



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, JULY 19, 2012

2:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 19, 2012.
2. Discuss the construction of Phase I of the Temple Fire and Rescue Training Field.
3. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues:
 - Railroad & Heritage Museum
 - Public Service Agencies
 - Strategic Investment Zones
4. Discuss the acquisition of property and institution of eminent domain proceedings related to all parcels not yet acquired on the Northwest Loop 363 Project (Items 5(p)-(u) on the Regular Agenda).

Executive Session – Pursuant to Chapter 551, Government Code, §551.071 – Consultation with Attorney - The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.

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. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognition of the 2012 Junior Fire Cadet Program

III. PUBLIC HEARINGS

4. [2012-6650-R](#): PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) 2012-2013 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

IV. 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.

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) July 5, 2012 Special Called and Regular Meeting

Contracts, Leases, & Bids

- (B) [2012-6651-R](#): Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$67,200.
- (C) [2012-6652-R](#): Consider adopting a resolution authorizing an agreement with First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for arbitrage rebate compliance services for a period of five years.
- (D) [2012-6653-R](#): Consider adopting a resolution authorizing a Chapter 380 development agreement authorizing the transfer of an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision to the Temple Economic Development Corporation for economic development purposes.
- (E) [2012-6654-R](#): Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement with Bell County for the Bell County Crime Coalition project administered by the Bell County Juvenile Probation Department.
- (F) Consider adopting resolutions authorizing:
 - 1. (A) [2012-6655-R](#): The City Manager to execute a Standard Utility Agreement with Texas Department of Transportation to provide reimbursement to the City by TxDOT, for utility relocation construction phase services in association with IH-35 improvements from South Loop 363 to Nugent in the amount of \$366,000.

(B) [2012-6656-R](#): A professional services agreement with Kasberg, Patrick & Associates LP of Temple for utility relocation construction phase services in association with IH-35 improvements from South Loop 363 to Nugent in an amount not to exceed \$366,000.
 - 2. (A) [2012-6657-R](#): The City Manager to execute a Standard Utility Agreement with Texas Department of Transportation to provide reimbursement to the City by TxDOT, for utility relocation construction phase services in association with IH-35 improvements from Nugent to North Loop 363 in the amount of \$316,000.

(B) [2012-6658-R](#): A professional services agreement with Kasberg, Patrick & Associates LP of Temple for utility relocation construction phase services in association with IH-35 improvements from Nugent to North Loop 363 in an amount not to exceed \$316,000.

Ordinances – Second & Final Reading

- (G) SECOND READING: Consider adopting ordinances authorizing a rezoning from Agricultural District (AG) to Light Industrial District (LI) on:

1. [2012-4542](#): Z-FY-12-46A: 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.
 2. [2012-4543](#): Z-FY-12-46B: 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.
- (H) [2012-4544](#): SECOND READING - Z-FY-12-47: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.
- (I) [2012-4545](#): SECOND READING - Z-FY-12-49: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to add requirements for Site Plan and establish review procedures and submission standards related to such requirement; clarify language related to requirement for enclosure of Major Vehicle Repair; clarify language related to Access and Circulation standards; add requirement for Curb and Gutter for off-street parking and landscaping; amend required size of subdivision Water and Wastewater Mains; and eliminate developer cost participation requirements on certain streets adjacent to subdivisions.
- (J) [2012-4546](#): SECOND READING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:
1. Appropriating \$65,000 to the Friar's Creek Hike and Bike Trail Project and recognizing \$65,000 in revenue from additional property taxes received in FY 2012.
 2. Appropriating \$800,000 to the Bioscience Park Service Road and Utility Extensions Project, \$112,840 in FY 2012 and \$687,160 in FY 2013; recognizing \$112,840 in revenue from additional property taxes received in FY 2012; recognizing \$400,000 in revenue from developer's contribution and reallocating funds from Pepper Creek Trail Extension in the amount of \$287,160 in FY 2013.
 3. Appropriating \$30,250 to professional services and recognizing \$30,250 in revenue from contributions from Temple Economic Development Corporation of \$10,000 and from Bioscience District of \$20,250 in FY 2012.
- (K) [2012-6659-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for the construction of Phase II of the Friar's Creek Hike and Bike Trail, accepting bid elements 1,2,3,4,6,7 rejecting bid elements 5,8 and add alternate A, in the amount of \$1,107,512.50.
- (L) [2012-6660-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for professional services required to provide a service road and utility extensions in the Bioscience Park in an amount not to exceed \$112,840.

- (M) [2012-4547](#): SECOND READING: Consider adopting an ordinance amending the Drainage Criteria and Design Manual by replacing Section 9 “Sediment and Erosion Control,” with a revised section titled “Storm Water Best Management Practices.”

Misc.

- (N) [2012-6661-R](#): Consider adopting a resolution establishing a policy that waives permit fees on City-contracted projects.
- (O) [2012-6662-R](#): Consider adopting a resolution authorizing the use of the Design-Build project delivery method for the acquisition of services needed to repair the Santa Fe Depot foundation.
- (P) [2012-6663-R](#): Consider adopting a resolution authorizing an agreement with Haley & Olson, P.C. to provide legal services to the City of Temple in connection with acquisition of property interests needed for the Northwest Loop 363 Pass-Through Project.
- (Q) [2012-6664-R](#): Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.172 acre tract of property, situated in the Mercer Phelan Survey, Abstract No. 659, Bell County, Texas, and being a part of that certain called Temple Industrial Park Section 24, recorded in Cabinet D Slide 128-D of the Plat Records of Bell County, Texas, and being called 22.148 acres designated in a deed by Jencer Investments, Inc. as Temple Industrial Park Section 24, dated July 13, 2006, and recorded in Volume 6153 Page 472, of the Official Public Records of Real Property of Bell County, Texas, as well as 200.95 linear feet and 1,147.34 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Jencer Investments, Inc. The parcels are numbered 6, 6AC-1, and 6AC-2.
- (R) [2012-6665-R](#): Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.132 acre tract of property, situated in the R.C. Moore Survey, Abstract No. 581, and the J.W. Moore Survey, Abstract No. 582, Bell County, Texas, being part of Wilsonart International Temple North Campus subdivision, 697.34 linear feet, 165.00 linear feet, and 477.20 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Wilsonart International, Inc. The parcels are numbered 8, 8AC-1, 8AC-2, and 8AC-3.

- (S) [2012-6666-R](#): Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.1426 acre tract of property situated in the Mercer Phelan Survey, Abstract No. 659, Bell County, Texas, and being a part of that certain called Lot 1, Block 1, Temple Industrial Park Section 22, recorded in Cabinet C Slide 156-B, as well as 358.77 linear feet and 172.31 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purposes of expanding and improving Northwest Loop 363 within the City limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Temple TX Statutory Trust. The parcels are numbered 4, 4AC-1, and 4AC-2.
- (T) [2012-6667-R](#): Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain 652.22 linear feet of a denial of access line situated in the George Givens Survey, Abstract No. 345, and the R.M. Williamson Survey, Abstract No. 905, of Bell County, Texas, for the public use and purposes of expanding and improving Northwest Loop 363 within the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide offer regarding the acquisition of said denial of access line, and authorizing/ordering proceedings in eminent domain and condemnation of said denial of access line to proceed if final offer not accepted. The property is located along the west side of NW HK Dodgen Loop (Loop 363) south of SH 36/53 Airport Road. The owner of the property is Lloyd Thomas, Trustee. The parcel is numbered 23AC.
- (U) [2012-6668-R](#): Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.035 acre tract of property, situated in the J.W. Moore Survey, Abstract No. 582, Bell County, Texas, and being described in a deed recorded in Volume 4567, Page 63, of the real property records of Bell County, Texas, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property, and authorizing/ordering proceedings in eminent domain and condemnation of said property to proceed if final offer not accepted. The owner of the property is Wilsonart International, Inc. The parcel is numbered 14.
- (V) [2012-6669-R](#): Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

V. REGULAR AGENDA

ORDINANCES

6. [2012-4548](#): FIRST READING – PUBLIC HEARING -Z-FY-12-45: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Urban Estates District (UE) on 6.196 ± acres of land, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located north of the intersection of Rocky Lane and King's Cove.

RESOLUTIONS

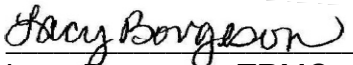
7. **2012-6670-R:** Consider adopting a resolution accepting The Temple Reinvestment Zone #1 Downtown Rail Safety Zone Report, dated October 2011, and directing Staff to proceed with implementation of the report.

BOARD APPOINTMENTS

8. **2012-6671-R:** Consider adopting resolutions for the following City boards and commissions:
- (A) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2015.
 - (B) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2013.
 - (C) Temple Economic Development Corporation – one member to fill an unexpired term through September 1, 2012.

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 July 13, 2012.



Lacy Borgeson, TRMC
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

07/19/12
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Recognition of 2012 Junior Fire Cadet Program.

STAFF RECOMMENDATION: Present recognition as presented in item description.

ITEM SUMMARY: Thomas Pechal, Temple Fire and Rescue, would like to recognize the participants in the 2012 Junior Fire Cadet Program.

FISCAL IMPACT: None



COUNCIL AGENDA ITEM MEMORANDUM

07/19/12
Item #4
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) 2012-2013 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

STAFF RECOMMENDATION: Conduct public hearing and adopt resolution as presented in item description.

ITEM SUMMARY: 2012-2013 Annual Action Plan and Budget

For more than 30 years, the Community Development Block Grant (CDBG) program has been assisting metropolitan cities and urban counties across this country to fund their community and economic development activities. Approximately 1,000 entitlement communities participate in the program nationwide, including the City of Temple. The City is one of 77 entitlement communities located in the State of Texas. For Fiscal Year 2012-2013, HUD allocated CDBG funds to entitlement communities in Texas, as follows:

FY 2012-2013 CDBG in Texas

CDBG	Amount
State Total	\$155,897,106
Minimum	185,975
Maximum	24,227,493
Average	2,563,493
Temple	\$386,943

Other Recent CDBG Grant Amounts

2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603
2011-2012	\$466,842

The Community Development Block Grant Program provides annual grants on a formula basis to develop viable urban communities by providing decent housing, and a suitable living environment, and by expanding economic opportunities, principally for low-and moderate-income persons. The City of Temple anticipates receiving \$386,943 as this year's funding, which will be the third year of the 5-Year Consolidated Plan (2010-2014). Entitlement communities develop their own programs and funding priorities. Maximum feasible priority must be given to activities that benefit low-and moderate-income persons.

The proposed allocation of funds is as follows:

Public Services	\$54,000
Infrastructure Improvements	\$192,757
Demolition	\$85,000
General Administration	\$55,186
Total	\$386,943

Public Services - \$54,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (See Attachment) totaling \$82,500 while debating the merits of each agency and the needs of the community. It is recommended the City Council allocate \$54,000 to 4 agencies as follow:

1. Bell County Human Services (Temple HELP Center) \$15,000
2. Families in Crisis, Inc. \$10,000
3. Hill County Community Action Association (Meals on Wheels) \$14,000
4. Family Promise of East Bell County, Inc. \$15,000

Infrastructure Improvements - \$192,757

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi year project with this being the third year of funding. It is recommended that \$192,757 be allocated from 2012-2013 CDBG funds.

Demolition - \$85,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years. It is recommended that \$85,000 be allocated from 2012-2013 CDBG funds.

Administration - \$55,186

It is recommended that \$55,186 be allocated for the City's administration of the CDBG Program.

The first public hearing for the proposed 2012-2013 Annual Action Plan and Budget was held on June 7, 2012 and was followed by a 30-day public comment period. This is the final public hearing and action on the 2012-2013 Annual Action Plan.

FISCAL IMPACT: The allocation amount of \$386,943 in FY 2012-2013 CDBG funds are to be allocated as recommended.

ATTACHMENTS:

[2011-2012 Annual Action Plan](#)

[2011-2012 Public Service Agency Funding Recommendations](#)

[2011-2012 CSAB meeting minutes](#)

[Resolution](#)



CITY OF
TEMPLE, TEXAS



Annual Action Plan

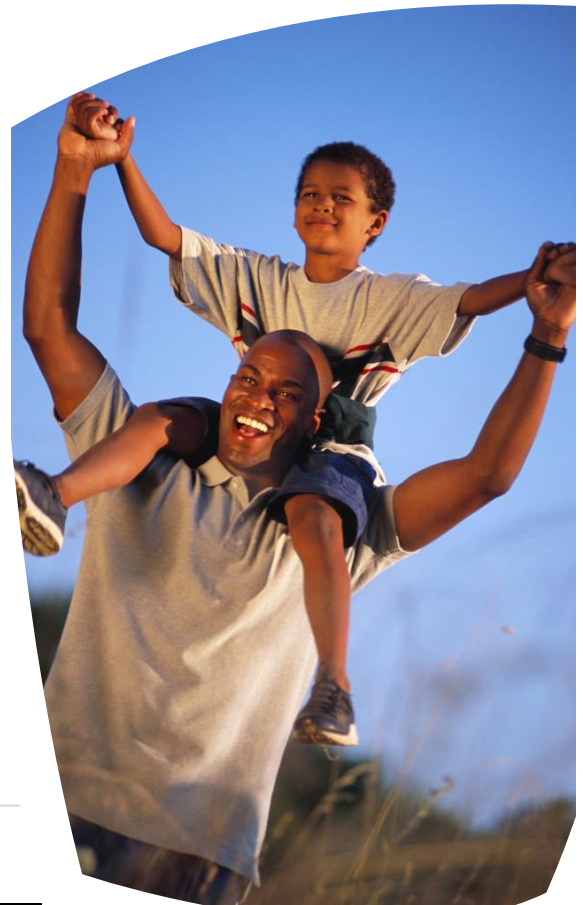
THIRD PROGRAM YEAR

Executive Summary

This *Annual Action Plan* reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the Community Development Block Grant ('CDBG') program. The City of Temple will receive \$386,943 for its 2012 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities benefit low to moderate income persons.

The City of Temple's 2012 allocation is a 17.1% reduction in funding from 2011. Additionally the City's 2011 allocation was also reduced by 16.6% for a total two year reduction of 30.9%. This reduction in funds has required the original Consolidated Plan goals for 2012 to be adjusted.

The City of Temple's 2012 allocation is not sufficient to fund the parks improvement and residential accessibility projects as proposed in the Consolidated Plan. The amount available for the demolition project is also less than proposed in the Consolidated Plan.

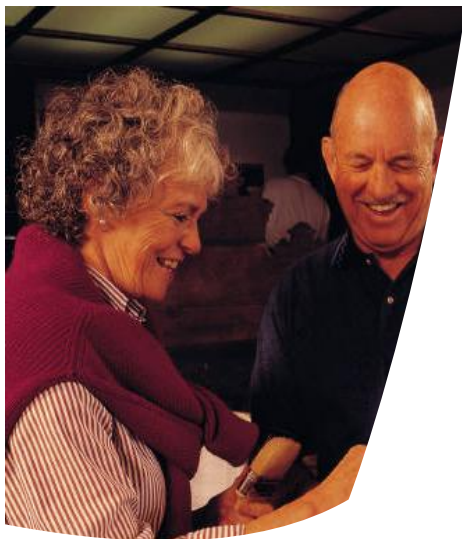


Fund Summary

2012-13 CDBG Funding	Program Income Received	Prior Funding Reallocation	Total
\$386,943	\$0	\$0	\$386,943

Objectives and Outcomes for Program Year 2012

The City plans to undertake activities during the program year that will meet HUD's objectives to contribute towards a suitable living environment, provide decent housing, or create economic opportunities. These activities will generate outcomes that fall into one of three categories:



Availability/Accessibility: This category applies to activities that make services, infrastructure, public services, public facilities, housing; or shelter available or accessible to low- and moderate-income people, including persons with disabilities.

Affordability: This category applies to activities that provide affordability in a variety of ways in the lives of low- and moderate-income people: It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.

Sustainability: Promoting Livable or Viable Communities. This category applies to projects where the activity or activities are aimed at improving communities or neighborhoods, helping make them livable or viable by providing benefit to persons of low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain communities or neighborhoods.

Objective: Suitable Living Environment

Grant	Project	Outcome	Specific Objectives
CDBG	Infrastructure Improvements	Availability/Accessibility	Improve the quality of public improvements
CDBG	Demolition	Availability/Accessibility	Improve the quality of public improvements
CDBG	Temple HELP Center: Child Care	Availability/Accessibility	Improve Services for low income persons
CDBG	Hill Country Community Action Association, Inc.: Meals on Wheels	Availability/Accessibility	Improve Services for low income persons
CDBG	Families in Crisis: Shelter & support to victims of abuse or sexual assault	Affordability	Improve Services for low income persons
CDBG	Family Promise: Shelter & support to homeless families	Affordability	Improve Services for low income persons

Objective: Provide Decent Housing

Grant	Project	Outcome	Specific Objectives
CDBG	No CDBG funds are allocated for this objective	not applicable	not applicable

Objective: Economic Opportunity

Grant	Project	Outcome	Specific Objectives
CDBG	No CDBG funds are allocated for this objective	not applicable	not applicable

The proposed allocation of funds is as follows:

Infrastructure	\$192,757
Public Services	54,000
Demolition	85,000
General Admin	55,186
Total	\$386,943

FY 2012-2013 CDBG IN TEXAS



Past Performance



On an annual basis, HUD review's the performance of all entitlement recipients to determine whether each recipient is carrying out its CDBG assisted activities in a timely manner. If at sixty days prior to the end of the grantee's current program year, the amount of entitlement grant funds available to the recipient under grant agreements but undistributed by the U.S. Treasury is more than 1.5 times the entitlement grant amount for its current program year the grantee is considered to be noncompliant with HUD requirements. When reviewed on May 30, 2012 the City of Temple's ratio of undisbursed Treasury funds was 1.01.

CDBG	Amount
State Total	\$155,897,106
Minimum	\$185,975
Maximum	\$24,227,493
Average	\$2,563,493
Temple	\$386,943

Recent Temple CDBG Grant Amounts

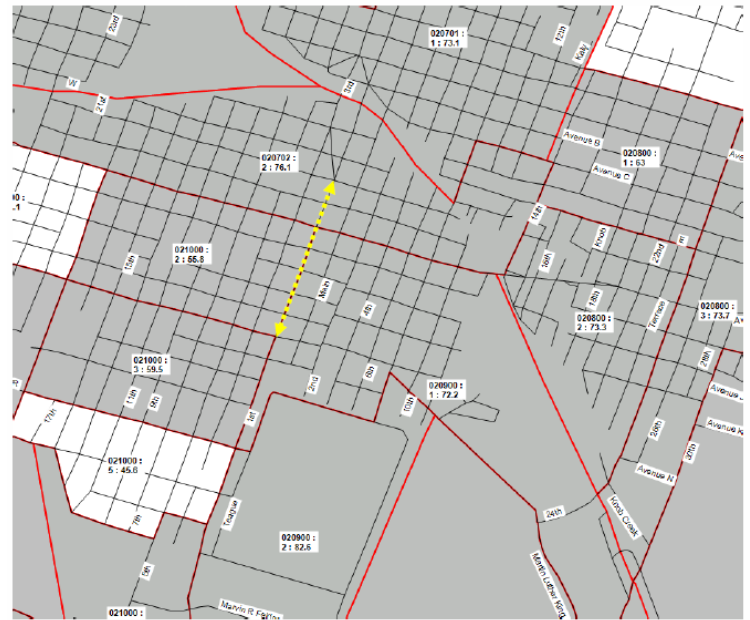
2008-2009	\$503,239
2009-2010	\$515,508
2010-2011	\$559,603
2011-2012	\$466,842

General Information

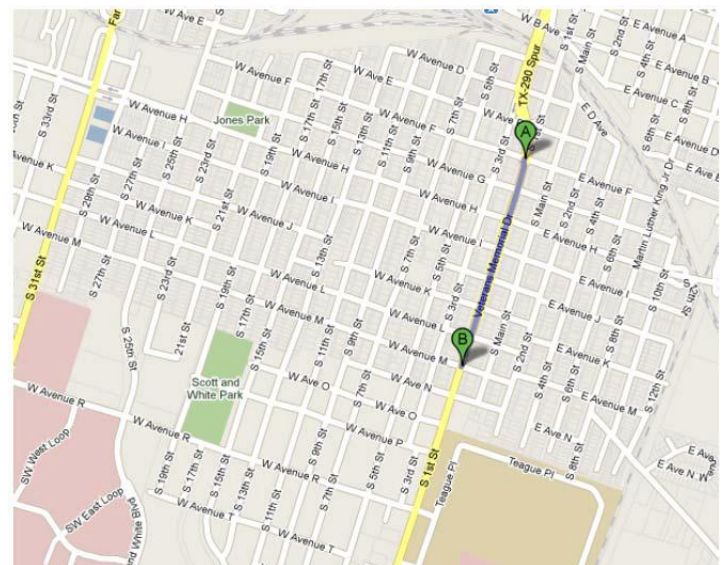
The activities proposed will be carried out in the following areas:

Infrastructure Improvements: Sidewalks- \$192,757

The project will be located along South 1st Street within the boundaries of Ave. F on the north and Ave. M on the south. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This project will increase safety, and provide accessibility of a suitable living environment to this low income neighborhood. This is proposed to be a multi-year project with this being the third year of funding.



COUNTYNAME	PLACENAME	TRACT	BLKGRP	LOWMOD	LOWMODUNIV	LOWMODPCT	POP100
Bell County	Temple city	020702	1	665	957	69.5	1075
Bell County	Temple city	021000	2	554	993	55.8	929
Bell County	Temple city	021000	3	586	985	59.5	1007
Bell County	Temple city	021000	5	313	687	45.6	689
Bell County	Temple city	020900	2	123	149	82.6	662



Public Services- \$54,000

The Community Services Advisory Board (CSAB) spent many hours over several meetings sifting through the 6 requests (see Attachment 1) totaling \$82,500 while debating the merits of each agency and the needs of the community. Public Service Agencies funded in 2012 are:

Bell County Human Service (Temple HELP Center)	\$15,000
Hill Country Community Action Association, Inc.	\$14,000
Families in Crisis, Inc.	\$10,000
Family Promise	\$15,000

Demolition- \$85,000

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is a continuation of a project focus from previous years.

Each PSA has a unique description and benefit to the citizens of Temple. They are as follows:



Temple HELP Center. The Temple HELP Center addresses local residents' immediate crisis by providing short term financial and non-financial services. By targeting avenues to address the immediate crisis and lowering dependency on public assistance, they are striving to assure that residents overcome social, economic and career barriers.

Hill Country Community Action Association. Hill Country Community Action Association's (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants in the Temple area. Congregate meals are served each weekday by volunteers and paid center staff. Home delivered meals are delivered each weekday by paid meal delivery staff and volunteers. The Site Managers and In-Home Services Coordinator coordinate outreach efforts in the community to identify potential clients and assist clients in obtaining increased services when available.

Families in Crisis. Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter while providing advocacy, education and resources to create a safe, supportive community. The agency provides information, referral and access to services to assist in safe management of their situation, aids in the recovery process, guides them in the criminal justice system, educates them to prevent re-victimization and provides safe shelter and support services to victims and at-risk populations.

Family Promise. Family Promise of East Bell County shelters homeless families and connects them with the needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals once more and a productive member of society.

Allocation of Funds Geographically

In this action plan, all of the proposed activities will be conducted by directly serving low and moderate income individuals or families with the exception of demolition. 100% of infrastructure improvement funds will be allocated in the Census block groups that are within low-income concentration areas. In Temple, the Census block groups that are principally low-to-moderate income are in a contiguous area and are generally situated in the eastern half of the City.

Priority is given to projects that benefit low and moderate income individuals, families, or neighborhoods.

Resources

The City of Temple uses federal and local resources to address the needs identified in the Consolidated Plan.

Community Development Block Grant. The City expects to receive \$386,943 in 2012 CDBG funds to be addressed in this Action Plan. This is a 17.1% reduction in funds from last year. Goals and objectives will be adjusted to address the reduction in funds.

General Fund & Utilities Fund. General Fund and Utility Fund resources are allocated to address additional public improvement projects during fiscal year 2012. The City's General Fund also provides funding to support additional public service agencies and provides the Temple Housing Authority a portion of general funds to assist low to moderate income families purchase homes.

Addressing Obstacles in Meeting Underserved Needs

The City of Temple has identified lack of funding to be the main obstacle in our ability to meet underserved needs of the community. The City recognizes that there are always more needs than funds available and strives to adequately address the underserved needs of the community while maintaining core services.



Managing the Process / Institutional Structure

The City of Temple is the lead agency in the distribution and administration of programming funds and will carry out the Annual Action Plan through identified local agencies, City government, and local volunteer groups.

The Annual Action Plan was developed in accordance with the Citizen Participation Plan as discussed below.

Public and private housing, health, and social service serving the citizens of Temple will continue to strive to collaborate and coordinate activities and services provided within the community in order to derive the most benefit from the available resources.

The City of Temple is allocating a portion of its funds to Public Service Agencies. In order to facilitate the process of selection and in order to be more fully connected to the wants and needs of the public, the City of Temple created a Community Service Advisory Board. This board is responsible for evaluating the applications received from the PSAs and giving recommendations. Board membership includes a broad spectrum of contributors. This aspect of the advisory board provides the City a primary link to the institutional structure of the community.

Citizen Participation

The City of Temple will make available to citizens, public agencies, and other interested parties information that includes the amount of assistance the City expects to receive and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low and moderate income. The City will encourage citizen participation by all citizens of Temple and particularly persons of low and moderate income who are residents of the East Temple Revitalization Area in which Community Development funds are being proposed. Notice of public hearings will be published approximately two weeks before the scheduled meeting in the Temple Daily Telegram and other publications as appropriate. Spanish translations will be provided as appropriate. Notices will include the availability of accommodations for those with disabilities.

A Community Forum will be conducted early in the budget process to receive citizen comments regarding both the CDBG budget and the City's budget. A minimum of one public hearing will be held in the City Council Chambers at the Municipal Building. That building is accessible to the handicapped. At least one informal hearing will be held in the evening in a neighborhood facility in a building that is accessible to the handicapped and is located in a minority concentration neighborhood. A Spanish interpreter will be available at that meeting as needed. The public will be informed through newspaper ads that the City will be receiving CDBG funds and input is desired from the public regarding budgeting of funds and the development of a Consolidated Plan.

The first public hearing will be to receive initial input regarding the development of the Consolidated Plan. Previous to the first public hearing the Proposed Use of Funds for the fiscal year will be published in the newspaper and a guide to eligible activities will be provided to those who request information. At least thirty (30) days before Council approval, a summary of the Consolidated Plan will be published in the local newspaper of general circulation. After adoption, copies of the Consolidated Plan, which includes the proposed CDGB budget, and the actual use of funds will be available in the Community Development office and at the public library.



CITIZEN COMMENTS

The following three public hearings were held for this year's CDBG Action Plan in addition to a public hearing held on June 7, 2012 in conjunction with the Temple City Council meeting where the proposed Action Plan was presented:

<u>Date</u>	<u>Time</u>	<u>Location</u>
02.15.12	3:30pm	Temple City Hall
02.23.12	5:30pm	Temple Public Library
03.06.12	5:30pm	Wilson Recreation Center

The first two public hearings had no attendees but comments were received at the third public hearing on March 6, 2012.

Generally, the comments expressed were:

- 1) Disappointment in funding level declines
- 2) Appreciation for the City's transition to in-house administration
- 3) Desire to 'stay the course' with the 1st Street Sidewalk project and investigate future opportunities for a similar project along 24th Street
- 4) Desire to 'stay the course' with our demolition program

All meetings regarding this plan were audio recorded, and all questions and comments raised during those meetings were addressed. The minutes for the March 6, 2012 are attached (Attachment 2) at the end of the Action Plan.

The Community Development Department will be available to provide limited technical assistance, if requested, to group representatives of low-and-moderate income persons to help with developing proposals for the use of CDGB funds.

The City will allow thirty (30) days for citizens to comment on the Consolidated Plan. The City will provide a written response within fifteen (15) days, where practicable, to written complaints from citizens regarding the CDBG program. A summary of citizen comments or views and the reasons for accepting or rejecting the comments shall be attached to the final Consolidated Plan.

Substantial amendments to the CDBG program will be processed through the City Council and public hearing process as described above. A substantial amendment is described as a new project or greater than 25% change as measured by the yearly CDBG funding allocation. The City will allow thirty (30) days for citizens to comment on any amendments to the Consolidated Plan and/or CDBG budget and a summary of any comments or views accepted or not accepted shall be attached to the substantial amendment of the Consolidated Plan.

A public hearing will also be conducted as stated above in order to review program performance.

Reasonable and timely access to records will be provided for five (5) years.

Monitoring

The City of Temple uses several tools to monitor its progress with the CDBG program. Spreadsheets developed to maintain the 2005 Workout Plan are still in use though not required by HUD. These tools along with the annual CAPER assist the City in evaluating the performance and timeliness of the City's CDBG projects. Monthly meetings are held that review these materials which are updated regularly and project forward for anticipated completion dates. During these monthly meetings, City staff discuss and resolve any potential issues that could impair the City's ability to perform its tasks. In addition to self-monitoring, the City's Grant Specialist monitors each public service agency receiving HUD funds, reviewing files for documentation of program requirements. Should any issues arise during these monitoring, actions are taken to resolve documentation error and if the issue is not able to be resolved, funding is reduced accordingly.

Lead-Based Paint

The City of Temple has no projects in the 2012 Annual Action Plan that involve housing or lead-based paint.

Housing

Specific Housing Objectives

The City of Temple has no CDBG funded housing related projects in the 2012 Annual Action Plan. The City funds the majority of its housing initiatives through the General Fund. In 2011, the City provided \$35,000 to the Temple Housing Authority to assist approximately 14 low to moderate income families purchase homes. While the City has not yet completed its budget process for the upcoming fiscal year, we anticipate a similar level of funding for this program benefiting a similar number of low to moderate income families.

Needs of Public Housing

There are no activities covered by this Action Plan that directly and specifically address the needs of public housing. As stated above, the City of Temple provides support to the Temple Housing Authority but the Housing Authority is not an entity of the City of Temple.

The City of Temple provides funding to the Temple Housing Authority's down payment assistance program. This program assists low to moderate income families participate in homeownership.

Barriers to Affordable Housing

The City has identified that the greatest barrier to affordable housing is the income mismatch of its citizens. While the City continues to grow its economy, many citizens cannot afford the costs associated with homeownership.

The City has identified that the correlation between education and income has had a profound effect on the ability of its citizens to progress to homeowners.

To address these needs, the City actively supports the Temple Housing Authority who also sees this need and encourages its residents to increase their level of education. According to its latest THA annual report, 77 residents of the THA are attending college and 4 are seeking their GEDs.

The City also supports Temple College, Temple College Foundation, and Temple Independent School District through various programs and initiatives that support enhanced educational opportunities for citizens and the Temple Economic Development Corporation and Temple Business Incubator to encourage job creation and availability.

No CDBG funds will be spent this year to address these barriers, but as mentioned above, the City addresses these needs with its own general funds and leverages those dollars with other agencies within the City.



Homeless Prevention Elements

Supportive services such as employment training, childcare program and transportation assistance can often times prevent families from becoming homeless, so the City of Temple will continue to financially commit to public service improvement programs in order to assist in the community's effort to prevent homelessness as able.

The 2012 Annual Action Plan includes funding for two public service agencies to address homelessness, including chronic homelessness and families with children that are at risk of becoming homeless, and homelessness prevention.

This year, the City plans to fund Families in Crisis to assist those who are victims of domestic violence or sexual assault and have no place left to turn. Without assistance these individuals could potentially become homeless in an effort to escape their conditions. With the allocated CDBG funds, Families in Crisis plans to assist 130 clients facing these conditions in the coming year.

The City also plans to fund Family Promise of East Bell County which plans to provide shelter to 21 homeless families and connect them with the needed services to assist them in obtaining employment and permanent housing and become independent and self-sufficient individuals and productive members of society.

The City has identified the recent reductions in funding allocations as an obstacle because it limits the availability of funds to assist Public Service Agencies addressing homelessness. The City of Temple does not currently plan to implement a Discharge Coordination Policy. The City of Temple does not expect to receive any private or public resources to address homeless needs and to prevent homelessness in 2012.



Community Development

While the City has identified every Community Development activity as High Priority, the city has determined that due to the limitation of funds available it will focus on specific needs that have been previously successful and benefit the most people with the most amount of funding.

Community Development/Public Improvements Objectives

The City plans to continue a multi-year project to install sidewalks in a low income section of town that should benefit over 5,000 citizens with a goal to improve their accessibility of a suitable living environment.

Community Development/Public Services Objectives

The City plans to fund four public service agencies, each addressing a community need. Public service agencies receiving funding this year are listed on page 4 of this document.

Community Development/Public Facilities Objectives

No Public Facilities projects are funded in this year's Action Plan.

Community Development/Economic Development Objectives

No Economic Development projects are funded in this year's Action Plan.

Community Development/Other Objectives

The City also plans to continue spot demolition to eliminate blight within the community.

Specific Long-Term Community Development Goals

1. **Public Improvements.** Implement public improvement activities to ensure adequate drainage, streets, sidewalks, parks, and water and sewer systems in low-to-moderate income areas.
2. **Public Services.** Fund public service agencies in order to leverage resources for priority community needs.
3. **Spot Demolition.** Continue spot demolition to eliminate blight within the community.

Specific Short-Term Community Development Goals

Public Improvements

Number	Objective	Project Schedule	Proposed Accomplishment	
			Performance Indicator	PY 12 Target
SL-1 (2)	Install sidewalks along 1st Street within the boundaries of Ave F ad Ave M.	5 Year	Persons Served	0 (under construction: multi-year project)

Public Services

Number	Objective	Project Schedule	Proposed Accomplishment	
			<i>Performance Indicator</i>	<i>PY 12 Target</i>
SL-1 (1)	Provide funding to Public Agencies to assist in the availability or accessibility of a suitable living environment.	1 Year	Persons Served	355
SL-2	Fund public service agencies whose goals are the affordability of a suitable living environment.	1 Year	Persons Served	86

Spot Demolition

Number	Objective	Project Schedule	Proposed Accomplishment	
			<i>Performance Indicator</i>	<i>PY 12 Target</i>
SL-1 (5)	Demolition of vacant or dilapidated structures will be conducted to address blighted conditions on a spot basis in scattered locations in the community.	1 Year (on-going)	Buildings Demolished	7

Anti-Poverty Strategy

All CDBG activities are designed to meet the needs of households that are below 80% of median income. Most fall below 50% of median income, and are households whose incomes are below the poverty line. All activities are designed to meet the goals of helping to reduce the number of households with income below the poverty line. Some activities have more of a direct impact and others a more indirect impact. All public service activities have an impact on the poverty level of the household served, which if not immediate, should be positive within the next generation by changing the way the clients interact within and without their family structure. The activities encourage and actively support educational opportunities for those served.

Education has been identified as a key element in helping to develop economically independent citizens. Therefore, education becomes a key strategy for an Anti-poverty program. As mentioned above, the City supports Temple College, Temple College Foundation, and Temple Independent School District through various programs and initiatives that support enhanced educational opportunities for citizens and the Temple Economic Development Corporation and Temple Business Incubator to encourage job creation and availability.

The *Community* itself, through its families, churches and community organizations, should be encouraged to develop programs which promote healthy values which lead to pride in oneself and in the community in which we reside and helps in the development of goals and ambition for a promising future. Combining local community initiatives with available Federal and State programs can aid in the reduction of the number of households with income below the poverty line. The City of Temple coordinates its housing programs with other agencies to avoid duplication, and assesses service gaps. Active coordination with area agencies is helping to promote individual independence and responsibility, and assists in reducing the number of households with incomes below the poverty line.

Housing Opportunities for People with AIDS / Specific HOPWA Objectives

The City of Temple does not receive HOPWA funding.



Supplemental Information

Attachment 1- Community Services Advisory Board Public Service Funding Recommendations

Attachment 2- Minutes from March 6, 2012 Public Hearing

Attachment 3- SF-424

Attachment 4- Table 3A Summary of Specific Annual Objectives

Attachment 5- Table 3B Annual Affordable Housing Completion Goals

Attachment 6- Table 3C Consolidated Plan Listing of Projects

Attachment 7- Non-State Grantee Certifications

**2012-2013 PUBLIC SERVICE AGENCIES
CDBG FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	CSAB Recommended Amount	Staff Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,000	\$15,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$10,000	\$10,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$15,000	\$15,000	\$15,000
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$14,000	\$14,000
Central Texas 4C	Transition from Welfare to Work Issues: Child care	\$2,500	\$0	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$5,000	\$0	\$0
	Total	\$82,500	\$54,000	\$54,000

**COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC HEARING
March 06, 2012
5:30 P.M.**

Wilson Park Recreation Center
2205 Curtis Elliott Drive
Temple, Texas

STAFF PRESENT

Lois Whitley, CDBG Specialist
Brynn Reynolds, Director of Administrative Services

GUEST'S PRESENT

See Attached Attendance List

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

There was open discussion concerning a recent contractor's application to the City Council requesting support with an application to the HOME grant program, the possibility of establishing a CHODO in Temple, the need for housing rehabilitation in Temple, the challenges in administering home rehabilitation programs, the grant funded housing rehabilitation/replacement programs in the past and the long-term assistance they provide.

Ms. Whitley presented a general overview of consolidated planning and the 2012 annual action plan including the Community Development Block Grant (CDBG) national objectives, citizen participation, eligible activities, the City of Temple's use of CDBG funding and the action plan schedule.

The City of Temple is an Entitlement Community for the CDBG program only. CDBG funds will, therefore, be the only formula funds directly budgeted through the Consolidated Plan.

The amount that has been allocated to the City of Temple for the CDBG 2012 program year is \$386,943. This is 17% less than the City received in CDBG funding for 2011. It also the smallest amount the City has received as a CDBG annual allocation and follows a 16% reduction in funding in the 2011 program year. The presentation included a graph that shows the City of Temple funding since 1996 and the funding reductions since that time.

Question: What is the cause of the trend of cuts in these grant amounts?

Ms. Whitley stated that it is partly due to an emphasis in Congress on cutting spending and that federally funded grant programs are being affected.

Ms. Reynolds added that part of the reason for the reduced amount is that as the populations grow more entities become eligible as entitlement communities so the amount of CDBG funding available is shared by more communities. The total funding has been dropped and there are more cities receiving the grant so both of those factors bring down the funding amount. The impact is also more significant this year because of the 2010 Census. Generally the yearly estimates are a little more conservative and when you have the real numbers from the census more cities meet the population thresholds. We should not see such a large percentage drop next year.

Question: Have the 2012 funds that are not to be used for public service agencies and administration already been earmarked for specific projects? There are some safety concerns along South 24th Street because children are walking on this street and they need sidewalks.

Ms. Whitley stated that specific projects have not been determined and part of the action plan process is reviewing any public comments received and selecting specific projects to be funded.

Ms. Reynolds added that in 2010 the 1st Street Sidewalk project was funded as a multi-year project with the engineering and design expenses for all phases included in the first funding year. The first phase of construction should begin soon and funding was approved for continuation of the project with 2011 program year funds. Since this is a multi-year project and engineering and design for all phases has been expended, city staff will probably consider funding the project in the 2012 program year. Also, any demolition on a spot-blight basis will need to be funded. We have historically funded \$100,000 per year but there is a funding cap at 30% so we will probably not be able to fund that amount this year.

There was open discussion about the continuation of the 1st Street Sidewalk project, the possibility of a similar project on South 24th Street in some future funding year and the spot-blight demolition project. There were also comments on the visible improvements along Martin Luther King Dr. and Avenue G as a result of past projects funded by CDBG. That section of MLK has been cleared of dilapidated/abandoned structures but there are 3 or 4 homes across from the Baptist church that appear to be empty and dilapidated and need to be demolished.

Ms. Reynolds said she would check to see if these homes were on the pending list for the spot-blight demolition program.

There were also comments in favor of the administration of the CDBG program being kept in-house with city staff instead of an outside contractor as in past years.

A comment was received about the need for continued CDBG support of local service agencies to provide child care and education/workforce preparation expenses. Both of these activities are very important to help residents get and stay employed and that makes a big difference in their quality of life.

Ms. Whitley stated that the open application period for public service agency funding requests ends at 5:00 pm on March 8th. The Community Services Advisory Board will then review the requests and, based on the CDBG funding percentage allowed for public service agencies, make the funding recommendations to the City Council.

There was open discussion about the reduction in funding for federally funded grant programs and the hope that funding will be restored to previous years.

Question: Are there going to be any more programs for home repair or replacement as was funded a few years back? Resident states that she needs assistance for some electrical work to support an air conditioning unit at her home. She is very appreciative of the fact that the City did some work on her home several years ago but the electrical work done at that time will not work for her air conditioner.

Ms. Whitley stated that there are currently no home repair or replacement programs considered for funding. The past programs were funded by the HOME program. The City is not an entitlement community for that program and has not received any HOME grant funds for the current fiscal year. The City must apply for those funds and meet the program's threshold requirements. The decision to apply for HOME program funds is made by the City Council.

Comment: Resident states that she lives on North 20th near a creek and it is very dark and she needs a light there. There have been some new homes built on East Downs and a lot of people walk through the field and the creek to get to 20th St. Most of the people living in the new housing are renters and they don't seem to care about the property. There is a lot of crime in the area. Also, there is an alley behind her house that is not being kept up and the creek area is not being kept up and that makes security a big issue for her since she lives alone.

Ms. Reynolds noted the address and stated that she would place service requests with the correct City departments to address the issues and follow-up with the resident.

Comment: A street sign is missing on the corner of Avenue H and Terrace St. and needs to be replaced.

Ms. Reynolds said she would add that to the departmental service requests.

Question: What is the City doing to entice and motivate small businesses to come into the MLK area, especially for those residents' needs like groceries, food & clothing? There are a lot of elderly residents in that area that need those types of businesses.

Ms. Whitley stated that in relation to CDBG, there are currently no programs funded to assist in small business. She suggested that he contact the Council representative for that area and make suggestions and proposals to meet the needs of the area as funds become available to assist in development of businesses along MLK.

Ms. Morales stated that she is in the beginning phase of an eastside redevelopment program with an initial meeting scheduled for April 6th to discuss ideas and the best way to proceed with development of the area. She would welcome any ideas or suggestions of issues to be considered at that meeting.

Ms. Reynolds added that the City has found that infrastructure projects are a good match for CDBG and that CDBG can be considered for these types of improvements as part of any eastside redevelopment program.

There being no other questions or comments, Ms. Whitley reviewed the proposed timeline for completion of the 2012 Action Plan and her contact information including the City of Temple website. She thanked the guests for their participation in the CDBG annual action plan process.

Respectfully Submitted,
Lois Whitley

Community Development Block
Grant (CDBG) Program
City Of Temple
FY 2012-2013 Action Plan
March 6, 2012 - 5:30 pm

[illegible]



SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

Date Submitted August 01, 2012	Applicant Identifier	Type of Submission	
Date Received by state	State Identifier	Application	Pre-application
Date Received by HUD	Federal Identifier B-12-MC-48-0021	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Construction
		<input type="checkbox"/> Non Construction	<input type="checkbox"/> Non Construction
Applicant Information			
City of Temple		UOG Code	
2 North Main Street		DUNS # 045353591	
		0	
Temple	Texas	Community Development Department	
76501	Country U.S.A.	0	
Employer Identification Number (EIN):		Bell County	
74-6002368		Program Year Start Date (10/01)	
Applicant Type:		Specify Other Type if necessary:	
Local Government: City		Specify Other Type	
Program Funding		U.S. Department of Housing and Urban Development	
Catalogue of Federal Domestic Assistance Numbers; Descriptive Title of Applicant Project(s); Areas Affected by Project(s) (cities, Counties, localities etc.); Estimated Funding			
Community Development Block Grant		14.218 Entitlement Grant	
CDBG Project Titles PSAs, Infrastructure Improvements, & Demolition		Description of Areas Affected by CDBG Project(s) Citywide – Temple, TX	
\$CDBG Grant Amount 386,943	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income 0		Other (Describe) 0	
Total Funds Leveraged for CDBG-based Project(s) 386,943			
Home Investment Partnerships Program – N/A		14.239 HOME	
HOME Project Titles		Description of Areas Affected by HOME Project(s)	
\$HOME Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	

\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOME-based Project(s)			
Housing Opportunities for People with AIDS – N/A		14.241 HOPWA	
HOPWA Project Titles		Description of Areas Affected by HOPWA Project(s)	
\$HOPWA Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for HOPWA-based Project(s)			
Emergency Shelter Grants Program – N/A		14.231 ESG	
ESG Project Titles		Description of Areas Affected by ESG Project(s)	
\$ESG Grant Amount	\$Additional HUD Grant(s) Leveraged	Describe	
\$Additional Federal Funds Leveraged		\$Additional State Funds Leveraged	
\$Locally Leveraged Funds		\$Grantee Funds Leveraged	
\$Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for ESG-based Project(s)			
Congressional Districts of:		Is application subject to review by state Executive Order 12372 Process?	
Applicant Districts11	Project Districts11		
Is the applicant delinquent on any federal debt? If "Yes" please include an additional document explaining the situation.		<input type="checkbox"/> Yes	This application was made available to the state EO 12372 process for review on DATE
		X No	Program is not covered by EO 12372
<input type="checkbox"/> Yes	X No	<input type="checkbox"/> N/A	Program has not been selected by the state for review

Person to be contacted regarding this application		
Blackburn		David
City Manager	254-298-5600	Fax-254-298-5459
eMail	www.ci.temple.tx.us	Other Contact
Signature of Authorized Representative		Date Signed
		07/22/2011

Table 3A
Summary of Specific Annual Objectives

Obj #	Specific Objectives	Sources of Funds	Performance Indicators	Expected Number	Actual Number	Outcome/Objective*
	Rental Housing Objectives					
	The City of Temple will not be using CDBG funds for Rental Housing					
	Owner Housing Objectives					
	The City of Temple will not be using CDBG funds for Owner Housing					
	Homeless Objectives					
1	Family Promise of East Bell County provides shelter to homeless families and connects them to needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals.	CDBG	Families Served	21		SL-2
	Special Needs Objectives					
1	HCCAA (Meals on Wheels) Aging Services Program provides meals through congregate and home delivered meal programs to eligible elderly participants	CDBG	Persons Served	290		SL-2
	Community Development Objectives					
	The City of Temple will not be using CDBG funds for Community Development					
	Infrastructure Objectives					
2	Sidewalk installation will continue along 1st Street within the boundaries of W. Avenue D and W. Avenue M	CDBG	Persons Served	PR		SL-1
	Public Facilities Objectives					
	The City of Temple will not be using CDBG funds for Public Facilities					

	Public Services Objectives					
1	The Temple HELP Center will provide short term financial and non-financial services to low-income citizens and childcare for low income citizens	CDBG	Persons Served	65		SL-1
1	Families in Crisis supports and empowers individuals affected by family violence and sexual assault through safe shelter and outreach.	CDBG	Persons Served	65		SL-1
	Economic Development Objectives					
	The City of Temple will not be using CDBG funds for Economic Development					
	Other Objectives					
5	The city of Temple will demolish vacant or dilapidated structures to address blighted conditions on a spot basis in scattered location in the community	CDBG	Buildings Demolished	7		SL-1

***Outcome/Objective Codes**

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Table 3B
ANNUAL AFFORDABLE HOUSING COMPLETION GOALS

Grantee Name: Program Year:	Expected Annual Number of Units To Be Completed	Actual Annual Number of Units Completed	Resources used during the period			
			CDBG	HOME	ESG	HOPWA
BENEFICIARY GOALS (Sec. 215 Only)						
Homeless households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-homeless households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special needs households	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Sec. 215 Beneficiaries*	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RENTAL GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Affordable Rental	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOME OWNER GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Homebuyer Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Total Sec. 215 Affordable Owner	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMBINED RENTAL AND OWNER GOALS (Sec. 215 Only)						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Homebuyer Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Combined Total Sec. 215 Goals*	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL HOUSING GOALS (Sec. 215 + Other Affordable Housing)						
Annual Rental Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annual Owner Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Overall Housing Goal	0		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* The total amounts for "Combined Total Sec. 215 Goals" and "Total Sec. 215 Beneficiary Goals" should be the same number.

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Infrastructure

Project Title

1st Street Sidewalks

Description

Sidewalk installation along 1st Street within the boundaries of West Avenue F and West Avenue M. The project will include design and installation of sidewalks, not to exceed 8 feet in width, and any necessary ADA ramps, curbs and gutters. Landscaping will be installed where permissible due to absence of pavement. This is a multi-year project with this being the third year of funding.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

1st Street between Avenue F and Avenue M

Street Address: South 1st Street

City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(2)	Project ID
HUD Matrix Code 03L Sidewalks	CDBG Citation 570.201(c)
Type of Recipient Municipal	CDBG National Objective LMA
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator Persons Served	Annual Units
Local ID	Units Upon Completion 5,393

Funding Sources:

CDBG	\$192,757
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$192,757

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Other

Project Title

Demolition

Description

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

City-Wide

Street Address:

City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(5)	Project ID
HUD Matrix Code 04 Clearance & Demo	CDBG Citation 570.201(d)
Type of Recipient Municipal	CDBG National Objective Spot Blight
Start Date (mm/dd/yyyy)	Completion Date (mm/dd/yyyy)
Performance Indicator Building Demolished	Annual Units 7
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$85,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$85,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Public Services

Project Title

Temple HELP Center

Description

The Temple HELP Center will provide assistance in obtaining child care for low income citizens to assist them to overcome social, economic and career barriers to becoming self-sufficient.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

Street Address: **102 East Central, #100**
City, State, Zipcode: **Temple, TX 76501**

Objective Number SL-1(1)	Project ID	Funding Sources: CDBG \$15,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total \$15,000
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)	
Type of Recipient Non Profit	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013	
Performance Indicator Persons Served	Annual Units 65	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Temple

Priority Need

Public Services

Project Title

Families in Crisis

Description

Families in Crisis supports and empowers individuals affected by family violence and sexual assault with safe shelter while providing advocacy, education and resources to create a safe, supportive community.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☒ Affordability ☐ Sustainability

Location/Target Area

Street Address: City-Wide
City, State, Zipcode: Temple, TX 76501

Objective Number SL-1(1)	Project ID
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)
Type of Recipient Non Profit	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013
Performance Indicator Persons Served	Annual Units 65
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$10,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$10,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Public Services

Project Title

Family Promise of East Bell County

Description

Family Promise of East Bell County will provide shelter to homeless families and connect them with the needed services to assist them obtain employment and permanent housing and empower them to become independent and self-sufficient individuals once more and a productive member of society.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☒ Affordability ☐ Sustainability

Location/Target Area

Street Address: **1018 East Avenue A**
City, State, Zipcode: **Temple, TX 76501**

Objective Number SL-2(1)	Project ID
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)
Type of Recipient Non Profit	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013
Performance Indicator Families Served	Annual Units 21
Local ID	Units Upon Completion

Funding Sources:

CDBG	\$15,000
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	\$15,000

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name **City of Temple**

Priority Need

Public Services

Project Title

HCCAA Meals on Wheels

Description

Hill Country Community Action Association (HCCAA) will provide home delivered meals to eligible elderly and disabled homebound Temple residents.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area

Street Address: **City-Wide**
City, State, Zipcode: **Temple, TX 76501**

Objective Number SL-2(1)	Project ID	Funding Sources: CDBG \$14,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total \$14,000
HUD Matrix Code 05 Public Services	CDBG Citation 570.201(e)	
Type of Recipient Non Profit	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 10/01/2012	Completion Date (mm/dd/yyyy) 09/30/2013	
Performance Indicator Persons Served	Annual Units 290	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

- ☐ This certification does not apply.
☒ This certification is applicable.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted –
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

- | |
|---|
| <input type="checkbox"/> This certification does not apply. |
| <input checked="" type="checkbox"/> This certification is applicable. |

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. Maximum Feasible Priority - With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. Overall Benefit - The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2010, 2011, 2012, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. Special Assessments - It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

- ☒ This certification does not apply.
☐ This certification is applicable.

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- ☒ **This certification does not apply.**
☐ **This certification is applicable.**

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- ☒ This certification does not apply.
☐ This certification is applicable.

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- | |
|---|
| <input checked="checked" type="checkbox"/> This certification does not apply.
<input type="checkbox"/> This certification is applicable. |
|---|

ESG Certifications

I, _____, Chief Executive Officer of Jurisdiction, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
2. The building standards requirement of 24 *CFR* 576.55.
3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.
10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

authorities as specified in 24 *CFR* Part 58.

11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

Signature/Authorized Official

Date

Name

Title

Address

City/State/Zip

Telephone Number

- ☐ This certification does not apply.
☒ This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City Hall	2 North Main St.	Temple	Bell	TX	76501

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan

Signature/Authorized Official

Date

David Blackburn

Name

City Manager

Title

2 North Main Street

Address

Temple, TX 76501

City/State/Zip

254-298-5600

Telephone Number

**2012-2013 PUBLIC SERVICE AGENCIES
CDBG FUNDING RECOMMENDATIONS**

PSA Applicant	Reason for Request	Requested Amount	CSAB Recommended Amount	Staff Recommended Amount
Bell County Human Services / Temple HELP Center	Transition from Welfare to Work Issues: Child care Workforce Preparation	\$15,000 \$10,000	\$15,000	\$15,000
Families in Crisis	Transition from Welfare to Work Issues: Skills Training (Salaries & Wages, fringe benefits)	\$20,000	\$10,000	\$10,000
Family Promise of East Bell County, Inc.	Transition from Welfare to Work Issues: Transportation, Skills Training (Salaries & Wages, fringe benefits)	\$15,000	\$15,000	\$15,000
Hill Country Community Action Associations, Inc. / Temple Nutrition Program	Elderly: Self-sufficiency programs (Salaries & wages/fringe benefits)	\$15,000	\$14,000	\$14,000
Central Texas 4C	Transition from Welfare to Work Issues: Child care	\$2,500	\$0	\$0
Aware Central Texas	Youth: Self-sufficiency, Mentoring (Salaries & wages/fringe benefits)	\$5,000	\$0	\$0
	Total	\$82,500	\$54,000	\$54,000

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding

March 21, 2012
3:30 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Nancy Etzel	Rev. Roscoe Harrison
Patsy Cofer	Dee Blackwell
Florencio Olivares	

BOARD MEMBERS ABSENT

Chair Melissa Bragg	Co-Chair Lamar Collins
Ashleigh Pettijohn	Temikia Brown

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 16, 2012, at 9:15 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Rev. Harrison noted that the current Chair and Vice-Chair were not present and called the Community Services Advisory Board to order at 3:39 p. m.

2. Elect Chair and Vice-Chair

Rev. Harrison opened the floor for discussion and nominations for new Chair and Vice-Chair and nominated Lamar Collins for Chair, in absentia.

Ms. Cofer seconded the nomination.

Rev. Harrison nominated Florencio Olivares for Vice-Chair and Ms. Cofer seconded the nomination.

Both nominations carried by a unanimous vote.

3. Receive Comments from the Public

Rev. Harrison noted that no guests from the public were in attendance.

4. Receive Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2012 Program Year

Each board member confirmed receipt of a PSA applicant packet binder and there was open discussion of the total 2012 CDBG funding amount allocated for public service agencies, \$54,000, compared to the total amount of \$82,500 requested by the public service agencies. Ms. Blackwell asked if this was an estimated funded amount but Ms. Whitley noted that this was the final 2012 CDBG funding amount from HUD.

There was open discussion about the types of activities proposed, the corresponding administrative expenses and which agencies the board wished to interview.

Rev. Harrison spoke about Aware Central Texas and Families in Crisis and the need for both of these programs in this area because we rank so high in domestic violence and child abuse. He added that all the agencies are worthy and all provide needed services, but that funding is more limited than ever and that Aware Central Texas does get some private funding and have been successful in funding development.

Rev. Harrison noted that Family Promise was requesting funding and is getting back up and running after funding problems caused the agency to suspend their program for several months.

Ms. Cofer confirmed that she was aware that the new director for Family Promise was Michael Bergman and that he had done a wonderful job at Helping Hands in Belton and left that position to join Family Promise to help make sure the program continued.

6. Schedule Upcoming Board Meetings

There was open discussion about scheduling of the upcoming meetings and the PSA interviews. All agreed to schedule the next CSAB meeting for Wednesday, March 28th, at 3:00 with PSA interviews starting at 3:30 to allow discussion time before conducting the interviews. All agreed to initially interview the following agencies:

HELP Center
Families in Crisis
Hill Country Community Action
Family Promise

All members agreed that more interviews can be scheduled later if deemed necessary after more discussion by the Board.

The following meeting dates and times were confirmed with all members present:

March 28th, 3:00, in the 3rd floor meeting room, with interviews beginning at 3:30, allowing 20 minutes for each agency.

April 4th, 3:30, in the 1st floor meeting room for further discussion for funding recommendations and scheduling of any other meetings, if needed.

7. Adjournment

Vice-Chair Olivares opened the floor for any other items of business to discuss.

There being no further discussion, Vice-Chair Olivares adjourned the meeting at 3:52 p.m.

Respectfully submitted,

Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding
March 28, 2012
3:00 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Vice-Chair Florencio Olivares	Patsy Cofer
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Temikia Brown

BOARD MEMBERS ABSENT

Melissa Bragg	Ashleigh Pettijohn
Chair Lamar Collins	

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

See Attached Attendance List

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 23, 2012, at 4:45 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Vice-Chair Olivares called the Community Services Advisory Board to order at 3:15 p. m.

2. Receive Comments from the Public

Vice-Chair Olivares noted that no guests from the public were in attendance.

3. Review Public Service Agencies' (PSA) applications for Community Development Block Grant (CDBG) 2012 Program Year

Vice-Chair Olivares opened the floor for discussion of the PSA applications.

There was open discussion about the amount available, \$54,000 versus the total amount requested, \$82,500, and the types of services requesting funding.

Ms. Blackwell noted that the HELP Center was again requesting funding for 2 activities, \$15,000 for Child Care and \$10,000 for Workforce Preparation and that both were funded last year.

Ms. Cofer added that the Child Care program will have a 2 to 1 dollar match as last year.

Ms. Etzel recapped the financial information and other funding sources for Family Promise.

Rev. Harrison added that Family Promise is just getting off the ground again after being closed for several months. Mike Bergman, who was previously running Helping Hands in Belton, has now taken over the Family Promise program. They are going to need all the help they can get because they are supported by volunteer services from the churches and that Mr. Bergman was currently the only paid staff.

Ms. Cofer confirmed that Mr. Bergman had done amazing things for Helping Hands and had taken a substantial cut in pay to administer Family Promise.

Ms. Blackwell added that Family Promise was requesting \$15,000 for a part-time Case Manager. She also noted that they had not received the Carpenter Grant last year and had applied for the grant this year but were not expecting to receive it this year either.

Ms. Cofer added that she has previously worked with Mr. Bergman and that he is passionate about transitioning people from welfare to work.

There was open discussion about the applications from Aware Central Texas, Central TX 4C and the HELP Center.

The Board then moved on with the first agency interview.

4. Interview (PSA) Applicants for (CDBG) 2012 Program Year.

HELP CENTER:

Esther Roque, Becky Howard and Rhonda Montgomery, Bell County Human Services Temple HELP Center, were the first applicants interviewed.

Ms. Roque stated that the HELP Center was originally a part of MHMR because they wanted to provide some outreach programs to minority and low income groups and they had federal funds for that purpose. When those federal funds went away the HELP Center became a department of Bell County. They provide information, referral and emergency financial assistance and other community based programs; try to find any assistance gaps there might be, advocacy and looking at the needs in the community and how to fill that need without duplication of services. The funds they get from CDBG are used toward child care and this current year they also received funding to help with work related items to help clients become self-sufficient. In 2010-2011 with the CDBG funds they received, they were able to assist 15,051 childcare services. They work closely with the Texas Workforce Commission and they receive matching funds and people are able to get affordable safe childcare services for their children. These funds are used to pay for the child care services until they can be enrolled with TWC for child care and this allows the parents to go to work or school immediately and not have to wait for TWC enrollment. During that same time period they also assisted 245 people with work boots to allow them to go to work. 31 people have already been assisted in the first quarter of the current year and she expects to meet or exceed the 2010-2011 total served. They get a lot of referrals from the VA and the Central TX Alcohol & Drug Rehab, and those folks don't have any money to purchase work boots or other items needed to go back to work.

Ms. Howard spoke about the education component of the HELP Center, which has picked up a lot over the past year probably due to the economy. People are struggling, have lost their jobs and gone through hard times. They have seen a lot of people come in that need GED to obtain a job. They help them through the whole process to make sure they have what they need to have a successful outcome to allow that person to

reach their education goals. They have helped 13-15 people in the first quarter so far. They currently work in partnership with Temple College for the GED course. Temple College offers the GED preparation course and the HELP Center requires that individuals take the prep course before they pay any funds to take the test because they want to make sure that the client will be successful in passing the test. They also work with ANH Nursing Aid Training in Temple.

Ms. Blackwell asked what the match rate was for the child care funding.

Ms. Roque confirmed that the match for TWC clients is 2 for 1.

Ms. Cofer asked how long they usually pay for child care before the TWC enrollment.

Ms. Roque stated that is usually about 1 1/2 to 2 months.

Ms. Blackwell asked if there was a particular child care agency that was used or was it the family's choice.

Ms. Roque confirmed that it was the family's choice. She added that TWC does all the eligibility documentation to make sure they are income eligible.

Ms. Etzel discussed other funding available to the HELP Center and that most were down from the previous year. Ms. Roque added that some of those funds are limited as to use. Ms. Montgomery added that they were left out of some federal funding because the Bell County unemployment rate wasn't low enough.

There was open discussion about income eligibility, people living on the very-low income allowed amount of \$11,000 per year. Ms. Roque gave an example of an elderly couple that was \$2 over the eligible income amount.

There open discussion about the workforce preparation/education program and types of assistance provided, the importance of follow-up and the value of success at each step of the process.

Ms. Brown asked how potential clients qualify for assistance from the HELP Center.

Ms. Roque stated that for child care assistance the client has to apply at the TWC and meet all of their guidelines and if TWC has closed enrollment they will refer that client to the HELP Center. The Help Center will send a referral ok to TWC. If they are income eligible with TWC and Child Care Services (CCS), they are also eligible for CDBG.

Ms. Howard confirmed that they have to be income eligible for education assistance also. The HELP Center has an intake form to determine eligibility under the same income guidelines as with child care.

Vice-Chair Olivares asked who the case workers report to on the follow-up on clients receiving education assistance.

Ms. Howard confirmed that they report to her and they record any activity on the client and all notes are a part of the permanent client file and this enables them to track each client's progress.

Ms. Brown had an ongoing discussion with Ms. Howard about the success rate of the education component of the program; that each client sets goals and their progress is tracked until those goals are met and that the number of clients applying for this assistance is growing each year. They also see parents that have gotten a GED through this program and later bring their children to use the same program. Ms. Howard gave an

example of a client who was walking to and from school because she did not have a car. The school told her that she should drop out. She was working part-time also and walking to school to try to make something of herself and they were able to assist her to get back in school.

Ms. Roque added that when the client applies for one component, the HELP Center is able to determine other needs that can be assisted also.

FAMILIES IN CRISIS

William K. Hall, Director of Operations, Families in Crisis (FIC) was next to be interviewed. FIC provides a domestic violence and sexual assault shelter here in Temple. They have a shelter that houses 15 clients located downtown and they also have a program that just started here to house 7 clients in transitional housing for up to 24 months. That program started in January of this year. They had their first family move in in February. This transitional housing program was funded with a HUD grant for \$330,000 for Temple. This gives them a more comprehensive avenue for care and support for their families to get them back on their feet, become self-sufficient and give the client a long staying time for constant work with FIC to hopefully get them completely self-sufficient and on their own.

Last year in the Temple shelter they served 149 families with 3,965 bed nights; responded to Scott & White with their sexual assault team to 193 sexual assaults and 152 people were assisted with their outreach program. Last year was a very busy year and both shelters in Killen and Temple were over capacity. In Temple they can house 15 but they actually served 22 and in Killeen they can house 65 but actually assisted 85. They expect it not to be so busy this year and hope not to max out the facilities. The transitional housing should help with that.

Ms. Etzel asked if Ft. Hood worked with them and sent clients to them.

Mr. Hall confirmed that if the client needs shelter Ft. Hood does refer them to FIC and they have a good working relationship with Ft. Hood. Ft Hood does there own intervention and prevention but if shelter is needed they are referred to FIC and they receive limited funding from Ft. Hood based on the number of incidents reported. They must receive permission from the client to report to Ft. Hood and some clients will choose not to report.

Ms. Blackwell asked if the funds requested are for the Temple shelter only.

Mr. Hall confirmed that the funds being requested are to partially fund 2 crisis intervention people at the Temple shelter only.

Ms. Blackwell asked if these positions will be working on the transition housing program also.

Mr. Hall said that they would not. The crisis intervention people are at the shelter 24 hours a day to meet the needs of the client through client intake and the 24 hour hot line. The housing program has a separate case manager that is specifically assigned to Temple.

There was open discussion with Mr. Hall about the transitional housing program, partnership with other local agencies to provide different client needs, working with TWC to assist the client with employment, the use of rental units throughout the city, the 24 month maximum client participation, getting the client established in a housing unit and allowing them to remain in that unit when they are able, comprehensive client counseling, the staggered dollar amount that is paid by the client so that eventually the client is paying the full rent amount, making sure the client has all of the social services available before they go to transitional housing, how the transitional housing program will be of great assistance to shelter clients.

Ms. Brown asked that he is requesting CDBG funding for 2 crisis intervention specialists to provide the 24 hour advocacy and in shelter services.

