associates, LP of Temple in an amount not to exceed \$151,880 to complete preliminary design of the Leon River Trunk Sewer, Lift Station and Force Main. KPA estimates 50 parcels must be acquired to accommodate construction and maintenance of the proposed trunk sewer, lift station and force main. City staff recommends securing the services of a professional consultant to handle right of way acquisition activities.

Professional services to be performed by Lone Star related to right of way acquisition include Project Administration (communications, file management, etc.), Title Services, Closing Services, Appraisal Services, Negotiation Services, and Right of Entry. Lone Star will make initial property owner contacts, provide necessary paperwork, and perform negotiations for all necessary parcels identified for the project. Applicable fees (Lone Star Fee Schedule attached) proposed under this contract are on a per parcel basis, as follows:

Project Administration, Communication, File Management & Negotiation Services	\$3,500	per parcel
Title Services & Closing Services	\$ 500 - \$ 800	per parcel
Initial Appraisal	\$2,800 - \$3,600	per parcel
Appraisal Review	\$ 900 - \$1,500	per parcel
Appraiser Services (if requested)	\$ 175 / hour	
Negotiator Services (additional, if requested)	\$ 150 / hour	
Obtain Right of Entry	\$1,000 - \$1,500	per parcel

In acknowledgement that some parcels may be acquired through donation, the proposal submitted is based upon a cost per task. Should a donation occur, some professional services tasks related to property acquisition may not be necessary, and will therefore not occur nor be billed. Property purchase expenses are not included in this professional services agreement and will be considered separately.

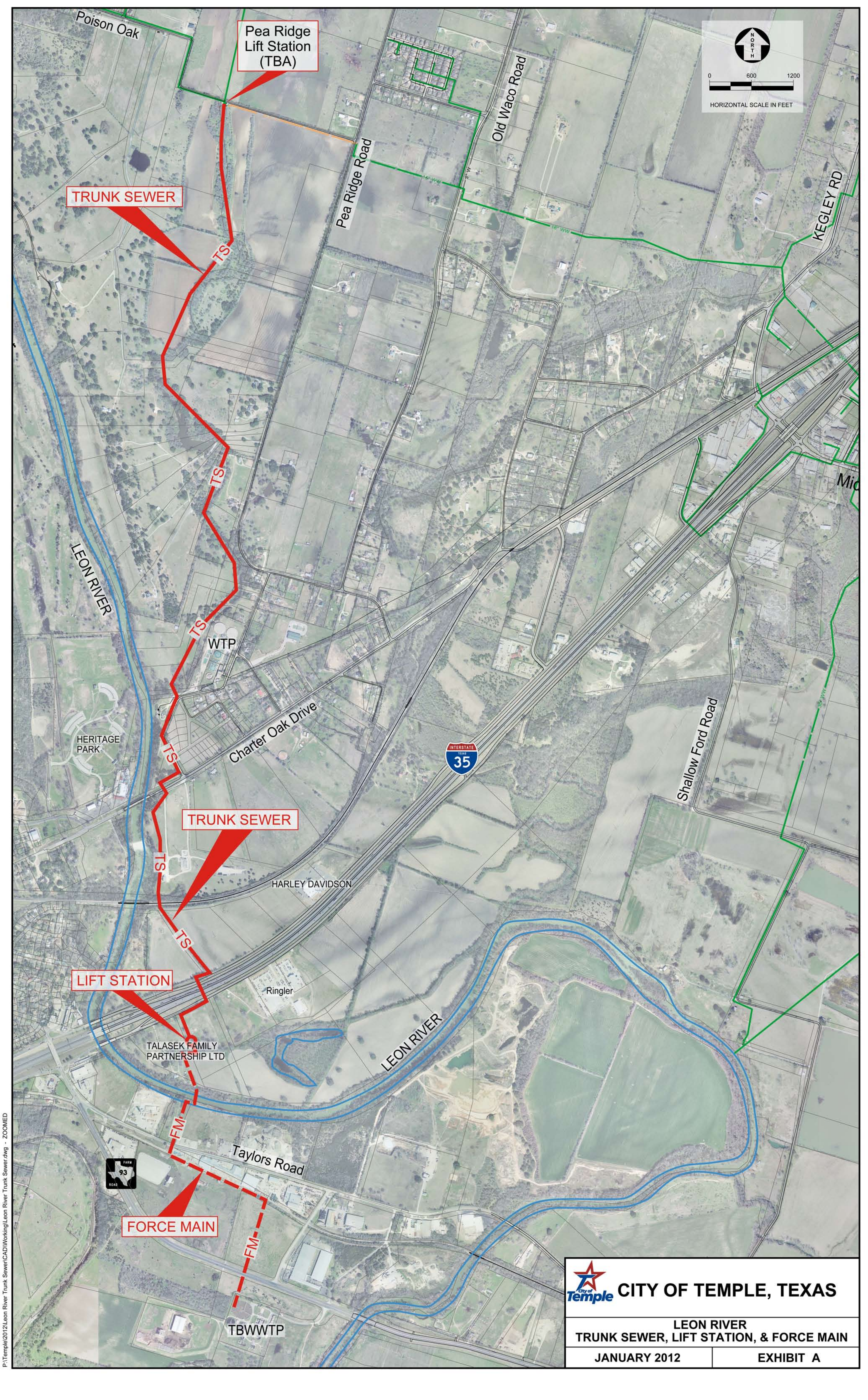
This project is currently in preliminary design. Property acquisitions are scheduled to occur over the preliminary and final design phases, prior to bidding of the project. Should any parcel necessary for the project not be acquired within this timeframe, additional professional services related to eminent domain may be necessary and are not included within the scope of this professional services contract.

FISCAL IMPACT: The Leon River Interceptor project was identified in the FY 2012 CIP process as a project to be completed in FY 2023. Due to the growing interest for new development in the area, staff recommends proceeding with this project. Total project costs are currently estimated at \$5,000,000. We are working to identify funding for this project and will be coming back to Council at a future date to reallocate funds for the project.

A budget adjustment is presented for Council's approval appropriating project savings to account #561-5400-535-6941, project #100851 to fund ROW acquisition services. The cost of this professional services contract will not exceed \$30,000 for 20 rights of entry, and \$141,000 for acquisition fees (beyond right of entry) of 15 parcels.

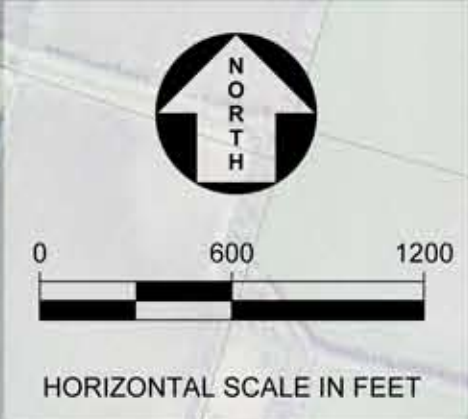
ATTACHMENTS:

[Project Map](#)
[Lone Star Proposal](#)
[Budget Adjustment](#)
[Resolution](#)



TRUNK SEWER

Pea Ridge
Lift Station
(TBA)



HORIZONTAL SCALE IN FEET

LEON RIVER

WTP

HERITAGE
PARK

TRUNK SEWER

Charter Oak Drive

INTERSTATE
TEXAS
35

HARLEY DAVIDSON

LIFT STATION

Ringler

TALASEK FAMILY
PARTNERSHIP LTD


LEON RIVER



FORCE MAIN

Taylors Road

TBWWTP

 CITY OF TEMPLE, TEXAS	
LEON RIVER TRUNK SEWER, LIFT STATION, & FORCE MAIN	
JANUARY 2012	EXHIBIT A

P:\Temple\2012Leon River Trunk Sewer\CAD\Working\Leon River Trunk Sewer.dwg - ZOOMED

EXHIBIT “A”
2012 FEE SCHEDULE
Lone Star Right of Way Services, Inc.
Leon River Project

All fees are on a per parcel basis

I. Project Administration, Communication, File Management & Negotiation Services

A. Easement or Fee acquisition or donation: \$3,500.00 per parcel

II. Title Services & Closing Services (easement or fee)

Option 1: No title insurance required

Perform preliminary title search. Secure vesting Deed and five year sales history in order to determine current ownership and identify any curative issues to be addressed. Clear title to extent required by the City (easement or fee acquisition).
\$800.00 per parcel

Option 2: Title insurance required

Legal description will be delivered to title company in order to secure preliminary title commitment to establish current ownership. Provider will attempt to secure all documents to clear any defects in title. We will also work with the title company to remove any exceptions from “Schedule C” of the title policy that are not considered standard exception in order to provide City clear title to property. All fees charged by the 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. Provider's assistance in clearing title and fulfilling requirements of the title commitment results in expedited closings.

\$500.00 per parcel

IF REQUIRED, Lone Star Right of Way Services, Inc. will enter into a Sub-Contract with the Appraiser and Review Appraiser in order to have appraisals prepared in accordance with TxDOT requirements. Appraisals and Appraisal Reviews will be delivered directly to us for review and distribution. The firms listed below will be utilized, provided they can

complete the appraisals in a timely manner. *Any Appraiser or Review Appraiser utilized will be certified by the State of Texas. If appraisals are not to be obtained, the City of Temple will provide Broker's Opinion of Value prepared by the provider of their choice.

**III. Initial Appraisal (for both easement or fee)
Kokel-Oberrender-Wood Appraisal Ltd. Or
Cervenka and Associates, Inc.**

Vacant Land:	\$2800 \$3200*
With Site Improvements:	\$3200 -\$3600*

**IV. Appraisal Review (easement or fee)
Property Research Network – Galen Morrison**

Vacant Land:	\$900 - \$1100*
With Site Improvements:	\$1100 - \$1500*

V. Appraiser Services (easement or fee)

Post appraisal time: Appraiser or Review Appraiser appearing as an expert witness for testimony and/or preparation for hearing will be billed at a separate hourly rate. This rate also applies to meeting/consulting services outside the scope of services.

\$175/hour

VI. Negotiator Services

Agent and Project Manager hourly rate for services not defined in the Scope of Services provided will be billed at an hourly rate. This hourly rate also applies when an Agent of Lone Star Right of Way Services, Inc. is requested to participate in hearings, public or company meetings held outside the office of Lone Star Right of Way Services, Inc.

\$150/hr

VII. Obtain Right of Entry or Possession and Use Agreement

\$1,000.00 - \$1,500.00 (Bell County)

*Once project right of way maps and surveys are complete, should it be determined that an appraisal including the valuation of building improvements is required, or any parcel remainder has an extensive denial of access, we will provide a revised proposed fee for such parcel(s).

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.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
561-5400-535-69-41	100851	Leon River Interceptor	\$ 171,000			
561-5400-535-69-05	100667	Rehab Of Pea Ridge Lift Station			138,739	
561-5400-535-69-37	100470	57th Street Relocation			32,261	
TOTAL.....			\$ 171,000		\$ 171,000	

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

Appropriate project savings to fund a professional services agreement with Lone Star Right of Way Services, Inc. for professional services related to right of way acquisition for the Leon River Trunk Sewer project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

March 15, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR RIGHT OF WAY SERVICES, INC., OF BELTON, TEXAS, FOR PROFESSIONAL SERVICES RELATED TO RIGHT OF WAY ACQUISITION FOR THE LEON RIVER TRUNK SEWER, IN AN AMOUNT NOT TO EXCEED \$171,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, current and anticipated increased growth interests in south and west Temple are placing higher demand on existing sanitary sewer and planned collection infrastructure – a new trunk sewer interceptor is required to provide capacity for current and projected growth and to relieve existing infrastructure that is currently operating at or above its intended capacity and beyond its original design life;

Whereas, on March 1, 2012, Council authorized a professional services agreement with Kasberg, Patrick, & Associates, LP to complete preliminary design of the Leon River Trunk Sewer, Lift Station and Force Main – KPA estimates 50 parcels must be acquired to accommodate construction and maintenance of the proposed trunk sewer, lift station and force main;

Whereas, the Staff recommends securing the services of Lone Star Right of Way Services, Inc., of Belton, Texas, to handle right of way acquisition activities;

Whereas, the City has used Lone Star Right of Way Services in the past on various Public Works projects and their services have been exceptional – the services for this project will not exceed \$171,000;

Whereas, this project was identified in the FY 2012 CIP process as a project to be completed in FY 2023 – due to the growing interest for new development in the area, staff recommends proceeding with this project;

Whereas, funds are available for this project in Account No. 561-5400-535-6941, Project No. 100851, but an adjustment 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 Manager, or his designee, is authorized to execute a professional services agreement between the City of Temple, Texas, and Lone Star Right of Way Services, Inc., of Belton, Texas, after approval as to form by the City Attorney, for professional services related to right of way acquisition for the Leon River Trunk Sewer in southwest Temple, in an amount not to exceed \$171,000.

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 **15th** day of **March**, 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

03/15/12
Item #5(H)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works
Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Lone Star Right of Way Services, Inc. for professional services related to right of way acquisition for the South Temple Water Transmission Main, Pump Station, and Ground Storage Tank in South Temple in an amount not to exceed \$218,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In order to meet increased water demands in the southern growth area of the City and to provide for redundant water supply, the City of Temple Water Master Plan proposes a transmission main, pump station, and ground storage facility which crosses southern portions of the City. Construction of these facilities will allow for a secondary supply point, additional water storage and additional pumping capacity for the 876' and 785 Pressure Zones. These pressure zones serve the Scott & White, King's Daughters, and Veteran's Administration Hospitals and the growth areas along 31st Street, FM 93, and 5th Street in the south and southeast portions of the City.

Recent system investigation related to development of the update to the Water Master Plan has revealed that the City of Temple water distribution system has minimal redundancies. Currently, water is supplied to the City through two aging pipelines located generally along the I-35 corridor. In an effort to provide an alternate water supply to serve the central part of the system, the South Temple Water System Improvements Project (to include construction of a new transmission pipeline, ground storage tank, and pump station) will provide a separate feed from the south and provide system redundancy to critical elevated/ground storage tanks and pump station.

On March 18, 2008 and June 24, 2008, Council authorized two professional services contracts with Kasberg, Patrick, & Associates, LP of Temple in an amount not to exceed \$276,730, collectively, to complete preliminary design of the South Temple Water Transmission Main, Pump Station, and Ground Storage Tank.

KPA estimates 20 parcels must be acquired to accommodate construction and maintenance of the proposed project. City staff recommends securing the services of a professional consultant to handle right of way activities.

Professional services to be performed by Lone Star related to right of way acquisition include Project Administration (communications, file management, etc.), Title Services, Closing Services, Appraisal Services, Negotiation Services, and Right of Entry. Lone Star will make initial property owner contacts, provide necessary paperwork, and perform negotiations for all necessary parcels identified for the project. Applicable fees (Lone Star Fee Schedule attached) proposed under this contract are on a per parcel basis, as follows:

Project Administration, Communication, File Management & Negotiation Services	\$3,500	per parcel
Title Services & Closing Services	\$ 500 - \$ 800	per parcel
Initial Appraisal	\$2,800 - \$3,600	per parcel
Appraisal Review	\$ 900 - \$1,500	per parcel
Appraiser Services (if requested)	\$ 175 / hour	
Negotiator Services (additional, if requested)	\$ 150 / hour	
Obtain Right of Entry	\$1,000 - \$1,500	per parcel

In acknowledgement that some parcels may be acquired through donation, the proposal submitted is based upon a cost per task. Should a donation occur, some professional services tasks related to property acquisition may not be necessary, and will therefore not occur nor be billed. Property purchase expenses are not included in this professional services agreement and will be considered separately.

This project is currently in preliminary design. Property acquisitions are scheduled to occur over the preliminary and final design phases, prior to bidding of the project. Should any parcel necessary for the project not be acquired within this timeframe, additional professional services related to eminent domain may be necessary and are not included within the scope of this professional services contract.

FISCAL IMPACT: Funding in the amount of \$2,600,000 was appropriated to account #561-5200-535-6909, project #100333 for the South Temple Water System Improvements Project (to include the transmission main, storage tank, and pump station) from the 2006 & 2008 Utility Revenue Bond Issue. After funding engineering services, acquiring Georgetown Railroad and other minor cost

related to the project totaling \$667,547, a balance of \$1,932,453 is available to fund this contract in an amount not to exceed of \$218,000. The cost of this professional services contract will not exceed \$10,900 per parcel plus hourly Appraiser and Negotiator fees for approximately 20 parcels.

ATTACHMENTS:

[Project Map](#)
[Lone Star Proposal](#)
[Resolution](#)

EXHIBIT “A”
2012 FEE SCHEDULE
Lone Star Right of Way Services, Inc.
South Temple Waterline

All fees are on a per parcel basis

I. Project Administration, Communication, File Management & Negotiation Services

A. Easement or Fee acquisition or donation: \$3,500.00 per parcel

II. Title Services & Closing Services (easement or fee)

Option 1: No title insurance required

Perform preliminary title search. Secure vesting Deed and five year sales history in order to determine current ownership and identify any curative issues to be addressed. Clear title to extent required by the City (easement or fee acquisition).
\$800.00 per parcel

Option 2: Title insurance required

Legal description will be delivered to title company in order to secure preliminary title commitment to establish current ownership. Provider will attempt to secure all documents to clear any defects in title. We will also work with the title company to remove any exceptions from “Schedule C” of the title policy that are not considered standard exception in order to provide City clear title to property. All fees charged by the 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. Provider's assistance in clearing title and fulfilling requirements of the title commitment results in expedited closings.

\$500.00 per parcel

IF REQUIRED, Lone Star Right of Way Services, Inc. will enter into a Sub-Contract with the Appraiser and Review Appraiser in order to have appraisals prepared in accordance with TxDOT requirements. Appraisals and Appraisal Reviews will be delivered directly to us for review and distribution. The firms listed below will be utilized, provided they can

complete the appraisals in a timely manner. *Any Appraiser or Review Appraiser utilized will be certified by the State of Texas. If appraisals are not to be obtained, the City of Temple will provide Broker's Opinion of Value prepared by the provider of their choice.

**III. Initial Appraisal (for both easement or fee)
Kokel-Oberrender-Wood Appraisal Ltd. Or
Cervenka and Associates, Inc.**

Vacant Land:	\$2800 \$3200*
With Site Improvements:	\$3200 -\$3600*

**IV. Appraisal Review (easement or fee)
Property Research Network – Galen Morrison**

Vacant Land:	\$900 - \$1100*
With Site Improvements:	\$1100 - \$1500*

V. Appraiser Services (easement or fee)

Post appraisal time: Appraiser or Review Appraiser appearing as an expert witness for testimony and/or preparation for hearing will be billed at a separate hourly rate. This rate also applies to meeting/consulting services outside the scope of services.

\$175/hour

VI. Negotiator Services

Agent and Project Manager hourly rate for services not defined in the Scope of Services provided will be billed at an hourly rate. This hourly rate also applies when an Agent of Lone Star Right of Way Services, Inc. is requested to participate in hearings, public or company meetings held outside the office of Lone Star Right of Way Services, Inc.

\$150/hr

VII. Obtain Right of Entry or Possession and Use Agreement

\$1,000.00 - \$1,500.00 (Bell County)

*Once project right of way maps and surveys are complete, should it be determined that an appraisal including the valuation of building improvements is required, or any parcel remainder has an extensive denial of access, we will provide a revised proposed fee for such parcel(s).

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LONE STAR RIGHT OF WAY SERVICES, INC., OF BELTON, TEXAS, FOR PROFESSIONAL SERVICES RELATED TO RIGHT OF WAY ACQUISITION FOR THE SOUTH TEMPLE WATER TRANSMISSION MAIN, PUMP STATION AND GROUND STORAGE TANK, IN THE AMOUNT NOT TO EXCEED \$218,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 18, 2008 and June 24, 2008, Council authorized two professional services contracts with Kasberg, Patrick & Associates, LP (KPA) of Temple, Texas, to complete preliminary design of the South Temple Water Transmission Main, Pump Station and Ground Storage Tank – KPA estimated 20 parcels must be acquired to accommodate construction and maintenance of the proposed project;

Whereas, in order to meet increased water demands in the southern growth area of the City and to provide for redundant water supply, the City of Temple Water Master Plan proposes a transmission main, pump station, and ground storage facility which crosses southern portions of the City – construction of these facilities will allow for a secondary supply point, additional water storage and additional pumping capacity for the 876' and 785' Pressure Zones;

Whereas, recent system investigation related to development of the update to the Water Master Plan has revealed that the City of Temple water distribution system has minimal redundancies – currently water is supplied to the City through two aging pipelines located generally along the I35 corridor;

Whereas, the Staff recommends securing the services of Lone Star Right of Way Services, Inc., of Belton, Texas, to handle right of way acquisition activities;

Whereas, the City has used Lone Star Right of Way Services in the past on various Public Works projects and their services have been exceptional – the services for this project will not exceed \$218,000;

Whereas, funds are available for this project in Account No. 561-5200-535-6909, Project No. 100333; 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 Manager, or his designee, is authorized to execute a professional services agreement between the City of Temple, Texas, and Lone Star Right of Way Services, Inc., of Belton, Texas, after approval as to form by the City Attorney, for professional services related to right of way acquisition for the South Temple Water Transmission Main, Pump Station and Ground Storage Tank in South Temple, in an amount not to exceed \$218,000.

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 **15th** day of **March**, 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

03/15/12
Item #5(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Randy A. Stonerod, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year renewal to a professional services agreement with City-County Benefits Services for employee benefits consulting services at an annual cost of \$32,089.32.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On March 5, 2009, the Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a five year period to be awarded one year at a time. On March 4, 2010, and March 17, 2011, Council authorized a one year renewals to the agreement. Staff has worked closely with City-County Benefits Services over the past seven years on health insurance, dental insurance, retiree insurance, long term disability insurance, life insurance, Section 125 insurances, and GASB 45 compliance issues. City-County Benefits Services has provided invaluable guidance in these areas. Throughout the year, C-CBS will continue to monitor our claims experience and help staff with administering the contracts, as well as guiding us through recommendations for complying with GASB 45.

Staff recommends Council authorize a one-year renewal to the professional services agreement with City-County Benefits Services.

FISCAL IMPACT: Budgeted amount: \$27,276 in account 110-2700-515-2616
4,600 in account 520-5000-535-2616
620 in account 240-4400-551-2616
310 in account 292-2910-534-2616
\$32,806

Recommended expenditure: \$32,089.32

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO A PROFESSIONAL SERVICES AGREEMENT WITH CITY-COUNTY BENEFITS SERVICES (CCBS) FOR EMPLOYEE BENEFITS CONSULTING SERVICES IN AN ANNUAL AMOUNT NOT TO EXCEED \$32,089.32; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 5, 2009, the City Council authorized a professional services agreement with City-County Benefits Services for professional benefit consulting services over a 5 year period to be awarded one year at a time;

Whereas, on March 4, 2010 and March 17, 2011, Council approved one-year renewals to the agreement;

Whereas, City-County Benefits Services has worked closely with Staff over the past seven years and has provided invaluable guidance for decisions about employee benefits as well as monitoring our claims experience and providing assistance in administering contracts;

Whereas, the Staff recommends authorizing a one-year renewal to the professional services agreement in an annual amount not to exceed \$32,089.32; 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 professional services agreement, after approval as to form by the City Attorney, with City-County Benefits Services, for employee benefit consulting services in an annual amount not to exceed \$32,089.32.

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 **15th** day of **March**, 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

03/15/12
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Wolff Construction of Salado, to construct the NW Loop 363 Utilities Relocation in an amount not to exceed \$1,680,744.34.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is administering design and construction of the Northwest H K Dodgen Loop 363 (Northwest Loop) access lanes via Pass-Through Financing structuring. Right of way acquisitions and environmental permitting necessary to construct the access lanes are underway. Prior to construction of these lanes, City water and sewer utilities must be relocated (refer to attached Map). Construction activities authorized under this contract will consist of relocation of water distribution mains ranging in diameter from 3 inches to 24 inches, sanitary sewer collection mains of diameters 8 inches and 10 inches, and associated manholes, appurtenances, and steel encasement.

On February 28, 2012, twelve bids were received for construction of the work. Per the attached bid tabulation, Wolff Construction submitted the low bid in the amount of \$1,680,744.24. KPA (utility professional services sub-consultant to Lochner) 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). The Engineer's OPC was \$2,100,000. Construction time allotted for this project is 270 days.

FISCAL IMPACT: Funding in the amount of \$1,680,744.34 is available to fund the construction contract to relocate utilities related to the NW Loop 363 project in account # 561-5200-535-6940, project # 100681.

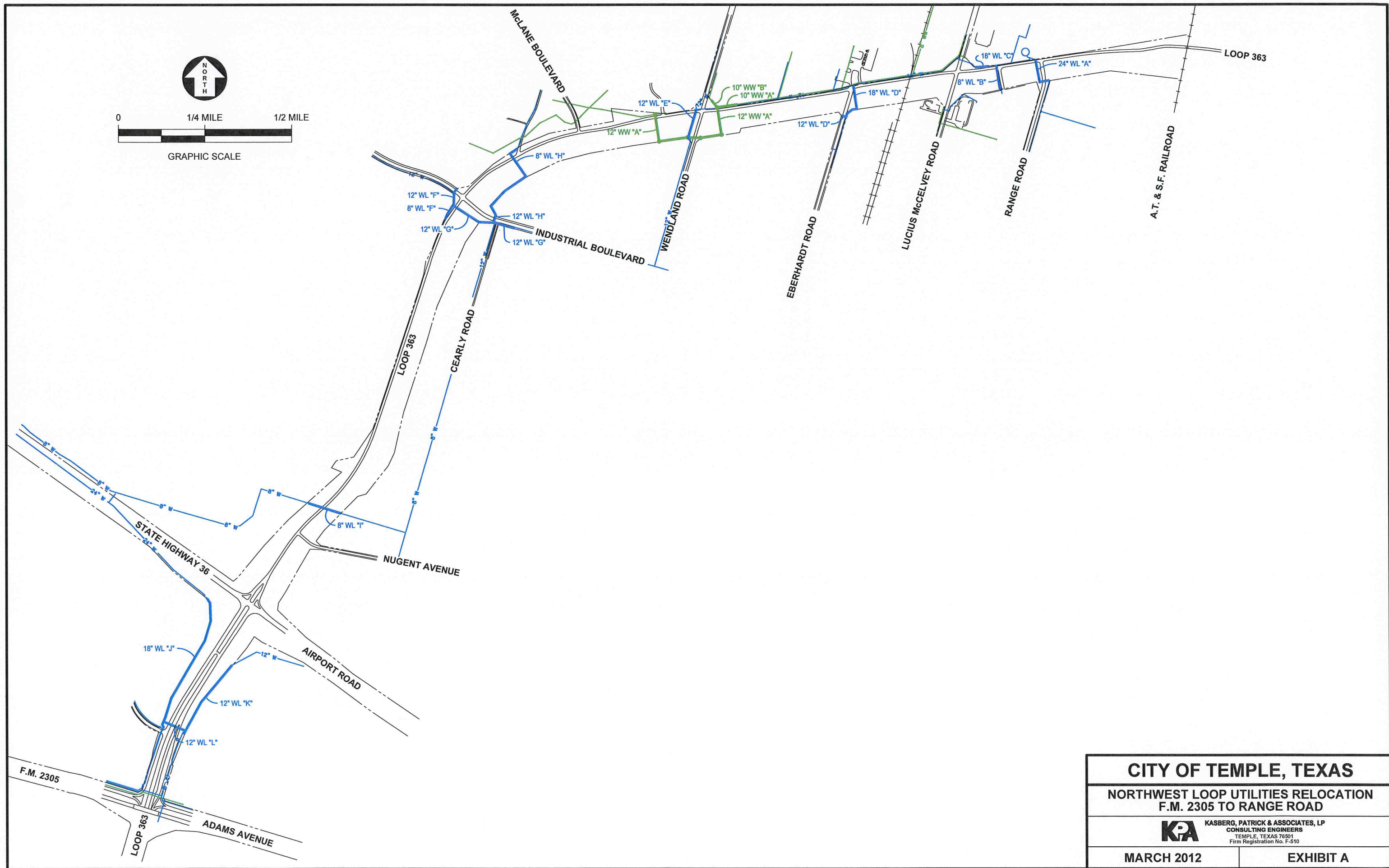
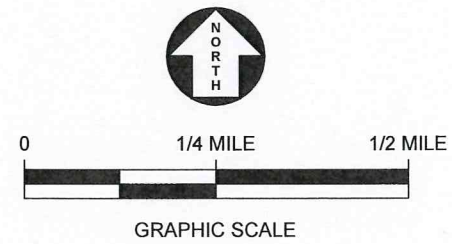
ATTACHMENTS:

[Project Map](#)

[Engineer's Recommendation](#)

[Bid Tabulation](#)

[Resolution](#)



CITY OF TEMPLE, TEXAS	
NORTHWEST LOOP UTILITIES RELOCATION F.M. 2305 TO RANGE ROAD	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
MARCH 2012	EXHIBIT A



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

March 2, 2012

Mr. Don Bond, P.E., CFM
City of Temple
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Northwest Loop Utilities Relocation

Dear Mr. Bond:

On February 28, 2012, the City of Temple received competitive bids from six contractors for the above referenced project. This project consists of the relocation of approximately 12,000 feet of water and wastewater infrastructure as required for the roadway widening project. A Bid Tabulation is provided for your reference.

The attached Bid Tabulation shows Wolff Construction, LP of Belton, Texas as the low bidder at \$1,680,744.34. The bids ranged from this low bid to \$2,545,727.23. Our Final Opinion of Probable Cost for this project was \$2,100,000.

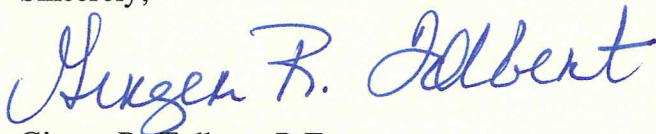
Due to our limited experience with Wolff Construction, LP, we requested updated information for similar projects, equipment and financial statements. Wolff Construction is currently constructing the 720 Zone Water Lines as part of the Charter Oaks Phase I Project in Temple, which KPA designed. We verified their work performance to date on that project with City Inspection Staff and found that it was satisfactory.

We spoke with several local references, which confirmed Wolff Construction's ability to perform utility work. Approximately 70% of this project is PVC water and wastewater line from 8" to 12" in diameter, which is very similar in nature to their recent utility projects. The remaining 30% of the project is 18" and 24" Ductile Iron Water Line. We have reviewed their personnel's experience on similar size and material water line installation. Based on this information, the personnel proposed for this project has the knowledge and experience to install these water lines according to the plans and specifications. 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.

Mr. Don Bond
March 2, 2012
Page Two

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)
Mr. William Hicks, P.E., Lochner
2010-125-40

CITY TEMPLE, TEXAS

NORTHWEST LOOP 363 UTILITY RELOCATIONS

February 28, 2012; 2:00 PM

														BIDDER INFORMATION	
				Wolff Construction PO Box 1002 Salado TX 76571		McLean Construction PO Box 10759 Killeen TX 76547		Patin Construction LLC 3800 W 2nd Street Taylor TX 76574		Bell Contractors Inc 3082 Hwy 190 Belton TX 76513		Lewis Contractors, Inc. 107 N. Grange Bertram TX 78605		TTG Utilites LP PO Box 299 Gatesville TX 76528	
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	\$ 40,762.40	\$ 40,762.40	\$ 33,446.00	\$ 33,446.00	\$ 85,000.00	\$ 85,000.00	\$ 56,200.00	\$ 56,200.00	\$ 100,000.00	\$ 100,000.00	\$ 36,100.00	\$ 36,100.00
2	12,130	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2.15	26,079.50	1.00	12,130.00	0.50	6,065.00	2.00	24,260.00	3.00	36,390.00	2.20	26,686.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by PE in Conformance with State Law & OSHA	560.00	560.00	927.00	927.00	1,500.00	1,500.00	550.00	550.00	1,500.00	1,500.00	710.00	710.00
4	12,130	LF	Implement & Follow Trench Safety Plan (Pipe)	1.12	13,585.60	1.30	15,769.00	0.50	6,065.00	1.50	18,195.00	0.50	6,065.00	1.20	14,556.00
5	2,156	CY	Implement & Follow Trench Safety Plan (Bore Pits)	0.85	1,832.60	2.40	5,174.40	1.00	2,156.00	2.30	4,958.80	5.00	10,780.00	0.78	1,681.68
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	2,576.00	2,576.00	2,729.00	2,729.00	2,500.00	2,500.00	2,900.00	2,900.00	1,700.00	1,700.00	1,180.00	1,180.00
7	100%	LS	Submitt Control Plan prepared & signed by a P.E. for Vehicular Traffic	4,480.00	4,480.00	1,308.00	1,308.00	2,500.00	2,500.00	550.00	550.00	5,000.00	5,000.00	2,360.00	2,360.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular &	10,225.60	10,225.60	1,728.00	1,728.00	3,000.00	3,000.00	11,100.00	11,100.00	12,000.00	12,000.00	18,500.00	18,500.00
9	100%	LS	Provide Project Record Drawings (As Builts)	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 right-of-way pre-construction & post construction site conditions for the total project	1,120.00	1,120.00	601.00	601.00	1,500.00	1,500.00	570.00	570.00	6,500.00	6,500.00	3,345.00	3,345.00
11	12,130	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	2.00	24,260.00	2.00	24,260.00	2.00	24,260.00	2.00	24,260.00	2.00	24,260.00	2.00	24,260.00
12	512	LF	Provide & Install 24" Diameter Ductile Iron Water Line, including Thrust Restraint	133.01	68,101.12	87.20	44,646.40	85.00	43,520.00	210.00	107,520.00	120.00	61,440.00	145.00	74,240.00
13	3,016	LF	Provide & Install 18" Diameter Ductile Iron Water Line, including Thrust Restraint	73.40	221,374.40	65.90	198,754.40	70.00	211,120.00	110.00	331,760.00	95.00	286,520.00	95.00	286,520.00
14	3,745	LF	Provide & Install 12" Diameter C900 PVC Water Line, including Thrust Restraint	35.81	134,108.45	39.50	147,927.50	40.00	149,800.00	37.20	139,314.00	45.00	168,525.00	48.50	181,632.50
15	2,583	LF	Provide & Install 8" Diameter PVC Water Line, including Thrust Restraint	26.31	67,958.73	33.00	85,239.00	35.00	90,405.00	20.40	52,693.20	35.00	90,405.00	34.75	89,759.25
16	5	LF	Provide & Install 3" Diameter PVC Water Line, including Thrust Restraint	10.11	50.55	14.00	70.00	100.00	500.00	22.40	112.00	100.00	500.00	26.35	131.75
17	59	LF	Provide & Install 36" Diameter Steel Encasement by Bore	403.76	23,821.84	461.30	27,216.70	435.00	25,665.00	420.00	24,780.00	400.00	23,600.00	425.00	25,075.00
18	462	LF	Provide & Install 36" Diameter Steel Encasement by Open Cut	108.66	50,200.92	165.70	76,553.40	186.00	85,932.00	140.00	64,680.00	125.00	57,750.00	285.00	131,670.00
19	15	LF	Provide & Install 36" Diameter Split Steel Encasement by Open Cut	125.70	1,885.50	222.90	3,343.50	350.00	5,250.00	340.00	5,100.00	140.00	2,100.00	315.00	4,725.00
20	56	LF	Provide & Install 30" Diameter Steel Encasement by Bore	336.56	18,847.36	379.60	21,257.60	375.00	21,000.00	350.00	19,600.00	400.00	22,400.00	365.00	20,440.00
21	323	LF	Provide & Install 30" Diameter Steel Encasement by Open Cut	78.49	25,352.27	137.60	44,444.80	160.00	51,680.00	120.00	38,760.00	140.00	45,220.00	255.00	82,365.00
22	457	LF	Provide & Install 24" Diameter Steel Encasement by Bore	269.36	123,097.52	285.30	130,382.10	275.00	125,675.00	280.00	127,960.00	350.00	159,950.00	250.00	114,250.00
23	1,043	LF	Provide & Install 24" Diameter Steel Encasement by Open Cut	57.14	59,597.02	87.40	91,158.20	100.00	104,300.00	86.10	89,802.30	110.00	114,730.00	215.00	224,245.00
24	18	LF	Provide & Install 24" Diameter Split Steel Encasement by Open Cut	92.76	1,669.68	115.10	2,071.80	150.00	2,700.00	180.00	3,240.00	400.00	7,200.00	210.00	3,780.00
25	60	LF	Provide & Install 20" Diameter Steel Encasement by Bore	269.36	16,161.60	240.40	14,424.00	250.00	15,000.00	230.00	13,800.00	300.00	18,000.00	245.00	14,700.00
26	784	LF	Provide & Install 20" Diameter Steel Encasement by Open Cut	52.49	41,152.16	75.80	59,427.20	75.00	58,800.00	84.20	66,012.80	80.00	62,720.00	205.00	160,720.00
27	186	LF	Provide & Install 16" Diameter Steel Encasement by Bore	179.76	33,435.36	233.50	43,431.00	245.00	45,570.00	180.00	33,480.00	250.00	46,500.00	185.00	34,410.00
28	1,068	LF	Provide & Install 16" Diameter Steel Encasement by Open Cut	49.53	52,898.04	70.20	74,973.60	70.00	74,760.00	55.00	58,740.00	85.00	90,780.00	190.00	202,920.00
29	20	LF	Provide & Install Concrete Encasement	20.00	400.00	60.90	1,218.00	80.00	1,600.00	17.30	346.00	63.00	1,260.00	57.60	1,152.00
30	38	LF	Provide & Install Concrete Cap	16.63	631.94	44.30	1,683.40	25.00	950.00	20.80	790.40	77.00	2,926.00	34.00	1,292.00
31	1	EA	Furnish & Install 24" Gate Valve	14,183.45	14,183.45	13,978.00	13,978.00	17,000.00	17,000.00	15,300.00	15,300.00	15,000.00	15,000.00	15,065.00	15,065.00
32	7	EA	Furnish & Install 18" Gate Valve	8,639.70	60,477.90	8,315.00	58,205.00	12,500.00	87,500.00	9,300.00	65,100.00	9,000.00	63,000.00	9,110.00	63,770.00
33	17	EA	Furnish & Install 12" Gate Valve	1,920.79	32,653.43	1,847.00	31,399.00	2,400.00	40,800.00	2,000.00	34,000.00	2,300.00	39,100.00	2,005.00	34,085.00
34	8	EA	Furnish & Install 8" Gate Valve	1,198.32	9,586.56	1,069.00	8,552.00	1,850.00	14,800.00	1,100.00	8,800.00	1,500.00	12,000.00	1,110.00	8,880.00
35	1	EA	Furnish & Install 3" Gate Valve	699.39	699.39	597.00	597.00	500.00	500.00	550.00	550.00	800.00	800.00	580.00	580.00
36	13	EA	Abandon Existing Water Valve	244.16	3,174.08	802.00	10,426.00	250.00	3,250.00	150.00	1,950.00	300.00	3,900.00	155.00	2,015.00
37	2	EA	Provide & Install 24" x 24" Tee	2,320.21	4,640.42	1,601.00	3,202.00	2,400.00	4,800.00	2,800.00	5,600.00	3,200.00	6,400.00	2,995.00	5,990.00
38	2	EA	Provide & Install Ductile Iron 22.5° Bends, 24" Diameter	1,405.42	2,810.84	1,081.00	2,162.00	1,350.00	2,700.00	1,900.00	3,800.00	2,400.00	4,800.00	1,800.00	3,600.00
39	2	EA	Provide & Install Ductile Iron 45° Bends, 24" Diameter	1,425.20	2,850.40	* 1,112.00	2,224.00	1,400.00	2,800.00	1,900.00	3,800.00	2,400.00	4,800.00	1,830.00	3,660.00
40	4	EA	Provide & Install 24" Plug	693.35	2,773.40	976.00	3,904.00	750.00	3,000.00	950.00	3,800.00	2,100.00	8,400.00	870.00	3,480.00
41	1	EA	Provide & Install 18" x 8" Tee	1,033.88	1,033.88	893.00	893.00	1,100.00	1,100.00	1,600.00	1,600.00	2,000.00	2,000.00	1,560.00	1,560.00
42	2	EA	Provide & Install 18" x 12" Tee	1,137.80	2,275.60	1,000.00	2,000.00	1,300.00	2,600.00	1,700.00	3,400.00	2,100.00	4,200.00	1,725.00	3,450.00
43	4	EA	Provide & Install 18" x 18" Tee	1,355.03	5,420.12	1,221.00	4,884.00	1,650.00	6,600.00	2,000.00	8,000.00	2,400.00	9,600.00	2,075.00	8,300.00
44	9	EA	Provide & Install Ductile Iron 11 1/4° Bends, 18" Diameter	837.68	7,539.12	736.00	6,624.00	950.00	8,550.00	1,300.00	11,700.00	1,600.00	14,400.00	1,275.00	11,475.00
45	8	EA	Provide & Install Ductile Iron 22.5° Bends, 18" Diameter	816.36	6,530.88	690.00	5,520.00	800.00	6,400.00	1,200.00	9,600.00	1,700.00	13,600.00	1,170.00	9,360.00
46	4	EA	Provide & Install Ductile Iron 45° Bends, 18" Diameter	755.96	3,023.84	692.00	2,768.00	805.00	3,220.00	1,200.00	4,800.00	1,700.00	6,800.00	1,170.00	4,680.00
47	10	EA	Provide & Install 18" Plug	491.30	4,913.00	519.00	5,190.00	440.00	4,400.00	560.00	5,600.00	1,500.00	15,000.00	690.00	6,900.00
48	11	EA	Provide & Install 12" x 12" Tee	601.85	6,620.35	516.00	5,676.00	570.00	6,270.00	830.00	9,130.00	1,200.00	13,200.00	860.00	9,460.00
49	7	EA	Provide & Install Ductile Iron 11 1/4° Bends, 12" Diameter	469.82	3,288.74	354.00	2,478.00	300.00	2,100.00	540.00	3,780.00	1,000.00	7,000.00	545.00	3,815.00

* Written price and Numerical price do not correspond. Written amount prevails.

** Total amount has been corrected.

CITY TEMPLE, TEXAS

NORTHWEST LOOP 363 UTILITY RELOCATIONS

February 28, 2012; 2:00 PM

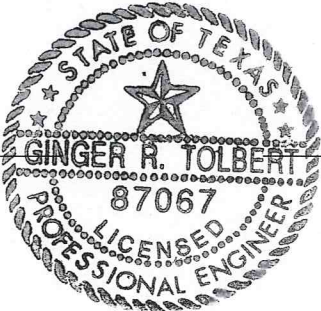
BIDDER INFORMATION

				Wolff Construction PO Box 1002 Salado TX 76571		McLean Construction PO Box 10759 Killeen TX 76547		Patin Construction LLC 3800 W 2nd Street Taylor TX 76574		Bell Contractors Inc 3082 Hwy 190 Belton TX 76513		Lewis Contractors, Inc. 107 N. Grange Bertram TX 78605		TTG Utilites LP PO Box 299 Gatesville TX 76528	
50	11	EA	Provide & Install Ductile Iron 22.5° Bends, 12" Diameter	477.64	5,254.04	361.00	3,971.00	320.00	3,520.00	550.00	6,050.00	1,100.00	12,100.00	555.00	6,105.00
51	9	EA	Provide & Install Ductile Iron 45° Bends, 12" Diameter	494.81	4,453.29	380.00	3,420.00	300.00	2,700.00	440.00	3,960.00	1,200.00	10,800.00	580.00	5,220.00
52	1	EA	Provide & Install 12" x 4" Reducer	328.76	328.76	316.00	316.00	250.00	250.00	300.00	300.00	900.00	900.00	415.00	415.00
53	2	EA	Provide & Install 12" x 8" Reducer	388.44	776.88	313.00	626.00	225.00	450.00	370.00	740.00	1,000.00	2,000.00	430.00	860.00
54	12	EA	Provide & Install 12" Plug	265.13	3,181.56	270.00	3,240.00	140.00	1,680.00	270.00	3,240.00	1,000.00	12,000.00	315.00	3,780.00
55	3	EA	Provide & Install 8" x 8" Tee	382.03	1,146.09	318.00	954.00	275.00	825.00	480.00	1,440.00	800.00	2,400.00	510.00	1,530.00
56	3	EA	Provide & Install Ductile Iron 11 1/4° Bends, 8" Diameter	310.45	931.35	245.00	735.00	170.00	510.00	330.00	990.00	750.00	2,250.00	320.00	960.00
57	2	EA	Provide & Install Ductile Iron 22.5° Bends, 8" Diameter	315.66	631.32	251.00	502.00	180.00	360.00	330.00	660.00	800.00	1,600.00	330.00	660.00
58	11	EA	Provide & Install Ductile Iron 45° Bends, 8" Diameter	317.22	3,489.42	253.00	2,783.00	180.00	1,980.00	340.00	3,740.00	800.00	8,800.00	330.00	3,630.00
59	1	EA	Provide & Install Ductile Iron 90° Bends, 8" Diameter	332.31	332.31	267.00	267.00	200.00	200.00	360.00	360.00	800.00	800.00	345.00	345.00
60	1	EA	Provide & Install 8" x 3" Reducer	289.94	289.94	288.00	288.00	150.00	150.00	280.00	280.00	650.00	650.00	350.00	350.00
61	9	EA	Provide & Install 8" Plug	225.74	2,031.66	200.00	1,800.00	80.00	720.00	150.00	1,350.00	700.00	6,300.00	225.00	2,025.00
62	1	EA	Provide & Install 4" x 3" Reducer	153.38	153.38	176.00	176.00	90.00	90.00	80.00	80.00	380.00	380.00	210.00	210.00
63	1	EA	Provide & Install Ductile Iron 11 1/4° Bends, 3" Diameter	172.06	172.06	152.00	152.00	70.00	70.00	110.00	110.00	500.00	500.00	215.00	215.00
64	1	EA	Provide & Install Ductile Iron 22.5° Bends, 3" Diameter	168.93	168.93	148.00	148.00	70.00	70.00	97.00	97.00	500.00	500.00	205.00	205.00
65	3	EA	Provide & Install 3" Plug	156.91	470.73	133.00	399.00	100.00	300.00	61.00	183.00	500.00	1,500.00	160.00	480.00
66	1,809	LF	Provide & Install 12" SDR 26 Wastewater Pipe	103.99	188,117.91	51.00	92,259.00	50.00	90,450.00	37.10	67,113.90	70.00	126,630.00	94.00	170,046.00
67	467	LF	Provide & Install 10" SDR 26 Wastewater Pipe	35.05	16,368.35	39.60	18,493.20	40.00	18,680.00	30.70	14,336.90	65.00	30,355.00	55.95	26,128.65
68	6	EA	Furnish & Install Standard 4'0" Wastewater Manhole	3,441.92	20,651.52	2,458.00	14,748.00	3,600.00	21,600.00	5,000.00	30,000.00	6,500.00	39,000.00	4,985.00	29,910.00
69	16	EA	Furnish & Install Standard Fire Hydrant	3,365.17	53,842.72	3,606.00	57,696.00	5,600.00	89,600.00	3,800.00	60,800.00	4,500.00	72,000.00	4,780.00	76,480.00
70	4	EA	Abandon Existing Fire Hydrant Assembly	283.36	1,133.44	601.00	2,404.00	500.00	2,000.00	500.00	2,000.00	1,200.00	4,800.00	235.00	940.00
71	2	EA	Furnish & Install Air/Vacuum Release Valve	5,057.08	10,114.16	4,626.00	9,252.00	10,000.00	20,000.00	5,200.00	10,400.00	5,500.00	11,000.00	7,930.00	15,860.00
72	2	EA	Connect to Existing 24" Water Line	7,448.92	14,897.84	8,096.00	16,192.00	6,500.00	13,000.00	10,400.00	20,800.00	5,000.00	10,000.00	11,725.00	23,450.00
73	7	EA	Connect to Existing 18" Water Line	2,187.29	15,311.03	2,637.00	18,459.00	4,000.00	28,000.00	6,200.00	43,400.00	5,000.00	35,000.00	5,905.00	41,335.00
74	7	EA	Connect to Existing 12" Water Line	850.80	5,955.60	1,592.00	11,144.00	3,000.00	21,000.00	2,700.00	18,900.00	2,500.00	17,500.00	2,030.00	14,210.00
75	4	EA	Connect to Existing 8" Water Line	698.65	2,794.60	1,209.00	4,836.00	2,500.00	10,000.00	2,100.00	8,400.00	2,200.00	8,800.00	1,325.00	5,300.00
76	2	EA	Connect to Existing 3" Water Line	668.79	1,337.58	563.00	1,126.00	1,500.00	3,000.00	1,100.00	2,200.00	1,600.00	3,200.00	1,040.00	2,080.00
77	1	EA	Connect to Existing 10" Wastewater Line	660.89	660.89	889.00	889.00	900.00	900.00	910.00	910.00	5,000.00	5,000.00	850.00	850.00
78	2	EA	Connect to Existing 10" 4'-0" Manhole	999.32	1,998.64	1,162.00	2,324.00	1,200.00	2,400.00	610.00	1,220.00	5,800.00	11,600.00	1,110.00	2,220.00
79	7	EA	Abandon Existing Manholes	743.68	5,205.76	880.00	6,160.00	350.00	2,450.00	650.00	4,550.00	600.00	4,200.00	1,115.00	7,805.00
80	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	2,389.34	2,389.34	1,024.00	1,024.00	5,000.00	5,000.00	10,800.00	10,800.00	14,000.00	14,000.00	* 28,000.00	28,000.00
81	100%	LS	Sampling Stations for Microbiological Testing in accordance with AWWA C-651	725.76	725.76	3,477.00	3,477.00	1,500.00	1,500.00	9,400.00	9,400.00	10,000.00	10,000.00	9,840.00	9,840.00
82	263	LF	Furnish & Install Asphalt Pavement Replacement	29.56	7,774.28	44.20	11,624.60	10.00	2,630.00	14.00	3,682.00	135.00	35,505.00	20.00	5,260.00
83	58	LF	Furnish & Install Gravel Driveway Replacement	9.02	523.16	33.50	1,943.00	50.00	2,900.00	5.80	336.40	80.00	4,640.00	17.20	997.60
84	1,000	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	24.64	24,640.00	17.00	17,000.00	20.00	20,000.00	24.20	24,200.00	30.00	30,000.00	29.50	29,500.00
85	10,000	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	1.96	19,600.00	2.00	20,000.00	2.00	20,000.00	1.90	19,000.00	2.00	20,000.00	1.85	18,500.00
86	11,312	SY	Furnish & Install Hydro Mulch Seeding For Permanent Erosion Control, Including water to establish & sustain growth	0.59	6,674.08	0.70	7,918.40	0.60	6,787.20	0.25	2,828.00	0.50	5,656.00	1.15	13,008.80
87	100%	LS	Demolish and Dispose of Existing Structure, Remove and Salvage Existing Gate Valves and Deliver to the City of Temple	2,934.40	2,934.40	1,203.00	1,203.00	5,000.00	5,000.00	3,400.00	3,400.00	4,500.00	4,500.00	3,435.00	3,435.00
88	100	SY	Furnish and Install Concrete Replacement	75.60	7,560.00	58.80	5,880.00	25.00	2,500.00	62.00	6,200.00	70.00	7,000.00	50.50	5,050.00
TOTAL BID AMOUNT (Items 1 - 88)				\$ 1,680,744.34	**	\$ 1,687,806.20		\$ 1,875,435.20		\$ 1,915,801.70		\$ 2,289,587.00		**	\$ 2,545,727.23

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



2/29/12
Date

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

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 THE NORTHWEST LOOP 363 UTILITIES RELOCATION, IN AN AMOUNT NOT TO EXCEED \$1,680,744.34; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on February 28, 2012, twelve bids were received for construction of the Northwest Loop 363 Utilities Relocation - Staff recommends accepting the bid (\$1,680,744.34) from Wolff Construction, LP, of Salado, Texas;

Whereas, the City is administering design and construction of the Northwest HK Dodgen Loop 363 (Northwest Loop) access lanes via Pass-Through Finance structuring – prior to construction of these lanes, City water and sewer utilities must be relocated;

Whereas, funds are available for this project in Account No. 561-5200-535-6940, Project No. 100681; 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 Northwest Loop 363 Utilities Relocation, in an amount not to exceed \$1,680,744.34.

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 15th day of **March**, 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

03/15/12
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, Director of Public Works
Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Patin Construction, LLC of Taylor for the construction of two Safe Routes to School Trails, in the total amount of \$856,579 (\$398,081 at Bonham Middle School and \$458,498 at Lakewood Elementary School).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City sought and received funding for Safe Routes to School Trails from the Texas Department of Transportation. The Safe Routes to School Program is a 100% federally funded cost-reimbursement program, with no matching funds required and managed by TxDOT. The trails will be located at Bonham Middle School along Midway Drive from Las Moras Drive to the school and Lakewood Elementary School along FM 2305 from St. Andrews to FM 2271.

On February 21, 2012 the City of Temple received nine bids for these trail projects. Bids ranged from a low bid of \$856,579 to \$1,191,245.55. The Engineer's Opinion of Probable Cost was \$937,591.85.

Pending TxDOT acceptance of the bids, construction is expected to begin in April. The project will take thirty (30) weeks to complete.

The proposed resolution authorizes the City to engage the services of Patin Construction, LLC for the completion of construction services for both projects.

Staff is recommending utilizing Patin Construction, LLC for the construction of both trails.

FISCAL IMPACT: Funding for this contract is funded through the Safe Routes to School Program, which is a 100% cost-reimbursement program. Funding for the project at Bonham Middle School, in the amount of \$398,081 is available in account 260-3400-531-63-15, project number 100691. Funding for the project at Lakewood Elementary, in the amount of \$458,498 is available in account 260-3400-531-63-15, project number 100690.

ATTACHMENTS:

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

4800 Lakewood Drive, Suite 4
Waco, Texas 76710
Phone: (254) 756-1610
Fax: (254) 756-1612
www.bspengineers.com



February 28, 2012

City of Temple
Attn: Ms. Ashley Williams
Sustainability and Grant Manager
2 North Main Street
Temple, Texas 76701

**RE: City of Temple - Safe Routes to School
Bonham Middle School (CSJ 0909 36 130)
Lakewood Elementary School (CSJ 0909 36 131)
Recommendation for Award of Contract**

Ms. Williams,

Based on our review of the bids that were received on February 21, 2012, it has been determined that **Patin Construction, LLC** is the low bidder with a total amount bid of **\$856,579.00**. Attached you will find a bid tabulation for this project.

Based on past project experience, we are generally satisfied that **Patin Construction, LLC** has the experience and will provide the appropriate supervision to complete the project in accordance with the project requirements. Based upon our review of the bids and past project performance, we recommend to the City of Temple that **Patin Construction, LLC** be awarded the contract for the City of Temple, Safe Routes to School Project for their total bid of **\$856,579.00**.

Should you have any questions or comments regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed D. Sulak, Jr.", is positioned below the "Sincerely," text.

Edward "Jed" D. Sulak, Jr., PE, CFM
BSP Engineers, Inc.

Attachments: City of Temple Safe Routes to School – Bid Tabulation
Engineer's Estimate for the Projects

CC: Mr. Val Roming; Mr. Kenny Henderson

ENGINEER: BSP Engineers, Inc.
BSP PROJECT NO: 101960.00
BID DATE: February 21, 2012
BID TIME: 2:00 PM

BID TABULATION REPORT

CLIENT: City of Temple

DESCRIPTION: Bonham Middle School and Lakewood Elementary School - Safe Routes to School Funding Program

					BIDDERS									
					Patin Construction, LLC		Dixon Paving, Inc.		RM Rodriguez Const., LP		Alpha Constructors		Ken-Do Contracting, LP	
MIDWAY DRIVE (CSJ 0909-36-130)														
Item No.	Desc. Code	Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
100	2002	PREPARING ROW	40	STA	\$ 650.00	\$ 26,000.00	\$ 300.00	\$ 12,000.00	\$ 330.00	\$ 13,200.00	\$ 545.00	\$ 21,800.00	\$ 800.00	\$ 32,000.00
104	2017	REMOVING CONC (DRIVEWAYS)	83	SY	\$ 18.00	\$ 1,494.00	\$ 18.00	\$ 1,494.00	\$ 29.50	\$ 2,448.50	\$ 27.88	\$ 2,314.04	\$ 7.00	\$ 581.00
104	2022	REMOVING CONC (CURB AND GUTTER)	2,731	LF	\$ 2.00	\$ 5,462.00	\$ 4.00	\$ 10,924.00	\$ 8.00	\$ 21,848.00	\$ 3.50	\$ 9,558.50	\$ 3.50	\$ 9,558.50
104	2036	REMOVING CONC (SIDEWALK OR RAMP)	201	SY	\$ 18.00	\$ 3,618.00	\$ 18.00	\$ 3,618.00	\$ 27.00	\$ 5,427.00	\$ 27.88	\$ 5,603.88	\$ 7.00	\$ 1,407.00
105	2011	REMOVING STAB BASE AND ASPH PAV (2" - 6")	6,111	SY	\$ 2.00	\$ 12,222.00	\$ 4.00	\$ 24,444.00	\$ 4.75	\$ 29,027.25	\$ 4.47	\$ 27,316.17	\$ 12.50	\$ 76,387.50
110	2001	EXCAVATION (ROADWAY)	520	CY	\$ 2.00	\$ 1,040.00	\$ 10.00	\$ 5,200.00	\$ 9.00	\$ 4,680.00	\$ 7.47	\$ 3,884.40	\$ 4.50	\$ 2,340.00
132	2004	EMBANKMENT (FINAL) (DENS COMP) (TY B)	815	CY	\$ 8.00	\$ 6,520.00	\$ 14.00	\$ 11,410.00	\$ 6.60	\$ 5,379.00	\$ 12.87	\$ 10,489.05	\$ 6.50	\$ 5,297.50
162	2002	BLOCK SODDING	2,250	SY	\$ 4.00	\$ 9,000.00	\$ 5.00	\$ 11,250.00	\$ 4.60	\$ 10,350.00	\$ 9.29	\$ 20,902.50	\$ 3.25	\$ 7,312.50
168	2001	VEGETATIVE WATERING	45	MG	\$ 100.00	\$ 4,500.00	\$ 50.00	\$ 2,250.00	\$ 135.00	\$ 6,075.00	\$ 75.60	\$ 3,402.00	\$ 175.00	\$ 7,875.00
247	2342	FL BS (CMP IN PLACE)(TY A GR 2)(8")	927	SY	\$ 10.00	\$ 9,270.00	\$ 12.00	\$ 11,124.00	\$ 9.50	\$ 8,806.50	\$ 10.50	\$ 9,733.50	\$ 9.00	\$ 8,343.00
341	2106	D-GR HMA(QCQA) TY-D PG64-22	927	SY	\$ 16.00	\$ 14,832.00	\$ 20.00	\$ 18,540.00	\$ 16.00	\$ 14,832.00	\$ 22.05	\$ 20,440.35	\$ 36.00	\$ 33,372.00
464	2005	RC PIPE (CL III) (24 IN)	28	LF	\$ 125.00	\$ 3,500.00	\$ 62.00	\$ 1,736.00	\$ 58.00	\$ 1,624.00	\$ 100.80	\$ 2,822.40	\$ 70.00	\$ 1,960.00
465	2028	INLET (COMPL) (CURB) (TY II) (15')	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 7,200.00	\$ 7,200.00	\$ 1,531.00	\$ 1,531.00	\$ 2,800.00	\$ 2,800.00	\$ 3,500.00	\$ 3,500.00
465	2056	INLET (COMPL) (CURB) (TY 2) (20')	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 8,000.00	\$ 8,000.00	\$ 1,866.00	\$ 1,866.00	\$ 5,200.00	\$ 5,200.00	\$ 4,500.00	\$ 4,500.00
465	2111	INLET (CURB) MODIFY EXISTING	1	EA	\$ 7,000.00	\$ 7,000.00	\$ 4,600.00	\$ 4,600.00	\$ 1,800.00	\$ 1,800.00	\$ 1,522.50	\$ 1,522.50	\$ 2,700.00	\$ 2,700.00
466	2125	HEADWALL (CH - PW - 0) (DIA=24 IN)	1	EA	\$ 2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00	\$ 1,950.00	\$ 1,950.00	\$ 2,200.00	\$ 2,200.00	\$ 3,000.00	\$ 3,000.00
496	2002	REMOV STR (INLET)	3	EA	\$ 500.00	\$ 1,500.00	\$ 800.00	\$ 2,400.00	\$ 2,200.00	\$ 6,600.00	\$ 315.00	\$ 945.00	\$ 800.00	\$ 2,400.00
496	2007	REMOV STR (PIPE)	37	LF	\$ 20.00	\$ 740.00	\$ 20.00	\$ 740.00	\$ 25.00	\$ 925.00	\$ 10.50	\$ 388.50	\$ 25.00	\$ 925.00
500	2001	MOBILIZATION	0.50	LS	\$ 42,000.00	\$ 21,000.00	\$ 12,000.00	\$ 6,000.00	\$ 76,000.00	\$ 38,000.00	\$ 41,370.00	\$ 20,685.00	\$ 20,000.00	\$ 10,000.00
502	2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	3	MO	\$ 1,000.00	\$ 3,000.00	\$ 8,400.00	\$ 25,200.00	\$ 4,000.00	\$ 12,000.00	\$ 2,310.00	\$ 6,930.00	\$ 2,500.00	\$ 7,500.00
506	2034	TEMPORARY SEDIMENT CONTROL FENCE	25	LF	\$ 3.00	\$ 75.00	\$ 10.00	\$ 250.00	\$ 30.00	\$ 750.00	\$ 1.84	\$ 46.00	\$ 5.00	\$ 125.00
506	2052	TMP SDMT CONT FENCE (INLET PROTECT)	57	LF	\$ 3.00	\$ 171.00	\$ 50.00	\$ 2,850.00	\$ 15.00	\$ 855.00	\$ 4.14	\$ 235.98	\$ 4.00	\$ 228.00
529	2010	CONC CURB AND GUTTER (TYII) (REINF)	2,742	LF	\$ 15.00	\$ 41,130.00	\$ 12.00	\$ 32,904.00	\$ 16.00	\$ 43,872.00	\$ 24.42	\$ 66,959.64	\$ 24.00	\$ 65,808.00
530	2004	INTERSECTIONS (CONC)	285	SY	\$ 40.00	\$ 11,400.00	\$ 34.00	\$ 9,690.00	\$ 59.00	\$ 16,815.00	\$ 33.64	\$ 9,587.40	\$ 55.00	\$ 15,675.00
530	2010	DRIVEWAYS (CONC)	111	SY	\$ 40.00	\$ 4,440.00	\$ 34.00	\$ 3,774.00	\$ 30.00	\$ 3,330.00	\$ 33.64	\$ 3,734.04	\$ 41.00	\$ 4,551.00
531	2006	CURB RAMPS (TY 2)	2	EA	\$ 800.00	\$ 1,600.00	\$ 1,450.00	\$ 2,900.00	\$ 1,000.00	\$ 2,000.00	\$ 1,118.25	\$ 2,236.50	\$ 900.00	\$ 1,800.00
531	2010	CURB RAMPS (TY 7)	20	EA	\$ 900.00	\$ 18,000.00	\$ 1,250.00	\$ 25,000.00	\$ 1,000.00	\$ 20,000.00	\$ 770.70	\$ 15,414.00	\$ 700.00	\$ 14,000.00
531	2040	CURB RAMPS (TY 5)	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 950.00	\$ 950.00	\$ 718.20	\$ 718.20	\$ 1,100.00	\$ 1,100.00
531	2024	CONC SIDEWALK (5")	3,364	SY	\$ 35.00	\$ 117,740.00	\$ 34.00	\$ 114,376.00	\$ 34.00	\$ 114,376.00	\$ 35.22	\$ 118,480.08	\$ 32.50	\$ 109,330.00
560	2032	MAILBOX INSTALLATION (SINGLE) INSTALL ONLY	2	EA	\$ 500.00	\$ 1,000.00	\$ 400.00	\$ 800.00	\$ 165.00	\$ 330.00	\$ 100.00	\$ 200.00	\$ 300.00	\$ 600.00
644	2001	INS SM RD SN SUP&AM TY 10BWG(1) SA (P)	15	EA	\$ 335.00	\$ 5,025.00	\$ 350.00	\$ 5,250.00	\$ 362.00	\$ 5,430.00	\$ 393.75	\$ 5,906.25	\$ 400.00	\$ 6,000.00
644	2059	RELOCATE SM RD SN SUP & AM TY TWT	5	EA	\$ 280.00	\$ 1,400.00	\$ 350.00	\$ 1,750.00	\$ 300.00	\$ 1,500.00	\$ 200.00	\$ 1,000.00	\$ 350.00	\$ 1,750.00
644	2081	INS SM RD SN SUP&AM TY TWT(1) WS (P)	23	EA	\$ 230.00	\$ 5,290.00	\$ 250.00	\$ 5,750.00	\$ 362.00	\$ 8,326.00	\$ 393.75	\$ 9,056.25	\$ 325.00	\$ 7,475.00
666	2003	REFL PAV MRK TY I (W) 4" (BRK) (100MIL)	6,541	LF	\$ 1.00	\$ 6,541.00	\$ 1.10	\$ 7,195.10	\$ 0.18	\$ 1,177.38	\$ 0.25	\$ 1,635.25	\$ 2.15	\$ 14,063.15
666	2012	REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	291	LF	\$ 1.00	\$ 291.00	\$ 1.50	\$ 436.50	\$ 0.80	\$ 232.80	\$ 0.74	\$ 215.34	\$ 0.55	\$ 160.05
666	2048	REFL PAV MRK TY I (W) 24" (SLD) (100MIL)	1,248	LF	\$ 7.00	\$ 8,736.00	\$ 6.50	\$ 8,112.00	\$ 9.30	\$ 11,606.40	\$ 8.93	\$ 11,144.64	\$ 6.00	\$ 7,488.00
666	2105	REFL PAV MRK TY I (Y) 4" (BRK) (100MIL)	5,023	LF	\$ 1.00	\$ 5,023.00	\$ 1.10	\$ 5,525.30	\$ 0.18	\$ 904.14	\$ 0.25	\$ 1,255.75	\$ 0.65	\$ 3,264.95
666	2111	REFL PAV MRK TY I (Y) 4" (SLD) (100MIL)	5,023	LF	\$ 1.00	\$ 5,023.00	\$ 1.00	\$ 5,023.00	\$ 0.80	\$ 4,018.40	\$ 0.74	\$ 3,717.02	\$ 0.55	\$ 2,762.65
677	2001	ELIM EXT PAV MRK & MRKS (4")	19,422	LF	\$ 1.00	\$ 19,422.00	\$ 1.10	\$ 21,364.20	\$ 0.23	\$ 4,467.06	\$ 0.21	\$ 4,078.62	\$ 0.50	\$ 9,711.00
677	2007	ELIM EXT PAV MRK & MRKS (24")	96	LF	\$ 6.00	\$ 576.00	\$ 6.00	\$ 576.00	\$ 3.00	\$ 288.00	\$ 2.57	\$ 246.72	\$ 1.75	\$ 168.00
TOTAL BID MIDWAY DRIVE (CSJ 0909-36-130)						\$ 398,081.00		\$ 424,256.10		\$ 429,597.43		\$ 434,805.47		\$ 487,019.80

ENGINEER: BSP Engineers, Inc.
BSP PROJECT NO: 101960.00
BID DATE: February 21, 2012
BID TIME: 2:00 PM

BID TABULATION REPORT

CLIENT: City of Temple

DESCRIPTION: Bonham Middle School and Lakewood Elementary School - Safe Routes to School Funding Program

					BIDDERS									
					Patin Construction, LLC		Dixon Paving, Inc.		RM Rodriguez Const., LP		Alpha Constructors		Ken-Do Contracting, LP	
FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)														
Item No.		Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
100	2002	PREPARING ROW	63	STA	\$ 650.00	\$ 40,950.00	\$ 250.00	\$ 15,750.00	\$ 165.00	\$ 10,395.00	\$ 408.17	\$ 25,714.71	\$ 800.00	\$ 50,400.00
104	2017	REMOVING CONC (DRIVEWAYS)	103	SY	\$ 18.00	\$ 1,854.00	\$ 18.00	\$ 1,854.00	\$ 30.00	\$ 3,090.00	\$ 14.18	\$ 1,460.54	\$ 7.00	\$ 721.00
104	2022	REMOVING CONC (CURB AND GUTTER)	317	LF	\$ 2.00	\$ 634.00	\$ 4.50	\$ 1,426.50	\$ 8.25	\$ 2,615.25	\$ 2.99	\$ 947.83	\$ 3.50	\$ 1,109.50
104	2036	REMOVING CONC (SIDEWALK OR RAMP)	271	SY	\$ 18.00	\$ 4,878.00	\$ 18.00	\$ 4,878.00	\$ 28.00	\$ 7,588.00	\$ 27.88	\$ 7,555.48	\$ 7.00	\$ 1,897.00
105	2011	REMOVING STAB BASE AND ASPH PAV (2" - 6")	473	SY	\$ 2.00	\$ 946.00	\$ 8.00	\$ 3,784.00	\$ 4.80	\$ 2,270.40	\$ 9.45	\$ 4,469.85	\$ 20.00	\$ 9,460.00
110	2001	EXCAVATION (ROADWAY)	920	CY	\$ 2.00	\$ 1,840.00	\$ 6.00	\$ 5,520.00	\$ 9.00	\$ 8,280.00	\$ 7.47	\$ 6,872.40	\$ 4.50	\$ 4,140.00
132	2004	EMBANKMENT (FINAL) (DENS COMP) (TY B)	1,590	CY	\$ 8.00	\$ 12,720.00	\$ 14.00	\$ 22,260.00	\$ 6.60	\$ 10,494.00	\$ 12.81	\$ 20,367.90	\$ 6.50	\$ 10,335.00
162	2002	BLOCK SODDING	8,826	SY	\$ 4.00	\$ 35,304.00	\$ 5.00	\$ 44,130.00	\$ 5.00	\$ 44,130.00	\$ 9.29	\$ 81,993.54	\$ 3.25	\$ 28,684.50
168	2001	VEGETATIVE WATERING	177	MG	\$ 100.00	\$ 17,700.00	\$ 40.00	\$ 7,080.00	\$ 135.00	\$ 23,895.00	\$ 75.60	\$ 13,381.20	\$ 175.00	\$ 30,975.00
423	2012	RETAINING WALL (CAST-IN-PLACE)	566	SF	\$ 11.00	\$ 6,226.00	\$ 43.00	\$ 24,338.00	\$ 12.00	\$ 6,792.00	\$ 25.36	\$ 14,353.76	\$ 39.00	\$ 22,074.00
450	2073	RAIL (HANDRAIL) (TY B)	121	LF	\$ 75.00	\$ 9,075.00	\$ 62.00	\$ 7,502.00	\$ 66.00	\$ 7,986.00	\$ 70.00	\$ 8,470.00	\$ 85.00	\$ 10,285.00
464	2007	RC PIPE (CL III) (30 IN)	42	LF	\$ 135.00	\$ 5,670.00	\$ 75.00	\$ 3,150.00	\$ 104.00	\$ 4,368.00	\$ 110.25	\$ 4,630.50	\$ 95.00	\$ 3,990.00
464	2009	RC PIPE (CL III) (36 IN)	42	LF	\$ 140.00	\$ 5,880.00	\$ 98.00	\$ 4,116.00	\$ 137.00	\$ 5,754.00	\$ 125.29	\$ 5,262.18	\$ 105.00	\$ 4,410.00
465	2003	INLET (COMPL) (TY H)	2	EA	\$ 4,800.00	\$ 9,600.00	\$ 3,600.00	\$ 7,200.00	\$ 1,500.00	\$ 3,000.00	\$ 2,310.00	\$ 4,620.00	\$ 4,600.00	\$ 9,200.00
465	2385	INLET (COMPL) (CURB) (SPL)	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 4,200.00	\$ 8,400.00	\$ 1,500.00	\$ 3,000.00	\$ 2,310.00	\$ 4,620.00	\$ 5,000.00	\$ 10,000.00
496	2002	REMOV STR (INLET)	4	EA	\$ 500.00	\$ 2,000.00	\$ 800.00	\$ 3,200.00	\$ 2,420.00	\$ 9,680.00	\$ 2,310.00	\$ 9,240.00	\$ 800.00	\$ 3,200.00
496	2007	REMOV STR (PIPE)	34	LF	\$ 20.00	\$ 680.00	\$ 20.00	\$ 680.00	\$ 28.00	\$ 952.00	\$ 12.00	\$ 408.00	\$ 50.00	\$ 1,700.00
500	2001	MOBILIZATION	0.50	LS	\$ 40,000.00	\$ 20,000.00	\$ 12,000.00	\$ 6,000.00	\$ 76,000.00	\$ 38,000.00	\$ 41,370.00	\$ 20,685.00	\$ 20,000.00	\$ 10,000.00
502	2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	3	MO	\$ 1,000.00	\$ 3,000.00	\$ 6,200.00	\$ 18,600.00	\$ 4,000.00	\$ 12,000.00	\$ 1,500.00	\$ 4,500.00	\$ 2,500.00	\$ 7,500.00
506	2034	TEMPORARY SEDIMENT CONTROL FENCE	311	LF	\$ 3.00	\$ 933.00	\$ 6.00	\$ 1,866.00	\$ 5.00	\$ 1,555.00	\$ 2.00	\$ 622.00	\$ 3.50	\$ 1,088.50
506	2052	TMP SDMT CONT FENCE (INLET PROTECT)	222	LF	\$ 3.00	\$ 666.00	\$ 4.00	\$ 888.00	\$ 30.00	\$ 6,660.00	\$ 4.04	\$ 896.88	\$ 12.50	\$ 2,775.00
529	2006	CONC CURB (MONO) (TY II)	134	LF	\$ 20.00	\$ 2,680.00	\$ 9.00	\$ 1,206.00	\$ 6.00	\$ 804.00	\$ 12.29	\$ 1,646.86	\$ 3.00	\$ 402.00
530	2010	DRIVEWAYS (CONC)	77	SY	\$ 40.00	\$ 3,080.00	\$ 34.00	\$ 2,618.00	\$ 30.00	\$ 2,310.00	\$ 33.64	\$ 2,590.28	\$ 41.00	\$ 3,157.00
530	2011	DRIVEWAYS (ACP)	289	SY	\$ 30.00	\$ 8,670.00	\$ 25.00	\$ 7,225.00	\$ 19.00	\$ 5,491.00	\$ 34.65	\$ 10,013.85	\$ 41.00	\$ 11,849.00
531	2005	CURB RAMPS (TY 1)	2	EA	\$ 800.00	\$ 1,600.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 987.00	\$ 1,974.00	\$ 900.00	\$ 1,800.00
531	2010	CURB RAMPS (TY 7)	12	EA	\$ 900.00	\$ 10,800.00	\$ 1,250.00	\$ 15,000.00	\$ 1,400.00	\$ 16,800.00	\$ 770.70	\$ 9,248.40	\$ 700.00	\$ 8,400.00
531	2040	CURB RAMPS (TY 5)	1	EA	\$ 950.00	\$ 950.00	\$ 1,200.00	\$ 1,200.00	\$ 950.00	\$ 950.00	\$ 718.20	\$ 718.20	\$ 1,100.00	\$ 1,100.00
531	2041	CURB RAMPS (TY 10)	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 1,200.00	\$ 2,400.00	\$ 1,850.00	\$ 3,700.00	\$ 718.20	\$ 1,436.40	\$ 1,500.00	\$ 3,000.00
531	2024	CONC SIDEWALK (5")	6,297	SY	\$ 35.00	\$ 220,395.00	\$ 34.00	\$ 214,098.00	\$ 34.00	\$ 214,098.00	\$ 33.04	\$ 208,052.88	\$ 32.50	\$ 204,652.50
644	2001	INS SM RD SN SUP&AM TY 10BWG(1) SA (P)	8	EA	\$ 330.00	\$ 2,640.00	\$ 350.00	\$ 2,800.00	\$ 362.00	\$ 2,896.00	\$ 393.75	\$ 3,150.00	\$ 400.00	\$ 3,200.00
644	2059	RELOCATE SM RD SN SUP & AM TY TWT	6	EA	\$ 280.00	\$ 1,680.00	\$ 300.00	\$ 1,800.00	\$ 300.00	\$ 1,800.00	\$ 52.50	\$ 315.00	\$ 350.00	\$ 2,100.00
644	2081	INS SM RD SN SUP&AM TY TWT(1) WS (P)	30	EA	\$ 225.00	\$ 6,750.00	\$ 300.00	\$ 9,000.00	\$ 362.00	\$ 10,860.00	\$ 393.75	\$ 11,812.50	\$ 300.00	\$ 9,000.00
666	2048	REFL PAV MRK TY I (W) (24 IN) (SLD) (100MIL)	721	LF	\$ 7.00	\$ 5,047.00	\$ 6.50	\$ 4,686.50	\$ 9.30	\$ 6,705.30	\$ 8.93	\$ 6,438.53	\$ 6.25	\$ 4,506.25
677	2007	ELIM EXT PAV MRK & MRKS (24")	275	LF	\$ 6.00	\$ 1,650.00	\$ 5.50	\$ 1,512.50	\$ 3.00	\$ 825.00	\$ 2.57	\$ 706.75	\$ 1.90	\$ 522.50
TOTAL BID FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)						\$ 458,498.00		\$ 458,168.50		\$ 481,743.95		\$ 499,175.42		\$ 477,633.75
TOTAL BID MIDWAY DRIVE (CSJ 0909-36-130)						\$ 398,081.00		\$ 424,256.10		\$ 429,597.43		\$ 434,805.47		\$ 487,018.80
TOTAL BID FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)						\$ 458,498.00		\$ 458,168.50		\$ 481,743.95		\$ 499,175.42		\$ 477,633.75
TOTAL BID MIDWAY DR. + FM 2305 (WEST ADAMS) - LAKEWOOD DR.						\$ 856,579.00		\$ 882,424.60		\$ 911,341.38		\$ 933,980.89		\$ 964,652.55
CONTRACT LENGTH (CALENDAR DAYS)						180		180		180		180		180

ENGINEER: BSP Engineers, Inc.
 BSP PROJECT NO: 101960.00
 BID DATE: February 21, 2012
 BID TIME: 2:00 PM

BID TABULATION REPORT

CLIENT: City of Temple

DESCRIPTION: Bonham Middle School and Lakewood Elementary School - Safe Routes to School Funding Program

					BIDDERS							
					R.T. Schneider Const. Co., LTD.		Austin Constructors, LLC		Myers Concrete Const., LP		Westar Construction	
MIDWAY DRIVE (CSJ 0909-36-130)												
Item No.	Desc. Code	Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
100	2002	PREPARING ROW	40	STA	\$ 50.00	\$ 2,000.00	\$ 1,200.00	\$ 48,000.00	\$ 205.00	\$ 8,200.00	\$ 300.00	\$ 12,000.00
104	2017	REMOVING CONC (DRIVEWAYS)	83	SY	\$ 10.00	\$ 830.00	\$ 7.00	\$ 581.00	\$ 33.00	\$ 2,739.00	\$ 18.00	\$ 1,494.00
104	2022	REMOVING CONC (CURB AND GUTTER)	2,731	LF	\$ 4.40	\$ 12,016.40	\$ 4.00	\$ 10,924.00	\$ 4.60	\$ 12,562.60	\$ 4.70	\$ 12,835.70
104	2036	REMOVING CONC (SIDEWALK OR RAMP)	201	SY	\$ 11.00	\$ 2,211.00	\$ 8.00	\$ 1,608.00	\$ 17.00	\$ 3,417.00	\$ 18.00	\$ 3,618.00
105	2011	REMOVING STAB BASE AND ASPH PAV (2" - 6")	6,111	SY	\$ 3.00	\$ 18,333.00	\$ 8.50	\$ 51,943.50	\$ 4.10	\$ 25,055.10	\$ 4.50	\$ 27,499.50
110	2001	EXCAVATION (ROADWAY)	520	CY	\$ 15.00	\$ 7,800.00	\$ 18.00	\$ 9,360.00	\$ 7.50	\$ 3,900.00	\$ 19.00	\$ 9,880.00
132	2004	EMBANKMENT (FINAL) (DENS COMP) (TY B)	815	CY	\$ 34.00	\$ 27,710.00	\$ 28.00	\$ 22,820.00	\$ 15.60	\$ 12,714.00	\$ 19.00	\$ 15,485.00
162	2002	BLOCK SODDING	2,250	SY	\$ 13.50	\$ 30,375.00	\$ 6.00	\$ 13,500.00	\$ 5.35	\$ 12,037.50	\$ 3.00	\$ 6,750.00
168	2001	VEGETATIVE WATERING	45	MG	\$ 469.00	\$ 21,105.00	\$ 12.00	\$ 540.00	\$ 54.00	\$ 2,430.00	\$ 14.00	\$ 630.00
247	2342	FL BS (CMP IN PLACE)(TY A GR 2)(8")	927	SY	\$ 14.00	\$ 12,978.00	\$ 18.00	\$ 16,686.00	\$ 14.40	\$ 13,348.80	\$ 30.00	\$ 27,810.00
341	2106	D-GR HMA(QCQA) TY-D PG64-22	927	SY	\$ 18.00	\$ 16,686.00	\$ 20.00	\$ 18,540.00	\$ 20.00	\$ 18,540.00	\$ 20.00	\$ 18,540.00
464	2005	RC PIPE (CL III) (24 IN)	28	LF	\$ 242.00	\$ 6,776.00	\$ 40.00	\$ 1,120.00	\$ 158.00	\$ 4,424.00	\$ 77.00	\$ 2,156.00
465	2028	INLET (COMPL) (CURB) (TY II) (15')	1	EA	\$ 10,340.00	\$ 10,340.00	\$ 4,000.00	\$ 4,000.00	\$ 4,475.00	\$ 4,475.00	\$ 7,000.00	\$ 7,000.00
465	2056	INLET (COMPL) (CURB) (TY 2) (20')	1	EA	\$ 11,500.00	\$ 11,500.00	\$ 6,000.00	\$ 6,000.00	\$ 4,891.00	\$ 4,891.00	\$ 11,000.00	\$ 11,000.00
465	2111	INLET (CURB) MODIFY EXISTING	1	EA	\$ 5,040.00	\$ 5,040.00	\$ 2,000.00	\$ 2,000.00	\$ 1,402.00	\$ 1,402.00	\$ 5,500.00	\$ 5,500.00
466	2125	HEADWALL (CH - PW - 0) (DIA=24 IN)	1	EA	\$ 4,500.00	\$ 4,500.00	\$ 3,600.00	\$ 3,600.00	\$ 1,918.00	\$ 1,918.00	\$ 4,000.00	\$ 4,000.00
496	2002	REMOV STR (INLET)	3	EA	\$ 2,415.00	\$ 7,245.00	\$ 1,200.00	\$ 3,600.00	\$ 1,486.00	\$ 4,458.00	\$ 800.00	\$ 2,400.00
496	2007	REMOV STR (PIPE)	37	LF	\$ 25.00	\$ 925.00	\$ 35.00	\$ 1,295.00	\$ 45.00	\$ 1,665.00	\$ 50.00	\$ 1,850.00
500	2001	MOBILIZATION	0.50	LS	\$ 70,760.00	\$ 35,380.00	\$ 43,496.00	\$ 21,748.00	\$ 83,000.00	\$ 41,500.00	\$ 44,000.00	\$ 22,000.00
502	2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	3	MO	\$ 10,500.00	\$ 31,500.00	\$ 3,200.00	\$ 9,600.00	\$ 1,876.00	\$ 5,628.00	\$ 2,500.00	\$ 7,500.00
506	2034	TEMPORARY SEDIMENT CONTROL FENCE	25	LF	\$ 5.00	\$ 125.00	\$ 3.00	\$ 75.00	\$ 2.80	\$ 70.00	\$ 2.50	\$ 62.50
506	2052	TMP SDMT CONT FENCE (INLET PROTECT)	57	LF	\$ 10.00	\$ 570.00	\$ 35.00	\$ 1,995.00	\$ 32.00	\$ 1,824.00	\$ 11.00	\$ 627.00
529	2010	CONC CURB AND GUTTER (TYII) (REINF)	2,742	LF	\$ 34.00	\$ 93,228.00	\$ 12.00	\$ 32,904.00	\$ 22.25	\$ 61,009.50	\$ 18.00	\$ 49,356.00
530	2004	INTERSECTIONS (CONC)	285	SY	\$ 38.00	\$ 10,830.00	\$ 68.00	\$ 19,380.00	\$ 65.95	\$ 18,795.75	\$ 54.00	\$ 15,390.00
530	2010	DRIVEWAYS (CONC)	111	SY	\$ 38.00	\$ 4,218.00	\$ 42.00	\$ 4,662.00	\$ 74.10	\$ 8,225.10	\$ 54.00	\$ 5,994.00
531	2006	CURB RAMPS (TY 2)	2	EA	\$ 975.00	\$ 1,950.00	\$ 1,100.00	\$ 2,200.00	\$ 1,666.00	\$ 3,332.00	\$ 1,300.00	\$ 2,600.00
531	2010	CURB RAMPS (TY 7)	20	EA	\$ 950.00	\$ 19,000.00	\$ 800.00	\$ 16,000.00	\$ 1,205.00	\$ 24,100.00	\$ 1,150.00	\$ 23,000.00
531	2040	CURB RAMPS (TY 5)	1	EA	\$ 950.00	\$ 950.00	\$ 800.00	\$ 800.00	\$ 1,677.00	\$ 1,677.00	\$ 1,700.00	\$ 1,700.00
531	2024	CONC SIDEWALK (5")	3,364	SY	\$ 38.00	\$ 127,832.00	\$ 36.00	\$ 121,104.00	\$ 52.10	\$ 175,264.40	\$ 48.60	\$ 163,490.40
560	2032	MAILBOX INSTALLATION (SINGLE) INSTALL ONLY	2	EA	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00	\$ 347.00	\$ 694.00	\$ 500.00	\$ 1,000.00
644	2001	INS SM RD SN SUP&AM TY 10BWG(1) SA (P)	15	EA	\$ 465.00	\$ 6,975.00	\$ 450.00	\$ 6,750.00	\$ 465.00	\$ 6,975.00	\$ 500.00	\$ 7,500.00
644	2059	RELOCATE SM RD SN SUP & AM TY TWT	5	EA	\$ 465.00	\$ 2,325.00	\$ 350.00	\$ 1,750.00	\$ 389.00	\$ 1,945.00	\$ 750.00	\$ 3,750.00
644	2081	INS SM RD SN SUP&AM TY TWT(1) WS (P)	23	EA	\$ 465.00	\$ 10,695.00	\$ 400.00	\$ 9,200.00	\$ 320.00	\$ 7,360.00	\$ 750.00	\$ 17,250.00
666	2003	REFL PAV MRK TY I (W) 4" (BRK) (100MIL)	6,541	LF	\$ 0.16	\$ 1,046.56	\$ 2.00	\$ 13,082.00	\$ 1.40	\$ 9,157.40	\$ 2.00	\$ 13,082.00
666	2012	REFL PAV MRK TY I (W) 4" (SLD) (100MIL)	291	LF	\$ 0.75	\$ 218.25	\$ 2.00	\$ 582.00	\$ 1.40	\$ 407.40	\$ 2.00	\$ 582.00
666	2048	REFL PAV MRK TY I (W) 24" (SLD) (100MIL)	1,248	LF	\$ 9.00	\$ 11,232.00	\$ 6.50	\$ 8,112.00	\$ 8.90	\$ 11,107.20	\$ 6.00	\$ 7,488.00
666	2105	REFL PAV MRK TY I (Y) 4" (BRK) (100MIL)	5,023	LF	\$ 0.16	\$ 803.68	\$ 3.00	\$ 15,069.00	\$ 1.40	\$ 7,032.20	\$ 2.00	\$ 10,046.00
666	2111	REFL PAV MRK TY I (Y) 4" (SLD) (100MIL)	5,023	LF	\$ 0.75	\$ 3,767.25	\$ 3.00	\$ 15,069.00	\$ 1.40	\$ 7,032.20	\$ 2.00	\$ 10,046.00
677	2001	ELIM EXT PAV MRK & MRKS (4")	19,422	LF	\$ 0.22	\$ 4,272.84	\$ 2.00	\$ 38,844.00	\$ 1.40	\$ 27,190.80	\$ 2.00	\$ 38,844.00
677	2007	ELIM EXT PAV MRK & MRKS (24")	96	LF	\$ 3.00	\$ 288.00	\$ 3.00	\$ 288.00	\$ 7.30	\$ 700.80	\$ 3.00	\$ 288.00
TOTAL BID MIDWAY DRIVE (CSJ 0909-36-130)						\$ 565,976.98		\$ 555,731.50		\$ 559,204.75		\$ 572,044.10