Mr. Hall confirmed that was the case.

Ms. Blackwell asked how many crisis intervention specialists were at the Temple Shelter.

Mr. Hall confirmed that there were 4 crisis intervention specialists in the Temple shelter to provide 24 hour coverage.

HILL COUNTRY COMMUNITY ACTION ASSOCIATION (HCCAA) – (Meals on Wheels)

Ms. Lewann Turner, HCCAA, was the next applicant to be interviewed.

HCCAA operates the Senior Nutrition Program (Meals on Wheels) in Temple and are requesting funding from CDBG of \$15,000. The funds will be used for salary and fringe for 2 employees to prepare and deliver meals to the homebound seniors and persons with disabilities. They are estimating to deliver a total of 45,536 meals to 290 clients this year. That is an increase from last year. They have had funding issues this year and with the increasing fuel costs and food costs, it is a real challenge to provide the meals needed, Without CDBG funding they would have to cut back on the amount of people they serve.

Ms. Brown asked about the difference in Title 3 and Title 10 meals.

Ms. Turner confirmed that Title 3 meals are funded by the Area Agency on Aging and Title 10 meals are the Department of Disabled Services (DADS). With Title 3 they can serve persons 60 years and older and Title 10 funds can serve disabled homebound people of any age. HCCAA does the client eligibility assessment on the Title 3 clients but DADS does their own client assessment and refers the client to HCCAA.

Ms. Cofer asked if they had an increase in funding from United Way.

Ms. Turner confirmed that they had.

Ms. Turner stated that HCCAA has 9 paid staff that deliver meals and the rest are volunteers. Often this meal delivery is the only contact the client will have all day. They have had instances where the delivery staff will find a client that is injured, sick or doesn't answer the door. The delivery staff calls the office, who calls the home and then the emergency contact on file. If they can't reach the emergency contact, they call the police who go to check on the client. There have been several times where the resident had fallen and was in need of emergency assistance. They have saved lives with this service. They have wonderful volunteers. They could not serve the number of clients that they serve without the efforts of the volunteers.

Ms. Brown asked how many meals are delivered per day to each client.

Ms. Turner stated that they deliver 1 hot noon meal Monday through Friday to clients on approximately 13 different routes.

Ms. Turner discussed some personnel changes that have taken place and the move to a different location at 15 N. 2nd and the good success with the transitions.

Rev. Harrison discussed the importance of this service and that the clients are so happy for that human contact daily. This is the only human contact that most of the clients have.

Ms. Turner agreed that it was hard of the delivery staff to complete their delivery routes in the time required because most of the clients want more time with them. They have a time requirement for delivery of the hot meal and that doesn't allow much time for social interaction with the client.

FAMILY PROMISE

Mike Bergman of Family Promise was the next to be interviewed. Family Promise began in 2003-04 in terms of coming into being as a result of CareNet that meets in the Temple-Belton Area. Concerns came up in regard specifically of families that are homeless and what was available to help them. In reality there wasn't anything for families. What services that have been available was for individuals at facilities with a men's section and a women's section which caused young children to be separated from their parent which was of great concern. A committee was formed to look into solutions here in Bell county and they became aware of the Family Promise model of utilizing local church congregations, whose buildings often are empty all week long, as a place where these families could sleep and receive meals from the church and then have a day center at another location where they do showering, laundry and that sort of thing and also receive case management and help them get over some of the issues that contributed to the homelessness. Also to help them find resources for employment and housing to help them get back on their feet and hopefully not repeat that kind of situation, with some follow up months after they have finished the program. From this model local churches formed Family Promise and began serving homeless families in Temple.

In April, 2011, Family Promise suspended their program and Mr. Bergman discussed his feeling of the importance of the Family Promise program and how he came on board with Family Promise to re-activate the program. Family Promise re-opened on Jan 15, 2012 and they have their 6th family actively involved in the program since that date. They have had 3 families in and out of the program and they currently have 3 families enrolled in the program, one of those is a family of 6 that they expect to leave the program next week. One of the most burdensome of his tasks is the number of families that are out there that need assistance. He currently has intake files on 27 families with 57 individuals that are unresolved as far as whether they have a place to be or not.

Ms. Blackwell asked if a client must be a family configuration.

Mr. Bergman confirmed that it must be a parent and at least 1 child. That can be a pregnant mother but he first establishes that Our Lady of Angels facility does not have space for them. They are much better equipped to handle that kind of case.

Ms. Blackwell asked how they were contacted by potential clients.

Ms. Bergman said that calls to 211 are referred to them and the local school districts are very good at identifying problems and will call him. There are also referrals from Scott & White hospital. They come in different ways. Some find them on the internet and are self referred. Other service agencies also make referrals.

Ms. Blackwell asked how many churches were involved with the program.

Mr. Bergman said there were 9 host churches & 6 support churches. There have been churches that say they have room but do not have enough people to do all the things that the volunteers have to do during the week. The most difficult place to fill are the hours from 8:00 at night until 6:00 in the morning while families sleep at the church. They do not have the families in the churches without someone there that is

responsible to take care of any emergency that might arise during the nights and to be certain that everyone is doing what they are supposed to be doing.

Ms. Williams asked if this was 7 days a week.

Mr. Bergman confirmed that it was and that it was a big commitment by the congregations.

Rev. Harrison stated that we have an inordinate amount of homeless people in Bell County with more in Belton than in Temple.

Mr. Bergman agreed & added that Belton schools last year identified 353 children in their schools that were in homeless circumstances. Temple identified 180. He has contact with all local school districts and the problem is county wide. When a client is enrolled in the Family Promise program it can involve relocation and the decision is made if it is in the best interest of the child to remain at his current school. The schools are required to provide transportation from the Family Promise shelter to school so students can remain in the same classes they were in. It calls for a lot of coordination but it is a wonderful way to be able to have some measure of stability.

Mr. Bergman added that they are very careful with their client screening. They do not deal with active alcohol or drug issues. There are programs that are intended for that use. If they have someone that has significant mental health issues it is probable that they will not qualify their program. Clients are made to understand that a sure way to be removed from the program is to create chaos. Any raising of the voice, intimating another guest or a volunteer or any of the staff and they are out of the program in 2 hours. Safety and security of everyone involved in the program must be assured. The clients need as much serenity and calm as they can get in this very difficult time in their lives. One of the great things about working with the churches is that the church volunteers are very loving with the clients, especially the children and he is grateful to be a part of the program.

Rev. Harrison complemented Mr. Bergman on the great job he did at Helping Hands and is sure he will do a good job with Family Promise.

Mr. Bergman stated that he has dreams for this program. They currently have 9 host churches but they need 13. He has 3 that are on the edge of coming into the program but long term they should have 26 churches and 2 rotations taking 8 families at a time instead of 4.

Ms. Cofer asked about the recruitment program to bring in new churches.

Ms. Bergman stated that he is currently handling all recruitment. He has some good materials and he has good responses so far when he does get to visit with people when they see what this program can do and they want to be a part of it.

Ms. Etzel asked if they have churches across all faiths.

Mr. Bergman confirmed that they did and listed some of the different denominations that were involved.

Ms. Williams noted that he was requesting funding for a part-time Case Manager salary and asked what the Case Manager would be responsible for.

Mr. Bergman stated that the Case Manager would assist with client intake and evaluation process. He currently has 2 volunteers that are helping but. The Case Manager will meet with the families to develop a

plan of what has to be done to resolve the existing problems and connect them with resources that they are available to them. The facility address becomes the client's permanent address while they are there and the Case Manager helps with the transition. They meet with the family on a weekly basis to assess and review their progress. He noted that the one of the big things to deal with is the financial status of the agency and the past difficulties. They have to work lean and it will just have to be him and he has a lot of work to do cultivating financial support from the community. He prefers not to get a lot of funding from government agencies but would much rather have enough support from the community because this community sees the value of what they are doing and they want this to happen and are going to make it happen. He feels that there should be enough local support so that federal funds would not be needed.

Rev. Harrison stated that we would not need a welfare system if the churches would take care of the community.

Mr. Bergman confirmed that the churches could do it and should do it.

Ms. Cofer asked about the Carpenter grant and the probability of receiving.

Mr. Bergman confirmed that he had applied for the grant. The grant was denied last year and there are some issues to resolve to receive the grant again. He has asked for funds to help operate the van and replace it when needed and for some money to match the savings that clients put aside while they are in the program. It is an aspect of their program, if a client has any income coming in, they look at things that have to be paid for the family to stay out of trouble, then 80% of what is left is put in a fund to build up savings to help with the family's transition expenses.

Ms. Williams asked if those issues to be addressed were related to the fact that the agency went out of play before.

Mr. Bergman confirmed that was true. He is mending fences and doing a lot of reassuring that things will be done differently. Any funds that are requested are for very specific purposes and that is all the money will be spent for.

Ms. Cofer asked about the United Way request and what it is for.

Mr. Bergman said it was for general operating expenses. The request has been accepted but United Way did not meet their goal this year. He is confident they will receive some funding but he does not know how much. He added that he had attended a United Way sponsored training on grant writing that was very helpful to him.

Ms. Cofer and Rev. Harrison both stated that Mr. Bergman had great success with Helping Hands and was very able to address any past issues Family Promise may have had and move the program forward.

5. Confirm next scheduled meeting to discuss PSA applicants and make final recommendations to Council for the CDBG 2012 Program Year.

Ms. Whitley reminded members that the next meeting was scheduled for Wednesday, April 4th, at 3:30.

Ms. Cofer called for more discussion to decide if they need to interview Aware Central Texas and Central TX 4C.

Ms. Blackwell stated that her feeling is that they have more need that they have funding and would like to focus on the agencies interviewed.

Rev. Harrison agreed and stated that 4C gets lots of other funding.

Ms. Blackwell added that playgrounds are important but they are talking about homeless families, sexual assault and basic services for the elderly and disabled.

Ms. Williams agrees that with the little amount of money we have it should go to provide basic essential services.

Ms. Etzel also feels that the some of the services provided by Aware Central Texas are also available from other agencies.

All members agreed that they would not interview ACT or 4C.

Ms. Blackwell asked about the administrative costs involved with the boot purchase program provided by the HELP Center.

Ms. Whitley stated that her administrative costs are basically the same regardless of the service provided by the agency and that a lot of the extra admin costs are at the agency level.

6. Adjournment

There being no further questions or items for discussion, Vice-Chair Olivares adjourned the meeting at 5:20 p.m.

Respectfully submitted,
Lois Whitley

COMMUNITY SERVICES ADVISORY BOARD
Community Development Block Grant
Public Service Agency Funding

April 4, 2012
3:30 P. M.

COMMUNITY SERVICES ADVISORY BOARD MEMBERS PRESENT

Vice-Chair Florencio Olivares	Patsy Cofer
Rev. Roscoe Harrison	Nancie Etzel
Dee Blackwell	Tamikia Brown

BOARD MEMBERS ABSENT

Lamar Collins	Ashleigh Pettijohn
Melissa Bragg	

STAFF PRESENT

Lois Whitley, City of Temple

GUESTS PRESENT

None

The agenda for this meeting was posted on the bulletin board at the Municipal Building, March 30, 2012, at 10 a.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

1. Call to Order

Vice-Chair Olivares called the Community Services Advisory Board to order at 3:35 p. m.

2. Receive Comments from the Public

Vice-Chair Olivares noted that no guests from the public were in attendance at this time.

3. Review Public Service Agencies (PSA) Applications for Community Development Block Grant (CDBG) 2012 Program Year.

Vice-Chair Olivares opened the floor for discussion of agencies and amounts to be funded.

Ms. Blackwell stated that with the limited amount of funds available she wanted to fund basic needs and would fund the agencies as follows:

HELP Center	\$15,000
FIC	\$10,000
HCCAA	\$14,000
Family Promise	\$15,000

She believes in all four of these agencies and that they are all working hard to provide services and need any support they can get. She was won over by Mr. Bergman with Family Promise and she fully supports him and wants to volunteer to help with the program. The HELP Center gets matching funds for their childcare program and it makes these funds go further.

All members agreed that they also want to fully fund that program Family Promise.

Rev. Harrison stated that he recently had a conversation with the Mayor about the reduced funds being received from CDBG and that with the funds reduced to this level the City Council could probably do without the CSAB committee that takes up a lot of our time.

Rev. Harrison said that he agrees with the funding amounts as suggested by Ms. Harrison.

Mrs. Cofer agreed with the amounts for HELP Center and Family Promise but suggested \$12,000 each for FIC and HCCAA. She feels that HCCAA could work harder to recruit volunteer drivers.

Ms. Etzel agreed with Ms. Blackwell's funding recommendations.

Vice-Chair Olivares agreed with Ms. Blackwell's funding recommendations

Ms. Brown recommended:

HELP Center	\$12,000
FIC	\$12,000
HCCAA	\$15,000
Family Promise	\$15,000

Ms. Cofer stated that she would agree give \$10,000 for FIC and \$14,000 for HCAA ad Ms. Blackwell suggested.

Rev. Harrison asked, as they consider these funding requests, that the members keep in mind what other funding sources are available to each agency.

There was open discussion about the different funding amounts and the services provided.

Ms. Cofer discussed the matching funds available for the HELP Center child care program.

Ms. Brown said she would stand with her funding recommendations.

There being no objections or requests for further discussion of these recommendations, Ms. Blackwell made a motion to approve the funding amounts as listed.

Ms. Cofer seconded the motion.

Ms. Whitley asked all in favor of the funding recommendations as follows:

HELP Center-Childcare	\$15,000
FIC	\$10,000
HCCAA	\$14,000
Family Promise	\$15,000

Signify by saying Aye: 4 members voted aye

All opposed signify my saying Nay: 1 member voted nay.

The motion carried 4 to 1 to recommend funding as listed.

Ms. Blackwell asked if these recommendations would go to the Council on May 3rd.

Ms. Whitley confirmed that it was scheduled for the May 3rd meeting but may be pushed back to June. She stated that she would send an e-mail letting the members know when the recommendations would be presented to Council and encouraged board members to attend.

Rev. Harrison reminded members that this was just a recommendation and that final funding would be determined by the City Council.

5. Adjournment

There being no further questions or items for discussion, Vice-Chair Olivares adjourned the meeting at 4:10 p.m.

Respectfully submitted,

Lois Whitley

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2012-2013 ANNUAL ACTION PLAN AND BUDGET, INCLUDING THE
FUNDING RECOMMENDATIONS FOR PUBLIC SERVICE AGENCIES FROM
THE COMMUNITY SERVICES ADVISORY BOARD; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, a public hearing was held on July 19, 2012, to receive public comment on the proposed 2012-2013 Action Plan and CDBG budget;

Whereas, the Community Services Advisory Board has reviewed and carefully considered all requests for funding public service agencies and has submitted a recommendation to the City Council; and

Whereas, the City Council has considered the matter and deems it in the public interest to adopt the 2012-2013 Action Plan and Community Development Block Grant (CDBG) budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.

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

Part 1: The City Council adopts the 2012-2013 Action Plan and Community Development Block Grant (CDBG) budget (Exhibit A), including the recommendations for public service agencies from the Community Services Advisory Board (Exhibit B), copies of which are 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 **19th** day of **July**, 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

07/19/12
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) July 5, 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:

[July 5, 2012 Special Called and Regular Meeting](#)

TEMPLE CITY COUNCIL

JULY 5, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 5, 2012 at 3:30 pm, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

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

Absent:

Councilmember Russell Schneider

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 5, 2012.**

No regular agenda items were discussed.

- 2. Discuss the proposed FY 2012-2013 budget and related issue, to include the various strategic and budget related policy issues.**

David Blackburn, City Manager gave a presentation to the Council. He reviewed the budget calendar, 'fence posts' and strategic plan, funds overview and budget highlights. He added that after August 2nd briefing, he would be in response mode.

Traci Barnard stated the certified tax roll will be received July 13, 2012.

Mayor Jones commented on several budget dates. He mentioned the focus on July 12, 2012 will be Streets CIP; and Friday, August 10, 2012 for tax rate adoption.

Mr. Blackburn stated the fence post for FY 2013 are to maintain fiscal soundness, maintain core services, focus on people and to align strategic, financial and tactical plans. He reviewed the combined statement of sources and use of funds; and stated his focus today would be on General Fund and Water & Wastewater Fund. The overall revenues are projected to increase 3.77% from FY12 and the overall expenses are projected to increase 1.88% from FY12. In order to maintain the fiscal soundness we have to have a consistent policy for use of unreserved fund balance. The FY13 budget proposes we use this to fund \$773,400 in capital expenditures, \$100,000 in strategic investment zone incentives, and \$400,000 in economic development matrix funding.

Next, Mr. Blackburn discussed the issue of Police services. Current CID (Criminal Investigation Division) staffing has remained constant for over a decade. There are over 1,500 cases that are backlogged. Our objective is to solve those crimes and in order to accomplish this we need to get have the cases assigned, assessed and worked by a detective 100%, which is a key performance metric. The FY2013 budget recommends we add two officers to CID as part of a multi-year plan. Mr. Blackburn also added that patrol is the 'backbone' to any police department, as they are the primary responders for calls for service. At this time there are 56 officers (43% of our force) assigned to patrol. He stated the metric from his perspective is the response time to priority 1 calls; and responding to them in no more than 5 minutes 90% of the time. This formula will help us to determine how many officers we need. This is a multi-year plan that will be assessed and analyzed over the next year.

Next, Mr. Blackburn discussed Fire and EMS Services. Currently, the Temple Fire Department averages more than 10,000 fire and EMS calls per year; with a majority of those calls to be EMS. In FY12, the City opened Station 8 with required minimum staffing, resulting in a significant increase in overtime costs. Mr. Blackburn stated his recommendation is to add three firefighter "rover" position. This will be assessed over the year, as the department has expressed concerns.

Next, he discussed improving infrastructure and public works. This year we had two significant reports to use during this process, the Pavement Condition Assessment (PCA)(2010) and the Temple Mobility Report (TMR) (2012). These report identified transportation needs totaling more than \$230,000,000; as well as the need for comprehensive planning and approach to better address the community expectations with regard to the need for a multi-modal approach. The FY13 recommended approach is a multi-modal/ multi-year approach as this is Transportation CIP is much broader than years past. Mr. Blackburn stated the recommended project list is \$57.4M and is based on three areas of focus - reconstruction, capacity/ connectivity, and signalization & maintenance projects. The last street general obligation bond was in 1996.

Mr. Blackburn in order to pay for the program services in public safety and transportation, we implement a 2.25 cent tax rate increase. He also added that in 2001, the tax rate was greater than our proposed FY13 rate.

Mr. Blackburn discussed the Water & Sewer. He noted that 1/2 of our utilities in the ground are more than 1/2 a century old. The City has experience a significant growth over the past decade of approximately 20%. Both of these factors has necessitated an ambitious and needed W&S CIP, in the amount of \$57,000,000 over the past five years. We continue to improve the system, with approximately \$33,645,000 in system improvements recommended over the next five years. It is also

recommended that we review staffing levels and add four additional positions at the WTP in order to better protect the plant and for the safety of personnel working out there. He stated this represents a \$4.00 monthly increase for the average residential water customer which should carry the system until 2017.

Our community continues to grow which has impacted our planning department. The existing staff and resources have manage the work flow well, but there are few areas we could improve such as permits, applications, case management and development monitoring. The FY13 budget proposes adding a Development Coordinator position and new technology. The cost associated with these service level enhancements are to be paid for by permit fee increases, not the tax rate.

Next, Mr. Blackburn discussed the employee compensation. It is recommended that we allow for a 3% base pay adjustment in FY13.

Mayor Pro Tem Dunn stated he would like to visit with Chief Smith regarding CID.

Councilmember Morales added that she would like to have discussions related to Code Enforcement.

Mr. Blackburn stated the FY13 budget does not propose any direct additional resources for Code Enforcement.

Councilmember Morales stated she would like to have an update on the Business Incubator. This is a great asset for our community.

Mayor Pro Tem stated he would like an update on the SIZ program.

Mayor Jones inquired on the expected impact we may see due to taking on the Museum. What will become of the board.

3. Discuss upcoming appointments to the following City boards and commissions:

(A) Parks and Leisure Services Advisory Board - one member to fill unexpired term through March 1, 2015

(B) Temple Public Safety Advisory Board - one member to fill unexpired term through September 1, 2013.

Mayor Jones stated these appointments need to be on the regular agenda for July 19th as well as one for an unexpired term on the TEDC Board.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 5, 2012 at 5:00 PM in the Council Chambers, Municipal Building,

2nd Floor, 2 North Main Street.

Present:

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

Absent:

Councilmember Russell Schneider

I. CALL TO ORDER

1. Invocation

Pastor Jason Hamilton, First United Methodist Church voiced the Invocation.

2. Pledge of Allegiance

Michael Newman, Assistant Director of Public Works/ City Engineer led the Pledge of Allegiance.

II. PUBLIC HEARINGS

3. PUBLIC HEARING - Receive comments and questions concerning the 2011 Drinking Water Quality Report (Consumer Confidence Report).

Nicole Torralva, Director of Public Works presented this item the Council. She stated this is an annual report to the water customers. It is available on the city's web page, and will be placed in the water bills. She also noted that the City continues to have a superior water rating.

Mayor Jones declared the public hearing open with regards to agenda item 3 and asked if anyone wished to address this item. There being none, Mayor Jones declared the public hearing closed.

III. PUBLIC COMMENTS

No one signed up for public comments.

IV. CONSENT AGENDA

4. Consider adopting a resolution approving the Consent Agenda

items and the appropriate resolutions for each of the following:

(A) May 24, 2012 Special Called Meeting

(B) June 7, 2012 Special Called and Regular Meeting

(C) June 18, 2012 Special Called Meeting

(D) June 21, 2012 Special Called and Regular Meeting

(E) 2012-6641-R: Consider adopting a resolution authorizing a professional services agreement with Page-Southerland-Page, LLP, for design and planning services required to develop a Master Plan to guide development within the Bioscience Park in an amount not to exceed \$43,000.

(F) 2012-6642-R: Consider adopting a resolution authorizing a construction contract with Patin Construction LLC of Taylor for the second project of the 2012 Wastewater Line Replacement Project in an amount not to exceed \$1,089,022 which includes the replacement of wastewater lines on Marlandwood Road to Canyon Creek between South 31st Street and Cole Porter.

(G) 2012-6643-R: Consider adopting a resolution authorizing the acceptance by the City from the State of Texas a portion of Shallowford Road near Midway Drive and I-35.

(H) 2012-6644-R: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and ZAP JM Group, Inc., authorizing the sale and development of the property located at 112 North 3rd Street.

(I) 2012-4541: SECOND READING - Consider amending the Code of Ordinances by creating Article II entitled "Post Construction" to Chapter 27, "Storm Water Management" per the City of Temple's Storm Water Management Program and as required by Texas Commission on Environmental Quality.

(J) 2012-6645-R: P-FY-12-22: Consider adopting a resolution authorizing the Final Plat of West Adams Addition, a 1.620 ± acres, 1-lot, 1-block nonresidential subdivision, with developer's requested exception to Section 8.5.1 of the Unified Development Code requiring perimeter street fees, located at the southwest corner of West Adams Avenue and South Kegley Road.

(K) 2012-6646-R: Consider adopting a resolution setting the date,

time and place of public hearings on the proposed FY 2012-2013 budget for August 2, 2012 and August 30, 2012 at 5:00 p.m. in the City Council Chambers.

(L) 2012-6647-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

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

V. REGULAR AGENDA

ORDINANCES

5. FIRST READING - PUBLIC HEARING: Consider adopting ordinances authorizing a rezoning from Agricultural District (AG) to Light Industrial District (LI) on:

(A) 2012-4542: Z-FY-12-46A: 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.

(B) 2012-4543: Z-FY-12-46B: 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.

Kim Foutz, Assistant City Manager presented this item to the Council. The applicant is Lamar Billboards on behalf of AC Boston. Both tracts are currently zoned agricultural and are requested to be zoned Light Industrial. Ms. Foutz added that both properties were annexed a few years ago by the City, and provided photographs of the surrounding area. Currently the three billboards are down, but poles still remain. This request is due to the I-35 expansion. The requester would like to relocate on the properties, and in order to do so, TxDOT requires commercial zoning. The subject property fronts I-35 and the proposed zoning complies with the thoroughfare plan. The subject property does not have utilities on site. Ms. Foutz reviewed the purpose and uses for both Light Industrial and Commercial zoning. This request is for Light Industrial zoning but Staff and P&Z both recommend Commercial. Lamar Billboard supports this change to Commercial, but Staff has not received documentation from Mr. Boston, the property owner. Ms. Foutz stated there were six notice mailed out for tract A with none returned and three

notices were mailed out for tract B with none returned. Staff is recommending the rezone from Agricultural to Commercial in lieu of original request for Light Industrial. Commercial zoning complies better with the proposed use. On June 18, 2012, the Planning and Zoning voted 9/0 in support of Commercial zoning.

Mayor Jones asked if there were any buildings currently on the property that the property owner would not be allowed to replace if needed.

Ms. Foutz stated no.

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

Motion by Councilmember Perry Cloud adopt ordinances, with second and final reading set for July 19, 2012. seconded by Councilmember Judy Morales.

6. **2012-4544: FIRST READING - PUBLIC HEARING - Z-FY-12-47: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.**

Kim Foutz, Assistant City Manager presented this item to the Council. The applicant is Kenny Martin and the property is currently zoned Commercial. Mr. Martin has already begun with renovations to the site which include stone work as part of CUP. The applicant intends to open early July for business. The alcohol sales are pending with this request for a CUP. There will be 178 internal seating as well as 12 bar seats. This site is in compliance with TABC regulations. Ms. Foutz provided photos of the surrounding area, and a site plan for new landscaping. She noted there is more than adequate parking for the site. Ms. Foutz reviewed the CUP criteria for this request. There were five notices mailed out, with one returned in favor and none in opposition. There was a second notice at 300 feet of which four notices were mailed out, with two returned in favor and none in opposition. Staff recommends the CUP as requested and P&Z concurs with vote of 9/0.

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

Motion by Mayor Pro Tem Danny Dunn adopt ordinance, with second and final reading set for July 19, 2012. seconded by Councilmember Judy Morales.

7. **2012-4545: FIRST READING - PUBLIC HEARING - Z-FY-12-49: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to add requirements for Site Plan and establish review procedures and submission standards related to such requirement; clarify language related to requirement for enclosure of Major Vehicle Repair; clarify language related to Access and Circulation standards; add requirement for Curb and Gutter for off-street parking and landscaping; amend required size of subdivision Water and Wastewater Mains; and eliminate developer cost participation requirements on certain streets adjacent to subdivisions.**

Beverly Zendt, Senior Planner presented this item to the Council. She stated there six amendments in this item which will improve and expedite the development and development review process. Ms. Zendt reviewed each amendment proposed. The first one is requiring a site plan be submitted in advance of or concurrently with an application for a building permit or commercial or multi-family project. The next one is modifying language as it relates to major vehicle repairs. The proposed language states vehicles must be conducted within a building. Next, is modification of language to access and circulation. This omits the currently language stating the UDC "serves as an advisory guide"; and proposes it to state "must be utilized". The fourth amendment relates to curb and gutter. The proposed amendment would require curb and gutter 6" in height around the perimeter of a parking area and landscaped parking islands. This allows for an alternative design to be submitted and considered by staff; and excludes areas not accessible and not visible from the public right-of-way or public space. The fifth amendment proposed relates to water mains and wastewater lines. This amendment is in response to stakeholder input and requests. Our current standard is not consistent with previous subdivision wastewater standards which set a 'typical' and not a 'mandatory' standard of 8". This proposed amendment will set a new minimum size requirement for both water and wastewater

mains. The last amendment relates to perimeter street fees. This will eliminate the requirement that developers pay improvements and construction costs for perimeter street adjacent to subdivisions. The developer must still pay all costs for internal streets.

Ms. Zendt stated that P&Z heard this case at its June 18, 2012 and voted 9/0 in favor of the amendments.

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

Mr. Blair Anderson, TABA stated TABA and its stakeholder were in support of the amendments.

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

Motion by Councilmember Judy Morales adopt ordinance, with second reading and final adoption set for July 19, 2012. seconded by Councilmember Perry Cloud.

8. 2012-4546: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

(A) Appropriating \$65,000 to the Friar's Creek Hike and Bike Trail Project and recognizing \$65,000 in revenue from additional property taxes received in FY 2012.

(B) Appropriating \$800,000 to the Bioscience Park Service Road and Utility Extensions Project, \$112,840 in FY 2012 and \$687,160 in FY 2013; recognizing \$112,840 in revenue from additional property taxes received in FY 2012; recognizing \$400,000 in revenue from developer's contribution and reallocating funds from Pepper Creek Trail Extension in the amount of \$287,160 in FY 2013.

(C) Appropriating \$30,250 to professional services and recognizing \$30,250 in revenue from contributions from Temple Economic Development Corporation of \$10,000 and from Bioscience District of \$20,250 in FY 2012.

Traci Barnard, Director of Finance presented this item to the Council. Ms. Barnard provided a summary of the different funding sources for the amendments.

Mr. David Patrick, Kasberg, Patrick and Associates provided a brief summary for each amendment to Council.

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

Motion by Mayor Pro Tem Danny Dunn adopt ordinance, with second reading and final adoption set for July 19, 2012. seconded by Councilmember Perry Cloud.

9. 2012-4547: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending the Drainage Criteria and Design Manual by replacing Section 9 "Sediment and Erosion Control," with a revised section titled "Storm Water Best Management Practices."

Michael Newman, PE, CFM, Assistant Director of Public Works/ City Engineer presented this item to the Council. This is a technical criteria manual that supports several chapters within the City Code. Since we've adopted the Post Construction Ordinance, we need revise this manual to include permanent water features. Staff has received a letter of support for TABA and recommends approval.

Mayor Jones declared the public hearing open with regards to agenda item 9 and asked if anyone wished to address this item.

Mr. Blair Anderson, TABA representative stated that they support this change to the ordinance.

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

Motion by Councilmember Perry Cloud adopt ordinance, with second reading and final adoption set for July 19, 2012. seconded by Councilmember Judy Morales.

RESOLUTIONS

10. 2012-6648-R: P-FY-12-24: Consider adopting a resolution authorizing the Final Plat of Sommer Estates, a 10.00 acres ±, 2 -lot, 1-block residential subdivision, with developer's requested exceptions to Sections 8.1.3 and 8.2.7 of the Unified Development Code requiring fire hydrants and Section 8.3.2 of the Unified Development Code requiring a

payment of park fees or park land dedication, located at the northwest corner of Luther Curtis Road and Franklin Road, in Temple's northern Extraterritorial Jurisdiction.

Autumn Speer, Planning Director presented this item to the Council. This property is located within our ETJ. Staff does recommend approval of the requested exceptions. The Development Review Committee reviewed this request and deemed it complete at its June 6, 2012. Pendleton Water Supply is the supplier for this area, and does not have capacity to support hydrants. Troy Volunteer Fire Department is the responder for this property. Ms. Speer noted the required park fees, if required, will be \$450. Planning and Zoning heard this request at its June 18, 2012 meeting recommend approval.

Motion by Mayor Pro Tem Danny Dunn adopt resolution seconded by Councilmember Judy Morales.

- 11. 2012-6649-R: Z-FY-12-48: Consider adopting resolution authorizing an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for improvements to an existing vehicle sales establishment located at 3207 South General Bruce Drive.**

Beverly Zendt, Senior Planner presented this item to the Council. The applicant for this request is Mac Haik Dodge. Ms. Zendt provided Council with photographs of the site as it is to-date, and noted this property fronts I-35. The request is for proposed remodel which is not related to the I-35 expansion. Ms. Zendt noted this request is for 15,890 sf ft of new and exsisting construction. There will be three building demolished and three will be remain. She reviewed the landscaping and site plans with Council and Staff. The three buildings to be demolished are the exsisting show room, parts and service building and the pre-approved building. The buildings to remain are the Certified Pre-Owned of which stucco will be added; the service bays with screening; and the collision center which is located at the rear of property line. Ms. Zendt stated the applicant will have substantial bermed landscaping along I-35 frontage as well. The proposed improvements value \$2,665,000 and stated all standards will be triggered. The applicant has met many of the required standards, with a few being requested as an appeal. Those items relate to parking, landscaping and architectural design. Ms. Zendt stated that Planning and Zoning heard this case at its June 18, 2012 meeting and recommended approval of the requested appeals and that the applicant store the used tires in an

enclosed space not visible to the adjacent multi-family use and that the applicant provide additional material on the secondary building to meet the I-35 Overlay District Standards of no more than 80% of approved material on the front of the building. The applicant does agree to all the changes recommended by Planning and Zoning. She added that Staff recommends the proposed improvements are in the spirit of the I-35 Overlay District and will contribute positively to the image of the site. Staff recommends approval of the appeal request with the changes recommended by P&Z with one exception, that the applicant provide 50% evergreen trees in the buffer.

Mayor Pro Tem Dunn asked why the applicant didn't want to comply with 50% evergreen trees as recommended by staff.

Tim Rapordy, 3501 Oak Villa Drive stated they felt the substitute would allow for better visibility. As the evergreens age, they could potentially block the view of inventory to customers. We want to meet the required percentage of trees and will work with Staff to make that happen.

Councilmember Cloud stated they could be trimmed back to allow for better visibility.

Mr. Rapordy replied yes, but could become a screen.

Mayor Jones thanked staff for working to make this work for everyone and didn't want to see the 'trees' hold up the process.

Motion by Mayor Pro Tem Danny Dunn adopt resolution as recommended by Staff and Planning and Zoning to allow flexibility on landscaping requirements. seconded by Councilmember Perry Cloud.

William A. Jones, III, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

07/19/12
Item #5(B)
Consent/Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$67,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: This item is to engage the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual audit of the City of Temple. This will be the third year of a five year contract for audit services. The contract will be renewed annually. Staff anticipates the audit will be completed and presented to the Council in February 2013.

Listed below are the cost proposals related to audit services:

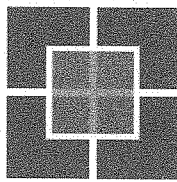
	Fiscal Year Ending	Base Fee
Third Year	2012	\$ 67,200
Fourth Year	2013	68,900
Fifth Year	2014	70,500

Per the Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules.

FISCAL IMPACT: \$67,200 is proposed in the FY 2012-2013 preliminary budget filed on June 29, 2012. The fee for FY 2012 is impacted by the implementation of new GASB pronouncements and new governmental sampling guidelines which will, by definition, increase the audit risk.

ATTACHMENTS:

[Engagement letter](#)
[Resolution](#)



BROCKWAY
GERSBACH
FRANKLIN &
NIEMEIER, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

May 31, 2012

Honorable Mayor and
Members of the City Council
Temple, Texas

We are pleased to confirm our understanding of the services we are to provide the City of Temple, Texas for the year ended September 30, 2012. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of the City of Temple, Texas as of and for the year ended September 30, 2012. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Temple, Texas' basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Temple, Texas' RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedules
3. GASB – Required Supplementary Pension and OPEB Schedules

We have also been engaged to report on the supplementary information other than RSI also accompanies the City of Temple, Texas' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining and Individual Fund Statements and Schedules
2. Schedule of Expenditures of Federal Awards

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on other information.

1. Introductory Section
2. Statistical Data

Honorable Mayor and
Members of the City Council
Temple, Texas
Page two

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U. S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body of individuals charged with governance, others within the entity, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified (unmodified), we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Honorable Mayor and
Members of the City Council
Temple, Texas
Page three

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Temple, Texas and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations, contracts, agreements and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

You are responsible for preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Honorable Mayor and
Members of the City Council
Temple, Texas
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You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Honorable Mayor and
Members of the City Council
Temple, Texas
Page five

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City of Temple, Texas' compliance with provisions applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* and for the types of compliance requirements that could have a direct and material effect on each of City of Temple, Texas' major programs. The purpose of those procedures will be to express an opinion on City of Temple, Texas' compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Honorable Mayor and
Members of the City Council
Temple, Texas
Page six

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Brockway, Gersbach, Franklin & Niemeier, P. C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Brockway, Gersbach, Franklin & Niemeier, P. C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the City. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Honorable Mayor and
Members of the City Council
Temple, Texas
Page seven

We expect to begin our audit in July, 2012 and to issue our reports no later than February, 2013. Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard rates, except we agree that our gross fee, including expenses, will not exceed \$ 67,200. Our standard hourly rates vary accordingly to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Temple, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

BROCKWAY, GERSBACH, FRANKLIN & NIEMEIER, P.C.



Stephen H. Niemeier, CPA

RESPONSE:

This letter correctly sets forth the understanding of the City of Temple, Texas

By: _____

Title: _____

Date: _____

Carneiro, Chumney & Co., L.C.

Robert M. McAdams, CPA
Paul Roth-Roffy, CPA
Julia C. Norton, CPA

CERTIFIED PUBLIC ACCOUNTANTS

Allen E. Robertson, Jr., CPA
Edward H. Guerra, CPA
Michael J. Schaub, CPA

System Review Report

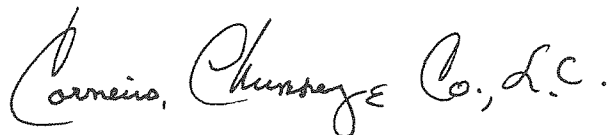
September 22, 2009

To the Shareholders of Brockway Gersbach Franklin & Niemeier PC
and the Peer Review Committee of the Texas Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Brockway Gersbach Franklin & Niemeier PC (the firm) in effect for the year ended April 30, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included (engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Brockway Gersbach Franklin & Niemeier PC, in effect for the year ended April 30, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Brockway Gersbach Franklin & Niemeier PC has received a peer review rating of *pass*.



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BROCKWAY, GERSBACH, FRANKLIN AND NIEMEIER, P.C., TO PERFORM THE ANNUAL CITY OF TEMPLE AUDIT, FOR AN AMOUNT NOT TO EXCEED \$67,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends engaging the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C., to perform the annual audit for the City of Temple;

Whereas, this will be the third year of a 5-year contract for audit services;

Whereas, funds will be available for this service in the FY2012-13 proposed budget filed on June 29, 2012; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement, not to exceed \$67,200, between the City of Temple and Brockway, Gersbach, Franklin and Niemeier, P.C., after approval as to form by the City Attorney, to perform the third year of a 5-year annual City of Temple audit.

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 **19th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

07/19/12
Item #5(C)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with First Southwest Asset Management, Inc., an affiliate of First Southwest Company, for arbitrage rebate compliance services for a period of five years.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Internal Revenue Service requires that virtually all issuers of tax-exempt obligations “rebate” excess earnings on the investment of tax-exempt bond proceeds in taxable securities. The calculations used to determine the amount, if any, that needs to be rebated are complex and often confusing for issuers. First Southwest Asset Management, Inc., an affiliate of First Southwest Company, provides issuers with the expert guidance to help bring clarity to the arbitrage compliance requirements.

As one of the largest providers of arbitrage rebate services, First Southwest is entrusted with arbitrage rebate compliance for hundreds of municipal clients throughout the country.

First Southwest has one of the largest staffs in the industry that focuses exclusively on monitoring the investments of bond proceeds for municipalities and performing calculations to ensure that clients’ bond issues retain their tax-exempt status. The firm’s seasoned team of professionals—including certified public accountants—has extensive experience with a variety of complex issue structures, including commingled funds, reserve fund allocations, variable rate issues, and transferred proceeds.

Scope of Services Include:

Consulting

- Assists with IRS audits and overpayment requests
- Prepares IRS form 8038-T (to signature stage)

Calculations

- Reviews bond documents
- Verifies bond yield
- Computes the yield on investments
- Calculates the arbitrage rebate liability
- Tests for possible exceptions to the rebate requirements
- Provides opinion letter, signed by a certified public accountant, that states compliance with the applicable rebate regulations

Compliance

- First Southwest offers clients a proprietary software system that reduces the likelihood of calculation errors commonly found in spreadsheet applications. Key system features include:
 - Deadline tracking for reporting dates
 - Future value calculations
 - Reserve fund allocations
 - Lowest permitted rebate amount analysis

FISCAL IMPACT: The Bonds to be covered initially under this contract include all issues of tax-exempt bonds delivered subsequent to the effective dates of the rebate requirements, under the Code, except for issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations. The fee for each of the Bonds included in this contract shall be as follows:

Description	Annual Fees Per Issue Per Computation Year (1)
Base Fee Per Computation Year:	\$1,400
<i>Comprehensive Arbitrage Compliance Services Include:</i>	Included
Commingled Funds Analysis & Calculations	Included
Spending Exception Analysis & Calculations	Included
Yield Restriction Analysis & Calculations	Included
Parity Reserve Fund Allocations	Included
Transferred Proceeds Calculations	Included
Universal Cap Calculations	Included
Debt Service Fund Calculations	Included
Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment	Included
Retention of Records Provided for Arbitrage Computations	Included
IRS Audit Assistance	Included
Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule	Included
On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items	Included

IRS Refund Request: Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests.	\$750
Commercial Paper: Per allocated issue to perform arbitrage rebate computation	\$1,600

- (1) A “Computation Year” represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one “computation year”, the annual fee is multiplied by the number of computation years contained in the calculation being performed. For example, if the first calculation performed for an issue covers three computation years, the fee for that calculation would be three times the annual fees stated above.

Additional explanations of adjustments to the base fee are explained in Appendix A – Fees.

ATTACHMENTS:

[Agreement](#)
[Appendix A - Fees](#)
[Resolution](#)

**AGREEMENT FOR
ARBITRAGE REBATE COMPLIANCE SERVICES
BETWEEN
CITY OF TEMPLE, TEXAS
(Hereinafter Referred to as the "Issuer")
AND**

**FIRST SOUTHWEST ASSET MANAGEMENT, INC.
(Hereinafter Referred to as "First Southwest")**

It is understood and agreed that the Issuer, in connection with the sale and delivery of certain bonds, notes, certificates, or other tax-exempt obligations (the "**Obligations**"), will have the need to determine to what extent, if any, it will be required to rebate certain investment earnings (the amount of such rebate being referred to herein as the "**Arbitrage Amount**") from the proceeds of the Obligations to the United States of America pursuant to the provisions of Section 148(f)(2) of the Internal Revenue Code of 1986, as amended (the "**Code**"). For purposes of this Agreement, the term "Arbitrage Amount" includes payments made under the election to pay penalty in lieu of rebate for a qualified construction issue under Section 148(f)(4) of the Code.

We are pleased to submit the following proposal for consideration; and if the proposal is accepted by the Issuer, it shall become the agreement (the "**Agreement**") between the Issuer and First Southwest effective at the date of its acceptance as provided for herein below.

1. This Agreement shall apply to all issues of tax-exempt Obligations delivered subsequent to the effective date of the rebate requirements under the Code, except for (i) issues which qualify for exceptions to the rebate requirements in accordance with Section 148 of the Code and related Treasury regulations, or (ii) issues excluded by the Issuer in writing in accordance with the further provisions hereof, (iii) new issues effected in a fashion whereby First Southwest is unaware of the existence of such issue, (iv) issues in which, for reasons outside the control of First Southwest, First Southwest is unable to procure the necessary information required to perform such services.

Covenants of First Southwest

2. We agree to provide our professional services in determining the Arbitrage Amount with regard to the Obligations. The Issuer will assume and pay the fee of First Southwest as such fee is set out in Appendix A attached hereto. First Southwest shall not be responsible for any extraordinary expenses incurred on behalf of Issuer in connection with providing such professional services, including any costs incident to litigation, mandamus action, test case or other similar legal actions.
3. We agree to perform the following duties in connection with providing arbitrage rebate compliance services:
 - a. To cooperate fully with the Issuer in reviewing the schedule of investments made by the Issuer with (i) proceeds from the Obligations, and (ii) proceeds of other funds of the Issuer which, under Treasury Regulations Section 1.148, or any successor regulations thereto, are subject to the rebate requirements of the Code;
 - b. To perform, or cause to be performed, consistent with the Code and the regulations promulgated thereunder, calculations to determine the Arbitrage Amount under Section 148(f)(2) of the Code; and
 - c. To provide a report to the Issuer specifying the Arbitrage Amount based upon the investment schedule, the calculations of bond yield and investment yield, and other information deemed relevant by First Southwest. In undertaking to provide the services set forth in paragraph 2 and this paragraph 3, First Southwest does not assume any responsibility for any record retention requirements which the Issuer may have under the Code or other applicable laws, it being understood that the Issuer shall remain responsible for compliance with any such record retention requirements.

Covenants of the Issuer

4. In connection with the performance of the aforesaid duties, the Issuer agrees to the following:
 - a. The fees due to First Southwest in providing arbitrage rebate compliance services shall be calculated in accordance with Appendix A attached hereto. The fees will be payable upon delivery of the report prepared by First Southwest for each issue of Obligations during the term of this Agreement.
 - b. The Issuer will provide First Southwest all information regarding the issuance of the Obligations and the investment of the proceeds therefrom, and any other information necessary in connection with calculating the Arbitrage Amount. First Southwest will rely on the information supplied by the Issuer without inquiry, it being understood that First Southwest will not conduct an audit or take any other steps to verify the accuracy or authenticity of the information provided by the Issuer.
 - c. The Issuer will notify First Southwest in writing of the retirement, prior to the scheduled maturity, of any Obligations included under the scope of this Agreement within 30 days of such retirement. This notification is required to provide sufficient time to comply with Treasury Regulations Section 1.148-3(g) which requires final payment of any Arbitrage Amount within 60 days of the final retirement of the Obligations. In the event the Issuer fails to notify First Southwest in a timely manner as provided hereinabove, First Southwest shall have no further obligation or responsibility to provide any services under this Agreement with respect to such retired Obligations.
5. In providing the services set forth in this Agreement, it is agreed that First Southwest shall not incur any liability for any error of judgment made in good faith by a responsible officer or officers thereof and, except to the limited extent set forth in this paragraph, shall not incur any liability for any other errors or omissions, unless it shall be proved that such error or omission was a result of the gross negligence or willful misconduct of said officer or officers. In the event a payment is assessed by the Internal Revenue Service due to an error by First Southwest, the Issuer will be responsible for paying the correct Arbitrage Amount and First Southwest's liability shall not exceed the amount of any penalty or interest imposed on the Arbitrage Amount as a result of such error.

Obligations Issued Subsequent to Initial Contract

6. The services contracted for under this Agreement will automatically extend to any additional Obligations (including financing lease obligations) issued during the term of this Agreement, if such Obligations are subject to the rebate requirements under Section 148(f)(2) of the Code. In connection with the issuance of additional Obligations, the Issuer agrees to the following:
 - a. The Issuer will notify or cause the notification, in writing, to First Southwest of any tax-exempt financing (including financing lease obligations) issued by the Issuer during any calendar year of this Agreement, and will provide First Southwest with such information regarding such Obligations as First Southwest may request in connection with its performance of the arbitrage rebate services contracted for hereunder. If such notice is not provided to First Southwest with regard to a particular issue, First Southwest shall have no obligation to provide any services hereunder with respect to such issue.
 - b. At the option of the Issuer, any additional Obligations to be issued subsequent to the execution of this Agreement may be excluded from the services provided for herein. In order to exclude an issue, the Issuer must notify First Southwest in writing of their intent to exclude any specific Obligations from the scope of this Agreement, which exclusion shall be permanent for the full life of the Obligations; and after receipt of such notice, First Southwest shall have no obligation to provide any services under this Agreement with respect to such excluded Obligations.

Effective Date of Agreement

7. This Agreement shall become effective at the date of acceptance by the Issuer as set out herein below and remain in effect thereafter for a period of five (5) years from the date of acceptance, provided, however, that this Agreement may be terminated with or without cause by the Issuer or First Southwest upon thirty (30) days prior written notice to the other party. In the event of such termination, it is understood and agreed that only the amounts due to First Southwest for services provided and extraordinary expenses incurred to and including the date of termination will be due and payable. No penalty will be assessed for termination of this Agreement. In the event this Agreement is terminated prior to the completion of its stated term, all records provided to First Southwest with respect to the investment of monies by the Issuer shall be returned to the Issuer as soon as practicable following written request by Issuer. In addition, the parties hereto agree that, upon termination of this Agreement, First Southwest shall have no continuing obligation to the Issuer regarding any arbitrage rebate related services contemplated herein, regardless of whether such services have previously been undertaken, completed or performed.

Acceptance of Agreement

8. This Agreement is submitted in duplicate originals. When accepted by the Issuer in accordance with the terms hereof, it, together with Appendix A attached hereto, will constitute the entire Agreement between the Issuer and First Southwest for the purposes and the consideration herein specified. In order for this Agreement to become effective, it must be accepted by the Issuer within sixty (60) days of the date appearing below the signature of First Southwest's authorized representative hereon. After the expiration of such 60-day period, acceptance by the Issuer shall only become effective upon delivery of written acknowledgement and reaffirmation by First Southwest that the terms and conditions set forth in this Agreement remain acceptable to First Southwest.

Governing Law

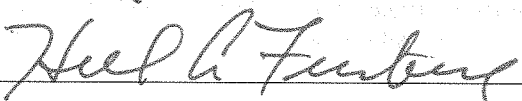
9. This Agreement will be governed by and construed in accordance with the laws of the State of Texas, without regard to its principles of conflicts of laws.

Acceptance will be indicated on both copies and the return of one executed copy to First Southwest.

Respectfully submitted,

FIRST SOUTHWEST ASSET MANAGEMENT, INC.

By



Hill A. Feinberg, Chairman & Chief Executive Officer

Date _____

ISSUER'S ACCEPTANCE CLAUSE

The above and foregoing is hereby in all things accepted and approved by

_____, on this the _____ day of _____, _____.

By

Authorized Representative

Title _____

Printed Name _____

APPENDIX A - FEES

The Obligations to be covered initially under this contract include all issues of tax-exempt obligations delivered subsequent to the effective dates of the rebate requirements, under the Code, except as set forth in Section I of the Agreement.

The fee for any Obligations under this contract shall only be payable if a computation is required under Section 148(f)(2) of the Code. In the event that any of the Obligations fall within an exclusion to the computation requirement as defined by Section 148 of the Code or related regulations and no calculations were required by First Southwest to make that determination, no fee will be charged for such issue. For example, certain obligations are excluded from the rebate computation requirement if the proceeds are spent within specific time periods. In the event a particular issue of Obligations fulfills the exclusion requirements of the Code or related regulations, the specified fee will be waived by First Southwest if no calculations were required to make the determination.

First Southwest's fee for arbitrage rebate services is based upon a fixed annual fee per issue. The annual fee is charged based upon the number of years that proceeds exist subject to rebate from the delivery date of the issue to the computation date.

First Southwest's fees are payable upon delivery of the report. The first report will be made following one year from the date of delivery of the Obligations and on each computation date thereafter during the term of the Agreement. The fees for computations of the Arbitrage Amount which encompass more, or less, than one Computation Year shall be prorated to reflect the longer, or shorter, period of work performed during that period.

The fee for each of the Obligations included in this contract shall be based on the table below.

Additionally, due to significant time saving efficiencies realized when investment information is submitted in an electronic format, First Southwest passes the savings to its clients by offering a 10% reduction in its fees if information is provided in a spreadsheet or electronic text file format.

Description	Annual Fee
ANNUAL FEE	\$1,400
COMPREHENSIVE ARBITRAGE COMPLIANCE SERVICES INCLUDE:	
<ul style="list-style-type: none">• Commingled Funds Analysis & Calculations• Spending Exception Analysis & Calculations• Yield Restriction Analysis & Calculations (for yield restricted Project Funds, Reserve Funds, Escrow Funds, etc.)• Parity Reserve Fund Allocations• Transferred Proceeds Calculations• Universal Cap Calculations• Debt Service Fund Calculations (including earnings test when required)• Preparation of all Required IRS Paperwork for Making a Rebate Payment / Yield Reduction Payment• Retention of Records Provided for Arbitrage Computations• IRS Audit Assistance• Delivery of Rebate Calculations Each Year That Meets the Timing Requirements of the Audit Schedule• On-Site Meetings, as Appropriate, to Discuss Calculation Results / Subsequent Planning Items	INCLUDED
OTHER SERVICES AVAILABLE:	
IRS Refund Request – Update calculation, prepare refund request package, and assist issuer as necessary in responding to subsequent IRS Information Requests	\$750
Commercial Paper Calculations – Per allocated issue	\$1,600

EXPLANATION OF TERMS:

- a. **Computation Year:** A “Computation Year” represents a one year period from the delivery date of the issue to the date that is one calendar year after the delivery date, and each subsequent one-year period thereafter. Therefore, if a calculation is required that covers more than one “computation year,” the annual fee is multiplied by the number of computation years contained in the calculation being performed. If a calculation includes a portion of a computation year, i.e., if the calculation includes 1 ½ computation years, then the base fee will be multiplied by 1.5.
- b. **Electronic Data Submission:** The data should be provided electronically in MS Excel or ASCII text file (comma delimited text preferred) with the date, description, dollar amount, and an activity code (if not in debit and credit format) on the same line in the file.
- c. **Variable/Floating Rate Bond Issues:** Special services are also required to perform the arbitrage rebate calculations for variable rate bonds. A bond is a variable rate bond if the interest rate paid on the bond is dependent upon an index which is subject to changes subsequent to the issuance of the bonds. The computational requirements of a variable rate issue are more complex than those of a fixed rate issue and, accordingly, require significantly more time to calculate. The additional complexity is primarily related to the computation of the bond yield, which must be calculated on a “bond year” basis. Additionally, the regulations provide certain flexibility in computing the bond yield and determining the arbitrage amount over the first IRS reporting period; consequently, increased calculations are required to determine which bond yield calculation produces the lowest arbitrage amount.
- d. **Commingled Fund Allocations:** By definition, a commingled fund is one that contains either proceeds of more than one bond issue or proceeds of a bond issue and non-bond proceeds (i.e., revenues) of \$25,000 or more. The arbitrage regulations, while permitting the commingling of funds, require that the proceeds of the bond issue(s) be “carved out” for purposes of determining the arbitrage amount. Additionally, interest earnings must be allocated to the portion of the commingled fund that represents proceeds of the issue(s) in question. Permitted “safe-harbor” methods (that is, methods that are outlined in the arbitrage regulations and, accordingly, cannot be questioned by the IRS under audit), exist for allocating expenditures and interest earnings to issues in a commingled fund. First Southwest uses one of the applicable safe-harbor methods when doing these calculations.
- e. **Debt Service Reserve Funds:** The authorizing documents for many revenue bond issues require that a separate fund be established (the “Reserve Fund”) into which either bond proceeds or revenues are deposited in an amount equal to some designated level, such as average annual debt service on all parity bonds. This Reserve Fund is established for the benefit of the bondholders as additional security for payment on the debt. In most cases, the balance in the Reserve Fund remains stable throughout the life of the bond issue. Reserve Funds, whether funded with bond proceeds or revenues, must be included in all rebate calculations.
- f. **Debt Service Fund Calculations:** Issuers are required under the regulations to analyze the invested balances in their debt service funds annually to determine whether the fund depletes as required during the year and is, therefore, “bona fide” (i.e., potentially exempt from rebate in that year). It is not uncommon for surplus balances to develop in the debt service fund that services an issuer’s tax supported debt, particularly due to timing differences of when the funds were due to be collected versus when the funds were actually collected. First Southwest performs this formal analysis of the debt service fund and, should it be determined that a surplus balance exists in the fund during a given year, allocates the surplus balance among the various issues serviced by the fund in a manner that is acceptable under IRS review.
- g. **Earnings Test for Debt Service Funds:** Certain types of bond issues require an additional level of analysis for the debt service fund, even if the fund depletes as required under the regulations and is “bona fide.” For short-term, fixed rate issues, private activity issues, and variable rate issues, the regulations require that an “earnings test” be performed on a bona fide debt service fund to determine if the interest earnings reached \$100,000 during the year. In cases where the earnings reach or exceed the \$100,000 threshold, the entire fund (not just the surplus or residual portion) is subject to rebate.
- h. **Transferred Proceeds Calculations:** When a bond issue is refinanced (refunded) by another issue, special services relating to “transferred proceeds” calculations may need to be performed. Under the regulations, when proceeds of a refunding issue are used to retire principal of a prior issue, a pro-rata portion of the unspent proceeds of the prior issue becomes subject to rebate and/or yield restriction as transferred proceeds of the refunding issue. The refunding issue essentially “adopts” the unspent proceeds of the prior issue for purposes of the arbitrage calculations. These

calculations are required under the regulations to ensure that issuers continue to exercise due diligence to complete the project(s) for which the prior bonds were issued.

- i. **Universal Cap:** Current regulations provide an overall limitation on the amount of gross proceeds allocable to an issue. Simply stated, the value of investments allocated to an issue cannot exceed the value of all outstanding bonds of the issue. For example, this situation can occur if an issuer encounters significant construction delays or enters into litigation with a contractor. It may take months or even years to resolve the problems and begin or resume spending the bond proceeds; however, during this time the debt service payments are still being paid, including any scheduled principal payments. Thus, it's possible for the value of the investments purchased with bond proceeds to exceed the value of the bonds outstanding. In such cases, a "de-allocation" of proceeds may be required to comply with the limitation rules outlined in the regulations.
- j. **Yield Restriction Analysis/Yield Reduction Computations:** The IRS strongly encourages issuers to spend the proceeds of each bond issue as quickly as possible to achieve the governmental purpose for which the bonds were issued. Certain types of proceeds can qualify for a "temporary period," during which time the proceeds may be invested at a yield higher than the yield on the bonds without jeopardizing the tax-exempt status of the issue. The most common temporary period is the three-year temporary period for capital project proceeds. After the end of the temporary period, the proceeds must be yield restricted or the issuer must remit the appropriate yield reduction payment when due. First Southwest performs a comprehensive yield restriction analysis when appropriate for all issues having proceeds remaining at the end of the applicable temporary period and also calculates the amount of the yield reduction payment due to the IRS.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH FIRST SOUTHWEST ASSET MANAGEMENT, INC., AN AFFILIATE OF FIRST SOUTHWEST COMPANY, FOR ARBITRAGE REBATE COMPLIANCE SERVICES FOR A PERIOD OF FIVE YEARS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Internal Revenue Service requires that virtually all issuers of tax-exempt obligations “rebate” excess earnings on the investment of tax-exempt bond proceeds in taxable securities – the calculations used to determine the amount, if any, that needs to be rebated are complex and often confusing for issuers;

Whereas, First Southwest Asset Management, Inc., an affiliate of First Southwest Company, is one of the largest providers of arbitrage rebate services, is entrusted with rebate compliance for hundreds of municipal clients throughout the country and provides issuers with the expert guidance to help bring clarity to the arbitrage compliance requirements;

Whereas, the fees for each of the Bonds included in this contract are attached hereto as Exhibit A; 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 n agreement with First Southwest Asset Management, Inc., an affiliate of First Southwest Company for arbitrage rebate compliance services for a period of five years.

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 **19th** day of **July**, 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

07/19/12
Item #5(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 development agreement authorizing the transfer of an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision to the Temple Economic Development Corporation for economic development purposes.

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

ITEM SUMMARY: The Board of Directors of the Temple Economic Development Corporation have requested that the City convey it an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision. The tract will ultimately be transferred to Unique Pharmaceuticals, Ltd. as part of an economic development incentive package between TEDC and Unique Pharmaceuticals, Ltd.

FISCAL IMPACT: The City's cost value of the 7.14 tract of land located in the Temple Bioscience Park Subdivision is \$68,541.50. This value is based on the cost of the land and the associated infrastructure improvements in the Temple Bioscience Park Subdivision.

ATTACHMENTS:

[Chapter 380 Development Agreement
Resolution](#)

Chapter 380 Development Agreement



This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Temple Economic Development Corporation, a Texas nonprofit Corporation (hereinafter “TEDC”).

City and TEDC agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code, the City and TEDC enter into this Agreement to promote economic development. City and TEDC agree to assume the responsibilities set forth below.

Section 3. Obligations of City. The City agrees to convey to TEDC an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision, Temple, Texas (hereinafter “the Property”), as shown in Exhibit “A” to this Agreement. The Property is transferred “as is.” City agrees to convey the Property free of any and all liens or other clouds of title.

Section 2. Obligations of TEDC. In exchange for the City’s conveyance, TEDC agrees to market and convey the property for economic development purposes.

TEDC agrees this property will be conveyed to an economic development prospect and used for economic development purposes within thirty-six (36) months of the date of this Agreement. If TEDC is unable to do so, the City may request, and TEDC agrees, that the Property be conveyed back to the City.

Executed on this the ____ day of _____, 2012.

City of Temple, Texas

TEDC

David A. Blackburn
City Manager

Lee Peterson
President

Attest:

Approved as to form:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____, 2012
by David A. Blackburn, City Manager, for the City of Temple, a Texas home rule City.

Notary Public

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____, 2012
by Lee Peterson, on behalf of Temple Economic Development Corporation.

Notary Public

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 AGREEMENT WITH TEMPLE ECONOMIC DEVELOPMENT CORPORATION (TEDC) TO AUTHORIZE THE CONVEYANCE OF AN APPROXIMATE 7.14 TRACT OF LAND LOCATED IN THE TEMPLE BIOSCIENCE PARK SUBDIVISION, TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONOMIC DEVELOPMENT PURPOSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Board of Directors of the Temple Economic Development Corporation (TEDC) has requested that the City approve a Chapter 380 Agreement to convey to them an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision;

Whereas, this tract of land will ultimately be transferred to Unique Pharmaceuticals, Ltd. as part of an economic development incentive package; 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 a Chapter 380 Agreement with TEDC to authorize the conveyance of an approximate 7.14 tract of land located in the Temple Bioscience Park Subdivision, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, to the Temple Economic Development Corporation.

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 19th day of **July**, 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

7/19/12
Item #5(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the renewal of a Cooperative Working Agreement with Bell County for the Bell County Crime Coalition project administered by the Bell County Juvenile Probation Department.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple. This program has been in place for a number of years. The program provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours.

The goal of this program is to team Juvenile Police Officers with Juvenile Probation Officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation.

The term of this contract will commence on August 1, 2012 and will end on July 31, 2013.

FISCAL IMPACT: This program is funded through the Federal Juvenile Accountability Block Program, JB 98 JOC 13623. Bell County will receive grant funds and will provide a cash match. There is no requirement upon the City of Temple to provide any funding to this program. All expenditures with regard to the payment of Temple Police Officers will be reimbursed by Bell County. Should the grant funds be exhausted prior to the end date of the agreement, Bell County agrees to continue full reimbursement for the personnel costs incurred by the City of Temple.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE RENEWAL OF A COOPERATIVE WORKING AGREEMENT BETWEEN THE CITY OF TEMPLE AND BELL COUNTY FOR THE BELL COUNTY CRIME COALITION PROJECT THAT IS ADMINISTERED BY THE BELL COUNTY JUVENILE PROBATION DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County Crime Coalition project is administered by the Bell County Juvenile Probation Department – this agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple;

Whereas, this program has been in place for a number of years and provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours;

Whereas, the goal of this program is to team juvenile police officers with juvenile probation officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation;

Whereas, the City is required to enter into a cooperative working agreement with Bell County to participate in this program – the term of this contract is from August 1, 2012 to July 31, 2013;

Whereas, the City will not be required to provide any funding for the program, and all expenditures with regard to the payment of Temple police officers will be reimbursed by Bell County; 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 Cooperative Working Agreement between the City of Temple, Texas, and Bell County, after approval as to form by the City Attorney, for the Bell County Crime

Coalition project that is administered by the Bell County Juvenile Probation Department.

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 **19th** day of **July**, 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

07/19/12
Item #5(F)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting resolutions authorizing:

1. (A) The City Manager to execute a Standard Utility Agreement with Texas Department of Transportation (TxDOT) to provide reimbursement to the City by TxDOT, in the amount of \$807,690 for utility relocation construction phase services in association with IH-35 improvements from South Loop 363 to Nugent.

(B) A professional services agreement with Kasberg, Patrick & Associates LP of Temple (KPA) in an amount not to exceed \$366,000 for utility relocation construction phase services in association with IH-35 improvements from South Loop 363 to Nugent.
2. (A) The City Manager to execute a Standard Utility Agreement with Texas Department of Transportation (TxDOT) to provide reimbursement to the City by TxDOT, in the amount of \$717,190 for utility relocation construction phase services in association with IH-35 improvements from Nugent to North Loop 363.

(B) A professional services agreement with Kasberg, Patrick & Associates LP of Temple (KPA) in an amount not to exceed \$316,000 for utility relocation construction phase services in association with IH-35 improvements from Nugent to North Loop 363.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: On October 21, 2010, City Council authorized the City Manager to execute a Letter of Understanding (LOU) with TxDOT to provide reimbursement to the City by TxDOT in the amount of \$212,880 for utility relocation services in association with IH35 improvement from South Loop 363 to North Loop 363. These services only included preliminary review, coordination and plan review. It purposefully did not include any construction phase services (bidding, construction administration and on-site representation) because the project was not funded for construction at that time. This agenda item completes anticipated expense reimbursements of the necessary construction phase services for the Loop to Loop portion of roadway segments through Temple.

Construction is anticipated to begin in calendar year 2013.

Expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities. TxDOT has bundled design of specific utility relocations impacted by highway improvements into each individual engineering contract to consolidate and minimize utility disruptions during roadway construction. In recognition and acknowledgement that City utility planning and operations are integral to the highway expansion, TxDOT has solicited input and feedback from City staff related to relocation of City owned utilities. Since this project will require substantial coordinated efforts between the City and the State related to design improvements, plan review, site observation, and construction administration, a professional consultant is needed to act on behalf of the City through this complex expansion effort. The site observation and construction administration scopes of work for IH-35 Loop to Loop are being added as separate contracts at this date, closer to construction, now that construction funding is available. This was noted in the 2010 agenda item as being anticipated in the future, closer to the actual construction dates for the Loop to Loop portion of IH-35.