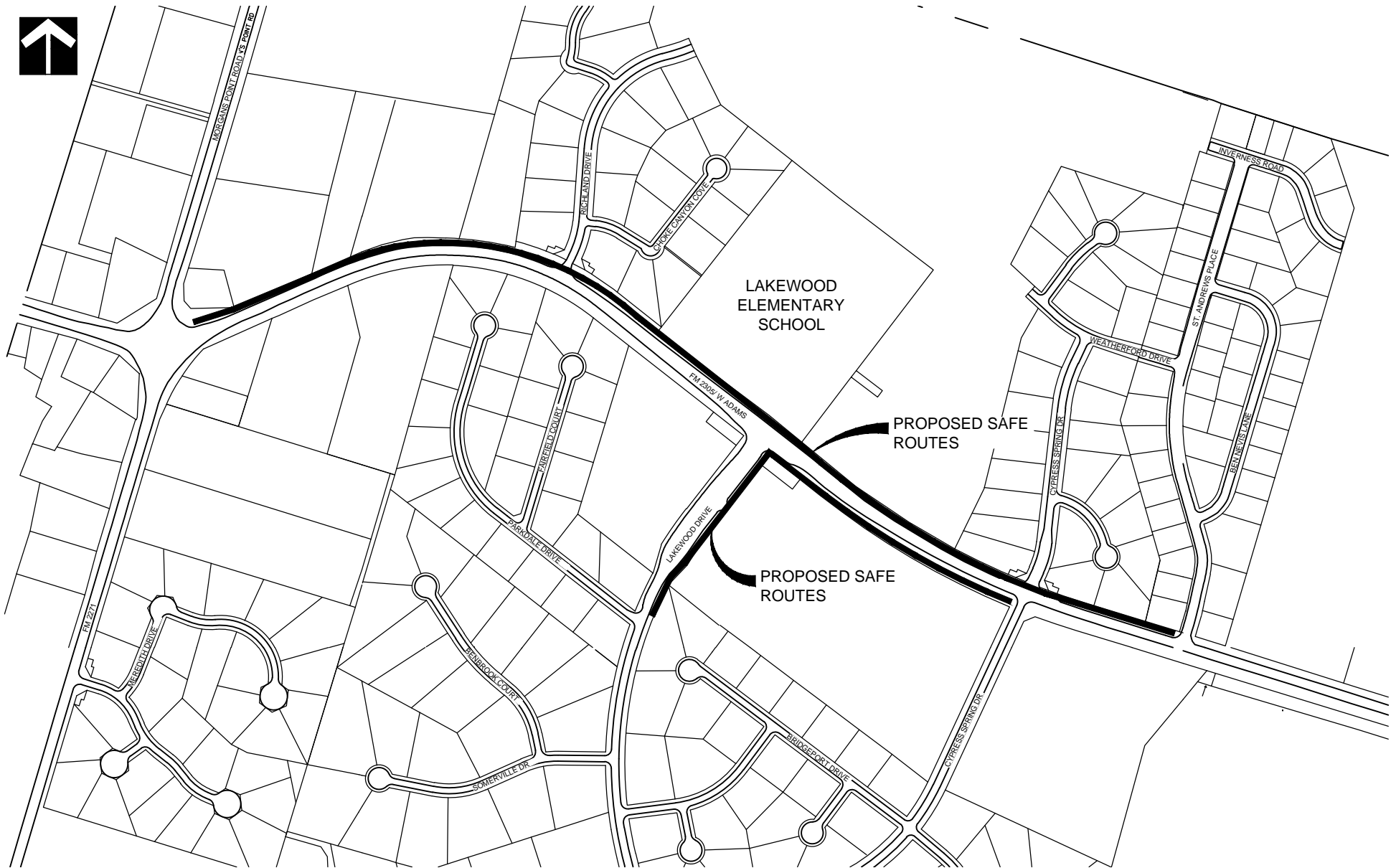
ENGINEER: BSP Engineers, Inc.
 BSP PROJECT NO: 101960.00
 BID DATE: February 21, 2012
 BID TIME: 2:00 PM

BID TABULATION REPORT

CLIENT: City of Temple

DESCRIPTION: Bonham Middle School and Lakewood Elementary School - Safe Routes to School Funding Program

					BIDDERS							
					R.T. Schneider Const. Co., LTD.		Austin Constructors, LLC		Myers Concrete Const., LP		Westar Construction	
FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)												
Item No.		Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
100	2002	PREPARING ROW	63	STA	\$ 130.00	\$ 8,190.00	\$ 1,200.00	\$ 75,600.00	\$ 155.00	\$ 9,765.00	\$ 300.00	\$ 18,900.00
104	2017	REMOVING CONC (DRIVEWAYS)	103	SY	\$ 10.00	\$ 1,030.00	\$ 7.00	\$ 721.00	\$ 34.00	\$ 3,502.00	\$ 18.00	\$ 1,854.00
104	2022	REMOVING CONC (CURB AND GUTTER)	317	LF	\$ 7.00	\$ 2,219.00	\$ 4.00	\$ 1,268.00	\$ 11.00	\$ 3,487.00	\$ 5.00	\$ 1,585.00
104	2036	REMOVING CONC (SIDEWALK OR RAMP)	271	SY	\$ 23.00	\$ 6,233.00	\$ 8.00	\$ 2,168.00	\$ 17.25	\$ 4,674.75	\$ 10.00	\$ 2,710.00
105	2011	REMOVING STAB BASE AND ASPH PAV (2" - 6")	473	SY	\$ 6.00	\$ 2,838.00	\$ 8.50	\$ 4,020.50	\$ 5.95	\$ 2,814.35	\$ 4.50	\$ 2,128.50
110	2001	EXCAVATION (ROADWAY)	920	CY	\$ 23.50	\$ 21,620.00	\$ 18.00	\$ 16,560.00	\$ 7.50	\$ 6,900.00	\$ 15.00	\$ 13,800.00
132	2004	EMBANKMENT (FINAL) (DENS COMP) (TY B)	1,590	CY	\$ 20.00	\$ 31,800.00	\$ 28.00	\$ 44,520.00	\$ 16.90	\$ 26,871.00	\$ 19.00	\$ 30,210.00
162	2002	BLOCK SODDING	8,826	SY	\$ 6.00	\$ 52,956.00	\$ 6.00	\$ 52,956.00	\$ 5.35	\$ 47,219.10	\$ 3.00	\$ 26,478.00
168	2001	VEGETATIVE WATERING	177	MG	\$ 200.00	\$ 35,400.00	\$ 12.00	\$ 2,124.00	\$ 54.20	\$ 9,593.40	\$ 14.00	\$ 2,478.00
423	2012	RETAINING WALL (CAST-IN-PLACE)	566	SF	\$ 43.00	\$ 24,338.00	\$ 55.00	\$ 31,130.00	\$ 31.75	\$ 17,970.50	\$ 43.00	\$ 24,338.00
450	2073	RAIL (HANDRAIL) (TY B)	121	LF	\$ 20.00	\$ 2,420.00	\$ 95.00	\$ 11,495.00	\$ 58.00	\$ 7,018.00	\$ 140.00	\$ 16,940.00
464	2007	RC PIPE (CL III) (30 IN)	42	LF	\$ 250.00	\$ 10,500.00	\$ 55.00	\$ 2,310.00	\$ 150.00	\$ 6,300.00	\$ 75.00	\$ 3,150.00
464	2009	RC PIPE (CL III) (36 IN)	42	LF	\$ 275.00	\$ 11,550.00	\$ 65.00	\$ 2,730.00	\$ 176.00	\$ 7,392.00	\$ 100.00	\$ 4,200.00
465	2003	INLET (COMPL) (TY H)	2	EA	\$ 11,550.00	\$ 23,100.00	\$ 5,000.00	\$ 10,000.00	\$ 4,891.00	\$ 9,782.00	\$ 4,000.00	\$ 8,000.00
465	2385	INLET (COMPL) (CURB) (SPL)	2	EA	\$ 7,800.00	\$ 15,600.00	\$ 6,000.00	\$ 12,000.00	\$ 4,475.00	\$ 8,950.00	\$ 5,500.00	\$ 11,000.00
496	2002	REMOV STR (INLET)	4	EA	\$ 1,200.00	\$ 4,800.00	\$ 1,200.00	\$ 4,800.00	\$ 1,382.00	\$ 5,528.00	\$ 800.00	\$ 3,200.00
496	2007	REMOV STR (PIPE)	34	LF	\$ 25.00	\$ 850.00	\$ 35.00	\$ 1,190.00	\$ 46.00	\$ 1,564.00	\$ 100.00	\$ 3,400.00
500	2001	MOBILIZATION	0.50	LS	\$ 64,800.00	\$ 32,400.00	\$ 47,047.00	\$ 23,523.50	\$ 83,000.00	\$ 41,500.00	\$ 45,000.00	\$ 22,500.00
502	2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	3	MO	\$ 5,000.00	\$ 15,000.00	\$ 3,200.00	\$ 9,600.00	\$ 1,876.00	\$ 5,628.00	\$ 2,500.00	\$ 7,500.00
506	2034	TEMPORARY SEDIMENT CONTROL FENCE	311	LF	\$ 3.00	\$ 933.00	\$ 3.00	\$ 933.00	\$ 2.80	\$ 870.80	\$ 2.50	\$ 777.50
506	2052	TMP SDMT CONT FENCE (INLET PROTECT)	222	LF	\$ 10.00	\$ 2,220.00	\$ 35.00	\$ 7,770.00	\$ 32.00	\$ 7,104.00	\$ 11.00	\$ 2,442.00
529	2006	CONC CURB (MONO) (TY II)	134	LF	\$ 15.00	\$ 2,010.00	\$ 8.00	\$ 1,072.00	\$ 10.40	\$ 1,393.60	\$ 20.00	\$ 2,680.00
530	2010	DRIVEWAYS (CONC)	77	SY	\$ 38.00	\$ 2,926.00	\$ 42.00	\$ 3,234.00	\$ 80.20	\$ 6,175.40	\$ 54.00	\$ 4,158.00
530	2011	DRIVEWAYS (ACP)	289	SY	\$ 18.00	\$ 5,202.00	\$ 46.00	\$ 13,294.00	\$ 55.20	\$ 15,952.80	\$ 35.00	\$ 10,115.00
531	2005	CURB RAMPS (TY 1)	2	EA	\$ 975.00	\$ 1,950.00	\$ 900.00	\$ 1,800.00	\$ 1,428.00	\$ 2,856.00	\$ 1,200.00	\$ 2,400.00
531	2010	CURB RAMPS (TY 7)	12	EA	\$ 950.00	\$ 11,400.00	\$ 800.00	\$ 9,600.00	\$ 1,236.00	\$ 14,832.00	\$ 1,150.00	\$ 13,800.00
531	2040	CURB RAMPS (TY 5)	1	EA	\$ 950.00	\$ 950.00	\$ 800.00	\$ 800.00	\$ 1,677.00	\$ 1,677.00	\$ 1,700.00	\$ 1,700.00
531	2041	CURB RAMPS (TY 10)	2	EA	\$ 950.00	\$ 1,900.00	\$ 800.00	\$ 1,600.00	\$ 1,284.00	\$ 2,568.00	\$ 1,500.00	\$ 3,000.00
531	2024	CONC SIDEWALK (5")	6,297	SY	\$ 34.00	\$ 214,098.00	\$ 36.00	\$ 226,692.00	\$ 52.10	\$ 328,073.70	\$ 48.60	\$ 306,034.20
644	2001	INS SM RD SN SUP&AM TY 10BWG(1) SA (P)	8	EA	\$ 465.00	\$ 3,720.00	\$ 400.00	\$ 3,200.00	\$ 465.00	\$ 3,720.00	\$ 750.00	\$ 6,000.00
644	2059	RELOCATE SM RD SN SUP & AM TY TWT	6	EA	\$ 465.00	\$ 2,790.00	\$ 350.00	\$ 2,100.00	\$ 389.00	\$ 2,334.00	\$ 750.00	\$ 4,500.00
644	2081	INS SM RD SN SUP&AM TY TWT(1) WS (P)	30	EA	\$ 465.00	\$ 13,950.00	\$ 400.00	\$ 12,000.00	\$ 320.00	\$ 9,600.00	\$ 650.00	\$ 19,500.00
666	2048	REFL PAV MRK TY I (W) (24 IN) (SLD) (100MIL)	721	LF	\$ 9.00	\$ 6,489.00	\$ 6.50	\$ 4,686.50	\$ 8.90	\$ 6,416.90	\$ 7.00	\$ 5,047.00
677	2007	ELIM EXT PAV MRK & MRKS (24")	275	LF	\$ 3.00	\$ 825.00	\$ 3.00	\$ 825.00	\$ 7.30	\$ 2,007.50	\$ 3.00	\$ 825.00
TOTAL BID FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)						\$ 574,207.00		\$ 598,322.50		\$ 632,040.80		\$ 587,350.20
TOTAL BID MIDWAY DRIVE (CSJ 0909-36-130)						\$ 565,976.98		\$ 555,731.50		\$ 559,204.75		\$ 572,044.10
TOTAL BID FM 2305 (WEST ADAMS) - LAKEWOOD DRIVE (CSJ 0909-36-131)						\$ 574,207.00		\$ 598,322.50		\$ 632,040.80		\$ 587,350.20
TOTAL BID MIDWAY DR. + FM 2305 (WEST ADAMS) - LAKEWOOD DR.						\$1,140,183.98		\$1,154,054.00		\$1,191,245.55		\$1,159,394.30
CONTRACT LENGTH (CALENDAR DAYS)						180		180		180		180



LEGEND

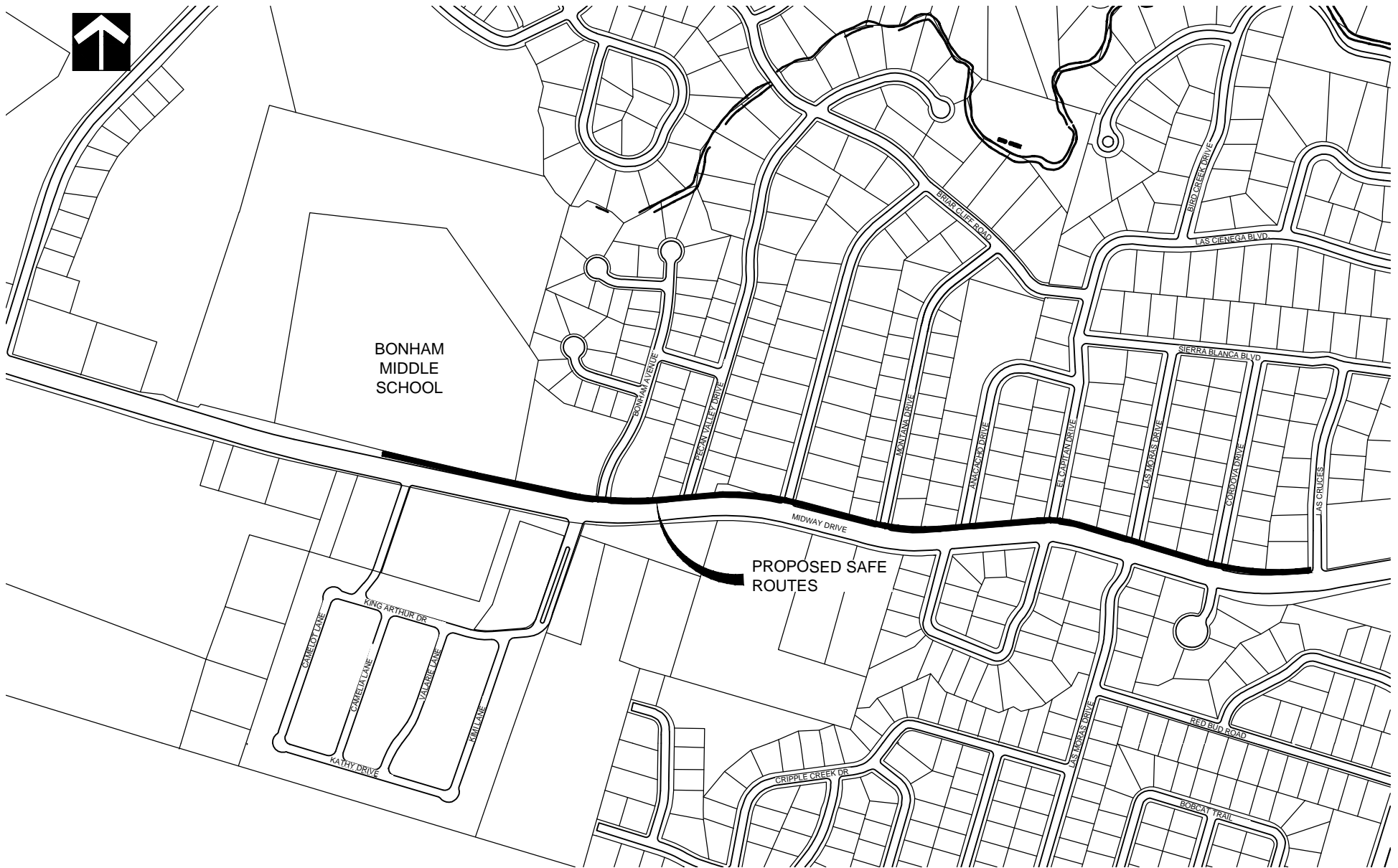
 Proposed Safe Routes

BELTON ISD

Lakewood Elementary School

Proposed Safe Routes





LEGEND

 Proposed Safe Routes

TEMPLE ISD

Bonham Middle School

Proposed Safe Routes



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH PATIN CONSTRUCTION, LLC., OF TAYLOR, TEXAS, FOR CONSTRUCTION OF TWO SAFE ROUTES TO SCHOOL TRAILS, IN THE AMOUNT OF \$856,579; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City received funding for Safe Routes to School (SRTS) Trails from the Texas Department of Transportation – the SRTS Program is a 100% federally funded cost-reimbursement program, with no matching funds required;

Whereas, on February 21, 2012, the City received nine bids for construction of two Safe Routes to School trails and Staff recommends accepting the bid (\$856,579) from Patin Construction, LLC., of Taylor, Texas;

Whereas, funding for this project is funded through the SRTS Program at 100% cost-reimbursement – funding for the two trails are available in Account No. 260-3400-531-63-15, Project Nos, 100690 and 100691; 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 between the City of Temple and Patin Construction, LLC., of Taylor, Texas, after approval as to form by the City Attorney, for construction of two Safe Routes to School trails, in the amount of \$856,579.

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 15th day of **March**, 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

03/15/12
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Toro Groundsmaster 4500-D rotary rough mower from Professional Turf Products utilizing a BuyBoard contract in the amount of \$52,871.82.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This Toro 4500-D Groundsmaster will replace an existing Toro mower of the same model that is 8 years old. This piece of equipment mows the rough area (the area outside fairways, greens and tees).

Once bought, the new Toro Groundsmaster 4500-D will become one of the primary pieces of mowing equipment for the golf course and is essential to providing a properly maintained golf course. To ensure that mowing schedules will not be affected by equipment failure, the existing unit will be retained as backup.

Toro 4500-D Groundsmaster	\$51,835.12
<u>Destination Charge</u>	<u>\$ 1,036.70</u>
Total	\$52,871.82

FISCAL IMPACT: The FY 2012 operating budget for the golf course includes \$41,000 for a continuation of an existing equipment replacement program. Additional funds in the amount of \$11,872 have been identified within the golf course operating budget. A budget adjustment is presented appropriating all funds to account # 110-3120-551-6222, project # 100854. The additional funds are spread over multiple accounts to lessen any potential negative impact on the golf course operational budget.

ATTACHMENTS:

[Budget Adjustment
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.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-3120-551-62-22	100854	Machinery & Equipment-Mower	\$ 52,872	
110-3120-551-22-11		Instruments and Special Equipment		41,000
110-3130-551-22-11		Instruments and Special Equipment		2,000
110-3120-551-21-18		Chemicals/Compressed Gas		2,872
110-3120-551-21-19		Botanical Supplies		2,000
110-3120-551-23-31		Instruments and Special Equipment		3,000
110-3110-551-25-10		Contributions and Prizes		1,000
110-3150-551-21-29		Advertising/Marketing		1,000
TOTAL.....			\$ 52,872	\$ 52,872

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

Due to the age and unreliability of an existing unit, a new groundsmaster mower is needed. As part of an ongoing equipment replacement program some funds had been set aside for new equipment. Purchases that were planned within the various accounts listed will be adjusted accordingly with the exception of 110-3120-551-23-31. These funds are anticipated due to savings from the repair of the aging mower that will be replaced.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

March 15, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO GROUNDMASTER 4500-D ROTARY ROUGH MOWER FROM PROFESSIONAL TURF PRODUCTS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$52,871.82; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the purchase of this Toro Groundsmaster 4500-D will replace an existing Toro mower of the same model that is 8 years old – this piece of equipment mows the rough areas outside of the fairways, greens and tees;

Whereas, Staff recommends purchasing the Toro Groundsmaster 4500-D from Professional Turf Products, using the BuyBoard local government online purchasing cooperative in the amount of \$52,871.82;

Whereas, funds are available for this purchase in Account No. 110-3120-551-6222, Project No. 100854, but an amendment to the FY2011-12 budget needs to be approved to transfer the 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 a Toro Groundsmaster 4500-D Rotary Rough Mower from Professional Turf Products, through the BuyBoard local government online purchasing cooperative system, in the amount of \$52,871.82.

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: The City Council approves an amendment to the FY2011-12 budget, substantially in the form of the copy attached as Exhibit A, 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 15th day of **March**, 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

03/15/12
Item #5(M)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - Z-FY-12-22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M.

P&Z COMMISSION RECOMMENDATION: At its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation approval of the requested rezoning.

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

Staff recommends approval of a rezoning 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-12-22, from the Planning and Zoning Commission meeting, February 6, 2012. The applicant, Karl Miller, requests the rezoning to expand the applicant's body shop business across South 53rd Street from the subject property. Staff has informed the applicant of the screening, parking, landscaping & other standards that will apply if the rezoning is approved.

COMPREHENSIVE PLAN COMPLIANCE: The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial.	Yes
CP	Map 5.2 - Thoroughfare Plan	Ave. M is a Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	2-inch water line along east of property. 8-inch and 6-inch sewer line south and west of property	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to north and west is compatible to C-Commercial zoning.	Yes

DEVELOPMENT REGULATIONS: The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

The applicant is aware that use of the property will have to abide by certain regulations regarding landscaping, parking, screening/buffering, any signage that is built or masonry for any new structures. There are currently 6 trees that will contribute to landscaping requirements with either 3 more trees or 9 more shrubs to meet requirements. All used parking will be paved. Automobiles under service will have to be screened with a fence.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the sixteen property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, January 25, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 6, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

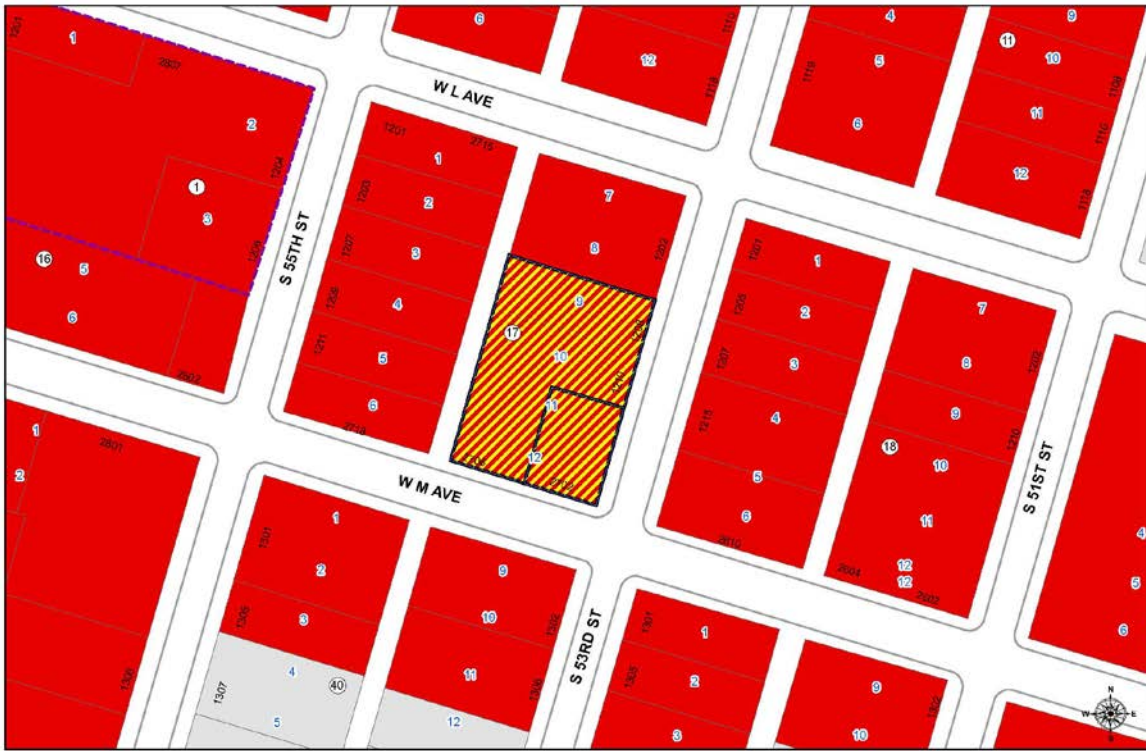
Future Land Use and Character Map
Aerial and Thoroughfare Plan Map
Zoning Map and Notice Map
Utility Map
P&Z Staff Report (Z-FY-12-22)
P&Z Minutes (02/06/12)
Ordinance



Z-FY-12-22

2F, GR to C

1208 & 1210 S 53rd St
& 2702 & 2706 W Ave M



1 inch = 103 feet

JCalhoun Planning 01.10.12



Z FY 12-22

2F, GR to C

1208 & 1210 S 53rd St
& 2702 & 2706 W Ave M



Feet 0 100 200 300 400

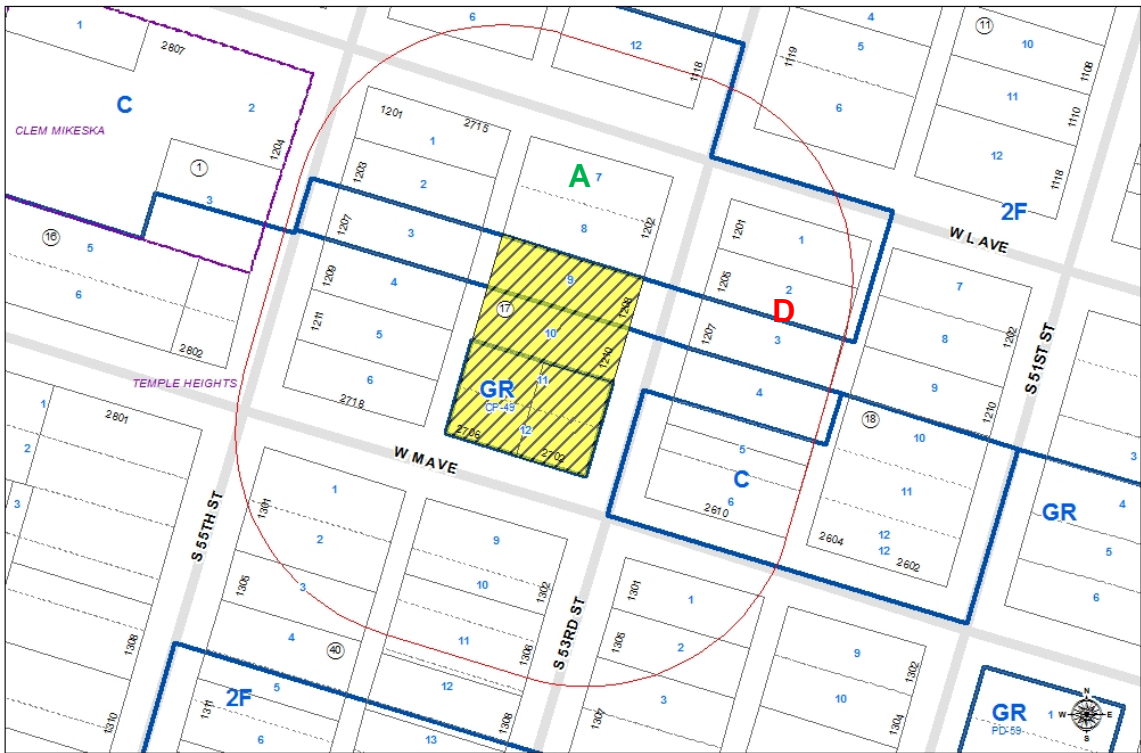
JCalhoun 01.10.2012



Z FY 12-22

2F, GR to C

1208 & 1210 S 53rd St
& 2702 & 2706 W Ave M



ZFY 12-22

ZFY 12-22, 200

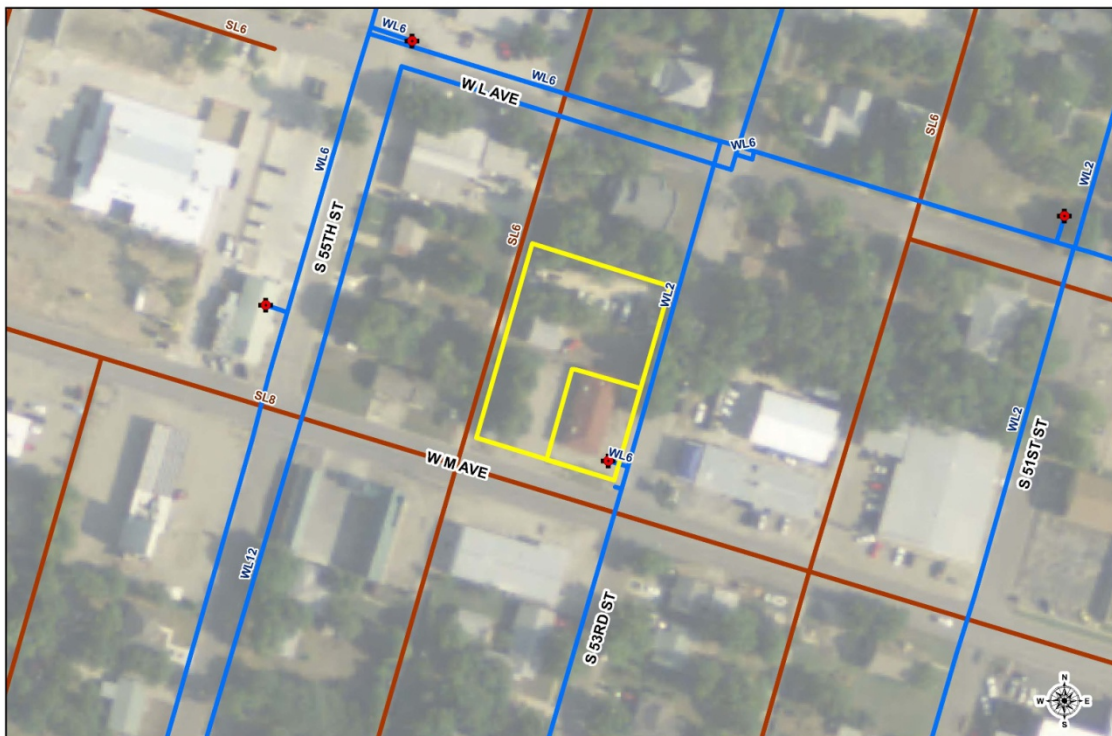
Feet 0 100 200 300 400
JCalhoun 01.10.2012



Z FY 12-22

2F, GR to C

1208 & 1210 S 53rd St
& 2702 & 2706 W Ave M



ZFY 12-22

Fire Hydrant

Water Line

Sewer Line

Feet 0 100 200 300 400
JCalhoun 01.10.2012



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/06/12
Item 2
Regular Agenda
Page 1 of 7

APPLICANT / DEVELOPMENT: Karl Miller


CASE MANAGER: Jacob Calhoun, Planning Intern




ITEM DESCRIPTION: Z-FY-12-22 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M.

BACKGROUND: The applicant requests a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) to use the property to expand the applicant's body shop business across S. 53rd St. from the subject property. Staff has informed the applicant of the screening, parking, landscaping & other standards that will apply if the rezoning is approved. The CUP on the property was for the serving of alcoholic beverages from when the building on the property was a restaurant.

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	2F, GR, GR-CUP	Vacant former laundromat, single-family dwellings	

Direction	Zoning	Current Land Use	Photo
North	C	Vacant structure	
South	GR	Vacant former contracting supply store	
East	C, 2F, GR	Major auto repair (applicant's business)	

Direction	Zoning	Current Land Use	Photo
West	C, GR	Residential Buildings	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Development amendment relates to the following goals, objectives or maps of the Comprehensive Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Auto-Urban Commercial.	Yes
CP	Map 5.2 - Thoroughfare Plan	Ave. M is a Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	2-inch water line along east of property. 8-inch and 6-inch sewer line south and west of property	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to north and west is compatible to C-Commercial zoning.	Yes

DEVELOPMENT REGULATIONS:

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

According to the district's purpose statement in the Unified Development Code, the Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Commercial Zoning District	Minimum Standards
Front Setback	30-ft from Center of Street
Side Setback	0-ft *
Back Setback	0-ft **
Height	Any Legal Height
* Unless adjacent to Residential District, then 10-ft. If building exceeds 40-ft, increase setback 1 foot for each 3-ft over 40-ft in height	
** Unless adjacent to Residential District, then 10-ft. (0-ft if boundary is alley)	

STAFF ANALYSIS

The land to the west of the property is zoned Commercial and has both residential and commercial uses. Directly west of the 200' buffer is Clem Mikeska's BBQ which is also zoned Commercial. The land to the south of the property is being used as a car wash and is permitted in the General Retail zoning district. The land to the east of the property is a combination of Commercial and General Retail uses along Ave M and residential along 53rd Street. The land to the north of the property is zoned Commercial and has a few commercial properties and some residential properties as well.

The property itself neighbors a Commercial district to the north and would thereby be a reasonable extension of that district. The other surrounding properties are General Retail or denser residential and thereby provide an adequate transition from Commercial to adjacent properties. The proposed use of the property as an extension for the Temple Collision Center fits with the surrounding area. Temple Collision Center is currently within a Commercial zoning which allows for major vehicle servicing and fits the applicant's business.

The new Commercial zoning will have to abide by certain regulations regarding landscaping, parking, screening/buffering, any signage that is built or masonry for any new structures. There are currently 6 trees that will contribute to landscaping requirements with either 3 more trees or 9 more shrubs to meet requirements. All used parking will be paved. Automobiles under service will be screened with a fence. An existing pole sign will be used for signage.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the sixteen property owners within the 200-foot radius surrounding the rezoning site. As of Wednesday, January 25th, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 6, 2012 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

1. The request complies 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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

[Future Land Use and Character Map](#)

[Aerial, Thoroughfare Plan Map and Trails Plan Map](#)

[Zoning and Notice Map](#)

[Utility Map](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 6, 2012

ACTION ITEMS

Item 2: Z-FY-12-22: Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F), General Retail District (GR), and General Retail with a Conditional Use Permit to Commercial District on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West M Avenue. (Applicant: Karl Miller)

Chair Martin stated since there were three action items on the agenda requiring public hearings, due to the amount of citizens in attendance, speakers should limit their comments to three minutes.

Mr. Jacob Calhoun, Planning Intern, stated the applicant is requesting a rezoning from General Retail (GR), GR with a Conditional Use Permit (CUP) and Two Family (2F) to Commercial (C) to expand his auto collision business. The applicant will be using the building stock with no addition planned at this time. The current plan is to use the land behind the Laundromat as a parking area for customers' vehicles. The CUP on the property was originally for the Catfish House back in the '80s. The applicant has agreed to new commercial development standards since this is a new commercial development.

The subject property (old Pizza Hut) is currently zoned GR. The properties to the south include GR, to the east is C (Temple Collision) and 2F and GR, to the north include C and the west is partially C and some GR.

The Trails and Thoroughfare Plan show Avenue M as a minor arterial with a proposed local connector trail on the east side of 51st Street. The Future Land Use and Character Map designates this area as Auto-Urban Commercial with a small neighborhood conservation area to the south. The utilities include proper water and sewer on site and a fire hydrant.

Sixteen notices were mailed out to surrounding property owners. Two were returned in favor of the request and one was in opposition.

Commercial zoning district permits all retail and most commercial land uses, including major and minor vehicle repair. For major vehicle repair all buildings must be set back a minimum of 20 feet from either residentially zoned or public property, such as school or park, and vehicle repair must be conducted within a building.

Staff recommends approval for the rezoning request from GR 2F, and GR CUP, to C since it complies with the Future Land Use and Character Map, Thoroughfare Plan and there are adequate public facilities to serve the site.

Commissioner Rhoads asked if there were plans for the building to come down. Mr. Calhoun stated the applicant would be using the existing building and surrounding the parking lot area with a fence.

Chair Martin opened the public hearing.

Ms. Barbara Carpenter, 536 Chatham Road, Temple, Texas, stated she owns property across the street and there is a lot of traffic up and down that street. Mr. Miller has a very nice fence around the house next door to Mr. Carpenter, however, there is a tremendous amount of traffic from employees and loud music. It was a residential area at one time and is becoming more commercial. Ms. Carpenter did not feel 51st Street could handle any more traffic since it is already congested. Avenue M handles more traffic but there are three residential houses on the other side of the street.

Ms. Carpenter stated she receives complaints all the time from her rental tenants (at 1207 S. 53rd Street) regarding loud music, noise, and the amount of traffic. Ms. Carpenter feels the traffic would become even worse with more commercial in the area.

Ms. Carpenter gave a description of the local homes/businesses on the map and stated the Collision Center has a nice privacy fence around it.

Vice-Chair Staats asked about the loud music and if it was coming from the current business. Ms. Carpenter stated a lot of employees park up and down the street now and maybe that was it but could not state for certain where it came from. Ms. Carpenter has picked up trash, heard loud music and has seen employees park up and down the street.

Commissioner Talley asked if anyone has gone to the employer to talk about the parking or to the City to have No Parking signs installed. Ms. Carpenter stated no.

Chair Martin asked what Avenue M was classified as and Mr. Calhoun stated it was a minor arterial which does not hold as much traffic such as Adams Avenue, but higher than most residential roads.

Chair Martin asked what the procedure would be to have No Parking signs installed on the streets and Mr. Calhoun stated they would most likely have to talk with Public Works/Streets Department.

Mr. Karl Miller, 1358 Eagle Bluff Drive, Troy, Texas, is the applicant and stated the loud music always came from the Laundromat and what he claimed as drug dealers living across the street behind Sterling's sign business. The Police did come out several times regarding the music but none of his employees were ever caught playing loud music, and Mr. Miller would fire them if they did. Mr. Miller stated there is less traffic on the street since getting rid of the Laundromat because no traffic is coming in. The property will only be used for parking, nothing else. Mr. Miller plans on putting a new roof on the building along with white rock stone and make it look nicer. Mr. Miller claims he has cleaned up the neighborhood by tearing down the large house at 51st Street and two other houses he claimed were being used as drug houses.

Mr. Miller does not feel traffic will be an issue since the Laundromat no longer exists.

Commissioner Jones asked what type of fence would be installed and Mr. Miller responded a six foot wood fence around the entire area.

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

Vice-Chair Staats made a motion to approve Item 2, Z-FY-12-22 and Commissioner Talley made a second.

Motion passed: (7:0)

ORDINANCE NO. 2012-4518

[PLANNING NO. Z-FY-12-22]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM TWO FAMILY DISTRICT (2F), GENERAL RETAIL (GR), AND GENERAL RETAIL WITH A CONDITIONAL USE PERMIT (GR-CUP) TO COMMERCIAL DISTRICT (C), ON LOTS 9-12, BLOCK 17, TEMPLE HEIGHTS ADDITION, LOCATED AT 1208 AND 1210 SOUTH 53RD STREET AND 2702 AND 2706 WEST AVENUE M; 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 Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 – 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M, 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 1st day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the 15th day of **March**, 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

03/15/12
Item #5(N)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - Z-FY-12-23: Consider adopting an ordinance authorizing a an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

P&Z COMMISSION RECOMMENDATION: At its February 6, 2012, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the PD amendment subject to the staff recommended conditions listed below.

Two Commission posts were vacant at the time of the vote.

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

Staff recommends approval of the PD amendment request subject to the following:

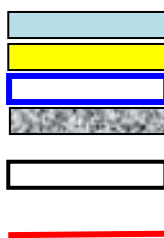
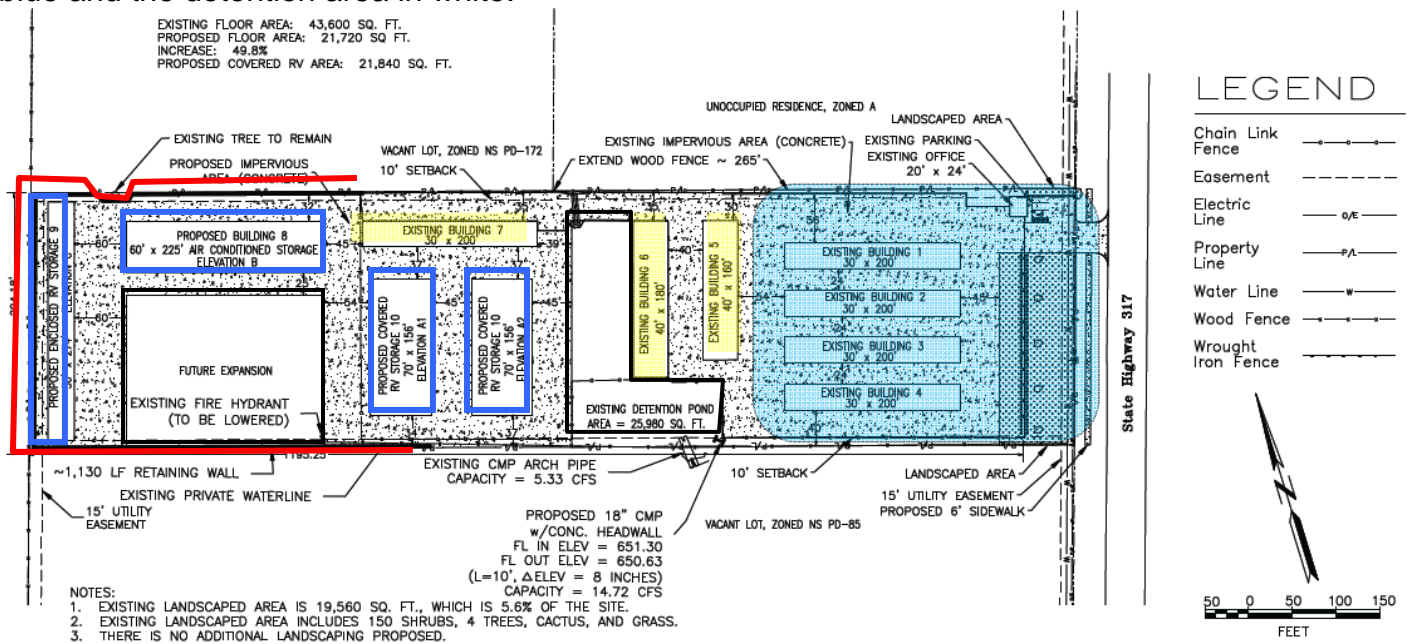
1. Development must comply with the revised PD site plan.
2. The installation of two additional 2"-3" caliper, 65 gallon oak species trees along the SH 317 street frontage in order to conform to the previously approved Planned Development.
3. The installation of the 6-ft. sidewalk on the originally approved PD site plan.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-23, from the Planning and Zoning meeting, February 21, 2012. The applicant is Doyle Spigener for RAS Investments. In March 2001, the City Council approved a rezoning request for the subject property from AG, Agricultural to PD-NS, Neighborhood Services zoning district which included a site plan for mini-warehouses. As with all PDs, the City Council required that future development of the property require re-approval of an amended PD site plan. The applicant proposes to expand the layout on the originally approved PD site plan to fill the entire lot.

The original site plan below shows 116 units and an office. Landscaping, while not shown on this plan, was also required along the SH 317 frontage in the form of 1 tree per 60 feet of street frontage for a total of 5 trees. Currently, 3 trees exist along the street frontage so an additional two trees were originally required in the wording of the PD ordinance. All surfaces shown between buildings and to the road were paved with concrete. There is a 6-ft. wooden stockade fence shown and

placed along the north side of the property as a screen between the adjacent residential property, an ornamental iron fence along the frontage, and a chain link fence around the west and south property lines, as approved with the PD in 2001.

In 2005, there were three buildings and concrete flatwork added to the storage warehouse without an amendment to the PD site plan. These buildings are being shown as existing units on the Proposed Expansion Site Plan and highlighted above in yellow. This amendment, if approved, will add these existing units to the approved site plan and ordinance, along with the new proposed units outlined in blue and the detention area in white.



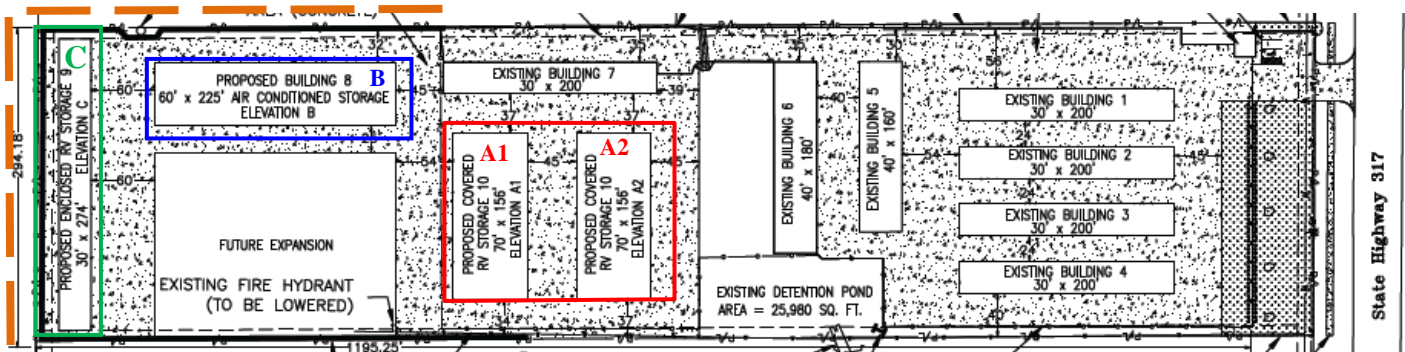
- Original approved site plan extent
- Existing three buildings built without PD amendment
- Four proposed new buildings
- Proposed and existing concrete pavement
- Detention area and vacant area for future expansion
(See attached site plan for finer details)
- Retention Wall being built on site

Additionally shown on the plan to the west, another white area is labeled as vacant, remaining unpaved, for future expansion. Around the western portion of the lot, a retention wall is shown outlined in red. It is currently being built for proper drainage for the entire lot

PD SITE PLAN REVIEW: If the City Council approves this PD request, it must be built according to the approved PD site plan.

The four unbuilt storage building units are proposed to the rear of the lot and would not be visible from the public ROW or, for the most part, from adjacent non-storage-related uses. The plans and elevations for each are attached at the end of this report.

- Buildings A1 and A2, near the center of the site in red, are proposed for covered storage for recreational vehicles and boats. They are entered and remain open from both long sides and have a wall in the center of the building, being much like a large carport. All inner and outer facades are proposed to be metal. Each building has 12 bays, all totaling 24, 26-ft wide openings between each support column.
- Building B, at the northern property line in blue, is fully enclosed and air conditioned storage unit building, is entered from all sides and has 55 storage units.
- Building C, at the far west in green, is only entered from one side and has 26 enclosed garages for recreational vehicles.



For the reasons below, Staff does not consider it necessary to require masonry as part of this PD on the proposed buildings.

Building Number	Factors
<u>A2</u>	<u>Front of the building is over 600 feet from 317 ROW</u>
	<u>Building is obscured by Existing Buildings 5, 6 and 7</u>
	<u>Front and back side of building consists of open storage units without doors or trim</u>
	<u>Property to south is part of the subject PD, which has been approved for additional storage units</u>
<u>A1</u>	<u>Same reasons for building A2 except that Building A1 is over 730 feet from SH 317 ROW</u>
	<u>Front of the building is 850 feet from 317 ROW</u>
	<u>Building is obscured by Existing Buildings 6 and 7</u>
	<u>Property to the north is an approved PD for a similar use (boat storage)</u>
<u>B</u>	<u>Property to south is part of the subject PD, which has been approved for additional storage units</u>
	<u>Front of building is 1,150 feet from SH 317 ROW</u>
	<u>Building is obscured by all other existing and proposed buildings on property</u>
	<u>Existing residential fence and change in grade due to retaining wall will hide rear wall from adjacent properties</u>

The plans show a variable height retaining wall (2-3 ft.) that is currently being built around the rear portion of the lot to redirect rainwater to the proposed detention pond. It is indicated in orange above. The chain link security fence is proposed to be reestablished around the new portion of the building site. There will be no change to the ornamental iron fence with a security gate along the ROW.

Cement paved maneuvering areas area shown around all new buildings. The requested site layout has adequate fire coverage and has been reviewed for vehicle maneuvering by the Fire Marshal. They also show a 6-ft. sidewalk along the entire adjacent ROW, as SH 317 is classed as a major arterial on the Thoroughfare Map.

The applicant is adding additional wood fencing along the north side of the lot to the end of the residential property as shown with the brown dashed line above. The rear property line is adjacent to Windmill Farms residential subdivision. The applicant has shown the rear of the Building C storage unit as the required 8-ft. screen. The rear wall is proposed to block the view between the use and the residential lots.

The applicant has not proposed any additional landscaping on this site. The site currently has 150 shrubs along the base of the front wrought iron fence, ornamental cacti and four trees along the street frontage. One tree is along the side of the office, and three are in the landscaping area, even though the submitted site plan shows 5 trees planted in this area. In order to be in compliance with the originally approved Planned Development for this property, which requires one tree per 60 feet of street frontage, and give some mitigation for the lack of a formal screen at the rear of the property, the front landscaping area, forward of the street facing facades, should have two additional 2"-3" caliper inch, 65 gallon oak species trees added. This is reflected in the Staff and P&Z recommendations.

PUBLIC NOTICE: Twenty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. As of Wednesday, February 15, at 10 am, 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 January 26, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare Plan Map and Trails Plan Map](#)
[PD Site Plan](#)
[Storage Unit Elevations](#)
[Zoning and Notice Map](#)
[Response Letters](#)
[P&Z Staff Report \(Z-FY-12-23\)](#)
[P&Z Minutes \(February 6, 2012\)](#)
[Ordinance](#)



Z-FY-12-23

Johnson One Star Properties Addition - Amy's Attic
Planned Development PD-NS 85 Amendment

7950 N. S.H. 317



2010 Bell County Aerial

Case Z-FY-12-23

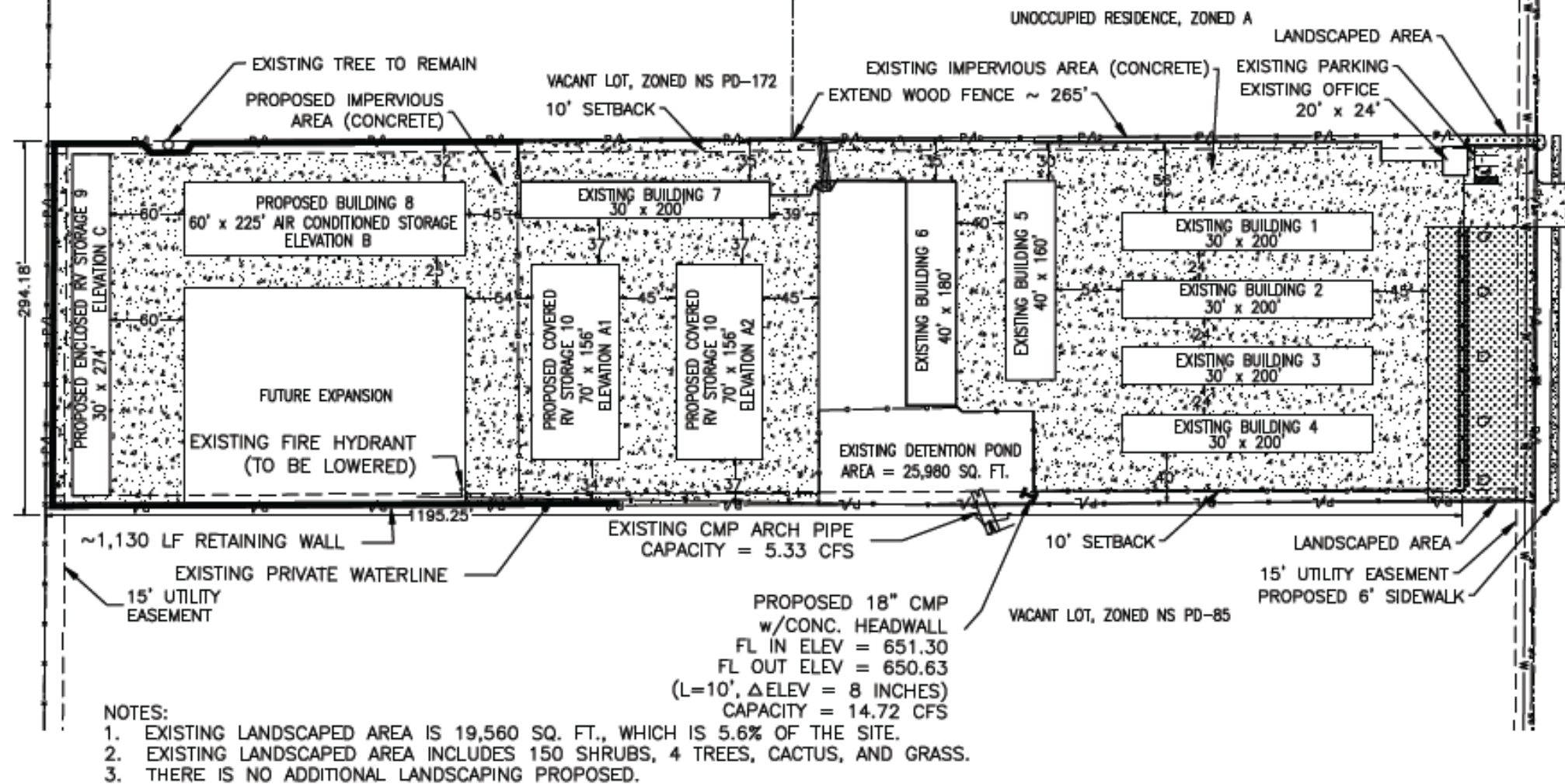
Feet 0 100 200 300

Major Arterial

Proposed Local Connector Trail

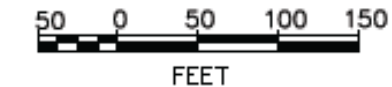
LMatlock 1.11.12

EXISTING FLOOR AREA: 43,600 SQ. FT.
 PROPOSED FLOOR AREA: 21,720 SQ. FT.
 INCREASE: 49.8%
 PROPOSED COVERED RV AREA: 21,840 SQ. FT.



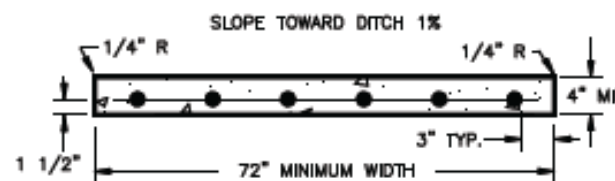
LEGEND

Chain Link Fence	—•—•—•—
Easement	----
Electric Line	—o/e—
Property Line	—P/L—
Water Line	—w—
Wood Fence	—x—x—x—
Wrought Iron Fence	—•—•—•—

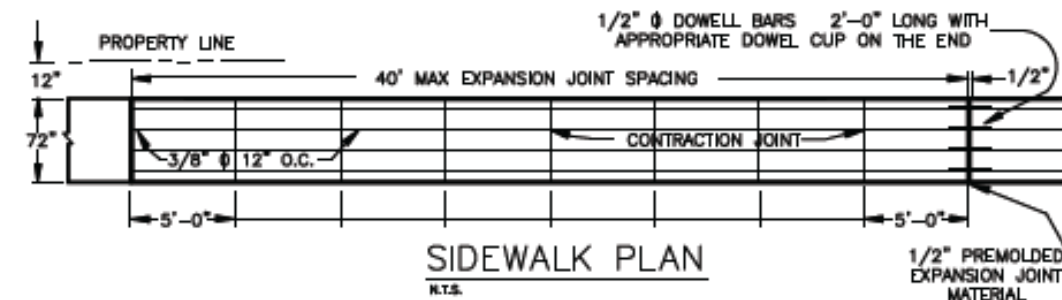


SIDEWALK NOTES:

1. CONCRETE FOR ALL ITEMS ON THIS SHEET SHALL BE CLASS "A", 5 SACK, 3000 P.S.I. CONCRETE AT 28 DAYS UNLESS OTHERWISE SPECIFIED ON THE PLANS OR SPECIFICATIONS.
2. ALL CONCRETE SHALL BE GIVEN A BROOM FINISH UNLESS OTHERWISE SPECIFIED. ALL REINFORCING SHALL HAVE 2" MIN. COVER, 3" MIN. IF PLACED AGAINST EARTH FORM.
3. SIDEWALK, WIRE MESH OF #10 WIRE AT 6" O-C'S MAY BE USED IN LIEU OF #3 Ø BARS, FOR REINFORCING.
4. ALL EXPOSED CORNERS TO BE TOOLED TO A 1/4" RADIUS.
5. EXPANSION JOINTS SHALL BE INSTALLED A MAX. OF EVERY 40' FOR ALL CONCRETE DETAILS.
6. MAXIMUM CROSS SLOPE OF SIDEWALK SHALL BE 2.00000%.



SIDEWALK SECTION
N.T.S.



SIDEWALK PLAN
N.T.S.

Comprehensive Engineering Solutions, Inc.
 Registered Engineering Firm, State of Texas, No. 1071
 319 South First St., Suite A ♦ Temple, Texas 76504
 Voice: (254) 742-2050 ♦ Fax: (254) 742-2055

REVISIONS:

1. Added concrete to both proposed and existing impervious notes.
2. Extended wood fence on north side of property line.
3. Removed notes 1 and 2 about sidewalks and renumbered notes.
4. Added 6' sidewalk across front of lot.
5. Added sidewalk detail and notes.



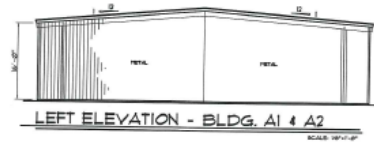
1/26/12

SITE PLAN FOR DRC MEETING
 CITY OF TEMPLE
 Bell County, Texas

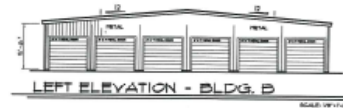
Vertical Scale: 1" = 50'
 Horizontal Scale: 1" = 50'
 Filename: SITE.DWG
 Plot Date: 1/26/12
 Drawn By: KBA
 Project No.: 11-1118
 Designed By: KBA

SHEET 1 OF 1

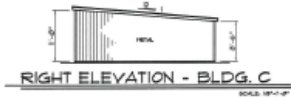
Page 1 of 2



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1

[illegible]Building C

Midstate Building Services, Inc.
J. Doyle Spigener
254-839-1376
Mobile: 254-770-7830

R.D. Chaplin
and Associates
1014 W. Ave. L - TARPUE, Tenn. 37067
Office - (248)-773-3221 Mobile - (248)-
773-3222 Email: rdchaplin@att.net

Proposed New Building
Amy's Attic
Belton, Texas
Date: 12/20/11

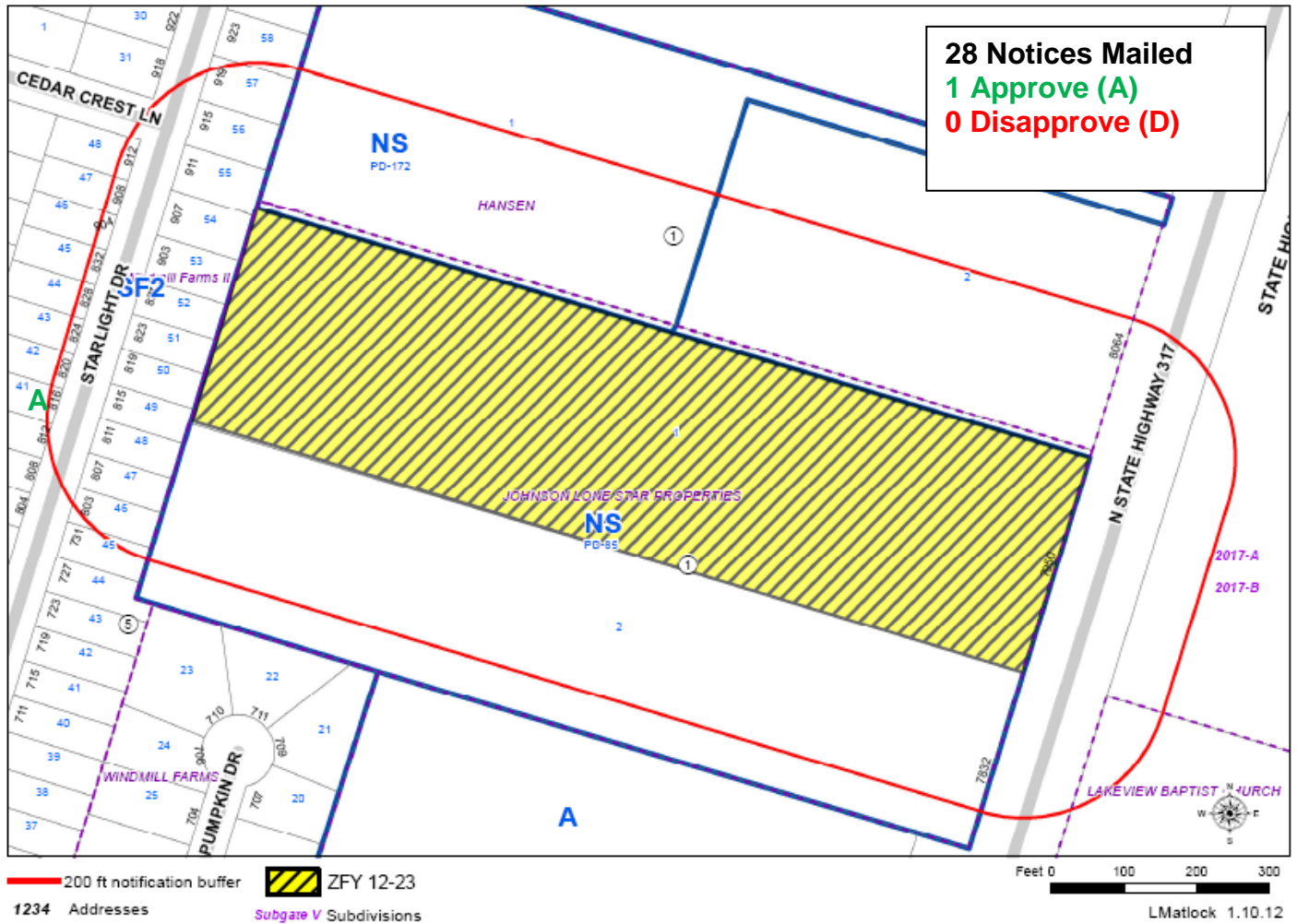
1



Z-FY-12-23

Johnson One Star Properties Addition - Amy's Attic
Planned Development PD-NS 85 Amendment

7950 N. S.H. 317





**RESPONSE TO PROPOSED
PLANNED DEVELOPMENT AMENDMENT
REQUEST
CITY OF TEMPLE**

James & Catherine Stanco
816 Starlight Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-23

Project Manager: Leslie Matlock

Location: 7590 North State Highway 317

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

I recommend (☒) approval (☐) denial of this request.

Comments:

WE ARE ALL FOR FREE ENTERPRISE - CREATING JOBS.


Signature

James M. Stanco
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

JAN 30 2012

City of Temple
Planning & Development

Number of Notices Mailed: 28

Date Mailed: January 26, 2012

PLANNING AND ZONING COMMISSION AGENDA ITEM

2/6/12

Item #3

Regular Agenda

Page 1 of 4

APPLICANT: Doyle Spigener for RAS Investments - Amy's Attic Storage Warehouses

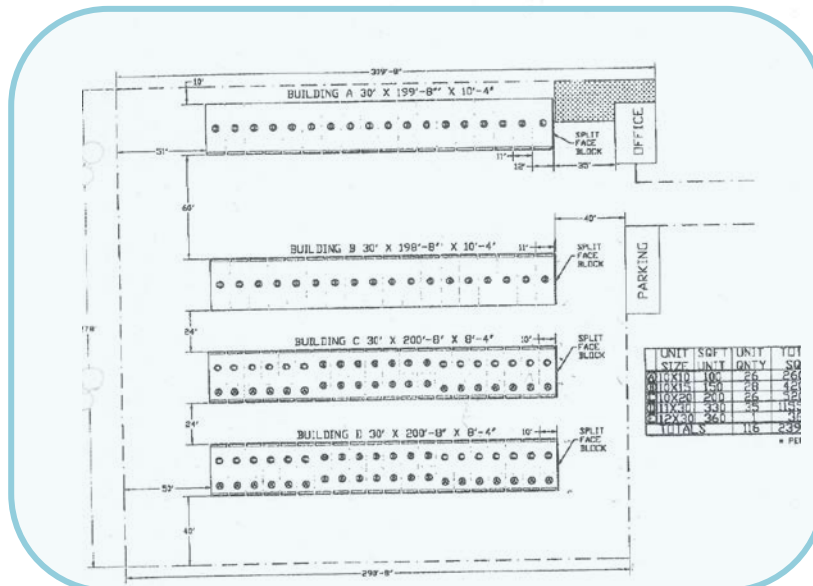
CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-23 Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

BACKGROUND: In March 2001, the City Council approved a rezoning request for the subject property from AG, Agricultural to PD-NS, Neighborhood Services zoning district which included a site plan for mini-warehouses. As with all PDs, the City Council required that future development of the property require reapproval of an amended PD site plan. The applicant proposes to expand the layout on the originally approved PD site plan to fill the entire lot.

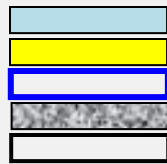
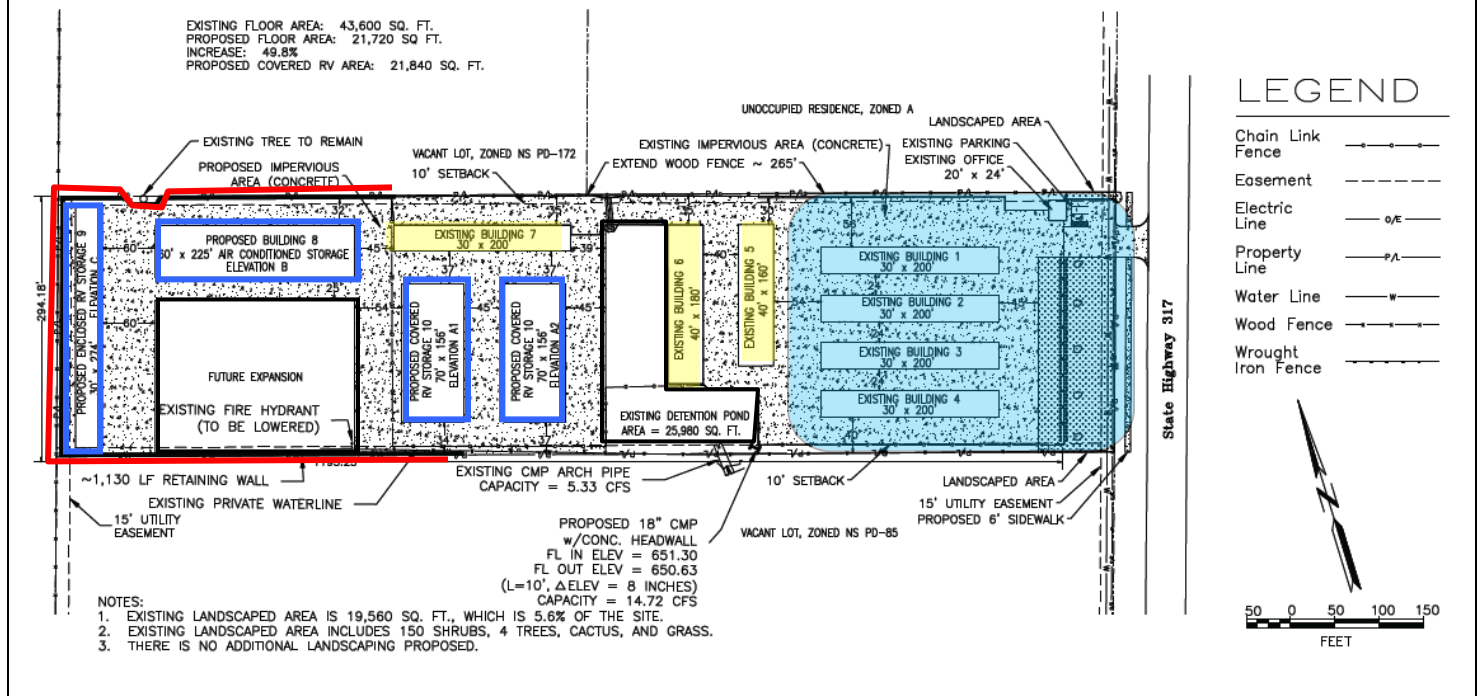
The original site plan below shows 116 units and an office. Landscaping, while not shown on this plan, was also required along the SH 317 frontage in the form of 1 tree per 60 feet of street frontage for a total of 5 trees. Currently, 3 trees exist along the street frontage so an additional two trees were originally required in the wording of the PD. All surfaces shown between buildings and to the road were paved with concrete. There is a 6-ft. wooden stockade fence shown and placed along the north side of the property as a screen between the adjacent residential property, an ornamental iron fence along the frontage, and a chain link fence around the west and south property lines, as approved with the PD in 2001.

Original PD Site Plan Exhibit



N. State Highway 317

Proposed Expansion of PD Site Plan



- Original approved site plan extent
- Existing three buildings built without PD amendment
- Four proposed new buildings
- Proposed and existing concrete pavement
- Detention area and vacant area for future expansion
 (See attached site plan for finer details)
- Retention Wall being built on site

In 2005, there were three buildings and concrete flatwork added to the storage warehouse without an amendment to the PD site plan. These buildings are being shown as existing units on the Proposed Expansion Site Plan and highlighted above in yellow. This amendment, if approved, will add these existing units to the approved site plan and ordinance, along with the new proposed units outlined in blue and the detention area in white.

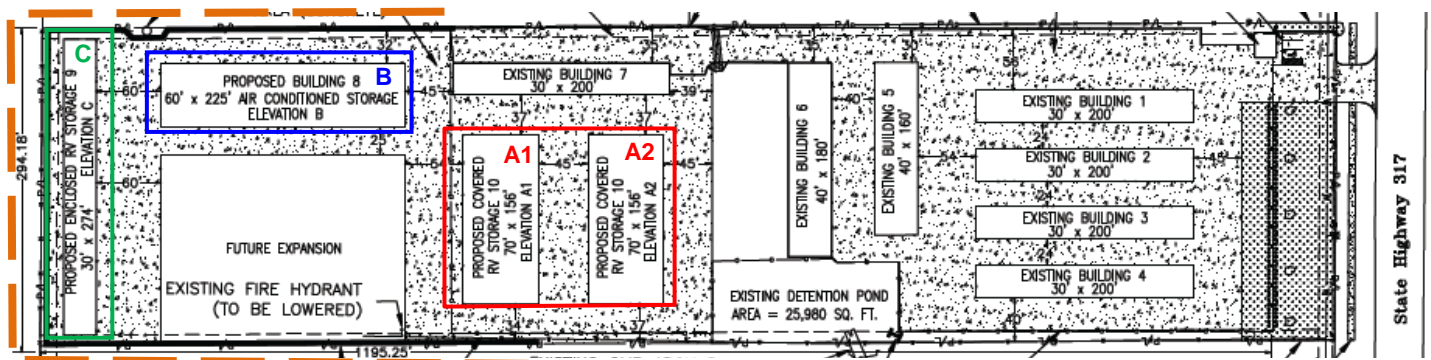
Additionally shown on the plan to the west, another white area is labeled as vacant, remaining unpaved, for future expansion. Around the western portion of the lot, a retention wall is shown outlined in red. It is currently being built for proper drainage for the entire lot (see photo below - looking to the north from an adjacent residential lot).



Site Plan Review:

The four unbuilt storage building units are proposed to the rear of the lot and would not be visible from the public ROW or, for the most part, from adjacent non-storage-related uses. The plans and elevations for each are attached at the end of this report.

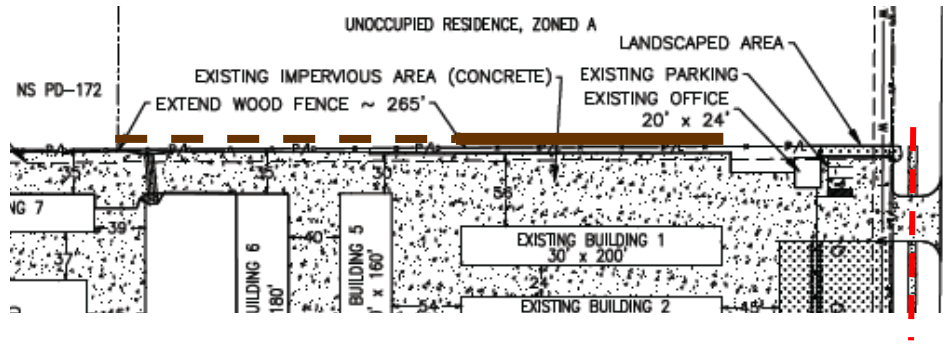
- Buildings A1 and A2, near the center of the site in red, are proposed for covered storage for recreational vehicles and boats. They are entered and remain open from both long sides and have a wall in the center of the building, being much like a large carport. All inner and outer facades are proposed to be metal. Each building has 12 bays, all totaling 24, 26-ft wide openings between each support column.
- Building B, at the northern property line in blue, is fully enclosed and air conditioned storage unit building, is entered from all sides and has 55 storage units.
- Building C, at the far west in green, is only entered from one side and has 26 enclosed garages for recreational vehicles.



The plans show a variable height retaining wall (2-3 ft.) that is currently being built around the rear portion of the lot to redirect rainwater to the proposed detention pond. It is indicated in orange above. The chain link security fence is proposed to be reestablished around the new portion of the building site. There will be no change to the ornamental iron fence with a security gate along the ROW.

Cement paved maneuvering areas area shown around all new buildings. The requested site layout has adequate fire coverage and has been reviewed for vehicle maneuvering by the Fire Marshal.

They also show a 6-ft. sidewalk along the entire adjacent ROW, as SH 317 is classed as a major arterial on the Thoroughfare Map. The sidewalk is shown in red below.



The applicant is adding additional wood fencing along the north side of the lot to the end of the residential property as shown with the brown dashed line above. The rear property line is adjacent to Windmill Farms residential subdivision. The applicant has shown the rear of the Building C storage

unit as the required 8-ft. screen with the property being secured by the chain link security fence. The rear wall is proposed to block the view between the use and the residential lots.

The homes, however, are above the rear building pad level (the photos below are from an adjacent residential back yard). While the building will approximately come up to the fence line or higher of homes, the rear façade of the unit is not made of the materials that are usually required for a wall, which would be masonry, wood, stone, or precast concrete.



Looking eastward from a residential yard adjacent to the building site. Existing storage warehouses are in the distance.

Looking southeasterly from the residential yard, the land is somewhat higher on the southern rear end of the subject site, and it will bring the walls and roofs of the proposed storage units into view.


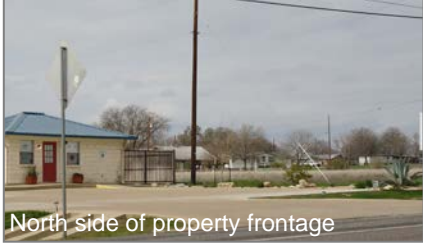





The applicant has not proposed any additional landscaping on this site. The site currently has 150 shrubs along the base of the front wrought iron fence, ornamental cacti and four trees along the street frontage. One tree is along the side of the office, and three are in the landscaping area, even though the submitted site plan shows 5 trees planted in this area. In order to be in compliance with the originally approved Planned Development for this property, which requires one tree per 60 feet of street frontage, and give some mitigation for the lack of a formal screen at the rear of the property, the front landscaping area, forward of the street facing facades, should have two additional 2"-3" caliper inch, 65 gallon oak species trees added.

SURROUNDING PROPERTY AND USES:

The following table shows the existing zoning and current land uses for the subject property and its general vicinity:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-NS 85	Amy's Attic Storage Warehouse	

Direction	Zoning	Current Land Use	Photo
			 
West	SF-3	Single-family residential	
North	AG and PD-NS 172	Vacant residential and undeveloped property approved for boat storage with a PD	
South	PD-NS 85	Undeveloped	

Direction	Zoning	Current Land Use	Photo
East	AG	Undeveloped	

PUBLIC NOTICE:

Twenty-eight notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the subject property. As of Wednesday, February 1, at 10 am, 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 January 26, 2012, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the PD amendment request subject to the revised PD site plan. In addition, Staff recommends the installation of two additional 2"-3" caliper inch, 65 gallon oak species trees along the SH 317 street frontage in order to conform to the previously approved Planned Development and the completion of the 6-ft. sidewalk on the original plan.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare Plan Map and Trails Plan Map](#)

[PD Site Plan](#)

[Storage Unit Elevations](#)

[Notice Map](#)

[Response Letters](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 6, 2012

ACTION ITEMS

Item 3: Z-FY-12-23: Hold a public hearing to discuss and recommend action to an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317. (Applicant: Doyle Spigener for RAS Investments)

Ms. Leslie Matlock, Senior Planner, stated this Planned Development (PD) amendment was for Amy's Attic Storage Warehouses and would be heard at City Council on March 1st for first reading and March 15th for second reading.

Surrounding properties include Windmill Farms Subdivision to the west, vacant residential house on acreage to the north, and vacant undeveloped land to the east and south.

The applicant's proposed site plan, if recommended and approved, would become part of the Ordinance. Ms. Matlock explained that the retaining wall now being built on the subject property is for site drainage and not part of this PD amendment.

The original PD Ordinance called for three things that are not built at this time. The new site plan shows these items except for the extension of the six foot wooden buffer fence. There should be five conforming trees and should be planted along the right-of-way as well as a six foot wide sidewalk across the frontage. Current conditions show no sidewalk installed and there are three trees instead of the required five. Two more trees should be planted and the sidewalk needs to be built. The use is expanding beyond the current units and there should be an extension of the buffer fence.

On the applicant's proposed plans the rear storage building which is eight and a half feet tall, extends across the entire property line adjacent to the residential homes on the west. The unit will be placed two feet higher than shown, plus the eight and a half feet will put the back storage unit approximately as high as the fences of the adjacent residential homes. Normally applicants are requested to put a six to eight foot buffer of a masonry fence or row of closely spaced hedges, 6 ft tall when planted. In this case, the additional fence or landscaping would not be visible as a buffer from the houses and the blank wall would be just as effective.

Twenty-eight notices were mailed out: three notices were returned in opposition and one notice in favor of the request.

State Highway 317 is classified as a major arterial and can support this commercial development, it complies with the Thoroughfare Plan, and public and private facilities extend to the site and appear adequate for use.

Staff recommends approval of this amendment subject to the revised site plan and the following conditions:

1. Extend the northern fence buffer along the remainder of the residential property line;
2. There be two additional, two to three inch caliper, 65 gallon oak species trees planted along the right-of-way; and
3. A six foot sidewalk be installed as shown on the original planned development site plan.

Chair Martin asked if Staff has discussed these requested items with the applicant and Ms. Matlock stated yes.

Commissioner Talley asked if the owner has had any contact with the residents who objected to this request. Ms. Matlock stated these requests were received late last week and the applicant has not yet received copies.

Commissioner Rhoads asked who was responsible for maintenance of the small piece of property between Windmill Farms and the fence. Ms. Matlock stated that belonged to the property owners of the residences. Vice-Chair Staats stated the retaining wall was entirely on the property of the residential landowners. Photo was shown for explanation.

Commissioner Pilkington asked about the sidewalk not being built previously but they are operating their business. Ms. Matlock stated it was required in 2001 when the PD was approved but for some reason did not get built so Staff is asking for the sidewalk to be installed. Vice-Chair Staats asked if there were a reason given for not complying with original PD. Ms. Matlock stated the land was sold several years ago and the new owners wanted to expand and would not have known what happened. Commissioner Pilkington asked if Staff would be monitoring this closely and not allowing a C.O. until everything is done and Ms. Matlock said they would do their best.

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

Commissioner Talley had a concern about not complying the first time and with the number of complaints, something was wrong. Chair Martin stated if this passed, he hoped the City would follow up and make sure everything is complied with and installed as instructed.