The resolution proposed in item 1(A) will authorize the City Manager to execute a Standard Utility Agreement with TxDOT for reimbursement to the City for expenses incurred for relocating publicly operated utilities (water and wastewater) in conjunction with the IH-35 roadway improvements from South Loop 363 to Nugent. Similarly, the resolution proposed in item 2(A) will authorize the City Manager to execute a Standard Utility Agreement with TxDOT for reimbursement to the City for expenses incurred for relocating publicly operated utilities in conjunction with the IH-35 roadway improvements from Nugent to North Loop 363. Any payments made by the City to KPA will be reimbursed after the reimbursement agreement is executed, per the terms of the agreement.

Engineering phase services to be performed by KPA, proposed in items 1(B) and 2(B), relate to the IH-35 South Loop 363 to Nugent and IH-35 Nugent to North Loop 363; respectively. The engineering services include bidding, construction administration and on-site representation. KPA's scope of services also includes preparing reimbursement standard utility agreements on behalf of the City.

FISCAL IMPACT:

- 1.) The Standard Utility Agreement for utility relocation construction phase services related to IH-35 improvements from South Loop 363 to Nugent is \$807,690. In October 2010, Council authorized a LOU with TxDOT for \$126,690 for services related to this project and funds were appropriated at that time for the work associated with the LOU.

A budget adjustment is presented for Council's approval appropriating the remaining \$681,000 of revenue to be reimbursed by TxDOT. \$431,000 will be appropriated to account #520-5900-535-6618, project #100687 for services to be performed by KPA in the amount of \$366,000 and for material testing fees in the amount of \$65,000. \$250,000 will be reimbursed for the estimated costs incurred by the City of Temple for personnel time, equipment and vehicle costs.

- 2.) In addition, the Standard Utility Agreement for utility relocation construction phase services related to IH-35 improvements from Nugent to North Loop 363 is \$717,190. In October 2010, Council authorized a LOU with TxDOT for \$86,190 for services related to this project and funds were appropriated at that time for the work associated with the LOU.

A budget adjustment is presented for Council's approval appropriating the remaining \$631,000 of revenue to be reimbursed by TxDOT. \$381,000 will be appropriated to account #520-5900-535-6618, project # 100688 for services to be performed by KPA in the amount of \$316,000 and for materials testing fees in the amount of \$65,000. \$250,000 will be reimbursed for the estimated costs to be incurred by the City of Temple for personnel time, equipment and vehicle costs.

All costs associated with this project are eligible for reimbursement by TxDOT.

ATTACHMENTS:

[Standard Utility Agreement – South Loop 363 to Nugent](#)
[KPA Scope of Services South Loop 363 to Nugent](#)
[Budget Adjustment #1](#)
[Standard Utility Agreement – Nugent to North Loop 363](#)
[KPA Scope of Services Nugent to North Loop 363](#)
[Budget Adjustment #2](#)
[Project Maps](#)
[Resolutions](#)



STANDARD UTILITY AGREEMENT

U-Number: **U13787**

District: Waco

County: Bell

Federal Project No.: TBD

Highway: IH-35

ROW CSJ: 0015-14-123

From: South LP 363 in Temple

Highway Project Letting Date: August, 2012

To: Nugent Ave.

This Agreement by and between the State of Texas, acting by and through the Texas Transportation Commission, ("**State**"), and City of Temple, ("**Utility**"), acting by and through its duly authorized representative, shall be effective on the date of approval and execution by and on behalf of the **State**.

WHEREAS, the **State** has deemed it necessary to make certain highway improvements as designated by the **State** and approved by the Federal Highway Administration within the limits of the highway as indicated above;

WHEREAS, the proposed highway improvements will necessitate the adjustment, removal, and/or relocation of certain facilities of **Utility** as indicated in the following statement of work: Adjust and relocate existing water and wastewater facilities that are in conflict with proposed Interstate 35 reconstruction project; and more specifically shown in **Utility's** plans, specifications and estimated costs, which are attached hereto as Attachment "A".

WHEREAS, the **State** will participate in the costs of the adjustment, removal, and/or relocation of certain facilities to the extent as may be eligible for State and/or Federal participation.

WHEREAS, the **State**, upon receipt of evidence it deems sufficient, acknowledges **Utility's** interest in certain lands and/or facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work above.

NOW, THEREFORE, BE IT AGREED:

The **State** will pay to **Utility** the costs incurred in adjustment, removal, and/or relocation of **Utility's** facilities up to the amount said costs may be eligible for **State** participation.

The **State** and **Utility** agree that all conduct under this agreement, including but not limited to the adjustment, removal and relocation of the facility, the development and reimbursement of costs, any environmental requirements, and retention of records will be in accordance with 23 CFR 645, Subparts A & B and all other applicable federal and state laws, rules and regulations. **Utility** agrees to supply, upon request by the **State**, proof of compliance with the aforementioned laws, rules and regulations prior to the commencement of construction.

The **Utility** agrees to develop relocation or adjustment costs by accumulating actual direct and related indirect costs in accordance with a work order accounting procedure prescribed by **State**, or may, with the **State's** approval, accumulate actual direct and related indirect costs in accordance with an established accounting procedure developed by **Utility**. Bills for work hereunder will be submitted to **State** not later than 90 days after completion of the work.

When requested, the **State** will make intermediate payments at not less than monthly intervals to **Utility** when properly billed and such payments will not exceed 80 percent (80%) of the eligible cost as shown in each such billing. In addition, the **State** will make a payment, before audit, which will bring the total percentage paid to the **Utility** up to the 90% eligible cost. Intermediate payments shall not be construed as final payment for any items included in the intermediate payment.

Initial

Date

Alternatively, **State** agrees to pay **Utility** an agreed lump sum of \$N/A as supported by the attached estimated costs. The **State** will, upon satisfactory completion of the adjustments, removals, and/or relocations and upon receipt of a final billing, make payment to **Utility** in the agreed amount.

Upon execution of this agreement by both parties hereto, the **State** will, by written notice, authorize the **Utility** to perform such work diligently, and to conclude said adjustment, removal, or relocation by the stated completion date. The completion date shall be extended for delays caused by events outside **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with **Utility's** ability to proceed with the relocation, or any other event in which **Utility** has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of **Utility**.

The **State** will, upon satisfactory completion of the relocation or adjustment and upon receipt of final billing prepared in an approved form and manner, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for **State** reimbursement.

Unless an item below is stricken and initialed by the **State and Utility**, this agreement in its entirety consists of the following:

1. Standard Utility Agreement;
2. Plans, Specifications, and Estimated Costs (Attachment "A");
3. Utility's Accounting Method (Attachment "B");
4. Utility's Schedule of Work and Estimated Date of Completion (Attachment "C");
5. Statement Covering Contract Work – ROW-U-48 (Attachment "D");
6. Eligibility Ratio (Attachment "F");
7. Betterment Calculation and Estimates (Attachment "G");
8. Proof of Property Interest – ROW-U-1A, ROW-U-1B, or ROW-U-1C (Attachment "H");
9. Inclusion in Highway Construction Contract (if applicable) (Attachment "I"); and
10. Utility Joint Use Acknowledgment – ROW -U-JUA (Attachment "E").

All attachments are included herein as if fully set forth. In the event it is determined that a substantial change from the statement of work contained in this agreement is required, reimbursement therefore shall be limited to costs covered by a modification or amendment of this agreement or a written change or extra work order approved by the **State and Utility**.

This agreement is subject to cancellation by the **State** at any time up to the date that work under this agreement has been authorized and that such cancellation will not create any liability on the part of the **State**.

The State Auditor may conduct an audit or investigation of any entity receiving funds from the **State** directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

The **Utility** by execution of this agreement does not waive any of the rights which **Utility** may have within the limits of the law.

It is expressly understood that the **Utility** conducts the adjustment, removal, or relocation at its own risk, and that TxDOT makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

Initial

Date

UTILITY

Utility: City of Temple
Name of Utility

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____

EXECUTION RECOMMENDED:

District Engineer, Waco District *

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____

**

Date: _____

* For locally-executed agreements, ROW Administrator recommends execution; otherwise District Engineer (or designee) .

** For locally-executed agreements, District Engineer (or designee) approves and executes; otherwise ROW Division Director.

Initial

Date

ATTACHMENT "A"
Plan, Specification, and Estimated Costs
for
City of Temple
TXDOT U-Number: U13787
HWY: IH 35
CCSJ: 0015-14-091 RWCSJ: 0015-14-123
LIMITS: From South LP 363 to Nugent Ave.

IH-35 Utility Relocations
Project 3A-1 South Loop to Nugent Ave.
Summary of Estimated Reimbursable Costs

¹ Total Opinion of Probable Project Cost	
(Not Reimbursable but will be included in TxDOT Construction Contract, see attached breakdown)	\$ 3,495,425.47
²Professional Basic Services	
P1 Preliminary Review/Coordination	\$ 77,950.00
P2 Plan Review	\$ 48,740.00
P3 Bidding Services	\$ 3,000.00
P4 Project Construction Administration	<u>\$ 153,000.00</u>
Total Basic Services	\$ 282,690.00
²Professional Special Services	
P5 On-Site Representation	<u>\$ 210,000.00</u>
Total Special Services	\$ 210,000.00
³City of Temple	
B1 Personnel Time (summarized by hour and rate)	\$ 200,000.00
B2 Equipment and Vehicle	\$ 50,000.00
B3 Materials Testing	<u>\$ 65,000.00</u>
Total City of Temple	\$ 315,000.00
⁴Total Reimbursable Project Cost*	\$ 807,690.00

Notes: ¹Total OPC is from CH2MHILL estimate which includes construction, contingency, indirect and engineering costs.

² Professional Basic and Special Services will be invoiced to City of Temple.

³ City of Temple Costs will be actual hours. Amount shown is estimated.

⁴Total Reimbursable Project Cost does not include construction costs. Construction will be accomplished under TxDOT Roadway contract.

403	2001	TEMPORARY SPL SHORING	SF	43402.00	\$6.97	\$302,511.94
5945	2002	WTR(PIPE WTR MAIN)PVC C900 CL150(8")	LF	3488.00	\$30.80	\$107,430.40
5945	2004	WTR(PIPE STEEL CASING)(12")OPEN CUT	LF	707.00	\$105.74	\$74,758.18
5945	2006	WTR(JACK,BORE OR TUNNEL)WTR MAIN(12")	LF	60.00	\$148.45	\$8,907.00
5945	2007	WTR(CASE PIPE,JACK,BOR OR TUNL)STL(16")	LF	1478.00	\$51.00	\$75,378.00
5945	2008	WTR(CASE PIPE,JACK,BOR OR TUNL)STL(12")	LF	403.00	\$103.97	\$41,899.91
5945	2012	WTR(GATE VALVE & BOX)COMPL(8")	EA	13.00	\$1,265.88	\$16,456.44
5945	2013	WTR(GATE VALVE & BOX)COMPL(6")	EA	12.00	\$885.54	\$10,626.48
5945	2016	WTR(FIRE HYDRANT W/6" VALVE & BOX)	EA	27.00	\$3,914.61	\$105,694.47
5945	2019	WTR(AUTO AIR RELEASE VALVE)COMPL(4")	EA	12.00	\$1,900.00	\$22,800.00
5945	2020	WTR(TRENCH EXCAV PROTECT)(5' TO 10')	LF	7694.00	\$0.89	\$6,847.66
5945	2021	WTR(TRENCH EXCAV PROTECT)(10' TO 15')	LF	1164.00	\$2.40	\$2,793.60
5945	2022	WTR(TIE-IN)COMPL(2")	EA	1.00	\$1,740.77	\$1,740.77
5945	2024	WTR(TIE-IN)COMPL(6")	EA	11.00	\$1,935.32	\$21,288.52
5945	2025	WTR(TIE-IN)COMPL(8")	EA	19.00	\$2,233.93	\$42,444.67
5945	2027	WTR(NEW SHORT SERVICE)(3/4")COPPER	EA	36.00	\$525.00	\$18,900.00
5945	2044	WTR(CUT & REPLACE ASPHALT PAVEMENT)	SY	454.00	\$33.91	\$15,395.14
5945	2056	WTR(JACK,BORE OR TUNNEL)(WTR MAIN)(18")	LF	60.00	\$160.00	\$9,600.00
5945	2081	WTR(PIPE WTR MAIN)PVC 900 CL150(6")	LF	5631.00	\$25.30	\$142,484.30
5945	2082	WTR(PIPE WTR MAIN)PVC 900 CL150(12")	LF	3276.00	\$43.10	\$141,195.60
5945	2083	WTR(PIPE STEEL CASING)(16")OPEN CUT)	LF	809.00	\$84.79	\$68,595.11
5945	2085	WTR(TIE-IN)COMPL(12")	EA	4.00	\$1,708.33	\$6,833.32
5945	2088	WTR(JACK,BORE OR TUNNEL)WTR MAIN(8")	LF	34.00	\$164.00	\$5,576.00
5945	2091	WTR(GATE VALVE & BOX)COMPL(12")	EA	8.00	\$2,440.00	\$19,520.00
5945	2095	WTR(PIPE STEEL CASING)(24")OPEN CUT)	LF	562.00	\$110.00	\$61,820.00
5945	2129	WTR(CASE PIPE,JACK,BOR OR TUNL)STL(24")	LF	501.00	\$315.00	\$157,815.00
5945	2136	WTR(CASE PIPE, JACK,BOR OR TUNL)STL (30")	LF	517.00	\$150.00	\$77,550.00
5945	2137	WTR(CASE PIPE, JACK,BOR OR TUNL)STL (42")	LF	392.00	\$370.00	\$145,040.00
5945	2138	WTR(TIE-IN)COMPL(18")	EA	3.00	\$2,500.00	\$7,500.00
5945	2139	WTR(TIE-IN)COMPL(27")	EA	3.00	\$3,000.00	\$9,000.00
5945	2140	WTR(NEW SHORT SERVICE)(2")COPPER	EA	3.00	\$3,000.00	\$9,000.00
5945	2141	WTR(PIPE STEEL CASING)(30")OPEN CUT)	LF	379.00	\$210.00	\$79,590.00
5945	2142	WTR(PIPE STEEL CASING)(42")OPEN CUT)	LF	173.00	\$315.00	\$54,495.00
5945	2143	WTR(JACK,BORE OR TUNNEL)WTR MAIN (27")	LF	60.00	\$350.00	\$21,000.00
5945	2144	WTR(GATE VALVE & BOX)COMPL(18")	EA	3.00	\$12,000.00	\$36,000.00
5945	2145	WTR(GATE VALVE & BOX)COMPL(27")	EA	1.00	\$20,000.00	\$20,000.00
5945	2146	18" DUCTILE IRON PIPE	LF	2309.00	\$130.00	\$300,170.00
5945	2147	27" DUCTILE IRON PIPE	LF	512.00	\$150.00	\$76,800.00
5945	2148	WTR(RESTRAINED JOINT)(PVC C900) 8"	LF	1067.00	\$25.00	\$26,675.00
5945	2149	WTR(RESTRAINED JOINT)(PVC C900) 12"	LF	425.00	\$40.00	\$17,000.00
5945	XXXX	EXTRA VALVES AND FITTINGS IN PLACE	TON	7.00	\$10,000.00	\$70,000.00
5945	2152	REMOVE AND DISPOSE (2-INCH WATERLINE)	LF	2626.00	\$15.00	\$39,390.00
5945	2153	REMOVE AND DISPOSE (6-INCH WATERLINE)	LF	2803.00	\$15.00	\$42,045.00
5945	2154	REMOVE AND DISPOSE (8-INCH WATERLINE)	LF	5639.00	\$15.00	\$84,585.00
5945	2155	REMOVE AND DISPOSE (12-INCH WATERLINE)	LF	3486.00	\$15.00	\$52,290.00
5945	2156	REMOVE AND DISPOSE (18-INCH WATERLINE)	LF	2725.00	\$15.00	\$40,875.00
5945	2157	REMOVE AND DISPOSE (27-INCH WATERLINE)	LF	812.00	\$15.00	\$12,180.00
5945	2158	REMOVE WATER METER	EA	36.00	\$500.00	\$18,000.00
5945	2159	REMOVE FIRE HYDRANT ASSEMBLY	EA	18.00	\$550.00	\$9,900.00
5945	2161	WTR(RESTRAINED JOINT)(DI) 18"	LF	434.00	\$70.00	\$30,380.00
5945	2162	WTR(RESTRAINED JOINT)(DI) 27"	LF	450.00	\$135.00	\$60,750.00
5946	2004	SWR(ABANDON PIPE)(6")	LF	550.00	\$9.40	\$5,170.00
5946	2010	SWR(CUT & REPLC ASPH PAVMNT W/ASPH)	SY	488.00	\$19.19	\$9,364.72
5946	2028	SWR(TRENCH EXCAV PRO)(5' TO 10')	LF	2561.00	\$1.84	\$4,712.24
5946	2029	SWR(TRENCH EXCAV PRO)(10' TO 15')	LF	658.00	\$5.00	\$3,290.00
5946	2040	SWR(CASING)OPEN CUT(STEEL)(16")	LF	954.00	\$135.00	\$128,790.00
5946	2121	SWR (SDR 26 PVC 12")DEPTH 2' TO 6'	LF	202.00	\$55.60	\$11,231.20
5946	2122	SWR (SDR 26 PVC 12")DEPTH 6' TO 8'	LF	69.00	\$61.20	\$4,222.80
5946	2155	SWR(MANHOLE 4'DIA)DEPTH 2'-6'	EA	4.00	\$3,390.00	\$13,560.00
5946	2156	SWR(MANHOLE 4'DIA)DEPTH 6'-8'	EA	7.00	\$4,060.00	\$28,420.00
5946	2157	SWR(MANHOLE 4'DIA)DEPTH 8'-10'	EA	4.00	\$4,440.00	\$17,760.00
5946	2158	SWR(MANHOLE 4'DIA)DEPTH 12'-14'	EA	1.00	\$5,640.00	\$5,640.00
5946	2202	SWR(CASING)OPENCUT(STEEL)(24")	LF	150.00	\$115.00	\$17,250.00
5946	2203	SWR(JACK BORE OR TUNNEL) STL PIPE (16")	LF	588.00	\$250.00	\$147,000.00
5946	2204	SWR(JACK BORE OR TUNNEL) STL PIPE (24")	LF	230.00	\$310.00	\$71,300.00
5946	2205	SWR (SDR26 PVC8")DEPTH2' TO 6'	LF	624.00	\$25.00	\$15,600.00
5946	2206	SWR (SDR26 PVC8")DEPTH6' TO 8'	LF	1843.00	\$25.00	\$46,075.00
5946	2207	SWR (SDR26 PVC8")DEPTH8' TO 10'	LF	972.00	\$30.00	\$29,160.00
5946	2208	SWR (SDR26 PVC8")DEPTH10' TO 12'	LF	31.00	\$32.00	\$992.00
5946	2209	SWR(MANHOLE 4' DIA)DEPTH 10'-12'	EA	4.00	\$4,820.00	\$19,280.00
5946	2210	SWR(DROP MANHOLE 4' DIA)DEPTH 8'-10'	EA	2.00	\$700.00	\$1,400.00
5946	2211	SWR(DROP MANHOLE 4' DIA)DEPTH 14'-16'	EA	1.00	\$1,000.00	\$1,000.00
5946	2212	SWR(NEW SHORT SERVICE)(2")	EA	11.00	\$1,800.00	\$19,800.00
5946	2213	SWR(NEW SHORT SERVICE)(4")	EA	4.00	\$2,000.00	\$8,000.00
5946	2214	REMOVE AND DISPOSE OF6-INCHWW LINE	LF	1679.00	\$15.00	\$25,185.00
5946	2215	REMOVE AND DISPOSE OF8-INCHWW LINE	LF	818.00	\$15.00	\$12,270.00
5946	2216	REMOVE AND DISPOSE OF12-INCHWW LINE	LF	923.00	\$15.00	\$13,845.00
5946	2217	REMOVE 4'DIAWW MANHOLE	EA	8.00	\$700.00	\$5,600.00

TOTAL

\$3,495,425.47

City of Temple, Texas
Construction Phase Services associated with TxDOT Widening of IH-35 from South Loop 363 to Nugen
June 18, 2012

Scope Items	Total	Summary of Hours						
		Principal	PE	Grad Eng	CAD	OSR	Clerical	Direct
		\$160.00	\$140.00	\$100.00	\$90.00	\$75.00	\$70.00	Expenses
I. Bidding								
A. Review TxDOT Consultant's addenda items.	\$ 3,000							
	\$ 3,000	3	18					
II. Construction Administration								
A. Provide periodic site visits by engineer to observe materials and construction.	\$ 152,860							
B. Attend monthly construction meetings on behalf of the City of Temple.	\$ 67,020	60	396					\$1,980
C. Review TxDOT Consultant's RFI responses pertaining to City of Temple Utilities.	\$ 8,840	8	54					
D. Act as City's point of contact for construction related documentation and discussions.	\$ 20,840	20	126					
E. Coordinate with TxDOT consultant and contractor and City Staff as required.	\$ 17,040	12	108					
	\$ 39,120	24	252					
III. On-Site Representation (18 months)								
A. Provide full time On-Site Representation Services for Utility Relocations.	\$ 209,625					2795		
	\$ 209,625							
TOTAL COSTS								
Task I -- Bidding	\$ 3,000							
Task II -- Construction Administration	\$ 153,000							
Task III -- On-Site Representation	\$ 210,000							
TOTAL FEE ESTIMATE	\$ 366,000							

Attachment B
City of Temple, Texas
Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35 from South Loop 363 to Nugent
October 7, 2010

Scope Items	Total	Summary of Hours					
		Principal \$160.00	PE \$140.00	Grad Eng \$100.00	CAD \$90.00	OSR \$75.00	Clerical \$70.00
I. Preliminary							
A. Meet/Coordinate with TxDOT Utility Coordinator	\$ 300	1	1				
B. Review SUE sheets included in 30% Review Plan Sets.	\$ -						
a. Conduct meetings with COT staff to verify existing City of Temple utilities.	\$ 3,200	4	8		16		
b. Conduct field reconnaissance to observe existing City of Temple utilities.	\$ 20,240	12	48	80	40		
c. Prepare a summary letter identifying errors and/or omissions in SUE.	\$ 3,180	2	8	16			2
d. Determine ex. utilities in conflict with proposed IH-35 widening alignment.	\$ 11,280	2	24	40	40		
e. Review COTemple Master Plans and TRZ plans to determine possible conflicts.	\$ 720	1	4				
i. Prepare written summary of potential conflicts.	\$ 720	1	4				
f. Review ex. utilities in conflict and determine if betterment should be investigated.	\$ 1,520	1	4	8			
g. Prepare a preliminary assessment of "Betterment" to be reviewed by City Staff.	\$ 3,040	2	8	16			
h. Prepare prelim. alignment of relocated utilities for COT interests.	\$ 21,640	4	40	64	100		
i. Reviewed vs. TxDOT's consultant alignment and forward comments.	\$ 4,400	2	12	24			
C. Prepare TxDOT Reimbursable Agreement:	\$ -						
a. Standard Utility Agreement (Form ROW-U-35)	\$ -						
b. Attachment A - Plans, Specifications and Estimated Costs	\$ -						
i. Prepare Project Costs detailing City of Temple costs and consultant fees.	\$ 1,320		8	2			
c. Attachment B - Utility's Accounting Method	\$ -						
i. Meet with City of Temple Finance Department Staff.	\$ 380		2	1			
d. Attachment C - Utility Schedule of Work and Estimated Date of Completion	\$ -						
i. Coordinate with TxDOT and their consultant to determine schedule.	\$ 380		2	1			
e. Attachment D - Statement Covering Work	\$ -						
i. Form ROW-U-48	\$ 140		1				
f. Attachment E - Utility Joint Use Acknowledgement	\$ -						
i. Form ROW-U-JUAA	\$ 140		1				
g. Attachment F - Eligibility Ratio Calculation	\$ -						
i. Prepare statement concerning eligibility ratio calculations.	\$ 760		4	2			
h. Attachment G - Betterment Calculation and Estimates	\$ -						
i. Obtain Opinion of Probable Cost for utility relocations from TxDOT consultant.	\$ 140		1				
ii. Using TxDOT consultant's unit costs, prepare OPC with "Betterment".	\$ 340		1	2			
iii. Detail COT Standards and/or Design Calculations to determine "Betterment".	\$ 760		4	2			
i. Attachment H - Proof of Property	\$ -						
i. Obtain and document City of Temple "Real Property Interests".	\$ 540		1	4			
j. Attachment I - Inclusion in Highway Construction Contract	\$ 140		1				
D. Meet with TxDOT's Utility director to review draft and incorporate comments.	\$ 760		4	2			
E. Meet with City of Temple Staff to review TxDOT Reimbursable Agreement.	\$ 440	1	2				
F. Prepare and mail three (3) copies of executed document on behalf of the City.	\$ 280		1				2
G. Address TxDOT review comments.	\$ 1,190	1	4	4			1
II. Plan Review							
A. Review 60% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 7,680	2	24	40			
b. Compliance with City of Temple standards and standard practices.	\$ 2,480	1	8	12			
c. Potential operation and/or maintenance conflicts in future.	\$ 2,320	4	12				
B. Prepare written review comments for submission to TxDOT Consultant.	\$ 3,820	1	8	24			2
C. Prepare 60% Construction Sequence.	\$ 5,760	2	16	32			
D. Meet with TxDOT and COT Staff to discuss review comments and construction sequencing.	\$ 2,560	4	8	8			
E. Review 90% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 2,320	1	4	16			
b. Compliance with City of Temple standards and standard practices.	\$ 2,160		4	16			
c. Potential operation and/or maintenance conflicts in future.	\$ 2,880	1	8	16			
d. Traffic Control Plan.	\$ 2,400	1	16				
F. Prepare 90% Construction Sequence.	\$ 2,480	1	8	12			
G. Review 100% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 340		1	2			
b. Compliance with City of Temple standards and standard practices.	\$ 340		1	2			
c. Potential operation and/or maintenance conflicts in future.	\$ 920	1	4	2			
d. Traffic Control Plan.	\$ 680		2	4			
H. Prepare 100% Construction Sequence.	\$ 1,280	1	8				
I. Attend coordination meetings conducted by TxDOT.	\$ 8,320	16	24	24			
TOTAL HOURS	1,105	70	354	478	196	0	7
Task I -- Preliminary	701	34	198	268	196	0	5
Task II -- Plan Review	404	36	156	210	0	0	2
TOTAL LABOR COSTS	\$ 126,690	\$ 11,200	\$ 49,560	\$ 47,800	\$ 17,640	\$ -	\$ 490
Task I -- Preliminary	\$ 77,950	\$ 5,440	\$ 27,720	\$ 26,800	\$ 17,640	\$ -	\$ 350
Task II -- Plan Review	\$ 48,740	\$ 5,760	\$ 21,840	\$ 21,000	\$ -	\$ -	\$ 140

TOTAL FEE ESTIMATE \$ 126,690



FEE SCHEDULE FOR THE CITY OF TEMPLE

PROFESSIONAL STAFF RATES

Engineer (P.E.)	\$120 / hour
Supervisory Technician	65 / hour
Field Technician	45 / hour
Administrative/Word Processor	45 / hour

Note: For most, if not all projects, only Field Technician time will be charged. Engineering, Supervisory Technician, or Administrative time will only be charged when approved by the City for special situations.

CONSTRUCTION MATERIALS TESTING SERVICES

Sieve Analysis.....	75 / each
#200 Sieve Only	25 / each
Air Content (when no cylinders are made)	25 / each
Concrete Slump (when no cylinders are made)	10 / each
Concrete cylinders	16 / each
Concrete Unit Weight	20 / each
Atterberg Limits	75 / each
Moisture-Density Relations	
- ASTM D698	250 / each
- ASTM D1557	250 / each
- TEX-113-E	300 / each
- TEX-114-E, PI>20	300 / each
Field Density Tests	
- Nuclear Method, per test (Minimum 3) plus technician time	20 / each
Texas Wet Ball Mill	240 / each
Los Angeles Abrasion	290 / each
Asphalt Cores (Minimum 3)	90 / each
Extraction / Gradation	240 / each
Vehicle Fee (per round trip to jobsite local in Temple)	25 / each
Report Fee (per each report issued)	15 / each

We believe that the tests quoted above will cover 90% or better of the City's needs. Quotes for other tests, including geotechnical work, will be provided upon request.



BASIS OF CHARGES

1. Prices listed are for services most frequently performed. Prices for other services provided by the firm or other services not listed will be given upon request.
2. Invoices will be issued on a periodic basis. The net cash amount of this invoice is payable on presentation of the invoice.
3. Jobsite time only will be charged (travel time to and from jobsites will not be charged). Field technician time will be charged in one-hour increments.
4. A fee of \$15 applies for each test report issued. Reports will be issued via e-mail. If hard copy reports are requested via US mail, then additional charges will apply.
5. Time worked before 7 am or after 5 pm, in excess of 8 hours per day, or weekend\holiday work will be charged at 1.5 times the hourly rate.
6. Outside services will include a 20% markup unless otherwise noted.
7. All samples will be disposed at the completion of the test unless prior arrangements are made. LFE does not accept environmental or contaminated samples.
8. A vehicle fee of \$25 per trip will be applicable within the city limits of Temple. An addition charge of \$0.60 per mile will apply outside of the city limits.

City of Temple
U-Number: U13787
CCSJ: 0015-14-091
Limits: From South LP 363 to Nugent

	Director of Public Works	Assistant Director of Public Works	Assistant City Engineer	Superintendent of Water Production Services	Superintendent of Utility Services	Foreman-Water Distribution	Foreman-Sewer Collection	Mapping/Tech Mgr	GIS Specialist	Crew Leader	City Manager	Sr Accountant
Personnel Time	650	650	550	550	425	325	325	300	300	250	100	115
Total	650	650	550	550	425	325	325	300	300	250	100	115
Rate Per Hour	\$ 67.28	\$ 59.07	\$ 43.23	\$ 37.27	\$ 40.56	\$ 29.79	\$ 29.36	\$ 28.08	\$ 22.60	\$ 28.58	\$ 113.13	\$ 30.26
Total Labor Costs	\$ 43,732.00	\$ 38,395.50	\$ 23,776.50	\$ 20,498.50	\$ 17,238.00	\$ 9,681.75	\$ 9,542.00	\$ 8,424.00	\$ 6,780.00	\$ 7,145.00	\$ 11,313.00	\$ 3,479.90
Total City of Temple Lump Sum Amount = \$200,006												

	Pick-Up 1/2 Ton	Camera Van	Inspection Camera	Vactor Truck
Equipment/ Vehicle Time	225	175	180	175
Total	225	175	180	175
Rate Per Hour	\$ 19.00	\$ 75.00	\$ 35.00	\$ 150.00
Total Equip/Veh Costs	\$ 4,275.00	\$ 13,125.00	\$ 6,300.00	\$ 26,250.00
Total City of Temple Lump Sum Amount = \$49,950				

ATTACHMENT "B"
UTILITY'S ACCOUNTING METHOD

for

City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.



Actual Cost Method of Accounting

The utility accumulates cost under a work order accounting procedure prescribed by the Federal or State regulatory body; and
The utility proposes to request reimbursement for actual direct and related indirect cost,



Lump Sum Method of Accounting

Utility proposed to request reimbursement based on an agreed lump sum amount supported by a detailed cost analysis,



Alternative Method of Accounting

The utility accumulates costs under an accounting procedure developed by the utility and approved by the State; and,
The utility proposes to request reimbursement for actual direct and indirect costs; and
The utility owner is a municipality.

ATTACHMENT "C"

Utility Schedule of Work and Estimated Date of Completion for

City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.

The utility work for this project has been incorporated into the TxDOT contract and plan set. The schedule of work and estimated completion date for utility adjustments and/or relocation will be determined by the contractor's schedule of work.

ATTACHMENT "D"
Statement Covering Contract Work
for
City of Temple
TXDOT U-Number: U13787
HWY: IH 35
CCSJ: 0015-14-091 RWCSJ: 0015-14-123
LIMITS: From South LP 363 to Nugent Ave.

☒ See attached TxDOT form ROW-U-48



STATEMENT COVERING UTILITY CONSTRUCTION CONTRACT WORK
(AS APPEARING IN ESTIMATE)

U-No. U13787

District: Waco
County: Bell
Federal Project No.: TBD

ROW CSJ No.: 0015-14-123
Highway No.: IH - 35

I, David Blackburn, a duly authorized and qualified representative of City of Temple, hereinafter referred to as **Owner**, am fully cognizant of the facts and make the following statements in respect to work which will or may be done on a contract basis as appears in the estimate to which this statement is attached.

It is more economical and/or expedient for **Owner** to contract this adjustment, or **Owner** is not adequately staffed or equipped to perform the necessary work on this project with its own forces to the extent as indicate on the estimate.

Procedure to be Used in Contracting Work

- ☐ A. Solicitation for bids is to be accomplished through open advertising and contract is to be awarded to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed.
- ☐ B. Solicitation for bids is to be accomplished by circulating to a list of pre-qualified contractors or known qualified contractors and such contract is to be awarded to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed. Such presently known contractors are listed below:
- 1.
 - 2.
 - 3.
 - 4.
 - 5.
- ☐ C. The work is to be performed under an existing continuing contract under which certain work is regularly performed for **Owner** and under which the lowest available costs are developed. (If only part of the contract work is to be done under an existing contract, give detailed information by attachment hereto.)
- ☐ D. The utility proposes to contract outside the foregoing requirements and therefore evidence in support of its proposal is attached to the estimate in order to obtain the concurrence of the State, and the Federal Highway Administration Division Engineer where applicable, prior to taking action thereon (approval of the agreement shall be considered as approval of such proposal).
- ☒ E. The utility plans and specifications, with the consent of the State, will be included in the construction contract awarded by the State.

Signature

Date

Title

ATTACHMENT "E"
Utility Joint Use Agreement

for

City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.

- ☒ See attached TxDOT form ROW-U-JUQQ (Reimbursable)
- ☐ See attached TxDOT form ROW-U-JUAB (Non-Reimbursable)



UTILITY JOINT USE ACKNOWLEDGEMENT REIMBURSABLE UTILITY ADJUSTMENT

U-Number: **U13787**

District: Waco
Federal Project No.: TBD
ROW CSJ: 0015-14-123
Projected Highway Letting Date: August, 2012

County: Bell
Highway: IH-35
From: South LP 363 in Temple
To: Nugent Ave.

WHEREAS, the State of Texas, ("**State**"), acting by and through the Texas Department of Transportation ("**TxDOT**"), proposes to make certain highway improvements on that section of the above-indicated highway; and

WHEREAS, the City of Temple, ("**Utility**"), proposes to adjust or relocate certain of its facilities, if applicable, and retain title to any property rights it may have on, along or across, and within or over such limits of the highway right of way as indicated by the location map attached hereto.

NOW, THEREFORE, in consideration of the covenants and acknowledgements herein contained, the parties mutually agree as follows:

It is agreed that joint usage for both highway and utility purposes will be made of the area within the highway right of way limits as such area is defined and to the extent indicated on the aforementioned plans or sketches. Nothing in this Acknowledgement shall serve to modify or extinguish any compensable property interest vested in the **Utility** within the above described area. If the facilities shown in the aforementioned plans need to be altered or modified or new facilities constructed to either accommodate the proposed highway improvements or as part of **Utility's** future proposed changes to its own facilities, **Utility** agrees to notify **TxDOT** at least 30 days prior thereto, and to furnish necessary plans showing location and type of construction, unless an emergency situation occurs and immediate action is required. If an emergency situation occurs and immediate action is required, **Utility** agrees to notify **TxDOT** promptly. If such alteration, modification or new construction is in conflict with the current highway or planned future highway improvements, or could endanger the traveling public using said highway, **TxDOT** shall have the right, after receipt of such notice, to prescribe such regulations as necessary for the protection of the highway facility and the traveling public using said highway. Such regulations shall not extend, however, to requiring the placement of intended overhead lines underground or the routing of any lines outside of the area of joint usage above described.

If **Utility's** facilities are located along a controlled access highway, **Utility** agrees that ingress and egress for servicing its facilities will be limited to frontage roads where provided, nearby or adjacent public roads and streets, or trails along or near the highway right of way lines which only connect to an intersecting road. Entry may be made to the outer portion of the highway right of way from any one or all access points. Where supports, manholes or other appurtenances of the **Utility's** facilities are located in medians or interchange areas, access from the through-traffic roadways or ramps will be allowed by permit issued by the **State** to the **Utility** setting forth the conditions for policing and other controls to protect highway users. In an emergency situation, if the means of access or service operations as herein provided will not permit emergency repairs as required for the safety and welfare of the public, the **Utility** shall have a temporary right of access to and from the through-traffic roadways and ramps as necessary to accomplish the required repairs, provided **TxDOT** is notified immediately when such repairs are initiated and adequate provision is made by **Utility** for the convenience and safety of highway traffic. Except as expressly provided herein, the **Utility's** rights of access to the through-traffic roadways and/or ramps shall be subject to the same rules and regulations as apply to the general public.

If **Utility's** facilities are located along a non-controlled access highway, the **Utility's** rights of ingress and egress to the through-traffic roadways and/or ramps are subject to the same rules and regulations as apply to the general public.

Initial

Date

Participation in actual costs incurred by the **Utility** for any future adjustment, removal or relocation of utility facilities required by highway construction shall be in accordance with applicable laws of the State of Texas.

Utility will, by written notice, advise **TxDOT** of the beginning and completion dates of the adjustment, removal, or relocation, and, thereafter, agrees to perform such work diligently, and to conclude said adjustment, removal, or relocation by the stated completion date. The completion date shall be extended for delays caused by events outside **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with **Utility's** ability to proceed with the relocation, or any other event in which **Utility** has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of **Utility**.

It is expressly understood that **Utility** conducts the new installation, adjustment, removal, and/or relocation at its own risk, and that **TxDOT** makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

The **Utility** and the **State**, by execution of this Acknowledgement, do not waive or relinquish any right that they may have under the law.

The signatories to this Acknowledgement warrant that each has the authority to enter into this Acknowledgement on behalf of the party represented.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures.

UTILITY

EXECUTION RECOMMENDED:

Utility: City of Temple
Name of Utility

District Engineer, Waco District

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Director, Right of Way Division

Date: _____

Initial

Date

ATTACHMENT "F"

Eligibility Ratio

for

City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.

☐

Toll Project

On Toll Projects, pursuant to current state and federal law, **utility participation is 50% of all eligible cost**

☒

Interstate Project

On Interstate highways, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the relocation costs are eligible for federal participation. Pursuant to current state and federal law, **federal participation is 100% of all eligible cost.**

☐

State and Local Projects

On State and Local projects, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the utility possesses a valid property interest. See Attachment H for proof of property interest, which is established at _____% eligible.

☐

Eligibility Calculation

See Attached

ATTACHMENT "G"
Betterment Calculation and Estimates

for
City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.

☒ **Betterment does not exist in this agreement**

☐ **Forced Betterment exists in this agreement**

At the request of the State

Due to technological advances

Due to Utility standards – See attached documentation

☐ **Betterment exists – See following calculation and attached
Betterment Estimate and Non-Betterment Estimate**

BETTERMENT COST	=	ADJUSTMENT COST INCLUDING BETTERMENTS	-	ADJUSTMENT COST WITHOUT BETTERMENTS
-----------------	---	--	---	--

BETTERMENT COST	=	\$	-	\$
-----------------	---	----	---	----

BETTERMENT COST	=	\$		
-----------------	---	----	--	--

BETTERMENT RATIO	=	$\frac{\text{BETTERMENT COST}}{\text{ADJUSTMENT COST INCLUDING BETTERMENTS}}$	=	$\frac{\$}{\$}$
------------------	---	---	---	-----------------

BETTERMENT RATIO	=	
------------------	---	--

ATTACHMENT "G"
Estimated Eligible Reimbursable Amount
for
City of Temple
TXDOT U-Number: U13464
HWY: IH 35
CCSJ: 0015-14-091 RWCSJ: 0015-14-123
LIMITS: From South LP 363 to Nugent Ave.

BETTERMENT LESS CREDIT			
BETTERMENT LESS CREDIT	=	BETTERMENT LESS CREDIT	X PROJECT COST
\$			\$

TOTAL LESS CREDITS				
TOTAL LESS CREDITS	=	BETTERMENT LESS CREDIT	+	SALVAGE
\$		\$		\$

NET ESTIMATED PROJECT COST				
NET PROJECT COST	=	PROJECT COST	-	TOTAL LESS CREDITS
\$		\$		\$

TOTAL ESTIMATED COST ELIGIBLE FOR REIMBURSEMENT			
TOTAL COST ELIGIBLE FOR REIMBURSEMENT	=	INTERSTATE FACILITY ELIBIBLE RATIO	X NET PROJECT COST
\$		%	\$

TOTAL ESTIMATED UTILITY COST ELIGIBLE FOR REIMBURESEMENT	=	\$
--	---	----

ATTACHMENT "H"
Proof of Property Interest
for

City of Temple

TXDOT U-Number: U13787

HWY: IH 35

CCSJ: 0015-14-091 RWCSJ: 0015-14-123

LIMITS: From South LP 363 to Nugent Ave.

☐

Toll Project

On Toll Projects, pursuant to current state and federal law, **utility participation is 50% of all eligible cost**

☐

Attached Texas Highway Commission Minute Order
designating
Highway as a toll project

☒

Interstate Project

On Interstate highways, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the relocation costs are eligible for federal participation. Pursuant to current state and federal law, **federal participation is 100% of all eligible cost.**

☐

Recorded Easements – See attached

☐

Easement Documents

☐

Affidavit A (Form ROW-U-1A)

ATTACHMENT "I"
(to be used only for Inclusion in Highway Construction Contract)

for
City of Temple
TXDOT U-Number: U13787
HWY: IH 35
CCSJ: 0015-14-091 RWCSJ: 0015-14-123
LIMITS: From South LP 363 to Nugent Ave.

In the best interest of both the State and the Owner, the Owner requests the State to include the plans and specifications for this work in the general contract for construction of Highway IH 35 in this area, so that the work can be coordinated with the other construction operations; and the construction contract is to be awarded by the State to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed.

Utility: City of Temple
Name of Utility

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____



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

June 12, 2012

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35
from **South Loop 363 to Nugent**

Dear Mr. Newman:

This letter proposal is in response to your request for construction phase services required for the relocation of City owned utilities (water and sewer) along IH-35 (South Loop 363 to Nugent) in conjunction with the highway reconstruction by the Texas Department of Transportation (TxDOT). The South Loop 363 to Nugent highway reconstruction along IH-35 will impact over 21,000 ft. of City of Temple water and wastewater utilities. The attached Location Map depicts this section of the project.

The Texas Department of Transportation (TxDOT) is planning to let this project in August 2012, with construction beginning in Spring 2013. TxDOT has included the relocation of City of Temple water and wastewater utilities in this contract.

KPA is currently acting as an extension of the City of Temple's Public Works / Engineering Department through the review process in the design phase of this project. Kasberg, Patrick & Associates, LP construction phase services will include review of addendum items pertaining to City utilities during bidding process, construction administration, on-site representation and preparation of TxDOT reimbursement requests. The following is a summary of estimated fees for these services, which will be included as part of the City's Reimbursable Agreement with TxDOT:

Basic Services

• Bidding	\$	3,000
• Construction Administration	\$	153,000
Sub-Total Basic Services	\$	156,000

Special Services

• On-Site Representation	\$	210,000
Sub-Total Special Services	\$	210,000

TOTAL \$ 366,000

Mr. Michael Newman, P.E.

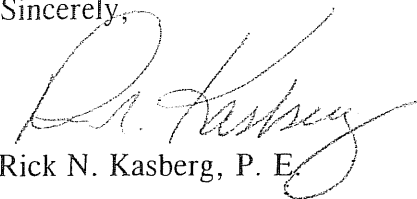
June 12, 2012

Page Two

KPA will begin work once written authorization is received in our office. We will not exceed this amount without your authorization. All work will be billed monthly on an hourly basis in accordance with Attachment 'B' and the TxDOT Agreement. We are available to address any questions or comments that you may have about this proposal.

Thank you for allowing us to serve the City of Temple in this capacity.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Kasberg".

Rick N. Kasberg, P. E.

RNK/grt

2010-136

ATTACHMENT "B"

Charges for Additional Services

City of Temple
IH-35 South Loop to Nugent

<u>POSITION</u>	<u>RATES/HOUR</u>
Principal	\$ 160.00
Professional Engineer	140.00
Graduate Engineer	100.00
CAD Technician	90.00
Clerical	70.00
On-Site Representative	75.00
Expenses	actual cost

FY **2012**
#1

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-66-18	100687	Special Project-South LP 363 to Nugent	\$ 431,000			
520-0000-373-04-11		Retained Earnings	250,000			
520-0000-461-08-65		Miscellaneous Reimbursements	681,000			
		Do Not Post				
TOTAL.....			\$1,362,000		\$ -	

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

To appropriate funding for the TxDOT Standard Utility Agreements for IH-35 improvements from South Loop 363 to Nugent. The agreement includes reimbursement for a professional services contracts with Kasberg, Patrick & Associates for \$366,000, material testing costs of \$65,000 and reimbursement for costs incurred by the City of Temple related to personnel time, vehicle and equipment usage totaling \$250,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

July 19, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved



STANDARD UTILITY AGREEMENT

U-Number: **U13795**

District: Waco

County: Bell

Federal Project No.: TBD

Highway: IH-35

ROW CSJ: 0015-14-124

From: Nugent Ave.

Highway Project Letting Date: August, 2012

To: North LP 363

This Agreement by and between the State of Texas, acting by and through the Texas Transportation Commission, ("**State**"), and City of Temple, ("**Utility**"), acting by and through its duly authorized representative, shall be effective on the date of approval and execution by and on behalf of the **State**.

WHEREAS, the **State** has deemed it necessary to make certain highway improvements as designated by the **State** and approved by the Federal Highway Administration within the limits of the highway as indicated above;

WHEREAS, the proposed highway improvements will necessitate the adjustment, removal, and/or relocation of certain facilities of **Utility** as indicated in the following statement of work: Adjust and relocate existing water and wastewater facilities that are in conflict with proposed Interstate 35 reconstruction project; and more specifically shown in **Utility's** plans, specifications and estimated costs, which are attached hereto as Attachment "A".

WHEREAS, the **State** will participate in the costs of the adjustment, removal, and/or relocation of certain facilities to the extent as may be eligible for State and/or Federal participation.

WHEREAS, the **State**, upon receipt of evidence it deems sufficient, acknowledges **Utility's** interest in certain lands and/or facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work above.

NOW, THEREFORE, BE IT AGREED:

The **State** will pay to **Utility** the costs incurred in adjustment, removal, and/or relocation of **Utility's** facilities up to the amount said costs may be eligible for **State** participation.

The **State** and **Utility** agree that all conduct under this agreement, including but not limited to the adjustment, removal and relocation of the facility, the development and reimbursement of costs, any environmental requirements, and retention of records will be in accordance with 23 CFR 645, Subparts A & B and all other applicable federal and state laws, rules and regulations. **Utility** agrees to supply, upon request by the **State**, proof of compliance with the aforementioned laws, rules and regulations prior to the commencement of construction.

The **Utility** agrees to develop relocation or adjustment costs by accumulating actual direct and related indirect costs in accordance with a work order accounting procedure prescribed by **State**, or may, with the **State's** approval, accumulate actual direct and related indirect costs in accordance with an established accounting procedure developed by **Utility**. Bills for work hereunder will be submitted to **State** not later than 90 days after completion of the work.

When requested, the **State** will make intermediate payments at not less than monthly intervals to **Utility** when properly billed and such payments will not exceed 80 percent (80%) of the eligible cost as shown in each such billing. In addition, the **State** will make a payment, before audit, which will bring the total percentage paid to the **Utility** up to the 90% eligible cost. Intermediate payments shall not be construed as final payment for any items included in the intermediate payment.

Initial _____ Date _____

Alternatively, **State** agrees to pay **Utility** an agreed lump sum of \$N/A as supported by the attached estimated costs. The **State** will, upon satisfactory completion of the adjustments, removals, and/or relocations and upon receipt of a final billing, make payment to **Utility** in the agreed amount.

Upon execution of this agreement by both parties hereto, the **State** will, by written notice, authorize the **Utility** to perform such work diligently, and to conclude said adjustment, removal, or relocation by the stated completion date. The completion date shall be extended for delays caused by events outside **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with **Utility's** ability to proceed with the relocation, or any other event in which **Utility** has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of **Utility**.

The **State** will, upon satisfactory completion of the relocation or adjustment and upon receipt of final billing prepared in an approved form and manner, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for **State** reimbursement.

Unless an item below is stricken and initialed by the **State and Utility**, this agreement in its entirety consists of the following:

1. Standard Utility Agreement;
2. Plans, Specifications, and Estimated Costs (Attachment "A");
3. Utility's Accounting Method (Attachment "B");
4. Utility's Schedule of Work and Estimated Date of Completion (Attachment "C");
5. Statement Covering Contract Work – ROW-U-48 (Attachment "D");
6. Eligibility Ratio (Attachment "F");
7. Betterment Calculation and Estimates (Attachment "G");
8. Proof of Property Interest – ROW-U-1A, ROW-U-1B, or ROW-U-1C (Attachment "H");
9. Inclusion in Highway Construction Contract (if applicable) (Attachment "I"); and
10. Utility Joint Use Acknowledgment – ROW -U-JUA (Attachment "E").

All attachments are included herein as if fully set forth. In the event it is determined that a substantial change from the statement of work contained in this agreement is required, reimbursement therefore shall be limited to costs covered by a modification or amendment of this agreement or a written change or extra work order approved by the **State and Utility**.

This agreement is subject to cancellation by the **State** at any time up to the date that work under this agreement has been authorized and that such cancellation will not create any liability on the part of the **State**.

The State Auditor may conduct an audit or investigation of any entity receiving funds from the **State** directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

The **Utility** by execution of this agreement does not waive any of the rights which **Utility** may have within the limits of the law.

It is expressly understood that the **Utility** conducts the adjustment, removal, or relocation at its own risk, and that TxDOT makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

Initial

Date

UTILITY

Utility: City of Temple
Name of Utility

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____

EXECUTION RECOMMENDED:

District Engineer, Waco District *

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____

**

Date: _____

* For locally-executed agreements, ROW Administrator recommends execution; otherwise District Engineer (or designee) .

** For locally-executed agreements, District Engineer (or designee) approves and executes; otherwise ROW Division Director.

Initial

Date

ATTACHMENT "A"
Plan, Specification, and Estimated Costs
for
City of Temple
TXDOT U-Number: U13795
HWY: IH 35
CCSJ: 0015-14-102 RWCSJ: 0015-14-124
LIMITS: From Nugent Ave. to North LP 363

IH-35 Utility Relocations
Project 3A-1 Nugent Ave. to North Loop
Summary of Estimated Reimbursable Costs

¹Total Opinion of Probable Project Cost

(Not Reimbursable but will be included in TxDOT Construction Contract, see attached breakdown) **\$ 2,581,200.67**

²Professional Basic Services

P1	Preliminary Review/Coordination	\$ 54,470.00
P2	Plan Review	\$ 31,720.00
P3	Bidding Services	\$ 3,000.00
P4	Project Construction Administration	<u>\$ 103,000.00</u>
	Total Basic Services	\$ 192,190.00

²Professional Special Services

P5	On-Site Representation	<u>\$ 210,000.00</u>
	Total Special Services	\$ 210,000.00

³City of Temple

B1	Personnel Time (summarized by hour and rate)	\$ 200,000.00
B2	Equipment and Vehicle	\$ 50,000.00
B3	Materials Testing	<u>\$ 65,000.00</u>
	Total City of Temple	\$ 315,000.00

⁴Total Reimbursable Project Cost* **\$ 717,190.00**

Notes: ¹Total OPC is from URS estimate which includes construction, contingency, indirect and engineering costs.

² Professional Basic and Special Services will be invoiced to City of Temple.

³ City of Temple Costs will be actual hours. Amount shown is estimated.

⁴Total Reimbursable Project Cost does not include construction costs. Construction will be accomplished under TxDOT Roadway contract.

CITY OF TEMPLE WATER U13795

SPEC	DESC	PROV	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST
0402	2001		TRENCH EXCAVATION PROTECTION	LF	4850	\$ 1.39	\$ 6,741.50
5945	2004	002	WTR(PIPE STEEL CASING)(12")OPEN CUT	LF	95	\$ 105.74	\$ 10,045.30
5945	2007	002	WTR(CASE PIPE,JACK,BOR OR TUNL)STL(16")	LF	78	\$ 51.00	\$ 3,978.00
5945	2017	002	WTR(RELOCATE FIRE HYDRANT)	EA	20	\$ 1,587.50	\$ 31,750.00
5945	2063	002	WTR(PIPE WTR MAIN)(PVC C900DR14)(6")	LF	300	\$ 45.00	\$ 13,500.00
5945	2083	002	WTR(PIPE STEEL CASING)(16")(OPEN CUT)	LF	397	\$ 84.79	\$ 33,661.63
5945	2085	002	WTR(TIE-IN)COMPL(12")	EA	4	\$ 1,708.33	\$ 6,833.32
5945	2095	002	WTR(PIPE STEEL CASING)(24")(OPEN CUT)	LF	1013	\$ 110.00	\$ 111,430.00
5945	2101	002	WTR STEEL CASING PIPE(36")	LF	833	\$ 30.00	\$ 24,990.00
5945	2129	002	WTR(CASE PIPE,JACK,BOR OR TUNL)STL(24")	LF	775	\$ 315.00	\$ 244,125.00
5945	2153	002	REMOVE AND DISPOSE(6-INCH WATERLINE)	LF	1757	\$ 15.00	\$ 26,355.00
5945	2154	002	REMOVE AND DISPOSE(8-INCH WATERLINE)	LF	1454	\$ 15.00	\$ 21,810.00
5945	2155	002	REMOVE AND DISPOSE(12-INCH WATERLINE)	LF	3944	\$ 15.00	\$ 59,160.00
5945	2156	002	REMOVE AND DISPOSE(18-INCH WATERLINE)	LF	50	\$ 15.00	\$ 750.00
5945	2163	002	WTR(TIE-IN)COMPL(14")	EA	2	\$ 2,500.00	\$ 5,000.00
5945	2164	002	WTR(PIPE WTR MAIN)(PVC DR18)(8")	LF	3281	\$ 250.00	\$ 820,250.00
5945	2165	002	WTR(PIPE WTR MAIN)(PVC DR18)(12")	LF	6299	\$ 11.00	\$ 69,289.00
5945	2166	002	WTR(PIPE WTR MAIN)(PVC DR18)(18")	LF	353	\$ 12.00	\$ 4,236.00
5945	2167	002	WTR(PIPE WTR MAIN)PVC C900 CL150(14")	LF	1605	\$ 15.00	\$ 24,075.00
5945	2168	002	ABANDON 6" WATERLINE	LF	1575	\$ 11.00	\$ 17,325.00
5945	2169	002	ABANDON 8" WATERLINE	LF	1248	\$ 300.00	\$ 374,400.00
5945	2170	002	ABANDON 10" WATERLINE	LF	161	\$ 15.00	\$ 2,415.00
5945	2171	002	ABANDON 12" WATERLINE	LF	1275	\$ 15.00	\$ 19,125.00
5945	2172	002	ABANDON 18" WATERLINE	LF	163	\$ 15.00	\$ 2,445.00
5945	2173	002	REMOVE & DISPOSE(14-INCH WATERLINE)	LF	644	\$ 32.00	\$ 20,608.00
5945	***	002	EXTRA VALVES AND FITTINGS IN PLACE	TON	6	\$ 2,500.00	\$ 15,000.00
TOTAL CSJ 0015-14-124							Water: \$ 1,954,297.75

CITY OF TEMPLE SEWER U13795

SPEC	DESC	PROV	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	COST
5946	2004	001	SWR(ABANDON PIPE)(6")	LF	29	\$ 9.40	\$ 272.60
5946	2005	001	SWR(ABANDON PIPE)(8")	LF	1217	\$ 24.00	\$ 29,208.00
5946	2007	001	SWR(ABANDON PIPE)(12")	LF	436	\$ 30.00	\$ 13,080.00
5946	2019	001	SWR(ABANDON MANHOLE)	EA	3	\$ 30.00	\$ 90.00
5946	2021	001	SWR(PRE-CAST MANH)(EXTRA DEPTH)	LF	90	\$ 49.00	\$ 4,410.00
5946	2022	001	SWR(PRE-CAST MANH)COMPL	EA	22	\$ 1,900.00	\$ 41,800.00
5946	2028	001	SWR(TRENCH EXCAV PRO)(5'TO 10')	LF	6043	\$ 1.84	\$ 11,119.12
5946	2029	001	SWR(TRENCH EXCAV PRO)(10'TO 15')	LF	1650	\$ 5.00	\$ 8,250.00
5946	2030	001	SWR(TRENCH EXCAV PRO)(15'TO 20')	LF	110	\$ 35.00	\$ 3,850.00
5946	2032	001	SWR(8")SDR 26	LF	583	\$ 35.00	\$ 20,405.00
5946	***	001	SWR(8")PVC C900 DR18	LF	3678	\$ 11.00	\$ 40,458.00
5946	***	001	SWR(10")PVC C900 DR18	LF	960	\$ 20.00	\$ 19,200.00
5946	2040	001	SWR(CASING)OPEN CUT(STEEL)(16")	LF	1253	\$ 135.00	\$ 169,155.00
5946	2121	001	SWR (SDR 26 PVC 12")DEPTH 2' TO 6'	LF	1097	\$ 55.60	\$ 60,993.20
5946	2176	001	SWR(REMOVE ABANDONED MANHOLES)	EA	18	\$ 11.00	\$ 198.00
5946	2202	001	SWR(CASING)OPEN CUT(STEEL)(24")	LF	444	\$ 115.00	\$ 51,060.00
5946	2214	001	REMOVE AND DISPOSE OF 6-INCH WW LINE	LF	299	\$ 15.00	\$ 4,485.00
5946	2215	001	REMOVE AND DISPOSE OF 8-INCH WW LINE	LF	2165	\$ 15.00	\$ 32,475.00

5946	2216	001 REMOVE AND DISPOSE OF 12-INCH WW LINE	LF	1122	\$	15.00	\$	16,830.00
5946	2219	001 SWR(8")DI 150	LF	340	\$	5.00	\$	1,700.00
5946	2221	001 SWR(CASE PIPE,JACK,BOR OR TUNL)STL(16")	LF	146	\$	12.00	\$	1,752.00
5946	2222	001 SWR(CASE PIPE,JACK,BOR OR TUNL)STL(24")	LF	999	\$	12.00	\$	11,988.00
5946	2223	001 SWR(FORCE MAIN)CI 160 5DR-26(12")	LF	2406	\$	11.00	\$	26,466.00
5946	2224	001 SWRFM(CONN PROP 12"SWRFM)TO EX 12"SWRFM EA		2	\$	11.00	\$	22.00
5946	2225	001 SWRFM(AIR RELEASE VALVE WITH MANHOLE)	EA	1	\$	11.00	\$	11.00
5946	2226	001 REMOVE ABANDONED PIPE	LF	1134	\$	5.00	\$	5,670.00
5946	2227	001 CNNCT EXISTING WW LINE TO PRPSD MANHOLE	EA	2	\$	2,000.00	\$	4,000.00
5946	2228	001 REMOVE AND DISPOSE OF 4-INCH WW LINE	LF	78	\$	15.00	\$	1,170.00
5946	2229	001 REMOVE AND DISPOSE OF 10-INCH WW LINE	LF	730	\$	15.00	\$	10,950.00
5946	2230	001 REMOVE AND DISPOSE OF 12-INCH WW LINE	LF	2389	\$	15.00	\$	35,835.00
TOTAL CSJ 0015-14-124				Wastewater:		\$	626,902.92	

Total: \$ 2,581,200.67

City of Temple, Texas
Construction Phase Services associated with TxDOT Widening of IH-35 from Nugent to North Loop 363
June 18, 2012

Scope Items	Total	Summary of Hours						
		Principal	PE	Grad Eng	CAD	OSR	Clerical	Direct
		\$160.00	\$140.00	\$100.00	\$90.00	\$75.00	\$70.00	Expenses
I. Bidding								
A. Review TxDOT Consultant's addenda items.	\$ 3,000							
	\$ 3,000	3	18					
II. Construction Administration	\$ 103,400							
A. Provide periodic site visits by engineer to observe materials and construction.	\$ 36,700	28	216					\$1,980
B. Attend monthly construction meetings on behalf of the City of Temple.	\$ 6,780	3	45					
C. Review TxDOT Consultant's RFI responses pertaining to City of Temple Utilities.	\$ 16,720	10	108					
D. Act as City's point of contact for construction related documentation and discussions.	\$ 11,040	6	72					
E. Coordinate with TxDOT consultant and contractor and City Staff as required.	\$ 32,160	12	216					
III. On-Site Representation (18 months)	\$ 209,625							
A. Provide full time On-Site Representation Services for Utility Relocations.	\$ 209,625					2795		
TOTAL COSTS								
Task I -- Bidding	\$ 3,000							
Task II -- Construction Administration	\$ 103,000							
Task III -- On-Site Representation	\$ 210,000							

TOTAL FEE ESTIMATE \$ 316,000

Attachment B
City of Temple, Texas
Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35 from Nugent to North Loop 363
October 7, 2010

Scope Items	Total	Summary of Hours					
		Principal \$160.00	PE \$140.00	Grad Eng \$100.00	CAD \$90.00	OSR \$75.00	Clerical \$70.00
I. Preliminary							
A. Meet/Coordinate with TxDOT Utility Coordinator	\$ 300	1	1				
B. Review SUE sheets included in 30% Review Plan Sets.	\$ -						
a. Conduct meeting with COT staff to verify existing City of Temple utilities.	\$ 1,600	2	4		8		
b. Conduct field reconnaissance to observe existing City of Temple utilities.	\$ 13,520	8	32	56	24		
c. Prepare a summary letter identifying errors and/or omissions in SUE.	\$ 1,660	1	4	8			2
d. Determine ex. utilities in conflict with proposed IH-35 widening alignment.	\$ 7,440	4	16	24	24		
e. Review COTemple Master Plans and TRZ plans to determine possible conflicts.	\$ 720	1	4				
i. Prepare written summary of potential conflicts.	\$ 720	1	4				
f. Review ex. utilities in conflict and determine if betterment should be investigated.	\$ 1,520	1	4	8			
g. Prepare a preliminary assessment of "Betterment" to be reviewed by City Staff.	\$ 1,520	1	4	8			
h. Prepare prelim. alignment of relocated utilities for COT interests.	\$ 14,880	2	24	40	80		
i. Reviewed vs. TxDOT's consultant alignment and forward comments.	\$ 2,880	1	8	16			
C. Prepare TxDOT Reimbursable Agreement:	\$ -						
a. Standard Utility Agreement (Form ROW-U-35)	\$ -						
b. Attachment A - Plans, Specifications and Estimated Costs	\$ -						
i. Prepare Project Costs detailing City of Temple costs and consultant fees.	\$ 1,320		8	2			
c. Attachment B - Utility's Accounting Method	\$ -						
i. Meet with City of Temple Finance Department Staff.	\$ 380		2	1			
d. Attachment C - Utility Schedule of Work and Estimated Date of Completion	\$ -						
i. Coordinate with TxDOT and their consultant to determine schedule.	\$ 380		2	1			
e. Attachment D - Statement Covering Work	\$ -						
i. Form ROW-U-48	\$ 140		1				
f. Attachment E - Utility Joint Use Acknowledgement	\$ -						
i. Form ROW-U-JUAA	\$ 140		1				
g. Attachment F - Eligibility Ratio Calculation	\$ -						
i. Prepare statement concerning eligibility ratio calculations.	\$ 760		4	2			
h. Attachment G - Betterment Calculation and Estimates	\$ -						
i. Obtain Opinion of Probable Cost for utility relocations from TxDOT consultant.	\$ 140		1				
ii. Using TxDOT consultant's unit costs, prepare OPC with "Betterment".	\$ 340		1	2			
iii. Detail COT Standards and/or Design Calculations to determine "Betterment".	\$ 760		4	2			
i. Attachment H - Proof of Property	\$ -						
i. Obtain and document City of Temple "Real Property Interests".	\$ 540		1	4			
j. Attachment I - Inclusion in Highway Construction Contract	\$ 140		1				
D. Meet with TxDOT's Utility director to review draft and incorporate comments.	\$ 760		4	2			
E. Meet with City of Temple Staff to review TxDOT Reimbursable Agreement.	\$ 440	1	2				
F. Prepare and mail three (3) copies of executed document on behalf of the City.	\$ 280		1				2
G. Address TxDOT review comments.	\$ 1,190	1	4	4			1
II. Plan Review							
A. Review 60% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 3,040	2	8	16			
b. Compliance with City of Temple standards and standard practices.	\$ 1,520	1	4	8			
c. Potential operation and/or maintenance conflicts in future.	\$ 720	1	4				
B. Prepare written review comments for submission to TxDOT Consultant.	\$ 1,660	1	4	8			2
C. Prepare 60% Construction Sequence.	\$ 3,040	2	8	16			
D. Meet with TxDOT and COT Staff to discuss review comments and construction sequencing.	\$ 1,600	4	4	4			
E. Review 90% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 1,240	1	2	8			
b. Compliance with City of Temple standards and standard practices.	\$ 1,080		2	8			
c. Potential operation and/or maintenance conflicts in future.	\$ 2,880	1	8	16			
d. Traffic Control Plan.	\$ 2,240	1	12	4			
F. Prepare 90% Construction Sequence.	\$ 1,520	1	4	8			
G. Review 100% Utility Plans for:	\$ -						
a. Accuracy with respect to size, material and alignment as determined in preliminary phase.	\$ 340		1	2			
b. Compliance with City of Temple standards and standard practices.	\$ 340		1	2			
c. Potential operation and/or maintenance conflicts in future.	\$ 920	1	4	2			
d. Traffic Control Plan.	\$ 540		1	4			
H. Prepare 100% Construction Sequence.	\$ 720	1	4				
I. Attend coordination meetings conducted by TxDOT.	\$ 8,320	16	24	24			
TOTAL HOURS	748	58	237	310	136	0	7
Task I -- Preliminary	488	25	142	180	136	0	5
Task II -- Plan Review	260	33	95	130	0	0	2
TOTAL LABOR COSTS	\$ 86,190	\$ 9,280	\$33,180	\$31,000	\$12,240	\$ -	\$ 490
Task I -- Preliminary	\$ 54,470	\$ 4,000	\$19,880	\$18,000	\$12,240	\$ -	\$ 350
Task II -- Plan Review	\$ 31,720	\$ 5,280	\$13,300	\$13,000	\$ -	\$ -	\$ 140
TOTAL FEE ESTIMATE		\$ 86,190					



FEE SCHEDULE FOR THE CITY OF TEMPLE

PROFESSIONAL STAFF RATES

Engineer (P.E.)	\$120 / hour
Supervisory Technician	65 / hour
Field Technician	45 / hour
Administrative/Word Processor	45 / hour

Note: For most, if not all projects, only Field Technician time will be charged. Engineering, Supervisory Technician, or Administrative time will only be charged when approved by the City for special situations.

CONSTRUCTION MATERIALS TESTING SERVICES

Sieve Analysis.....	75 / each
#200 Sieve Only	25 / each
Air Content (when no cylinders are made)	25 / each
Concrete Slump (when no cylinders are made)	10 / each
Concrete cylinders.....	16 / each
Concrete Unit Weight.....	20 / each
Atterberg Limits.....	75 / each
Moisture-Density Relations	
- ASTM D698	250 / each
- ASTM D1557	250 / each
- TEX-113-E	300 / each
- TEX-114-E, PI>20	300 / each
Field Density Tests	
- Nuclear Method, per test (Minimum 3) plus technician time	20 / each
Texas Wet Ball Mill	240 / each
Los Angeles Abrasion.....	290 / each
Asphalt Cores (Minimum 3).....	90 / each
Extraction / Gradation	240 / each
Vehicle Fee (per round trip to jobsite local in Temple).....	25 / each
Report Fee (per each report issued)	15 / each

We believe that the tests quoted above will cover 90% or better of the City's needs. Quotes for other tests, including geotechnical work, will be provided upon request.



BASIS OF CHARGES

1. Prices listed are for services most frequently performed. Prices for other services provided by the firm or other services not listed will be given upon request.
2. Invoices will be issued on a periodic basis. The net cash amount of this invoice is payable on presentation of the invoice.
3. Jobsite time only will be charged (travel time to and from jobsites will not be charged). Field technician time will be charged in one-hour increments.
4. A fee of \$15 applies for each test report issued. Reports will be issued via e-mail. If hard copy reports are requested via US mail, then additional charges will apply.
5. Time worked before 7 am or after 5 pm, in excess of 8 hours per day, or weekend\holiday work will be charged at 1.5 times the hourly rate.
6. Outside services will include a 20% markup unless otherwise noted.
7. All samples will be disposed at the completion of the test unless prior arrangements are made. LFE does not accept environmental or contaminated samples.
8. A vehicle fee of \$25 per trip will be applicable within the city limits of Temple. An addition charge of \$0.60 per mile will apply outside of the city limits.

City of Temple
U-Number: U13795
CCSJ: 0015-14-102
Limits: From Nugent Ave to North LP 363

	Director of Public Works	Assistant Director of Public Works	Assistant City Engineer	Superintendent of Water Production Services	Superintendent of Utility Services	Foreman-Water Distribution	Foreman-Sewer Collection	Mapping/Tech Mgr	GIS Specialist	Crew Leader	City Manager	Sr Accountant
Personnel Time	650	650	550	550	425	325	325	300	300	250	100	115
Total	650	650	550	550	425	325	325	300	300	250	100	115
Rate Per Hour	\$ 67.28	\$ 59.07	\$ 43.23	\$ 37.27	\$ 40.56	\$ 29.79	\$ 29.36	\$ 28.08	\$ 22.60	\$ 28.58	\$ 113.13	\$ 30.26
Total Labor Costs	\$ 43,732.00	\$ 38,395.50	\$ 23,776.50	\$ 20,498.50	\$ 17,238.00	\$ 9,681.75	\$ 9,542.00	\$ 8,424.00	\$ 6,780.00	\$ 7,145.00	\$ 11,313.00	\$ 3,479.90
Total City of Temple Lump Sum Amount = \$200,006												

	Pick-Up 1/2 Ton	Camera Van	Inspection Camera	Vector Truck
Equipment/ Vehicle Time	225	175	180	175
Total	225	175	180	175
Rate Per Hour	\$ 19.00	\$ 75.00	\$ 35.00	\$ 150.00
Total Equip/Veh Costs	\$ 4,275.00	\$ 13,125.00	\$ 6,300.00	\$ 26,250.00
Total City of Temple Lump Sum Amount = \$49,950				

ATTACHMENT "B"
UTILITY'S ACCOUNTING METHOD

for

City of Temple

TXDOT U-Number: U13795

HWY: IH 35

CCSJ: 0015-14-102 RWCSJ: 0015-14-124

LIMITS: From Nugent Ave. to North LP 363



Actual Cost Method of Accounting

The utility accumulates cost under a work order accounting procedure prescribed by the Federal or State regulatory body; and

The utility proposes to request reimbursement for actual direct and related indirect cost,



Lump Sum Method of Accounting

Utility proposed to request reimbursement based on an agreed lump sum amount supported by a detailed cost analysis,



Alternative Method of Accounting

The utility accumulates costs under an accounting procedure developed by the utility and approved by the State; and,

The utility proposes to request reimbursement for actual direct and indirect costs; and

The utility owner is a municipality.

ATTACHMENT "C"
Utility Schedule of Work and Estimated Date of Completion
for
City of Temple
TXDOT U-Number: U13795
HWY: IH 35
CCSJ: 0015-14-102 RWCSJ: 0015-14-124
LIMITS: From Nugent Ave. to North LP 363

The utility work for this project has been incorporated into the TxDOT contract and plan set. The schedule of work and estimated completion date for utility adjustments and/or relocation will be determined by the contractor's schedule of work.

ATTACHMENT "D"
Statement Covering Contract Work
for
City of Temple
TXDOT U-Number: U13795
HWY: IH 35
CCSJ: 0015-14-102 RWCSJ: 0015-14-124
LIMITS: From Nugent Ave. to North LP 363



See attached TxDOT form ROW-U-48



STATEMENT COVERING UTILITY CONSTRUCTION CONTRACT WORK (AS APPEARING IN ESTIMATE)

U-No. U13795

District: Waco
County: Bell
Federal Project No.: TBD

ROW CSJ No.: 0015-14-124
Highway No.: IH - 35

I, David Blackburn, a duly authorized and qualified representative of City of Temple, hereinafter referred to as **Owner**, am fully cognizant of the facts and make the following statements in respect to work which will or may be done on a contract basis as appears in the estimate to which this statement is attached.

It is more economical and/or expedient for **Owner** to contract this adjustment, or **Owner** is not adequately staffed or equipped to perform the necessary work on this project with its own forces to the extent as indicate on the estimate.

Procedure to be Used in Contracting Work

- ☐ A. Solicitation for bids is to be accomplished through open advertising and contract is to be awarded to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed.
- ☐ B. Solicitation for bids is to be accomplished by circulating to a list of pre-qualified contractors or known qualified contractors and such contract is to be awarded to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed. Such presently known contractors are listed below:
- 1.
 - 2.
 - 3.
 - 4.
 - 5.
- ☐ C. The work is to be performed under an existing continuing contract under which certain work is regularly performed for **Owner** and under which the lowest available costs are developed. (If only part of the contract work is to be done under an existing contract, give detailed information by attachment hereto.)
- ☐ D. The utility proposes to contract outside the foregoing requirements and therefore evidence in support of its proposal is attached to the estimate in order to obtain the concurrence of the State, and the Federal Highway Administration Division Engineer where applicable, prior to taking action thereon (approval of the agreement shall be considered as approval of such proposal).
- ☒ E. The utility plans and specifications, with the consent of the State, will be included in the construction contract awarded by the State.

Signature

Date

Title

ATTACHMENT "E"
Utility Joint Use Agreement

for

City of Temple

TXDOT U-Number: U13795

HWY: IH 35

CCSJ: 0015-14-102 RWCSJ: 0015-14-124

LIMITS: From Nugent Ave. to North LP 363

- ☒ See attached TxDOT form ROW-U-JUQQ (Reimbursable)
- ☐ See attached TxDOT form ROW-U-JUAB (Non-Reimbursable)

UTILITY JOINT USE ACKNOWLEDGEMENT REIMBURSABLE UTILITY ADJUSTMENT

U-Number: **U13795**

District: Waco

County: Bell

Federal Project No.: TBD

Highway: IH-35

ROW CSJ: 0015-14-124

From: Nugent Ave.

Projected Highway Letting Date: August, 2012

To: North LP 363

WHEREAS, the State of Texas, ("**State**"), acting by and through the Texas Department of Transportation ("**TxDOT**"), proposes to make certain highway improvements on that section of the above-indicated highway; and

WHEREAS, the City of Temple, ("**Utility**"), proposes to adjust or relocate certain of its facilities, if applicable, and retain title to any property rights it may have on, along or across, and within or over such limits of the highway right of way as indicated by the location map attached hereto.

NOW, THEREFORE, in consideration of the covenants and acknowledgements herein contained, the parties mutually agree as follows:

It is agreed that joint usage for both highway and utility purposes will be made of the area within the highway right of way limits as such area is defined and to the extent indicated on the aforementioned plans or sketches. Nothing in this Acknowledgement shall serve to modify or extinguish any compensable property interest vested in the **Utility** within the above described area. If the facilities shown in the aforementioned plans need to be altered or modified or new facilities constructed to either accommodate the proposed highway improvements or as part of **Utility's** future proposed changes to its own facilities, **Utility** agrees to notify **TxDOT** at least 30 days prior thereto, and to furnish necessary plans showing location and type of construction, unless an emergency situation occurs and immediate action is required. If an emergency situation occurs and immediate action is required, **Utility** agrees to notify **TxDOT** promptly. If such alteration, modification or new construction is in conflict with the current highway or planned future highway improvements, or could endanger the traveling public using said highway, **TxDOT** shall have the right, after receipt of such notice, to prescribe such regulations as necessary for the protection of the highway facility and the traveling public using said highway. Such regulations shall not extend, however, to requiring the placement of intended overhead lines underground or the routing of any lines outside of the area of joint usage above described.

If **Utility's** facilities are located along a controlled access highway, **Utility** agrees that ingress and egress for servicing its facilities will be limited to frontage roads where provided, nearby or adjacent public roads and streets, or trails along or near the highway right of way lines which only connect to an intersecting road. Entry may be made to the outer portion of the highway right of way from any one or all access points. Where supports, manholes or other appurtenances of the **Utility's** facilities are located in medians or interchange areas, access from the through-traffic roadways or ramps will be allowed by permit issued by the **State** to the **Utility** setting forth the conditions for policing and other controls to protect highway users. In an emergency situation, if the means of access or service operations as herein provided will not permit emergency repairs as required for the safety and welfare of the public, the **Utility** shall have a temporary right of access to and from the through-traffic roadways and ramps as necessary to accomplish the required repairs, provided **TxDOT** is notified immediately when such repairs are initiated and adequate provision is made by **Utility** for the convenience and safety of highway traffic. Except as expressly provided herein, the **Utility's** rights of access to the through-traffic roadways and/or ramps shall be subject to the same rules and regulations as apply to the general public.

If **Utility's** facilities are located along a non-controlled access highway, the **Utility's** rights of ingress and egress to the through-traffic roadways and/or ramps are subject to the same rules and regulations as apply to the general public.

Initial

Date

Participation in actual costs incurred by the **Utility** for any future adjustment, removal or relocation of utility facilities required by highway construction shall be in accordance with applicable laws of the State of Texas.

Utility will, by written notice, advise **TxDOT** of the beginning and completion dates of the adjustment, removal, or relocation, and, thereafter, agrees to perform such work diligently, and to conclude said adjustment, removal, or relocation by the stated completion date. The completion date shall be extended for delays caused by events outside **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with **Utility's** ability to proceed with the relocation, or any other event in which **Utility** has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of **Utility**.

It is expressly understood that **Utility** conducts the new installation, adjustment, removal, and/or relocation at its own risk, and that **TxDOT** makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

The **Utility** and the **State**, by execution of this Acknowledgement, do not waive or relinquish any right that they may have under the law.

The signatories to this Acknowledgement warrant that each has the authority to enter into this Acknowledgement on behalf of the party represented.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures.

UTILITY

EXECUTION RECOMMENDED:

Utility: City of Temple
Name of Utility

District Engineer, Waco District

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Director, Right of Way Division

Date: _____

Initial

Date

ATTACHMENT "F"

Eligibility Ratio

for

City of Temple

TXDOT U-Number: U13795

HWY: IH 35

CCSJ: 0015-14-102 RWCSJ: 0015-14-124

LIMITS: From Nugent Ave. to North LP 363

☐

Toll Project

On Toll Projects, pursuant to current state and federal law, **utility participation is 50% of all eligible cost**

☒

Interstate Project

On Interstate highways, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the relocation costs are eligible for federal participation. Pursuant to current state and federal law, **federal participation is 100% of all eligible cost.**

☐

State and Local Projects

On State and Local projects, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the utility possesses a valid property interest. See Attachment H for proof of property interest, which is established at _____% eligible.

☐

Eligibility Calculation

See Attached

ATTACHMENT "G"

Betterment Calculation and Estimates

for
City of Temple
 TXDOT U-Number: U13795
 HWY: IH 35
 CCSJ: 0015-14-102 RWCSJ: 0015-14-124
 LIMITS: From Nugent Ave. to North LP 363

☒ **Betterment does not exist in this agreement**

☐ **Forced Betterment exists in this agreement**

At the request of the State

Due to technological advances

Due to Utility standards – See attached documentation

☐ **Betterment exists – See following calculation and attached
 Betterment Estimate and Non-Betterment Estimate**

BETTERMENT COST	=	ADJUSTMENT COST INCLUDING BETTERMENTS	-	ADJUSTMENT COST WITHOUT BETTERMENTS
-----------------	---	--	---	--

BETTERMENT COST	=	\$	-	\$
-----------------	---	----	---	----

BETTERMENT COST	=	\$		
-----------------	---	----	--	--

BETTERMENT RATIO	=	$\frac{\text{BETTERMENT COST}}{\text{ADJUSTMENT COST INCLUDING BETTERMENTS}}$	=	$\frac{\$}{\$}$
------------------	---	---	---	-----------------

BETTERMENT RATIO	=	
------------------	---	--

ATTACHMENT "G"
Estimated Eligible Reimbursable Amount
for
City of Temple
TXDOT U-Number: U13464
HWY: IH 35
CCSJ: 0015-14-102 RWCSJ: 0015-14-124
LIMITS: From Nugent Ave. to North LP 363

BETTERMENT LESS CREDIT			
BETTERMENT LESS CREDIT	=	BETTERMENT LESS CREDIT	X PROJECT COST
\$			\$

TOTAL LESS CREDITS				
TOTAL LESS CREDITS	=	BETTERMENT LESS CREDIT	+	SALVAGE
\$		\$		\$

NET ESTIMATED PROJECT COST			
NET PROJECT COST	=	PROJECT COST	- TOTAL LESS CREDITS
\$		\$	\$

TOTAL ESTIMATED COST ELIGIBLE FOR REIMBURSEMENT			
TOTAL COST ELIGIBLE FOR REIMBURSEMENT	=	INTERSTATE FACILITY ELIGIBLE RATIO	X NET PROJECT COST
\$		%	\$

TOTAL ESTIMATED UTILITY COST ELIGIBLE FOR REIMBURSEMENT	=	\$
---	---	----

ATTACHMENT "H"
Proof of Property Interest
for

City of Temple

TXDOT U-Number: U13795

HWY: IH 35

CCSJ: 0015-14-102 RWCSJ: 0015-14-124

LIMITS: From Nugent Ave. to North LP 363

☐

Toll Project

On Toll Projects, pursuant to current state and federal law, **utility participation is 50% of all eligible cost**

☐

Attached Texas Highway Commission Minute Order designating

Highway as a toll project

☒

Interstate Project

On Interstate highways, Texas Transportation Code section 203.092 provides that utility reimbursement for facility relocation is dependent upon whether the relocation costs are eligible for federal participation. Pursuant to current state and federal law, **federal participation is 100% of all eligible cost.**

☐

Recorded Easements – See attached

☐

Easement Documents

☐

Affidavit A (Form ROW-U-1A)

ATTACHMENT "I"

(to be used only for Inclusion in Highway Construction Contract)

for

City of Temple

TXDOT U-Number: U13795

HWY: IH 35

CCSJ: 0015-14-102 RWCSJ: 0015-14-124

LIMITS: From Nugent Ave. to North LP 363

In the best interest of both the State and the Owner, the Owner requests the State to include the plans and specifications for this work in the general contract for construction of Highway IH 35 in this area, so that the work can be coordinated with the other construction operations; and the construction contract is to be awarded by the State to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed.

Utility: City of Temple
Name of Utility

By: _____
Authorized Signature

David Blackburn
Print or Type Name

Title: City Manager

Date: _____



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

June 12, 2012

Mr. Michael Newman, P.E., C.F.M.
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple, Texas
Coordination and Review of Utility Relocations associated with TxDOT Widening of IH-35
from Nugent to North Loop 363

Dear Mr. Newman:

This letter proposal is in response to your request for construction phase services required for the relocation of City owned utilities (water and sewer) along IH-35 (Nugent to North Loop 363) in conjunction with the highway reconstruction by the Texas Department of Transportation (TxDOT). The Nugent to North Loop 363 highway reconstruction along IH-35 will impact over 20,000 ft. of City and Temple water and wastewater utilities. The attached Location Map depicts this section of the project.

The Texas Department of Transportation (TxDOT) is planning to let this project in August 2012, with construction beginning in Spring 2013. TxDOT has included the relocation of City of Temple water and wastewater utilities in this contract.

KPA is currently acting as an extension of the City of Temple's Public Works / Engineering Department through the review process in the design phase of this project. Kasberg, Patrick & Associates, LP construction phase services will include review of addendum items pertaining to City utilities during bidding process, construction administration, on-site representation and preparation of TxDOT reimbursement requests. The following is a summary of estimated fees for these services, which will be included as part of the City's Reimbursable Agreement with TxDOT:

Basic Services

• Bidding	\$ 3,000
• Construction Administration	\$ 103,000
Sub-Total Basic Services	\$ 106,000

Special Services

• On-Site Representation	\$ 210,000
Sub-Total Special Services	\$ 210,000

TOTAL \$ 316,000

Mr. Michael Newman, P.E.

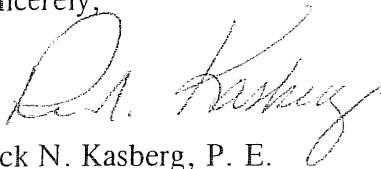
June 12, 2012

Page Two

KPA will begin work once written authorization is received in our office. We will not exceed this amount without your authorization. All work will be billed monthly on an hourly basis in accordance with Attachment 'B' and the TxDOT Agreement. We are available to address any questions or comments that you may have about this proposal.

Thank you for allowing us to serve the City of Temple in this capacity.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. N. Kasberg".

Rick N. Kasberg, P. E.

RNK/grt

2010-135

ATTACHMENT "B"

Charges for Additional Services

City of Temple
IH-35 Nugent to North Loop

<u>POSITION</u>	<u>RATES/HOUR</u>
Principal	\$ 160.00
Professional Engineer	140.00
Graduate Engineer	100.00
CAD Technician	90.00
Clerical	70.00
On-Site Representative	75.00
Expenses	actual cost

FY **2012**
#2

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
520-5900-535-66-18	100688	Special Project-Nugent to North LP 363	\$ 381,000			
520-0000-373-04-11		Retained Earnings	250,000			
520-0000-461-08-65		Miscellaneous Reimbursements	631,000			
		Do Not Post				
TOTAL.....			\$1,262,000		\$ -	

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

To appropriate funding for the TxDOT Standard Utility Agreements for IH-35 improvements from Nugent to North Loop 363. The agreement includes reimbursement for a professional services contracts with Kasberg, Patrick & Associates for \$316,000, materials testing for \$65,000 and reimbursement for costs incurred by the City of Temple related to personnel time, vehicle and equipment usage \$250,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

July 19, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

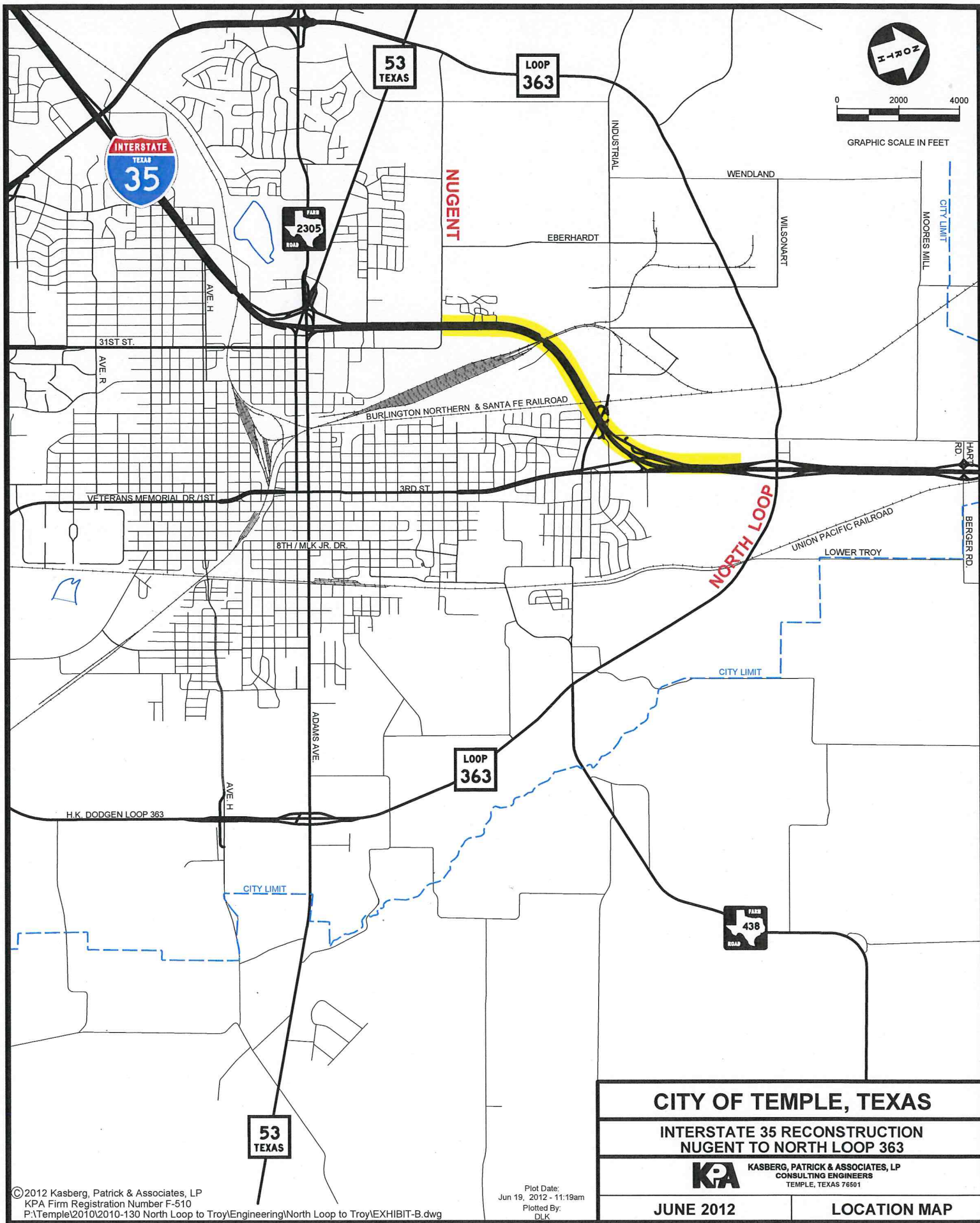
City Manager

Date

☐

Approved

Disapproved



CITY OF TEMPLE, TEXAS

INTERSTATE 35 RECONSTRUCTION
NUGENT TO NORTH LOOP 363



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501

JUNE 2012

LOCATION MAP

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD UTILITY AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO PROVIDE REIMBURSEMENT O THE CITY BY TxDOT FOR UTILITY RELOCATION CONSTRUCTION PHASE SERVICES IN ASSOCIATION WITH IH-35 IMPROVEMENTS FROM SOUTH LOOP 363 TO NUGENT, IN AN AMOUNT NOT TO EXCEED \$807,690; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On October 21, 2010, City Council authorized the City Manager to execute a Letter of Understanding (LOU) with TxDOT to provide reimbursement to the City by TxDOT for utility relocation services in association with IH35 improvement from South Loop 363 to Nugent;

Whereas, Expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities and TxDOT has bundled design of specific utility relocations impacted by highway improvements into each individual engineering contract to consolidate and minimize utility disruptions during roadway construction.

Whereas, TxDOT will reimburse the City for expenses incurred for relocating publicly operated utilities (water and wastewater) in conjunction with the IH-35 roadway improvements from South Loop 363 to Nugent;

Whereas, the FY2010-11 budget was amended to appropriate \$126,690 in revenue to be reimbursed by TxDOT;

Whereas, an amendment to the FY2011-12 budget needs to be approved to appropriate the remaining \$681,000 in revenue to be reimbursed by TxDOT to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Standard Utility Agreement with Texas Department of Transportation to provide reimbursement to the City for utility relocation construction phases services in association with IH-35 improvements from South Loop 363 to Nugent.

Part 2: The City Council approves an amendment to the FY2011-2012 budget, substantially in the form of the copy attached as Exhibit B, 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 **19th** day of **July**, 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. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR UTILITY RELOCATION CONSTRUCTION PHASE SERVICES IN ASSOCIATION WITH IH-35 IMPROVEMENTS FROM SOUTH LOOP 363 TO NUGENT, IN AN AMOUNT NOT TO EXCEED \$366,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On October 21, 2010, City Council authorized the City Manager to execute a Letter of Understanding (LOU) with TxDOT to provide reimbursement to the City by TxDOT for utility relocation services in association with IH35 improvement from South Loop 363 to North Loop 363;

Whereas, Kasberg, Patrick & Associates, L.P., has submitted a proposal for these engineering services in the amount of \$366,000, attached as Exhibit A, hereto, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 520-5900-535-6618, Project No. 100687; 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, in an amount not to exceed \$366,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for utility relocation construction phase services in association with IH-35 improvements from South Loop 353 to Nugent.

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 **19th** day of **July**, 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. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD UTILITY AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO PROVIDE REIMBURSEMENT OF THE CITY BY TxDOT FOR UTILITY RELOCATION CONSTRUCTION PHASE SERVICES IN ASSOCIATION WITH IH-35 IMPROVEMENTS FROM NUGENT TO NORTH LOOP 363, IN AN AMOUNT NOT TO EXCEED \$717,190; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On October 21, 2010, City Council authorized the City Manager to execute a Letter of Understanding (LOU) with TxDOT to provide reimbursement to the City by TxDOT for utility relocation services in association with IH35 improvement from Nugent to North Loop 363;

Whereas, Expansion of IH-35 through Temple will require relocation of existing City owned water and wastewater utilities and TxDOT has bundled design of specific utility relocations impacted by highway improvements into each individual engineering contract to consolidate and minimize utility disruptions during roadway construction.

Whereas, TxDOT will reimburse the City for expenses incurred for relocating publicly operated utilities (water and wastewater) in conjunction with the IH-35 roadway improvements from Nugent to North Loop 363;

Whereas, the FY2010-11 budget was amended to appropriate \$86,190 in revenue to be reimbursed by TxDOT;

Whereas, an amendment to the FY2011-12 budget needs to be approved to appropriate the remaining \$631,000 in revenue to be reimbursed by TxDOT to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Standard Utility Agreement with Texas Department of Transportation to provide reimbursement to the City for utility relocation construction phases services in association with IH-35 improvements Nugent to North Loop 363.

Part 2: The City Council approves an amendment to the FY2011-2012 budget, substantially in the form of the copy attached as Exhibit B, 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 **19th** day of **July**, 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. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR UTILITY RELOCATION CONSTRUCTION PHASE SERVICES IN ASSOCIATION WITH IH-35 IMPROVEMENTS FROM NUGENT TO NORTH LOOP 363, IN AN AMOUNT NOT TO EXCEED \$316,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, On October 21, 2010, City Council authorized the City Manager to execute a Letter of Understanding (LOU) with TxDOT to provide reimbursement to the City by TxDOT for utility relocation services in association with IH35 improvement from South Loop 363 to North Loop 363;

Whereas, Kasberg, Patrick & Associates, L.P., has submitted a proposal for these engineering services in the amount of \$316,000, attached as Exhibit A, hereto, and the Staff recommends accepting it;

Whereas, funds are available for this project in Account No. 520-5900-535-6618, Project No. 100688; 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, in an amount not to exceed \$316,000, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for utility relocation construction phase services in association with IH-35 improvements from Nugent to North Loop 363.

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 **19th** day of **July**, 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

07/19/12
Item #5(G1-2)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Asst. City Manager/Acting Planning Director

ITEM DESCRIPTION: SECOND READING: Consider adopting ordinances authorizing a rezoning from Agricultural District (AG) to Light Industrial District (LI) on:

1. Z-FY-12-46A: 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive.
2. Z-FY-12-46B: 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive.

P&Z RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with Staff recommendation (not applicant's request) to recommend approval of rezonings of:

- 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118 from Agricultural District (AG) **to Commercial (C)**; and
- 15.345± acres, a part of the S. Bottsford Survey, Abstract Number 118 from Agricultural District (AG) **to Commercial (C)**.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on second and final reading. Staff recommends denial of the rezoning from AG to LI but recommends approval from AG to C District for the below reasons. This item has been posted for LI District, therefore Council may approve the LI District zoning or any other lower zoning district including "C" district.



1. The LI request does not comply with the Future Land Use and Character Map. C District zoning, in combination with the existing I-35 overlay does comply. Please see below information regarding allowed uses in "LI" vs. "C" in combination with the Overlay.
2. The request and staff recommendation complies with the Thoroughfare Plan.
3. Public water facilities are available to subject property and wastewater is not available at this time. Septic system may be present or will need to be installed upon development.

The applicant, Lamar Billboards on behalf of A.C. Boston, has indicated support for the staff recommended "C" Commercial District zoning.

ITEM SUMMARY: These properties under consideration for rezoning were annexed into the city limits several years ago. At that time, the property was/is used for commercial and light industrial uses, however the property was zoned Agricultural at that time. The owner has initiated these requests for rezoning to allow for the relocation of three billboard signs which are currently located on the properties. These signs are being affected by the I-35 TXDOT expansion project. In order to acquire State approval to relocate the billboards, State law requires that property be zoned as a "commercial" district if located inside the city limits.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Developed land – various uses	Please see attachment – multiple pictures
North	Troy ETJ- No Zoning	Building and roof sales (I-35 Overlay now requires a CUP for this use)	
South	AG	RV Park (not an allowed use in I-35 overlay)	

Direction	Zoning	Current Land Use	Photo
East, across I-35	LI	Undeveloped Land	
West	AG	Undeveloped Land	

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

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

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

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

The future land use and character map designates both properties as Suburban Commercial. **Uses that are allowed in LI and the I-35 Overlay District and are not allowed in “C” district (as recommended by P&Z and staff) are:** animal shelter by CUP, asphalt/concrete batch plant; compost/landfill operations; recycling inside building; slaughterhouse; mining and storage; petroleum storage/collection; cleaning plant; helistop; and sewage treatment plant. This applicant's request is not in compliance with the comprehensive plan. However, a rezoning to C District would be in compliance.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan designates North General Bruce as an Expressway, which is appropriate for commercial and industrial development. Pegasus Drive is classified as a Collector street, which is most appropriate for commercial development. The rezoning request is compatible with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A 10” water line is located along Pegasus Drive adjacent to the property. There is no public sewer available to the property.

Temple Trails Master Plan Map and Sidewalks Ordinance

Pegasus Drive and North General Bruce Drive are not on the Trails Master Plan. Pegasus is a collector street and will require a 4’ wide sidewalk when development occurs.

DEVELOPMENT REGULATIONS: The purpose of the Light Industrial zoning district is to allow light industrial uses. Residential uses are not allowed except boarding or rooming houses. This district acts as a transition from other commercial or retail uses to industrial uses. This district is intended to be located away from areas of low and medium density residential development. The location should be carefully selected to avoid or reduce environmental impacts to residential areas. A sample of uses allowed in this district and the I-35 Overlay are:

Animal shelter	Outdoor parts sales
Home for the aged	Hotel/Motel
Boarding or rooming house	Compost/landfill operations
Greenhouse/nursery	Recycling inside building
Building material sales	Slaughterhouse
Paint, plumbing, welding, or machine shop	Asphalt/concrete batch plant
Heavy machinery sales, storage, and repair	Petroleum storage/collection
Mining and storage	

PUBLIC NOTICE: Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46A, as required by State law and City Ordinance. As of Tuesday, June 26, 2012 at 11:00 AM, no notices were returned in favor of and no notices were returned in opposition to the request.

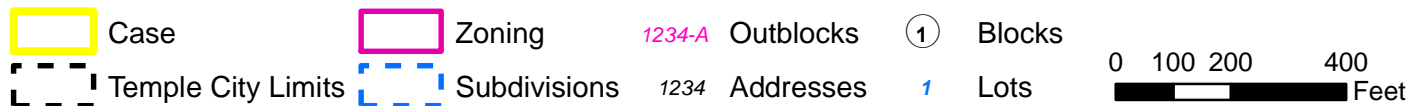
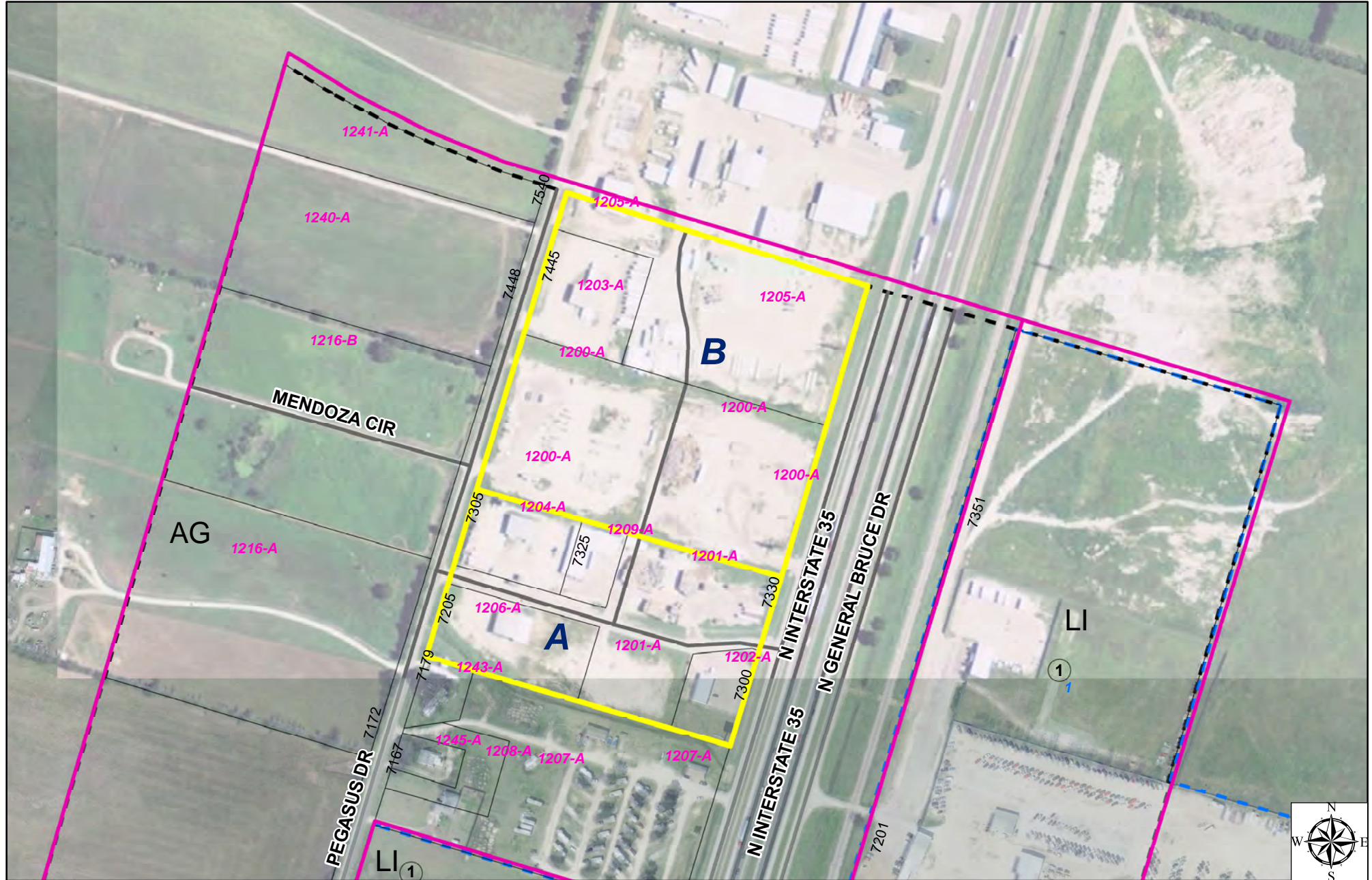
Three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-46B, as required by State law and City Ordinance. As of Tuesday, June 26, 2012 at 11:00 AM, no notices were returned in favor of and no notices were returned in opposition to the request. One courtesy notice was sent to a property owner outside the city limits.

The newspaper printed notice of the two Planning and Zoning Commission public hearings on June 7, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)
[Pictures of Subject Property](#)
[Future Land Use and Character map](#)
[Notice Map: Z-FY-12-46A](#)
[Notice Map: Z-FY-12-46B](#)
[Thoroughfare, Sidewalk, and Trails Plan Map](#)
[Utility Map](#)
[Notice Responses](#)
[P&Z Minutes](#)
[Ordinances](#)



Subject Property













HUSKY TRAILER & PARTS CO

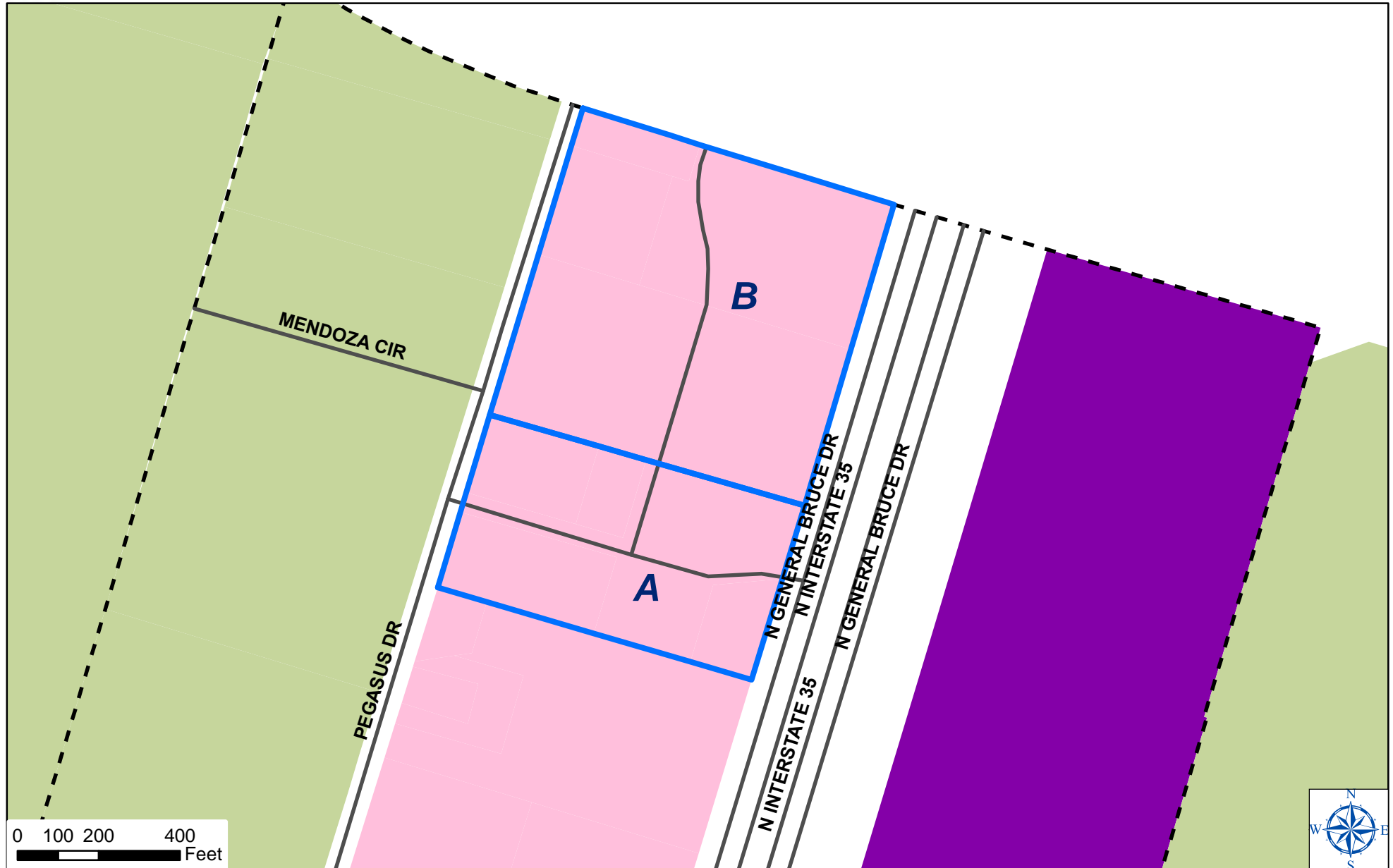












Future Land Use

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

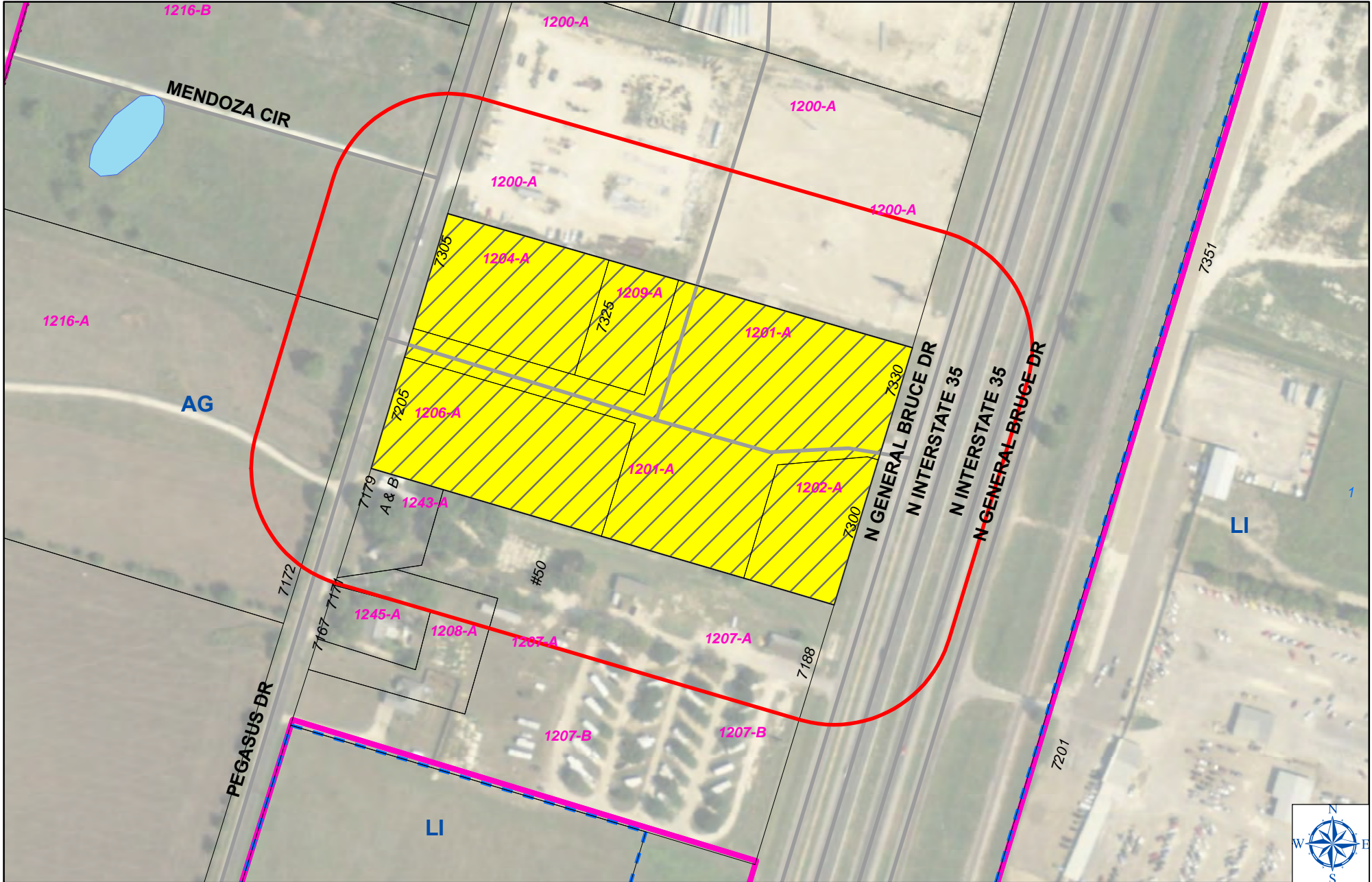
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-46-A

AG To LI

7200 - 7300 Block
Pegasus Dr.



Case



Zoning

1234-A Outblock Number

① Block Number



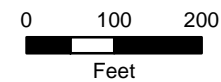
200' Buffer



Subdivision

1234 Address

1 Lot Number



5/22/2012
City of Temple GIS
gkeith

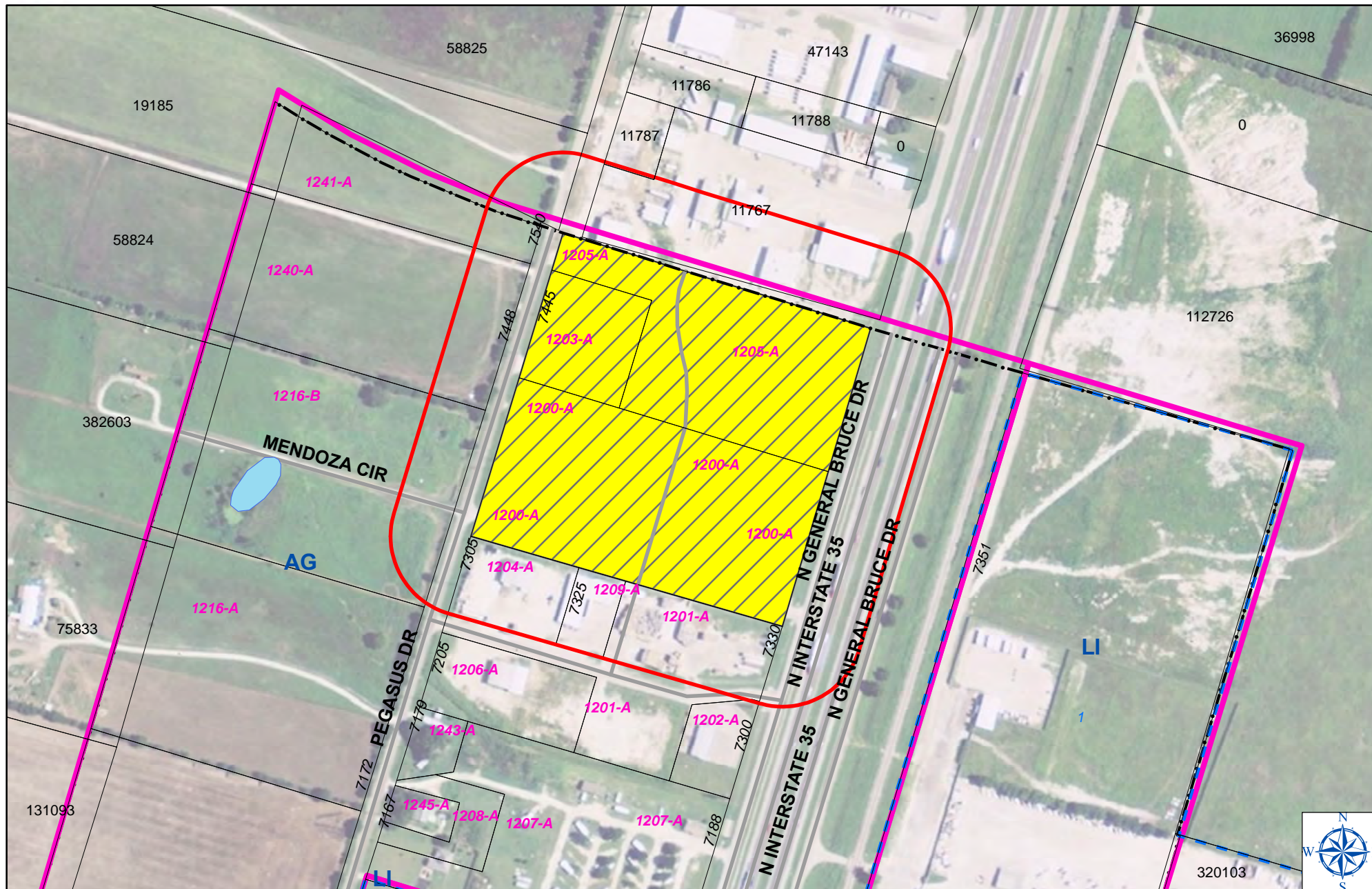
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Z-FY-12-46-B

AG To LI

7400 - 7500 Block
Pegasus Dr.



Case



Zoning

1234-A Outblock Number

① Block Number



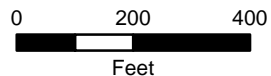
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Subdivision

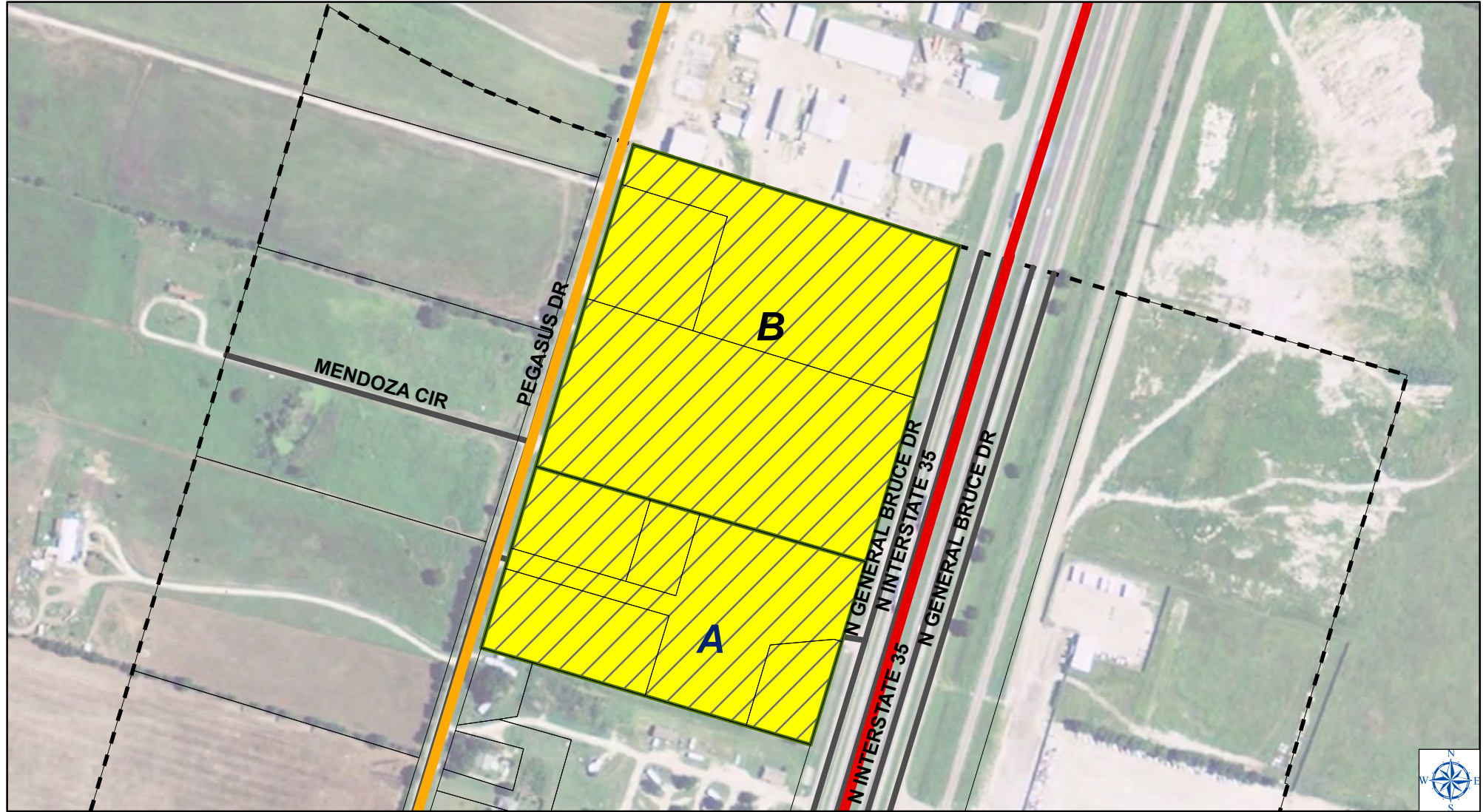
1234 Address

1 Lot Number







5/25/2012
City of Temple GIS
gkeith

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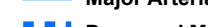







Trails

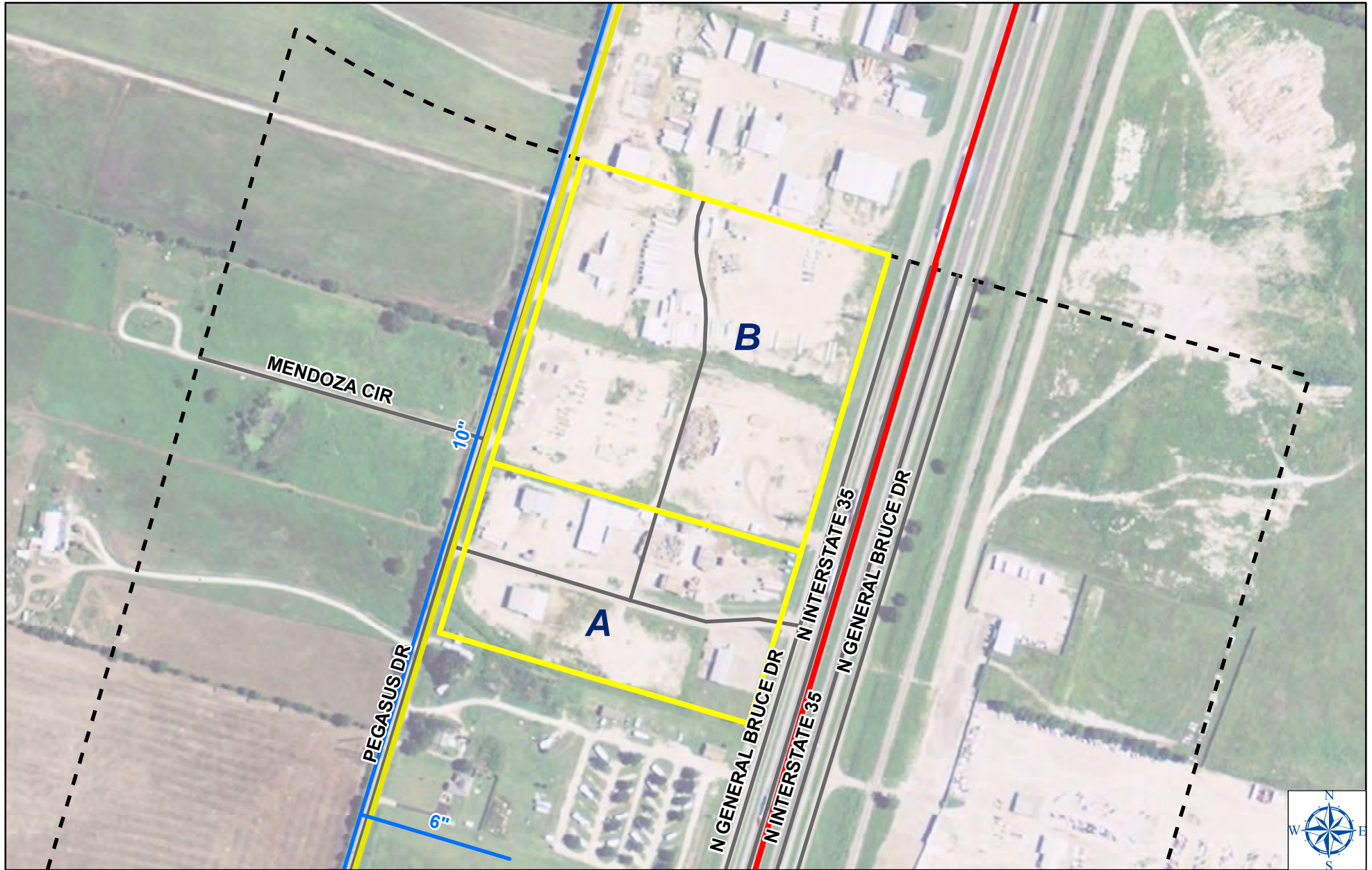
-  Existing Citywide Spine Trail
-  Under Design/Construction Citywide Spine Trail
-  Proposed Citywide Spine Trail
-  Existing Community-Wide Connector Trail














-  Under Design/Construction Community-Wide Connector Trail
-  Proposed Community-Wide Connector Trail
-  Existing Local Connector Trail
-  Proposed Local Connector Trail

Thoroughfare

-  Expressway
-  Major Arterial
-  Proposed Major Arterial

-  Proposed K-TUTS
-  Minor Arterial
-  Proposed Minor Arterial
-  Collector
-  Conceptual Collector



- | | | | | |
|---|--|---|---|---|
|  Case |  Water Line |  Proposed Major Arterial |  Proposed Minor Arterial |  City Limits |
|  Fire Hydrant |  Expressway |  Proposed K-TUTS |  Collector | |
|  Sewer Line |  Major Arterial |  Minor Arterial |  Conceptual Collector | |

0 100 200 400
Feet

6/1/2012
City of Temple GIS

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

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 18, 2012**

ACTION ITEMS:

Item 5: Z-FY-12-46-A - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 8.273± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305 and 7325 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)

Z-FY-12-46-B - Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Light Industrial District (LI) on 15.345 ± acres, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive. (Teresa Lange-Lamar Advertising for A.C. Boston)

Ms. Kim Foutz stated this is a two-part consideration since the properties are adjacent to one another but the submission and data for field notes came in as two separate considerations and have been combined for purposes of the agenda and presentation.

The properties were annexed into the City several years ago and at that time it was utilized for industrial and commercial type uses and continues to be so. The current zoning has not been changed and is still Agricultural (AG).

A picture montage of businesses are shown that are contained on the subject properties which have various commercial uses in addition to vacant land.

The owner is requesting rezoning in order to relocate three billboard signs located on the property. The signs are affected by the I35 expansion project and in order to receive the state permit required to have billboards relocated, it must have commercial zoning. The owner chose to rezone the entire property since it was zoned AG.

The property is located on Temple's north I-35 area right at the City limits line, an RV park is to the south side, and the property has frontage on Pegasus Road.

Surrounding properties include the Mueller building to the north in the Troy ETJ and an RV park to the south which is currently under redevelopment. This particular use is no longer allowed in the I35 Overlay but this park has been grandfathered. Across the highway is vacant land zoned Light Industrial (LI) and the west side has vacant land zoned AG. The frontage is the expressway of I35 and on the other side is Pegasus, a collector road. This area is not on the Trails Master Plan.

The Future Land Use and Character Map designate the area as Suburban-Commercial.

There is a 10 inch water line adjacent to the property but there is no sewer service to the property at this time.

Ms. Foutz gives some of the uses allowed in LI and the Overlay but not in C. LI acts as a transition from other commercial or retail uses and intended to be far away from low to medium density residential.

Staff recommendation is denial for Light Industrial (LI) but does recommend Commercial (C) zoning for this property.

Six notices for Tract A were mailed with zero responses returned in favor or in opposition. Three notices for Tract B were mailed with zero responses returned in favor or in opposition.

Staff recommendation is denial from AG to LI because the request does not meet the intent of the land use and there is no public sewage on site. Staff would support approval for C zoning.

Staff spoke with the applicant, Lamar Advertising, and they indicated C zoning was acceptable. They also indicated on behalf of the owner that C zoning is acceptable; however, no confirmation from the owner has been received.

It was determined that one public hearing for both items would be sufficient and Chair Martin included and read the description of Z-FY-12-46-B for the record.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Chair Martin reopened the public hearing to hear from applicant.

Mr. Mat Naegele, Vice President and General Manager of Lamar Advertising, 5110 N. General Bruce Drive, Temple, Texas came to the podium for questions.

Chair Martin asked Mr. Naegele if the rezoning from LI to C was agreeable with Lamar Advertising and Mr. Naegele responded that was correct. Mr. Naegele stated Mr. Boston would prefer to have LI but is agreeable to C.

Chair Martin closed the public hearing.

Commissioner Rhoads made a motion to approve Item 5, Z-FY-12-46-A and Z-FY-12-46-B from AG to C as requested by Staff and Vice-Chair Staats made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-46A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON AN APPROXIMATELY 8.273 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NUMBER 118, BELL COUNTY, TEXAS, LOCATED AT 7300 AND 7330 NORTH GENERAL BRUCE DRIVE AND 7205, 7305 AND 7325 PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on an approximately 8.273 acre tract of land, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7300 and 7330 North General Bruce Drive and 7205, 7305, and 7325 Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **19th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-46B)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO LIGHT INDUSTRIAL DISTRICT (LI) ON AN APPROXIMATELY 15.345 ACRE TRACT OF LAND SITUATED IN THE S. BOTTSFORD SURVEY, ABSTRACT NUMBER 118, BELL COUNTY, TEXAS, LOCATED AT 7590 NORTH GENERAL BRUCE DRIVE AND 7405 AND 7445 PEGASUS DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Light Industrial District (LI) on an approximately 15.345 acre tract of land, a part of the S. Bottsford Survey, Abstract Number 118, Bell County, Texas, located at 7590 North General Bruce Drive and 7405 and 7445 Pegasus Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

Part 5: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of **July**, 2012.

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

07/19/12
Item #5(H)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: SECOND READING - Z-FY-12-47: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commerce Park Commercial Subdivision, located at 221 S.W. HK Dodgen Loop.

P&Z RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 in accordance with Staff recommendation to recommend approval of a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill at 221 S.W. HK Dodgen Loop.

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

Staff recommends approval of the requested Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue in the existing building for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare, Trails, and sidewalks plans/ordinances;
3. Public facilities are available to serve the property; and
4. The CUP Criteria is met

ITEM SUMMARY: Please refer to the draft minutes of case Z-FY-12-47 from the Planning and Zoning Commission meeting on June 18, 2012. The applicant requests this Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-premise consumption of more than 50% and less than 75% of the gross revenue for B. Dell's Fire and Ice Grill. The subject property was formerly operated as a restaurant. The interior restaurant seats a total of 178 people including a bar area of 12 seats.



This CUP request exceeds the 300-foot distance separation required from public schools, public hospitals, and places of worship. The nearest residential structure is Barrington Suites and Apartments, which is approximately 376 feet from the CUP site.

If approved, B. Dell's must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the CUP. The applicant has initiated the license process with TABC. The license is pending the approval of this CUP request. All sales staff will undergo mandatory TABC Training. The permittee bears the responsibility of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages.

B. Dell's will be open during the following dining room hours: Closed on Mondays; Tuesday through Friday from 11:00 a.m. to 10:00 p.m.; Saturday 5:00 p.m. to 10:00 p.m.; and Sunday 11:00 a.m. to 7:00 p.m. Bar hours will be as follows: Closed on Mondays; Tuesday through Friday 3:00 p.m. to 11:00 p.m.; Saturday 5:00 p.m. to 11:00 p.m.; and Sunday 12:00 p.m. to 9:00 p.m. These hours fall well within the hours also allowable by TABC without a Late Hours permit.

The CUP site plan shows adequate parking (75 provided, 59 required) and traffic circulation throughout the property. The applicant's site plan submittals will be exhibited to the ordinance for this CUP 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	C	Existing building; formerly used as restaurants	
North – across the Loop	T5 (TMED)	Cactus Jack	

Direction	Zoning	Current Land Use	Photo
South	C	Vacant land	
East	C	Bum's Sports Bar and Grill	
West	C	Undeveloped Land	

COMPREHENSIVE PLAN COMPLIANCE: The proposed C.U.P. 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
STP	Temple Trails Master Plan Map	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 Auto-Urban Commercial. B. Dell's Entertainment complies with this designation.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan classifies SW H K Dodgen Loop as an expressway. The proposed use is appropriate for location on an expressway. The request complies with the Thoroughfare Plan.