Commissioner Rhoads made a motion to approve Item 3, **Z-FY-12-23**, and Commissioner Jones made a second.

Motion passed: 7:0

22: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F), General Retail (GR), and General Retail with a Conditional Use Permit (GR-CUP) to Commercial District (C) on Lots 9 - 12, Block 17, Temple Heights Addition, located at 1208 and 1210 South 53rd Street and 2702 and 2706 West Avenue M.

Brian Mabry, Director of Planning presented this case to the Council. He explained the applicant for this case wishes to expand the existing vehicle repair establishment on South 53rd Street. The applicant wishes to use the existing building as is with no immediate additions planned; but has expressed a desire to beautify the exterior of the building. Mr. Mabry provided Council with photos of the surrounding properties. The requested use which is auto urban commercial is appropriate with designated area. Both water and sewer lines serve this property. Mr. Mabry noted there were 16 notices mailed out, with 2 returned for approval and 1 in disapproval. Mr. Mabry reviewed the development standards which were triggered for this property; landscaping, screening, and parking as well as possible sign permits in the future. Mr. Mabry added that staff recommends approval and Planning and Zoning Commission heard and approved this request on February 6, 2012 with a vote of 7/0.

Mayor Pro Tem Schneider inquired on the Condition Use Permit on the property. Mr. Mabry advised that the CUP would run with the property.

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 Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for March 15, 2012 seconded by Councilmember Perry Cloud.

- 7. 2012-4519: FIRST READING - PUBLIC HEARING - Z-FY-12-23: Consider adopting an ordinance authorizing an amendment to Ordinance No. 2001-2748, originally approved March 1, 2001, Planned Development Neighborhood Service) District, to allow additional units and covered RV parking on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.**

Brian Mabry, Director of Planning presented this case to the

Council. This was originally approved in March 2001 as PD-NS with added allowable use of storage. The original site plan was also approved in 2001, and the proposed additions will require an amendment to that plan. Mr. Mabry added the request is for three new open RV storage buildings and one new general storage building. In 2005 there were three new buildings added without coming to Council for amendment to the site plan. Mr. Mabry added that this approval will bring those previously constructed buildings into an approved site plan.

Mr. Mabry reviewed surrounding areas as well as other zoning uses and the site plan. The original planned development ordinance called for improvements to the property that had not been provided until recently. Some have been corrected to comply with the original planned development, such as five trees along the front of the property, a six foot wide sidewalk and a wood fence for screening along the north property line. Mr. Mabry noted the buildings being proposed are not masonry and there is an exception built into the planned development to allow for this. Mr. Mabry explained the reasoning for the exceptions - the new building are between 600 and 1150 feet from State Highway 317, they will be obscured from 317 by the existing buildings on site, the property to the north has been approved for a similar use and the grade differential between the residential properties to the west and the subject property will also obscure the buildings. Mr. Mabry noted there were 28 notices mailed out, with 3 returned as denial, and 1 for approval. The staff recommends approval of amendment with conditions for north fence is extended along the residential common lot line, the sidewalk and trees as adopted in 2001. Planning and Zoning Commission heard this case on February 6, 2012, and voted to approve 7/0. Mr. Mabry added the applicant has agreed to the conditions as well.

Mayor Pro Tem Schneider asked what materials were going to be used on the proposed buildings and asked how the ordinance allows for this.

Mr. Mabry replied, metal and explained that there were provisions in the current UDC that allow for a review when the masonry exception is appropriate.

Councilmember Morales inquired on the denials.

Mr. Mabry provided that one was from First Christian Church and concerns regarding drainage, one was expressing concerns for the view, and the other was regarding the closeness of the buildings to the residential property lines.

Mayor Pro Tem Schneider stated he would like to have consistency for how the masonry ordinance is applied.

Mr. Graham, City Attorney advised that the ordinance allows Council the discretion on how to apply this rule.

Councilmember Dunn noted that quite a bit of work had been done. How did this happen without coming to council?

Mr. Mabry noted the work done has been to help resolve some drainage issues in the rear of the property. The landscaping that has been completed was part of the original planned development.

Mayor Jones declared the public hearing open with regard to agenda item 7 and asked if anyone wished to address this item.

Mr. Tom Tapman, 100 Waters Street, Belton, Texas representing First Christian Church addressed the Council with his concern regarding this project. Mr. Tapman stated the church purchased 7.676 acres of land next to the storage facility in 2005 with intention of relocating there in the future. Mr. Tapman stated the church received a letter from the City of Temple on February 12, 2012 informing them about the extent of construction being requested. Mr. Tapman provided photos of the property both before and after the rain of February 18, 2012, which flooded the property. Mr. Tapman stated the holding pond on the site is too small to contain the runoff from the old and new construction sites; and secondly the pond levy has been graded out and the water naturally flows onto the church property. This is unacceptable and devalues the church property.

Councilmember Cloud inquired on the drainage structures, if they were permanent or temporary for the construction phase?

Councilmember Dunn asked Mr. Mabry if the drainage issues should have been addressed in the engineering process.

Mr. Mabry replied yes, and stated a representative of the private engineer firm of the development was available to answer any questions.

Mike Beavers, Commercial Real Estate in Temple, spoke on behalf of the applicant. Mr. Beavers provided the history of the property since 2001. Mr. Beavers added that during the permit review process it was determined that improvements needed to

be done as conditions to the original planned development. These improvement are now being done to become compliant by the new owner. The other work being done is to help resolve some of the drainage issues, not on the proposed buildings. Mr. Beavers noted a private engineer firm has been hired and is conducting the study for the drainage basins. Mr. Beavers added that they want to be good neighbors, do the right thing and fix the problems. Mr. Beavers also addressed the exceptions to the masonry ordinance and lack of visibility to the abutting property owners.

Mayor Pro Tem Schneider stated he was not opposing the metal building, but just wanted to make sure we were being consistent. Mayor Pro Tem also questioned how the 3 building permits were issued without coming to Council for an amendment to a planned development?

Mr. Mabry stated it must have been an oversight.

Kristi Andrews, Comprehensive Engineering Solutions Inc. address the Council. Ms. Andrews stated her firm was the original engineer firm in 2001. She provided a pre-development drainage contour map for Area A from 2001 for this property. Ms. Andrews also noted that her firm designed the detention per City of Temple requirements. The pre-development flow was for 20 cubic feet per second and in October 2011 we visited the property and learned of the additions. The flow is currently only at 5 cubic feet per second; which is inadequate for this property. Ms. Andrews stated new drainage study was done in October 2011. We are proposing an additional outlet structure to increase the flow and increase the volume of the detention to handle the additional water. This will ensure the flow coming out of the detention equals the pre-development flow based on the contours taken in 2001.

Mayor Jones asked Mr. Andrews if her firm had been hired to evaluate this drainage issue.

Ms. Andrews replied yes and the study done in October 2011 has been submitted to the City.

There being no further comments, Mayor Jones declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance, with second and final reading set for March 15, 2012. seconded by Councilmember Judy Morales.

ORDINANCE NO. 2012-4519

(ZONING NO. Z-FY-12-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PLANNED DEVELOPMENT (NEIGHBORHOOD SERVICE) DISTRICT ORDINANCE NO. 2001-2748 TO ALLOW THREE COVERED RV PARKING GARAGES AND ONE SET OF STORAGE UNITS FOR PERSONAL BELONGINGS, ON LOT 1, BLOCK 1, JOHNSON LONE STAR PROPERTIES ADDITION, LOCATED AT 7950 NORTH STATE HIGHWAY 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 1, 2001, the City Council approved Ordinance No. 2001-2748 authorizing a Planned Development (Neighborhood Service) District (PD-NS) for property located on approximately 15 acres of land, commonly referred to as Outblock 2005-A, City Addition;

Whereas, the property owner has requested an amendment to the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings.

Whereas, at its February 6, 2012 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Planned Development amendment;

Whereas, the Staff recommends amending the ordinance to allow three covered RV parking garages and one set of storage units for personal belongings, on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317; and

Whereas, the City Council, after notice and a public hearing, finds that it is 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 an amendment to the Planned Development (Neighborhood Service) District (PD-NS) Ordinance No. 2001-2748 by allowing three covered RV parking garages and one set of storage units for personal belongings on Lot 1, Block 1, Johnson Lone Star Properties Addition, located at 7950 North State Highway 317.

Part 2: The City Council approves an amendment to Planned Development Ordinance No. 2001-2748, to allow three covered RV parking garages and one set of storage units for personal belongings, in accordance with the following conditions:

- a. Except as varied by the approved Planned Development site plan, attached hereto as Exhibit B, the use and development standards of the property shall conform to the requirements of the Planned Development (Neighborhood Service) District (PD-NS).
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.
- d. Two additional 2"-3" caliper, 65 gallon, oak species trees must be installed along the SH 317 street frontage in order to conform to the previously approved Planned Development ordinance 2001-2748.
- e. A 6-foot wide sidewalk must be installed as required in the previously approved Planned Development ordinance 2001-2748.

These conditions shall be express conditions of any building permit issued for construction on the property, which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

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 1st day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the **15th** day of **March**, 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

03/15/12
Item #5(O)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - Z-FY-12-25: Consider adopting an ordinance authorizing a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard.

P&Z COMMISSION RECOMMENDATION: At its February 21, 2012, meeting, the Planning and Zoning Commission voted 8/0 to recommend approval of a rezoning from 2F to GR.

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

Staff recommends approval of Z-FY-12-25, the requested rezoning to GR for the following reasons:

1. The request basically complies 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-12-25, from the Planning and Zoning meeting, February 21, 2012. The applicant, the City of Temple, is in the midst of a year-long process identifying properties which the City believes are no longer needed and should be disposed of. The City requests the rezoning for the subject property bring the property into compliance with the Future Land Use and Character Map, expand the menu of possible uses that could take place on the property, and make the property more attractive to potential future owners. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:

Lithographic or print shop	On premise consumption of beer and wine- less than 75% revenue
Plumbing Shop	Restaurant
Hospital	Car Wash
Office	Fuel Sales
Hotel or motel	Auto sales, leasing, rental:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Suburban commercial with Auto-Urban across street and Neighborhood Conservation to west	Yes
CP	Map 5.2 - Thoroughfare Plan	Scott Blvd. is a Collector Street	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line and 8" sewer line	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	GR zoning would serve as a transition between C to the east and 2F to the west	Yes

CP = Comprehensive Plan

DEVELOPMENT REGULATIONS: The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

STAFF ANALYSIS: This undeveloped property is located on a heavily traveled collector street, Scott Boulevard. The C zoning district is to the east and the 2F zoning is to the west. The GR zoning district would be appropriate for the subject property so that the intensity of future nonresidential uses along Scott would decrease adjacent to the established residential neighborhood to the west.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the 12 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, February 15, 2012 at 12:00 PM, one notice was returned in favor of the request and one was returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 10, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare and Sidewalk and Trails Plan Map](#)
[Land Use and Character Map](#)
[Zoning and Notice Map](#)
[Utility Map](#)
[P&Z Staff Report \(Z-FY-12-25\)](#)
[P&Z Minutes \(February 21, 2012\)](#)
[Ordinance](#)



Z-FY-12-25

2F to GR
0.9-acre Tract 1

2102 Scott Blvd.



Existing Collector Classed Street
2010 Bell County Aerial

Proposed Local Connector Trail

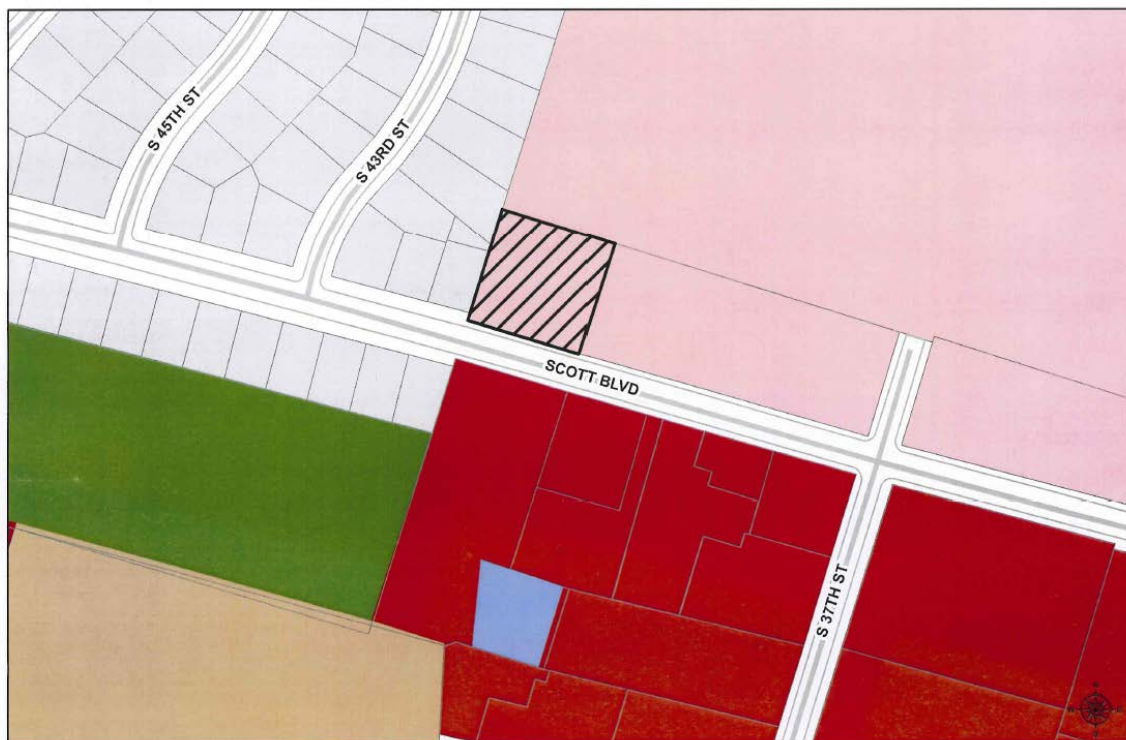
Feet 0 100 200 300
LMatlock 01.18.12



Z-FY-12-25

2F to GR
0.9-acre Tract 1

2102 Scott Blvd.



Legend:

○ ZFY 1225, 2F	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 = 190 feet

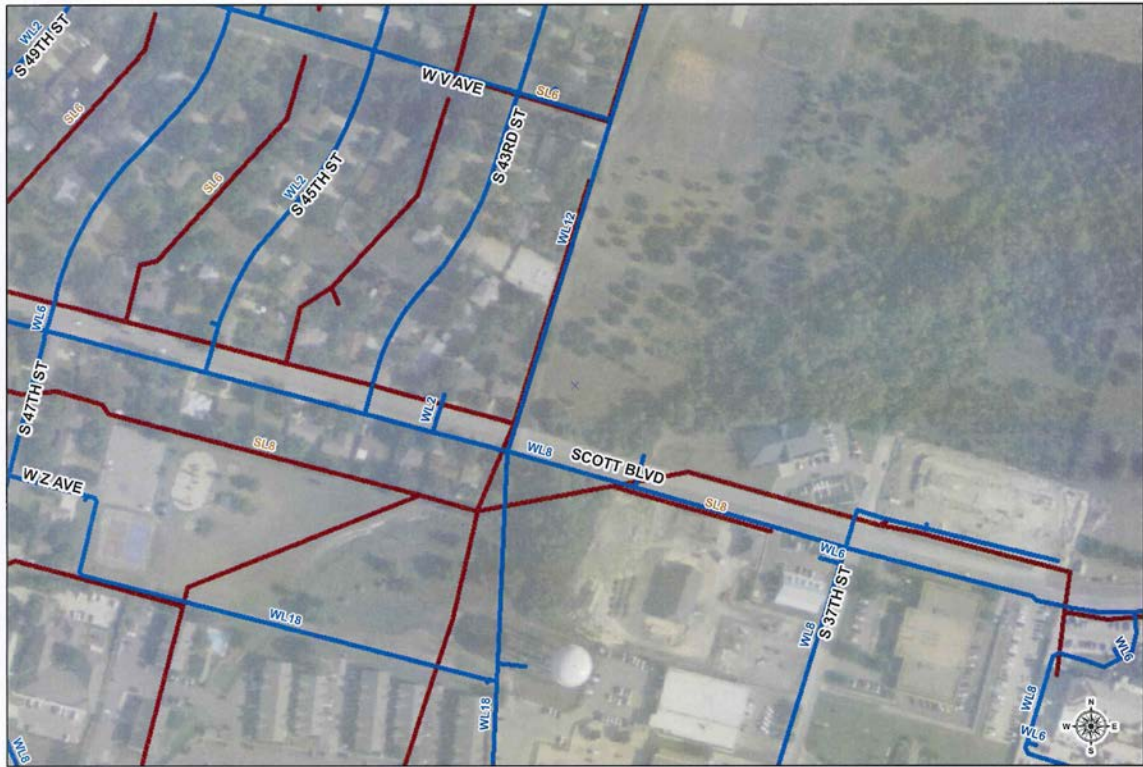
LMatlock Planning 01.18.12



Z-FY-12-25

2F to GR
0.9-acre Tract 1

2102 Scott Blvd.



2010 Bell County Aerial

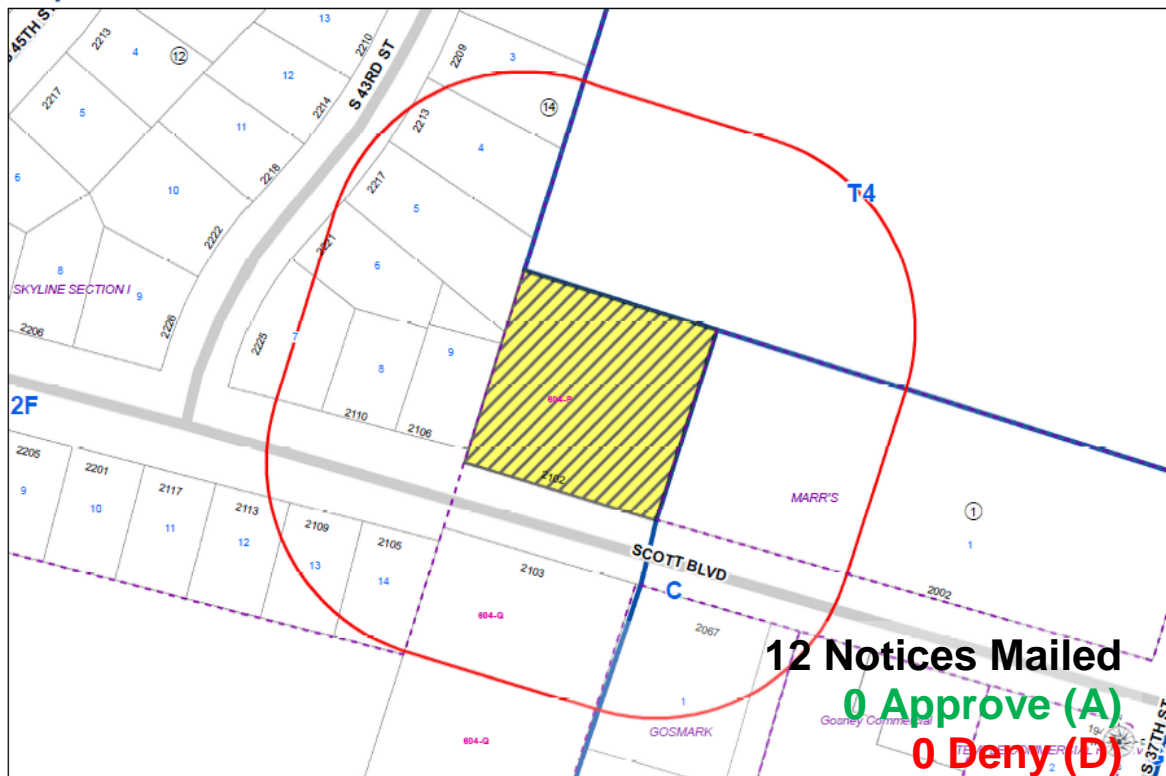
LMatlock 01.18.12



Z-FY-12-25

2F to GR
0.9-acre Tract 1

2102 Scott Blvd.



1234 Addresses

Subgate V Subdivisions

Feet 0 100 200 300

LMatlock 01.18.12

12 Notices Mailed
0 Approve (A)
0 Deny (D)



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/21/12
Item 5
Regular Agenda
Page 1 of 4

APPLICANT: City of Temple

CASE MANAGER: Brian Mabry, AICP, Planning Director

ITEM DESCRIPTION: Z-FY-12-25 Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard.


BACKGROUND: The City of Temple, which is the applicant for this case, is in the midst of a year-long process identifying properties which the City believes are no longer needed and should be disposed of. In order to bring the property into compliance with the Future Land Use and Character Map, expand the menu of possible uses that could take place on the property, and make the property more attractive to potential future owners, the City is applying for this rezoning. A rezoning from the 2F to the GR zoning district would allow many uses that would not have been allowed before. Those uses include, but are not limited to, the following:



Lithographic or print shop
Plumbing shop
Hospital
Office
Hotel or motel

On-premise consumption of beer and wine -
less than 75% revenue
Restaurant
Car wash
Fuel sales
Auto sales, leasing, rental

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	2F	Undeveloped Land	

Direction	Zoning	Current Land Use	Photo
North	T4	Undeveloped Land with Church in distance	
South	2F	Undeveloped	
East	C	Office	

Direction	Zoning	Current Land Use	Photo
West	2F	Single-family dwelling	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Suburban commercial with Auto-Urban across street and Neighborhood Conservation to west	Yes
CP	Map 5.2 - Thoroughfare Plan	Scott Blvd. is a Collector Street	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	8" water line and 8" sewer line	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	GR zoning would serve as a transition between C to the east and 2F to the west	Yes

CP = Comprehensive Plan

DEVELOPMENT REGULATIONS:

The requested GR zoning district is the standard retail district and allows most retail sales, restaurants, grocery stores, department stores, or offices and all residential uses except apartments, with a maximum building height of 3 stories. There is no minimum lot area, width or depth. The building setback for the front yard is 15 feet from the front property line. There is a minimum side yard setback requirement of 10 feet. If a residential use borders the subject property use, as in this case, then a 10-foot setback and fence or vegetative screening is required.

STAFF ANALYSIS

This undeveloped property is located on a heavily traveled collector street, Scott Boulevard. The C zoning district is to the east and the 2F zoning is to the west. The GR zoning district would be appropriate for the subject property so that the intensity of future nonresidential uses along Scott would decrease adjacent to the established residential neighborhood to the west.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the 12 property owners within a 200-foot radius surrounding the subject property. As of Wednesday, February 15, 2012 at 12:00 PM, no notices were returned in favor of the request and none were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on February 10, 2012 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the requested zone change to Commercial District for the following reasons:

1. The request complies 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.

FISCAL IMPACT:

Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare and Sidewalk and Trails Plan Map](#)

[Future Land Use and Character Map](#)

[Utility Map](#)

[Zoning and Notice Map](#)

[Responses](#)

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, FEBRUARY 21, 2012**

ACTION ITEMS

Item 5: Z-FY-12-25 - Hold a public hearing to discuss and recommend action on a rezoning from Two Family District (2F) to General Retail District (GR) on a 0.939 ± acre tract of land out of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 2102 Scott Boulevard. (Applicant: City of Temple)

Mr. Brian Mabry, Planning Director, stated if this case were approved it would go to City Council on March 1, 2012 for first reading and March 15, 2012 for second reading and final action.

The surrounding land includes undeveloped land to the north and south, a single-family dwelling to the west, and an office to the east. This property is not affected by the Master Trails Plan.

The Future Land Use and Character Map designates the property as Suburban Commercial. Neighborhood Conservation is to the west, Auto Urban Commercial is to the south and Suburban Commercial to the east and north.

The Thoroughfare Plan designates Scoot Boulevard as a collector street and public facilities are available to the site.

Twelve notices were mailed out; two were returned in favor of the request. One was returned in opposition to the request. However, this recipient stated he was against apartments on the property. The requested zoning district does not allow apartments. One other opposition letter was received in the form of an email addressed to City Council members. This citizen is outside of the 200' notice radius. His concerns related to traffic on Scott Boulevard.

Staff recommends approval of this request since it complies with the Future Land Use and Character Map, the Thoroughfare Plan, and utilities are available for the site.

Chair Martin opened the public hearing.

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

Commissioner Talley made a motion to approve Item 5, Z-FY-12-25 and Commissioner Pilkington made a second.

Motion passed: (8:0)

Burt Pope has been appointed to the Commission as its ninth member but has not yet been seated.

ORDINANCE NO. 2012-4521

[PLANNING NO. Z-FY-12-25]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM TWO FAMILY DISTRICT (2F) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 0.939 ACRES OF LAND BEING OUT OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, CITY OF TEMPLE, BELL COUNTY, TEXAS, LOCATED AT 2102 SCOTT BOULEVARD; 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 Two Family District (2F) to General Retail District (GR) on approximately 0.939 acres of land being out of the Redding Roberts Survey, Abstract No. 692, City of Temple, Bell County, Texas, 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 1st day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the 15th day of **March**, 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

03/15/12
Item #5(P)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Reynolds, Director of Administrative Services
Ashley Williams, Sustainability and Grants Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER IV) in the amount of \$14,230,000, with \$10,000,000 reimbursed to the City through federal funding, to execute the construction of the 1st Street and Loop 363 project, and the construction of hike and bike trails along 1st Street and south along Friar's Creek Trail.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The U.S. Department of Transportation has announced a matching discretionary grant program entitled "National Infrastructure Investment Grant" (TIGER IV). TIGER IV is intended to provide funding for capital investments in surface transportation infrastructure for projects that have significant impact on a metropolitan area or region.

Distribution of funding will be allocated to public transportation/infrastructure and multi-modal facility projects.

The pre-application deadline was February 20, 2012; the final application is due March 19, 2012. Applications will be evaluated by an established DOT application team.

The project scope involves the following elements:

- Construction of an at-grade intersection at 1st Street and Loop 363;
- Improvements to access roads along Loop 363, which will also provide for an entrance off Loop 363 to the Temple College parking lot;
- Construction of roadway tying 1st Street into 5th Street;
- Extension of the hike and bike trails in TMED along First Street to the north and connecting to and enhancing Friar's Creek Trail to the south;
- Construction of nodes from 1st Street going west on Avenue R and Avenue U; and
- Construction of the gateway to TMED and landscaping installation between the pedestrian bridge and the Loop.

Exhibits will be distributed at the meeting, depicting the above project scope.

In the event the grant is not awarded to the City, the project would be broken into two phases. The first phase proposes the completion of the TMED gateway, associated street construction, and access roads from the pedestrian bridge to and along Loop 363. The second phase proposes to complete the at-grade crossing and extending 1st Street into 5th Street, to include the connection of a proposed hike and bike trail to the current Friar's Creek Trail. Under this scenario and due to funding limitations, additional trails for TMED and Friar's Creek would not be included.

Staff has requested that RZ fund \$2,115,000, which will be matched by TxDOT, amounting to a \$4,230,000 grant match. This match is thirty percent (30%) of the project total of \$14,230,000, with \$10,000,000 being requested from the DOT.

Staff has been and will continue to work in partnership with TxDOT throughout the project.

These overall efforts will create a more-inclusive and integrated community development, which centers on improved and increased transportation options that encourage livability, connect housing to jobs, build a clean energy economy, reduce transportation costs, and provide safer conditions for pedestrians, bicyclists and motorists.

FISCAL IMPACT: Funding in the amount of \$2,115,000 is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 454 in fiscal years 2012 and 2013. This recommendation is supported by the Finance and Project committees.

ATTACHMENTS:

[Map of project area](#)
[Resolution](#)



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR FUNDING THROUGH THE U.S. DEPARTMENT OF TRANSPORTATION, NATIONAL INFRASTRUCTURE INVESTMENT GRANT, TIGER IV PROGRAM; ACCEPTING ANY FUNDS THAT MAY BE RECEIVED THROUGH THIS GRANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Department of Transportation has announced a matching discretionary grant program entitled, “National Infrastructure Investment Grant” (TIGER IV), which is intended to provide funding for capital investments in surface transportation infrastructure for projects that have significant impact on a metropolitan area or region;

Whereas, the Staff recommends submitting a grant application to execute the construction of the 1st Street and Loop 363 project, and the construction of hike and bike trails along 1st Street and south along Friar’s Creek Trail;

Whereas, an effective, efficient, and safe transportation system that includes pedestrian and bicycling facilities expands transportation options for the citizens;

Whereas, the City’s proposed planning project meets the goals and qualifying criteria of the TIGER IV program;

Whereas, a pre-application was due to the Department of Transportation on February 20, 2012, and the final application is due March 19, 2012;

Whereas, Staff has requested that the Reinvestment Zone fund \$2,115,000, which will be matched by the Texas Department of Transportation, amounting to a \$4,320,000 grant match. There is a local match requirement of at least 30% of the total of \$14,230,000, with \$10,000,000 being requested from the Department of Transportation; 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 submit a grant application to the U.S. Department of Transportation, National Infrastructure

Investment Grant, TIGER IV Discretionary Grant Program, which provides funding for capital improvements in surface transportation infrastructure for projects that have significant impact on a metropolitan area or region.

Part 2: The City Manager, or his designee, is authorized to execute any documents which may be necessary to apply for this grant, after approval as to form by the City Attorney.

Part 3: The City Council accepts any funds that may be received for this grant.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution 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 15th day of **March**, 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

03/15/12
Item #5(Q)
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 \$3,706,733.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
March 15, 2012

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2400-519-6213	100852	Automotive (Facility Services)	\$ 18,500	
110-0000-461-0424		Sale of Assets		\$ 18,500
<p>This budget adjustment appropriates funds to replace a vehicle in Facility Services that was totaled due to an accident (asset #10356). Funds are available in the Sale of Assets revenue account due to an increase in sales from the on-line auction site.</p>				
110-3700-524-2516		Judgments & Damages (Construction Safety)	\$ 238	
110-1500-515-6531		Contingency - Judgments & Damages		\$ 238
<p>Deductible reimbursement to the Texas Municipal League for expenses related to a former employee's termination appeal.</p>				
260-3600-560-6524	100716	FAA Runway Rehabilitation (Airport Grant)	\$ 3,346,534	
260-0000-490-2588		Transfer In - Airport Grant Match		\$ 334,653
260-0000-431-0163		Federal Grants		\$ 3,011,881
110-9100-591-8160		Transfer Out - Grant Fund	\$ 334,653	
110-0000-352-1345		Designated Capital Projects - Airport Runway Rehab		\$ 334,653
<p>To appropriate grant funds and the City's 10% match for Phase I reconstruction of Runway 02/20, Council approved the original project estimate of \$3,549,000 with the City's 10% match of \$354,900 on October 7, 2010. The original estimate included costs for the design of both Phase I and II and construction for Phase I of the project. Actual cost of design were lower while construction costs are estimated to be higher. The project is now estimated at \$3,991,534 which is \$442,534 more than the original estimate. A budget adjustment appropriating \$645,000 for the engineering portion of the project and \$64,500 for the City's required 10% match was approved by Council on March 3, 2011. This budget adjustment appropriates grant funds and the City's required 10% match for Phase I of construction of the project including the additional amount needed due to the estimated increase in construction costs.</p>				
520-5200-535-2516		Judgments & Damages (Water Distribution)	\$ 1,808	
520-5000-535-6532		Contingency - Judgments & Damages		\$ 1,808
<p>Settlement of claim filed against the City seeking reimbursement for damage to a 2003 Chevrolet Malibu - DOL 12/29/11 - by backhoe.</p>				
520-5200-535-2516		Judgments & Damages (Water Distribution)	\$ 5,000	
520-5000-535-6532		Contingency - Judgments & Damages		\$ 5,000
<p>Settlement of claim filed against the City by AT&T seeking reimbursement for repair of a buried cable damage on May 27, 2011, at the approximate location of 1402 E. Adams while replacing a sewer main.</p>				
TOTAL AMENDMENTS			\$ 3,706,733	\$ 3,706,733
GENERAL FUND				
Beginning Contingency Balance			\$	-
Added to Contingency Sweep Account			\$	-
Carry forward from Prior Year			\$	-
Taken From Contingency			\$	-
Net Balance of Contingency Account			\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
March 15, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Judgments & Damages Contingency		\$ 80,000
		Added to Contingency Judgments & Damages from Council Contingency		\$ -
		Taken From Judgments & Damages		\$ (26,087)
		Net Balance of Judgments & Damages Contingency Account		\$ 53,913
		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		\$ 88,928
		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		\$ (11,080)
		Net Balance of Contingency Account		\$ 38,920
		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		\$ 51,235
		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 15th day of **March**, 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

03/15/12
Item #6
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Community Services Director

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-12-24: Consider adopting an ordinance authorizing a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.

P&Z COMMISSION RECOMMENDATION: At its February 6, 2012 meeting, the Planning and Zoning Commission voted 6/1 to recommend denial of a rezoning from GR to PD-MF1. Their denial was based on public input related to lack of on-site guest parking, potential privacy issues with a two story building abutting the rear property line and proposed density of the project which would be greater than the surrounding area.

Due to a denial recommendation by the Planning and Zoning Commission and due to the amount of negative responses from surrounding property owners, a supermajority (minimum of 4 affirmative votes) is required from City Council in order to approve this request.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description on second reading and schedule third and final reading for April 5, 2012.

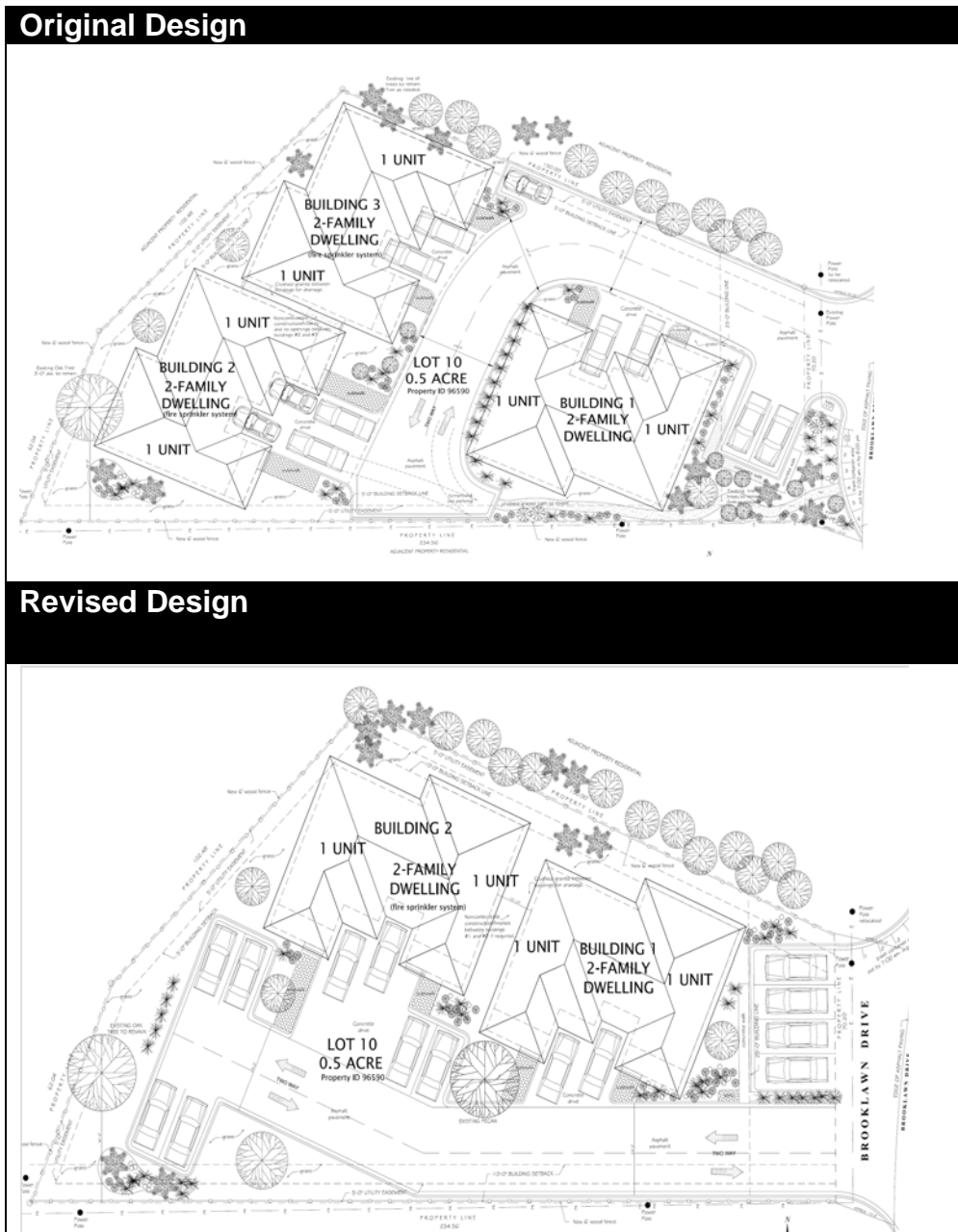
Staff recommends approval of the requested rezoning from General Retail District to Planned Development Multiple Family One District (PD-MF1) for the following reasons:

1. The reconfigured PD Site Plan addresses density, parking, and height and privacy concerns voiced from adjacent property owners at the P&Z Commission meeting;
2. The request is compatible with the Future Land Use and Character Map;
3. The request complies with the Thoroughfare Plan Map; and
4. Public facilities are available to serve the property.

All development on the property must comply with the attached Planned Development site plan and elevations, as Exhibit A of the Ordinance.

ITEM SUMMARY: This item was previously table at the March 1, 2012, City Council meeting. Please refer to the Staff Report and draft minutes of case Z-FY-12-24, from the Planning and Zoning Commission meeting, February 6, 2012. The Planning and Zoning Commission recommended denial (6/1) of the applicant's initial request for a rezoning from General District (GR) to Planned Development-Multiple Family One District (PD-MF1) to allow the development of three residential structures consisting of six dwelling units on this vacant property.

Due to large opposition from the surrounding neighborhood and a denial recommendation from the Planning and Zoning Commission, the applicants have submitted a re-configured Planned Development site plan showing only two two-story buildings rather than the original three. This new proposal addresses concerns of density, on-site parking availability, and privacy issues associated with two-story structures. One less building than originally proposed makes the development less dense, allows room for guest parking and enabled the designer to arrange the two buildings so that window openings are not as close to the rear property line.



Larger versions of these drawings are attached to this report

COMPREHENSIVE PLAN COMPLIANCE: The proposed Planned Development 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	Yes*
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes*
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes

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 subject property as Neighborhood Conservation. While the request is residential in nature, it is more dense than its surroundings. Several nearby homes are on quarter-acre lots, resulting in four units per acre. This PD proposes four units on a half-acre lot, or eight units per acre. With enhanced landscaping and preserved trees, the architect for the project has worked to design the site to be as unobtrusive as possible with its surroundings.

Availability of Public Facilities (CP Goal 4.1)

A 6-inch water line runs across the street along Brooklawn Drive. There is a 6-inch sewer line along the rear property line. One concern that citizens expressed during the public hearing was that these additional units would put stress on the nearby wastewater system, which has failed in the past. The Public Works department has informed Planning that they have no recent recollection of sewer problems in the area and that the sewer infrastructure in this area serves less than a dozen lots, so the overloading from the proposed four proposed units is unlikely.

DEVELOPMENT STANDARDS: Although the current General Retail District allows a maximum height of three stories and allows retail uses, restaurants, and offices, it does not allow multiple family development (apartments). Therefore, the applicant's requested Planned Development District will have a base zoning of MF1. The required PD site plan and elevations will be exhibited to the ordinance for this PD if it is approved by City Council.

The proposed PD-MF1 would allow the development as shown on the attached Planned Development site plan. The MF1 base zoning district allows duplexes, triplexes, as well as single-family attached and detached dwellings. Patio homes, manufactured homes, and most nonresidential uses are not allowed in MF1 Districts.

In general, the MF1 District, without the guidance of a Planned Development, permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near, and reasonably accessible to, collectors and arterials, due to the traffic generating capacity of lower density multiple family dwellings. The proposed four units on ½ acre of property equates to eight dwelling units per acre.

The property's current General Retail District (GR) allows one duplex on a lot, but not a group of residential structures, such as those proposed, on a single lot. The applicant's proposal to build two multi-family structures, essentially four dwelling units, is considered a small multiple family development.