Availability of Public Facilities (CP Goal 4.1)

A water line runs along the north property line and are 6". A wastewater runs near the southern boundary and is 6".

Trails Master Plan Map and Sidewalks: This section of the Loop is not on the Trails Master Plan. Sidewalks are not required on Expressways.

PUBLIC NOTICE: Five notices of the Planning and Zoning Commission's public hearing were sent to surrounding property owners within the 200-foot radius surrounding the C.U.P. site. As of Thursday, June 28, 2012 at 11:00 AM, one notice from a property owner was returned in favor of the request and none were returned in opposition to the request. Additionally, four courtesy notices were sent to surrounding business operators within 300 feet of the subject property. Two courtesy notices from surrounding businesses were received in favor of the request and none were received in opposition to the request. The newspaper printed notice of the Planning and Zoning Commission public hearing on June 7, 2012 in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Location and Zoning Map
Future Land Use and Character Map
CUP Notice Map – 200'; CUP Notice Map – 300'
CUP Site Plan
CUP Preliminary Conceptual Floor Plan
Thoroughfare, Sidewalk, and Trails Map
Utility Map
Notice Response Letter
Planning and Zoning Commission Minutes June 18, 2012
Ordinance



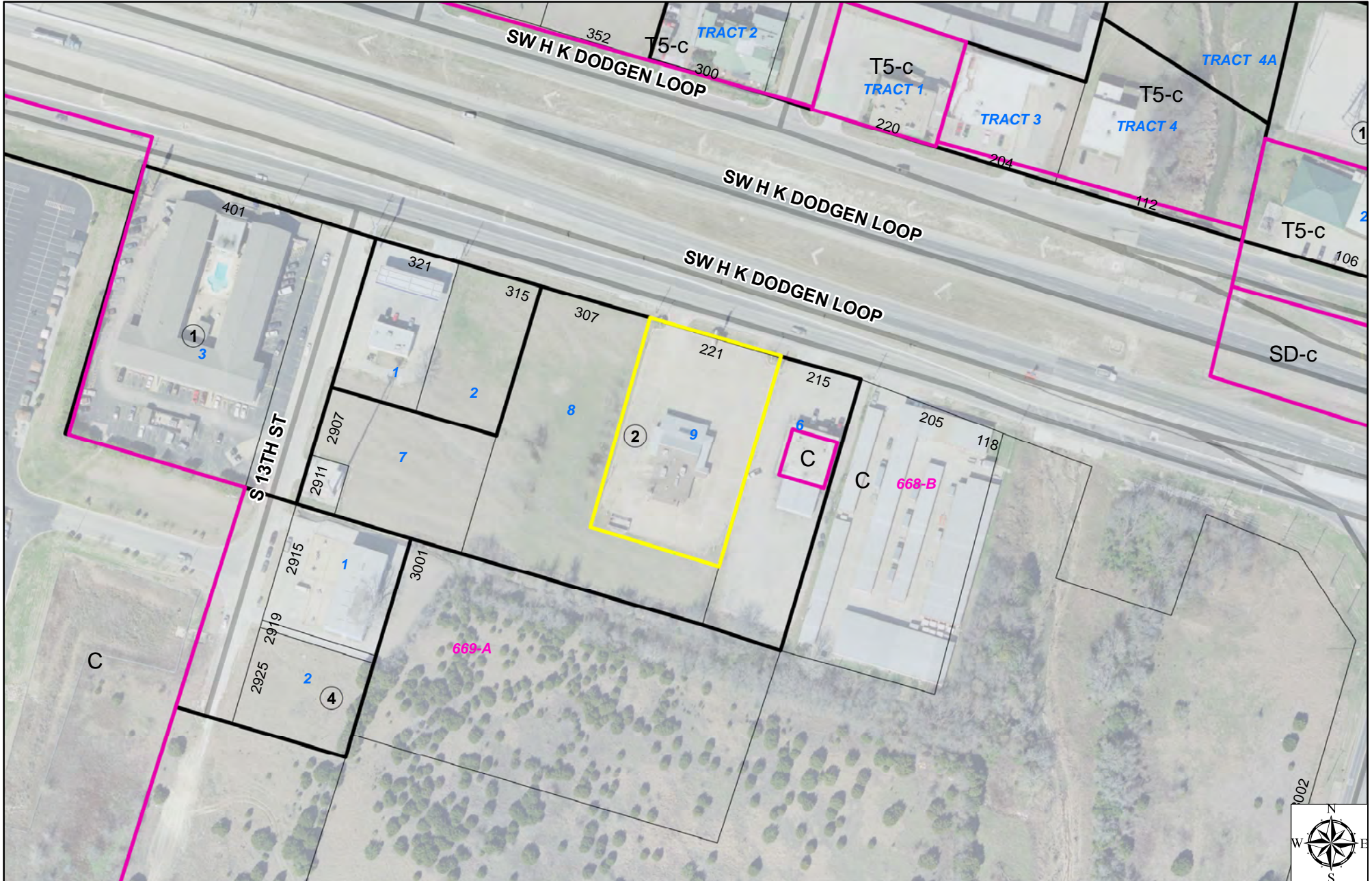
Z-FY-12-47

Location and Zoning Map

CUP

221 SW H K Dodgen Loop

More than 50%, Less Than 75%



- | | | | | | | | |
|--|--------|--|--------------|--|------------------|--|--------|
| | Case | | Subdivisions | | 1234-A Outblocks | | Blocks |
| | Zoning | | Parcel | | 1234 Addresses | | Lots |

0 50 100 200
Feet

6/5/2012
City of Temple GIS

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



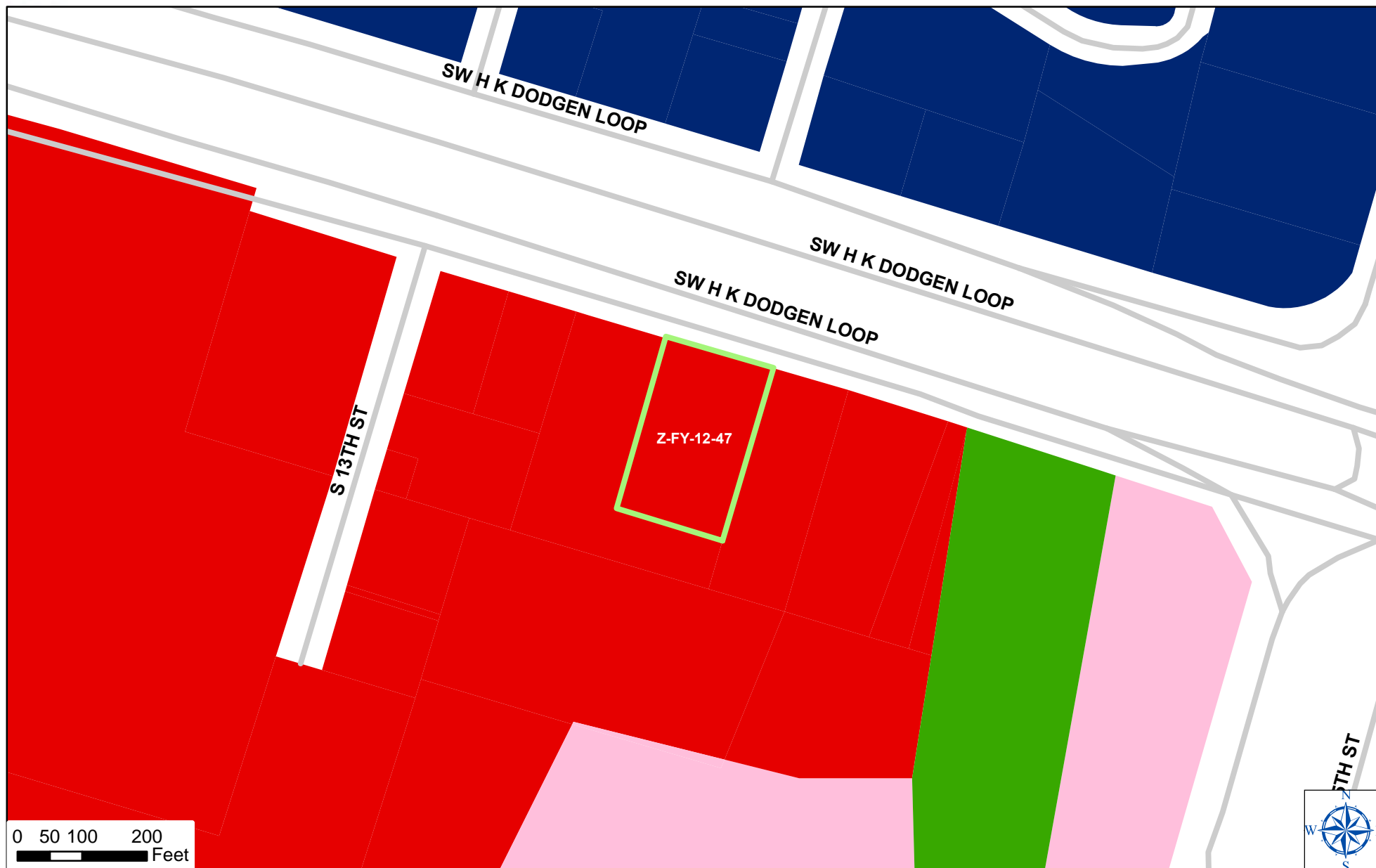
Z-FY-12-47

Future Land Use and Character Map

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Future Land Use

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

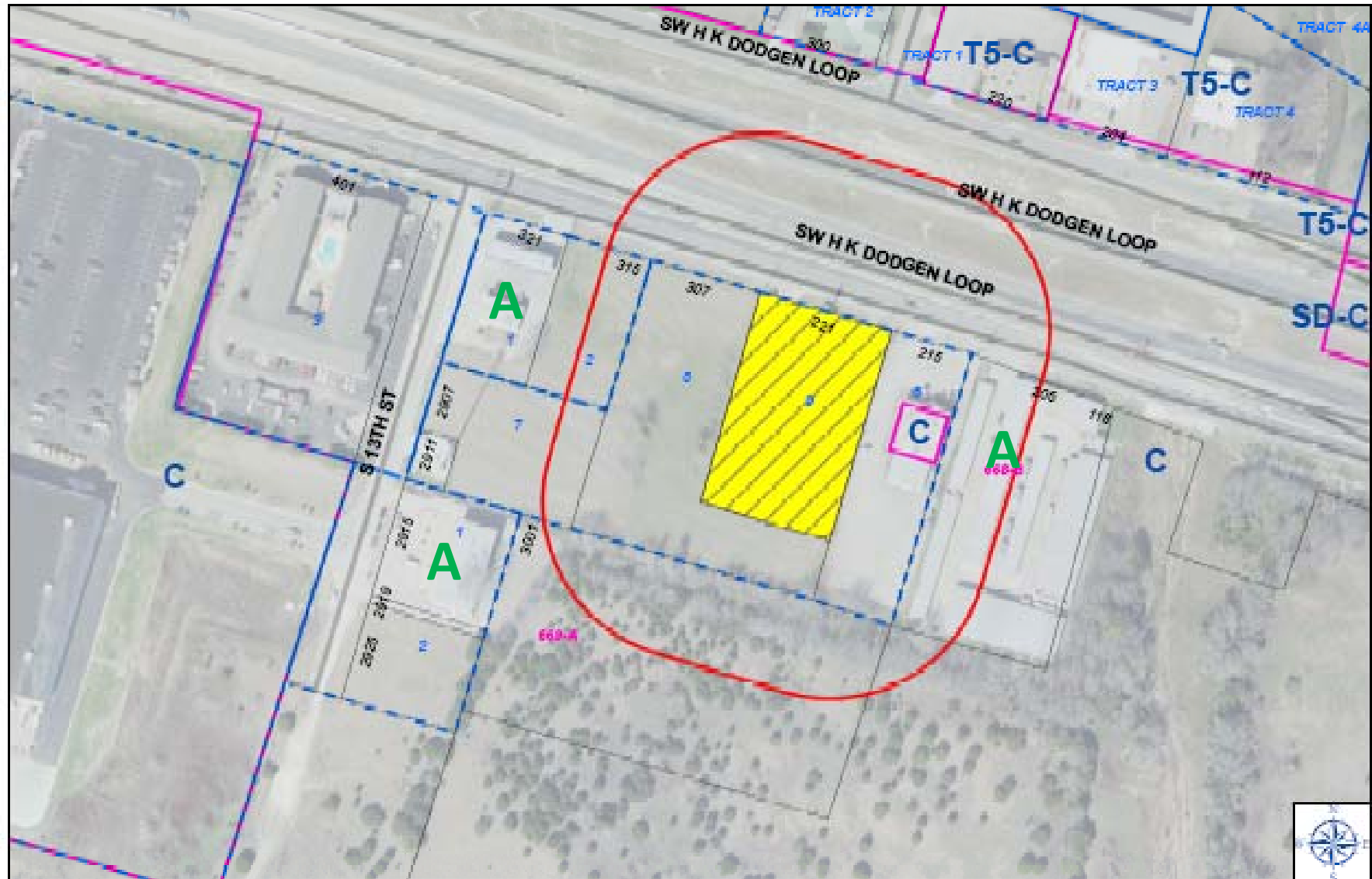
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-47

200' Notice Area
CUP
More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Case



Zoning Boundary

1234 Address

1 Lot Number



200' Buffer



Subdivision Boundary

① Block Number

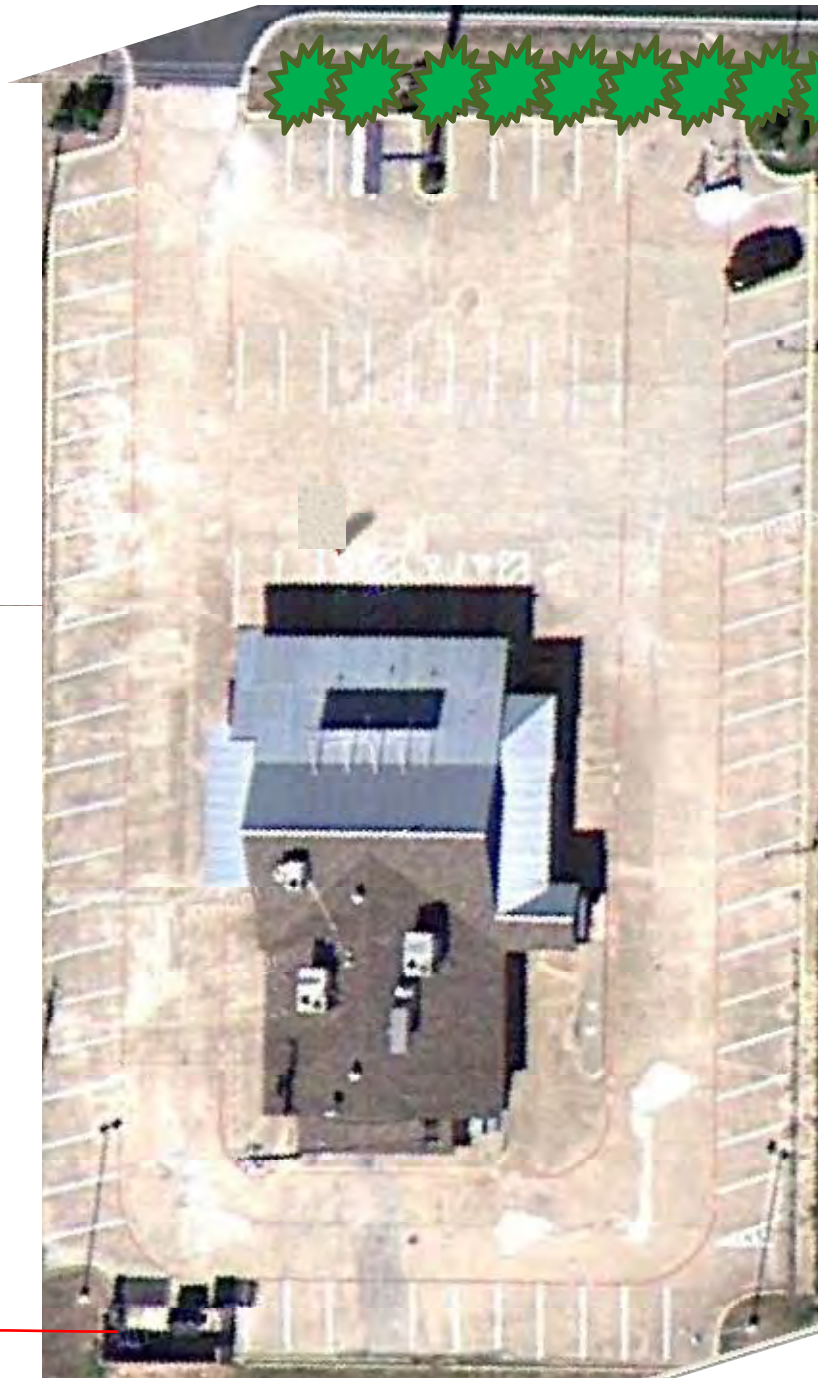
1234-A Outblock Number

0 50 100
Feet

5/18/2012
City of Temple GIS
gwhh

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

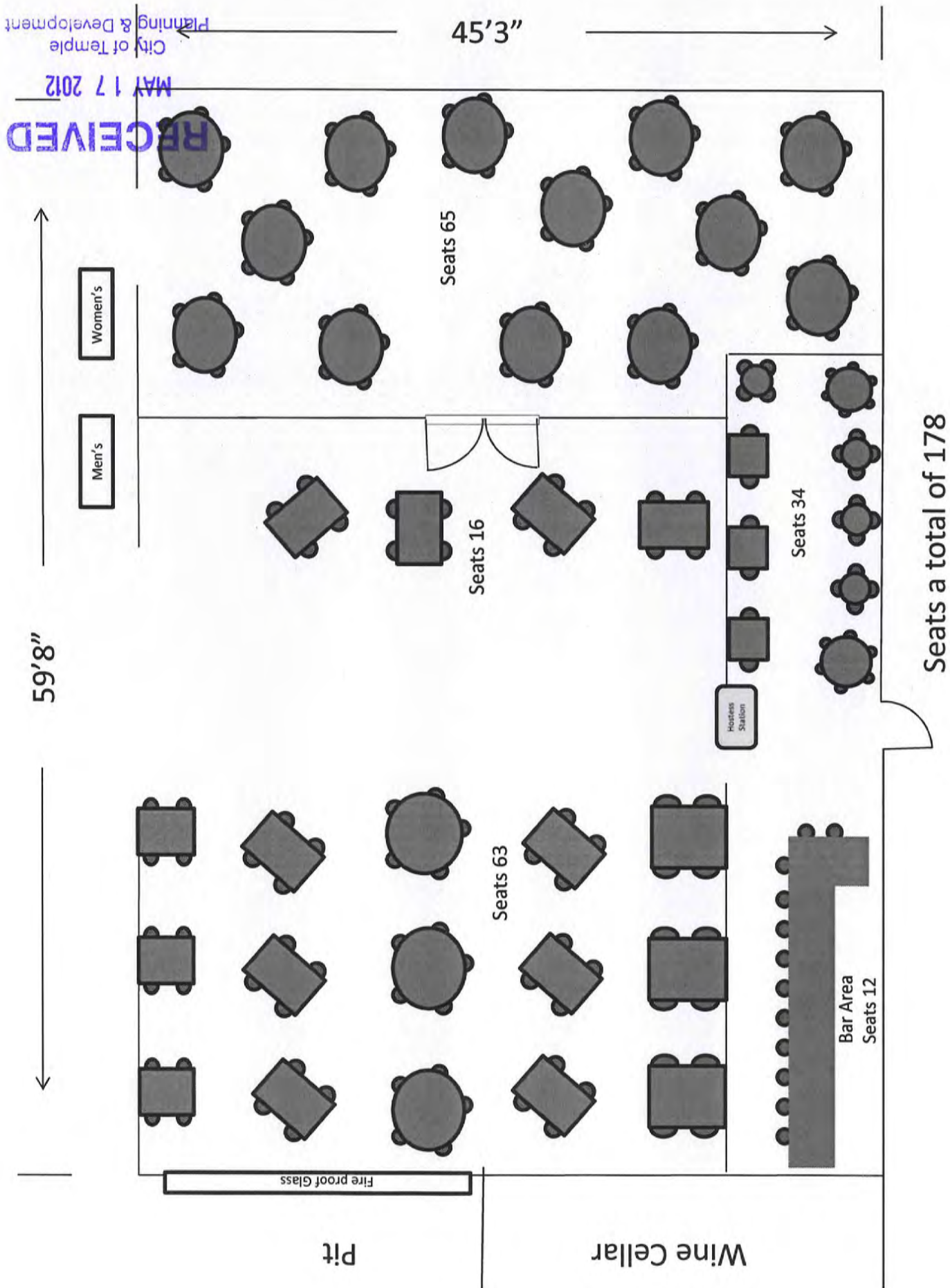
CUP Site Plan



New continuous hedge of bushes

Existing Parking: 75 spaces

Existing refuse area





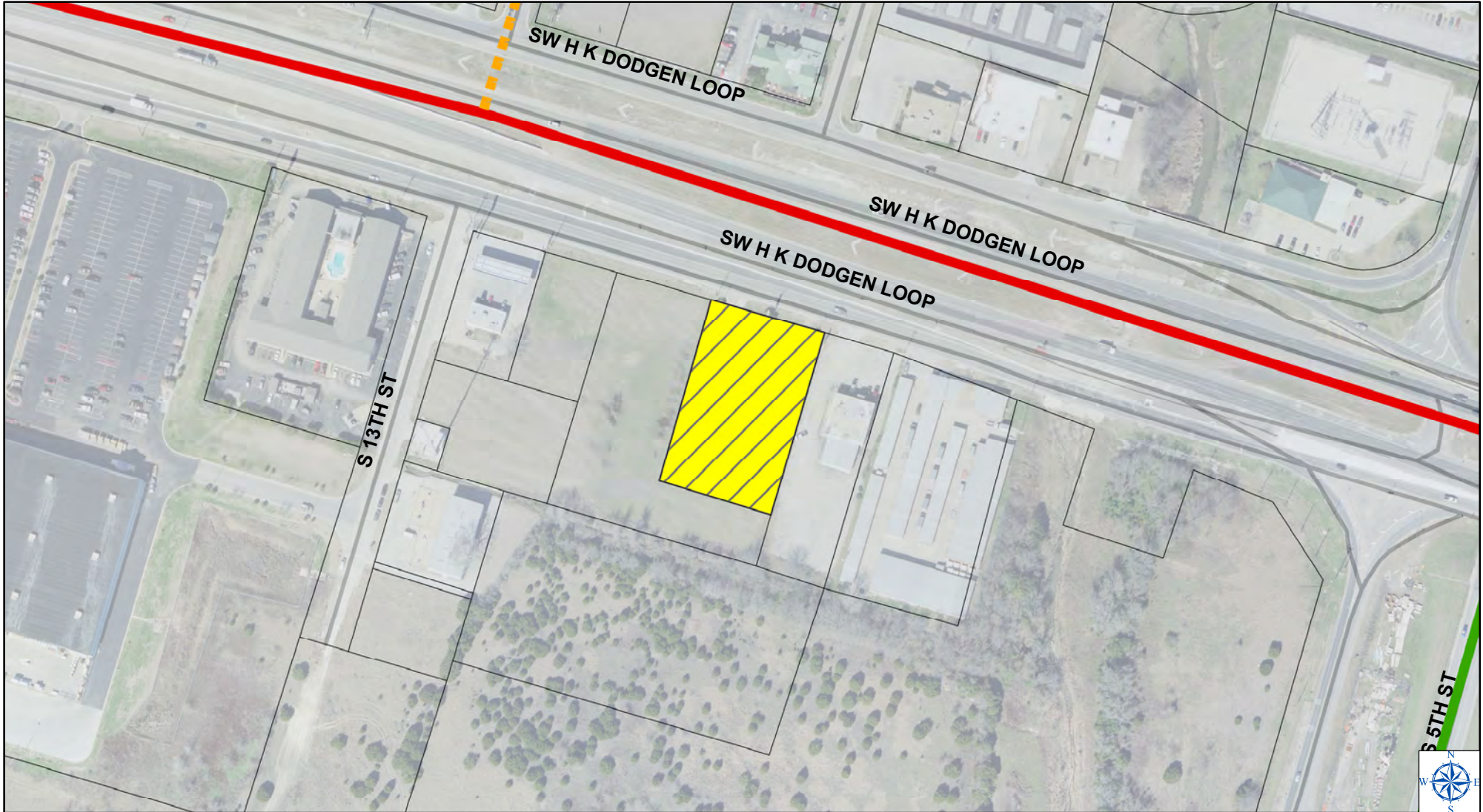
Z-FY-12-47

Thoroughfare, Trails, and Sidewalk Map

CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

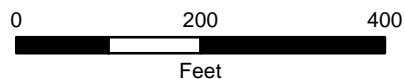
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

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5/18/2012
City of Temple GIS
gkeith



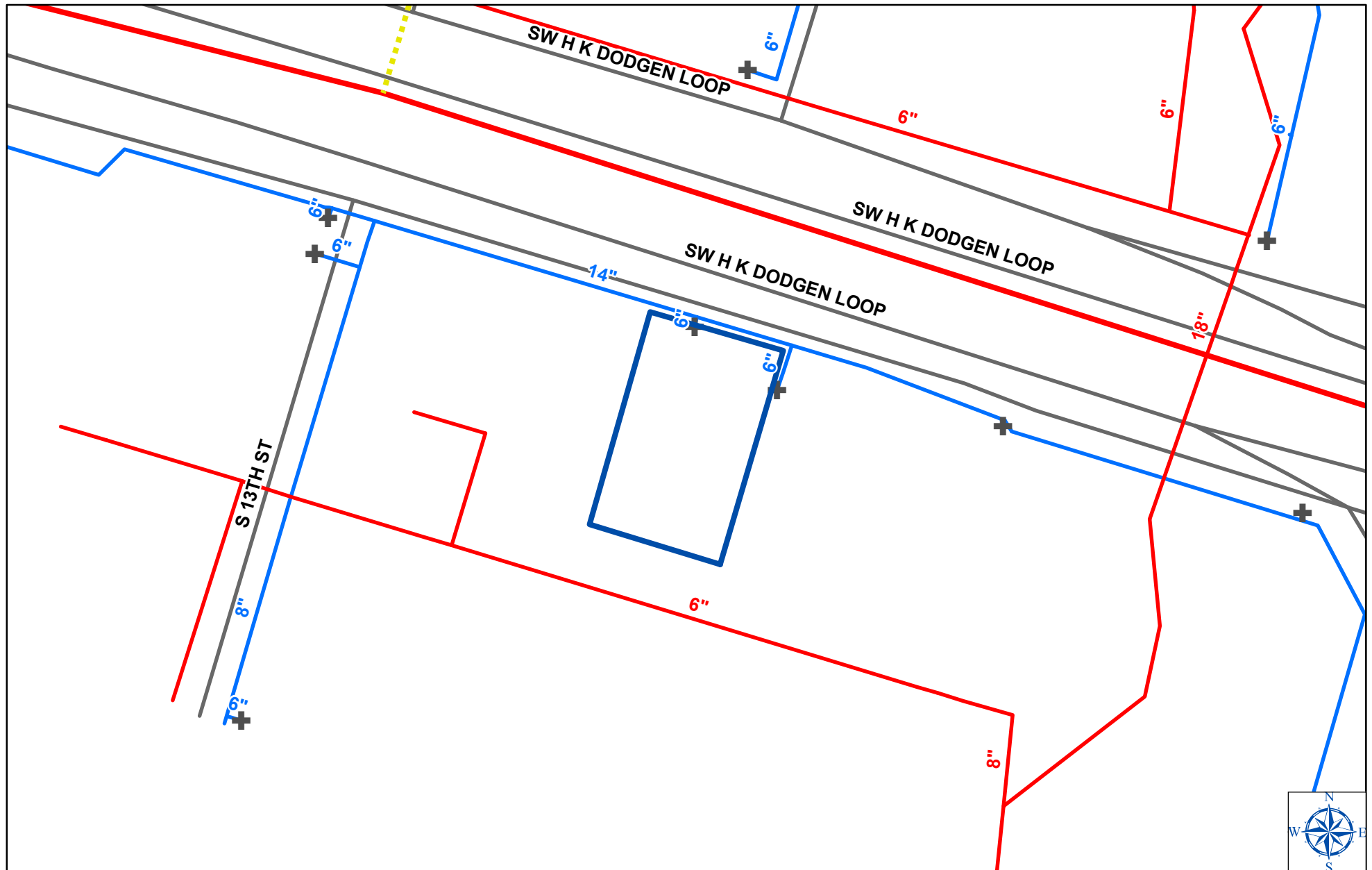
Z-FY-12-47

Utility Map

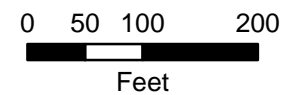
CUP

More Than 50%, Less Than 75%

221 SW H K Dodgen Loop



- | | | | |
|--------------|----------------|-------------------------|-------------------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector |



5/18/2012
City of Temple GIS

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**COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Sung Yol Yoo
Mobile Convenience Store
321 SW H K Dodgen Loop
Temple, Texas 76502

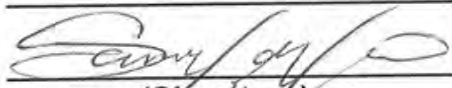
Zoning Application Number: Z-FY-12-47 **Project Manager:** Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. 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 Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:


(Signature)

SUNG YOO
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.

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

RECEIVED
JUN 12 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: June 7, 2012



**COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Crenshaw-Harris Academy
Frank Etux Sharon Harris
2915 South 13th Street
Temple, Texas 76502

Zoning Application Number: Z-FY-12-47

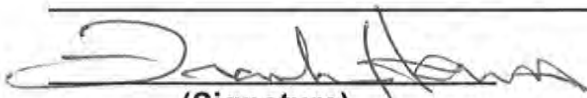
Project Manager: Kim Foutz

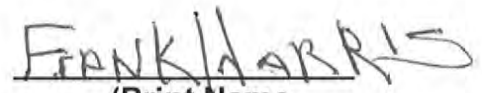
Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. 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 Conditional Use Permit for 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 June 18, 2012.

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

RECEIVED

JUN 18 2012

City of Temple
Planning & Development



**COURTESY NOTICE
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Manager
U-Haul Moving & Storage
205 SW H K Dodgen Loop
Temple, Texas 76502

Zoning Application Number: Z-FY-12-47

Project Manager: Kim Foutz

Location: 221 SW H K Dodgen Loop

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a proposed restaurant. 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 Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

Wanda Hall
(Signature)

Wanda Hall
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than June 18, 2012.



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

RECEIVED

JUN 26 2012

City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: June 7, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 18, 2012**

ACTION ITEMS

Item 6: Z-FY-12-47 - Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on premise consumption more than 50% and less than 75% of the gross revenue in a restaurant, on Lot 9, Block 2, Commerce Park Commercial Subdivision, a replat of a portion of Lots 3, 4, 5, & 7, Block 2, Commercial Park Commercial Subdivision, located at 221 SW H K Dodgen Loop. (Kenny Martin for B-Dells Fire and Ice Grill)

Ms. Foutz stated the posting for this item in one aspect of the paper did not have the words “in a restaurant” and that is the correct posting. Ms. Foutz asked the Commission to make sure in any motion to please clarify that is it not specific to a restaurant use that was inaccurately printed.

This request is for more than 50% alcohol sales but less than 75% in a property zoned Commercial district for a restaurant called B-Dell's Fire & Ice Grill LP located on the Dodgen Loop. The subject property has previously been a restaurant use. The request is for on premise alcohol in conjunction with a restaurant which is anticipated to open in early July. The alcohol sales are pending the Conditional Use Permit (CUP) and also TABC approval. Seating is approximately 178 and bar seating for 12. Serving hours are typical and within state regulations.

Surrounding properties include Cactus Jack's Restaurant to the north which is zoned T5 which is in the TMED, vacant property to the south zoned C, to the east is Bum's Sports Bar zoned C and to the west is vacant property zoned C.

The existing restaurant site plan has only one addition to the property. There are 75 existing parking spaces which exceeds the requirement and an enclosed refuse area to the back of the property. The applicant is proposing a new continuous hedge of bushes in the very front of the property. The limited amount of landscaping is due to little or no land that is not located in the state right-of-way.

The CUP criteria include the following:

The conditional use is compatible with and not injurious to the enjoyment of the surrounding property, and does not significantly diminish or property values within the immediate vicinity;

The establishment of the conditional use does not impede the orderly development and improvement of surrounding vicinity;

The design, location and arrangement of all driveways and spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development;

Adequate nuisance prevention measures have been taken to control offensive odors, fumes, dust, noise and vibration; and

Directional lighting is provided so as not to disturb or adversely neighboring properties.

Two sets of notices were sent out with the first being the 200 foot notices. Five notices were sent and zero responses were received in favor of or in opposition.

The second set of notices included the 300 foot range which had two responses returned in favor of the proposal.

Staff recommends approval of the CUP for the sale of alcoholic beverages for on premise consumption at more than 50% and less than 75% of the gross revenues.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 6, Z-FY-12-47, as presented by Staff, and Commissioner Sears made a second.

Motion passed: (9:0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, MORE THAN 50% AND LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR B. DELL'S FIRE AND ICE GRILL, LOCATED AT 221 S.W. HK DODGEN LOOP; 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 establishment at 221 S.W. HK Dodgen Loop, 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 approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption, more than 50% and less than 75% of the total gross revenue, for B. Dell's Fire and Ice Grill at 221 S.W. HK Dodgen Loop, 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 shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.

- (b) 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.
- (c) 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 the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (d) 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.
- (e) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (f) 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 his obligations hereunder.
- (g) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (h) 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.
- (i) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) 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.
- (j) 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.
- (k) 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 7-609.

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 immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

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

07/19/12
Item #5(I)
Consent Agenda
Page 1 of 3

DEPT. / DIVISION SUBMISSION & REVIEW:

Beverly M. Zendt AICP, Senior Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-12-49: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3,5,7, and 8 of the Unified Development Code to add requirements for Site Plan and establish review procedures and submission standards related to such requirement; clarify language related to requirement for enclosure of Major Vehicle Repair; clarify language related to Access and Circulation standards; add requirement for Curb and Gutter for off-street parking and landscaping; amend required size of subdivision Water and Wastewater Mains; and eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

P&Z COMMISSION RECOMMENDATION: At its June 18, 2012 meeting, the Planning and Zoning Commission voted 9/0 to approve proposed amendments to Ordinance 2010-4412, Temple Unified Development Code.

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

ITEM SUMMARY: Staff has prepared the following text amendments to provide correction to and clarification of certain sections of the Unified Development Code. Other proposed amendments have been included in order to facilitate the responsiveness, effectiveness, and accuracy of the development review process.

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

1. Add/clarify a requirement that a Site Plan be submitted and approved before a Building Permit may be issued;
2. Clarify language related to Major Vehicle Repair – eliminating unneeded language related to garage bay doors;
3. Clarify language related to Access and Circulation – eliminating the term advisory guide;
4. Add a requirement for curb and gutter for non-residential off-street parking around landscape islands and around perimeter of parking areas;
5. Amend the size requirement for water and wastewater mains for new subdivisions; and
6. Eliminate the developer cost participation requirements for certain streets adjacent to subdivisions.

SITE PLAN REQUIREMENT (ATTACHMENT 1): This proposed amendment modifies Article 3 of the UDC. The proposed amendment requires the submittal of a site plan with an application for a building permit for non-residential or multiple family uses. Although the UDC provides detailed Site Plan

submittal requirements for the TMED and I-35 Overlay Districts, the new requirement will extend this requirement to other commercial and multiple family projects reviewed by staff. This amendment allows a site plan to be submitted either concurrently or in advance of a building permit at the applicant's discretion. Additionally, this amendment provides standards for submittal and a process for staff review. The requirement for a site plan will assist staff in determining if the proposed project conforms to development standards in a more timely and efficient manner. This amendment provides predictability for the developer and prevents delays related to incomplete or insufficient submittals.

MAJOR VEHICLE REPAIR ENCLOSURES (ATTACHMENT 2): This proposed amendment modifies Article 5 of the UDC. The proposed amendment eliminates unnecessary and inconsistent language allowing for "bay doors to be left open" on buildings enclosing major vehicle repair.

ELIMINATION OF THE WORD ADVISORY GUIDE FROM ACCESS AND CIRCULATION 3): This proposed amendment modifies Article 7 of the UDC. The proposed amendment eliminates the word "advisory guide" and clarifies that Access and Circulation standards are required, not advisory, in the determination of drive approaches in the City of Temple.

CURB AND GUTTER FOR OFF-STREET PARKING (ATTACHMENT 4): This proposed amendment modifies Article 7 of the UDC. The proposed amendment adds a requirement for curb and gutter around the perimeter of parking areas and landscaped parking islands for commercial and multi-family off-street parking. This requirement is currently in place for both the TMED and I-35 Overlay Districts. By adding this requirement, the City will establish a consistent standard for off-street parking city wide. At the June 22, 2012, City Council Workshop, staff was asked to extend the curb and gutter requirement to adjacent public streets. Staff supports this objective and anticipates bringing forward an additional text amendment requiring the installation of curb and gutter along the adjacent public street (for commercial and multi-family projects) with the next set of text amendments. At the same workshop, staff was asked to consider removing the requirement for curb and gutter in areas not accessible to the public. Staff supports this proposed change and has added language eliminating the requirement for curb and gutter in areas not accessible or visible to the public.

WATER AND WASTEWATER MAINS SIZE REQUIREMENTS (ATTACHMENT 5): This proposed amendment modifies Article 8 of the UDC. The current standard is not consistent with previous subdivision standards which set a typical, rather than mandatory, standard of 8" for wastewater mains and allowed for smaller water mains to be considered based on the unique circumstances of the project. The proposed amendment establishes a consistent minimum size of 6" for water mains and wastewater mains while providing a mechanism to require larger mains when needed.

PERIMETER STREET FEES (ATTACHMENT 6): This proposed amendment modifies Article 8 of the UDC. The proposed amendment would eliminate the requirement that developers pay improvement/construction costs for Perimeter Streets adjacent to subdivisions. The existing requirement to dedicate right-of-way when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan, remains in place with only some

clarification provided. One additional change calls for the extension of this requirement to future streets identified on the Thoroughfare Plan. The proposed elimination of perimeter street fees will be counterbalanced by new requirements and standards for submittal of a Preliminary Plat for larger multi-phased development projects. The new requirement will be included in the next set of text amendments.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Attachment 1: Article 3 – Building Permit
Attachment 2: Article 5 – Major Vehicle Repair
Attachment 3: Article 7 – Access and Circulation
Attachment 4: Article 7 – Off-Street Parking and Loading
Attachment 5: Article 8 – Water and Wastewater
Attachment 6: Article 8 – Perimeter Street Fees
Attachment 7: TABA Letter of Support
P&Z Minutes (June 18, 2012)
Ordinance

Sec. 3.13. Building Permit

3.13.1 Applicability

A. A Building Permit may not be issued for any property until one of the following events has occurred.

1-A. Approved Plat

The lot appears on an approved plat of record filed in the plat records of Bell County.

2-B. Development Plan Approval

The property is all or part of a Development Plan that the City Council has officially approved in a Planned Development district in accordance with Sec.3.4.2. The Development Plan must provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including designation of building areas. Such easements, alleys and streets must have been properly dedicated and the necessary public improvements provided.

3-C. Unplatted Property

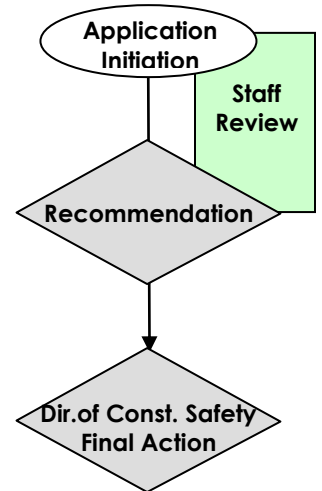
A Building Permit for only one principal building may be issued without requiring Final Plat approval in accordance with Section 3.6 where the property faces upon a publicly dedicated street and the last division of the property from other land occurred prior to:

a.1. September 1st, 1983;

b.2. City annexation; or

c.3. Extension of the City's extraterritorial jurisdiction.

B. Exceptions to this requirement apply when lot lines are shifted parallel to the original lot line shown on a plat of record in compliance with the Amending Plat provisions in Sec. 3.8.



3.13.2 Site Plan Required with Building Permit for Nonresidential or Multiple Family Uses

A. Applicability

1. In addition to the above requirements, a Building Permit may not be issued for any nonresidential or multiple family property until a Site Plan has been submitted for review and approval by the Planning Director.
 2. Site Plan submission and review for projects in the Temple Medical and Educational (TMED) Overlay District will be conducted in accordance with Sec.3.11.
 3. Site Plan submission and review for projects in the I-35 Corridor Overlay District will be conducted in accordance with Sec 6.7.4.
- B. The applicant must submit a legible Site Plan together with a Site Plan check list certified for completeness with the applicant's signature.
- C. The Site Plan may be submitted in advance or concurrently with the building permit application.
- D. The Site Plan must be drawn to scale, dimensioned and labeled. The site plan must include the following information:

1. Existing and proposed condition of lot or lots;
2. Adjacent development;
3. Lot dimensions;
4. Uses;
5. Sidewalks;
6. Curb cuts and drive approaches;
7. Curb and gutter locations;
8. Off-street parking and loading spaces;
9. Drive aisles;
10. Fire Hydrants;
11. Easements;
12. Access and circulation;
13. Utilities;
14. Drainage area locations
15. Building locations, heights, and gross floor area;
16. Setbacks from property lines;
17. Location of signs;
18. Refuse containers and compactors;
19. Outdoor storage and display areas;
20. Location and material of fences;
21. Screening and buffering;
22. Lighting;
23. Mechanical equipment location;
24. Existing and proposed pole locations;
25. Public open space, parks, and playgrounds;
26. Landscaping areas;
27. North arrow;
28. Any other information reasonable required to make an informed judgement about the conformance with development standards.

3.13.23.13.3 Review Process

A. Planning Director Review

~~The Planning Director must review the submitted application and make a recommendation to the Director of Construction Safety.~~

1. The Planning Director must determine whether a Site Plan is complete and satisfies the submittal requirements.
2. If the Site Plan is determined incomplete, the Planning Director must notify the applicant in writing. The notification must list all missing or incomplete items.
3. The Planning Director may request additional information that is required for the accurate review of the proposal.
4. Upon receipt of the complete Site Plan, the Planning Director must review the Site Plan and the submitted Building Permit application for compliance with development standards and make a recommendation to the Director of Construction Safety.

B. Director of Construction Safety Final Action

The Director of Construction Safety must approve, approve with conditions or deny the Building Permit.

5.3.22 Major Vehicle Repair

A major vehicle repair facility may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Vehicle repair must be conducted within a building. ~~However, the building may not necessarily be completely enclosed at all times, as bay doors may need to be left open to provide ventilation.~~
- B. All buildings must be set back a minimum of 20 feet from:
 - 1. Residentially zoned or developed property; and
 - 2. Public property such as a school or park.
- C. Vehicle parts, wrecked vehicles, commodities, materials and equipment may be stored behind a building in the rear area if screened from public view from any street, residentially developed or zoned property, or adjacent or opposite public property such as a school or park. Such storage may not occupy more than 10 percent of the lot or tract. A solid wooden or masonry fence, a minimum of one foot higher than the stored items, must screen such storage area.
- D. There is no size limit for vehicles being repaired.

5.3.23 Minor Vehicle Servicing

A minor vehicle servicing establishment may be permitted in accordance with the use table in Sec. 5.1 subject to the following standards.

- A. Vehicle servicing must be conducted completely within an enclosed building.
- B. Vehicles being serviced may not exceed one and one-half tons.
- C. All buildings must be set back a minimum of 25 feet from:
 - 1. The public street right-of-way;
 - 2. Residentially zoned or developed property; and
 - 3. Public property such as a school or park.
- D. No outside storage or display of any kind is permitted.
- E. No parking of damaged motor vehicles is permitted, except on a temporary basis not to exceed 72 hours.

Sec. 7.2. Access and Circulation

7.2.1 Applicability

- A. The following access and circulation standards ~~must be utilized serve as an advisory guide~~ in the determination of drive approaches in the City of Temple. These standards address factors including curb cut placement, width, angle, number of approaches per tract and other elements as appropriate to provide adequate and safe access between private property and the public street system in the City.

7.4.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

B. Curb and Gutter

Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Planning Director. This requirement does not extend to areas not accessible or visible to the public.

B.C. Material Standards

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

C.D. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.4.4B, the Planning Director may apply the parking requirements of a similar use to the use in question.

D.E. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph A above, the minimum off-street parking requirements are established by the same process as provided in Sec.5.2 for classifying new and unlisted uses.

8.2.7 Water and Wastewater

A. Size of Water Mains

Water mains must be a minimum of six inches in diameter. The following items will be taken into account in determining if a larger water main is needed: ~~Water mains smaller than six inches, but not less than three inches may be constructed to serve blocks with a maximum of six dwelling units, taking into account:~~

1. The recommendation of the design engineer for the developer;
2. Peak demands for domestic and irrigation use of water;
3. Fire protection and hydrant coverage; and
4. Growth and development possibilities for the area.

B. Size of Wastewater Mains

Wastewater mains must be a minimum of six eight inches in diameter. The following items will be taken into account in determining if a larger water main is needed:

1. The recommendation of the design engineer for the developer;
2. Peak demands; and
3. Growth and development possibilities for the area.

Sec. 8.5. City Participation

8.5.1 Perimeter Streets

A. Local and Collector Streets

Where a subdivision is adjacent to an existing street or future street classified as a local or collector street on the Thoroughfare Plan and ~~such the existing~~ street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer ~~must must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate one-half of the land required for an existing street to be upgraded or one half of the land required for a future street to be constructed.

- ~~1. — Dedicate land for one-half of the required public street right-of-way of an adjacent local and collector street; and~~
- ~~2. — Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.~~

B. Arterial and Larger Streets

Where a subdivision is adjacent to an existing street or future street classified as a major or minor arterial street on the Thoroughfare Plan and ~~such the existing~~ street is not built according to the design standards for such street classification or the future street is not yet constructed, the developer ~~must must:~~ dedicate the additional right-of-way for the existing street or future street. The developer must dedicate a proportional share of the land required for an existing street to be upgraded or a proportional share of the land required for a future street to be constructed.

- ~~1. — Dedicate a proportional share of the public street right-of-way for arterial and larger streets; and~~
- ~~2. — Pay the improvements costs for or build a proportional share of the required street width for arterial and larger streets, including curbs, gutters and storm drainage, not to exceed the amount that would be required for one-half of a collector street.~~

~~C. — Designated County, State or Federal Roadways~~

~~Where a subdivision is adjacent to a county, state or federal roadway classified as a collector street, arterial street or major thoroughfare on the Thoroughfare Plan and such street is not built according to the design standards for such street, a financial contribution is not required other than dedication of public street right-of-way.~~

~~D. — Construction and Funding~~

~~A letter of credit, escrow account or other means approved by the Director of Public Works may secure the developer's obligations to build or fund streets.~~

8.5.2 Internal Streets

The developer must pay all costs for the installation of streets in a subdivision, including those streets, special access arrangements and related drainage structures required because:

- A. A substantial amount of traffic will be generated from, to or through the subdivision because of existing or future conditions; or
- B. The ~~C~~omprehensive Plan indicates a need for certain major thoroughfares through or adjacent to the subdivision.



June 13, 2012

Temple Planning and Zoning Commission
2 N. Main St
Temple, TX 76501

RE: June 2012 UDC Text Amendments

Honorable Commissioners,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding changes to the City of Temple UDC text amendments.

- Article 3 Development Site Plan Requirement – adding requirement for Site Plan and establishing review procedures and submission standards related to such requirement. Specifically sections 3.13.1 Applicability, 3.13.2 Site plan required with building permit for nonresidential or multifamily uses and 3.13.3 Review Process; and
- Article 7 Access and Circulation - clarifying language related to Access and Circulation standards; specifically section 7.2.1 Applicability; and
- Article 7 Off-Street Parking – adding a requirement for curbing for off-street parking and landscaping; Specifically section 7.4.5 (B) Curb and Gutter; and
- Article 8 Water and Wastewater Mains - amending the required size of subdivision water and wastewater mains; Specifically section 8.2.7 (A) Size of Water Mains and 8.2.7 (b) Size of Wastewater mains; and
- Article 8 Perimeter Street Fees – eliminating developer cost participation requirements on certain streets adjacent to subdivisions. Specifically section 8.5.1 Perimeter Streets;

We have met with planning staff and other city representatives to provide input into these and other revisions to the city's Unified Development Code. We believe the proposed amendments will provide needed corrections and clarification to certain sections of the Unified Development Code and will facilitate both development and the development review process.

Additionally, we anticipate an additional text amendment, to be brought forward at a later date, requiring that a preliminary plat be submitted with development projects of 50 lots or more. While we have not seen the initial proposal, we do look forward to working with the city on this issue as part of the comprehensive package of UDC text amendments.

Please do not hesitate to contact me directly if you have any further questions. We thank you for the opportunity to comment and appreciate your commitment to the City of Temple.

Sincerely,

A handwritten signature in blue ink, appearing to read "Blair", with a long horizontal flourish extending to the right.

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Temple Planning Department

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JUNE 18, 2012**

ACTION ITEMS

Item 8: Z-FY-12-49 – Hold a public hearing to consider and recommend action on an amendment to Ordinance 2010-4413, Temple Unified Development Code, Articles 3, 5, 7, and 8 of the Unified Development Code to: 1) add requirement for Site Plan and establish review procedures and submission standards related to such requirement; 2) clarify language related to requirement for enclosure of Major Vehicle Repair; 3) clarify language related to Access and Circulation standards; 4) add requirement for Curb and Gutter for off-street parking and landscaping; 5) amend required size of subdivision Water and Wastewater Mains; and 6) eliminate developer cost participation requirements on certain streets adjacent to subdivisions.

Ms. Zendt stated the first amendment was the requirement to submit a site plan for multi-family and commercial projects. Currently, the UDC requires the submission of a site plan for Conditional Use Permits (CUPs), in the TMED Overlay District, and the I-35 Overlay District. Additionally, the UDC calls for a site plan requirement be submitted with Access and Circulation Plans. This does not always happen and creates many unnecessary additional hours of work to make sure they meet the standards. A site plan would greatly facilitate or expedite the development review process.

A site plan would include, but not limited to, having the following components submitted:

- Sidewalks
- Curb cuts
- Utilities
- Landscaping
- Building Locations
- Heights
- Gross floor area
- Refuse containers
- Screening
- Parking and Loading Spaces
- Adjacent development

In addition to other requested items.

This proposed amendment would establish a review process whereby the Planning Director would determine if the application is complete. The Planning Director would notify the applicant in writing if the application is not complete to request additional required information. Once complete, the site plan would be reviewed for City regulation compliance then make a recommendation to the Director of Construction Safety. This site review would be tied to the building permit process and would fall along that time requirement.

The applicant would be required to sign a checklist certifying all of the elements are present on the site plan. The site plan may be submitted concurrently with the building permit or ahead of time to allow Staff to review it.

This amendment would assist Staff in determining if the project conforms to land use policies and regulations Citywide, if it allows compatibility of the project with adjacent land uses, it would allow more timely and efficient review which would prevent delays related to incomplete or insufficient submittals, and reinforce clarification of existing requirements for site plans.

Amendment Two relates to Major Vehicle Repair and the amendment would eliminate unnecessary and inconsistent language allowing for “bay doors to be left open” on buildings enclosing major vehicle repair.

Amendment Three is the elimination of the language “advisory guide” and clarifies that Access and Circulation standards are required, not advisory, in the determination of drive approaches in the City.

Amendment Four calls for curb and gutter in the TMED Overlay and off-street parking in I-35. There is no requirement for curb and gutter for off-street parking for other general development. This amendment would allow curb and gutter be added for all off-street parking, and require six inches of curb and gutter around the perimeter of the parking area and all landscaped islands. This would present a clean and protected landscape area and define the parking areas more.

Amendment Five relates to water and wastewater mains and clarifies the minimum size of water mains and wastewater mains and makes the language more consistent with previous subdivision standards. This would allow the language to be consistent and concise with the needed flexibility for larger mains.

Amendment Six regarding perimeter street fees would eliminate the requirement that developers pay improvement/construction costs for perimeter streets adjacent to subdivisions. This does retain the right-of-way dedication requirement when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan to remain in place with some clarification provided. One additional change calls for the extension of this requirement to future streets identified on the Thoroughfare Plan (the developer must pay for all internal streets). The proposed elimination will be counterbalanced by a new requirement to submit a Preliminary Plat for all development projects of 50 lots or greater.

The Temple Area Builders Association (TABA) is in full support of all of these proposals.

Chair Martin opened the public hearing.

Mr. Pat Patterson, 4212 S. 5th Street, Temple, Texas stated several meetings have taken place regarding these amendments between TABA and Staff. TABA is in agreement with all of the proposals and would answer any questions on behalf of TABA.

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

Commissioner Talley made a motion to approve Item 8, Z-FY-12-49, and Commissioner Sears made a second.

Motion passed: (9:0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2010-4413, THE “UNIFIED DEVELOPMENT CODE,” ARTICLES 3, 5, 7 AND 8, TO ADD REQUIREMENTS FOR SITE PLANS AND ESTABLISH REVIEW PROCEDURES AND SUBMISSION STANDARDS RELATED TO SUCH REQUIREMENT; CLARIFY LANGUAGE RELATED TO REQUIREMENTS FOR ENCLOSURE OF MAJOR VEHICLE REPAIR; CLARIFY LANGUAGE RELATED TO ACCESS AND CIRCULATION STANDARDS; ADD REQUIREMENTS FOR CURB AND GUTTER FOR OFF-STREET PARKING AND LANDSCAPING; AMEND REQUIRED SIZE OF SUBDIVISION WATER AND WASTEWATER MAINS; AND ELIMINATE DEVELOPER COST PARTICIPATION REQUIREMENTS ON CERTAIN STREETS ADJACENT TO SUBDIVISIONS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, at its June 18, 2012 meeting, the Planning and Zoning Commission voted to amend the UDC to amend Articles 3, 5, 7 and 8 which requests City Council to add requirements for site plans and establish review procedures and submission standards related to such requirement; clarify language related to requirements for enclosure of major vehicle repair; clarify language related to access and circulation standards; add requirements for curb and gutter for off-street parking and landscaping; amend required size of subdivision water and wastewater mains; eliminate developer cost participation requirements on certain streets adjacent to subdivisions, and establish definitions related to such standards;

Whereas, the proposed amendment to Article 3 of the UDC will require the submittal of a site plan with an application for a building permit for non-residential or multiple family uses and will allow a site plan to be submitted either concurrently or in advance of a building permit at the applicant’s discretion, as outlined in Exhibit A attached;

Whereas, the proposed amendment to Article 5 of the UDC will eliminate unnecessary and inconsistent language allowing for “bay doors to be left open” on buildings enclosing major vehicle repair, as outlined in Exhibit B attached;

Whereas, the first proposed amendment to Article 7 of the UDC will eliminate the word “advisory guide” and will clarify that Access and Circulation standards which are required, not advisory, in the determination of drive approaches in the City of Temple, as outlined in Exhibit C attached;

Whereas, the second proposed amendment to Article 7 of the UDC will add a requirement for curb and gutter around the perimeter of parking areas and landscaped parking islands for commercial and multi-family off-street parking, as outlined in Exhibit D attached;

Whereas, the first proposed amendment to Article 8 will establish a consistent minimum size of 6” for water mains and wastewater mains while providing a mechanism to require larger mains when needed, as outlined in Exhibit E attached;

Whereas, the second proposed amendment to Article 8 will eliminate the requirement that developers pay improvement/construction costs for perimeter streets adjacent to subdivisions and preserve the requirement that developers dedicate right-of-way when the adjacent street has not been built according to design standards, for the classification identified on the Thoroughfare Plan, and extend this requirement to future streets identified on the Thoroughfare Plan, as outlined in Exhibit F attached;

Whereas, the Staff recommends amending the Unified Development Code to address the above-referenced amendments to Articles 3, 5, 7 and 8; and

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

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

Part 1: The City Council approves an amendment to Ordinance No. 2010-4413, the “Unified Development Code,” by amending Articles 3, 5, 7 and 8, to add requirements for site plans and establish review procedures and submission standards related to such requirement; clarify language related to requirements for enclosure of major vehicle repair; clarify language related to access and circulation standards; add requirements for curb and gutter for off-street parking and landscaping; amend required size of subdivision water and wastewater mains; eliminate developer cost participation requirements on certain streets adjacent to subdivisions, and, said amendments being more fully described in the exhibits attached hereto for all purposes.

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

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

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

Part 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

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

07/19/12
Item #5(J)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans as follows:

- A. Appropriating \$65,000 to the Friar's Creek Hike and Bike Trail Project and recognizing \$65,000 in revenue from additional property taxes received in FY 2012.
- B. Appropriating \$800,000 to the Bioscience Park Service Road and Utility Extensions Project, \$112,840 in FY 2012 and \$687,160 in FY 2013; recognizing \$112,840 in revenue from additional property taxes received in FY 2012; recognizing \$400,000 in revenue from developer's contribution and reallocating funds from Pepper Creek Trail Extension in the amount of \$287,160 in FY 2013.
- C. Appropriating \$30,250 to professional services and recognizing \$30,250 in revenue from contributions from Temple Economic Development Corporation of \$10,000 and from Bioscience District of \$20,250 in FY 2012.

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

ITEM SUMMARY: The Reinvestment Zone No. 1 Board met on June 27, 2012, to recommend to Council amendments to the Financing and Project Plans. The detail for the required amendments is shown below.

A. Friar's Creek Hike and Bike Trail, Line 455 (Project Plan):

The current Project Plan, Line 455, has \$1,430,453 allocated for this project. After funding the design of the project, \$1,055,778 remains to fund the construction and other costs associated with the project. Bids were received on June 12, 2012. The total recommended construction contract award is \$1,107,512.50.

A Financing Plan amendment is presented to allocate \$65,000 to the project from additional property taxes received in FY 2012 to fund the amount needed for the construction contract and for other costs associated with the project.

B. Bioscience Park Service Road and Utility Extensions, Line 205 (Project Plan):

Potential occupants of the Bioscience Park have communicated site specific proposals for construction within the park. Additional public improvements and platting are required to accommodate the plans for build out of the properties. The current opinion of probable cost for this project is \$800,000.

The current Project Plan has no funding for this project and an amendment to the plan is required. Line 205 has been added to the Project Plan in the amount of \$800,000 in FY 2012 and 2013. \$112,840 is available in additional property taxes received in FY 2012 to fund the engineering required for this project in FY 2012. The remaining \$687,160 for construction will be funded by a developer contribution in the amount of \$400,000 and by reallocating \$287,160 from the Pepper Creek Trail Extension, line 155. This will bring the amount of funding in the current Financing Plan to \$800,000.

C. Professional Services, Line 50 (Project Plan):

There are two professional service agreements on the agenda totaling \$50,500. Temple Economic Development Corporation has agreed to fund \$10,000 towards these agreements. The balance of \$40,500 will be split equally between the Reinvestment Zone No. 1 and the Bioscience District. There are sufficient funds in Professional Services, Line 50, to cover the RZ #1's share of \$20,250.

A Financing Plan amendment is presented allocating \$30,250 to professional services and recognizing \$30,250 in revenue from the contributions from TEDC of \$10,000 and from the Bioscience District of \$20,250 in FY 2012.

FISCAL IMPACT: The proposed amendments reallocate funding within the FY 2012 and FY 2013 Financing/Project Plans on Lines 4, 14, 50, 155, 205, and 455 as described above. A summary of the proposed amendments is shown below.

Project	Funding Source- Unrecognized Increment Tax	Funding Source- Contributions from Others	Funding Source- Project Reallocation	Totals
(A) Friar's Creek Hike and Bike Trail	\$65,000	\$0	\$0	\$65,000
(B) Bioscience Park Service Road and Utility Extensions	\$112,840	\$400,000	\$287,160	\$800,000
(C) Professional Services	\$0	\$30,250	\$0	\$30,250
Totals	\$177,840	\$430,250	\$287,160	\$895,250

There will be no change to the previously reported unreserved fund balance at the end of FY 2012 of \$830,812 or at the end of FY 2013 of \$765,393.

ATTACHMENTS:

[Financing Plan](#)

[Summary Financing Plan with Detailed Project Plan](#)

[Budget Adjustment](#)

[Ordinance](#)

FINANCING PLAN

Project Plan - 06/27/12 - to Zone Board

SUMMARY FINANCING PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
1Beginning Available Fund Balance, Oct 1	\$ 7,979,748	\$ 830,812	\$ 765,393	\$ 1,861,709
20Total Sources of Funds	6,304,046	4,706,824	4,368,351	4,416,566
2Adjustments to Debt Service Reserve	462,707	1,761,865	1,765,643	-
25Net Available for Appropriation	14,746,501	7,299,501	6,899,387	6,278,275
50/52General Administrative Expenditures	206,450	176,200	176,200	176,200
54Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000
54Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000
56Rail Maintenance	274,575	100,000	100,000	100,000
58Road/Signage Maintenance	158,826	100,000	100,000	100,000
60Contractual Payments (TEDC - Marketing)	165,000	181,500	199,650	219,615
62TISD - Joint Use Facilities [look at contracts and calculation]	22,873	23,102	23,333	23,567
26Debt Service - 2003 Issue {\$11.740 mil}	868,235	870,255	871,055	870,130
27Debt Service - 2008 Issue {\$16.010 mil}	201,960	201,960	201,960	201,960
28Debt Service - 2009 Issue {Refunding}	1,473,669	1,474,569	1,479,969	1,499,769
29Debt Service - 2008 Taxable Issue {\$10.365 mil}	1,241,935	1,239,641	1,240,495	1,239,233
30Issuance Costs	-	-	-	-
31Refunding Bond Proceeds	-	-	-	-
32Payment to Refunding Bond Agent	-	-	-	-
70Total Debt & Operating Expenditures	4,788,523	4,542,227	4,567,662	4,605,474
80Funds Available for Projects	\$ 9,957,978	\$ 2,757,274	\$ 2,331,725	\$ 1,672,801

PROJECT PLAN				
	Revised FY 2012	FY 2013	FY 2014	FY 2015
NORTH ZONE/RAIL PARK (including Enterprise Park):				
100Railroad Spur Improvements	8,800	-	-	-
102Elm Creek Detention Pond	-	-	-	-
103ROW Acquisition - Public Improvements	-	-	-	-
104Extension of Rail Service	-	-	-	-
105BN Trans-Load NE Site Phase I - [\$850K total project cost]	-	-	-	-
106Wendland Road Improvements	-	-	-	-
107Wendland Property Roadway Phase I - [\$1.87M total project cost]	-	-	-	-
110Public Improvements in North Zone	50,000	250,000	250,000	250,000
150Total North Zone/Rail Park (including Enterprise Park)	58,800	250,000	250,000	250,000
AIRPORT PARK:				
151Airport Park Infrastructure Construction	-	-	-	-
155Pepper Creek Trail Extention Phase I - [\$750K total project cost]	125,000	337,840	-	-
200Total Airport Park	125,000	337,840	-	-
BIO-SCIENCE PARK:				
201Greenbelt Development along Pepper Creek	-	-	-	-
202Outer Loop Phase II (from Hwy 36 to FM 2305)	-	-	-	-
203Bio-Science Park Phase 1	-	-	-	-
204Pepper Creek Trail Connection to S&W	730,000	-	-	-
205Bioscience Park Service Road & Utility Extensions	112,840	687,160	-	-
250Total Bio-Science Park	842,840	687,160	-	-
300Outer Loop (from Wendland Rd to IH-35 North) - [\$15.5M total project cost]	36,105	-	-	-
350Northwest Loop 363 Improvements (TxDOT commitment)	899,350	-	-	-
SYNERGY PARK:				
351Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	88,900	-	-	-
400Total Synergy Park	88,900	-	-	-
DOWNTOWN:				
401Downtown Improvements [look at 1999 Ordinance]	604,077	216,881	220,016	222,485
402Rail Safety Zone Study	3,150	-	-	-
403Lot Identification & Signage	80,000	-	-	-
404Santa Fe Plaza Study	5,000	-	-	-
405Santa Fe Plaza Parking Lot - [\$1.3M total project cost]	-	-	-	-
450Total Downtown	692,227	216,881	220,016	222,485
TMED:				
451TMED - 1st Street @ Temple College - [\$2.9M total project cost]	466,633	-	-	-
452Master Plan Integration 2010	1,550	-	-	-
453Monumentation Identification Conceptual Design	1,617	-	-	-
454TMED - 1st Street @ Loop 363 Design/Construction - [\$2.5M city project cost]	2,086,120	500,000	-	-
455TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,495,453	-	-	-
456Avenue R - S&W Blvd, Ave R - 19th Intersections	35,500	-	-	-
457Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	276,150	-	-	-
500Total TMED	4,363,023	500,000	-	-
OTHER PROJECTS:				
501Gateway Entrance Projects	50,000	-	-	-
505Airport Corporate Hangar Development	1,970,921	-	-	-
550Total Other Projects	2,020,921	-	-	-
600Undesignated Funding - Bonds	-	-	-	-
610Undesignated Funding - Public Improvements	-	-	-	-
Total Planned Project Expenditures	9,127,166	1,991,881	470,016	472,485
700Available Fund Balance at Year End	\$ 830,812	\$ 765,393	\$ 1,861,709	\$ 1,200,316

FY **2012****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
795-9500-531-65-52	100695	Pepper Creek Trail Connection to S&W	\$ 65,000		
795-0000-411-01-11		Property Tax Revenue	65,000		
795-9500-531-65-60	100867	Bioscience Service Road & Util Impr	112,840		
795-0000-411-01-11		Property Tax Revenue	112,840		
795-9500-531-26-16		Professional Services	30,250		
795-0000-461-08-65		Miscellaneous Reimbursements	30,250		
TOTAL.....			\$ 416,180	\$	-

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

(1.) To appropriate the additional funds needed of \$65,000 to fund the construction contract and other costs for Friar's Creek Hike & Bike Trail. Funds available from additional property taxes collected in FY 2012. (2.) To appropriate \$112,840 to the Bioscience Park Service Road & Utility Improvements for engineering services. Funds available from additional property taxes collected in FY 2012. (3.) To appropriate \$30,250 to Professional Services and to recognize contributions from TEDC in the amount of \$10,000 and from the Bioscience District in the amount of \$20,250 in FY 2012 for their cost participation in two professional services agreements.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

7/19/2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

ORDINANCE NO. 2012-4546

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING AND PROJECT PLANS TO APPROPRIATE \$65,000 TO THE FRIARS CREEK HIKE AND BIKE TRAIL PROJECT AND RECOGNIZE \$65,000 IN REVENUE FROM ADDITIONAL PROPERTY TAXES RECEIVED IN FY 2012; TO APPROPRIATE \$800,000 TO THE BIOSCIENCE PARK SERVICE ROAD AND UTILITY EXTENSIONS PROJECT; \$112,840 IN FY2012 AND \$687,160 IN FY2013; RECOGNIZING \$112,840 IN REVENUE FROM ADDITIONAL PROPERTY TAXES RECEIVED IN FY 2012; RECOGNIZING \$400,000 IN REVENUE FROM DEVELOPER'S CONTRIBUTION AND REALLOCATING FUNDS FROM PEPPER CREEK TRAIL EXTENSION IN THE AMOUNT OF \$287,160 IN FY2013; TO APPROPRIATE \$30,250 TO PROFESSIONAL SERVICES AND RECOGNIZING \$30,250 IN REVENUE FROM CONTRIBUTIONS FROM TEMPLE ECONOMIC DEVELOPMENT CORPORATION OF \$10,000 AND FROM BIOSCIENCE DISTRICT OF \$20,250 IN FY2012; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002;

Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18th day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19th day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20th day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21st day of February, 2008; and Ordinance No. 2008-4217 the 15th day of May, 2008; Ordinance No. 2008-4242 the 21st day of August, 2009; Ordinance No. 2009-4290 on the 16th day of April, 2009; Ordinance No. 2009-4294 on the 21st day of May, 2009; Ordinance No. 2009-4316 on the 17th day of September, 2009; Ordinance No. 2009-4320 on the 15th day of October, 2009; Ordinance No. 2010-4338 on the 18th day of February, 2010; Ordinance No. 2010-4371 on the 19th day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012;

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

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

Whereas, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

Whereas, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

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

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

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

Part 2: Reinvestment Zone Financing and Project Plans. The amendments to the Tax Increment Financing Reinvestment Zone No. One Financing and Project Plans, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, are hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number One, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2011-2012 budget, a copy of which is attached hereto, as Exhibit C.