PUBLIC NOTICE: Staff mailed notices of the Planning and Zoning Commission's public hearing to the nineteen property owners within the 200-foot radius surrounding the rezoning site. As of Friday, February 10, 2012 at 2:00 PM, two notices were returned in favor of the request and six notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial and Thoroughfare Plan Map](#)
[Original PD Site Plan](#)
[Revised PD Site Plan](#)
[PD Building Elevations](#)
[Zoning and Notice Map](#)
[Response Letters](#)
[P&Z Staff Report \(Z-FY-12-24\)](#)
[P&Z Minutes \(2/06/12\)](#)
[Ordinance](#)



Z-FY-12-24

GR to PD MF-1
Oak Park United Methodist Church

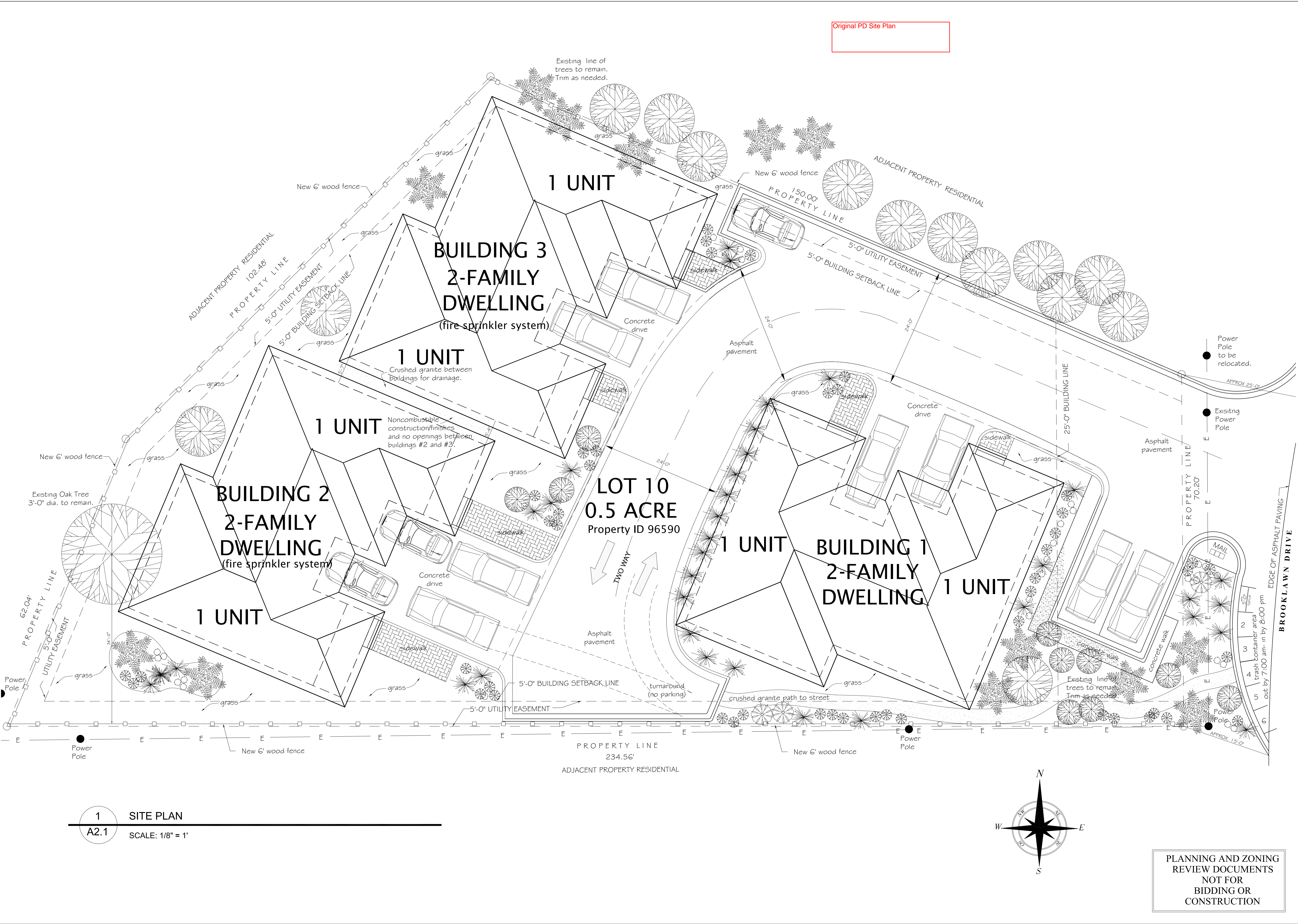
4011 Brooklawn Drive



Existing Expressway Existing Collector
2010 Bell County Aerial ZFY 12-24

Feet 0 100 200 300

LMatlock 01.18.12



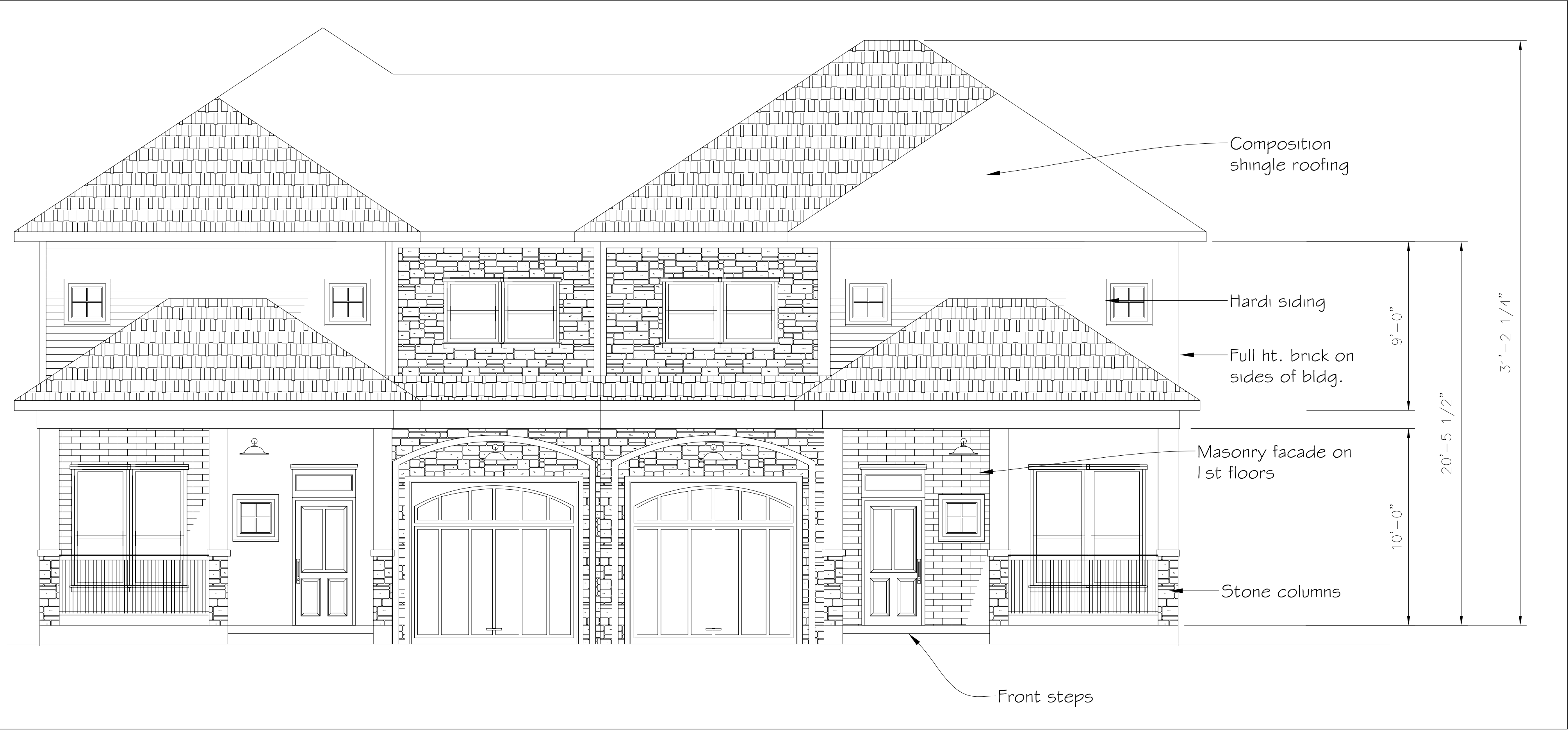
New Duplex Units CASE #:Z-FY-12-24
Brooklawn Drive
Temple, Texas

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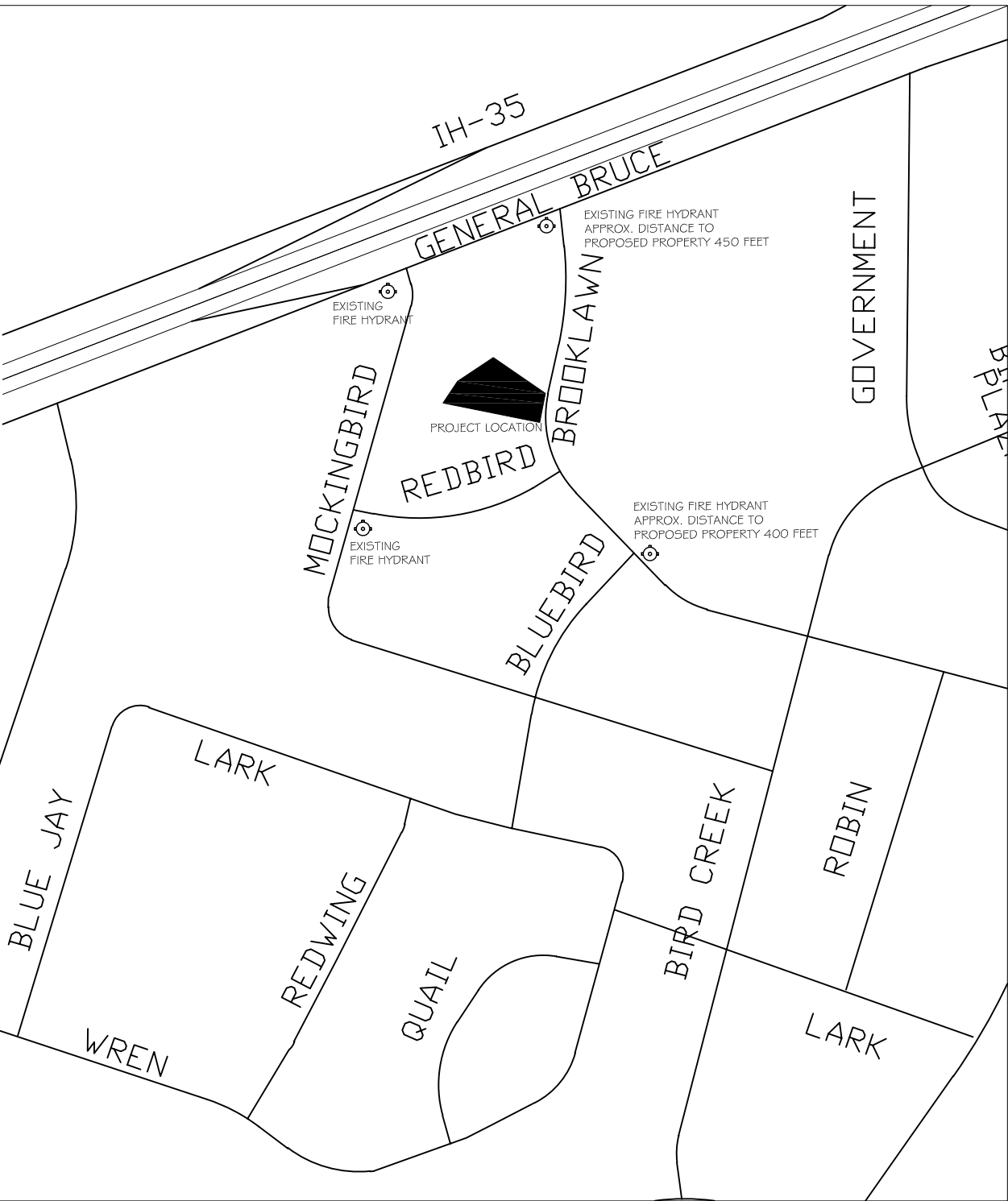
FILE NAME:
DRAWN BY:
GPL, SMC, ER
DATE:
January 27, 2012
REVISIONS:

SHEET No.
A2.1

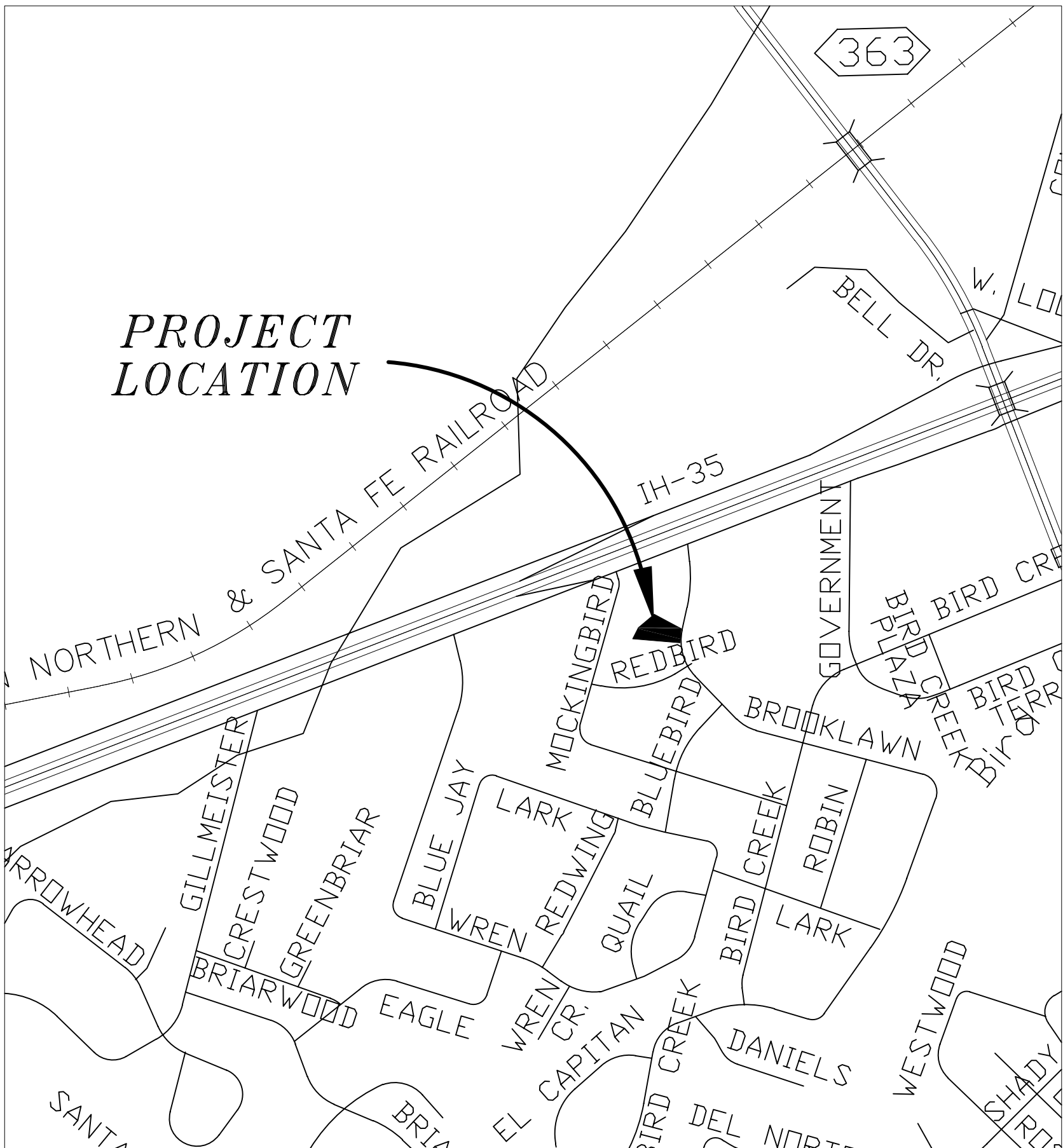


PD Elevations

1 SCHEMATIC FRONT ELEVATION
A2.0 SCALE: 1/4"=1'



2 FIRE HYDRANT LOCATIONS
A2.0 SCALE: none



CITY OF TEMPLE ZONING ORDINANCES

CURRENT ZONING – GR – GENERAL RETAIL
PROPOSED ZONING – MF-1-PD – PLANNED DEVELOPMENT

LOT COVERAGE CALCULATIONS

TOTAL SITE AREA..... 21,247 SF

LOT COVERAGE:

MAXIMUM BUILDING COVERAGE per Section 5.3.3
MAXIMUM ALLOWED – 40% 8,499 SF
PROPOSED BUILDING COVERAGE:
BUILDINGS 1, 2, GRD FLOOR 4,696 SF = 22% OF TOTAL SITE
(EACH UNIT 2,348 SF – INCLUDES FRONT PORCH)

DRIVES/PARKING (ASPHALT)..... 5,997 SF
CONCRETE SIDE WALKS/CONCRETE PARKING..... 2,525 SF
8,522 SF = 40% OF TOTAL SITE

LANDSCAPED AREA per Section 7.3.4
MINIMUM REQUIRED – 5%
GRASS 5,467 SF
PLANTING AREAS 908 SF
6,375 SF = 30% OF TOTAL SITE

BUILDING SETBACKS

PER TABLE 4.5.5:
MINIMUM FRONT YARD SETBACK = 25'
MINIMUM REAR YARD SETBACK = 10'

PER SECTION 5.3.3-A:
MINIMUM SIDE YARD SETBACK = 10'
(Building face or wall does not exceed 35 feet in length)

PLANNING AND ZONING
REVIEW DOCUMENTS
NOT FOR
BIDDING OR
CONSTRUCTION

New Duplex Units CASE #:Z-FY-12-24
Brooklawn Drive
Temple, Texas

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FILE NAME:

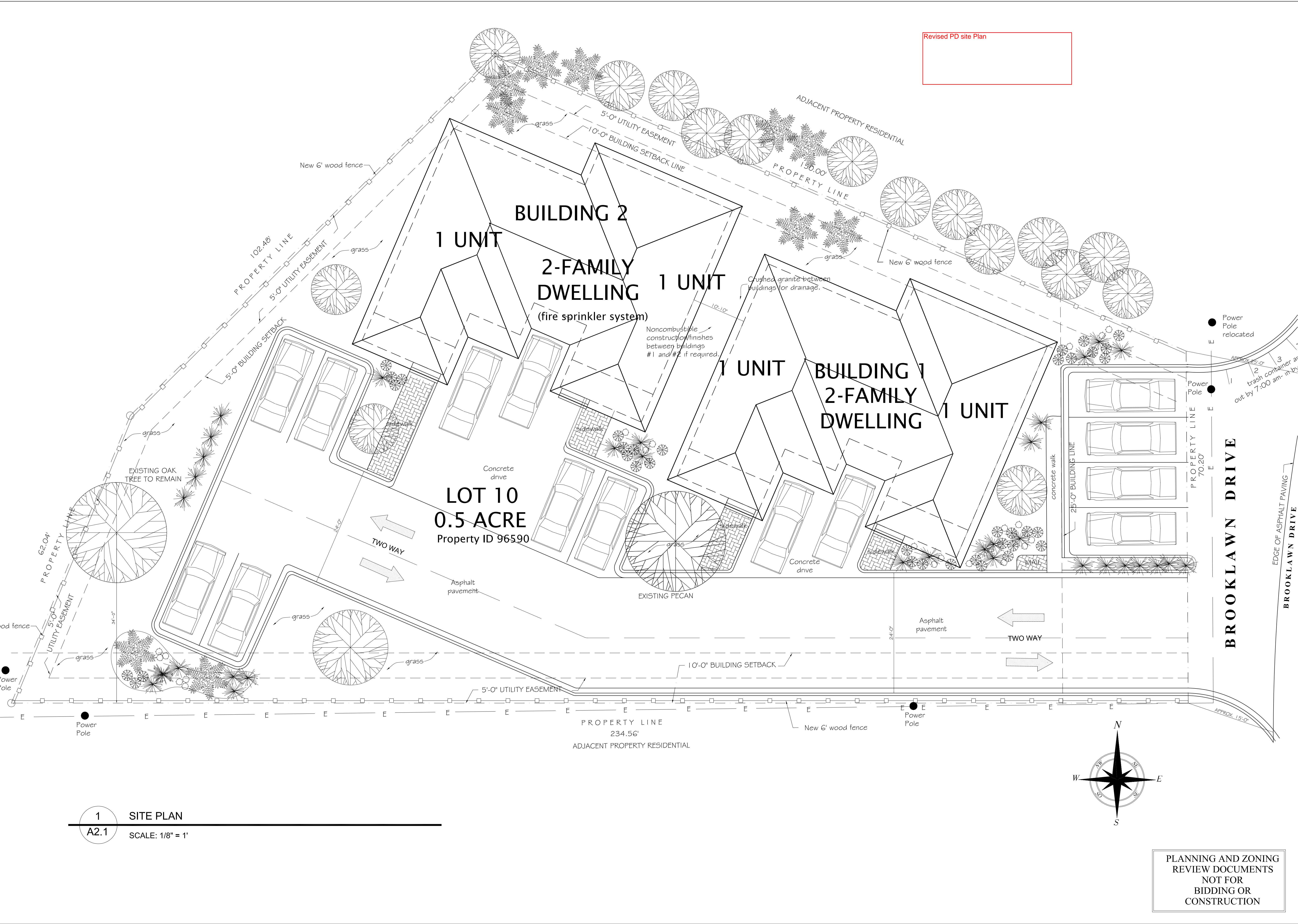
DRAWN BY:
GPL, SMC, ER

DATE:
January 27, 2012

REVISIONS:
February 17, 2012

SHEET No.

A2.0



Revised PD site Plan

New Duplex Units
Brooklawn Drive
Temple, Texas

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FILE NAME:
DRAWN BY:
GPL, SMC, ER
DATE:
January 27, 2012
REVISIONS:
February 17, 2012

SHEET No.
A2.1

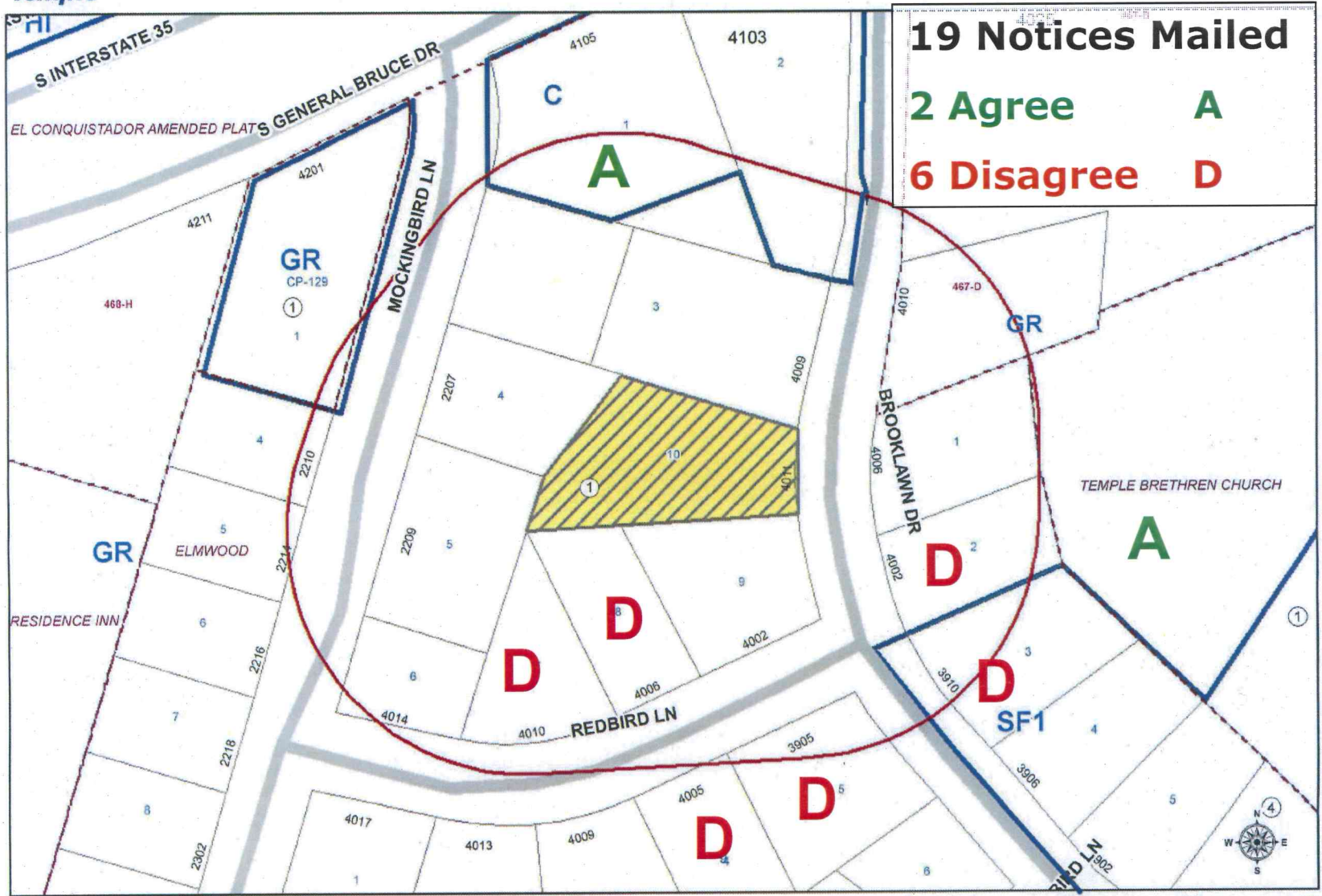
PLANNING AND ZONING
REVIEW DOCUMENTS
NOT FOR
BIDDING OR
CONSTRUCTION



Z-FY-12-24

GR to PD MF-1
Oak Park United Methodist Church

4011 Brooklawn Drive





RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Central Texas Properties Ltd
P.O. Box 3819
Bryan, Texas 77805-3819

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

DONALD H. BROAD
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
JAN 30 2012
City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Temple Brethren Church
2202 Birdcreek Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend (☒) approval (☐) denial of this request.

Comments:


Signature 2-3-12

JOSEPH J. BERAN
Print Name
BOARD V.A.

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 03 2012

City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Asa & Nora Hall
4006 Redbird Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend () approval (X) denial of this request.

Comments:

Any Multiple Family Dwelling would have to be two stories high, which would cause a problem with privacy as being so close anyone could look directly into my house from any second story. There is also a question on the sewer system and if it could handle multiple family dwellings, any back-up would be directly into my house. I bought this house because it was an established older neighborhood with many residents near my age, any multi family dwelling would cause an

Asa Hall

Signature

ASA HALL

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 01 2012

City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012

added concern of noise and security. Having a Multi family dwelling literally in my back yard could cause my house insurance to go up and my property value to go down. My house is already less than I paid for it. Any thoughts of selling in the future with a multiple family Dwelling so close and I would be at a substantial loss in value, although I do not intend to sell as the community is what we were looking for.

I strongly request denial of rezoning of this area as the lot is small and any multi family dwelling would be a blemish on the neighborhood.

Thankyou

Asha Hall 4006 Redbird Ln
Temple TX 76502



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Robert L. Ranly
4010 Redbird Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend () approval

(X) denial of this request.

Comments:

I am against this area being rezoned to general retail multifamily. I purchased my property in 1963 and built my home in 1964. This area was all zoned SFI at that time. This will reduce the value of my property in this area. We now have one house in the area with multiple families living in it. (It has been reported many times & nothing done by the city to date). There has been sewage problems in this area. More housing will not help the problem. Brooklawn is really congested on that end.

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 02 2012

City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Joe, Jr. & Josie Vargas
4005 Redbird Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

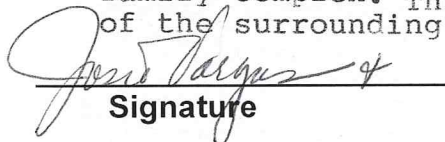
I recommend () approval

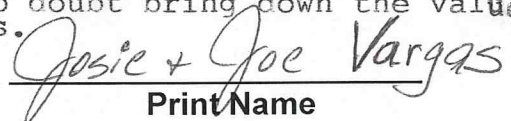
☒ denial of this request.

Comments:

The addition of these duplexes would add to the already traffic issues and parking issues in this one particular area. Already the Enterprise employees have no place to park and actually park in the grassy medium across from the business and some have even asked if they can park their cars in front of our homes.

This along with ^{the} property being a very dense area to add three duplexes, would make it seem almost impossible that all three could fit in this one area and there be sufficient parking for a multi-family complex. This addition would no doubt bring down the value of the surrounding single family homes.


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 02 2012

City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Charles M. Crocker
4002 Brooklawn Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend () approval (✓) denial of this request.

Comments:

Charles M Crocker
Signature

CHARLES CROCKER
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
FEB 03 2012
City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



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

Angela M. Vasicek
3910 Brooklawn Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend () approval

☒ denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 03 2012

City of Temple
Planning & Development

Number of Notices Mailed: 19

Date Mailed: January 26, 2012



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Betty Jean Willi
3905 Redbird Lane
Temple, Texas 76502

Zoning Application Number: Z-FY-12-24

Project Manager: Tammy Lyerly

Location: 4011 Brooklawn Drive

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

I recommend () approval

(X) denial of this request.

Comments:

Betty Jean Willi
Signature

Betty Jean Willi
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 6, 2012

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PLANNING AND ZONING COMMISSION AGENDA ITEM

2/06/12
Item 4
Regular Agenda
Page 1 of 4

APPLICANT / DEVELOPMENT: Patrick Guillen for Oak Park Methodist Church

CASE MANAGER: Tammy Lyerly, Planner

ITEM DESCRIPTION: Z-FY-12-24 Hold a public hearing to discuss and recommend action on a rezoning from General Retail District to Planned Development-Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive.





BACKGROUND: The applicant requests this Planned Development-Multiple Family One District (PD-MF1) to allow the development of three residential structures consisting of six dwelling units on this vacant property. The property's current General Retail District (GR) allows one duplex on a lot, but not a group of residential structures such as the those proposed on a single lot. The applicant's proposal to build three such structures, essentially six dwelling units, is considered a small multiple family development.


Although the current General Retail District allows a maximum height of three stories and allows retail uses, restaurants, and offices, it does not allow multiple family development (apartments). Therefore, the applicant's requested Planned Development District will have a "base zoning" of MF1 and requires a Planned Development site plan and building elevations. The required PD site plan and elevations were reviewed by DRC on January 23, 2012 and are attached to this report. They will be exhibited to the ordinance for this PD if it is approved by City Council.

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	GR	Vacant Land	

Direction	Zoning	Current Land Use	Photo
North	GR	Single-Family Residential	
South	GR	Single-Family Residential	 
East	GR	Single-Family Residential	

Direction	Zoning	Current Land Use	Photo
West	GR	Single-Family Residential and Vacant Land	

COMPREHENSIVE PLAN COMPLIANCE:

The proposed Planned Development 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	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Yes

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 subject property as Neighborhood Conservation. While the request is residential in nature, it is more dense than its surroundings. Several nearby homes are on quarter-acre lots, resulting in four units per acre. This PD proposes six units on a half-acre lot, or 12 units per acre. With enhanced landscaping and preserved trees, the architect for the project has worked to design the site to be as unobtrusive as possible with its surroundings.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies Brooklawn Drive as a local street. Local streets are appropriate for single-family, two-family, and multiple family developments. The applicant's portion of Brooklawn Drive does not have curb and gutter, but it will need to be installed to the City's standards during the construction process for the proposed development.

Availability of Public Facilities (CP Goal 4.1)

A 6-inch water line runs across the street along Brooklawn Drive. There is a 6-inch sewer line along the rear property line.

PLANNED DEVELOPMENT SITE PLAN REVIEW:

The proposed Planned Development –MF1 (PD-MF1) would allow the development as shown on the attached Planned Development site plan. The MF1 base zoning district allows duplexes, triplexes, as

well as single-family attached and detached dwellings. Patio homes, manufactured homes, and non-residential uses are not allowed in MF1 Districts.

In general, the MF1 District, without the guidance of a Planned Development, permits typical garden apartment development of one to two stories, allowing approximately 15 units per acre and is intended to be located near, and reasonably accessible to, collectors and arterials, due to the traffic generating capacity of lower density multiple family dwellings.

Since the applicant's request is for a Planned Development District, development would be limited to three residential structures with two units each as shown on the attached Planned Development site plan, if approved by City Council. This proposal would reduce the density allowed by right, resulting in traffic generation more suitable for a local street such as Brooklawn Drive.

The proposed site plan proposes three two-story buildings with garages, as well as sprinkler systems in the two rear structures designated as buildings #2 and #3. The site plan also reflects a 24-foot wide drive aisle with a hammer-head turn-around for emergency vehicles. The site plan also includes 6-foot tall privacy fences and landscaping for buffering adjacent to existing residential uses. The site plan has a crushed granite path along the south property line to give its potential residents access to the street for solid waste collection days.

PUBLIC NOTICE:

Staff mailed notices of the Planning and Zoning Commission's public hearing to the nineteen property owners within the 200-foot radius surrounding the rezoning site. As of Friday, February 3, 2012 at 8:00 AM, two notices were returned in favor of the request and six notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 26, 2012 in accordance with state law and local ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning from General Retail District to Planned Development Multiple Family One District (PD-MF1) 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.

All development on the property must comply with the attached Planned Development site plan and elevations, as Exhibit A of the Ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare Plan Map and Trails Plan Map](#)
[PD Site Plan](#)
[Building Elevations](#)
[Building Floor Plans](#)
[Notice Map](#)
[Response Letters](#)

EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 6, 2012

ACTION ITEMS

Item 4: Z-FY-12-24: Hold a public hearing to discuss and recommend action on a rezoning from General Retail District (GR) to Planned Development (Multiple Family One) District (PD-MF1), on Lot 10, Block 1, Elmwood Addition, located at 4011 Brooklawn Drive. (Applicant: Patrick Guillen for Oak Park United Methodist Church)

Ms. Lyerly stated this case is scheduled for City Council on March 1st for first reading and March 15th for second reading.

The subject property is zoned GR which allows retail uses such as stores, restaurants, and gas stations. The applicant is requesting a rezoning from GR to a PD-MF1. GR district does not allow any type of multi-family development, however, it does allow a single duplex on a lot. The applicant proposes three residential structures, each structure with two dwelling units equaling six dwelling units on the subject property. This odd shaped property is located along Brooklawn Drive.

Surrounding properties include some residential to the north, east, and south with vacant land to the west.

Elevations of proposed structures were shown and dimensions were given. These would be two story structures with a single garage; one building in the front area and two buildings at the rear. The sides would be full brick on the sides and Hardi Shingle Siding on the front of the second story. The only entrance into the development would be off of Brooklawn Drive, with a proposed drive aisle of 24 feet that wraps around with a hammerhead turnaround. This portion of Brooklawn Drive does not have any curbing, only edge of pavement, and the applicant proposes to add curbing along the front of the property which would improve the area. Some of the existing trees will be preserved on the property and ornamental trees will be added, along with ground cover plantings. A crushed granite trail along the south will allow residents to take individual trash receptacles down the path to an area designated for pickup. No dumpster will be on site. The rear two buildings (Building 2 and 3) will both be sprinklered (a sprinkler system installed inside the buildings) and the Fire Department liked this idea for fire prevention. Sidewalk areas will be internal for residents and a six foot high privacy fence adjacent to the residential uses would be built. Any exterior lights will be pointing downward.

Commissioner Talley asked why Building 1 would not have a sprinkler system. Ms. Lyerly explained it was not close to another structure and nearer to the entrance so there is no problem with the Fire Department. The sprinkler systems in the rear buildings were safer because they are within five feet of each other and located at the back of the lot.

Vice-Chair Staats asked about on-street parking inside the development. Ms. Lyerly stated they would have a garage area and another parking area next to it, making two parking spaces per dwelling unit. The applicant is meeting the drive aisle standards as far as being 24 feet wide and the aisles would not accommodate parking, only two-way traffic.

Chair Martin asked for confirmation that the current zoning of GR allowed for a developer to build a two story nonresidential building and Ms. Lyerly stated GR allowed for a three story building, however, the applicant's PD-MF1 would only allow a two story structure.

The Future Land Use and Character Map designates the area as Neighborhood Conservation. The applicant's request for multi-family development fits into a residential use which brings the property more into compliance with the Land Use and Character Map versus General Retail which is what the property currently is zoned.

Commissioner Talley asked what the square footage was for Building 1. Ms. Lyerly stated each unit was approximately 2,310 square foot including the front porch. Commissioner Rhoads asked why Oak Park Methodist Church was involved and Ms. Lyerly stated they owned the property.

Ms. Lyerly stated there was a six-inch sewer line along the property's rear side and a six-inch water lines along Brooklawn so utilities are available.

Nineteen notices were sent out: two were received in favor of the request and seven responses were in opposition. With the negative responses equaling 20.92% of opposition, a supermajority vote will be required at City Council level in order for this item to be approved.

Staff recommendation is for approval of the requested rezoning of PD-MF1 since the request brings the property into more compliance with the Future Land Use and Character Map, complies with the Thoroughfare Plan, public facilities are available to serve the property, and since this is a PD, the site plan and elevations shown would track with the Ordinance if approved meaning any development on this property would have to follow the site plan submitted.

Chair Martin asked about the sewer line and the ability to handle the additional buildings. Ms. Lyerly stated she alerted Public Works to research this matter after receiving the comments regarding the sewer lines.

Commissioner Jones asked if anything had been discussed with the owners regarding the maximum allowed vehicles in the development, per family, or to allow emergency vehicles. Ms. Lyerly stated the applicant met with Staff, including the Fire Marshall, at Development Review Committee (DRC) regarding the site plan. Traffic flow was a major concern and the property was redesigned to increase circulation and better maneuverability for emergency vehicles. The parking was reconfigured to allow more parking space and maneuverability and the applicant has met the minimum requirements.

Commissioner Jones asked if the families would be limited on the amount of cars allowed. Ms. Lyerly stated the development only allowed two parking spaces per dwelling unit, which is the minimum allowed. Commissioner Jones asked about the number of additional family vehicles allowed and if the quantity was discussed. Ms. Lyerly stated no, they just looked at the site plan and were going with minimums and how they could fit on the space.

Vice-Chair Staats asked if the entire drive would be redlined as a fire lane. Ms. Lyerly stated she did not believe it would be redlined as a fire lane. It exceeds the 21-foot width for a fire lane and is going to be 24 feet wide. If the Commission wanted to add conditions, those conditions could be part of the Ordinance. Vice-Chair Staats stated he did not feel there was

enough parking for visitors and at least one side should be redlined. He stated the parking looks ill-conceived.

Ms. Lyerly stated the whole area is zoned GR. When Ms. Lyerly spoke with some of the property owners, they were surprised to find out the area was zoned GR. It allows single family development but this area has been GR since the 1960's. The property belonged to the Cater Family who set up a lot of the development before the homes were built. Several of the homes were built around 1963.

Chair Martin opened the public hearing.

Mr. Paul Contrucci, 4013 Redbird Lane, Temple, Texas, stated his entire house was flooded through sewage and he spent \$25,000 to \$30,000 fixing it and now these three buildings may be added. There are already nine cars parked every night on the street adjacent to another house on Redbird and sometimes he has difficulty getting out of his driveway because it is blocked. Mr. Contrucci stated the sewage lines in the area are old.

Mr. Contrucci stated this matter had ethical values not being observed by the Church for them to do this to a community. It is a single family residence neighborhood and that is the way it was set up originally by Mr. Cater. Mr. Contrucci does not know what the City has done since 1963 to change it, but "all of a sudden this stuff happens." Legally the City can be correct; ethically there are problems.

Enterprise Rental Car has cars parked there already every morning and traffic comes through the neighborhood to avoid I-35 so plenty of traffic is on the street already. Someone moving into the development will add four or five more families with even more cars.

Mr. Contrucci stated he did not receive a notice letter and Ms. Lyerly informed him he was outside of the 200 foot radius. Mr. Contrucci stated people 300 and 400 feet away were affected by what is happening just as much as the 200 foot homes.

Commissioner Rhoads asked Mr. Contrucci if he knew where the nine cars came from he mentioned earlier. Mr. Contrucci stated they were from people that stay there overnight. Mr. Contrucci also stated they have been talking with the City for four years and nothing has been done.

Mr. Asa Hall, 4006 Redbird Lane, Temple, Texas, stated he did not understand how three multi-family dwellings could fit onto half an acre. Building Two is against his back fence. Mr. Hall has a single story house and even if a six foot privacy fence were built, with a two story house they will be able to look right into his home and he will have no security or privacy. Mr. Hall stated his home was 1600 square feet, has a little over half an acre, and the house takes up most of the property. He did not see how three buildings would fit on the subject lot.

Mr. Hall stated the sewage is already a problem and the possibility of adding six more families will make it even worse. Ms. Lyerly stated the pipe was six inches.

Mr. Hall's concerns were privacy and security. The buildings will be literally against his back fence.

Chair Martin agreed with Mr. Hall but stated since the area is zoned GR, a developer could come in and build a two story GR nonresidential building because it would be allowed. Mr.

Hall stated when he purchased the home six years ago he was informed he could not run a business out of his home. Since the area is zoned GR, Mr. Hall felt he should be able to do that. According to Mr. Hall, this stipulation was written into his deed/contract work when he purchased the house but does not know who put it in the paperwork. Vice-Chair Staats stated the seller can include whatever restrictions they want and if you sign the paperwork you have agreed to it. Mr. Hall stated if the area is zoned GR he should be able to run a business out of house. Vice-Chair Staats stated unless he agreed to the seller's stipulations. Mr. Hall stated once it was his property they had nothing to say about it. Vice-Chair Staats stated that was not true; once Mr. Hall agreed to a certain contractual obligation when the property was purchased, it extends to the life of Mr. Hall's ownership.

Mr. Hall's main concern was the privacy factor. Even with a six foot fence he will have no privacy.

Commissioner Sears asked if Mr. Hall's home had had sewage backup as well. Mr. Hall stated he has had four instances in the six years he has lived in the home with sewage backing up in his bathtub/shower stall. Mr. Hall stated Roto-Rooter was out recently to fix another problem in the bathroom and admitted it was partly his line underneath his patio. The City "supposedly" replaced the sewer line to his house prior to him purchasing the home. When asked if this problem was Mr. Hall's or the City sewer lines, Mr. Hall stated this backup was his problem. Mr. Hall stated the problems the neighbors are having are from City sewage.

Commissioner Jones asked about the privacy issue. Commissioner Jones stated he drove by Mr. Hall's home and could look into his back yard from Brooklawn. Mr. Hall stated there were enough bushes and trees there. Commissioner Jones stated there were very few and was curious about the privacy issue and why Mr. Hall had not put up a fence in six years when anyone driving by could look. Mr. Hall stated driving by a house was different than sitting at a window looking into a back yard.

Mr. Robert Ranly, 4010 Redbird Lane, Temple, Texas, stated he purchased his lot in 1963 and the abstract stated it was single family; nothing says GR for any of the property. Mr. Ranly built his home in 1964.

Chair Martin asked if Mr. Ranly had any sewage issues and he said no, but further down there were a lot of problems. The easement runs alongside Mr. Ranly's property.

Mr. Ranly did not feel the lot was big enough to put three buildings on it and have enough parking spaces.

Mr. Joe Vargas, 4005 Redbird Lane, Temple, Texas, stated his main concern was the parking issue. There is no room for parking now and additional visitors will be a problem. Enterprise Rental Car has cars that make it a bit difficult in the mornings and afternoons and visitors will make it more difficult. If young couples with children move in, there are no slow signs or speed bumps, and people drive through there very fast. Traffic and parking are big concerns.

Mr. Greg Lewis, 2928 Avenue P, Galveston, Texas, stated he is working with Mr. Guillen on this project and would like to address the concerns brought up. The sanitary sewer issues need further investigation; however, at this time they have been told it is ok.

Mr. Lewis stated there would be no problem red stripping the lanes for emergency vehicles to keep people from parking on the streets.

Mr. Lewis stated since the road into the development is a dead end, the back two buildings would be sprinklered which made the Fire Department more comfortable.

Mr. Lewis stated the buildings were rearranged and staggered, the drive aisle was widened from 21 feet to 24 feet for better access, a single-car garage in every unit, two for each building, space for a car in the driveway, plus two parking places close to the front of the street. The minimum requirements have been met plus an additional two spaces.

Mr. Lewis stated there were things that could be done to address the privacy concerns such as high windows, opaque glass, etc.