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

Part 4: Copies to Taxing Units. The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

Part 5: Economic Development Program. The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

Part 6: Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 7: Effective Date. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 8: Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

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

07/05/12
Item #5(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP of Gatesville for the construction of Phase II of the Friar's Creek Hike and Bike Trail, accepting bid elements 1,2,3,4,6,7 rejecting bid elements 5,8 and add alternate A, in the amount of \$1,107,512.50.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: Phase I of the Friar's Creek Trail was recently completed and now provides an alternate way for students and the general public to travel from Temple College to Scott & White Hospital. Phase II of the project will improve the trail by including the civil and electrical elements, landscaping, irrigation, trail lighting, pond with aeration fountain, trail marker signage, seating areas, drinking fountains and plant identification signage.

On June 12, 2012, the City of Temple received six bids for Phase II of this project. Bids ranged from a low of \$1,107,512.50 to a high of \$1,553,885.34 for the accepted bid elements with TTG Utilities, LP submitting the low bid.

This resolution also provides for the waving of construction permit fees.

The Parks and Leisure Services Department has worked with TTG Utilities, LP on projects in the past and has found them to be a very responsive and responsible contractor.

Funding for this project is provided by the Temple Reinvestment Zone No. 1.

FISCAL IMPACT: The current Project Plan, Line 455, has \$1,430,453 allocated for this project. After funding design services and other costs associated with the project, \$1,055,778 remains to fund the construction contract in the amount of \$1,107,512.50.

After approval of the amendment in the amount of \$65,000 to the Reinvestment Zone No. 1 Financing and Project Plans, funding for this construction contract and other miscellaneous costs will be available in accounts 795-9500-531-6552, 795-9600-531-6652 and 795-9700-531-6552, project # 100585.

ATTACHMENTS:

Bid Tabulation

Letter of Recommendation from Kasberg, Patrick and Associates
Resolution

BID TABULATION

CITY TEMPLE, TEXAS
FRIARS CREEK TRAIL PHASE II

June 12, 2012; 2:00 PM

				BIDDER INFORMATION											
				TTG Utilities LP PO Box 299 Gatesville TX 76528		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76502		Barsh Company PO Box 20727 Waco TX 76702		Patin Construction LC 3800 West 2nd Street Taylor TX 76574		Wolff Construction, LP 8631 Amity School Road Belton TX 76513		AUI Contractors, LLC 4775 N. Freeway Fort Worth, TX 76106	
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 Total Bid)	50,000.00	\$ 50,000.00	\$ 61,600.00	\$ 61,600.00	\$ 25,315.00	\$ 25,315.00	\$ 60,000.00	\$ 60,000.00	\$ 65,021.26	\$ 65,021.26	\$ 70,000.00	\$ 70,000.00
2	100%	LS	Preparation of Right-of-Way	2,550.00	2,550.00	11,200.00	11,200.00	3,862.00	3,862.00	20,000.00	20,000.00	13,167.50	13,167.50	65,000.00	65,000.00
3	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan (SW3P)	510.00	510.00	13,440.00	13,440.00	6,016.00	6,016.00	2,500.00	2,500.00	1,840.00	1,840.00	14,000.00	14,000.00
4	1,000	LF	Furnish, Install, Maintain & Remove Silt Fence	2.80	2,800.00	3.36	3,360.00	4.10	4,100.00	2.50	2,500.00	2.02	2,020.00	3.50	3,500.00
5	175	LF	Furnish, Install, Maintain & Remove Rock Berm	24.00	4,200.00	22.40	3,920.00	38.60	6,755.00	35.00	6,125.00	25.30	4,427.50	40.00	7,000.00
6	250	CY	Unclassified Excavation	12.50	3,125.00	11.20	2,800.00	23.00	5,750.00	15.00	3,750.00	9.20	2,300.00	36.50	9,125.00
7	175	CY	Unclassified Excavation of Existing Concrete Trail	13.60	2,380.00	22.40	3,920.00	51.00	8,925.00	15.00	2,625.00	42.95	7,516.25	91.30	15,977.50
8	250	CY	Compacted Fill Using Onsite Material	10.00	2,500.00	8.96	2,240.00	15.50	3,875.00	15.00	3,750.00	11.39	2,847.50	39.00	9,750.00
9	1,250	CY	Compacted Fill Using Imported Select Material	22.00	27,500.00	13.44	16,800.00	30.00	37,500.00	25.00	31,250.00	20.59	25,737.50	43.00	53,750.00
10	175	CY	Place 6" Concrete Sidewalk	325.00	56,875.00	224.00	39,200.00	262.00	45,850.00	215.00	37,625.00	205.42	35,948.50	242.00	42,350.00
11	225	CY	Place 6" Integral Color Concrete	435.00	97,875.00	308.00	69,300.00	433.00	97,425.00	430.00	96,750.00	314.32	70,722.00	354.00	79,650.00
12	300	SF	Concrete Retaining Walls for Planting Areas as Shown on Sheet LS 1.4 & LS 2.1	64.00	19,200.00	30.24	9,072.00	47.35	14,205.00	15.00	4,500.00	32.75	9,825.00	35.00	10,500.00
13	100%	LS	Video Tape Project Route & Delivering a Copy to the City of Temple Prior to Starting Construction	490.00	490.00	560.00	560.00	670.00	670.00	1,000.00	1,000.00	1,150.00	1,150.00	8,010.00	8,010.00
14	300	LF	2-inch Diameter Water Line with Class 3 Embedment, including Vertical Bends, Thrust Restraint & Bore Under Existing Concrete Trail	38.00	11,400.00	33.60	10,080.00	28.00	8,400.00	25.00	7,500.00	29.09	8,727.00	71.00	21,300.00
15	325	LF	6-inch Diameter Water Line with Class 3 Embedment, including Vertical Bends & Thrust Restraint	35.00	11,375.00	39.20	12,740.00	42.70	13,877.50	40.00	13,000.00	30.98	10,068.50	78.00	25,350.00
16	1	EA	Connect to Existing 8" Water Line	780.00	780.00	2,576.00	2,576.00	2,593.00	2,593.00	5,500.00	5,500.00	2,415.00	2,415.00	5,960.00	5,960.00
17	1	EA	Connect to Existing 6" Water Line	730.00	730.00	2,486.40	2,486.40	2,110.00	2,110.00	5,000.00	5,000.00	2,310.01	2,310.01	5,915.00	5,915.00
18	3	EA	2" Gate Valve	630.00	1,890.00	571.20	1,713.60	1,265.00	3,795.00	450.00	1,350.00	504.00	1,512.00	1,805.00	5,415.00
19	6	EA	6" Gate Valve	890.00	5,340.00	1,008.00	6,048.00	2,059.00	12,354.00	900.00	5,400.00	945.00	5,670.00	2,090.00	12,540.00
20	1	EA	8" Gate Valve	1,260.00	1,260.00	1,484.00	1,484.00	2,766.00	2,766.00	1,500.00	1,500.00	1,365.01	1,365.01	2,400.00	2,400.00
21	1	EA	8" x 6" Tee	367.00	367.00	621.60	621.60	1,749.00	1,749.00	650.00	650.00	556.50	556.50	1,676.00	1,676.00
22	2	EA	6" x 6" Tee	375.00	750.00	588.00	1,176.00	1,700.00	3,400.00	600.00	1,200.00	525.00	1,050.00	1,669.00	3,338.00
23	3	EA	6" x 2" Reducer	325.00	975.00	285.60	856.80	422.00	1,266.00	550.00	1,650.00	252.00	756.00	535.00	1,605.00
24	3	EA	Water Service Assembly	480.00	1,440.00	1,932.00	5,796.00	3,026.00	9,078.00	2,000.00	6,000.00	1,785.00	5,355.00	5,385.00	16,155.00
25	1	EA	Fire Hydrant Assembly, Including 6" Water Line, Valves, Fittings & Appurtenances	3,500.00	3,500.00	4,508.00	4,508.00	6,195.00	6,195.00	5,000.00	5,000.00	4,200.00	4,200.00	8,518.00	8,518.00
26	1	EA	Flush Assembly, Including 6" Water Line, Valves, Fittings & Appurtenances	1,500.00	1,500.00	1,708.00	1,708.00	2,840.00	2,840.00	2,000.00	2,000.00	1,575.01	1,575.01	8,115.00	8,115.00
27	2	EA	2" - 90° Horizontal Bend	152.00	304.00	84.00	168.00	57.00	114.00	350.00	700.00	64.05	128.10	575.00	1,150.00
28	2	EA	6" - 90° Horizontal Bend	205.00	410.00	560.00	1,120.00	645.00	1,290.00	450.00	900.00	493.50	987.00	1,625.00	3,250.00
29	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	1,800.00	1,800.00	1,036.00	1,036.00	1,910.00	1,910.00	2,500.00	2,500.00	945.01	945.01	11,475.00	11,475.00
30	1	EA	Connect to Existing 10" Wastewater Line	1,620.00	1,620.00	1,260.00	1,260.00	1,141.00	1,141.00	5,000.00	5,000.00	1,155.01	1,155.01	7,155.00	7,155.00
31	80	LF	4" SDR 26 Wastewater Pipe	49.00	3,920.00	44.80	3,584.00	38.45	3,076.00	65.00	5,200.00	34.45	2,756.00	144.00	11,520.00
32	1	EA	Wastewater Clean Out	250.00	250.00	347.20	347.20	936.00	936.00	1,200.00	1,200.00	304.50	304.50	7,244.00	7,244.00
33	1	EA	4" Diameter Standard Eccentric Wastewater Manhole Including Air Testing for Each, & Necessary Repairs	1,600.00	1,600.00	3,164.00	3,164.00	5,457.00	5,457.00	5,000.00	5,000.00	2,940.00	2,940.00	12,885.00	12,885.00
34	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Wastewater Pipe, Including Any Necessary Repairs	1,620.00	1,620.00	252.00	252.00	595.00	595.00	1,000.00	1,000.00	189.01	189.01	11,365.00	11,365.00
35	100%	LS	Furnish All Materials, Equipment, Tools & Labor Necessary for Deflection Testing Wastewater Pipe, Including Any Necessary Repairs	1,620.00	1,620.00	532.00	532.00	322.00	322.00	1,000.00	1,000.00	472.51	472.51	14,765.00	14,765.00
TOTAL I. CIVIL ELEMENTS BID AMOUNT (Items 1 - 35)				\$ 324,456.00		\$ 300,669.60		\$ 345,512.50		\$ 350,625.00		\$ 297,960.18		\$ 587,708.50	

** Extended amount has been corrected.

CITY TEMPLE, TEXAS
FRIARS CREEK TRAIL PHASE II

June 12, 2012; 2:00 PM

II. LANDSCAPING - PLANTING & IRRIGATION				BIDDER INFORMATION											
				TTG Utilities LP PO Box 299 Gatesville TX 76528		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76502		Barsh Company PO Box 20727 Waco TX 76702		Patin Construction LC 3800 West 2nd Street Taylor TX 76574		Wolff Construction, LP 8631 Amity School Road Belton TX 76513		AUI Contractors, LLC 4775 N. Freeway Fort Worth, TX 76106	
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	Irrigation System	53,000.00	\$ 53,000.00	\$ 62,720.00	\$ 62,720.00	\$ 54,000.00	\$ 54,000.00	\$ 50,000.00	\$ 50,000.00	\$ 63,250.00	\$ 63,250.00	\$ 140,000.00	\$ 140,000.00
2	20,000	SY	Block Sodding	3.05	61,000.00	3.02	** 60,400.00	3.97	79,400.00	4.50	90,000.00	3.11	62,200.00	3.25	65,000.00
3	2,000	CY	Compost Manufactured Topsoil (4")	28.00	56,000.00	33.60	67,200.00	56.00	112,000.00	35.00	70,000.00	18.40	36,800.00	58.00	116,000.00
4	200	SY	Mulch	10.50	2,100.00	3.70	740.00	5.60	1,120.00	2.75	550.00	3.80	760.00	5.00	1,000.00
5	9	EA	Plant Material (Min. 6" caliper) QV - Live Oak, Quercus virginiana	1,130.00	10,170.00	840.00	7,560.00	992.00	8,928.00	2,500.00	22,500.00	862.50	7,762.50	1,052.00	9,468.00
6	23	EA	Plant Material (Min. 4" caliper) - TD - Bald Cypress, Taxodium disticum	577.00	13,271.00	504.00	11,592.00	372.00	8,556.00	372.00	8,556.00	488.75	11,241.25	462.00	10,626.00
7	39	EA	Plant Material (Min. 4" caliper) - UC - Cedar Elm, Ulmus crassifolia	532.00	20,748.00	504.00	19,656.00	744.00	29,016.00	569.00	22,191.00	575.00	22,425.00	462.00	18,018.00
8	3	EA	Plant Material (Min. 4" caliper) - QR - Burr Oak, Quercus robur	600.00	1,800.00	504.00	1,512.00	868.00	2,604.00	569.00	1,707.00	546.25	1,638.75	462.00	1,386.00
9	6	EA	Plant Material (Min. 4" caliper) - FT - Texas Ash, Fraxinus texensis	510.00	3,060.00	504.00	3,024.00	868.00	5,208.00	569.00	3,414.00	920.00	5,520.00	575.00	3,450.00
10	2	EA	Plant Material (Min. 4" caliper) - PC - Chinese Pistache, Pistacia chinensis	600.00	1,200.00	504.00	1,008.00	868.00	1,736.00	569.00	1,138.00	575.00	1,150.00	575.00	1,150.00
11	5	EA	Plant Material (Min. 4" caliper) - QM - Chinkapin Oak, Quercus muehlenbergii	600.00	3,000.00	504.00	2,520.00	744.00	3,720.00	569.00	2,845.00	575.00	2,875.00	575.00	2,875.00
12	6	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) CC - Red Bud, Cercis canadensis	465.00	2,790.00	319.20	1,915.20	310.00	1,860.00	356.00	2,136.00	327.75	1,966.50	378.00	2,268.00
13	9	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) CL - Desert Willow, Chilopsis linearis	465.00	4,185.00	319.20	2,872.80	310.00	2,790.00	327.00	2,943.00	345.00	3,105.00	378.00	3,402.00
14	17	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) ID - Possumhaw, Ilex decidua	355.00	6,035.00	319.20	5,426.40	310.00	5,270.00	282.00	4,794.00	345.00	5,865.00	378.00	6,426.00
15	5	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) PM - Mexican Plum, Prunus mexicana	465.00	2,325.00	319.20	1,596.00	310.00	1,550.00	282.00	1,410.00	327.75	1,638.75	378.00	1,890.00
16	3	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) TP - Texas Persimmon, Diospyros texana	465.00	1,395.00	319.20	957.60	310.00	930.00	356.00	1,068.00	327.75	983.25	378.00	1,134.00
17	3	EA	Plant Material (Min. 2 1/2" caliper.) (Ornamental Tree) HS - Althea, Hibiscus syriacus	577.00	1,731.00	319.20	957.60	248.00	744.00	356.00	1,068.00	575.00	1,725.00	445.00	1,335.00
18	14	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) SS - Texas Mountain Laurel, Sophora secundiflora	753.00	10,542.00	319.20	4,468.80	992.00	13,888.00	327.00	4,578.00	862.50	12,075.00	475.00	6,650.00
19	5	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) CO - American Smoke Tree, Cotinus obovatus	910.00	4,550.00	319.20	1,596.00	310.00	1,550.00	327.00	1,635.00	517.50	2,587.50	557.00	2,785.00
20	6	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) CCM - Mexican Redbud, Cercis canadensis var. mexicana	520.00	3,120.00	319.20	1,915.20	310.00	1,860.00	356.00	2,136.00	345.00	2,070.00	380.00	2,280.00
21	3	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) BL - Orchid Tree, Bauhinia lunarioides	555.00	1,665.00	319.20	957.60	310.00	930.00	327.00	981.00	345.00	1,035.00	725.00	2,175.00
22	9	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) LI - Crape Myrtle, Lagerstroemia indica	465.00	4,185.00	319.20	2,872.80	310.00	2,790.00	132.00	1,188.00	345.00	3,105.00	725.00	6,525.00
23	36	EA	Plant Material (Min. 2 1/2" cal.) (Ornamental Tree) MCR - Wax Myrtle, Myrica cerifera	465.00	16,740.00	319.20	11,491.20	310.00	11,160.00	127.00	4,572.00	230.00	8,280.00	380.00	13,680.00
24	700	EA	Plant Material (3 gal.) HP - Red Yucca, Hesperaloe parviflora IVN - Yaupon Holly, Ilex vomitoria 'Nana' LF - Silverado Sage, Leucophyllum frutescens 'Silverado' MC - Gulg Muhly, Muhlenbergia capillaris RG - Smooth Sumac,Rhus glabra CS - Pampas Grass, Cortaderia seloana ND - Nandina, Nandina domestica DT - Texas Sotol, Dasylirion texanum MS - Texas Barberry, Mahonia swaseyi AQ - Flame Acanthus, Anisacanthus quadrifidus MA - Turks Cap, Malvaviscus arboreus SG - Red Salvia, Salvia greggii CM - Damianita, Chrysactinia mexicana AA - Century Plant, Agave americana MCR - Wax Myrtle, Myrica cerifera	27.00	18,900.00	22.40	15,680.00	25.00	17,500.00	17.25	12,075.00	22.29	15,603.00	30.00	21,000.00
25	3,000	EA	Plant Material (1 gal.) EF - Purple Wintercreeper, Euonymous fortunei NT - Mexican Feather Grass, Nissa tenuissima RH - Goldstrum redebeckia, Rudbeckia fulgida 'Goldstrum'	8.00	24,000.00	11.20	33,600.00	11.20	33,600.00	5.18	15,540.00	11.94	35,820.00	9.25	27,750.00
26	150	LF	Landscape Edging	8.15	1,222.50	2.24	336.00	3.75	562.50	2.50	375.00	2.30	345.00	6.75	1,012.50
27	2,000	SF	Seasonal Color	5.70	11,400.00	4.48	8,960.00	3.75	7,500.00	6.00	12,000.00	5.83	11,660.00	1.60	3,200.00
TOTAL II. LANDSCAPING BID AMOUNT (Items 1 - 27)					\$ 340,134.50		\$ 333,535.20		\$ 410,772.50		\$ 341,400.00		\$ 323,486.50		\$ 472,485.50

** Extended amount has been corrected.

CITY TEMPLE, TEXAS
FRIARS CREEK TRAIL PHASE II

June 12, 2012; 2:00 PM

				BIDDER INFORMATION											
				TTG Utilities LP PO Box 299 Gatesville TX 76528		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76502		Barsh Company PO Box 20727 Waco TX 76702		Patin Construction LC 3800 West 2nd Street Taylor TX 76574		Wolff Construction, LP 8631 Amity School Road Belton TX 76513		AUI Contractors, LLC 4775 N. Freeway Fort Worth, TX 76106	
III. ELECTRICAL				Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
Item No.	Estimated Quantity	Unit	Bid Data Description												
1	2,610	LF	Underground Conduit & Trenching	\$ 13.10	\$ 34,191.00	\$ 13.44	\$ 35,078.40	\$ 11.40	\$ 29,754.00	\$ 20.00	\$ 52,200.00	\$ 13.07	\$ 34,112.70	\$ 6.90	\$ 18,009.00
2	20,500	LF	Electrical Wiring	1.35	27,675.00	1.68	34,440.00	1.18	24,190.00	1.70	34,850.00	1.34	27,470.00	1.50	30,750.00
3	26	EA	Fuses & Connectors	116.00	3,016.00	112.00	2,912.00	45.25	1,176.50	382.00	9,932.00	115.32	2,998.32	84.00	2,184.00
4	7	EA	Hand Holes	2,510.00	17,570.00	2,441.60	17,091.20	1,719.00	12,033.00	1,700.00	11,900.00	2,506.67	17,546.69	640.00	4,480.00
5	100%	LS	Control Cabinet	17,500.00	17,500.00	16,240.00	16,240.00	10,171.00	10,171.00	14,380.00	14,380.00	16,783.10	16,783.10	13,000.00	13,000.00
6	100%	LS	Meter Rack	7,500.00	7,500.00	6,899.20	6,899.20	2,853.00	2,853.00	4,490.00	4,490.00	7,138.05	7,138.05	6,200.00	6,200.00
7	26	EA	Decorative Light Poles with Fixtures	4,400.00	114,400.00	4,256.00	110,656.00	4,628.00	120,328.00	5,480.00	142,480.00	4,370.72	113,638.72	4,300.00	111,800.00
8	26	EA	Piers for Decorative Light Poles	755.00	19,630.00	672.00	17,472.00	899.00	23,374.00	550.00	14,300.00	750.86	19,522.36	700.00	18,200.00
9	3	EA	120/240 vac xfrm/pnl	6,500.00	19,500.00	5,712.00	17,136.00	6,243.00	18,729.00	7,000.00	21,000.00	5,931.33	17,793.99	4,700.00	14,100.00
TOTAL III. ELECTRICAL BID AMOUNT (Items 1 - 9)					\$ 260,982.00		\$ 257,924.80		\$ 242,608.50		\$ 305,532.00		\$ 257,003.93		\$ 218,723.00

IV. PEDESTRIAN TRAIL ELEMENTS

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	35	EA	1'-6" H x 3'-0" W x 6'-0" L Leuders Quarry Block for Stone Block Seating	\$ 740.00	\$ 25,900.00	\$ 963.20	\$ 33,712.00	\$ 920.00	\$ 32,200.00	\$ 1,000.00	\$ 35,000.00	\$ 769.58	\$ 26,935.30	\$ 1,056.00	\$ 36,960.00
2	150	LF	1'-6" H (Minimum) x 2'-0" W (Minimum) Limestone Sitting Area as Shown on Sheet LS 2.3, Trail Seating Area A	128.00	19,200.00	164.64	24,696.00	125.00	18,750.00	165.00	24,750.00	175.20	26,280.00	225.00	33,750.00
3	18	EA	Victor Stanley RB Series Bench - Specs per Victory Stanley	850.00	15,300.00	1,366.40	24,595.20	1,514.00	27,252.00	2,200.00	39,600.00	1,504.97	27,089.46	2,656.00	47,808.00
4	8	EA	Victor Stanley S-42 36 Gallon Trash Receptacle - Specs per Victor Stanley	680.00	5,440.00	1,148.00	9,184.00	1,296.00	10,368.00	1,500.00	12,000.00	1,053.98	8,431.84	2,360.00	18,880.00
5	5	EA	Dogipot #1003 - Dog Waste Station	800.00	4,000.00	593.60	2,968.00	540.00	2,700.00	1,350.00	6,750.00	496.00	2,480.00	1,983.00	9,915.00
6	3	EA	Water Fountain - Most Dependable Fountains 440SMSS	2,100.00	6,300.00	4,032.00	12,096.00	9,017.00	27,051.00	2,500.00	7,500.00	3,963.67	11,891.01	4,644.00	13,932.00
7	100	EA	Plant ID (Tree) Tags as Shown on Sheet L.S. 2.2, Including Hardware Required to Mount to Tree Tag Post	78.00	7,800.00	12.32	1,232.00	47.00	4,700.00	5.00	500.00	34.90	3,490.00	56.72	5,672.00
8	100	EA	Tree Tag Post as Shown on Sheet L.S. 2.2	120.00	12,000.00	207.20	20,720.00	55.00	5,500.00	150.00	15,000.00	46.00	4,600.00	57.84	5,784.00
TOTAL IV. PEDESTRIAN TRAIL ELEMENTS BID AMOUNT (Items 1 - 8)					\$ 95,940.00		\$ 129,203.20		\$ 128,521.00		\$ 141,100.00		\$ 111,197.61		\$ 172,701.00

V. PLAYGROUND EQUIPMENT

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	Landscape Structures Playground Equipment	53,500.00	\$ 53,500.00	\$ 49,056.00	\$ 49,056.00	\$ 55,000.00	\$ 55,000.00	\$ 66,450.00	\$ 66,450.00	\$ 49,868.60	\$ 49,868.60	\$ 58,000.00	\$ 58,000.00
2	500	SY	Fibar Playground Mulch - Per details	24.00	12,000.00	19.04	9,520.00	20.25	10,125.00	12.00	6,000.00	19.61	9,805.00	12.45	6,225.00
TOTAL V. PLAYGROUND EQUIPMENT BID AMOUNT (Items 1 - 2)					\$ 65,500.00		\$ 58,576.00		\$ 65,125.00		\$ 72,450.00		\$ 59,673.60		\$ 64,225.00

VI. WATER FEATURE

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	Water Feature, Including but not limited to Excavation, Lining, Limestone Rock Rip Rap, Landscape Boulders, Concrete Retaining Walls, Weir/Outfall, Fountain & Electrical Component	\$ 82,500.00	\$ 82,500.00	\$ 173,880.00	\$ 173,880.00	\$ 210,850.00	\$ 210,850.00	\$ 230,000.00	\$ 230,000.00	\$ 432,886.45	\$ 432,886.45	\$ 98,267.34	\$ 98,267.34
TOTAL VI. WATER FEATURE BID AMOUNT (Item 1)					\$ 82,500.00		\$ 173,880.00		\$ 210,850.00		\$ 230,000.00		\$ 432,886.45		\$ 98,267.34

VII. TRAIL MARKER SIGNAGE

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	4	EA	Trail Marker Signage as Detailed on Sheet LS 2.2	\$ 875.00	\$ 3,500.00	\$ 1,904.00	\$ 7,616.00	\$ 2,500.00	\$ 10,000.00	\$ 500.00	\$ 2,000.00	\$ 1,725.00	\$ 6,900.00	\$ 1,000.00	\$ 4,000.00
TOTAL VII. TRAIL MARKER SIGNAGE BID AMOUNT (Item 1)					\$ 3,500.00		\$ 7,616.00		\$ 10,000.00		\$ 2,000.00		\$ 6,900.00		\$ 4,000.00

VIII. FENCING

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	750	LF	Remove Existing Galvanized Chain Link Fence	\$ 9.00	\$ 6,750.00	\$ 2.24	\$ 1,680.00	\$ 1.90	\$ 1,425.00	\$ 2.20	\$ 1,650.00	\$ 1.73	\$ 1,297.50	\$ 2.50	\$ 1,875.00
2	750	LF	8' Permafused II Chain link Fence	40.00	30,000.00	28.00	21,000.00	20.50	15,375.00	23.50	17,625.00	18.98	14,235.00	18.50	13,875.00
TOTAL VIII. FENCING BID AMOUNT (Items 1 - 2)					\$ 36,750.00		\$ 22,680.00		\$ 16,800.00		\$ 19,275.00		\$ 15,532.50		\$ 15,750.00

** Extended amount has been corrected.

CITY TEMPLE, TEXAS
FRIARS CREEK TRAIL PHASE II

June 12, 2012; 2:00 PM

				BIDDER INFORMATION											
				TTG Utilities LP PO Box 299 Gatesville TX 76528		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76502		Barsh Company PO Box 20727 Waco TX 76702		Patin Construction LC 3800 West 2nd Street Taylor TX 76574		Wolff Construction, LP 8631 Amity School Road Belton TX 76513		AUI Contractors, LLC 4775 N. Freeway Fort Worth, TX 76106	
ADD ALTERNATE A: PLANT ID TAGS				Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
Item No.	Estimated Quantity	Unit	Bid Data Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
A1	100	EA	Plant ID (Tree) Tags Only as Shown on Sheet L.S. 2.2 & Delivery to the City of Temple	\$ 60.00	\$ 6,000.00	\$ 12.32	\$ 1,232.00	\$ 38.00	\$ 3,800.00	\$ 10.00	\$ 1,000.00	\$ 31.86	** 3,186.00	\$ 55.60	\$ 5,560.00
TOTAL ADD ALTERNATE A BID AMOUNT (Item A1)					\$ 6,000.00		\$ 1,232.00		\$ 3,800.00		\$ 1,000.00		\$ 3,186.00		\$ 5,560.00

BID SUMMARY	BIDDER INFORMATION							
	TTG Utilities LP PO Box 299 Gatesville TX 76528	Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76502	Barsh Company PO Box 20727 Waco TX 76702	Patin Construction LC 3800 West 2nd Street Taylor TX 76574	Wolff Construction, LP 8631 Amity School Road Belton TX 76513	AUI Contractors, LLC 4775 N. Freeway Fort Worth, TX 76106		
I. CIVIL ELEMENTS	\$ 324,456.00	\$ 300,669.60	\$ 345,512.50	\$ 350,625.00	\$ 297,960.18	\$ 587,708.50		
II. LANDSCAPING: PLANTING & IRRIGATION	\$ 340,134.50	\$ 333,535.20	\$ 410,772.50	\$ 341,400.00	\$ 323,486.50	\$ 472,485.50		
III. ELECTRICAL	\$ 260,982.00	\$ 257,924.80	\$ 242,608.50	\$ 305,532.00	\$ 257,003.93	\$ 218,723.00		
IV. PEDESTRIAN TRAIL ELEMENTS	\$ 95,940.00	\$ 129,203.20	\$ 128,521.00	\$ 141,100.00	\$ 111,197.61	\$ 172,701.00		
V. PLAYGROUND EQUIPMENT	\$ 65,500.00	\$ 58,576.00	\$ 65,125.00	\$ 72,450.00	\$ 59,673.60	\$ 64,225.00		
VI. WATER FEATUARE	\$ 82,500.00	\$ 173,880.00	\$ 210,850.00	\$ 230,000.00	\$ 432,886.45	\$ 98,267.34		
VII. TRAIL MARKER SIGNAGE	\$ 3,500.00	\$ 7,616.00	\$ 2,000.00	\$ 2,000.00	\$ 6,900.00	\$ 4,000.00		
VIII. FENCING	\$ 36,750.00	\$ 22,680.00	\$ 16,800.00	\$ 19,275.00	\$ 15,532.50	\$ 15,750.00		
TOTAL BID AMOUNT FOR: I. + II. + III. + IV. + V. + VI. + VII. + VIII.	\$ 1,209,762.50	\$ 1,284,084.80	\$ 1,430,189.50	\$ 1,462,382.00	\$ 1,504,640.77	\$ 1,633,860.34		

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES	YES
Did Bidder Acknowledge Addenda No. 2?	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


Alvin R. "Trae" Sutton, III, PE, CFM
Kasberg, Patrick & Associates, LP

6/12/12
Date



** Extended amount has been corrected.



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

June 15, 2012

Mr. Val Roming
City of Temple
2986 Thornton Lane
Temple, Texas 76502

Re: City of Temple
Friars Creek Trail – Phase II

Dear Mr. Roming:

Bids were received by the City of Temple until 2:00 P.M. on Tuesday, June 12, 2012 for the above referenced project. There were six (6) sealed bids received and a detailed bid tabulation of these bids is attached for your use.

The Friars Creek Trail – Phase II Project provides pedestrian amenities, landscaping and trail lighting to the recently completed Friars Creek Hike and Bike Trail. The limits of this project will extend along the Friars Creek Hike and Bike Trail from the Friars Creek crossing to Scott & White Boulevard, approximately 2,600 linear feet. This project will consist of installing 87 trees (4" to 6" caliper), 116 ornamental trees (2 1/2" caliper), 700 3-gallon shrubs, 3,000 1-gallon planting material, 20,000 square yards of block sodding, irrigation system, plant identification tags, pedestrian benches, water fountains, trash receptacles, dog waste stations, water feature, 26 pedestrian trail lights and foundations, electrical wiring, grading for a future amphitheater site as well as other miscellaneous construction activities.

Due to budget constraints, the project was bid in eight parts with one add. The City reserved the right to award any individual part or combination of parts for the project. We have presented this project to the Tax Increment Reinvestment Zone (TIRZ) Project Group. After reviewing the project with the TIRZ Project Group and City Staff members present, we recommend awarding Part I. Civil Elements, Part II. Landscaping & Irrigation, Part III. Electrical, Part IV. Pedestrian Elements, Part VI. Water Feature and Part VII. Trail Marker Signage. Parts V. Playground Equipment and VIII. Fencing as well as Add Alternate A: Plant ID Tags are not being recommended at this time.

Mr. Val Roming
June 15, 2012
Page Two

Based on this combination of parts, the low, successful bidder is TTG Utilities, LP; P.O. Box 299; Gatesville, Texas 76528 in the total amount of **\$1,107,512.50**. TTG Utilities, LP has provided construction services to several Central Texas cities, including the City of Temple, for many years on various municipal projects.

Please call if you should have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alvin R. Sutton III', with a stylized flourish at the end.

Alvin R. (Trae) Sutton III, P. E.

xc: Ken Cicora, Director of Parks & Leisure Services, City of Temple
Ms. Belinda Mattke, City of Temple
Mr. Ricky Pena, TTG Utilities, LP
2011-128-40

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS, FOR THE CONSTRUCTION OF PHASE II OF THE FRIAR'S CREEK HIKE AND BIKE TRAIL AND WAIVER OF CONSTRUCTION PERMIT FEES; IN AN AMOUNT NOT TO EXCEED \$1,107,512.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Phase I of the Friar's Creek Hike and Bike Trail was recently completed and now provides an alternate way for students and the general public to travel from Temple College to Scott & White Hospital;

Whereas, Phase II of the project will improve the trail by including the civil and electrical elements, landscaping, irrigation, trail lighting, pond and aeration fountain, trail marker signage, seating areas, drinking fountains and plant identification signage – the City will waive all construction permit fees associated with this project;

Whereas, on June 12, 2012, the City of Temple received six bids for Phase II of this project and Staff recommends accepting the bid (\$1,107,512.50) received from TTG Utilities, LP, of Gatesville, Texas, and waiving construction permit fees associated with this project;

Whereas, funds are available for this project in Account Nos. 795-9500-531-6552, 795-9600-531-6652 and 795-9700-531-6552, Project No. 100585; 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, not to exceed \$1,107,512.50, with TTG Utilities, LP, of Gatesville, Texas, after approval as to form by the City Attorney, for construction of the Phase II of the Friar's Creek Hike and Bike Trail.

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 **19th** day of **July**, 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

07/19/12
Item #5(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works
Michael C. Newman, PE, Assistant Director of Public Works/City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP for professional services required to provide a service road and utility extensions in the Bioscience Park in an amount not to exceed \$112,840.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Potential occupants of the Bioscience Park within the Reinvestment Zone in northwest Temple (area depicted on Map with previous Item) have communicated site-specific proposals for construction within the park. Additional public improvements and platting are required to accommodate the proposed plans for buildout of the properties. Property within the park requires revised parcel boundaries and a service road and utilities to serve the revised parcels.

In the previous agenda item, Council considered a professional services contract to develop a Master Plan for the Bioscience Park. The proposed services in this item will conform to the Master Plan. The attached Proposal from KPA outlines tasks and costs necessary to provide the services.

On June 27, the Reinvestment Zone Board voted to recommend this proposal to the Council for authorization. The consultant services recommended under this resolution include the following tasks and costs:

<u>Engineering Services</u>	<u>\$ 89,140</u>
Preliminary Design	
Surveying	
Roadway and Utility Design	
Drainage	
Bidding	
Construction Administration	
<u>Platting</u>	<u>\$ 7,200</u>

<u>Onsite Representation</u>	<u>\$ 16,500</u>
TOTAL	<u>\$ 112,840</u>

FISCAL IMPACT: The current Financing and Project Plans do not have this project funded; therefore, an amendment to the Financing and Project Plans has been recommended to the Reinvestment Zone No.1 Board. The current opinion of probable cost for this project is \$800,000.

After approval of the amendment in the amount of \$800,000 to the Reinvestment Zone No. 1 Financing and Project Plans, funding for this professional services agreement will be available in account 795-9500-531-6560, project 100867.

ATTACHMENTS:

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



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

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

June 14, 2012

Mr. Michael Newman, P.E., CFM
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

Re: City of Temple
Bioscience Service Road and Utility Extensions
Preliminary and Final Design

Dear Mr. Newman:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will prepare preliminary and final design for the Bioscience Park Service Road and utility extensions. The final product will be plans, specifications and estimates ready for bidding through the Temple Purchasing Department. The scope of work also includes bidding services, contract administration and on-site representation.

The work to be performed by KPA under this contract consists of providing engineering services for preliminary and final design and preparation of plans, specifications and estimates for the Service Road to serve the Bioscience Park. The project will also include extensions of existing utilities and development of storm water systems to collect and convey drainage to existing conveyance systems. The project consists of the construction of approximately 1,600 linear feet of service road with intersection connections to Research Boulevard as well as water and wastewater extensions from the current system and drainage conveyance.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. PRELIMINARY DESIGN

- A. Data Collection – Obtain and review any existing data from the City of Temple, Page Southerland Page (Architect for the Bioscience Accelerator Project) and Larry Neal (Architect for UPI). Most of this data has been previously collected so the effort will be minimal.
- B. Geometric Design - Develop geometric design for the Service Road and utility extensions to determine location and alignments with proposed private infrastructure, existing public infrastructure and storm water conveyances.

C. Geotechnical Investigations

1. Review all existing geotechnical and geologic information obtained from construction efforts completed on the Bioscience Loop Project and Research Boulevard. Field reconnaissance of the project limits will be performed.
2. Perform borings for the Service Road obtaining bore samples to a minimum depth of 5 feet as required for development of roadway sections.
3. Perform laboratory testing to classify soil strata, evaluate plasticity, shrink/swell potential and evaluate compressive strength. Tests shall include moisture content, Atterberg Limits, unconfined compressive strength, sieve analysis and California Bearing Ratio (CBR).
4. Develop a recommended pavement section for Continuously Reinforced Concrete Pavement (CRCP).
5. Prepare a Geotechnical Report to include the summary of the field investigations, laboratory testing results and recommended pavement design.

II. FIELD SURVEYING

A. Topographic Surveys for Engineering Design

1. Reasonable attempts shall be made to recover existing horizontal control points from previous work performed on the Bioscience Loop and Research Parkway Projects. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Control points shall be established with significant conformance to current Texas State Plane Coordinate System and the City of Temple Coordinate System.
2. Reasonable attempts at recovering and verifying existing vertical control shall be made. Additional benchmarks, if needed, shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated for future reference on the plans and maintained to construction, if necessary.
3. Survey files with previously obtained project data shall be compared to and merged with survey files generated through this proposal.
4. Data collection shall consist of spot elevations for improvements, edge of roadway, driveways, visible or marked utilities, drainage features, centerline of roadway and grade breaks.
5. The survey shall include topographic features within approximately 100 feet from each end of certain drainage features along the roadway or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the proposed conveyance from the impervious cover proposed and reviewed under the drainage study for the Bioscience Park.

6. Profiles of intersecting roadways within the project limits shall extend a sufficient distance beyond the existing ROW to ensure adequate data is available to determine tie-ins and connections.

III. ROADWAY AND UTILITY DESIGN

- A. Geometric Design - Using the approved preliminary design the final alignments for the Service Road will be developed. Final horizontal and vertical geometry will be designed with data clearly identified on the plan sheets for construction of the project and for future reference.
- B. Typical Sections - Develop existing and proposed roadway typical sections for the Service Road. The existing section will reference natural ground elevations with the proposed roadway section overlaid to clearly illustrate the design and construction of the roadway and connections from proposed elevations to existing topography.
- C. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
- D. Plan & Profile Drawings - Prepare plan & profile sheets for the Bioscience Service Road. The sheets shall include the following:
 1. Critical Base map data in plan and profile (i.e. existing topography, utilities, etc.)
 2. Control and benchmark data
 3. Proposed roadway improvements including horizontal and vertical roadway geometry, curb and gutter geometry, drainage, grading and miscellaneous related improvements
- E. Intersection Layouts - Develop intersection layouts that define all horizontal and vertical geometry for the intersections with Research Boulevard.
- F. Roadway Cross-Sections - Prepare design cross-sections at intervals not to exceed 100 feet along the proposed roadway improvement length to a sufficient level of detail to support design decisions.

IV. DRAINAGE

- A. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
- B. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 10%, 4% and 1% annual chance storm (10-year, 25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances.
- C. Develop final designs for all drainage structures within the project limits. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.

- D. Develop final designs for the storm water collection system for the curb-and gutter roadway system. Storm sewer systems shall be analyzed and designed utilizing City of Temple criteria. All drainage infrastructure shall be designed and presented in the plans in plan and profile.
- E. Design storm water conveyance to existing storm sewer systems, streams and channel ways. Design shall include conveyance for positive drainage and shall check current water surface elevations to proposed water surface elevations after project completion.
- F. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
- G. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include text describing the type and locations of erosion control devices.

V. BIDDING

- A. Develop all required specifications for the project to be inserted in the standard bidding documents by the City of Temple Purchasing Department.
- B. Develop project bid quantities and bid form for the project.
- C. Solicit bidders for the project.
- D. Attend and chair a pre-bid conference. The conference shall review all areas for bidding with in the City of Temple and the construction elements for the project.
- E. Receive questions from bidders concerning the project. All questions will be addressed by an addendum. Any addenda will be prepared and submitted to the City of Temple Project Manager for review and submittal to the City of Temple Purchasing Department for distribution to the plan holders.
- F. Attend the bid opening and tabulate bids. The bids will be reviewed and verified to determine the low bidder for the project. The low bidder will be researched for previous project experience and a recommendation of award will be made.

VI. CONSTRUCTION ADMINISTRATION

- A. Receive and review all submittals for the project. Submittals will be checked for compliance with the documents and specifications. Correspondence will be delivered to the Contractor and the City of Temple.
- B. Receive and review Pay Estimates from the Contractor. The Pay Estimates will be checked for conformance to constructed quantities and submitted to the City of Temple Project Manager for processing.
- C. Perform site visits for the project at least twice per week.

- D. Perform project close out by chairing a final review of the project, developing a punch list and monitoring to completion. As a part of the punch list items the Contractor will be required to submit Record Drawing information. The information will be developed into Record Drawings submitted to the City of Temple on Mylar and as a digital PDF file.

Additional services performed by this proposal will be platting and on-site representation. Platting will be completed for \$7,200 and on-site representation for \$16,500.

The following scope of work for the Bioscience Service Road and Utility Extensions Preliminary and Final Design can be completed for the lump sum price of \$112,840. Attached is a breakdown of project costs. We are please to submit this proposal and look forward to the benefit it will bring the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read "R. David Patrick", with a long horizontal line extending to the right.

R. David Patrick, P.E., CFM

xc: Bob Browder

BIOSCIENCE SERVICE ROAD AND UTILITIES

DESCRIPTION		PROJECT MANAGER	SENIOR ENGINEER	PROJECT ENGINEER	EIT	CADD ENGR TECH	CLERICAL	TOTAL
PRELIMINARY DESIGN								
1	Data Collection	1	2					\$ 440.00
2	Geometric Design	2	4	8	16	20		\$ 5,400.00
3	Site Visits	4	4					\$ 1,200.00
4	Terracon Coordination	6						\$ 960.00
5	Geotechnical (Terracon)							\$ 3,800.00
	SUBTOTAL	13	10	8	16	20	0	\$ 11,800.00
FIELD SURVEYING								
1	ACS Coordination			2		6		\$ 780.00
2	ACS Design Surveys							\$ 5,000.00
	SUBTOTAL	0	0	2	0	6	0	\$ 5,780.00
ROADWAY AND UTILITY DESIGN								
1	Geometric Design	2	4	8	16	22		\$ 5,580.00
2	Typical Sections	2	4	8	12	16		\$ 4,600.00
3	Alignment Data Sheets	1	2	6	8	12		\$ 3,120.00
4	Roadway Plan & Profile Sheets	4	8	16	24	32		\$ 9,200.00
5	Intersection Layouts	1	1	4	8	10		\$ 2,560.00
6	Utility Extensions	4	8	12	20	30		\$ 8,100.00
7	Roadway Cross Sections	2	6	12	20	28		\$ 7,320.00
	SUBTOTAL	16	33	66	108	150	0	\$ 40,480.00
DRAINAGE								
1	Hydrologic Calculations	1	1	2	6	6		\$ 1,740.00
2	Hydraulic Calculations	1	1	2	6	4		\$ 1,560.00
3	Drainage Area Maps		1	2	4	4		\$ 1,180.00
4	Hydraulic Data Sheets		1	2	2	2		\$ 780.00
5	Storm Sewer Plan and Profile Sheets	2	4	6	8	12		\$ 3,560.00
6	Miscellaneous Drainage Details	1	1	2	4	6		\$ 1,520.00
	SUBTOTAL	5	9	16	30	34	0	\$ 10,340.00
BIDDING								
1	Prepare Documents	1	1	2	4	6		\$ 1,520.00
2	Summary of Quantities	1	1	2	4	6		\$ 1,520.00
3	Cost Estimate/Construction Days Estimate	1	1	2	4			\$ 980.00
4	Pre-Bid Conference	1	1	2	2			\$ 760.00
5	Addenda			2	4			\$ 680.00
6	Tabulate and Recommend Award	2					8	\$ 800.00
	SUBTOTAL	6	4	10	18	12	0	\$ 6,260.00
CONSTRUCTION ADMINISTRATION								
1	Review Submittals		1	8	18			\$ 3,080.00
2	Review Pay Estimates		1	4	8			\$ 1,500.00
3	Project Site Visits	1	4	16	16			\$ 4,400.00
4	Project Close Out/Record Drawings	1	4	8	14	24	2	\$ 5,500.00
	SUBTOTAL	2	10	36	56	24	2	\$ 14,480.00
	PROJECT TOTAL							\$ 89,140.00



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TEMPLE, TEXAS, AND KASBERG, PATRICK & ASSOCIATES, L.P., FOR PROFESSIONAL SERVICES REQUIRED TO PROVIDE A SERVICE ROAD AND UTILITY EXTENSIONS IN THE BIOSCIENCE PARK, IN THE AMOUNT NOT TO EXCEED \$112,840; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, potential occupants of the Bioscience Park within the Reinvestment Zone in northwest Temple, have communicated site-specific proposals for construction within the park;

Whereas, additional public improvements and platting are required to accommodate the proposed plans for build out of the properties – these properties require revised parcel boundaries, a service road and utilities to served the revised parcels;

Whereas, Kasberg, Patrick & Associates, L.P., has submitted a proposal which outlines the tasks and costs necessary to provide these services, attached as Exhibit A, and the Staff recommends accepting it;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing and Project Plans, Account No. 795-9500-531-6560; 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, not to exceed \$112,840, between the City of Temple, Texas, and Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for professional services required to provide a service road and utility extensions in the Bioscience Park.

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 **19th** day of **July**, 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

07/19/12
Item #5(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Director of Public Works

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

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance amending the Drainage Criteria and Design Manual by replacing Section 9 “Sediment and Erosion Control,” with a revised section titled “Storm Water Best Management Practices.”

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

ITEM SUMMARY: Staff recommends approval of language to replace Section 9 “Sediment and Erosion Control,” of the City’s Drainage Criteria and Design Manual with a revised section titled “Storm Water Best Management Practices.”

The EPA has implemented a body of regulations (“Phase II Storm water Rules”) involving storm water that applied to cities under 100,000 (prior regulations had just applied to cities > 100,000). In the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple’s Storm Water Management Program. These ordinances include erosion and sedimentation during construction, post construction after construction, illicit discharge to streams and illegal dumping.

Council adopted the erosion and sedimentation ordinance as well as the illicit discharge ordinance on July 21, 2011, and is considering the adoption of the proposed post construction language. The addition of design criteria and schematic drawings to the drainage design manual is necessary to provide developers and engineers the proper design considerations and construction techniques of all best management practices required in Chapter 27 “Storm Water Management.”

City staff discussed proposed ordinance language with Temple Area Builders Association (TABA) review committee on August 9, 2010, September 19, 2011, and November 15, 2011 and provided a presentation to the governmental affairs committee on April 28, 2010 and April 21, 2011. City staff provided a workshop presentation to City Council on May 17, 2012. First reading and public hearing for the post construction ordinance was held on June 21, 2012.

The City Council is the final authority to approve language changes to the Drainage Criteria Design Manual.

FISCAL IMPACT: No fiscal impact to City funds. Requirements for review, inspection and enforcement activities will increase city staff work load. Such workload increases are believed to be absorbed with existing positions. However, as development increases, and as future stated unfunded mandates are implemented this issue may need to be revisited.

ATTACHMENTS:

[Proposed Chapter 27 Storm Water Management – Post Construction](#)
[Temple Area Builders Association – Governmental Affairs Committee Letter of Support](#)
[Ordinance](#)

SECTION 9

STORM WATER BEST MANAGEMENT PRACTICES

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9.1 STORM WATER MANAGEMENT PLANS

9.1.1 Purpose. In accordance with Chapter 27, Article II of the City of Temple's Code of Ordinances (Post Construction Storm Water Runoff Control Ordinance), proposed new development and significant redevelopment of one (1) or more acres or any land situated along a creek will be required to submit Storm Water Management Plans (SWMP) that propose structural, non-structural or vegetative controls to reduce pollutants in storm water runoff. Approval requirements for SWMPs are outlined in Sec. 27-5 of City Code.

9.1.2 Plan Requirements. The SWMP should contain a site description, planned controls, and procedures for maintenance and inspection. The contents of a SWMP are described below and in Sec. 27-6 of City Code.

9.1.2.1 Site Description.

- a. Site location.
- b. Names, addresses, and phone numbers of owner and contact person.
- c. Type of development or redevelopment.
- d. Nature of activities.
- e. Any existing NPDES storm water permit numbers or provide a copy of the General Permit Notice of Intent (NOI) or NPDES permit application.
- f. Estimates of the total site area and the total area affected by the development.
- g. Site map(s).
 1. Vicinity map.
 2. Areas of development.
 3. Areas not to be developed.
 4. Drainage areas and their acreage, patterns and proposed grading plan.
 5. Wetlands and surface waters.
 6. Locations and listing of activities which may generate pollutants and potential discharge, including hazardous materials treatment, storage or disposal facilities, parking areas, loading areas, etc.
 7. Location and listing of structural controls, and non-structural controls as applicable, that are identified in the plan.
 8. Locations where storm water is discharged to the MS4 and the name of the MS4 operator.
- h. Natural Resource Inventory.
 1. Soil conditions.
 2. Forest cover.
 3. Topography.
 4. Wetlands.
 5. Other native vegetative areas on the site.

9.1.2.2 Controls.

- a. Non-Structural Controls – Describe non-structural best management practices (BMPs) and how they will be used at the site.
- b. Structural Controls – Structural BMPs should be shown on construction drawings. Supporting data (specifications, calculations, etc.) should be provided upon request.

9.1.2.3 Maintenance.

A maintenance plan meeting the requirements of Sec. 27-6 of City Code developed by the design engineer and acceptable to the City of Temple will be required prior to approval of the SWMP. The following information should be included in the proposed maintenance plan.

- a. Specification of routine and non-routine maintenance activities to be performed.
- b. A schedule for maintenance activities.
- c. Provision for access to the tract by the City of Temple or other designated inspectors.
- d. Name, qualifications and contact information for the party(ies) responsible for maintaining the BMP(s).
- e. The plan should be signed and dated by the party responsible for maintenance.

General maintenance items and frequencies are listed below. Some items will not be applicable to all BMPs.

- a. Sediment removal – at least twice per year or when the depth reaches 3-inches.
- b. Erosion Control – side slopes and embankment may periodically suffer from slumping and erosion and should be repaired as soon as problems are identified.
- c. Irrigation areas – maintain in natural state to greatest extent possible such that spray from sprinkler heads is not impeded; tree and shrub trimmings and larger debris should be removed immediately.
- d. Mowing – grass areas should be mowed at least twice per year to limit vegetation height to 18-inches; more frequent mowing is required for aesthetic appeal in landscaped areas; mowing should be done either with a mulching mower or by capturing and removing grass clippings with a bagger or by raking.
- e. Debris and litter removal – perform at least twice per year, usually in conjunction with mowing, or more frequently as needed.
- f. Structural repairs – damage to structural elements (pipes, concrete drainage structures, retaining walls, etc.) should be identified and repaired immediately. These repairs should include patching of cracked concrete, sealing of voids, and removal of vegetation from cracks and joints.
- g. Pest management – an Integrated Pest Management (IPM) Plan should be developed for vegetated areas. This plan should specify how problem insects and weeds will be controlled with minimal or no use of insecticides or herbicides.

Maintenance of BMPs frequently requires disposal of accumulated sediment and other material. These materials are normally classified as special wastes when disposed of in municipal landfills. Special waste is a waste that requires special handling at a Type I Municipal Solid Waste (MSW) landfill. The process to obtain authorization to dispose of a special waste begins with a request for approval called the “Request for Authorization for Disposal of Special Waste TCEQ Form 0152.” The request is completed by the generator and submitted to the MSW permits section of the TCEQ for Executive Director review/approval. The MSW permits section performs the review described in 30 TAC 330.136 or most current applicable subsection of 30 TAC. A maintenance plan developed by the design engineer and acceptable to the City of Temple will be required prior to approval of the SWMP. The following information should be included in the proposed maintenance plan.

9.1.2.4 Inspections.

BMP facilities must be inspected at regular intervals, preferably during or immediately after a period of wet weather, to evaluate facility operation. Below is a list of frequencies for inspections for various BMP facilities.

- a. Grassy Swales – At least 2 times per year.
- b. Vegetated Filter Strips – At least 2 times per year.
- c. Permeable and Semi-Pervious Pavement – At least 2 times per year.
- d. Extended Detention Basins, Retention Ponds, Detention Ponds – At least 2 times per year.
- e. Irrigation Systems, Pumps – Every 2 months.
- f. Subsurface Treatment Devices – After rain events.
- g. Preserved Tree Canopies – At least 2 times per year.

During each inspection, erosion areas inside and downstream of the BMP must be identified and repaired or revegetated immediately. With each inspection, any damage to the structural elements of the system (pipes, concrete drainage structures, retaining walls, etc.) must be identified and repaired immediately. Cracks, voids and undermining should be patched/filled to prevent additional structural damage. Trees and root systems should be removed to prevent growth in cracks and joints that can cause structural damage.

Irrigation systems and pumps should be inspected for functionality. Broken or ‘frozen’ sprinkler heads should be replaced immediately. Pumps shall be inspected and maintenance performed to the manufacturer’s specifications.

Subsurface treatment devices should be inspected for larger debris captured during rain events which could plug openings in the device as well as sediment accumulation.

Inspections of tree canopies should include identification of sick/dying/dead trees to be removed from the canopy area.

9.1.3 Bibliography.

1. Barrett, M., Texas Commission on Environmental Quality, *Edwards Aquifer Technical Guidance Manual*. June 2005.
2. Houston, City of, Harris County, Harris County Flood Control District, *Stormwater Quality Management Guidance Manual*. 2001 Edition.

9.2 CONSTRUCTION (TEMPORARY) BEST MANAGEMENT PRACTICES

9.2.1 Introduction. Sedimentation involves three basic processes: erosion, transportation, and deposition. These are natural geologic phenomena which have been in continuous operation since the beginning of time. Man's land development activities, however, have initiated severe, highly undesirable, and damaging alterations in the natural sedimentation cycle by drastically accelerating the erosion-sedimentation process.

9.2.1.1 Erosion.

This term includes all of the processes by which soil or rock material is loosened and removed, that is, weathering, solution, downcutting, and transportation. Soil erosion is usually caused by the force of water falling as raindrops and by the force of water flowing in rills and streams. The raindrops falling on bare or sparsely vegetated soil particles but have little capacity for transporting them. Water running in a sheet on the surface of the ground picks up these particles and carries them along as it flows downhill towards a stream system. As the runoff gains in velocity and concentration, it detaches more soil particles, cuts rills and gullies into the surface of the soil, and adds to its sediment load. Coalescing rivulets produce streams which have a larger volume and usually increased velocity; hence, a greater capacity to remove sediment and transport it downstream. The greater the distance the water runs uncontrolled, the greater its erosive force and the greater the resultant damage. Moreover, control becomes increasingly more difficult as the distance and volume increase.

9.2.1.2 Factors Influencing Erosion.

The erosion potential of a site is principally determined by the erodibility of the soil, vegetative cover, topography, climate and season. Although the factors are interrelated as determinants of erosion potential, they are discussed separately for ease of understanding.

The vulnerability of a soil to erosion is known as erodibility. The soil structure, texture, and percentage of organic matter influence its erodibility. The most erodible soils generally contain high proportions of silt and very fine sand. The presence of clay or organic matter tends to decrease soil erodibility. Clays are sticky and tend to bind soil particles together. Organic matter helps maintain stable soil structure.

There are several ways in which vegetation protects soil from the erosive forces of raindrop impact and runoff scour. The top growth shields the soil surface from raindrop impact while the root mass holds soil particles in place. Grass buffer strips can be used to filter sediment from the surface runoff. Grasses slow the velocity of runoff which results in sedimentation, and also helps maintain the infiltration capacity of the soil. The establishment and maintenance of vegetation can be most effective in minimizing erosion during development.

Slope length and steepness are key influences on both the volume and velocity of surface runoff. Long slopes deliver more runoff to the base of slopes and steep slopes increase runoff velocity; both conditions enhance the potential for erosion to occur.

Erosion potential is also affected by the climate of the area. Rainfall characteristics, such as frequency, intensity, and duration directly influence the amount of runoff that is generated. As the frequency of rainfall increases, water has less chance to drain through the soil between storms. The soil will remain saturated for longer periods of time and storm water runoff volume may be potentially greater. Therefore, when rainfall events are frequent, intense, or lengthy, erosion risks are high.

Seasonal variation in wind, humidity, temperature and rainfall defines periods of high erosion potential during the year. A high erosion potential may exist in the spring when the surface soil first thaws and the ground underneath remains frozen. A low intensity rainfall may cause substantial erosion as infiltration is impossible because of the frozen subsoil. The erosion potential is also high during the summer months because of more frequent, intensity rainfall.

9.2.2 Standards for Erosion and Sediment Control.

The principles of reducing erosion and sedimentation from developing areas are:

- A. Plan the development to fit the particular topography, soils, waterways, and natural vegetation at the site.

Initially, this is best achieved through adoption of a general land-use plan based upon a comprehensive inventory of soil, water, and related resources.

Slope length and gradient are key elements in determining the volume and velocity of the runoff and its associated erosion. As both slope length and steepness increase, the rate of runoff increases and the potential for erosion is magnified. Where possible, steep slopes should be left undisturbed. By limiting the length and steepness of the designed slopes, runoff volumes and velocities can be reduced and erosion hazards minimized.

Soils which contain a high proportion of silt and very fine sand are generally the most erodible. The erodibility of these soils is decreased as the percentage of clay organic matter content increases. Well-drained and well-graded gravel-sand mixtures with little silt are the least erodible soils. By reducing the length and steepness of a given slope, even a highly erodible soil may show little evidence of erosion. Long steep slopes should be broken by benching, or constructing diversion structures.

The natural vegetative cover is extremely important in controlling erosion since it: 1) shields the soil surface from the impact of falling rain; 2) increases infiltration of water into the soil; 3) reduces the velocity of the runoff water; and 4) holds soil particles in place while filtering surface runoff.

B. Keep disturbed areas small.

When earthwork is required and the natural vegetation is removed, keep the area and the duration of exposure to a minimum. Plan the phases or stages of development so that only the areas which are actively being developed are exposed. All other areas should have a good cover of temporary or permanent vegetation or mulch. Grading should be completed as soon as possible after it is begun. Minimizing grading of large or critical areas during the season of maximum erosion potential (May or October) reduces the risk of erosion.

C. Protect disturbed areas from storm water runoff.

This principle requires practices that control erosion on a site to prevent excessive sediment from being produced. Practices which keep soil covered as much as possible with temporary or permanent vegetation or with various mulch materials are best. Special grading methods such as roughening a slope on the contour or tracking with a cleated dozer may be used. Immediately after grading is complete, permanent vegetative cover should be established in the area. As cut slopes are made and as fill slopes are brought up to grade, these areas should be revegetated as the work progresses. Other practices include diversion structures to divert surface runoff from exposed soils and grade stabilization structures to control surface water.

Gross erosion in the form of gullies must be prevented by these control devices. Lesser types of erosion such as sheet and rill erosion should be prevented. When erosion is not adequately controlled, sediment control is more difficult and expensive.

D. Retain sediment within the site boundaries.

This principle relates to using practices that control sediment once it is produced and prevents it from leaving the site. Diversion ditches, sediment traps, vegetative filters, and sediment basins are examples of practices to control sediment. Vegetative and structural sediment control measures can be classified as either temporary or permanent depending on whether or not they will remain in use after development is complete. Generally, sediment can be retained by two methods: 1) filtering runoff as it flows through an area

and 2) impounding the sediment-laden runoff for a period of time so that the soil particles are deposited. The best way to control sediment, however, is to prevent erosion.

E. Implement a thorough maintenance and follow-up program.

This principle is vital to success. A site cannot be effectively controlled without thorough, periodic checks of the control practices. An example of applying this principal would be to start a routine “end-of-day check” to ensure all control practices are working properly.

These five principles are integrated into a system of vegetative and structural measures, along with management techniques, to develop a plan to prevent erosion and provide sediment control. In most cases, a combination of limited grading, limited time of exposure, and a judicious selection of erosion control practices and sediment-trapping facilities will prove to be the most practical method of controlling erosion and the associated production and transport of sediment.

After the development process begins, effective erosion and sedimentation control depends upon careful, accurate installation in a timely fashion, and sufficient maintenance to ensure the intended results.

9.2.3 The Sediment Control Plan.

The required Sediment Control Plan is a plan for controlling erosion and sediment during construction in compliance with the laws, ordinances, and these Standards. This plan shall be a part of the total site development plan and prescribes all the steps necessary, including scheduling, to assure erosion and sediment control during all phases of construction including final stabilization.

Planning for sediment control should begin with the conceptual plan and its preparation. Such features as soils and topography should be considered for the conceptual plan as well as any requirements for sediment control or storm water management.

Planning for sediment control should also begin with first-hand knowledge of the site by the designer. The plan shall be based on a sufficiently accurate topographic map that reflects the existing topography and site conditions. Adjacent areas affecting the site or affected by the site and its development shall be shown on the plans in sufficient detail to accomplish the need. Examples of this would be areas draining onto the site or areas where storm runoff leaves the site and travels to a stream or drainage system.