Commissioner Rhoads asked if the three buildings would fit on the property based on the site evaluation and the way it is designed. Mr. Lewis stated yes, each building is a two-story unit about 1600 square feet a piece, 24-foot access drive with a turn-around space for the end units, the two rear buildings are as close as possible (approximately five feet apart), a firewall will be there, and the rear buildings are as close to the back fence as possible with 24% of the land left for landscaping, which is more than required. They also made space off the street along the front for the trash receptacles so they do not sit on the street.

Commissioner Jones asked Mr. Lewis if he would be willing to meet with the residents to discuss and address the privacy issues before the Commission voted on the item. Mr. Lewis said they could sit down and look at the elevations and see if something could be determined.

Commissioner Jones asked if there were some way to limit, regulate, or address the amount of vehicles the residents owned or parked there overnight on a permanent basis.

Mr. Lewis suggested a property management company or Home Owners Association (HOA).

Commissioner Talley asked if there would be a HOA with this and will there be a covenant. Mr. Lewis stated that would be questions for the potential property owners developing this.

Mr. Patrick Guillen, 1618 W. Avenue M, Temple, Texas, stated he did not want to create bad feelings and welcomed a mutual working relationship with the residents. Mr. Guillen lives in the subject area and called about the property when he found it. Mr. Guillen's company does multi-family investing and would like to do something with the subject property.

Mr. Guillen stated a garden or gated community was discussed and they are aware of the additional parking. Right now it seems when residents have guests over, they tend to park on the street. Mr. Guillen stated if someone had an event, the guests would probably park along Brooklawn and walk over to the residence.

Mr. Guillen wants to work with the residents. The rents on the proposed properties would be somewhere between \$900 to \$1200 a month rent and would be a quality residential development.

Commissioner Talley asked who owned the land and Mr. Guillen stated they had it under contract from the Church and would like to develop the land.

Vice-Chair Staats asked Mr. Guillen to consider two things for the long-time residents living there. On the sides of the buildings that face the property either eliminate windows or make them high windows. The residents need their privacy. On the lane coming into the development, eliminate or restrict the parking on one side in order to have enough room.

Mr. Guillen stated they were very flexible with the project and do whatever they needed.

Commissioner Sears asked if any type of feasibility study to do two units instead of three on the property and Mr. Guillen stated they looked at that but with the asking price of the land and what it would cost at this time would not work otherwise they would do two.

Commissioner Rhoads asked if the buildings were going to be put up one at a time or all at once. Mr. Guillen stated they would build one and once it is leased out, do the second, then the third.

Mr. Paul Contrucci returned to the podium and stated no matter how nice it sounds it will not work. It is all about making a buck and ruining the neighborhood. The car situation is already bad and more would be coming in. Mr. Contrucci stated he was surprised and never knew this before and felt no one had a chance to do anything prior to this meeting. Ms. Lyerly explained the rezoning and public hearing process. P&Z would make a recommendation to City Council and City Council has a public hearing for comments at the first reading and the second meeting would be the actual decision. The process is set up for the public to attend two separate public hearings.

Mr. Contrucci did not understand how different zoning districts could be done the way they are and they do not make sense.

Mr. Asa Hall returned to the podium and asked what the setback was on this property, how far back does the house have to be from the property line. The Ordinance used to state a minimum of ten feet from the property line to the eave of the house. There is not enough room for the property line and the edge of the house.

Mr. Hall stated now he has to contend with noise, dirt, and grime three times over from building the separate buildings.

Ms. Lyerly stated the setback for the development was five feet. There was also a five-foot wide utility easement along the perimeter of the property. Mr. Hall asked if the buildings would be five feet from his property line and Ms. Lyerly stated yes, and the fence would be along the property line, but the setback is five feet.

Mr. Robert Ranly returned to the podium and stated that five feet is not on the abstract; it says ten feet from his house to the property line and does not know where the five feet comes from, the whole thing was zoned single family housing.

Vice-Chair Staats asked when the GR zoning was established for the area. Ms. Lyerly stated it was done prior to 1967 and believed to have been done before the Caters actually sold the property. (Ms. Lyerly puts a research document—an old city map used in 1967 and prior years--on the screen for the Commission). The checkered area on the map indicates the applicant's property which was designated as a retail and commercial center in the 60s. The prior zoning would have been Agricultural because a lot of it was out of the city limits.

Vice-Chair Staats asked if the ten-foot setback Mr. Ranly referred to was some type of subdivision ordinance and Ms. Lyerly stated that was more likely in the covenants (restrictions that were created when the development was created. When one purchases land in the area, they receive a list of allowed setbacks, etc., if covenants were created).

Mr. Isaac Schlebech, Real Star Property Management 7407 Wind Chime Way, Temple, Texas, stated he manages the properties for Guillen Partners. Mr. Schlebech stated it would be an improvement to the property and parking can be restricted in the lease(s) to prevent tenants from having four or five cars permanently parked, even if guests were there. Commissioner Talley asked how that would be enforced. Mr. Schlebech stated there would be a fine or an eviction since the plan was to have them as rentals.

Mr. Schlebech understood about the privacy issue but did not understand the difference if someone went in and built a two story home since it would have the same effect as a two story duplex. The privacy issue would still be there.

Mr. Schlebech stated it is currently a vacant lot and this would improve the area. Guillen Partners builds nice homes and these would rent out around \$1000 to \$1200 per duplex, per unit.

Mr. Contrucci returned to the podium and stated the parking is not being enforced now and did not understand how it would be enforced when the structures were built. Mr. Contrucci felt the lot was nice with the trees and did not feel the buildings would improve the area.

Vice-Chair Staats asked if Enterprise was using public streets for inventory storage. Ms. Lyerly stated the City was not aware of this but could request Code Enforcement be sent out to investigate. Vice-Chair Staats stated no matter what happened, that matter should be looked into since it seems to be an issue for the residents who feel some of the cars are from Enterprise.

Commissioner Jones stated he saw the cars parked to the north side of Enterprise, not down on Brooklawn.

Chair Martin closed the public hearing.

Chair Martin stated he was a pro small business supporter, however, the subject property is not much bigger than many of the other lots with single family homes and felt it was injurious to the property to have that many structures on that lot. Commissioner Sears agreed with Chair Martin and stated he could understand the idea better if it were just two units with more parking. Enforcement of parking issues does not seem feasible and parking will occur on the streets. Commissioner Sears stated this does not fit the area. Commissioner Talley also agreed but commented this area has had a history of sewage problems. It does not make sense.

Discussion about Bird Creek pipes and sewage issues.

Vice-Chair Staats had an issue with the parking arrangement. The buildings looked very nice but the clustering is not a good arrangement for this piece of property.

Commissioner Pilkington agreed it was a tight fit. If it were single-family they could get that close to the property line. Commissioner Pilkington stated the sewer line issues could be fixed

since the lines are probably old and sized wrong, however, this would add to the problem right now.

Commissioner Jones agreed and stated privacy and sewer were important issues and encouraged the audience to call Public Works. This was too much for that size lot in the area. He also had concerns about the cars and controlling the issue.

Vice-Chair Staats made a motion to deny Item 4, **Z-FY-12-24**, for reasons stated and Commissioner Talley made a second.

Motion passed: (6:1)

Commissioner Rhoads voted nay.

ORDINANCE NO. 2012-4520

(PLANNING NO. Z-FY-12-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO PLANNED DEVELOPMENT - MULTIPLE FAMILY ONE (PD-MF1) ON LOT 10, BLOCK 1, ELMWOOD ADDITION, LOCATED AT 4011 BROOKLAWN 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 General Retail District (GR) to Planned Development – Multiple Family One (PD-MF1) on Lot 10, Block 1, Elmwood Addition, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: In accordance with Section 3.4 of the Unified Development Code (UDC) of the City of Temple, the City Zoning Map is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Multiple Family One District. The Planned Development shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- a. Except as varied by the approved Planned Development elevations and site plan, attached hereto as Exhibit B and Exhibit C, the use and development standards of the property shall conform to the requirements of the Multiple Family One zoning district.
- b. In the event of a conflict between the Planned Development site plan and the text of this Planned Development ordinance, the stricter standard applies.
- c. All standards of the Unified Development Code apply unless the Planned Development site plan or the text of the Planned Development ordinance specifically modifies such standards.

These conditions shall be express conditions of any building permit issued for construction on the property, which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

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

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

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

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance 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.

TABLED after First Reading and Public Hearing on the **1st** day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the **15th** day of **March**, 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

03/15/12
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-26: 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 and restaurant on 5.68 acres of Outblock 5008, City Addition, commonly known as 4984 West FM 93.

P&Z COMMISSION RECOMMENDATION: At its February 21, 2012 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of an amended Conditional Use Permit. Commissioner Sears absent; Commissioner Pope has been appointed to the Commission as its ninth member but not yet been seated.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 5, 2012.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-26, from the Planning and Zoning Commission meeting, February 21, 2012. This subject property is situated at the north side of West FM 95 and is west of Witter Lane, south of Taylor Valley Road. The property has a one-story commercial building formerly used as the Ranch Steakhouse Restaurant. It has been vacant for some time. The site received a Conditional Use Permit (CUP) in June 2003 to authorize on-premise consumption of alcohol with 75% or less of the total gross revenue coming from alcohol sales.

This business, Bo's Barn, has been operating since mid-January at this location in conformance with State licensing procedures for a private club and under the approved CUP authorized in 2003. Staff met with the applicant and encouraged her to apply for this CUP in case she anticipated exceeding the 75% limit. This would avoid situations such as the City has experienced in the past. As a result of the meeting, the applicant is applying for this CUP in order to be able to receive more than 75% revenue from alcohol sales for on-premise consumption.

PUBLIC NOTICE: Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Tuesday, March 6, 2012, one notice was returned in favor. The newspaper printed notice of the Planning and Zoning Commission public hearing on Friday February 10, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

[Planning and Zoning Commission Staff Report and Attachments February 21, 2012](#)

[Planning and Zoning Commission Minutes February 21, 2012](#)

[One Notice Received](#)

[Ordinance](#)



PLANNING AND ZONING COMMISSION AGENDA ITEM

02/21/12
Item #4
Regular Agenda
Page 1 of 7

APPLICANT: Lorinda Baum of Bo's Barn Dancehall and Restaurant, on behalf of David Beevers of Ron's One Stop, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-26 Hold a public hearing to discuss and recommend action on 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 and restaurant on 5.68 acres of Outblock 5008, City Addition, commonly known as 4984 W. FM 93.

BACKGROUND: This subject property is situated at the north side of W. FM 95 and is west of Witter Lane, south of Taylor Valley Road. The property has a one-story commercial building formerly used as the Ranch Steakhouse Restaurant. It has been vacant for some time. The site received a Conditional Use Permit (CUP) in June 2003 to authorize on-premise consumption of alcohol with 75% or less of the total gross revenue coming from alcohol sales.

This business, Bo's Barn, has been operating since mid-January at this location in conformance with State licensing procedures for a private club and under the approved CUP authorized in 2003. Staff met with the applicant and encouraged her to apply for this CUP in case she anticipated exceeding the 75% limit. This would avoid situations such as the City has experienced downtown with a bar that had been operating without the proper alcohol-related CUP. As a result of the meeting, the applicant is applying for this CUP in order to be able to receive more than 75% revenue from alcohol sales for on-premise consumption.

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	C CP152	Alcohol Service <75% of total revenue with Restaurant	

Direction	Zoning	Current Land Use	Photo
North	AG	Agricultural Land	
South	AG	Vacant Land	
East	C CP152	Concrete Batch Plant Business	

Direction	Zoning	Current Land Use	Photo
West	LI CP124	Vacant Land	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Industrial	Yes
CP	Map 5.2 - Thoroughfare Plan	FM 93 is a Major Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	6-inch water line serves this property; no public sewer is available. Septic system is existing.	Yes
STP	Page F3- A proposed city-wide spine trail is shown near the west side of this property	Trail is shown extending onto vacant land to west.	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

PUBLIC NOTICE:

Four notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, February 29th at 12 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 February 10, 2012, in accordance with state law and local ordinance.

STAFF RECOMMENDATION: Staff recommends approval of the requested CUP to allow gross revenues from alcohol of more than 75%, for on-premise consumption, rather than the existing 75% or less.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Aerial, Thoroughfare and Trail Map](#)

[Land Use and Character Map](#)

[Zoning and Public Notice Map](#)

[Utility Map](#)

[Original 2003 CUP Ordinance with Site Plan for the Ranch Steakhouse](#)



Z-FY-12-26

C-CP-152 to C-Cup
for On Premise Alcohol > 75% Total Gross
Bo's Barn Dance Hall and Restaurant

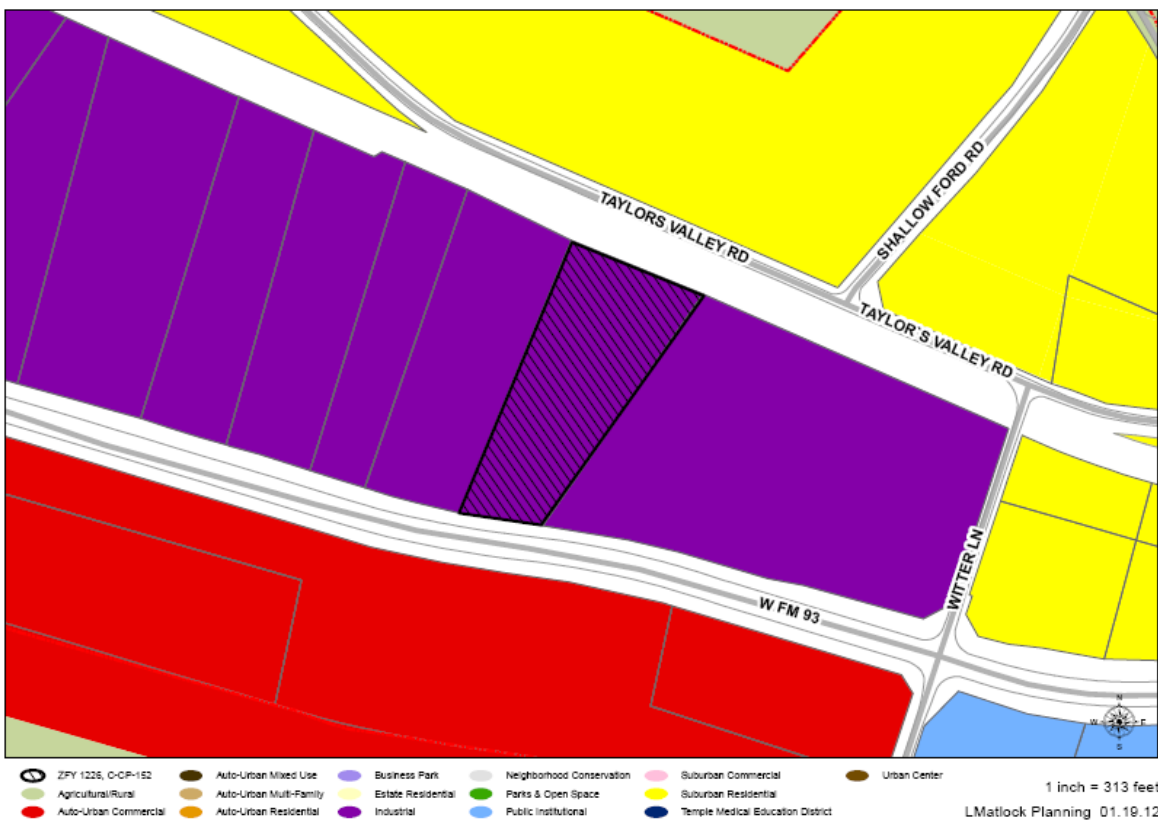
4984 W. FM 93



Z-FY-12-24

C-CP-152 to C-CUP
for On Premise Alcohol >75% Total Gross
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93

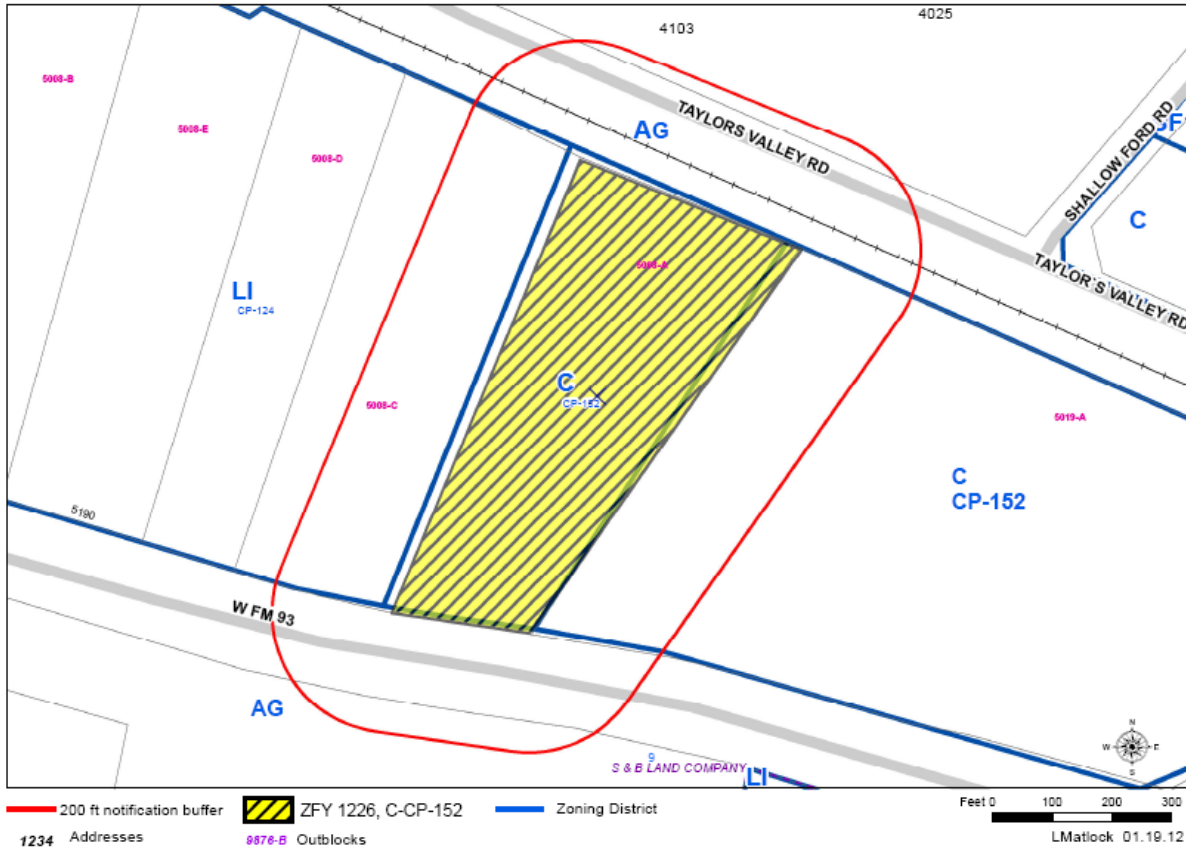




Z-FY-12-26

C-CP-152 to C-Cup
for On Premise Alcohol > 75% Total Gross
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



Z-FY-12-26

C-CP-152 to C-Cup
for On Premise Alcohol > 75% Total Gross
Bo's Barn Dance Hall and Restaurant

4984 W. FM 93



ORDINANCE NO. 2003-3908

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL DISTRICT (LI) WITH A CONDITIONAL USE PERMIT FOR A CONCRETE/ASPHALT BATCHING PLANT, SAND, GRAVEL PROCESSING PLANT, WITH ASSOCIATED MATERIALS STORAGE TO COMMERCIAL DISTRICT (C) WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES ALCOHOL CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES IS LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR A PROPOSED STEAKHOUSE ON APPROXIMATELY 5.68 ACRES OF LAND, LOCATED ON THE NORTH SIDE OF FM 93, MOST COMMONLY REFERRED TO AS A PORTION OF OUTBLOCK 5008, CITY ADDITION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the proposed steakhouse on approximately 5.68 acres of land, located on the north side of FM 93, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council authorizes a zoning change from Light Industrial District (LI) with a conditional use permit for a concrete/asphalt batching plant, sand, gravel processing plant, with associated materials storage to Commercial District (C) with a conditional use permit to allow the sale of alcoholic beverages for on-premises consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue for a proposed steakhouse on approximately 5.68 acres of land, located on the north side of FM 93, most commonly referred to as a portion of Outblock 5008, City Addition, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. The sale and consumption of alcoholic beverages (beer and mixed drinks) shall occur within the restaurant, in accordance with the site plan attached as Exhibit "B."
- B. Hours of operation will be 9:00 a.m. to 12:00 p.m.
- C. Number of employees shall be 12-18.
- D. The establishments must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than the number required for similar uses in the zoning district where the establishment is located.
- E. The permittee shall be responsible for providing on-site security to the facilities in a manner which minimizes any conflict to the surrounding residential neighborhood. An adequate number of employees shall be provided for security purposes to adequately control the establishment's premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- F. That the permittees shall make every reasonable effort to minimize the noise impact of this use to surrounding development.
- G. That the permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.

- H. That the permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of this conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- I. That the permittee must maintain the premises in a manner that will not be detrimental to the public welfare of the citizens of the City.
- J. That the permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter, and odors on the establishments or in the surrounding area and shall operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- K. That the City Council may revoke a conditional use permit if it affirmatively determines that the issuance of the same is (1) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- L. That conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- M. That a conditional use permit may be canceled, suspended, or revoked in accordance with the revocation clause set forth in Section 7-609 of the Zoning Ordinance.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

Part 5: This ordinance shall take effect ten (10) days after the land is sold to David Beevers.

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 June, 2003.

PASSED AND APPROVED on Public Hearing and Second Reading on the 19th day of June, 2003.

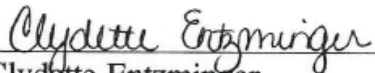
THE CITY OF TEMPLE, TEXAS



WILLIAM A. JONES, III, Mayor


ATTEST:





Clydette Entzminger
City Secretary

APPROVED AS TO FORM:



Jonathan Graham
City Attorney



Z-2003-24

OB #5008

5.678 acres

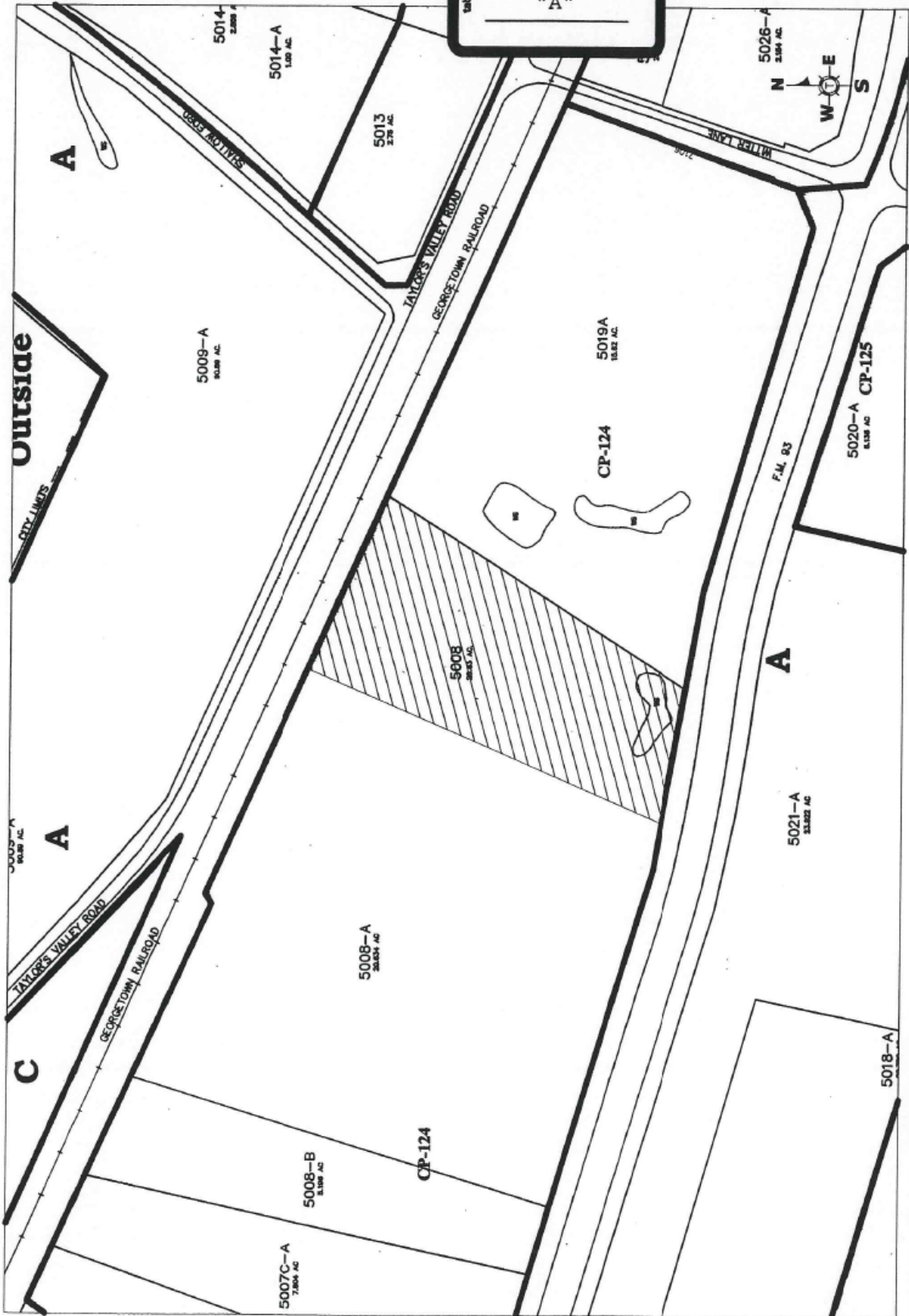


EXHIBIT
"A"

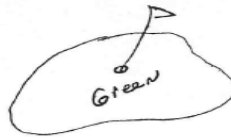
K. Beimer/GIS Mapping
05/05/03
Scale: 1"=200'

Project Concept

EXHIBIT

"B"

North



Golf
Driving Range



OUT DOOR
PATIO AREA



Possible:

Future mini storage Buildings



Belton



HWY 93



Number of
unknown

Temple



**RESPONSE TO PROPOSED
PLANNED DEVELOPMENT AMENDMENT
REQUEST
CITY OF TEMPLE**

Nichols Acres LLC
4205 Forrester Roadt
Temple, Texas 76502

Zoning Application Number: Z-FY-12-26

Project Manager: Leslie Matlock

Location: 4984 West FM 93

The proposed amendment to allow the sale of alcoholic beverages more than 75% of the total gross revenue is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Hubert A Johnson
Signature

Hubert A Johnson - Nichols Acres
Print Name manager

Please mail or hand-deliver this comment form to the address shown below, no later than February 21, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 14 2012

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: February 9, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, FEBRUARY 21, 2012**

ACTION ITEMS

Item 4: Z-FY-12-26 - Amendment to Ordinance No. 2003-3908, originally approved June 19, 2003, PD-C District with a CUP to allow the sale of alcoholic beverages for on-premises alcohol consumption where the gross revenue from the sale of alcoholic beverages is more than 75% of the total gross revenue for a proposed dance hall and restaurant located at 4984 West FM 93. (Applicant: Lorinda Baum for David Beevers)

Ms. Matlock stated this matter would go before City Council for first reading on March 15, 2012 and for second reading and final action on April 5, 2012.

This site holds a CUP for alcoholic beverage service in conjunction with a restaurant use in a Commercial district. That service can produce revenue for 75% or less of the total revenue for the entire business. This business, a dancehall, has been opened with a restaurant since mid-January. The applicant wishes to increase the amount of revenue from alcohol in case the restaurant does not succeed.

Surrounding properties includes vacant land with Commercial zoning to the north, vacant land and Agricultural (AG) zoning to the south, vacant land to the east, and cement plant to the west, both zoned Light Industrial (LI).

Four notices were mailed to surrounding property owners and one approval was received.

Staff recommends approval of this request as submitted by applicant.

Chair Martin opened the public hearing.

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

Commissioner Rhoads made a motion to approve Item 4, Z-FY-12-26, and Commissioner Jones made a second.

Motion passed: 7:0

Commissioner Sears absent; Commissioner Pope has been appointed to the Commission as its ninth member but not yet been seated.

ORDINANCE NO. 2012-4522

[PLANNING NO. Z-FY-12-26]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, 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 AND RESTAURANT; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the Unified Development Code of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

WHEREAS, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location at 4984 W. FM 93, recommends that the City Council approve the application for this Conditional Use Permit for an on-premises consumption with more than 75% alcohol revenue from alcohol sales in an existing bar and restaurant; and

WHEREAS, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow for the sale of alcoholic beverages for on-premise consumption with more than 75% revenue from alcohol sales in an existing bar and restaurant located on approximately 5.68 acres of Outblock 5008, commonly known as 4984 W. FM 93, more fully shown on Exhibit A, attached hereto and made a part of for all purposes.

Part 2: The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

General:

- (a) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (b) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (c) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours. (Not applicable for package stores).
- (d) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (e) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet the obligations hereunder.
- (f) The establishment must provide adequate parking spaces in accordance with the standards in Section 7.4 of the Unified Development Code.
- (g) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (h) The City Council may deny or revoke this conditional use permit in accordance with Section 3.5 of the Unified Development Code if it affirmatively determines that the issuance of the permit is incompatible with the surrounding uses of property, or detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (i) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.
- (j) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 3.5. of the Unified Development Code.

Specific to this CUP:

- (k) The permittee's site plan is an exhibit to the conditional use permit, attached hereto as Exhibit B.

These conditions run with the land and will be express conditions of any building permit issued for construction on the property. These conditions may be enforced by the City of Temple by an action either at law or in equity, including an action to specifically enforce the requirements of the ordinance.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance 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 **March**, 2012.

PASSED AND APPROVED on Second Reading on the **5th** day of **April**, 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

03/15/12
Item #8
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-12-28: Consider adopting an ordinance authorizing an amendment to Planned Development Ordinance 2001-2778, PD-92 for O1 and specific uses, originally approved July 5, 2001, to allow a fenced contractor storage and equipment yard on ±0.91 acres of land being a part of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, more commonly known as 3802 South 5th Street.

P&Z COMMISSION RECOMMENDATION: At its February 21, 2012 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of an amended Planned Development, along with inclusion of employee parking being restricted within the fenced storage yard area only, and lighting to maintain the character of the neighborhood and to require an eight foot screening fence.

Commissioner Sears absent; Commissioner Pope has been appointed to the Commission as its ninth member but not yet been seated.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 5, 2012.

Staff recommends approval of the requested amendment to the subject PD to add Contractor Storage and Equipment Yard as an allowed use subject to the following conditions:

- a. Development of the subject property must be in accordance with the approved site plan attached to the Ordinance that approves the PD amendment.
- b. The contractor storage yard must be completely enclosed with a solid wood fence eight feet in height.
- c. The office building and all future structures built on the site must maintain a residential character with brick exteriors on all sides, pitched roofs and a maximum height of one story.
- d. The trees in place on the subject property on the effective date of the Ordinance that approves the PD amendment must be preserved and may not be removed without an amendment to the associated PD site plan. Normal maintenance is allowed without an amendment to the PD site plan.

ITEM SUMMARY: Please refer to the Staff Report and draft minutes of case Z-FY-12-28, from the Planning and Zoning Commission meeting, February 21, 2012. This lot is located at the northwest corner of two arterials and currently contains what was originally a large single-family home. The building has been converted by zoning and by interior remodel to an office use and initially housed a temporary employee service and a small beauty salon, which are part of the original Planned Development (PD) ordinance's site plan.

The building currently contains the applicant's contracting office. The parcel has three driveways for access, one at the rear yard accessing Marlandwood Road, and two driveways, which form a circle drive, opening onto South 5th Street.

The Applicant is requesting that the rear portion of this property be allowed to become the storage and equipment yard for his construction and contracting business, storing large equipment and materials onsite. The Applicant has been using the approximately 12,500 square-foot rear yard of his property as contractor storage and equipment yard for about one year.

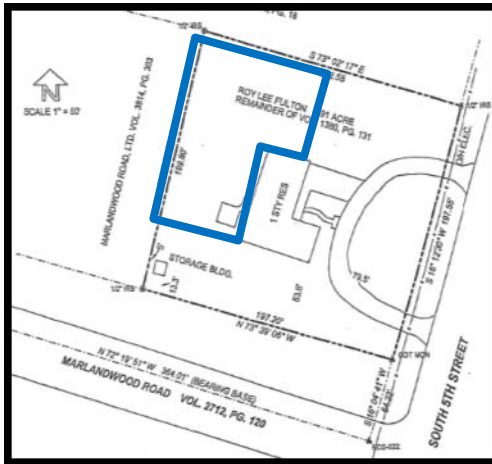
He was told by the City of Temple Code Enforcement to remove the material and equipment or to discuss options with the Planning Department to determine the appropriate steps to bring his site into compliance. The contractor storage and equipment yard is not allowed in his existing zoning.

The applicant met with the Planning Department to determine what options are available to solve the code violation. The Planning department provided three options as follows:

- Remove the construction materials and equipment to an off-site location
- Request Commercial zoning which would allow the use and conform to the outdoor screening requirements or
- Request an amendment to the original PD which would allow this specific additional use only and conform to the outdoor screening requirements.

After discussion the Applicant requested the third option to amend the PD very specifically to allow the contractor storage and equipment yard.

If the Planned Development request is not approved the applicant will be given 30 days to remove all construction materials and equipment from this location. The office use could remain.



Outline of Proposed 12,500 sq. ft.
screened Construction Yard

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Suburban Commercial	No**
CP	Map 5.2 - Thoroughfare Plan	S. 5 th Street – Major Arterial Marlandwood Drive - Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Surrounding Arterials can support non-residential development	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to north and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west. Zoning and Uses to the north are currently residential on larger lots, similar to the original use of this structure.	Partial**
STP	Page F3- A city wide spine trail is built parallel to the west side of S. 5 th Street	Directly west of this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan **See Analysis below

Contractor storage and equipment yards are only allowed by right in C, Commercial, CA, Central Area, LI, Light Industrial and HI, Heavy Industrial Zoning Districts. These districts are associated with the more intense Future Land Use and Character Map (FLUCM) designations of the Comprehensive Plan such as Auto Urban Commercial, Industrial and Business Park. Retail and office uses are more associated with the Suburban Commercial designation. Across South 5th Street is shown as future TMED, Temple Medical Educational District, and will be subject to those special district zoning regulations should the zoning be changed. The FLUCM shows the area directly behind the subject property as Parks and Open Space.

Location for these uses and districts are intended to be near larger thoroughfares in order to serve citywide or regional service areas. Adjoining zoning districts should be carefully selected to reduce environmental conflicts. This intersection is at the corner of a major and a minor arterial road, South 5th Street and Marlandwood Drive, and would support a Commercial district as far as having appropriate infrastructure. The land is adjacent to a flood prone area and the trail system, and so runoff should be appropriately managed.

The SF1, single family one zoning district is adjacent directly to the north and across the street to the east. All other adjacencies to the west are Office related. Friars Creek Walking Trail is adjacent to the west of this lot and is used by residents as an exercise and natural area. The direct corner across Marlandwood to the south is the only exception, and is zoned C, Commercial zoning. It contains a convenience store with fuel sales and a restaurant.

Planned Development Site Plan Review: If City Council approves this PD amendment request, this case must have standards and a site plan that are agreed to by the Applicant.

The Applicant has stated that he will conform to the Zoning requirement for a new development of this type. That would include paved surfaces outside the fence, screening of the construction storage yard area and landscaping.

Screening is required for the yard area which would be achieved with an 8-foot wood fence. Landscaping for the lot would also be required; however this lot is full of mature trees and has the look of a residential yard. What is currently landscaped would suffice to fulfill the minimum 5% landscaped area and the one tree per 40 linear feet of street frontage on this property. Approximately 400 linear feet of property is adjacent to the ROW, and would require a minimum of 10 conforming trees between the building and the ROW. It appears that there are more than 10 mature oak and other trees in this space.

City Council may impose additional conditions on the Planned Development that will be required of the contractor yard operations at this site.

PUBLIC NOTICE: Seven notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Tuesday, March 6, 2012, no notices were returned in favor of and two notices were returned in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on Friday February 10, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: NA

ATTACHMENTS:

Planning and Zoning Commission Staff Report and Attachments February 21, 2012
Planning and Zoning Commission Minutes February 21, 2012
Two Notices Received
Ordinance



PLANNING AND ZONING COMMISSION AGENDA ITEM

2/21/12
Item 3
Regular Agenda
Page 1 of 5

APPLICANT: Randy Fulton, Owner

CASE MANAGER: Leslie Matlock, AICP, Senior Planner

ITEM DESCRIPTION: Z-FY-12-28 Hold a public hearing to discuss and recommend action on an amendment to Planned Development Ordinance 2001-2778, PD-92 for O1 and specific uses, originally approved July 5, 2001, to allow a fenced contractor storage and equipment yard on ±0.91 acres of land being a part of the Maximo Morino Survey, Abstract 14, City of Temple, Bell County, Texas, more commonly known as 3802 S. 5th Street.

BACKGROUND: This lot is located at the northwest corner of two arterials and currently contains what was originally a large single-family home. The building has been converted by zoning and by interior remodel to an office use and initially housed a temporary employee service and a small beauty salon, which are part of the original Planned Development (PD) ordinance's site plan.

The building currently contains the applicant's contracting office. The parcel has three driveways for access, one at the rear yard accessing Marlandwood Road, and two driveways, which form a circle drive, opening onto S. 5th Street.

The Applicant is requesting that the rear portion of this property be allowed to become the storage and equipment yard for his construction and contracting business, storing large equipment and materials onsite. The Applicant has been using the approximately 12,500 square-foot rear yard of his property as contractor storage and equipment yard for about one year.

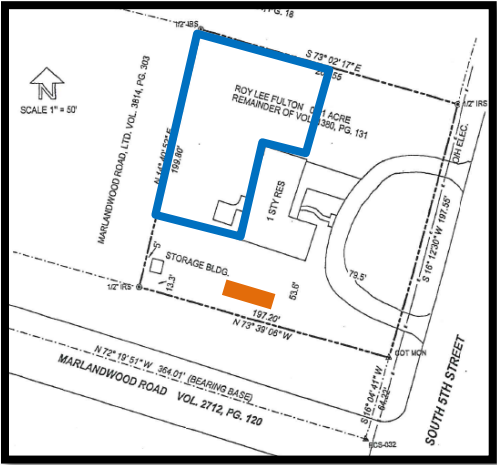
He was told by the City of Temple Code Enforcement to remove the material and equipment or to discuss options with the Planning Department to determine the appropriate steps to bring his site into compliance. The contractor storage and equipment yard is not allowed in his existing zoning.

The applicant met with the Planning Department to determine what options are available to solve the code violation. The Planning department provided three options as follows:

- Remove the construction materials and equipment to an off-site location
- Request Commercial zoning which would allow the use and conform to the outdoor screening requirements or
- Request an amendment to the original PD which would allow this specific additional use only and conform to the outdoor screening requirements.

After discussion the Applicant requested the third option to amend the PD very specifically to allow the contractor storage and equipment yard.

If the Planned Development request is not approved the applicant will be given 30 days to remove all construction materials and equipment from this location. The office use could remain.






- Location of Fulton Construction Company Sign
- Outline of Proposed 12,500 sq. ft. screened Construction Yard

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	PD-O1	Vacant Retail/Office (Single Family Converted House)	
North	SF1	Single-Family Home	

Direction	Zoning	Current Land Use	Photo
South	C	Convenience Store with Fuel Sales & Restaurant (across Marlandwood Rd.)	
East	O1	Agricultural / Texas A&M AgriLife Extension (Across S. 5 th St.)	
West	O1	City Spine Trail & Undeveloped	

COMPREHENSIVE PLAN COMPLIANCE:

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

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character	Suburban Commercial	No**
CP	Map 5.2 - Thoroughfare Plan	S. 5 th Street – Major Arterial Marlandwood Drive - Minor Arterial.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	Surrounding Arterials can support non-residential development	Yes
CP	Land Use Policy 9 – New development or redevelopment on infill parcels in developed areas should maintain compatibility with existing uses and the prevailing land use pattern in the area.	Land use pattern to north and east is compatible to C-Commercial zoning. Vacant and agricultural land to north and west. Zoning and Uses to the north are currently residential on larger lots, similar to the original use of this structure.	Partial**
STP	Page F3- A city wide spine trail is built parallel to the west side of S. 5 th Street	Directly west of this property	n/a

CP = Comprehensive Plan STP = Sidewalk and Trails Plan **See Analysis below

Contractor storage and equipment yards are only allowed by right in C, Commercial, CA, Central Area, LI, Light Industrial and HI, Heavy Industrial Zoning Districts. These districts are associated with the more intense Future Land Use and Character Map (FLUCM) designations of the Comprehensive Plan such as Auto Urban Commercial, Industrial and Business Park. Retail and office uses are more associated with the Suburban Commercial designation. Across S. 5th Street is shown as future TMED, Temple Medical Educational District, and will be subject to those special district zoning regulations should the zoning be changed. The FLUCM shows the area directly behind the subject property as Parks and Open Space.

Location for these uses and districts are intended to be near larger thoroughfares in order to serve citywide or regional service areas. Adjoining zoning districts should be carefully selected to reduce environmental conflicts. This intersection is at the corner of a major and a minor arterial road, South 5th Street and Marlandwood Drive, and would support a Commercial district as far as having appropriate infrastructure. The land is adjacent to a flood prone area and the trail system, and so runoff should be appropriately managed.

The SF1, single family one zoning district is adjacent directly to the north and across the street to the east. All other adjacencies to the west are Office related. Friars Creek Walking Trail is adjacent to the west of this lot and is used by residents as an exercise and natural area. The direct corner across Marlandwood to the south is the only exception, and is zoned C, Commercial zoning. It contains a convenience store with fuel sales and a restaurant. Fuel sales use requires this C district.

Planned Development Site Plan Review:

If the Planning and Zoning Commission recommends and City Council approves this PD amendment request, this case must have standards and a site plan that are agreed to by the Applicant.

The Applicant has stated that he will conform to the Zoning requirement for a new development of this type. That would included paved surfaces, screening of the construction storage yard area and landscaping.

Mitigation, or easing of any negative impacts of the use on surrounding properties, would be needed in this PD, if allowed, because of the more intense nature of the business relative to the surrounding uses; the outdoor bulk storage of materials, the appearance of the heavy construction machinery and heavy trucks.

Screening would be required for the area which would be a solid 6 to 8-foot fence or wall. Landscaping would also be required; however this lot is full of mature trees and has the look of a residential yard. What is currently landscaped would suffice to fulfill the minimum 5% landscaped area and the one tree per 40 linear feet of street frontage on this property. Approximately 400 linear feet of property is adjacent to the ROW, and would require a minimum of 10 conforming trees between the building and the ROW. It appears that there are more than 10 mature oak and other trees in this space.

The P&Z and Council may impose additional conditions on the Planned Development that will be required of the contractor yard operations at this site.

STAFF RECOMMENDATION: Staff recommends approval of the requested amendment to the subject PD to add Contractor Storage and Equipment Yard as an allowed use subject to the following conditions:

- a. Development of the subject property must be in accordance with the approved site plan attached to the Ordinance that approves the PD amendment.
- b. The contractor storage yard must be completely enclosed with a solid wood fence six to eight feet in height.
- c. The office building and all future structures built on the site must maintain a residential character with brick exteriors on all sides, pitched roofs and a maximum height of one story.
- d. The trees in place on the subject property on the effective date of the Ordinance that approves the PD amendment must be preserved and may not be removed without an amendment to the associated PD site plan. Normal maintenance is allowed without an amendment to the PD site plan.

FISCAL IMPACT: Not Applicable

PUBLIC NOTICE:

Seven notices of the Planning and Zoning Commission public hearing were sent to surrounding property owners. As of Wednesday, February 15th at 12 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 Friday February 10, 2012, in accordance with state law and local ordinance.

ATTACHMENTS:

[Aerial, Thoroughfare and Sidewalk and Trails Plan Map](#)

[Zoning and Notice Map](#)

[Utility Map](#)

[Future Land Use and Character Map](#)

[Original Planned Development Ordinance 2001-2778, PD-92 for O1 & Specific Uses](#)

[Proposed PD Site Plan](#)

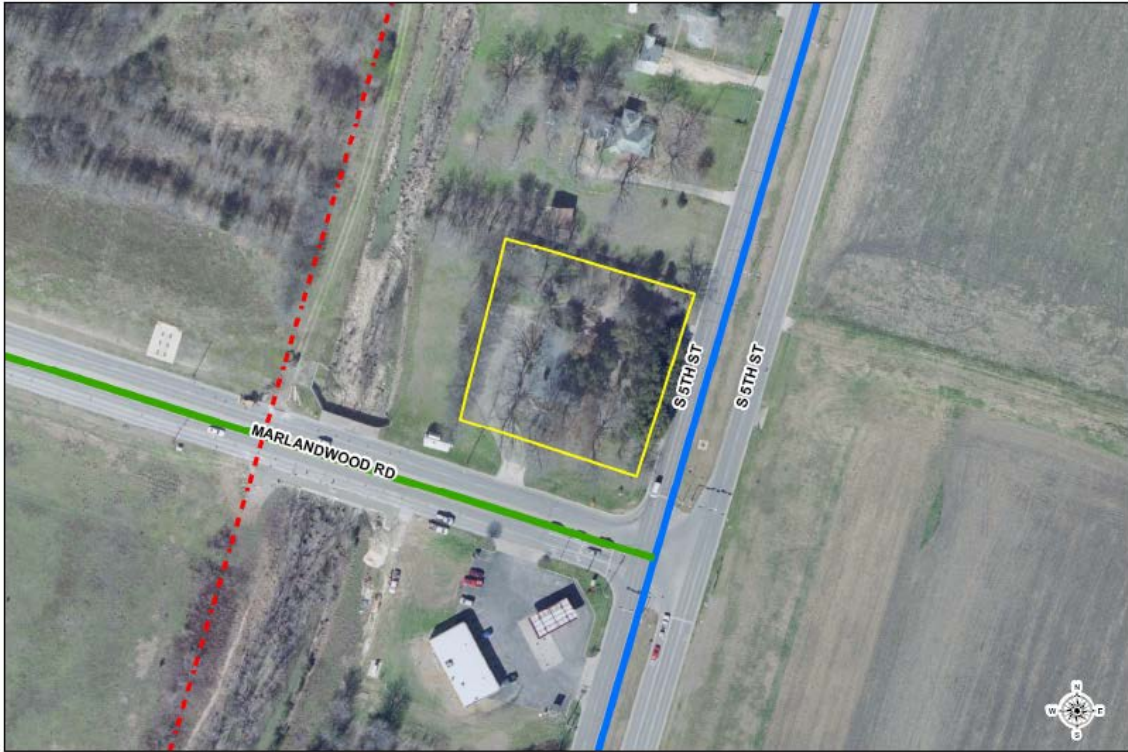
[Responses](#)



Z-FY-12-28

PD-O1 Amendment
Adding Construction Yard as a Permitted Use

3802 South 5th Street



ZFY 12-28 **Major Arterial Street** **City Limits**
2010 Bell County Aerial **Connector Classed Street** **Proposed City Wide Spine Trail**

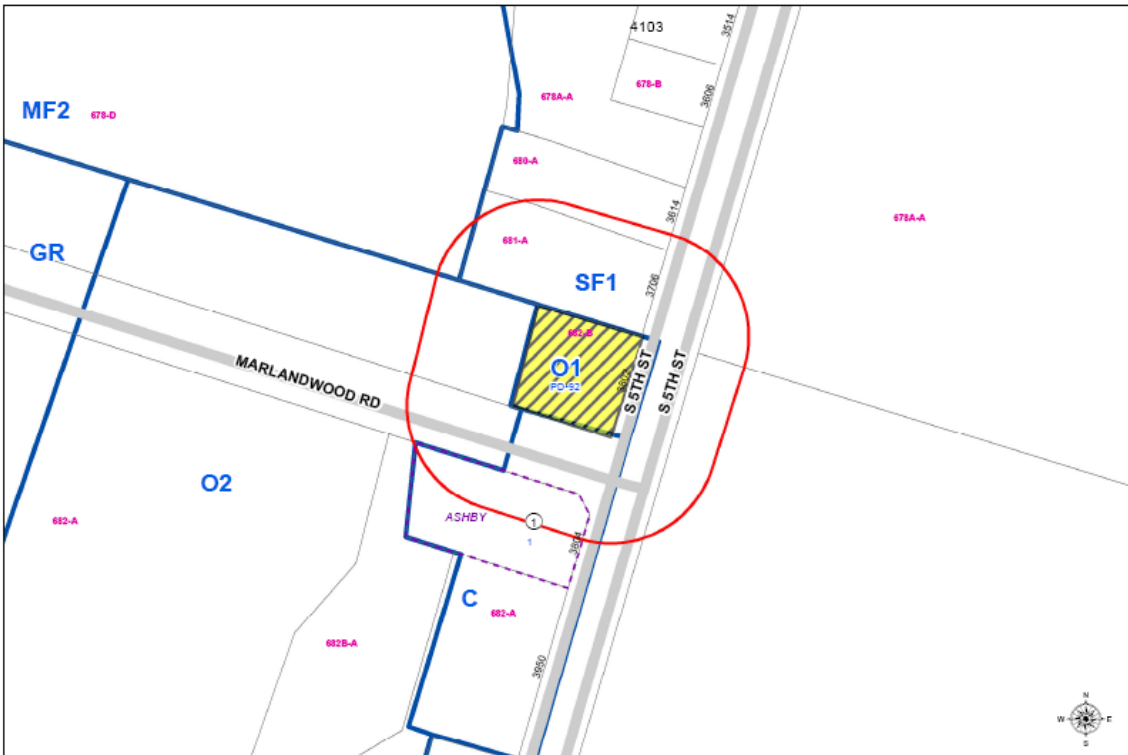
Feet 0 100 200 300
LMatlock 01.31.12



Z-FY-12-28

PD-O1 Amendment
Adding Construction Yard as Permitted Use

3802 South 5th Street



ZFY 12-28 **200-foot Notification Buffer** **Zoning District Line** **1818 Address**
2010 Bell County Aerial **Subdivision** **9876-A Outblock**

Feet 0 100 200 300
LMatlock 01.31.12



Z-FY-12-28

PD-O1 Amendment
Adding Construction Yard as a Permitted Use

3802 South 5th Street



2010 Bell County Aerial

Legend:
Yellow box: ZFY 12-28
Blue line: Domestic Water Lines
Red line: Sanitary Sewer Lines
Red star: Propc Fire Hydrant

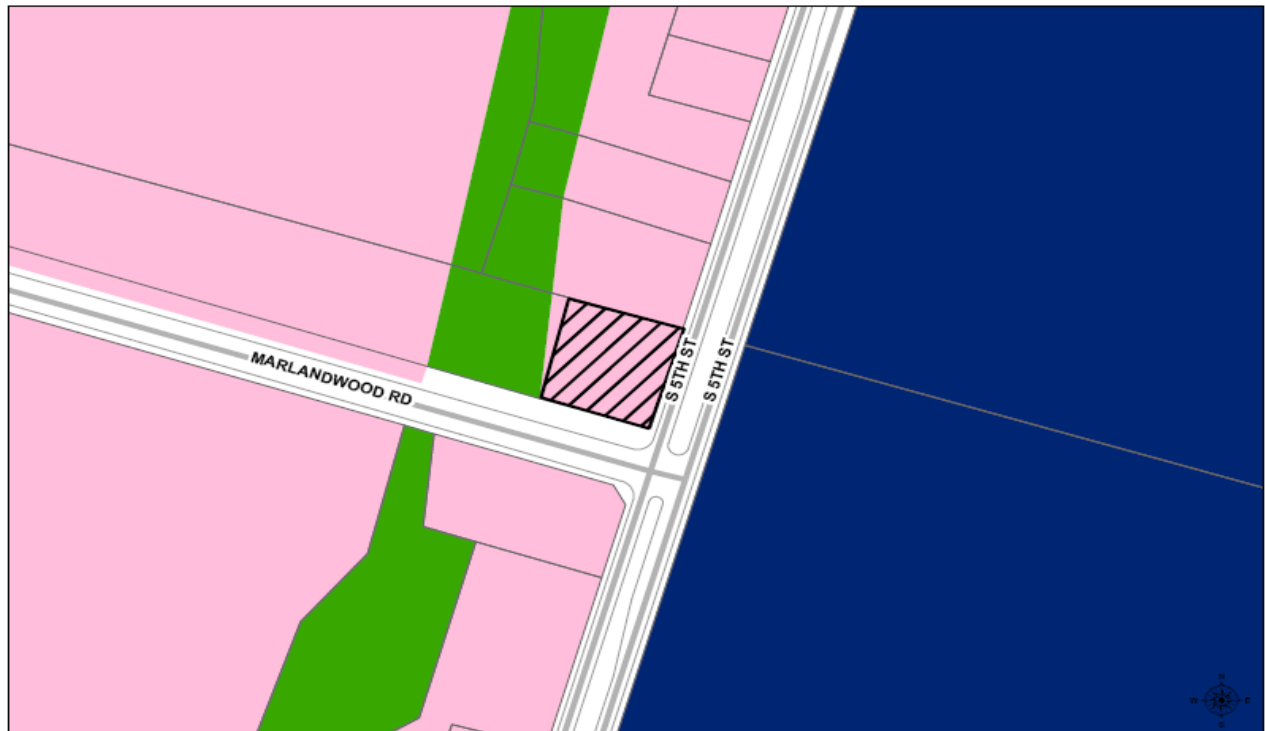
Feet 0 100 200 300
LMatlock 01.31.12



Z-FY-12-28

PD O1 Amendment
Adding Construction Yard as a Permitted Use

3802 South 5th Street



Legend:
Pink hatched box: ZFY 1228, PD O1
Pink box: Auto-Urban Commercial
Green box: Auto-Urban Residential
Brown box: Auto-Urban Mixed Use
Orange box: Auto-Urban Multi-Family
Purple box: Business Park
Light blue box: Estate Residential
Dark blue box: Industrial
Light green box: Neighborhood Conservation
Dark green box: Parks & Open Space
Light yellow box: Public Institutional
Pink box: Suburban Commercial
Yellow box: Suburban Residential
Dark blue box: Temple Medical Education District
Brown box: Urban Center

1 inch = 209 feet
LMatlock Planning 01.31.12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM OFFICE ONE DISTRICT (O1) TO PLANNED DEVELOPMENT OFFICE ONE DISTRICT (PD-O1) ON 0.91 ACRE OF LAND AT 3802 SOUTH 5TH STREET, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of the property described as approximately 0.91 acre of land located at 3802 South 5th Street, has requested a zoning change from Office One District (O1) to Planned Development Office One District (PD-O1); and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The zoning classification of the property described as approximately 0.91acre of land located at 3802 South 5th Street, more fully described in Exhibit "A," attached hereto and made a part hereof for all purposes, is changed from Office One District (O1) to Planned Development Office One District (PD-O1).

Part 2: In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development Office One District (PD-O1), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- | |
|--|
| <ul style="list-style-type: none">(a) The use of the property shall conform to all requirements of the Office One District (O1) with the added permitted use of beauty and barber shop;(b) The development of the property shall conform to all requirements of the Office One District (O1) and in accordance with the site plan which is attached hereto as Exhibit "B;" and(c) Any exterior changes that differ from the attached site plan will require approval of the Planning and Zoning Commission and the City Council. |
|--|

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

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.

PASSED AND APPROVED on First Reading on the 21st day of June, 2001.

PASSED AND APPROVED on Second and Final Reading on the 5th day of July, 2001.

THE CITY OF TEMPLE, TEXAS

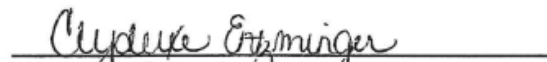

KEIFER MARSHALL, JR., Mayor

APPROVED AS TO FORM:

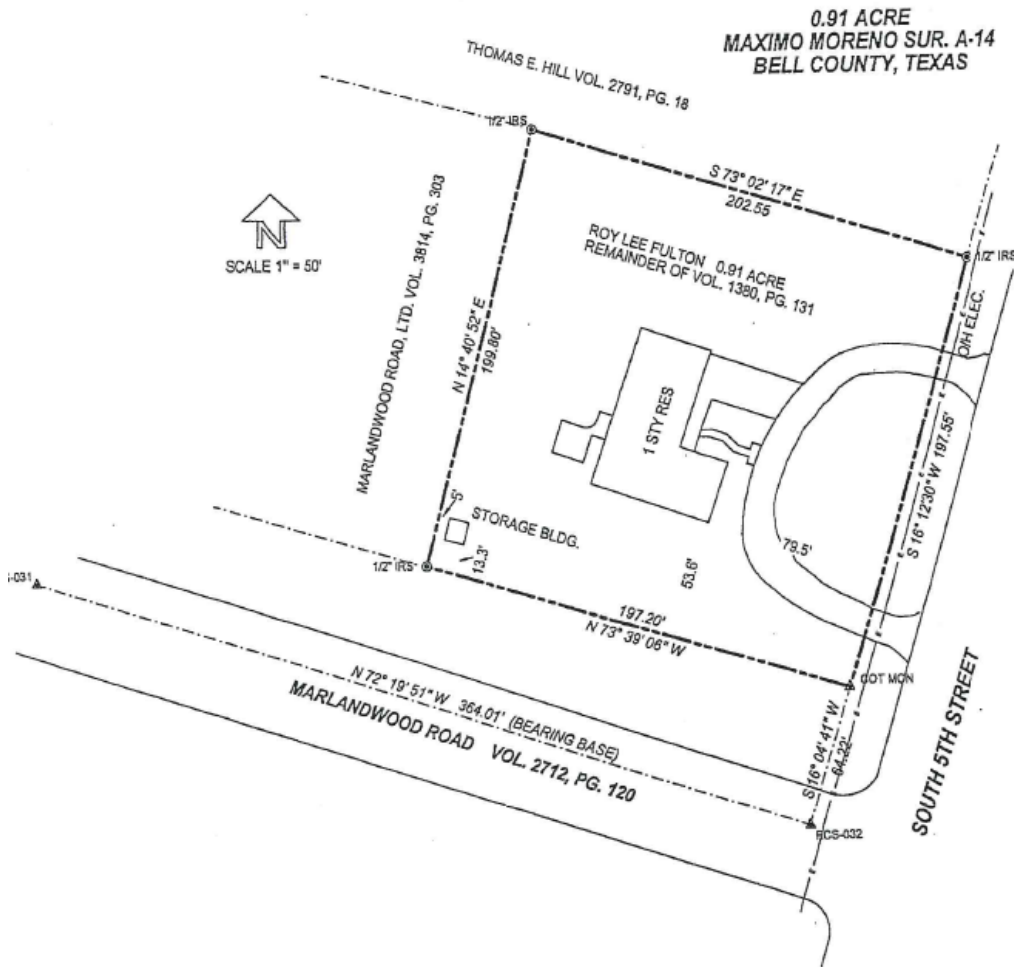

Jonathan Graham
City Attorney

ATTEST:




Clydette Entzminger
City Secretary

Original PD Site Plan



Being a 0.91 acre tract of land situated in the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas and being the remainder of a tract of land conveyed to Roy Lee Fulton by deed recorded in Volume 1380, Page 131, deed records of Bell County, Texas:

Beginning at a City of Temple Monument found at the intersection of the north line of Marlandwood Road as described in Volume 1712, Page 120, deed records of said county and the west line of South 5th Street as established by found monuments, being the southeast corner of the herein described tract:

Thence N 73° 39' 06" W – 197.20' (record Vol. 2712, Pg. 120 – S 71° 36' 37" E 197.08'), along the north line of Marlandwood Road, to a 1/2" iron rod set for a corner:

Thence N 14° 40' 52" E – 199.80' (record Vol. 3814, Pg. 303 – N 17° 06' 01" W 199.42'), along the east line of the Marlandwood Road, LTD. Tract described in Volume 3814, Page 303, deed records of said county, to a 1/2" iron rod found for a corner:

Thence S 73° 02' 17" E – 205.55 (record Vol. 1380, Pg. 131 – S 71° E), along the south line of the Thomas E. Hill tract described in Volume 2791, Page 18, deed records of said county, to a 1/2" iron rod set for a corner:

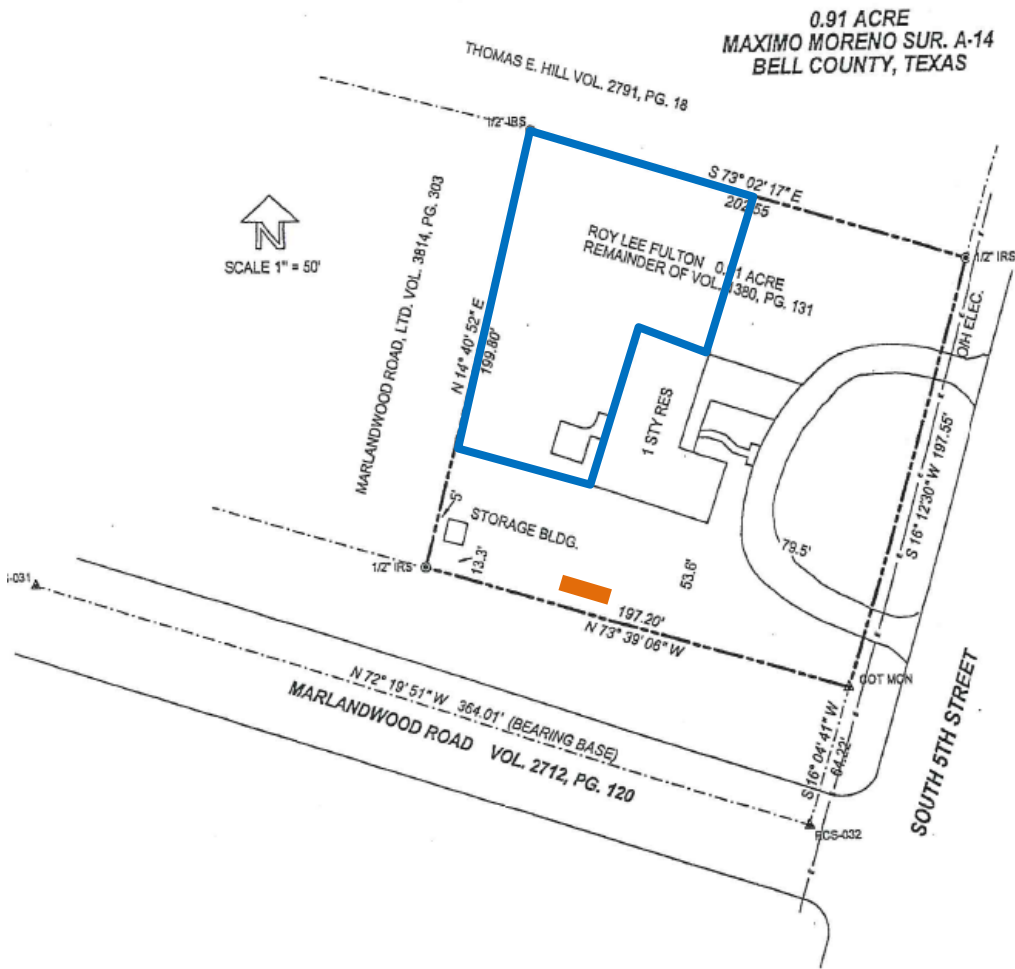
Thence S 16° 12' 30" W – 197.55', along the west line of South 5th Street, to the Point of Beginning and containing 0.91 acre of land.

THIS SURVEY WAS MADE ON THE GROUND. THERE IS NO VISIBLE EVIDENCE OF CONFLICTS OR EASEMENTS, EXCEPT AS SHOWN HEREON.

Ronald E. Owens
RONALD E. OWENS, RPLS 4029
JULY 18, 2000

FILE NO. 9504

Proposed PD Site Plan



- Location of Fulton Construction Company Sign
- Outline of proposed 12,500 sq. ft. construction storage yard with 6-8' solid wood fence

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, FEBRUARY 21, 2012**

ACTION ITEMS

Item 3: Z-FY-12-28 - Hold a public hearing to discuss and recommend action on an amendment to Ordinance Number 2001-2778, originally approved July 5, 2001, Planned Development (Office One) District, to allow a fenced contractor storage and equipment yard on 0.91 acre ± situated in the Maximo Moreno Survey, Abstract 14, City of Temple, located at 3802 South 5th Street. (Applicant: Randy Fulton)

Ms. Matlock stated this case would go to City Council on March 15th for first reading and April 5th for second reading and final action.

The site plan shows an office and a beauty salon within the former residential building. The building is currently being used as applicant's construction business office and the rear area as a storage and equipment yard. Code Enforcement requested that issues be removed or the property be rezoned.

The applicant was given three options to resolve the problem: 1) the materials and equipment be moved off-site; 2) the applicant request Commercial (C) zoning that allows this type of use; or 3) the storage and equipment yard be added to the Planned Development (PD). The applicant requested to add it to his PD Ordinance with approved uses. If not approved, this use will have to be removed.

Surrounding properties include residential to the north, retail to the south, agricultural to the east, and undeveloped land to the west with a City spine trail along Friars Creek.

The site plan shows the proposed equipment yard screened by a solid wood fence, six to eight foot in height to be installed by applicant.

Seven notices were mailed out to surrounding owners with two letters received recommending denial.

Staff recommends approval of this request to permit a contractor storage and equipment yard, as submitted, with the following conditions:

Development of the subject property must be in accordance with the approved site plan attached to the Ordinance that approves the PD amendment;

The contractor storage yard must be completely enclosed with a solid wood fence six to eight feet in height;

The office building and all future structures built on the site must maintain a residential character with brick exteriors on all sides, pitched roofs and a maximum height of one story; and

The trees in place on the subject property on the effective date of the Ordinance that approves the PD amendment must be preserved and may not be removed without an amendment to the associated PD site plan. Normal maintenance is allowed without an amendment to the PD site plan

Vice-Chair Staats asked about employee parking and Ms. Matlock stated there was an asphalt parking lot in the rear of the site with a driveway off of Marlandwood, although there is a circular driveway in the front. Vice-Chair Staats asked the Commission to consider restricting the front circular drive to customers only with no employee parking allowed.

Chair Martin opened the public hearing.

Ms. Sandra Aikins and Mr. Russ Aikins, 3208 Rockbrook Drive, Plano, Texas, stated their parents were John and Madeline Gilly, and Sandra and her brother, Richard Gilly, own the property at 3606 S. 5th Street.

Mr. Aikins stated their concern was the impact this would make to the value of the land in the area. Most of the area is residential with spotted commercial uses. There is also a nature trail in the back area that is used quite frequently and will the people see the activities, employees, and equipment at the location.

Commissioner Jones asked if the Aikinses' concern were the aesthetics of the property and they responded yes. They did not want something 'junky' looking in the area. The Aikins were not in favor of this request.

The Aikins were more in favor of a nicer building to house the equipment and materials, however, they realized this would be more expensive. The City has put a lot of expense into a nature trail nearby (west side of creek) and it would be a shame to allow anything to hamper the image already developed.

Ms. Matlock stated this property did not go all the way to the creek; there is approximately 30 feet of space between the subject property and the creek.

Chair Martin stated the Commission might consider, in addition to the fence, some type of hedge greenery on the other side of the fence to block the fence to keep with the environment.

Commissioner Jones asked about lights and security involved. Ms. Matlock stated Staff discussed with applicant to keep the area residential character which precluded the large lights referred to. Any light on the property would not be allowed to trespass into other lots. The Commission could include a condition for this if desired.

Vice-Chair Staats asked if there were any restrictions on storage of materials and/or equipment outside the fence. Ms. Matlock stated the contractor storage yard must be completely enclosed within the solid six to eight foot high wooden fence.

Chair Martin stated he was pro business and would like the Commission to pass this but in a restrictive type of way without injury to surrounding properties.

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

Commissioner Jones agreed with the comments and suggestions made but was concerned about the lighting issues considering it is in a residential area. Chair Martin and Vice-Chair Staats suggested restricting the lighting height. Ms. Matlock stated lighting could be included within the conditions about office building and all future structures maintaining a residential character.

Vice-Chair Staats stated his concern was once the yard starts filling up with construction materials, the employees do not start parking in the front area (circular drive and/or grass) and would like the Commissioners to consider including that as a restriction as well.

Vice-Chair Staats made a motion to approve Item 3, Z-FY-12-28, with the Staff conditions presented, along with inclusion of employee parking being restricted within the fenced storage yard area only, and lighting to maintain the character of the neighborhood. Commissioner Talley made a second but with the inclusion of an eight foot fence.

Motion passed: (7:0)

Commissioner Sears absent; Commissioner Pope has been appointed to the Commission as its ninth member but not yet been seated.



**RESPONSE TO PROPOSED
PLANNED DEVELOPMENT AMENDMENT
REQUEST
CITY OF TEMPLE**

Mary M. Gilley & Mary Nell Chapman
3208 Rockbrook Drive
Plano, Texas 75074

Zoning Application Number: Z-FY-12-28

Project Manager: Leslie Matlock

Location: 3802 South 5th Street

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

I recommend () approval (X) denial of this request.

Comments:

The Chapman and Gilley families would like to be good neighbors and wish Mr. Fuller success in his business. However, we do not approve the amendment as it has been written, for it appears to be open-ended. Is there a way of accommodating his needs by the construction of a building (suitable to the neighborhood) and/or fence enclosure to store his materials and equipment? With Friar's Creek Nature Trail and the City's emphasis on new development of the Temple Medical Education District any decision must be in line with keeping the property values moving in a positive direction along 5th Street and Marlandwood Drive.

Sandra Gilley Atkins
Signature
Martha Chapman Bernatis

Sandra Gilley Atkins
Print Name
Martha Chapman Bernatis

Please mail or hand-deliver this comment form to the address shown below, no later than February 21, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED

FEB 22 2012

City of Temple
Planning & Development

Number of Notices Mailed: 7

Date Mailed: February 9, 2012



**RESPONSE TO PROPOSED
PLANNED DEVELOPMENT AMENDMENT
REQUEST
CITY OF TEMPLE**

Lloyd & Donna Johle Living Trust
c/o Lloyd & Donna Johle Trustee
1411 South 11th Street
Temple, Texas 76504

Zoning Application Number: Z-FY-12-28

Project Manager: Leslie Matlock

Location: 3802 South 5th Street

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

I recommend () approval

☒ denial of this request.

Comments:

*I believe the noise and congestion
this would bring to the 5th St. Roadway
is detrimental to any and all who may
now or have in the future property in that
area.*

Donna Johle
Signature

Lloyd Johle
Donna Johle
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 21, 2012

City of Temple
Planning Department
Room 201
Municipal Building
Temple, Texas 76501

RECEIVED
FEB 22 2012
City of Temple
Planning & Development

Number of Notices Mailed: 7

Date Mailed: February 9, 2012

ORDINANCE NO. 2012-4523

(ZONING NO. Z-FY-12-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO PLANNED DEVELOPMENT ORDINANCE NO. 2001-2778; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on July 5, 2001, the City Council adopted Ordinance No. 2001-2778, which approved a zoning change from Office One District (O1) to Planned Development Office One District (PD-O1) on 0.91 acres of land at 3802 South 5th Street, in accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance;

Whereas, at its February 21, 2012 meeting, the Planning and Zoning Commission voted 7/0 in accordance with staff recommendation to recommend approval of an amended Planned Development, to allow a fenced contractor storage and equipment yard, along with inclusion of employee parking being restricted within the fenced storage yard area only, lighting to maintain the character of the neighborhood and to require an eight foot screening fence; and

Whereas, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

Part 1: The City Council approves an amendment to the Planned Development Ordinance No. 2001-2778 allowing a fenced contractor storage and equipment yard, along with inclusion of employee parking being restricted within the fenced storage yard area only, lighting to maintain the character of the neighborhood and to require an eight foot screening fence on approximately 0.91 acres of land being a part of the Maximo Moreno Survey, Abstract 14, City of Temple, Bell County, Texas, more commonly known as 3802 South 5th Street, in accordance with the following conditions:

- a. Development of the subject property must be in accordance with the approved site plan attached to the Ordinance that approves the PD amendment.
- b. The contractor storage yard must be completely enclosed with a solid wood fence eight feet in height.
- c. The office building and all future structures built on the site must maintain a residential character with brick exteriors on all sides, pitched roofs and a maximum height of one story.
- d. The trees in place on the subject property on the effective date of the Ordinance that approves the PD amendment must be preserved and may not be removed

without an amendment to the associated PD site plan. Normal maintenance is allowed without an amendment to the PD site plan.

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 **March**, 2012.

PASSED AND APPROVED on Second Reading on the **5th** day of **April**, 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

03/15/12
Item #9
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 the prima facie speed limit on SH 36, within the City Limits.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for April 5, 2012.

ITEM SUMMARY: Temple Education Center has requested that a school zone be established on SH 36 for their school. This prompted a traffic study by TXDOT to be performed. Based on Traffic Engineering Studies by the State, TXDOT has requested that the City adopt an ordinance setting the prima facie speed limits on SH 36. The section of highway is described as followed:

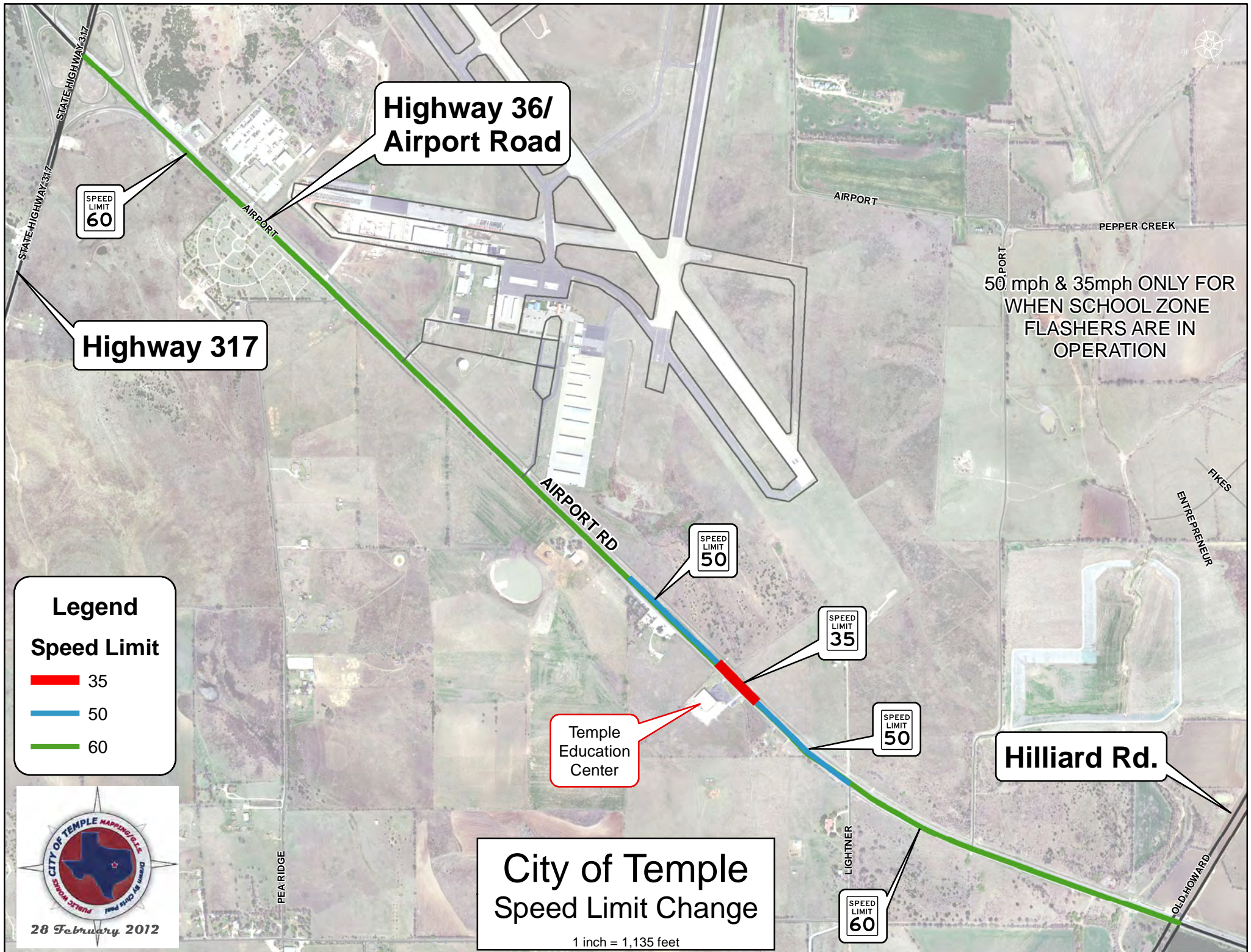
Starting at M.P. 10.200, proceeding east on SH 36, the speed limit shall be 60 MPH for a distance of 2.376 miles, except in times of ingress and egress, the speed limit shall be 50 MPH for a distance of 0.406 miles, and 35 MPH for a distance of 0.105 miles, when school zone signs are flashing, ending at M.P 1.296

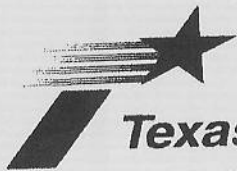
The City is required by TXDOT to re-adopt this speed limit at this time with changes being posted.

FISCAL IMPACT: The cost to install new mast arm type flashing beacons at Temple Education Center is \$23,970 which will be funded with Child Safety Fees. These fees are collected by the County on Behalf of the City and must be spent on programs to enhance child safety.

ATTACHMENTS:

[Map](#)
[TxDOT Strip Map](#)
[Ordinance](#)





Texas Department of Transportation

100 SOUTH LOOP DRIVE • WACO, TEXAS 76704-2858 • (254) 867-2700

January 24, 2012

Honorable Bill Jones, III
City of Temple
North Main Street
Temple, TX 76501

Dear Mayor Jones,

Attached are two copies of the Speed Zone Strip Map for SH 36. This is an update of existing zones. The recommended zones are based on results of a traffic engineering study that was recently conducted.

Included in this transmittal is a sample ordinance that may be used, along with two (2) copies of the strip map, to establish the zones. Please return a copy of your completed ordinance to this office. The replacement and/or relocation of signs reflecting the new speed zones will be done by State maintenance forces upon receipt of the ordinance. The strip maps are to be retained in your files for enforcement purposes.

Please feel free to contact me at (254) 867-2800 if you have any questions or need additional information.

Sincerely,

Larry J. Colclasure, P.E.

Director of Transportation Operations

Attachments
LJC

ORDINANCE REGULATING THE RATE AND SPEED OF MOTOR VEHICLES

Whereas, in Temple, Texas, an engineering and traffic investigation has been made to determine the reasonable and safe prima facie maximum speed of motor vehicles on a certain section of SH 36.

Whereas, it has been determined by the engineering studies and traffic investigation that the reasonable and safe prima facie maximum speed for motor vehicles on said section of the herein above mentioned highway in Temple, Texas, should be as set out hereinafter,

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF Temple, TEXAS, ACTING BY AND THROUGH ITS CITY COUNCIL:

Section 1: The section of highway described as follows:

Starting at M.P.10.200, proceeding east on SH 36, the speed limit shall be 60 MPH for a distance of 2.376 miles, except in times of ingress and egress, the speed limit shall be 50 MPH for a distance of 0.406 miles, and 35 MPH for a distance of 0.105 miles, when school zone signs are flashing, ending at M.P. 1.296.

is hereby regulated as to the speed of motor vehicles traveling within said section in any direction as evidenced by the attached plan which is hereby approved and made a part of this ordinance, and it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

Section 2: Any person violating any provision of this ordinance shall upon conviction be fined in any sum not exceeding Two Hundred and no/100 Dollars.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Section 4: That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required and that public notice of said meeting was given as required by law.

Section 5: The fact that the City of Temple at the present time has no adequate ordinance governing the speed of motor vehicles on the Section of SH 36 herein above described, and the fact that a traffic and engineering survey has been made on said section of that facility which has determined that this ordinance establishing the speed regulations herein above set forth should be passed, creates an urgency and an imperative public necessity which, for the immediate preservation of public peace, health, safety, and welfare necessitates that the rule requiring the reading of ordinances on three separate days be suspended, and such rule is suspended and this ordinance shall take effect immediately upon its passage, and it is so enacted.

PASSED AND APPROVED this the _____ day of _____, 2012

Mayor, City of Temple

(SEAL)

ATTEST:

City Secretary

ORDINANCE NO. 2012-4524

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A REASONABLE AND SAFE PRIMA FACIE MAXIMUM SPEED LIMIT ON A CERTAIN SECTION OF SH36 WITHIN THE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$200 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple Education Center has requested that a school zone be established on a certain section of SH36 for their school – this prompted a traffic engineering study by the Texas Department of Transportation;

Whereas, based on the traffic engineering study, the Texas Department of Transportation has determined the reasonable and safe prima facie maximum speed for motor vehicles on a certain section of SH36 is described as follows:

Starting at M.P. 10.200, proceeding east on SH 36, the speed limit shall be 60 MPH for a distance of 2.376 miles, except in times of ingress and egress, the speed limit shall be 50 MPH for a distance of 0.406 miles, and 35 MPH for a distance of 0.105 miles, when school zone signs are flashing, ending at M.P 1.296;

Whereas, the City is required by the Texas Department of Transportation to re-adopt this speed limit at this time with changes being posted; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve these speed limits 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 the reasonable and safe prima facie maximum speed limit for vehicular traffic on a certain section of SH36 is as follows:

Starting at M.P. 10.200, proceeding east on SH 36, the speed limit shall be 60 MPH for a distance of 2.376 miles, except in times of ingress and egress, the speed limit shall be 50 MPH for a distance of 0.406 miles, and 35 MPH for a distance of 0.105 miles, when school zone signs are flashing, ending at M.P 1.296;

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 safe under the circumstances then existing, but any speed in excess of the reasonable and safe prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or safe 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: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$200.

Part 5: 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 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this ordinance 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 **15th** day of **March**, 2012.

PASSED AND APPROVED on Second Reading on the **6th** day of **April**, 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

03/15/12
Item #10
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Building and Standards Commission – one alternate member to fill an expiring term through March 1, 2013 and one alternate member to fill an unexpired term through March 1, 2014
- (B) Building Board of Appeals – two members to fill expiring terms through March 1, 2016
- (C) Parks and Leisure Services Advisory Board – one member to fill expiring term through March 1, 2015

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In accordance with the City Council adopted policies governing the appointment and training of citizens to City boards, appointments to the above stated boards are to be made with an effective date of March 2012.

Please see the attached board summary forms, which list current board members, purpose, membership requirements, term and meeting time/place for the boards. Also attached is a summary listing of all applications received for board appointments. Individual board application forms on file for these boards have already been provided. New application forms received will be forwarded to the Council as received.

FISCAL IMPACT: N/A

ATTACHMENTS:
[Board Summary Forms](#)



APPLICATION SUMMARY

MARCH 15, 2012 BOARD APPOINTMENTS

BUILDING & STANDARDS COMMISSION – 2 YEAR TERMS: Meets 1st Monday of each month at 2 p.m.

2 Terms: 2 alternate members – Lee A. Crossley (expired); and Scott Morrow (unexpired term-appointed as regular member 03-01-2012)

Eligible for Reappointment: have not received response from Lee.

Board Forms on File: Rayford Brown (Airport Brd), Jeff Byrd (Electrical Brd), Lamar Collins, (Electrical Brd), Ruth Freeman, Alan Horn (Bldg. Brd of Appeals), Denise Karimkhani, Timothy Weddle, Starky Winnett (Bldg. Brd of Appeals)

TABA Recommendation:

BUILDING BOARD OF APPEALS – 4 YEAR TERMS: Meets as called basis

2 Terms Expiring: Michael Vansa (Air Conditioning) & Phillip Snyder (Builder at large)

Eligible for Reappointment: yes, both wish to be reappointed

Board Forms on File:

TABA Recommendation:

PARKS AND LEISURE SERVICES ADVISORY BOARD – 3 YEAR TERMS: Meets 2nd Tuesday of each month at 11:45 am

1 Term Expiring: Sue Ellen Galvan

Eligible for Reappointment: Sue is unable to serve due to other commitments

Board Forms on File: Jessica Andrews, John Bailey (RZ No. 1), Abbi Bhakta (sent application), Justice Bigbie (Transit Adv. Brd), Bill Bogucki, Silvia Chesser (PSAB), Patsy Cofer (Community Services Brd), Marilyn Janes (not qualified due to residential requirements), Charles Lucko (DSAB), Gene Moeller, Mike Pilkington(P&Z), Will Sears (Bldg. Brd. of Appeals & P&Z), Adam Soorholtz, Margarita Stefano-Rios (Library Brd), Randi VonBose, Rachel White