The Sediment Control Plan will consist of the best selection of erosion control practices and sediment-trapping facilities, in conjunction with an appropriate schedule, to accomplish an

adequate level of control. Particular attention must be given to concentrated flows of water, either to prevent its occurrence or to provide conveyance devices according to the Standards to prevent “major” or “gross” erosion. Sediment-trapping devices will usually be required at all points of egress of sediment-laden water. The plan must include permanent structures for conveying storm runoff, final site stabilization, removal of temporary sediment control features such as sediment basins, and finally, stabilization of the sites where temporary features were removed. Plans showing improvements or construction to be done outside the property line for the site will generally not be approved unless a plan is accompanied by an appropriate legal easement for the area in which the work is to be done.

The standardization of sediment control plans makes them easier to study and review. The List of Standard Symbols (Figure 2-1) was developed to facilitate plan review. The symbols should be bold and easily identifiable on the plans. Unless otherwise approved, one of the following scales shall be used for the detailed sediment control plans for urban development sites: 1"=20', 1"=30', 1"=40', or 1"=50'. The contour interval for these plans shall be 2 feet or smaller.

The Sediment Control Plan shall include the existing and proposed topography. Existing topography can be either from actual field survey obtained from approved photogrammetric methods or from information obtained from responsible agencies. No proposed slopes will exceed 2H:1V. All slopes steeper than 3H:1V will require low-maintenance stabilization.

The existing and proposed improvements shall be shown on the sediment control plan and will include all buildings, roads, storm drains, etc. Proposed removal or alterations of existing facilities shall be indicated on the plan.

9.2.3.1 Sediment Control Practices.

All sediment control practices must be identified on the Sediment Control Plan. These practices will be shown in sufficient detail to facilitate implementation. All permanent sediment control structures will be labeled on the plan as PERMANENT. All temporary stabilization practices will be labeled on the plan as TEMPORARY. The location and methods of stabilization will be indicated on the Plan.

A schedule, or sequence, of operations will be included on the Sediment Control Plan. Special emphasis will be placed on the scheduled start of clearing and/or grading, sequence or installation of sediment control and storm water management facilities, duration or exposure, and the scheduled start and completion dates of stabilization measures (both temporary and permanent).

9.2.3.2 Drainage Plan.

A Drainage Plan shall be provided as per Section 1. Based on this Plan, indicate the velocity for: 1) pipe outfall, 2) outfall structure, and 3) natural or designed channel below outfall

structures to point to entry into existing system or natural stream. On the Sediment Control Plan show the proposed method of stabilizing the outfall, consistent with computed velocities.

9.2.4 Standards For Structural Practices.

This section describes several control measures which are available for use in controlling erosion and sedimentation. The designer is encouraged to review the Soil Conservation Service publications, Erosion and Sediment Control Guidelines in Developing Areas in Texas⁴ and Texas Engineering Handbook Section 17, Erosion Control Practices⁵ for additional control measures.

9.2.4.1 Straw Bale Barrier

Definition

A temporary barrier of straw or similar material may be used to intercept sediment laden runoff from small drainage areas of disturbed soil. Figure 9-2 is a typical straw bale barrier.

Purpose

The purpose of a straw bale barrier is to reduce velocity and effect deposition of the transported sediment load. Straw bale barriers are to be used to intercept and detain small amounts of sediment from unprotected areas of less than 1/2 acre.

Application

The straw bale barrier is used where:

- A. Contributing area is approximately 1/2 acre, or less.
- B. There is no concentration of water in a channel or other drainage way above the barrier.
- C. Erosion would occur in the form of sheet or rill erosion.
- D. Length of slope above the straw bale dike shall not exceed 100 feet.

Straw bales must not be used on high sediment producing areas above "high risk" areas, where water concentrates, or where there would be a possibility of a washout.

Design Criteria

A design is not required. All bales shall be placed on the contour and shall be either wire bound or nylon-string tied. Bales shall be laid with the cut edge adhering to the ground and staked in place. At least two wooden or metal stakes shall be driven through each bale and

into the ground at least one foot. The first stake shall be angled toward the previously placed bale and driven through both the first and second bale. Stakes shall be driven flush with the bale.

The possibility of piping failure shall be reduced by setting the straw bales in a trench excavated to a depth of at least four (4) inches and by firmly tamping the soil along the upstream face of the barrier.

9.2.4.2 Silt Fence

Definition

A silt fence is a temporary barrier made of geotextile fabric which is water-permeable but will trap water-borne sediment from small drainage areas of disturbed soil, as shown in Figure 2-3.

Purpose

The purpose of a silt fence is to reduce runoff velocity and effect deposition of transported sediment load. Limits imposed by ultraviolet stability of the fabric will dictate the maximum period the silt fence may be used.

Application

A silt fence may be used subject to the following conditions:

- A. Maximum allowable slope lengths contributing runoff to a silt fence are listed in the Table 9-1.

TABLE 9-1 Silt Fence Slope Criteria

Constructed Slope	Maximum Slope Length (feet)
2H:1V	25
2.5H:1V	50
3H:1V	75
3.5H:1V	100
4H:1V	125
Flatter than 5H:1V	200

B. Maximum drainage area for overland flow to a silt fence shall not exceed 0.5 acre per 100 feet of fence.

C. Erosion would occur in the form of sheet erosion.

D. There is no concentration of water flowing to the barrier.

Design Criteria

Design computations are not required for a silt fence design. All silt fences shall be placed as close to the contour as possible. The filter fence shall be placed and constructed in such a manner that runoff from a disturbed upland area shall be intercepted, the sediment trapped, and the surface runoff allowed to percolate through the structure. The bottom of the fabric should be buried in a 6 inch by 6 inch trench. When a trench cannot be constructed, rock and soil shall be placed over the bottom of the fabric in such a manner as to prevent underflow.

A detail of the silt fence shall be shown on the plan, and contain the following minimum requirements:

- A. The type, size, and spacing of fence posts;
- B. the size of woven wire support fence;
- C. the type of filter cloth used;
- D. the method of anchoring the filter cloth; and
- E. the method of fastening the filter cloth to the fencing support.

Where ends of filter cloth join they shall be overlapped, folded and stapled to prevent sediment bypass.

A. Silt Fence Fabric

The fabric shall meet the specifications in Table 9-2. Type W fabric is a Type 1 self-supported fence. Type NW is a nonwoven fabric which is used in a Type 2 net-reinforced fence or Type 3 triangular filter dike. Either fabric may be manufactured from polyester, polypropylene or polyamide and shall be resistant to ultraviolet degradation, mildew or rot. The edges of woven fabric shall be sealed or salvaged to prevent raveling.

TABLE 9-2 Silt Fence Fabric Criteria

Fabric Properties	Minimum Acceptable Value		Test Method
	Type W	Type NW	
Tensile Strength, lb	100	90	ASTM D4632
Elongation at Yield, %	10-40	100 Max	ASTM D4632
Trapezoidal Tear, lb	50	35	ASTM D4533
Permittivity, 1/sec	0.1	1.0	ASTM D4491
Apparent Opening Size	20-50	50-80	ASTM D4751
Ultraviolet Stability, %	80	80	ASTM D4355

B. Fence Reinforcement Materials

Silt fence reinforcement shall be one of the following systems.

1. Type 1: Self-Supported Fence

This system consists of fence posts, spaced no more than 8 1/2 feet apart, and Type W fabric without net reinforcement. Fence posts shall be a minimum of 42 inches long, embedded at least 1 foot, and constructed of either wood or steel. Soft wood posts shall be at least 3 inches in diameter or nominal 2 x 4 inches and essentially straight. Hardwood posts shall have minimum dimensions of 1.5 x 1.5 inches. Fabric attachment may be by staples or locking plastic ties at least every 6 inches, or by sewn vertical pockets. Steel posts shall be T or L shaped with a minimum weight of 1.3 pounds per foot. Attachment shall be by pockets or by plastic ties if the posts have suitable projections.

2. Type 2: Net-Reinforced Fence

This system consists of fence posts, spaced no more than 8-1/2 feet apart, and Type NW fabric with an attached reinforcing net. Net reinforcement shall be galvanized welded wire mesh of at least 12.5-gauge wire with maximum opening size of 4 inches square. The fabric shall be attached to the top of the net by crimping or cord at least every 2-feet, or as otherwise specified.

3. Type 3: Triangular Filter Dike

This system consists of a rigid wire mesh, at least 6-gauge, formed into an equilateral triangle cross-sectional shape with sides measuring 18 inches, wrapped with Type NW silt fence fabric. The fabric shall be continuously wrapped around the dike, with a skirt extending at least 12 inches from its upslope corner.

C. Prefabricated Units

Envirofence or approved equal may be used in lieu of the above method providing the unit is installed per manufacturer's instructions.

9.2.4.3 Stabilized Construction Entrance

Definition

A stabilized pad of aggregate located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area.

Purpose

The purpose of a stabilized construction entrance is to reduce or eliminate the tracking or flowing of sediment onto public rights-of-way or streets.

Application

A stabilized construction entrance applies to all points of construction ingress and egress.

Design Criteria

A design is not required for a stabilized construction entrance, however, the following criteria in Table 9-3 shall be used.

TABLE 9-3 Stabilized Construction Entrance Design Criteria

Aggregate:	Use 2 inch stone, or reclaimed or recycled concrete equivalent
Thickness:	Not less than six (6) inches
Width:	Not less than full width of all points of ingress and egress
Twenty (20) foot minimum	
Length:	As required, but not less than 50 feet

Maintenance

The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate as conditions demand. All sediment spilled, dropped, washed, or tracked onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public right-of- way. When washing is required, it shall be done on an area stabilized with crushed stone which drains into an approved sediment trapping device. All sediment shall be prevented from entering any storm drain, ditch, or watercourse.

9.2.4.4 Sediment Basin

Definition

A sediment basin is constructed across a waterway or at other suitable locations to collect and store debris or sediment.

Purpose

The purpose of a sediment basin is to preserve the capacity of reservoirs, ditches, canals, diversions, waterways, and streams; to prevent undesirable deposition on bottom lands and developed areas; to trap sediment originating from construction sites; and to reduce or abate pollution by providing basins for deposition and storage of silt, sand, gravel, stone, agricultural wastes, and other detritus.

Application

This practice applies where physical conditions, land ownership or other restrictions preclude the treatment of a sediment source by the installation of erosion-control measures to keep soil and other material in place, or where a sediment basin offers the most practical solution to the problem.

Design Criteria

A. Compliance with Laws and Regulations

Design and construction shall comply with state and local laws, ordinances, rules, and regulations. The designer is cautioned that water impounding structures higher than six (6) feet may be considered dams and is encouraged to contact the Texas Natural Resource Conservation Commission regarding applicable rules.

B. Location

The sediment basin should be located to obtain the maximum storage benefit from the terrain and for ease of cleanout of the trapped sediment. It should be located to minimize interference with construction activities and construction of utilities.

C. Size of the Basin

The capacity of the sediment basin, as measured from the bottom of the basin to the elevation of the crest of the principal spillway, shall equal or exceed the trapped volumes of debris or sediment expected to be trapped at the site during the planned useful life of the structures or improvements it is designed to protect. The minimum capacity provided shall be in accordance with criteria in Texas Engineering Handbook, Erosion Control Practices, Section 17⁵

The Universal Soil Loss Equation (USLE) can be used to determine the size of the sediment basin. The USLE determines the gross sheet and rill erosion (tons/ac./yr). The actual sediment yield at the point of concern (sediment basin) is the gross erosion minus the sediment deposited enroute. The ratio of sediment yield to gross erosion can be estimated from relationships discussed in the SCS publication NEH-Chapter 3, Sedimentation.

The USLE equation is defined by six (6) factors. The designer should consult the Soil Conservation Service's Technical Release No. 51¹ and USDA Handbook No. 537, for the proper tables and figures. The Universal Soil Loss Equation is defined by Equation 2-1.

$$A = RKLSCP \quad (2-1)$$

where:

A = sediment yield, in tons per acre per year

R	=	rainfall factor, R = 300 for Temple, Texas
K	=	soil erodibility factor, 0.05 = K = 0.41
L	=	slope length factor
S	=	slope gradient factor
C	=	cropping management factor, 0.001 = C = 0.99
P	=	erosion control practice factor, 0.10 = P = 1.0

Sediment basins shall be cleaned out when the capacity as described above is reduced by sedimentation to 60% full, except in no case shall the sediment level be permitted to build up higher than one (1) foot below the principal spillway crest. At this elevation, cleanout shall be performed to restore the original design volume to the sediment basin. The elevation corresponding to the maximum allowable level shall be determined and shall be stated in the design data as a distance below the top of the riser and shall be clearly marked on the riser.

The basin dimensions necessary to obtain the required basin volume as stated above shall be clearly shown on the plans to facilitate plan review, construction, and inspection.

The Sediment Basin Plan shall indicate the method(s) of disposing of the sediment removed from the basin. The sediment shall be placed in such a manner that it will not erode from the site. The sediment shall not be deposited downstream from the basin or adjacent to a stream or floodplain.

The sediment basin plans shall also show the method of disposing of the sediment basin after the drainage area is stabilized, and shall include the stabilizing of the sediment basin site. Water lying over the trapped sediment shall be removed from the basin by pumping, cutting the top of the riser, or other appropriate methods prior to removing or breaching the embankment. Sediment shall not be allowed to flush into the stream or drainageway.

D. Entrance of Runoff into Basin

Points of entrance of surface runoff into excavated sediment basins shall be protected to prevent erosion. Diversions, grade stabilization structures or

other water control devices shall be installed as necessary to ensure direction of runoff and protect points of entry into the basin.

E. Principal Spillways

A pipe spillway is recommended on all basins. The pipe spillway shall consist of a vertical pipe riser or box riser joined to a conduit which will extend through the embankment and outlet below the downstream toe of the fill.

The pipe spillway shall be proportioned to convey not less than 0.2 cfs per acre of drainage area without causing flow through the emergency spillway. The minimum size pipe shall be 4 inches in diameter. The vertical pipe riser or box riser shall have a cross-sectional area at least 1.5 times that of the pipe.

One anti-seep collar shall be installed around the pipe when any of the following condition exist:

1. The settled height of the dam exceeds 15 feet;
2. the conduit is of smooth pipe larger than 8 inches in diameter; or,
3. the conduit is of corrugated metal pipe larger than 12 inches in diameter.

The anti-seep collars and their connection to the pipe shall be watertight. Protection against scour at the discharge end of the spillway shall be provided. Trash racks shall be installed where needed.

F. Earth Emergency Spillways

All debris basins shall have an earth emergency spillway unless the peak flow from the major storm is carried through a pipe spillway or other mechanical spillway. The earth spillway shall be excavated in undisturbed earth or compacted fill. The spillway shall be designed to be stable for the major storm flow.

Peak discharges for design of the emergency spillway shall be computed using an accepted method and shall be based on the soil and anticipated cover conditions in the drainage area during the expected life of the structure.

The crest of the emergency spillway shall be at least 0.5 feet above the crest of the principal spillway. For debris basins, the combined capacities of pipe and

emergency spillways shall be sufficient to convey the peak discharge from the major storm. The top of a dam for all debris basins shall be at least 0.5 feet higher than the stage reached by the major storm.

The crest elevation of the emergency spillway will be determined by the head required on the principal spillway. The minimum top width shall be as per Table 9-4.

TABLE 9-4 Minimum Top Width Embankment (Earth Fill)

Height of Dam	Top Width
10 feet or less	6 feet
10-14	8 feet
14-20	9 feet

Source: Soil Conservation Services Erosion and Sediment Control Guidelines for Developing Areas in Texas.⁴

G. Safety

Sediment basins are attractive to children and can be very dangerous. Therefore they shall be fenced or otherwise secured unless this is deemed unnecessary due to the remoteness of the site or other circumstances. In any case, local ordinances and regulations regarding health and safety must be adhered to.

9.2.4.5 Diversion

Definition

A drainageway of parabolic or trapezoidal cross section that is constructed across the slope, perpendicular to the direction of flow. The drainageway should be equipped with a supporting ridge on the lower side.

Purpose

The purpose of a diversion is to intercept and convey runoff to stable outlets at non-erosive velocities. Temporary diversions are installed as an interior measure to facilitate some phase of construction and usually have a life expectancy of 1 year or less. A permanent diversion is an integral part of an overall water disposal system and remains for protection of property.

Application

Diversions are used where:

- A. Runoff from higher areas is or has potential for damaging properties causing erosion or interfering or preventing the establishment of vegetation on lower areas.
- B. Surface and shallow subsurface flow caused by seepage is damaging sloping upland.
- C. The length of slopes need to be reduced so that soil loss will be kept to a minimum.
- D. Required as a part of a pollution abatement system.
- E. To control erosion and runoff on urban or developing areas and construction sites.

Design Criteria

The design procedures for trapezoidal channels are provided in Section 6 of the City of Temple Drainage Criteria and Design Manual.

- A. Location
Diversion location shall be determined by considering outlet conditions, topography, land use, soil type, length of slope, and the layout of the proposed development. Avoid locations in or immediately below unstable or highly erosive soils, unless special treatment or stabilization measures are previously applied.

- B. Capacity
Peak runoff values used in determining the capacity requirements shall be determined as outlined in Section 2 of the City of Temple Drainage Criteria and Design Manual. The minimum design 24-hour storm frequencies and freeboard shall comply with criteria in Table 9-5.

Diversions designed to protect urban area, buildings and roads, and those designed to function in connection with other structures, shall have enough capacity to carry the peak runoff expected from a storm frequency consistent with the hazard involved.

TABLE 9-5 Diversion Frequency and Freeboard

Diversion Type	Typical Areas of Protection	Design Frequency (Years)	Freeboard Required (Feet)
Temporary	Construction roads; land areas, etc.	2	0.0
	Building Sites	5	0.0
Permanent	Land areas; playfields, recreation areas, etc.	25	0.3
	Homes, schools, industrial bldg., etc.	50	0.5

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.⁴

C. Velocity and Grade

Channel grades may be uniform or variable. Maximum permissible velocities of flow for the stated conditions of stabilization are shown in Tables 9-6 and 9-7.

TABLE 9-6 Selection of Vegetal Retardance

Average Length of Vegetation (inches)	Retardance	
	Good Stand	Fair Stand
11-24	B	C
6-10	C	D
2-6	D	D

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.⁴

TABLE 9-7 Permissible Velocities

Soil Texture	Bare Channel	Permissible Velocity (fps)			
		Channel Vegetation			
		Retardance	Poor	Fair	Good
Sand, silt	1.5	B	1.5	3.0	4.0
Sandy loam		C		2.5	3.5
Silty loam		D		2.0	3.0
Silty clay loam	2.0	B	2.5	4.0	5.0
Sandy clay loam		C		3.5	4.5
		D		3.0	4.0
Clay	2.5	B	3.0	5.0	6.0
		C		4.5	5.5
		D		4.0	5.0

Source: Soil Conservation Service, Erosion and Sediment Control Guidelines for Developing Areas in Texas.⁴

D. Cross Section

The channel may be parabolic, V-shaped or trapezoidal in shape. The diversion is to be designed to have stable side slopes. The side slopes for permanent diversions should not be steeper than 3H:1V for maintenance purposes and preferably 4H:1V. The back slope of the ridge is not to be steeper than 3H:1V and preferably 4H:1V. In determining the cross section on temporary diversions, consideration should be given to soil type, frequency and type of equipment that is anticipated to be crossing the diversion. In no case should side slopes be steeper than 1H:1V.

E. Outlets

Each diversion must have an adequate outlet. The outlet may be a grassed waterway, vegetated or paved area, grade stabilization structure, stable watercourse, or tile outlet. In all cases the outlet must convey runoff to a point where outflow will not cause damage. Vegetative outlets shall be installed prior to, and have vegetation established before diversion construction.

Underground outlets consist of an inlet and underground conduit, and the release rate when combined with storage is to be such that the design storms will not encroach on the design freeboard of the diversion ridge.

All areas where vegetation has been disturbed during construction and all other earth construction where vegetation is included in design, shall be seeded following completion of construction.

9.2.4.6 Grassed Waterway or Outlet

Definition

A natural or man-made drainageway or parabolic or trapezoidal cross section that is below adjacent ground level and is stabilized by suitable vegetation for the safe disposal of runoff or water.

Purpose

The purpose of a grassed waterway or outlet is to convey runoff from terraces, diversions, or from natural concentrations without causing damage from erosion or flooding.

Application

Grass waterways and outlets are used on sites where added capacity or vegetative protection, or both, are required to control erosion resulting from concentrated runoff. In short reaches of the grassed waterways or outlet where vegetation is not suitable for non-erosive disposal of runoff, other linings may be used to control erosion.

Grassed waterways are used where added channel capacity or stabilization is required to control erosion resulting from concentrated runoff and where such control can be achieved by this practice along or in combination with others.

Design Criteria

A. Compliance with Laws and Regulations

Planning and construction shall be in compliance with state and local laws and regulations. Such compliance is the responsibility of the landowner or developer.

B. Capacity

The minimum capacity is to be that required as stated in Section 6 of the City of Temple Drainage Criteria and Design Manual for open channels. Channel dimensions may be determined from Section 6.

C. Velocity

The design velocity is to be based upon soil, duration of flow, and type and quantity of vegetation. The maximum design velocity should be 4.0 feet per second for vegetation established by seeding and 6.0 feet per second for that established by sodding.

D. Cross Section

The cross section may be parabolic, trapezoidal, or triangular in shape. The bottom width of trapezoidal waterways or outlets shall not exceed 100 feet unless multiple or divided waterways are provided to control meandering of low flows.

The minimum depth of a waterway receiving water from diversions or tributary channels is to be that required to keep the design water surface in the waterway or outlet at or below the design water surface elevation in the diversion or other tributary channel at their junction. To provide for loss in channel capacity due to vegetal matter accumulation, sedimentation, and normal seedbed preparation, the channel depth and width should be increased proportionally to maintain the hydraulic properties of the waterway. In parabolic channels, this may be accomplished by adding 0.3 foot to the depth and 2 feet to the top width of the channel. This is not required on waterways located in natural watercourses.

Where a paved bottom is used in combination with vegetated side slopes, the paved section is to be designed to handle the base flow or runoff from a one-year frequency storm, whichever is greater. The flow depth of the paved section shall be a minimum of 0.5 foot.

E. Outlets

Each waterway shall have a stable outlet. The outlet may be another waterway, a stabilized open channel, or a grade stabilization structure.

In all cases, the outlet must discharge in such a manner as not to cause erosion. Outlets shall be constructed and stabilized prior to the operation of the waterway.

F. **Drainage**

In areas with high water table, seepage problems or prolonged low flows, the designer shall provide for a subsurface drain, lined pilot channel, or other subsurface drainage methods. An open joint storm drain or lined pilot channel may be used to serve the same purpose and also handle frequently occurring storm runoff, base flow, or prolonged flow. The storm drain should be designed to handle base flow or the runoff from a one-year frequency storm, whichever is greater.

9.2.4.7 Lined Waterway or Outlet

Definition

A waterway or outlet with an erosion resistant lining of concrete, stone, or other permanent material. The lined section extends up the side slopes to designed depth. The earth above the permanent lining may be vegetated or otherwise protected.

Purpose

The purpose of a lined waterway or outlet is to provide for safe disposal of runoff from other conservation structures or from natural concentrations of flow, without damage by erosion or flooding, in situations where lined or grassed waterways would be inadequate. Properly designed linings may also control seepage, piping, and sloughing or slides.

Application

This practice applies where the following or similar conditions exist.

- A. Concentrated runoff is such that lining is required to control erosion.
- B. Steep grades, wetness due to prolonged base flow, seepage, or piping would cause erosion.
- C. The location is such that damage from use by people or animals preclude use of vegetated waterways or outlets.
- D. High value property or adjacent facilities warrant the extra cost to contain design runoff in a limited space.
- E. Soils are highly erosive or other soil or climatic conditions preclude using vegetation.

Design Criteria

A. Capacity

The minimum capacity shall be adequate to carry the peak rate of runoff. Capacity shall be computed using Manning's formula.

B. Velocity

Maximum design velocity shall be as stated in Section 6.0 for the appropriate channel type. Velocities exceeding critical velocity will be restricted to straight reaches. Waterways or outlets with velocities exceeding critical velocity shall discharge into an energy dissipator to reduce velocity to less than critical.

C. Cross Section

The cross section shall be triangular, parabolic, or trapezoidal. Monolithic concrete may be rectangular.

D. Freeboard

The minimum freeboard for lined waterways shall be as stated in Section 6 for the appropriate channel type.

E. Side Slopes

Steepest permissible side slopes shall be according to Table 9-8.

TABLE 9-8 Permissible Side Slopes for Lined Waterway

Non-Reinforced Concrete	Permissible Side Slope
Hand-placed, formed concrete: Height of lining 1.5 feet or less	Vertical
Hand-placed, screened concrete or in-place mortared flagstone: Height of lining less than 2 feet Height of lining more than 2 feet	1H:1V 2H:1V
Slip form concrete: Height of lining less than 3 feet	1H:1V
Rock Riprap	2H:1V

F. Lining Thickness

Minimum lining thickness shall be as follows:

Concrete - 4 inches

Rock riprap - maximum stone size plus thickness of filter or bedding

Flagstone - 4 inches including mortar bed

G. Filters or Bedding

Filters or bedding are utilized to prevent piping. Drains shall be used to reduce uplift pressure, and to collect water as required. Filters, bedding, and drains shall be designed in accordance with Soil Conservation Service Standards. Weep holes and drains will be provided as needed.

H. Concrete

Concrete used for lining shall be so proportioned that it is plastic enough for thorough consolidation and stiff enough to stay in place on side slopes. A dense durable product will be required.

9.2.4.8 Riprap

Definition

A layer of loose rock or aggregate placed over an erodible soil surface.

Purpose

The purpose of riprap is to protect the soil surface from the erosive forces of water.

Application

This practice applies to soil-water interfaces where the soil conditions, water turbulence and velocity, expected vegetative cover, and groundwater conditions are such that the soil may erode under the design flow conditions. Riprap may be used, as appropriate, at such places as storm drain outlets, channel banks and/or bottoms, roadside ditches, drop structures, and shorelines. Broken concrete is not suitable as riprap.

Design Criteria

The minimum design discharge for channels and ditches shall be the peak discharge. See Section 6 of the City of Temple Drainage Criteria and Design Manual for further design criteria.

9. 2.5 Standards For Vegetative Practices For Critical Area Stabilization

Definition

Critical area stabilization is planting short-term vegetation on critical areas.

Purpose

The purpose of critical area planting is to stabilize the soil, reduce damage from sediment and runoff to downstream areas, improve wildlife habitat, and enhance beauty of the area.

Application

Critical area stabilization is used on sediment-producing, highly erodible or severely eroded areas, such as dikes, levees, cuts, fills, and denuded or gullied areas where vegetation is difficult to establish with usual seeding or planting methods.

Design Criteria

A. Site Preparation

1. If necessary, divert outside water away from the critical area. This may require a permanent diversion, or in other instances, a temporary measure that will be effective during the period of establishment.
2. Where practical, grade to permit use of conventional equipment for seedbed preparation, seeding, mulch application and anchoring. (Cabling of equipment may be necessary on steep slopes.)
3. On construction sites where the exposed and underlying soil material will not maintain adequate vegetation, a topsoil dressing of six (6) inches will be applied as part of construction.
4. Where slopes must be steeper than 2H:1V use some means other than vegetation to stabilize the slope.

B. Seedbed Preparation

1. The seedbed, immediately before seeding, shall be firm but not so compact as to prohibit covering the seed. Tillage implements shall be used as necessary to provide approximately a three (3) inch depth of firm but friable soil that is free of large clods.

2. If fertilizer is to be applied, work this in during final seedbed preparation.

C. Fertilizing

1. Unless soil fertility is known to be adequate, refer to the City of Temple for appropriate fertilizer application rates.

D. Seeding

1. Method of Seeding

The proper amount of seed must be evenly distributed, placed at the proper depth (1" or less), and packed so that the seed is in contact with the soil. This may be done by one of the following methods.

- a. Drilling

Drilling is the preferred method and should be used when possible. Drill must be equipped with seed hoppers that will properly meter out the kind of seed being planted. This may require a special drill for fluffy seeds. The drill should have double disk furrow openers with depth bands to obtain proper depth of placement. The drill should be equipped with packer wheels or the seeded area should be packed with a land roller immediately after drilling.

- b. Broadcasting

This method is to be used only on areas that are inaccessible to a grass drill. The seeding rates shall be increased by one and one half (1-1/2) times when the seed is broadcasted. Seed must be evenly distributed. The seed must be covered and this can be done by light dicing, cultipacking, harrowing or raking by hand. If at all possible, the seeded area should then be packed.

- c. Hydro-seeding

Where hydro-seeding equipment is used, seed, fertilizer, and wood-fiber mulch materials are mixed into a slurry with water. Care should be used to spread the mixture evenly and soon after the mixture is made. Keep the mixture well agitated when seeding.

E. Mulching

1. Where to Use

Mulch is essential on critical areas and slopes greater than 3H:1V. Mulch should be used on all treated critical areas where the goal is to attain a grass stand as soon as possible and where there is danger of damaging erosion occurring during the period of establishment.

2. Material

Mulch shall consist of clean cereal grain straw, grass hay, wood chips, long fibered wood cellulose or gravel.

3. Rate

Mulch shall be applied uniformly at a rate of 3,000 pounds minimum to 4,000 pounds maximum per acre of hay or straw. For long fibered wood cellulose the rate will be 1,500 pounds minimum to 2,500 maximum per acre.

4. Anchoring

- a. Anchor mulch with a dull disk or other suitable machine. The operation should be across the slope. The mulch should be anchored a minimum of two inches in the soil and the disks spaced not more than 12 inches apart. Where it is impossible to use such a machine the mulch should be anchored by hand with a square point spade.
- b. In some cases, properly anchored mulch netting may be used to hold the mulch in place.

9.2.6 Bibliography

1. Soil Conservation Service, US Department of Agriculture, Technical Release No. 51 Procedure for Computing Sheet and Rill Erosion on Project Areas, US Government Printing Office, Washington, D.C., September 1977.
2. Environmental Protection Agency, Storm Water Pollution Prevention for Construction Activities, April, 1992.
3. Pitt, Robert and Roger Bannermann, Management Alternatives for Urban Stormwater, EPA/et. al. Nonpoint Pollution Abatement Symposium, pp. TIIH 1 - TIIH 16, April 1985.
4. Soil Conservation Service, Erosion and Sediment Control Guidelines in Developing Areas in Texas, 1976.
5. Soil Conservation Service, Texas Engineering Handbook, Section 17, Erosion Control Practices.

9.3 POST CONSTRUCTION (PERMANENT) BEST MANAGEMENT PRACTICES

9.3.1 Required Permanent BMPs. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

9.3.1.1 Site Layout.

Each SWMP is required to show the site layout as well as the placement of the selected BMPs.

9.3.1.2 Creek Buffer Zone.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a creek buffer zone. When a property is located within a creek buffer zone, the developer, builder, or owner must comply with the techniques found within this manual.

9.3.1.2a Establishment of Creek Buffer Zones

The city code establishes that all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is deemed to be within a creek buffer zone (CBZ); and shall comply with the DCDM and SWBMPM. For definitions of most terms used in this design criteria refer to the city code.

The following are four methods of establishing creek buffer zones (CBZ):

1. Method A - Property outside of FEMA Mapped Floodplain
2. Method B - Property located inside FEMA Zone AE
3. Method C - Property located inside FEMA Zone AE and Floodway
4. Method D - Property located inside FEMA Zone A

Method A – Property outside of FEMA Mapped Floodplain.

- a. Includes all property located outside FEMA mapped flood plain.
- b. Requirements:
 - i. None,
 - ii. Unless property is adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method B – Property located inside FEMA Zone AE.

- a. Includes all property located inside of FEMA Zone AE.

- b. Requirements:
 - i. Chapter 13 Flood Damage Prevention Ordinance applies,
 - ii. Flood plain development permit required,
 - iii. If encroachment into floodway is proposed see Zone C, and
 - iv. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method C – Property located inside FEMA Zone AE and Floodway.

- a. Includes all property located inside of FEMA Zone AE and Floodway.
- b. Requirements:
 - i. Chapter 13 Flood Damage Prevention Ordinance applies,
 - ii. Flood plain development permit required,
 - iii. Engineering study required,
 - iv. No rise certificate,
 - v. Letter of map change required, and
 - vi. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

Method D – Property located inside FEMA Zone A.

- a. Includes all property located inside of FEMA Zone A.
- b. Requirements:
 - i. Chapter 13 Flood Damage Prevention Ordinance applies,
 - ii. Flood plain development permit required,
 - iii. Engineering study required, and
 - iv. If adjacent to or encompasses a crest of slope steeper than the ratio shown in Figure 1.

9. 3.1.2b Creek Buffer Zone Restrictions

- a. Occupied Structures. No occupied structure shall be allowed in CBZ; unless engineered by a professional engineer and approved by the City, or existing at the time of passage of the ordinance.
- b. Private amenity structures or private amenities. Property owners with private amenity structures or private amenities assume responsibility for all risks associated with erosion, including but not limited to full replacement cost if loss or damage occurs due to active erosion. City assumes no responsibility for loss or damage to private amenities or private amenity structures that may occur from creek erosion.

9. 3.1.2c Design Standards for Creek Buffer Zones

Creek Buffer Zones must be designed and designated by the requirements and standards found in the city code and this manual.

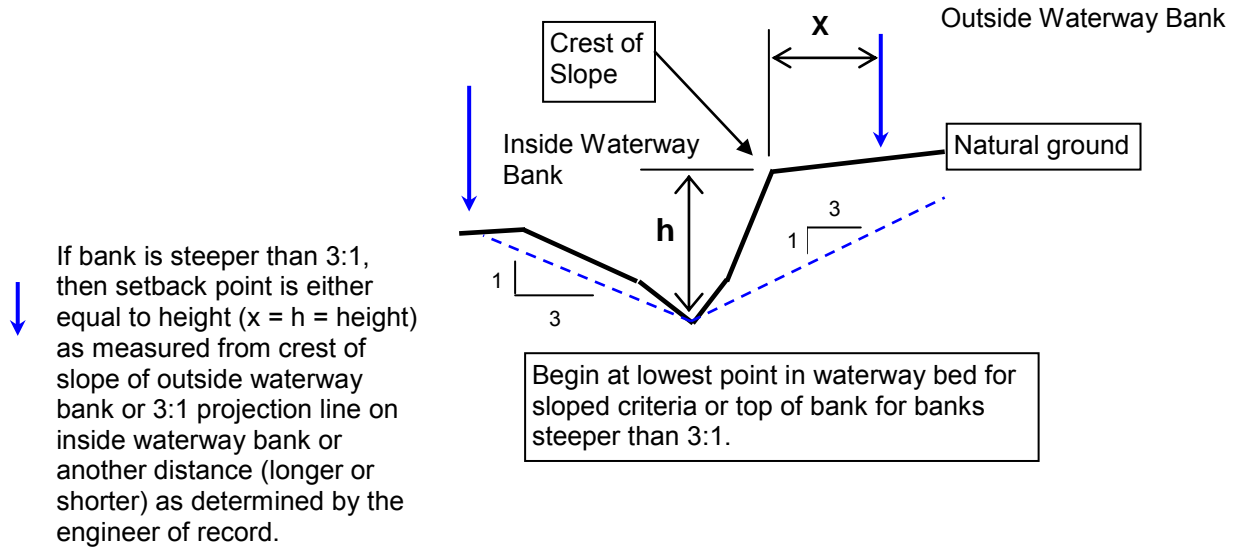
9. 3.1.2d Creek Buffer Zone Designation Requirements

- a. Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of creek buffer zones based on criteria in this chapter.
- b. The limits must be indicated by dashed lines and labeled “Creek Buffer Zone.”
- c. Creek Buffer Zone designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.
- d. Properties next to natural or constructed channels with a minimum of the ratio found in Figure1 or flatter side slopes are not required to comply with these erosion hazard zone criteria unless, in the opinion of a licensed professional engineer, erosion hazard zone delineation is warranted. Creek Buffer Zones may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

9. 3.1.2e Licensed Professional Engineer’s Responsibilities

- a. It is the licensed professional engineer’s responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.
- b. The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.
- c. It is the licensed professional engineer’s responsibility for determining and providing creek buffer zones delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Figure 1. Creek Buffer Zone Design Standard



9.3.2 Required Permanent BMP Credit Point Requirements. In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 9-9: Additional BMP Requirements

<u>Non-Residential</u>	
	<i><u>Number of additional BMP Credits required</u></i>
1 acre \leq Disturbed Area < 5 acres	1
5 acres \leq Disturbed Area < 10 acres	2
10 acres \leq Disturbed Area < 20 acres	3
\geq 20 acres	4

<u>Residential</u>	
	<i><u>Number of additional BMP Credits required</u></i>
1 acre \leq Disturbed Area < 5 acres	1
5 acres \leq Disturbed Area < 20 acres	2
\geq 20 acres	3

Table 9-10 lists additional BMPs, basic requirements and the associated credits received for application of each BMP.

Table 9-10 - Best Management Practices Design Criteria

BMP	Requirements	BMP Credits	Relative Cost
Site Layout	Required with each Storm Water Management Plan per ordinance.	Required	
Creek Buffer Zone	Required with each development adjacent to natural creek, waterway, channel per ordinance.	Required - where applicable	
Additional BMPs	Required to meet based on land disturbance area per ordinance.		
1. Vegetated Swales	100' Min. Length; trapezoidal section 0.5% Min. Channel Slope, 2.5% Max. Channel Slope; maximum 2 fps for 2-yr storm Max. 3:1 Side Slopes 80% Min. Vegetative Cover	1	\$
2. Vegetated Filter Strips	20' Min. Width, 72" Roadway Max. Width 20% Max. Slopes 1 ft/sec max. flow velocity for 1-year storm 80% Min. Vegetative Cover Min. 6" grass height	1	\$
3. Permeable & Semi-Permeable Pavement	Max. drainage area 50 acres Vegetative buffers or sediment traps around edges to prevent clogging of pavement pores Locate away from heavy traffic areas	1	\$\$\$
4. Roof Drain Discharge to Pervious Surface	Discharge to Vegetated Swale, Vegetated Filter Strip or retention facility	1	\$
5. Extended Detention Basins	Oversize volume by 20% to account for sed. or first 1/2" of runoff, whichever less Ratio of flowpath length to width min. 2:1 (L:W) Optimal depth 2 to 5 feet No more than 50% drawdown within first 24 hours Complete drawdown within 48 hours Treats up to 25-year storm event with ability to pass 100-year storm event	3	\$\$\$
6. Retention Ponds	Pond volume sufficient to capture & hold the design runoff Max. 3:1 Side Slopes Bypass structure capable of passing 100-year storm Empty Pond within 72 hours (infiltration, irrigation, or evapo-transpiration) Rock riprap at inlet to pond 15' public access easement around pond Min. 1 access point into pond with max. 5:1 slope Remove sediment from pond once accumulation reaches 6-inches	3	\$\$\$
7. Detention Pond Outlet for Erosion Protection and Storm Water Quality Benefits	post-dev flows < pre-dev flows for the 1, 2, 5, 10 & 100 Yr Storm Events Complete drawdown within 72 hours	1	\$

Table 9-10 - Best Management Practices Design Criteria

BMP	Requirements	BMP Credits	Relative Cost
Site Layout	Required with each Storm Water Management Plan per ordinance.	Required	
Creek Buffer Zone	Required with each development adjacent to natural creek, waterway, channel per ordinance.	Required - where applicable	
8. Subsurface Treatment Devices	<p>HS-20 Structural Design</p> <p>Treat 75-90% Annual rainfall runoff</p> <p>Remove 50-80% TSS</p> <p>Remove 90% floatable free oil</p> <p>Perform maintenance when stored volume reaches 15% of total capacity</p>	2	\$\$
9. Landscaping	<p>Document plant species to be used and maintenance schedule</p> <p>Details of maintenance schedule including amount, types and frequency of chemical use</p> <p>Must demonstrate impervious cover runoff interception and water quality treatment benefit</p>	1	\$\$
10. Cluster Design	<p>Reserve 12.5%-25.49% of available land on parcel as conservation area</p> <p>Reserve 25.5%-32.49% of available land on parcel as conservation area</p> <p>Reserve >32.5% of available land on parcel as conservation area</p>	1 2 3	\$\$\$
11. Preservation of Existing Tree Canopy	<p>Min. Tree Height 6', Min. Caliper 2" (new trees), 4" (existing trees)</p> <p>Existing or new tree canopy shall be no greater than 25' from impervious ground surfaces to receive credit</p> <p>25%-49.9% of existing canopy covering 50% or more of site</p> <p>50%-65% of existing canopy covering 50% or more of site</p> <p>>66% of existing canopy covering 50% or more of site</p>	1 1 2 3	\$\$
12. Other BMPs	Consider: bioretention, low impact development techniques, floatable exclusion systems, etc	TBD	Varies

9.3.3 Additional BMPs. The following items are acceptable permanent BMPs to be utilized when meeting the requirements of Table 1 and Table 2 based on the size of the land disturbing activity and complying with DCDM and this manual.

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.
4. Discharge of roof drains to pervious surface.
5. Extended detention basins for storm water quality benefits.
6. Retention ponds.
7. Detention pond outlet for erosion protection and storm water quality benefits.
8. Subsurface treatment devices.
9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the City Engineer with supporting calculations and references.

9.3.3.1 Vegetated Swales.

Definition

Vegetated swales are sloped, vegetated channels or ditches that provide both conveyance and water quality treatment of storm water runoff.

Design Criteria

Vegetated swales shall be designed to have a hydraulic residence time of at least five (5) minutes for the storm flow to be treated. Below are additional design parameters which must be followed for the development of vegetated swales.

1. Minimum bottom width = 6-feet
2. Maximum bottom width = 10-feet
3. Minimum channel slope = 0.5%
4. Maximum channel slope = 2.5%
5. Maximum side slope = 3H:1V
6. Minimum vegetative cover = 80%
7. Minimum swale length = Channel velocity (ft/s) x 300 (s)

The channel velocity is calculated by dividing the peak flow rate from a storm producing a constant rainfall rate of 1.1-inch/hour by the cross-sectional area of the swale. The depth of flow in the swale shall not exceed 4-inches in a 1.1-inch/hour storm. Trapezoidal shapes are generally used for channel cross-sections, although the geometry of the channel is not critical

as long as a broad, relatively flat bottom is provided. Roadside ditches should be regarded as significant potential swale/buffer strip sites and should be utilized for this purpose whenever possible. If flow is to be introduced through curb cuts, pavement should be placed slightly above the elevation of the vegetated areas and curb cuts should be at least 12-inches wide to prevent clogging.

Maintenance

Maintenance requirements typically include activities such as irrigation, mowing, trimming, removal of invasive species, and replanting when necessary.

9.3.3.2 Vegetated Filter Strips.

Definition

Filter strips may be natural or engineered. The use of natural filter strips is limited to perimeter lots and other areas that will not drain by gravity to other BMPs on the site.

Design Criteria

Natural filter strips should extend along the entire length of the contributing area. The slope should not exceed 10%. The minimum dimension in the direction of flow for natural filter strips should be 50-feet. All of the filter strip should lie above the elevation of the 2-year, 3-hour storm of any adjacent drainage. There is no requirement for vegetation density or type.

Engineered filter strips incorporate many of the general criteria of swale design. Vegetated roadside shoulders provide one of the best opportunities for incorporating filter strips into roadway and highway design. The design goal is to produce uniform, shallow overland flow across the entire filter strip. Landscaping on residential lots is not considered to function as a vegetated filter strip because fertilizers and pesticides are commonly applied in these areas. Below is additional design criteria for engineered filter strips.

1. Maximum width in the direction of flow of the contributing impervious area = 72-feet
2. Minimum length of the filter strip in the direction of flow = 15-feet
3. Maximum slope = 20%
4. Minimum vegetative cover = 80%

The area contributing runoff to a filter strip should be relatively flat so that the runoff is distributed evenly to the vegetated area without the use of a level spreader. The area to be used for the strip should be free of gullies or rills that can concentrate overland flow. The top edge of the filter strip should be slightly lower than the pavement surface to ensure drainage

off the pavement to the filter strip. Filter strips should be established after other portions of the project are completed.

Maintenance

Maintenance requirements typically include activities such as irrigation, mowing, trimming, removal of invasive species, and replanting when necessary. The use of fertilizers and pesticides should be minimized.

9.3.3.3 Permeable and Semi-Pervious Pavement.

Definition

Permeable and Semi-Pervious Pavement can be either permeable concrete or porous asphalt. Permeable concrete consists of concrete that is made without the fine (sand) fraction. Porous asphalt, also known as pervious, permeable, “popcorn”, or open graded asphalt, is standard hot-mix asphalt with reduced sand or fines and allows water to drain through it. Modular pavement blocks are an alternative to permeable concrete and porous asphalt.

Design Criteria

In permeable concrete, eliminating the sand portion of the mix design increases the permeability, but greatly reduces the strength. Additives may be applied to the mix design to increase strength to a level that is comparable to a standard concrete mix. The lack of sand also shortens the setup time for concrete which makes it difficult to get a consistent texture. Use of permeable concrete should be done only with highly detailed specifications and an experienced contractor to minimize potential problems.

Permeable pavement is not meant to treat runoff from other areas, so the placement of permeable pavement should be such that it does not receive any runoff other than what falls directly on the surface of the paved areas. Parking lots constructed with permeable pavement should utilize curbs which are configured in such a way as to store the required rainfall treatment depth (1.64-inches for a 1.1 inch/hour storm) on the surface of the parking lot in case the pavement becomes plugged. When permeable concrete is used for sidewalks or residential driveways, no edging is required. In no case should runoff from other portions of the tract, including roofs and landscaped areas, be allowed to run onto the permeable surface.

There are two possible configurations of permeable pavement: with and without an underdrain. Systems constructed with an underdrain should include a layer of sand to filter the stormwater prior to surface discharge. This type of system does not require an impermeable liner. Permeable pavement systems without an underdrain treat stormwater runoff via filtration with an appropriate soil layer located beneath the pavement.

Porous asphalt over an aggregate storage bed will reduce storm water runoff volume, rate and pollutants. When properly constructed, porous asphalt is a durable and cost competitive alternative to conventional asphalt.

Porous asphalt comprises the surface layer of the permeable pavement structure and consists of open-graded coarse aggregate, bonded together by bituminous asphalt. A typical reduced fines mix is shown in Table 9-11.

Table 9-11: Asphalt Mix (Adams, 2003)	
Sieve Size	% Passing
1/2 in.	100
3/8 in.	95
#4	35
#8	15
#16	10
#30	2
Percent bituminous asphalt 5.75-6.0% by weight	

Polymers can also be added to the mix to increase strength for heavy load applications. The thickness of porous asphalt ranges from 2 to 4 inches depending on the expected traffic loads. The porous asphalt should have a minimum of 16% air voids.

Modular pavement comes in pre-formed modular pavers of brick and concrete. When the brick or concrete is laid on a permeable base, water will be allowed to infiltrate. Typically, the permeable base consists of 4"-6" of crushed stone beneath 2" of sand. Grass can be planted between the pavers, allowing structural support in infrequently used parking areas. Apply in low-volume parking lots and roads, and in high activity recreational areas like basketball and tennis courts or playground lots.

The area that can be served by permeable or semi-pervious pavement is generally limited to 0.25 to 10.0 acres and generally serves only a small section of the watershed. This BMP can also accept rooftop and adjacent parking lot runoff.

Maintenance

Maintenance requirements for permeable concrete and porous asphalt include sweeping with a vacuum type street sweeper at least twice per year to remove surface accumulations of sediment and other material. Pressure washing may also prove to be effective if the resulting water is immediately vacuumed from the surface. For modular pavements, routine mowing and irrigation of the grass is required. Any accumulated silt/debris should be removed as necessary.

9.3.3.4 Discharge of Roof Drains to Pervious Surface.

Definition

Roof drains which are set up to discharge to a pervious surface can both reduce the overall amount of runoff as well as increase the time of concentration of runoff that does remain on the surface.

Design Criteria

Gravel, crushed stone, modular paving blocks or pervious paving blocks can be used in addition to vegetated or landscaped areas as surfaces in which to direct flow from roof drains. Gravel or crushed stone should be placed to a thickness of 4"-6". The area of pervious surface should be at least equal to the drainage area of the roof drain (i.e. the area of the roof top which is served by the roof drain). The slope of the pervious surface shall not exceed 5% in any direction.

Maintenance

The pervious surface should be inspected regularly after rain events for accumulation of sediment/debris. Any accumulations should be promptly removed. If modular pavements are used for the pervious surface, maintenance of the grass shall include regular irrigation and mowing as needed.

9.3.3.5 Extended Detention Basins for Storm Water Quality Benefits.

Definition

Extended detention facilities are ponds that capture and temporarily detain the water quality volume as well as reduce maximum runoff rates. They are intended to serve primarily as settling basins for the solids fraction and as a means of limiting downstream erosion by controlling peak flow rates during erosive events.

Design Criteria

Extended detention facilities may be constructed either online or offline. They are generally best suited to drainage areas greater than 5 acres, since the outlet orifice becomes prone to clogging for small water quality volumes. In addition, extended detention basins tend to accumulate debris deposits rapidly, making regular maintenance necessary to minimize aesthetic and performance problems. They can be combined with flood and erosion control detention facilities by providing additional storage above the water quality volume.

The facility should be sized to remove 80% of the increase in total suspended solids loading resulting from development plus a 20% increase to accommodate reductions in the available storage volume due to deposition of solids in the time between full-scale maintenance

activities. A fixed vertical sediment depth marker should be installed in the basin to indicate when sediment accumulation equals 20% of the water quality volume and sediment removal is required.

The basin should be configured such that the flowpath is maximized between the entrance points and the outlets. The ratio of flowpath length to width from the inlet to the outlet should be at least 2:1 (L:W). The flowpath length is defined as the distance from the inlet to the outlet as measured at the surface. The width is defined as the mean width of the basin. Basin depths optimally range from 2 to 5 feet. The basin should include a sediment forebay to provide the opportunity for larger particles to settle out. The forebay volume should be about 10% of the water quality volume and be provided with a fixed vertical sediment depth marker to measure sediment accumulation.

Both conventional and enhanced extended detention should be designed with a dual stage configuration. Stage 1 is intended to serve primarily as a sediment forebay for larger particulates. Stage 2 is generally planted with vegetation adaptable to periodic inundation and may contain a permanent micropool for enhanced extended detention. The design depth of Stage 1 should range from 2 to 5 feet. A stabilized low flow channel is required to convey low flows through Stage 1 to Stage 2. Rock riprap should be utilized to reduce velocities and spread the flow into the Stage 2 pond. The channel should maintain a longitudinal slope of 2-5%. The lateral slope across Stage 1 toward the low flow channel should be 1.0-1.5%. The bottom of Stage 2 should be 1.5 to 3.0-feet lower than the bottom of Stage 1. The extended detention basin is optimally designed to have a gradual expansion from the inlet toward the middle of the facility and a gradual contraction toward the basin outfall.

The side slopes of the pond should be 3:1 (H:V) or flatter for grass slopes. Energy dissipation is required at the basin inlet to reduce resuspension of accumulated sediment. For the outflow structure, a reverse slope outflow pipe design is preferred if a second stage micropool is provided in the facility. Otherwise, the facility's drawdown time should be regulated by a gate valve or orifice plate located downstream of the primary outflow opening. The outflow structure should have a trash rack or other acceptable means of preventing clogging at the entrance to the outflow pipes.

The outflow structure should be sized to allow for complete drawdown of the water quality volume in 48 hours. No more than 50% of the water quality volume should drain from the facility within the first 24 hours. A valve or orifice can be used to regulate the rate of discharge from the basin.

The facility should have a separate drain pipe with a manual valve that can completely or partially drain the pond for maintenance purposes. To allow for possible sediment accumulation, the submerged end of the pipe should be protected, and the drain pipe should be sized one pipe schedule higher than the calculated diameter needed to drain the pond

within 24 hours. The valves should be located at a point where they can be operated in a safe and convenient manner. For online facilities, the principal and emergency spillways must be sized to provide 1.0 foot of freeboard and pass the flow from the 100-year storm.

The facility should be planted and maintained to provide for a full and robust vegetative cover. The following wet tolerant species are recommended for planting within the bottom stage (LCRA, 1998):

- Bushy Bluestem
- Sedges
- Cyperus
- Switch Grass
- Spike Rush
- Green Sprangletop
- Indian Grass
- Bullrush
- Scouring Rush
- Eastern Gamma
- Dropseed Iris

A plan should be provided indicating how aquatic and terrestrial areas will be stabilized. A minimum 25-foot vegetative buffer area should extend away from the top slope of the pond in all directions. Vegetation on the pond embankments should be mowed as appropriate to prevent the establishment of woody vegetation.

When the pond is designed as an offline facility, a splitter structure is used to isolate the water quality volume. The splitter box, or other flow diverting approach, should be designed to convey the 25-year storm event while providing at least 1.0 foot of freeboard along pond side slopes.

For online facilities, special consideration should be given to the facility's outfall location. Flared pipe end sections that discharge at or near the stream invert are preferred. The channel immediately below the pond outfall should be modified to conform to natural dimensions, and lined with large stone riprap placed over filter cloth. A stilling basin may be required to reduce flow velocities from the primary spillway to non-erosive velocities.

Maintenance

Maintenance requirements for extended detention basins should include mowing at least twice annually. Vegetation should be mowed so as to limit maximum height to 18-inches. During mowing operations, debris and litter should be removed from the site. After significant rain events, the facility should be inspected and any areas of erosion should be

repaired and revegetated. Similarly, any accumulations of sediment should be removed after significant rain events.

9.3.3.6 Retention Ponds.

Definition

Retention ponds are basins which capture and dispose of storm water runoff without directly releasing the captured flow into receiving streams.

Design Criteria

Capture of storm water in retention ponds can consist of virtually any kind of runoff facility ranging from a fully dry, concrete-lined to vegetated with a permanent pool. This flexibility allows for excellent aesthetic appeal. Retention ponds should have a pump and wet well system that is automated with a rainfall or soil moisture sensor to allow for irrigation only during periods when required infiltration rates can be realized.

Storage volume can be flexible as long as an appropriate pump and wet well system can be accommodated. The water quality volume should be increased by 20% to accommodate reductions in the available storage volume due to deposition of solids in the time between full-scale maintenance activities.

A reliable pump, wet well, and rainfall or soil moisture sensor system should be used to distribute the water quality volume. A pump capable of delivering 100% of the design capacity should be provided. Valves shall be located outside the wet well on the discharge side of each pump to isolate the pumps for maintenance and for throttling, if necessary. Pumps should be selected to operate within 20% of their best operating efficiency. A high/low-pressure pump shut off system should be installed in the pump discharge piping.

The pond should have an intake riser with a screen for stormwater to pass through prior to entering the wet well. This is to prevent clogging of distribution pipes and sprinklers by large debris.

The pond should be designed as an offline facility and a splitter box should also be included in the design of the pond to isolate the water quality volume. The splitter box should be designed to convey the 25-year storm event while providing at least 1.0 foot of freeboard along basin side slopes.

Detention time in the retention pond should allow for complete drawdown of the water quality volume within 72 hours. Irrigation should not begin within 12-hours of the end of rainfall so that direct storm runoff has ceased and soils are not saturated. Consequently, the length of the active irrigation period is 60 hours. The irrigation should include a cycling factor of $\frac{1}{2}$, so that each portion of the area will be irrigated for only 30 hours during the total

of 60 hours allowed for disposal of the water quality volume. Continuous application on any area should not exceed 2-hours. Division of the irrigation area into two or more sections such that irrigation occurs alternately in each section is an acceptable way to meet this requirement. Irrigation should not occur during subsequent rainfall events.

The irrigation site must be pervious and on slopes of less than 10%. A geological assessment is required for proposed irrigation areas to assure that there is a minimum of 12-inches of soil cover and no geologic/sensitive features that could allow the water to directly enter the aquifer. Rocky soils are acceptable for irrigation; however, the coarse material (diameter greater than 0.5-inches) should not account for more than 30% of the soil volume. Optimum sites for irrigation include recreational and greenbelt areas as well as landscaping in commercial developments. The irrigation area should also have at least a 100-foot buffer from wells, septic systems, natural wetlands, and streams.

The irrigation rate must be low enough so that the irrigation does not produce any surface runoff (i.e. the irrigation rate shall not exceed the permeability of the soil). The minimum required irrigation area should be calculated using the following formula:

$$A = (12 \times V) / (T \times r)$$

Where:

A = area required for irrigation (ft²)

V = water quality volume (ft³)

T = period of active irrigation (30 hr)

r = permeability (in/hr)

The permeability of the soils in the area should be determined using a double ring infiltrometer (ASTM D 3385-94) or from county soil surveys prepared by the Natural Resource Conservation Commission (NRCS). If a range of permeabilities is reported, the average value should be used for the calculation. If no permeability data is available, a value of 0.1 in/hr shall be used.

Vegetation in irrigated areas should consist of native vegetation or re-established native vegetation species. These areas should not receive any fertilizers, pesticides, or herbicides. Vegetation on pond embankments should be mowed as appropriate to prevent the establishment of woody vegetation.

Maintenance

Maintenance requirements for retention ponds should include mowing at least twice annually. Vegetation should be mowed so as to limit maximum height to 18-inches. During mowing operations, debris and litter should be removed from the site. After significant rain events, the facility should be inspected and any areas of erosion should be repaired and revegetated. Similarly, any accumulations of sediment should be removed after significant rain events.

9.3.3.7 Detention Pond Outlet for Erosion Protection and Storm Water Quality Benefits.

Definition

Detention pond outlets for erosion protection and storm water quality benefits include features which aid in settling sediments and reducing the energy of storm water as it exits the detention pond.

Design Criteria

Riser pipe outlets, rock riprap and micropools are several examples of ways a detention pond can be improved to also provide storm water quality benefits.

Riser pipe outlets provide an opportunity for sediments to settle out prior to draining storm water out of the pond. Riser pipes can be sized to release pre-development flow for a given storm event or they can be sized to be used in conjunction with other elements for metering out flow such as culverts and weirs.

Rock riprap placed on the downstream side of the outlet structure has the dual effect of dissipating the energy of the storm water as it leaves the outlet structure and also providing a place for sediments to settle out. Rock riprap should be sized according to the flow and velocity out of the pond for the design storm.

A micropool is a relatively shallow and undrained area at the outlet which has the purpose of concentrating finer sediment and reducing re-suspension. The micropool is normally planted with hardy wetland species such as cattails. It can be facilitated by the use of a reversed slope outlet pipe.

Maintenance

Outlet components should be inspected after significant storm events. Any accumulations of sediment or debris should be removed. Frequency of sediment and debris removal will depend on the amount of sediment accumulation that is incorporated into the pond's design as well as the nature of storm events experienced by the detention pond. Riser pipes should be checked after every significant storm to remove any debris which may cause clogging of the risers.

9.3.3.8 Subsurface Treatment Devices.

Definition

Subsurface treatment devices capture storm water and treat it in an underground facility before releasing it into a storm sewer, drainage channel or natural conveyance. Two types of subsurface treatment devices include catch basins and oil/grit separators. Typically these devices are designed as inlet devices for storm sewers. Catch basins primarily trap coarse sediments and large debris while oil and grit separators have several different designs and different removal capabilities.

Design Criteria

Catch basins are chambers or sumps installed in a storm sewer, usually at the curb, which allow surface runoff to enter the sewer. The catch basin typically has a low area below the flowline of the outlet pipe where sediment is retained. The volume of the catch basin typically ranges from 0.5 to 1.5 cubic yards. The rate at which catch basins fill, and thus require maintenance, varies depending on surrounding land uses. Cleaning should be done on at least a semi-annual basis and more frequently for areas which generate more sediment in runoff, such as areas under construction. Catch basins should not be used as stand-alone treatment devices, but instead should be incorporated into a system which includes additional forms of treatment, including non-structural controls.

Oil and grit separators are inlet devices which separate oil and sediments from storm water. These devices have chambers designed to remove sediment and hydrocarbons from urban runoff. They are normally used in areas with heavy traffic or high potential for petroleum spills such as parking lots, gas stations, roads, and loading areas. There are three general types of separators. The simple spill control (SC) separator typically used with storm water detention facilities, is effective at retaining only small spills. Diluted oil droplets are not captured in this system. More sophisticated designs for high load situations include the American Petroleum Institute (API) and Coalescing Plate Interceptor (CPI) designs. The API design uses a basin with baffles to improve hydraulic conditions for settling solids and floating oil. The CPI design improves coalescing and settling by directing the runoff through closely positioned parallel plates set at an angle. Removal efficiencies of each design are similar, but the CPI separator uses 50% to 80% less space.

Oil and grit separators are restricted to small, highly impervious drainage areas of two acres or less, and must connect to a storm sewer. They should be considered as a primary BMP only when properly sized and combined with a program of frequent inspection and maintenance.

In order to provide at least moderate sediment, oil and grease pollutant removal, oil and grit separators should be of the API-type or CPI-type sized to capture 90-micron particles, or an

equivalent. The separator should be an off-line design, capturing only the first flush of runoff and should not interfere with normal storm sewer function.

Maintenance

Each structure should be checked weekly and maintenance should be performed as necessary. Each structure should be cleaned out at least twice per year to maintain pollutant removal capabilities. Sediment should be cleaned out with a vacuum truck. Waste oil and residuals should be disposed in a manner consistent with TCEQ requirements.

9.3.3.9 Landscaping.

Definition

Landscaping as a permanent best management practice keeps landscapes visually attractive while conserving water resources, reducing pollution and protecting the environment.

Design Criteria

On slopes of more than 10%, biodegradable erosion control blankets shall be used for temporary slope protection. The erosion control blankets shall be coarse in nature so as to allow varying leaf sizes to penetrate through the blankets.

By using the proper plant selection, irrigation, fertilization, and maintenance techniques, urban landscapes can better coexist with the natural environment. The following is a list of landscaping techniques that should be followed for utilization as a best management practice.

1. Select plants that match the existing light conditions; they will grow better and require less water.
2. Match surface and soil drainage conditions to plant moisture requirements.
3. Select plants that grow well in the temperature ranges of the area.
4. Select plants that are regionally adapted to the average rainfall of the area.
5. Preserve established vegetation growing on a site where possible; it has an extensive root system and requires less irrigation water than newly planted trees and shrubs.
6. Space plants according to their mature size to reduce competition for water.
7. Concentrate seasonal color in small, high impact areas to reduce overall water requirements.
8. Avoid constructing raised beds under trees due to root competition for available water.
9. Develop a landscape plan BEFORE designing an irrigation system.
10. Incorporate shade trees into the landscape to reduce evaporative water loss.
11. Select and group plants according to their water needs and drought tolerance.
12. Divide the landscape into water-use zones.

13. Avoid small, irregular-shaped island plantings in turf grass areas because they are difficult to irrigate.
14. Consider irrigation sprinklers when designing turf grass areas and planting beds.
15. Move or eliminate plants not suited to the existing site conditions and irrigation.

Plant selection should be based on adaptability to the local region's soil and climate. Most native plants have lower water demands, fewer pest problems and less fertilizer needs than many non-adapted, exotic plants brought into the local landscape.

The use of turf in a landscape should be minimized because most turf requires substantially more water than planted beds. Strips of grass, such as those commonly used in parking islands between sidewalks and the roadway, should be eliminated to the greatest extent possible. These strips are difficult to maintain and water efficiently. Bushes, mulch, or permeable hardscape are preferable alternatives to grass in these strips.

Maintenance

Maintenance can be significantly reduced in a properly planned landscape, however, some maintenance is required with all landscapes. Prune shrubs and trees during winter months to promote blossoms and to remove dead or damaged branches, which could promote disease. Remove dead flowers prior to seed pod development. This promotes more flowers and reduces the potential for self-sown seedlings to over-run the landscape. Aeration of mulched beds and turf areas should be performed semi-annually to ensure that roots are healthy and that anaerobic areas do not develop in mulched beds. Mow turf areas frequently enough such that less than 1/3 of the blade area is removed in a single mowing. Mowing should also be done at the recommended height for each species. Turf should not be mowed when wet. Pest management includes selecting pest-resistant plants and spraying insects with organic pesticides, such as orange oil or BT bacteria. Only as a last resort should chemical pesticides or herbicides be used.

The primary benefit of BMP landscaping is savings in water usage. In order to sustain water savings, regular maintenance and evaluation of irrigation systems is required. Maintenance programs must include pre-irrigation season checks for leaks and irrigation uniformity. Timers should be adjusted monthly or run manually.

9.3.3.10 Cluster Design.

Definition

Cluster design is a form of low impact development which sets aside key natural features and concentrates development in tighter patterns on the remaining land. The principal goal of cluster design is to ensure maximum protection of the ecological integrity of the receiving water by maintaining the existing hydrologic regime. Cluster design also provides

consolidated spaces to support wetland plants and wildlife. As a result, it provides natural amenities in terms of plant and animal diversity in close proximity to human habitation.

Cluster design techniques alone do not offer flood protection. Additional flood design criteria should be reviewed to ensure flood protection is provided. Some specific planning considerations include:

1. Minimizing environmental impacts and hydrologic changes.
2. Preserve adequate open space within the development site for bio-retention, and treatment of runoff from rooftops and other impervious surfaces.

Design Criteria

To reduce development impacts and preserve the predevelopment hydrologic conditions, the following could be used as general design guidelines.

1. Minimize land clearing that requires removal of the native vegetation.
2. Minimize or avoid mass grading and utilize selective clearing.
3. Reduce impervious surface area and minimize connected impervious surfaces.
4. Increase opportunity for on-site retention, detention, and treatment.
5. Maintain predevelopment hydrologic pattern.
6. Utilize native vegetation.
7. Utilize undisturbed existing vegetation buffer strips and areas.
8. Whenever site condition permits, utilize extensive use of swales, grass filter strips, and randomly place biofilters. Direct roof and landscape open area runoff to vegetated biofilter strips and swales.
9. Preserve soils and areas with high infiltration rate.
10. Grade the site to maximize the overland sheet flow distance.
11. Grade the site to maximize the overland sheet flow distance.
12. Increase flow-paths or travel distances for surface runoff.
13. Maintain existing time of concentration and minimize impact of the runoff coefficient number.
14. Utilize cisterns, rain barrels, bioretention areas, and created seasonal or permanent wetlands.
15. Provide adequate buffers between development and natural resources, critical areas and drainage ways.
16. Handle road runoff separate from roof top and landscape area runoff.
17. Integrate low-rise and high-rise buildings, town houses, in single-family residential to reduce land consumption.
18. Utilize high points and natural topography to guide plan layout.
19. Preserve undisturbed vegetated buffer around perimeter of development.

Maintenance

Maintenance requirements associated with cluster design are generally limited to the preservation of existing natural areas since cluster design is focused around the layout of a development rather than a specific type of BMP facility. Any additional BMPs which are utilized within a cluster design shall be maintained as prescribed for that specific BMP.

9.3.3.11 Preservation of Existing Tree Canopy.

Definition

Preservation of the existing tree canopy consists of individual trees or groupings of trees which are to be permanently protected. These areas may be protected in either a natural state or by selective removal of underbrush and/or trees at the time of development plan approval.

Design Criteria

Tree Canopy Protection Areas (TCPAs) shall be clearly designated on approved development plans by location. The following are some basic requirements of a TCPA:

1. Minimum distance from edge of TCPA to nearest structure = 15-feet
2. Minimum distance from edge of TCPA to nearest street or parking lot = 10-feet
3. For selective tree removal, maximum tree caliper that may be removed = 2-inches

Maintenance

As trees are lost through natural causes, new trees shall be planted in order to maintain the minimum tree canopy as specified on the approved development plan. No clearing, grading or other land disturbing activity shall take place in a TCPA beyond pruning to improve the general health of a tree or to remove dead or declining trees may pose a public health or safety threat.

TCPAs shall be protected either by dedicated easement or other mechanism shown on the approved development plan. Subdivision deeds of restriction are used as one tool to inform future property owners of clearing restrictions.

One exception to the requirements listed above: Individual trees that are designated as TCPAs on individually owned lots within single-family residential subdivision developments may be removed as long as each removed tree is replaced with another tree of a similar type elsewhere on that lot.

9.3.4 Bibliography

1. Adams, M., Porous Asphalt Pavement with Recharge Beds: 20 Years & Still Working. *Stormwater*. May/June 2003.
2. Houston, City of, Harris County, Harris County Flood Control District, *Stormwater Quality Management Guidance Manual*. 2001 Edition.
3. Barrett, M., Texas Commission on Environmental Quality, *Edwards Aquifer Technical Guidance Manual*. June 2005.



April 24, 2012

Temple City Council
2 N. Main St
Temple, TX 76501

RE: Changes to the City of Temple Drainage Criteria Manual

Honorable Mayor and City Council members,

On behalf of our 250+ members and their workforce of 8,000+ people strong, thank you for the opportunity to provide written comments regarding changes to the City of Temple Drainage Criteria Manual

We support the changes being proposed to the Drainage Criteria Manual, specifically with respect to replacing and re-titling the existing Chapter 9 from "Sediment and Erosion Control" to instead being "Storm Water Best Management Practices". It is our understanding that the new titling will incorporate permanent best management practices into the existing manual, and we fully support these changes.

Should you have any questions, please do not hesitate to contact me directly. We thank you for your consideration of our request.

Sincerely,

Blair Anderson
Government Affairs Director
TABA

Cc: David Blackburn, Temple City Manager; Kim Foutz, Deputy City Manager, Nicole Torralva, Temple Public Works, Michael Newman Temple Public Works

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEMPLE BY REPLACING SECTION 9 “SEDIMENT AND EROSION CONTROL,” WITH A REVISED SECTION TITLED “STORM WATER BEST MANAGEMENT PRACTICES;” PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the EPA has implemented a body of regulations (“Phase II Storm Water Rules”) involving storm water that applies to cities under 100,000;

Whereas, in the State of Texas, TCEQ has implemented the Phase II regulation by requiring cities with a population of less than 100,000 to adopt several new ordinances as a part of the best management practices (BMP) mandated in the City of Temple’s Storm Water Management Program;

Whereas, these ordinances include erosion and sedimentation during construction, post construction and, illicit discharge into streams and illegal dumping;

Whereas, the addition of design criteria and schematic drawings to the drainage design manual is necessary to provide developers and engineers with the proper design consideration and construction techniques of all best management practices required in Chapter 27y “Storm Water Management;” and

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

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

Part 1: The Code of Ordinances of the City of Temple, Texas, is amended by replacing Section 9 “Sediment and Erosion Control” of the city’s Drainage Criteria and Design Manual with a revised section titled “Storm Water Best Management Practices” attached hereto as Exhibit A.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **5th** day of **July**, 2012.

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

07/19/12
Item #5(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Richard Therriault, Director of Construction Safety

ITEM DESCRIPTION: Consider adopting a resolution establishing a policy that waives permit fees on City-contracted projects.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Building permits are required whenever a residential or commercial property is constructed, remodeled, or repaired. Contractors that are awarded contracts for City-owned projects also must apply for permits to ensure that plans comply with technical codes and inspections commence as required by the Construction Safety Department.

Typically permit fees are associated with permit applications. It is staff's recommendation that a policy be adopted to waive permit application fees on City-contracted projects. Staff feels that this policy is warranted so contractors do not embed permit fees into their bids on projects.

This proposed policy does not recommend the waiver of any water or sewer tap fees as there is an actual equipment expense associated with these fees. In addition, this proposed policy does not alter the need for City awarded contractors to still apply for permits as required by City Ordinance.

FISCAL IMPACT: There is no defined fiscal impact associated with this Item. The adoption of this policy will allow the formalization of a policy that can be stated in invitations for bid so contractors do not allow for permit fees in their submitted bids.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, ESTABLISHING A POLICY THAT WAIVES
BUILDING FEES ON CITY CONTRACTED CONSTRUCTION
PROJECTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, building permits are required whenever a residential or commercial property is constructed, remodeled, or repaired;

Whereas, contractors that are awarded contracts for City-contracted projects must also apply for permits to ensure that plans comply with technical codes and inspections commence as required by the Construction Safety Department;

Whereas, typically, permit fees are associated with permit applications and it is Staff's recommendation that a policy be adopted to waive building permit application fees on City-contracted projects so contractors do not embed permit fees into their bids on projects;

Whereas, the proposed policy does not recommend the waiver of any water or sewer tap fees as there is an actual equipment expense associated with these fees and the proposed policy does not alter the need for City awarded contractors to still apply for permits as required by City Ordinance; 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 establish a policy that waives building fees on city-contracted construction projects.

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 19th day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing
Ken Cicora, Director of Parks & Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the use of the Design-Build project delivery method for the acquisition of services needed to repair the Santa Fe Depot foundation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: It was determined in 2011 that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement. Staff has engaged Langerman Foster Engineering Company (LFE), a geotechnical engineering company located in Waco, and TemTex Engineering (TemTex), a structural engineering company located in Temple, to assist the City in defining the performance expectations and requirements for fixing the foundation. Through consultation with LFE and TemTex it has been determined that two construction phases will be needed to repair the depot: first, repair the foundation, then secondly, repair the structural damage to the facility caused by the foundation movement.

LFE and TemTex are recommending that the Design-Build project delivery method be used for the acquisition of the design and construction services related to Phase 1 of the project. The engineering firms are recommending this approach as they believe that there are several valid methods for repairing the depot foundation, which may have very different associated costs, and they believe that a construction firm with an engineering staff experienced in similar projects can likely devise a more suitable and economical solution than a firm that only does engineering or construction.

The Local Government Code § 252.021 specifies that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding process. However, the governing body of a municipality may determine that an alternative procurement method (e.g. a competitive sealed proposal, construction manager-at-risk, design-build contract) may provide the best value for the municipality.

Per the Texas Government Code § 2267, the Design-Build project delivery method allows a governmental entity to contract with a single entity to provide both design and construction services for the construction, rehabilitation, alternation, or repair of a facility. Per the Code, the City must select an engineer independent of the design-build firm to act as the City's representative for the duration of the project, which staff anticipates fulfilling through LFE and TemTex. The Code goes on to state that the Design-Build firm will be selected through a Request for Qualifications (RFQ)/Request for Proposals (RFP) process.

The projected timeline related to Phase 1 of the depot repair project is as follows:

- July 2012 - Performance expectations/requirements developed and delivered to the City for incorporation into the RFQ.
- Aug/Sept 2012 - City to solicit qualifications from design-build firms.
- Sept/Oct 2012 - Evaluate qualifications; request additional proposal information from highest rated firms.
- Nov 2012 - Design-Build firm recommendation to Council.
- Jan 2013 - Commence development of design documents by design-build firm.
- June 2013 - Project complete.

The estimated cost to complete Phase 1 of the project is \$400,000-\$500,000. It is anticipated that the actual cost to complete Phase 1 will be defined during the negotiation phase with the selected firm and will be included in the staff recommendation to Council in November 2012.

It is anticipated that Phase 2 of the project the structural damage to the Depot will commence shortly after the completion of Phase 1. The preliminary estimated cost for Phase 2 is \$300,000-\$500,000.

FISCAL IMPACT: There is no defined fiscal impact associated with this Item. To date, \$18,000 has been committed on this project through the professional services agreements with LFE and TemTex. It is anticipated that the construction of this project will be funded through the Hotel/Motel fund balance.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE DESIGN-BUILD PROJECT DELIVERY METHOD FOR THE ACQUISITION OF SERVICES NEEDED TO REPAIR THE SANTA FE DEPOT FOUNDATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Local Government Code §252.021 specifies that before a municipality may enter into a contract that requires an expenditure of more than \$50,000, the municipality must comply with competitive sealed bidding processes – however the governing body of a municipality may determine that an alternative procurement method may provide the best value for the municipality;

Whereas, it was determined in 2011, that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement and Staff has engaged Langerman Foster Engineering Company, a geotechnical engineering company, located in Waco, Texas, and TemTex Engineering, a structural engineering company located in Temple, Texas, to assist the City in defining the performance expectations and requirements for fixing the foundation;

Whereas, through consultation with Langerman Foster Engineering Company and TemTex Engineering, it has been determined that two construction phases will be needed to repair the depot – first, repair the foundation, then secondly, repair the structural damage to the facility caused by the foundation movement;

Whereas, the projected timeline for the Phase 1 of the depot repair will begin in July 2012 and it is anticipated that Phase 2 of the project will commence shortly after the completion of Phase 1; 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 authorize the use of the Design-Build Project Delivery method for the acquisition of services needed to repair the Santa Fe Depot foundation.

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 **19th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Haley & Olson, P.C. to provide legal services to the City of Temple in connection with acquisition of property interests needed for the NW Loop 363 Pass Through Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution ratifies the hiring of Haley & Olson, P.C. to provide legal services to the City of Temple under the direction of the City Attorney.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH HALEY & OLSON, P.C., TO PROVIDE LEGAL SERVICES TO THE CITY OF TEMPLE IN CONNECTION WITH ACQUISITION OF PROPERTY INTERESTS NEEDED FOR THE NORTHWEST LOOP 363 PASS THROUGH PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends entering into an agreement with Haley & Olson, P.C., to provide legal services to the City of Temple in connection with the acquisition of property interests needed for the Northwest Loop 363 Pass Through Project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an agreement with, Haley & Olson, P.C., after approval as to form by the City Attorney, to provide legal services to the City of Temple in connection with the acquisition of property interests needed for the Northwest Loop 363 Pass Through Project.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **19th** day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.172 acre tract of property, situated in the Mercer Phelan Survey, Abstract No. 659, Bell County, Texas, and being a part of that certain called Temple Industrial Park Section 24, recorded in Cabinet D Slide 128-D of the Plat Records of Bell County, Texas, and being called 22.148 acres designated in a deed by Jencer Investments, Inc. as Temple Industrial Park Section 24, dated July 13, 2006, and recorded in Volume 6153 Page 472, of the Official Public Records of Real Property of Bell County, Texas, as well as 200.95 linear feet and 1,147.34 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Jencer Investments, Inc. The parcels are numbered 6, 6AC-1, and 6AC-2.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September, 2010, the City and TxDOT executed an agreement under TxDOT's Pass-Through Financing Program for expansion of the Northwest Loop 363 Project from FM 2305/West Adams Avenue north up to the BNSF main line. Under the agreement, the City administers and constructs the project, which includes adding frontage roads and overpass bridges at Wendland Road and State Highway 36 (Airport Road). A construction contract for these roadway improvements was awarded in May.

Right of way acquisitions necessary to construct the project began in fall 2010. While the majority of necessary acquisitions have been completed, five parcels have not yet been acquired. Staff recommends initiating the eminent domain process at this time, so as not to impact pending roadway construction.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.132 acre tract of property, situated in the R.C. Moore Survey, Abstract No. 581, and the J.W. Moore Survey, Abstract No. 582, Bell County, Texas, being part of Wilsonart International Temple North Campus subdivision, 697.34 linear feet, 165.00 linear feet, and 477.20 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Wilsonart International, Inc. The parcels are numbered 8, 8AC-1, 8AC-2, and 8AC-3.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September, 2010, the City and TxDOT executed an agreement under TxDOT's Pass-Through Financing Program for expansion of the Northwest Loop 363 Project from FM 2305/West Adams Avenue north up to the BNSF main line. Under the agreement, the City administers and constructs the project, which includes adding frontage roads and overpass bridges at Wendland Road and State Highway 36 (Airport Road). A construction contract for these roadway improvements was awarded in May.

Right of way acquisitions necessary to construct the project began in fall 2010. While the majority of necessary acquisitions have been completed, five parcels have not yet been acquired. Staff recommends initiating the eminent domain process at this time, so as not to impact pending roadway construction.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(S)
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.1426 acre tract of property situated in the Mercer Phelan Survey, Abstract No. 659, Bell County, Texas, and being a part of that certain called Lot 1, Block 1, Temple Industrial Park Section 22, recorded in Cabinet C Slide 156-B, as well as 358.77 linear feet and 172.31 linear feet of denial of access lines along road right of way adjacent thereto, for the public use and purposes of expanding and improving Northwest Loop 363 within the City limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property interests, and authorizing/ordering proceedings in eminent domain and condemnation of said property interests to proceed if final offer not accepted. The owner of the property is Temple TX Statutory Trust. The parcels are numbered 4, 4AC-1, and 4AC-2.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September, 2010, the City and TxDOT executed an agreement under TxDOT's Pass-Through Financing Program for expansion of the Northwest Loop 363 Project from FM 2305/West Adams Avenue north up to the BNSF main line. Under the agreement, the City administers and constructs the project, which includes adding frontage roads and overpass bridges at Wendland Road and State Highway 36 (Airport Road). A construction contract for these roadway improvements was awarded in May.

Right of way acquisitions necessary to construct the project began in fall 2010. While the majority of necessary acquisitions have been completed, five parcels have not yet been acquired. Staff recommends initiating the eminent domain process at this time, so as not to impact pending roadway construction.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(T)
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain 652.22 linear feet of a denial of access line situated in the George Givens Survey, Abstract No. 345, and the R.M. Williamson Survey, Abstract No. 905, of Bell County, Texas, for the public use and purposes of expanding and improving Northwest Loop 363 within the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide offer regarding the acquisition of said denial of access line, and authorizing/ordering proceedings in eminent domain and condemnation of said denial of access line to proceed if final offer not accepted. The property is located along the west side of NW HK Dodgen Loop (Loop 363) south of SH 36/53 Airport Road. The owner of the property is Lloyd Thomas, Trustee. The parcel is numbered 23AC.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September, 2010, the City and TxDOT executed an agreement under TxDOT's Pass-Through Financing Program for expansion of the Northwest Loop 363 Project from FM 2305/West Adams Avenue north up to the BNSF main line. Under the agreement, the City administers and constructs the project, which includes adding frontage roads and overpass bridges at Wendland Road and State Highway 36 (Airport Road). A construction contract for these roadway improvements was awarded in May.

Right of way acquisitions necessary to construct the project began in fall 2010. While the majority of necessary acquisitions have been completed, five parcels have not yet been acquired. Staff recommends initiating the eminent domain process at this time, so as not to impact pending roadway construction.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider possible action and adoption of a resolution declaring the necessity for acquiring by eminent domain fee simple title to a 0.035 acre tract of property, situated in the J.W. Moore Survey, Abstract No. 582, Bell County, Texas, and being described in a deed recorded in Volume 4567, Page 63, of the real property records of Bell County, Texas, for the public use and purpose of expanding and improving Northwest Loop 363 within the city limits of the City of Temple, authorizing the City Manager of the City of Temple to make a written initial offer and a bona fide final offer regarding the acquisition of said property, and authorizing/ordering proceedings in eminent domain and condemnation of said property to proceed if final offer not accepted. The owner of the property is Wilsonart International, Inc. The parcel is numbered 14.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In September, 2010, the City and TxDOT executed an agreement under TxDOT's Pass-Through Financing Program for expansion of the Northwest Loop 363 Project from FM 2305/West Adams Avenue north up to the BNSF main line. Under the agreement, the City administers and constructs the project, which includes adding frontage roads and overpass bridges at Wendland Road and State Highway 36 (Airport Road). A construction contract for these roadway improvements was awarded in May.

Right of way acquisitions necessary to construct the project began in fall 2010. While the majority of necessary acquisitions have been completed, five parcels have not yet been acquired. Staff recommends initiating the eminent domain process at this time, so as not to impact pending roadway construction.

FISCAL IMPACT: On September 16, 2010, Council approved a resolution authorizing a pass through agreement with the Texas Department of Transportation for improvements to Northwest Loop 363. It is estimated that \$1,350,000 will be spent on right of way and right of way acquisitions services related to this project.

ATTACHMENTS:

[Resolution](#)



COUNCIL AGENDA ITEM MEMORANDUM

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Item #5(V)
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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$47,624.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
July 19, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1300-515-2623		Contracted Services (Purchasing)	\$ 3,500	
110-0000-461-0424		Sale of Assets		\$ 3,500
520-5000-535-2623		Contracted Services (Public Works Admin)	\$ 200	
520-0000-443-3024		Sale of Assets		\$ 200
<p>This budget adjustment appropriates revenue and expenditures related to online auction sales of assets. This budget adjustment appropriates revenue to cover the expenditures for FY 2012 year-to-date, but does not appropriate the full amount of the revenue received from the auction sales.</p>				
110-2033-521-2120		Education/Recreation (Police POPS)	\$ 821	
110-0000-442-0722		Police Revenue		\$ 600
110-2033-521-2124		Camera/Film Supplies		\$ 221
<p>This budget adjustment appropriates funds for the Bike Rodeo and recognizes donations received (\$600) for this purpose. Additional funds for this event were transferred from within the division.</p>				
110-2100-529-2117		Janitorial Supplies (Animal Services)	\$ 500	
110-0000-461-0841		Donations/Gifts		\$ 500
<p>This budget adjustment appropriates additional funds needed for janitorial supplies through the end of the fiscal year. This budget adjustment recognizes donations received for the Animal Shelter operation.</p>				
240-7000-551-2616	100915	Professional (Railroad Museum)	\$ 18,100	
240-4400-551-2616		Professional (Mayborn Center)		\$ 18,100
<p>This budget adjustment transfers available funds from the Mayborn Center Professional Services account to the Railroad Museum's Professional Services account to cover additional engineering cost for the Santa Fe Depot foundation remediation. Funds are available in the Mayborn Center Professional Services account because we will not perform a Hotel/Motel Audit this fiscal year.</p>				
260-2000-521-6221	100914	Computer Software (Police Grant)	\$ 18,500	
260-0000-431-0163		Federal Grants		\$ 18,500
<p>Appropriate funds to purchase the DeskOfficer Online Reporting System (DORS), which is a citizen online police reporting system that allows citizens to file police reports for selected types of incidents. \$18,500 is available from the FY 2011 Edward Byrne Justice Assistance Grant (JAG). Council authorized a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) program award on July 21, 2011.</p>				
520-5000-535-2616		Professional (Public Works Admin)	\$ 6,003	
520-5000-535-6532		Contingency		\$ 6,003
<p>This budget adjustment appropriates additional funds to cover the budget shortfall in the professional services account as a result of the water and wastewater cost of services and rate design study.</p>				
TOTAL AMENDMENTS			\$ 47,624	\$ 47,624

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
July 19, 2012

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	80,000
		Added to Contingency Judgments & Damages from Council Contingency	\$	-
		Taken From Judgments & Damages	\$	(37,852)
		Net Balance of Judgments & Damages Contingency Account	\$	42,148
		Beginning Compensation Contingency	\$	863,600
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(863,600)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	42,148
		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	\$	(46,750)
		Net Balance of Contingency Account	\$	3,250
		Beginning Compensation Contingency	\$	97,000
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(92,916)
		Net Balance of Compensation Contingency Account	\$	4,084
		Net Balance Water & Sewer Fund Contingency	\$	7,334
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	79,303
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	(34,444)
		Net Balance of Contingency Account	\$	44,859
		Beginning Compensation Contingency	\$	11,300
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(11,300)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	44,859
		DRAINAGE FUND		
		Beginning Compensation Contingency	\$	13,200
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(13,200)
		Net Balance of Compensation Contingency Account	\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2012 BUDGET
July 19, 2012

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
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 19th day of **July**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



CITY COUNCIL ITEM MEMORANDUM

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Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING -Z-FY-12-45: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to Urban Estates District (UE) on 6.196 ± acres of land, situated in the S.P. Terry Survey, Abstract No. 812, Bell County, Texas, located north of the intersection of Rocky Lane and King's Cove.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its July 2, 2012 meeting, the Planning and Zoning Commission voted 5/0 to recommend approval of a rezoning from AG to UE.



STAFF RECOMMENDATION: Conduct a public hearing and approve ordinance as presented in the item description, on first reading, and schedule second reading and final approval for August 2, 2012.



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

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. A combination of public and private facilities will be available to subject property.

ITEM SUMMARY: The developer requests this rezoning to allow development of larger sized residential lots. Once City Council renders a decision on this rezoning request, the developer will proceed with the platting process for the subject property.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Undeveloped Land	
Subject Property	AG	Undeveloped Land	
North	NA	Lake	Lake only

Direction	Zoning	Current Land Use	Photo
South	AG	Single Family Residential	
South	AG	Single Family Residential	
East	AG	Lake	Lake only
West	AG	Vacant	NA

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

Document	Policy, Goal, Objective or Map		Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property is Estate Residential with Estate Residential in all directions	Y
CP	Map 5.2 - Thoroughfare Plan	Proposed access will be a local street. Local streets are not shown on the Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Water lines are located along Eagles Landing and a portion of Kings Cove. Water will be extended to the site via these lines. Wastewater is not available at this time. It is anticipated that these properties will be provided wastewater through on-site septic systems as development occurs.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Plan does not reflect a trail in or surrounding the subject property.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: The purpose of the Urban Estate zoning district permits single-family detached residences and related accessory uses and accommodates large lot single-family residential developments. This district is suitable for estate development or areas in which it is desirable to permit only low-density development. Developments should typically be rural in character and well buffered from more intensely developed uses.

Typical allowed uses include: single family detached dwelling, industrialized housing, cemetery, child care (with CUP), institutions, and utilities. Typical prohibited uses include manufactured home subdivisions, multi-family, patio home, single family attached dwelling, two-family dwelling and most nonresidential development.

UE Urban Estate	Minimum Standards
Min. Lot Area (sq. ft.)	22,500
Min. Lot Width (ft.)	80
Min. Lot Depth (ft.)	125
Max. Height (stories)	3 stories
Min. Yard (ft)	
Front	30'
Side	15' (street side) and 15' (interior)
Rear	10'

PUBLIC NOTICE: 4 notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday, June 27 at 12:00 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 June 21, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Notice Map](#)
[Thoroughfare, Sidewalk, and Trails Plan Map](#)
[Utility & Thoroughfare Plan Map](#)
[Notice Responses](#)
[Excerpts](#)
[Ordinance](#)

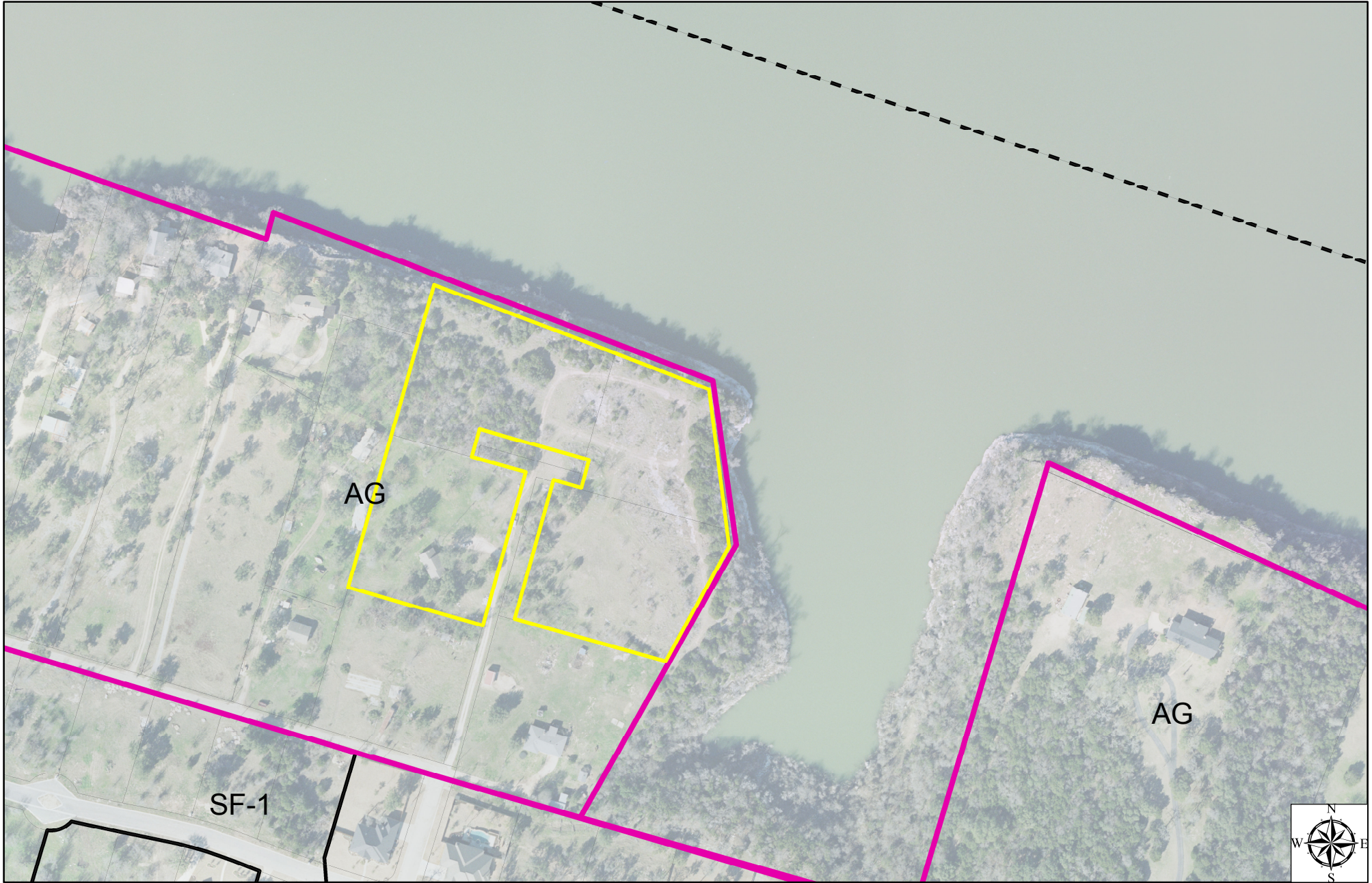







Z-FY-12-45

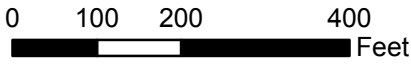
LOCATION AND ZONING MAP

AG to UE

6.196 Acres



- | | | |
|---|--|---|
|  Case |  Subdivisions |  Temple_Boundary |
|  Zoning |  Parcels | |



5/29/2012
City of Temple GIS

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



Z-FY-12-45

FUTURE LAND USE AND CHARACTER MAP

AG to UE

6.196 Acres



Future Land Use

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

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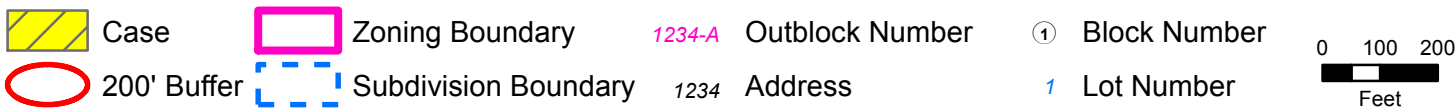
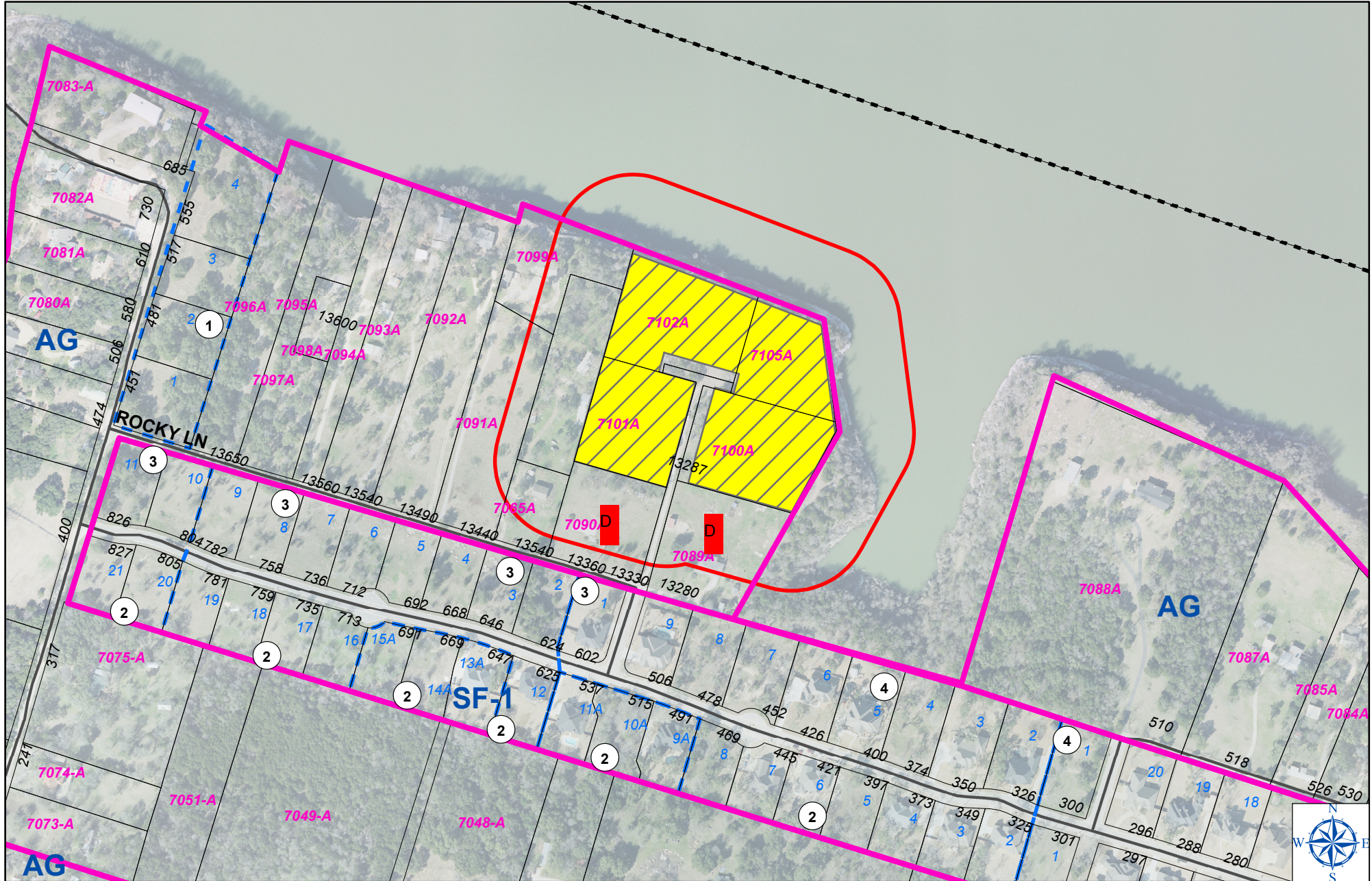
5/29/2012
City of Temple GIS



Z-FY-12-45

NOTICES
AG to UE

6.196 Acres



5/29/2012
City of Temple GIS
gkeith

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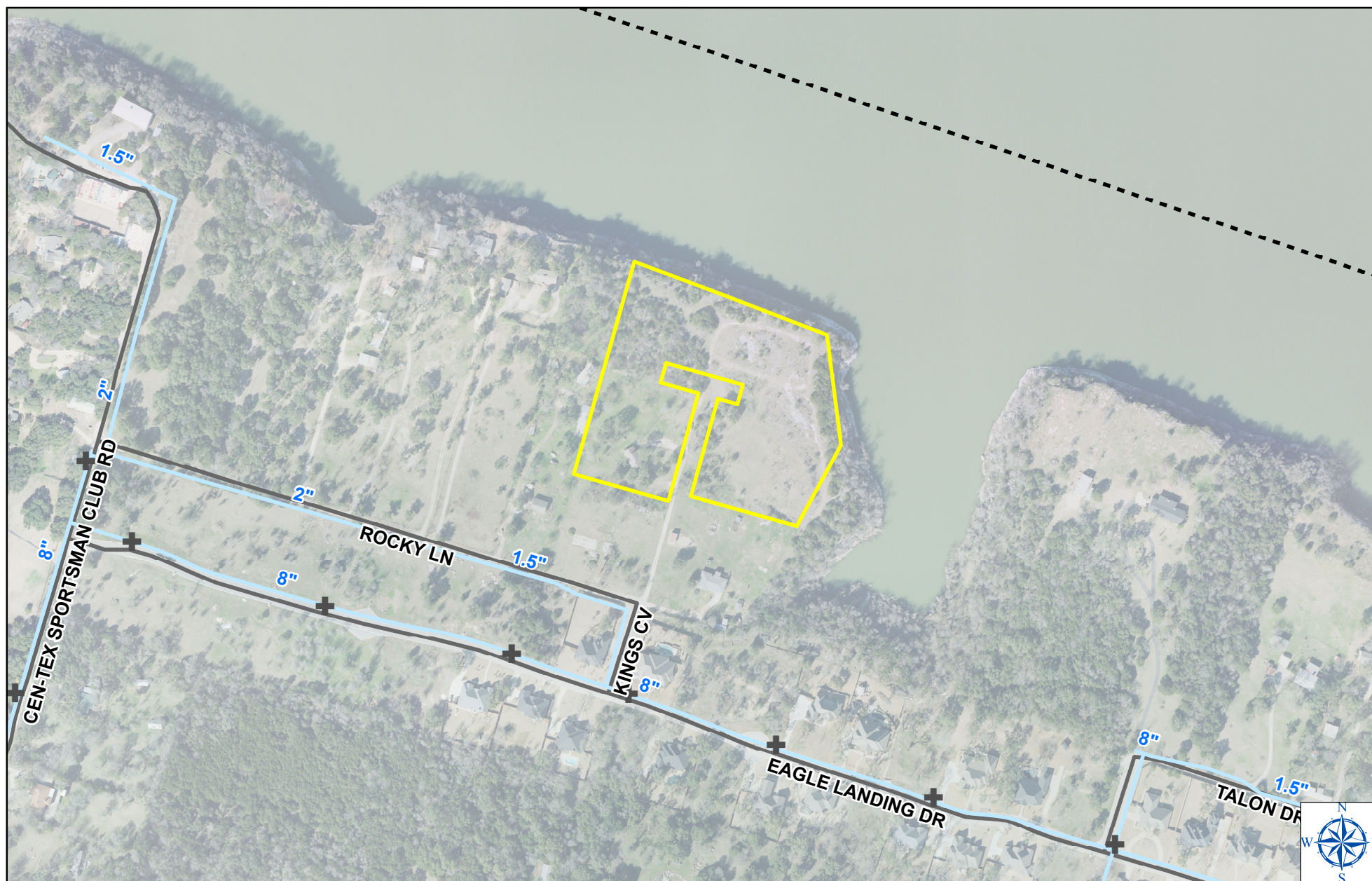


Z-FY-12-45

UTILITY MAP

AG to UE

6.196 Acres



- | | | | | |
|--------------|----------------|-------------------------|-------------------------|------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial | City Limit |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector | |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector | |

0 100 200 400
Feet

5/29/2012
City of Temple GIS

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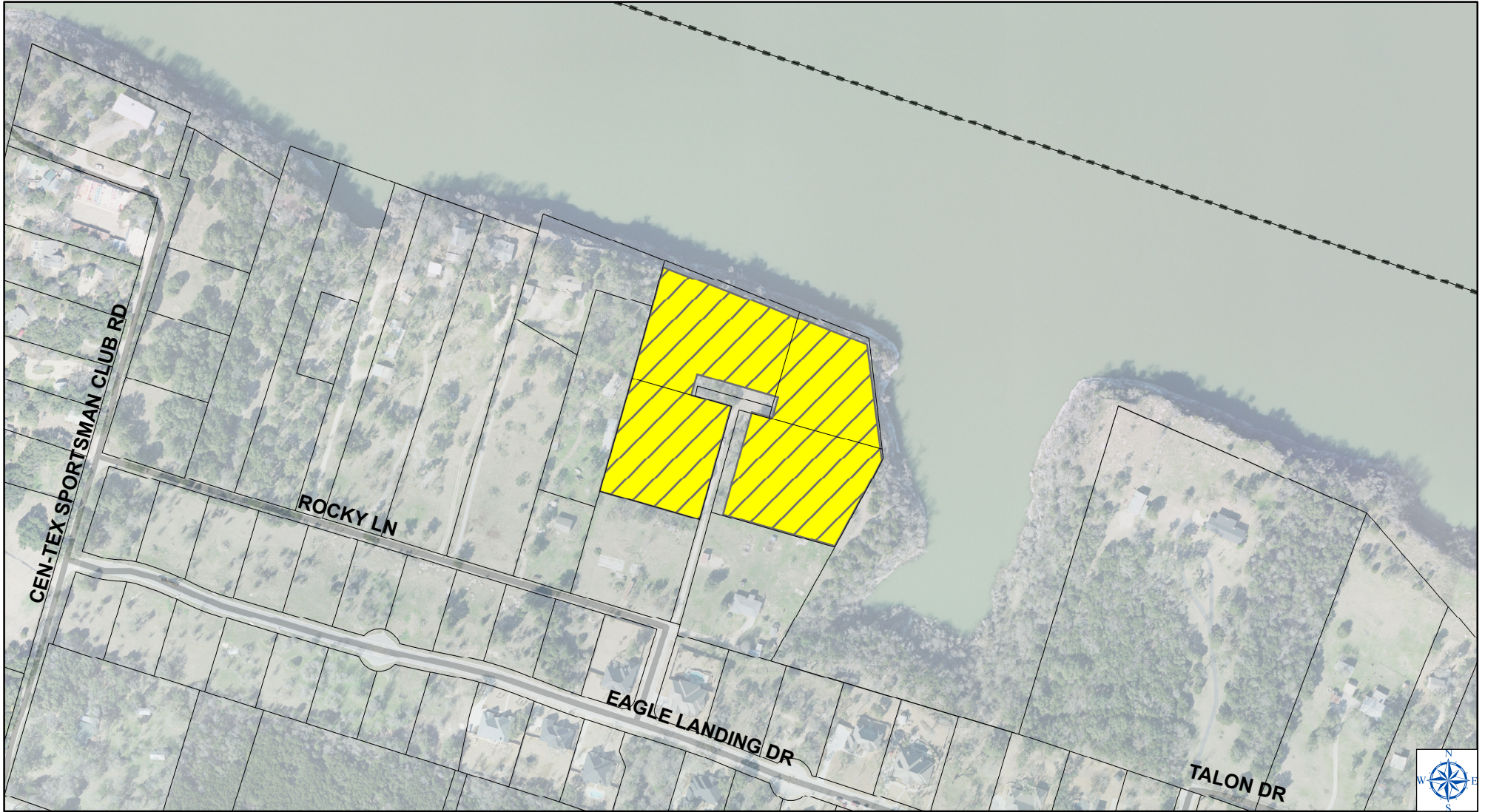


Z-FY-12-45

THOROUGHFARE, SIDEWALKS, & TRAILS

AG To UE

6.196 Acres



Trails

- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

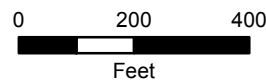
- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

Thoroughfare

- Expressway
- Major Arterial
- Proposed Major Arterial

- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector

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5/29/2012
City of Temple GIS
gkeith



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Joe Etux Mary Eller
11645 Betty Lane
Kaufman, Texas 76514

Zoning Application Number: Z-FY-12-45

Project Manager: Kim Foutz

Location: North of the intersection of Rocky Lane and King's Cove

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:

we want to keep the Agricultural
District as is.

[Signature]
Signature

Roy Eller
Print Name
Executive of will

Please mail or hand-deliver this comment form to the address shown below, no later than July 2, 2012

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

RECEIVED
JUN 29 2012
City of Temple
Planning & Development

Number of Notices Mailed: 4

Date Mailed: June 21, 2012

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, JULY 2, 2012**

ACTION ITEMS

Item 2: Z-FY-12-45 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural District (AG) to Urban Estate District (UE) on 6.196 ± acres, situated in the S.P. Terry Survey, Abstract 812, Bell County, Texas, located north of the intersection of Rocky Lane and King's Cove. (Applicant: Brad Dusek)

Ms. Kim Foutz, Assistant City Manager and Acting Planning Director, stated the applicant was Brad Dusek and was requesting a rezoning from Agricultural (AG) to Urban Estates (UE). The subject property is located north of Rocky Lane in King's Cove, it was annexed into City limits several years ago, and has lake frontage on two sides. The owner would like to develop estate lots on this property.

Most of the surrounding properties are zoned AG. Lake Belton lies to the north and east, there is vacant land to the west, and two houses are located to the south which are currently zoned AG.

In accordance with the Thoroughfare Plan, this development would be served by a local street which would need to be developed. There are no trails or sidewalks required for this development.

The Future Land Use and Character Map designate the area as Estate Residential.

There is an eight inch line which would service this property along with a one and a half to two inch water line. There is no sewer available and would need to utilize a septic system.

Four notices were sent out with zero responses received in favor and two responses received in opposition which equals 18% of the notice area.

Staff recommends approval of this request since it meets the intent of the Future Land Use and Character Map, complies with the Thoroughfare Plan, Trails, and sidewalk plans, and complies with public utilities.

Chair Martin opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Talley made a motion to approve Item 2, **Z-FY-12-45** and Commissioner Pilkington made a second.

Motion passed: (5:0)

Commissioners Magaña, Sears, Rhoads and Vice-Chair Staats absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-45)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL (AG) TO URBAN ESTATES (UE) ON APPROXIMATELY 6.196 ACRES OF LAND, SITUATED IN THE S.P. TERRY SURVEY, ABSTRACT NO. 812, BELL COUNTY, TEXAS, LOCATED NORTH OF THE INTERSECTION OF ROCKY LAND AND KING'S COVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural (AG) to Urban Estates (EU) on approximately 6.196 acres of land, situated in the S.P. Terry Survey, Abstract No. 812, located north of the intersection of Rocky Lane and King's Cove, 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 **19th** day of **July**, 2012.

PASSED AND APPROVED on Second Reading on the **2nd** day of **August**, 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

07/19/12
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

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

ITEM DESCRIPTION: Consider adopting a resolution accepting The Temple Reinvestment Zone #1 Downtown Rail Safety Zone Report, dated October 2011, and directing Staff to proceed with implementation of the report.

STAFF RECOMMENDATION: Adopt resolution as presented.

ITEM SUMMARY: In Spring 2011, the City and the Board of Directors for TIFRZ#1 (RZ Board) commissioned Kasberg, Patrick & Associates, LP to develop options and alternatives to create a rail safety zone that will allow locomotive traffic to operate without the use of horns in the downtown area.

The report, completed in October 2011, was delivered to the RZ Board which voted unanimously to recommend full implementation of the report. Components of the project include the development of engineered plans in advance of construction work at three downtown crossing locations necessary to complete the project. Council received a presentation of the report from KPA at its workshop on June 21, 2012, which outlined the following project components:

- Crossing #1 (MLK Crossing): Install Supplemental Safety Measures (SSM's) at Martin Luther King Drive with an estimated cost of \$41,650. No additional construction to the BNSF mainline is contemplated.
- Crossing #2 (Main Street Crossing): Install Supplemental Safety Measures (SSM's) at Main Street with an estimated cost of \$132,000. No additional construction to the BNSF mainline is contemplated.
- Crossing #3 (First Street Crossing): Close the existing railroad crossing at First Street with an estimated cost of \$123,500.

Additional costs for general items, contingencies and professional services for the grouping of projects are estimated at \$136,515.

Staff recommends acceptance of the study and RZ Board recommendations and seeks direction from Council on its desired course of action.

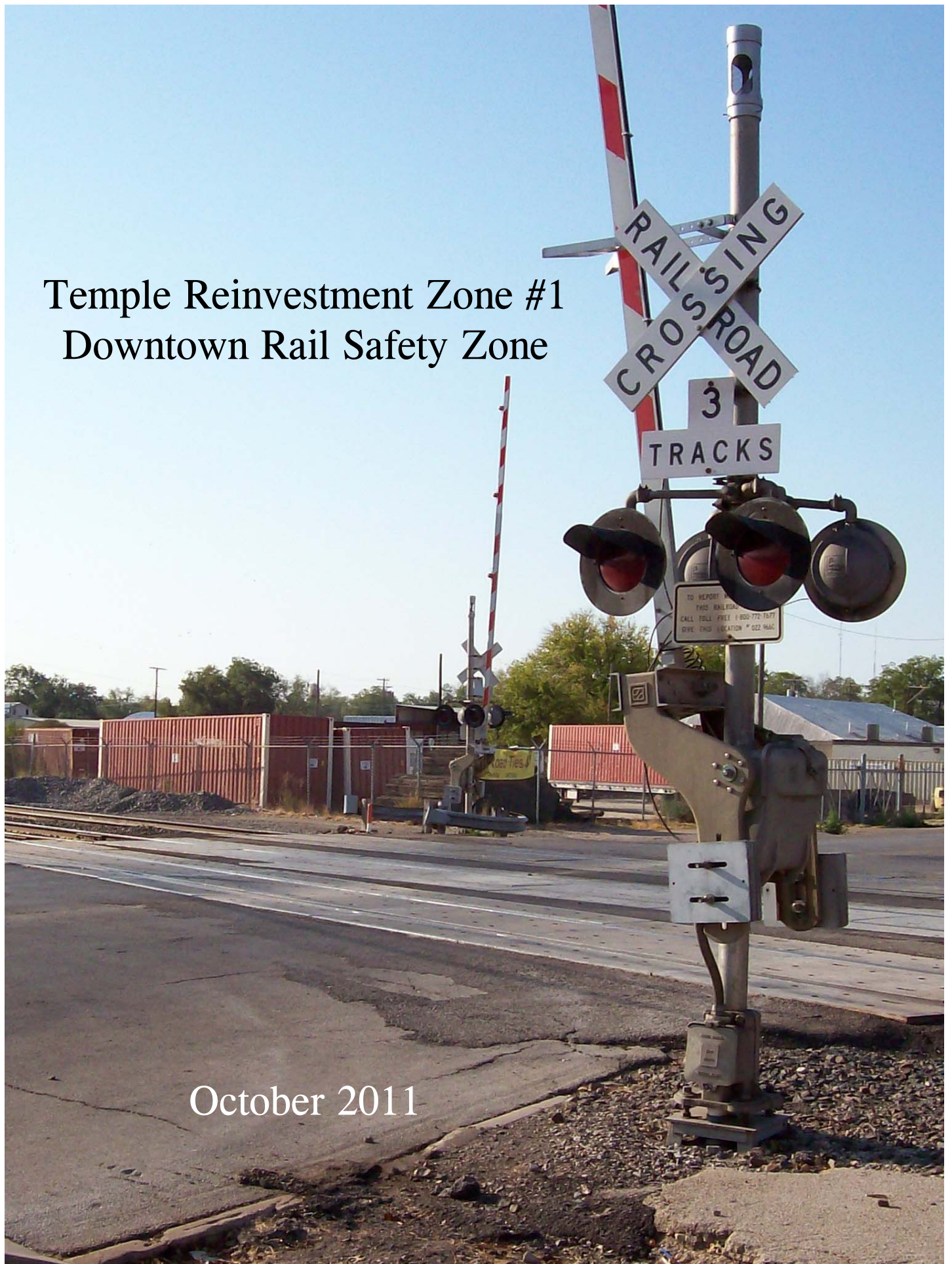
FISCAL IMPACT: Preliminary estimates for the project scope included in the report are \$433,665. Funding is designated within the Reinvestment Zone No. 1 Financing and Project Plans.

ATTACHMENTS:

[Downtown Rail Safety Zone Report](#)
[Resolution](#)

Temple Reinvestment Zone #1 Downtown Rail Safety Zone

October 2011



INTRODUCTION

A. PURPOSE OF THE STUDY

The purpose of the study is to determine the feasibility of creating a safety zone within the downtown area of Temple, Texas and to develop estimated costs for the creation of the safety zone. If feasible, the safety zone will be created by the development of a quiet zone in downtown Temple. A quiet zone is a section of rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded.

B. SCOPE OF THE STUDY

In general, the scope of the study includes the review of the Burlington Northern Santa Fe Railroad (BNSF) crossings located at First Street, Main Street and Martin Luther King Drive (see the location map on the next page) for the possibility of creating a safety zone through the development of a quiet zone within the downtown district. The creation of the safety zone will be reviewed in conjunction with Federal Rail Administration (FRA) regulations. The Federal Rail Administration Train Horn Rule (49 CFR Part 222) requires the sounding of locomotive train horns on approach and entry of public road-rail grade crossings. The creation of a quiet zone allows communities to silence train horns by meeting the requirements set forth by the FRA.

DEVELOPMENT OF FRA QUIET ZONE

A. PRE-RULE QUIET ZONE AND PRE-RULE PARTIAL QUIET ZONES

The first step in the creation of a quiet zone is determining if the crossings that are desired to be in a quiet zone qualify under the Pre-Rule Quiet Zones. In order to determine if the crossings will qualify under the Pre-Rule Quiet Zones the following must be accomplished:

1. Identify all the crossings to be included as part of the proposed quiet zone.
2. Check whether each crossing qualifies as a pre-rule crossing (horns not sounding on October 9, 1996 and December 18, 2003 because of state/local law or community agreement with the railroads). If all crossings do not qualify as pre-rule crossings, then the proposed quiet zone does not qualify as a Pre-Rule Quiet Zone, and the creation of a new quiet zone should be explored.
3. Determine whether any crossings are desired to be eliminated from the proposed quiet zone. The length of a Pre-Rule Quiet Zone may continue unchanged from that which existed on October 9, 1996. If, however, a crossing is to be eliminated, the quiet zone must be at least ½ mile in length along the railroad tracks.
4. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
5. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and be dated within 6 months prior to the quiet zone implementation.
6. If each public crossing in the proposed quiet zone is equipped with one or more Supplementary Safety Measures (SSMs) as defined in Appendix A of the Rule, the quiet zone qualifies for automatic approval. To complete the process of creating the quiet zone, notify the parties listed in rule section 222.43 by December 18, 2004. Supplemental Safety Measures are engineering improvements, which when installed at a crossing within a quiet zone, would reduce the risk of a collision at the crossing.
7. If every public crossing is not equipped with at least one SSM, then the quiet zone can automatically qualify by comparing its Quiet Zone Risk Index (QZRI) with the Nationwide Significant Risk Threshold (NSRT). However, these quiet zones are subject to annual review by the Federal Rail Administration. The Quiet Zone Risk Index is the average risk index for all public crossings in a proposed quiet zone taking into consideration the increased risk caused by the absence of train horns and any decrease in risk attributable to installed Supplemental Safety Measures or Alternative Safety Measures. The Nationwide Significant Risk Threshold is the average risk index of all public, gated crossings in the nation at which train horns sound.

8. Using the Federal Rail Administration's Quiet Zone Calculator determine whether the QZRI of the proposed quiet zone is less than or equal to the NSRT. If the QZRI is less than or equal to the NSRT, the quiet zone qualifies for automatic approval.
9. If the QZRI is greater than the NSRT, use the Federal Rail Administration's Quiet Zone Calculator to check whether it is less than twice the NSRT. If the QZRI is more than twice the NSRT, the quiet zone cannot qualify for automatic approval.
10. If the QZRI is greater than the NSRT, but less than twice the NSRT, determine whether any of the public crossings have experienced a "relevant collision" on or after December 18, 1998. If there have not been any "relevant collisions" at any public crossing since December 18, 1998, the quiet zone qualifies for automatic approval.
11. If the QZRI is greater than the NSRT, but less than twice the NSRT, and there has been a "relevant collision" at a public crossing within the proposed quiet zone, the quiet zone cannot qualify for automatic approval. For information on how to proceed, see Section II, Pre-Rule Quiet Zones Not Qualified for Automatic Approval.

After reviewing the criteria outlined in Items 1-11 listed above, it has been determined that the streets identified in this study do not meet the criteria for automatic approval.

B. CREATING A NEW QUIET ZONE OR NEW PARTIAL QUIET ZONE USING SUPPLEMENTAL SAFETY MEASURES

Since the crossings identified in this study do not meet the requirements for automatic approval, a new quiet zone must be created in order to provide a safety zone that will allow rail traffic to travel safely in the downtown area without the use of train horns. In order to achieve this, the following must be reviewed and implemented:

1. Select the crossings to be included in the new quiet zone.
2. A quiet zone may include highway-rail grade crossings on a segment of rail line crossing more than one political jurisdiction, or there may be roads within a particular area that are the responsibility of different entities (state or county roads within a town, for example). If the selected crossings are the responsibility of more than one entity, obtain the cooperation of all relevant jurisdictions.
3. A new quiet zone must be at least ½ mile in length along the railroad tracks.
4. A new quiet zone must have, at a minimum, flashing lights and gates in place at each public crossing. These must be equipped with constant warning time devices where reasonably practical, and power out indicators. Any necessary upgrades must be completed before calculating risk for the quiet zone. **The crossings at Martin Luther King Drive and Main Street have the minimum infrastructure in place for utilizing SSMs without additional construction by BNSF. First Street does not have the infrastructure in place.**
5. Are there any private crossings within the proposed Quiet Zone? If any private crossings allow access to the public or provide access to active industrial or commercial sites, a diagnostic team review of those crossings must be conducted. Following the diagnostic review, the diagnostic team's recommendations concerning those crossings must be complied with. **For the creation of this safety zone there are not any private crossings.**
6. Update the USDOT Grade Crossing Inventory Form to reflect conditions at each public and private crossing; this update should be complete, accurate, and dated within 6 months prior to the quiet zone implementation. For new quiet zones, the baseline conditions for calculating risk require that the minimum required traffic control devices are in place. This first Inventory update, therefore, must be completed after the gates, lights, and signs are in place, but before the SSMs and other measures are implemented.
7. Using the FRA's Quiet Zone Calculator, a web-based tool, determine whether the Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT). If the QZRI is less than or equal to the NSRT, the quiet zone can be established through public authority designation by completing the following steps:
 - a. Install required signage at each crossing.
 - b. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

8. The step described above involves qualifying a quiet zone without implementing any Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs). If the FRA's Quiet Zone Calculator indicates that the proposed quiet zone will not qualify on that basis, then any required measures shall be installed. To qualify for Public Authority Designation, the following requirements shall be met: implement SSMs, build grade separations, close crossings, or install wayside horns.
9. If every public crossing in the proposed quiet zone is equipped with one or more SSMs, the quiet zone can be established through public authority designation by completing the following steps:
 - a. Install required signage at each crossing.
 - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the Quiet Zone.
 - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 4½-5 years.

10. If every public crossing is not equipped with an SSM, use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the level of risk that would exist if the train horns were still sounded (RIWH). If the QZRI is less than or equal to the RIWH, the quiet zone can be established through public authority designation by completing the following steps: RIWH is the Risk Index with Horns. The is the level of risk as determined by at grade rail crossings with train horns sounding.
 - a. Install required signage at each crossing.
 - b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
 - c. Notify the parties listed in the rule.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to FRA every 2½-3 years.

11. Use the FRA's Quiet Zone Calculator to determine whether enough SSMs have been implemented to reduce the QZRI to the Nationwide Significant Risk Threshold (NSRT).

If the QZRI is less than or equal to the current NSRT, the quiet zone can be established through public authority designation by completing the following steps:

- a. Install required signage at each crossing.
- b. Update the National Grade Crossing Inventory to reflect current conditions at each public and private crossing within the quiet zone.
- c. Notify the parties listed in the rule.

Note: Quiet zones established by comparison to the NSRT are subject to annual FRA review.

Note: Periodic updates, including updated USDOT Grade Crossing Inventory Forms, must be submitted to the FRA every 2½-3 years.

For the Temple Downtown Area Supplemental Safety Measures (SSMs) will be required in order to have a railroad crossing within a quiet zone. Approved Supplemental Safety Measures by the Federal Rail Administration are:

- Four quadrant gates
- Medians or channelization devices at gated crossings
- Temporary closure (i.e. nighttime closure)

The four quadrant gates are by far the easiest solution for the creation of quiet zones with at grade crossings. They are the most expensive option as well with each intersection costing as much as \$500,000. These SSMs require intense work by the BNSF which will drive up costs for the City of Temple. For this reason it is not feasible to create the safety zone in the downtown area utilizing four quadrant gates.

One way streets and temporary closures are also an option that is not feasible. Traffic in the downtown area of Temple requires directional (two-way) traffic due to the layout of the area. As a result, these options are not practicable or feasible for downtown Temple.

Medians for Main Street and Martin Luther King Drive present a viable SSM for the creation of a quiet zone. Infrastructure is currently in place within the BNSF rail line to allow the median to function with the gate system, although the gates at Martin Luther King Drive will need to be investigated for coverage by a proposed median. First Street does not have the required constant warning devices in place to implement SSMs without construction efforts from the BNSF. For this reason, along with pedestrian traffic near this crossing, we will explore closing this rail crossing.

C. CITY OF TEMPLE DOWNTOWN AREA STREETS CONSIDERED FOR NEW QUIET ZONE

1. Martin Luther King Drive

The BNSF Railroad crosses Martin Luther King Drive (MLK) east of their terminal yard. MLK is a four lane roadway at this location with existing gates that are connected to HXP-1 constant warning circuitry. This crossing is equipped with power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as a SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 11 for the Martin Luther King Drive exhibit.

2. Main Street

The Main Street crossing of the BNSF railroad occurs in the downtown area of Temple directly east of the connection to the BNSF terminal yard. It is a two lane roadway that has an abandoned rail crossing directly south of the BNSF mainline crossing. This crossing is equipped with gates connected to HXP-1 constant warning circuitry and power-out light indicators on the crossing houses. This location is defined on the U.S. Department of Transportation Grade Crossing Inventory as DOT Number 022964N located at Rail Road Mile Post 217.69. These elements qualify this at grade crossing to meet the minimum requirements for active warning devices, thus allowing Supplemental Safety Measures (SSM) to be installed without additional construction to the BNSF mainline. This intersection will need to have medians constructed as an SSM to reduce the Quiet Zone Risk Index and qualify this intersection to be included in the proposed safety zone. Please see Page 12 for the Main Street Exhibit.

3. First Street

First Street is located directly west of Main Street. Currently the rail crossing does not have the constant warning devices in place to develop SSMs to allow this intersection to qualify in the safety zone with out construction efforts from BNSF. The proximity requires that this crossing be included in the quiet zone or be eliminated. First Street is located adjacent to the Farmers Market and Santa Fe Gardens in the downtown area of Temple. These attractions create heavy pedestrian traffic for First Street at this location. The best scenario is to close this crossing. BNSF will have to remove the active warning devices and crossing panels from the track for the closing to occur. The cost for removing these items will be the responsibility of the BNSF and there will not be any cost for these efforts to the City of Temple. There are incentives available from BNSF for closing existing at grade rail crossings. The amount of the incentive has been determined to be \$17,500 by the BNSF Closure Review Committee. This has been submitted to the BNSF and will expire on January 1, 2012. It is anticipated that the amount will remain the same for future submittals. The Texas Department of Transportation can also offer

\$7,500 for safety improvements at this intersection. These incentives allow a total of \$25,000 to be utilized for this project. Please See Page 13

Cost estimates for each crossing have been developed and are included in this report. All rail crossings must be completed in order to create the safety zone due to the location of the crossings. The total cost for the creation of the safety zone is \$450,000.

City of Temple - Downtown Quiet Zone

PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST

Item No.	Description	Estimated Quantity	Unit Price	Extension Total
General Items				
1	Mobilization, Bonds and Insurance	100% LS	\$ 7,500.00	\$ 7,500.00
2	Preparing & Implementing Traffic Control Plan	100% LS	5,000.00	5,000.00
3	Storm Water Pollution Prevention Plan (SW3P)	100% LS	2,500.00	2,500.00
4	SW3P Implementation	100% LS	2,500.00	2,500.00
5	Pre & Post Construction Video	100% LS	500.00	500.00
Main Street Crossing				
6	6' Wide Raised Center Median	200 LF	35.00	7,000.00
7	Brick Pavers	1,000 SF	15.00	15,000.00
8	Concrete Curb & Gutter	155 LF	30.00	4,650.00
9	Striping & Signage	100% LS	5,000.00	5,000.00
10	BNSF Flagging	10 DAY	1,000.00	10,000.00
Martin Luther King Jr. Drive Crossing				
11	10' Wide Raised Center Median	200 LF	45.00	9,000.00
12	Brick Pavers	1,600 SF	15.00	24,000.00
13	Striping & Signage	100% LS	15,000.00	15,000.00
14	Microsurfacing	3,400 SY	10.00	34,000.00
15	BNSF Flagging	10 DAY	5,000.00	50,000.00
1st Street Crossing				
16	Removal of Existing Asphalt and Concrete	700 SY	5.00	3,500.00
17	Concrete Curb & Gutter	300 LF	30.00	9,000.00
18	Asphalt for Cul-de-sac	100 SY	50.00	5,000.00
19	Striping & Signage	100% LS	10,000.00	10,000.00
20	Brick Pavers	1,200 SF	15.00	18,000.00
21	Landscaping & Irrigation	1 LS	50,000.00	50,000.00
21	Topsoil & Sod	700 SY	10.00	7,000.00
22	Extend Irrigation System	100% LS	3,000.00	3,000.00
23	Extend Existing Fencing	120 LF	25.00	3,000.00
24	BNSF Flagging	15 DAY	1,000.00	15,000.00

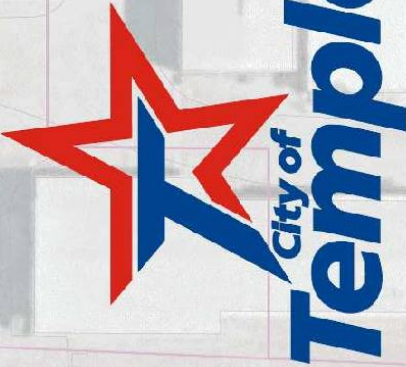
Construction Cost	\$ 315,150.00
Contingencies	\$ 31,515.00
Professional Services	\$ 87,000.00

TOTAL PROJECT	\$ 433,665.00
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**T.D.D.A.
DOWNTOWN
QUIET ZONES**






**T.D.D.A.
DOWNTOWN
QUIET ZONES
(1ST STREET)**



**T.D.D.A.
DOWNTOWN
QUIET ZONES
(MAIN STREET)**





**T.D.D.A.
DOWNTOWN
QUIET ZONES
(M.L.K. DRIVE)**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE TEMPLE REINVESTMENT ZONE #1 DOWNTOWN RAIL SAFETY ZONE REPORT, DATED OCTOBER 2011, AND DIRECTING STAFF TO PROCEED WITH IMPLEMENTATION OF THE REPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in Spring 2011, the City and the Board of Directors for TIFRZ#1 (RZ Board) commissioned Kasberg, Patrick & Associates, L.P. KPA) to develop options and alternatives to create a rail safety zone that will allow locomotive traffic to operate without the use of horns in the downtown area;

Whereas, the report was completed in October 2011 and delivered to the RZ Board which voted unanimously to recommend full implementation of the report and City Staff also recommends approval; and

Whereas, the City Council has considered the matter and deems it in the public interest to accept the Temple Reinvestment Zone #1 Downtown Rail Safety Zone Report, dated October 2011 and directs the staff to proceed with implementation of the report.

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

Part 1: The City Council accepts the Temple Reinvestment Zone #1 Downtown Rail Safety Zone Report, dated October 2011, attached hereto as Exhibit A, and directs the staff to proceed with implementation of the report.

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 19th day of **July**, 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

07/19/12
Item #7
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Consider adopting resolutions for the following City boards and commissions:

- (A) Parks and Leisure Services Advisory Board – one member to fill an unexpired term through March 1, 2015.
- (B) Temple Public Safety Advisory Board – one member to fill an unexpired term through September 1, 2013.
- (C) Temple Economic Development Corporation – one member to fill an unexpired term through September 1, 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: To be provided

FISCAL IMPACT: N/A

ATTACHMENTS: N/A