

MEETING OF THE TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, October 4, 2012

3:30 P.M.

WORKSHOP AGENDA

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 4, 2012.
- 2. Discuss the City of Temple Zoning Ordinance and Housing Standards.
- 3. Discuss the criteria used for Tax Credit Projects.
- 4. Discuss the City of Temple Smoking Ordinance and proposed amendments from the Mayor's Fitness Council.

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. (A) National Colonial Heritage Month - October

III. PUBLIC HEARING

4. PUBLIC HEARING – Receive comments from the public in regards to the proposed Quiet Zones in downtown Temple.

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 <u>discussion</u> 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) September 20, 2012 Special Called and Regular Meeting

Contracts, Leases, & Bids

- (B) 2012-6766-R: Consider adopting a resolution authorizing the City to enter into seven lease agreements for agricultural properties owned by the City.
- (C) 2012-6767-R: Consider adopting a resolution authorizing a three year lease agreement with Belco Manufacturing Co., Inc. for lease of property owned by the City and located along a portion of the Georgetown Railroad.
- (D) 2012-6768-R: Consider adopting a resolution authorizing the City to enter into a contract with the Railroad and Pioneer Museum of Temple to terminate the prior agreement between the City and the Foundation.
- (E) 2012-6769-R: Consider adopting a resolution authorizing a construction contract with Legends Landscapes LLC, of Lexington for the South First Street Improvement Phase 2 project within the Temple Medical and Education District in an amount not to exceed \$2,110,600.
- (F) 2012-6770-R: Consider adopting a resolution authorizing the purchase and installation of eleven propane conversion kits from Philpott Motors of Port Neches utilizing a BuyBoard cooperative contract, in the amount of \$99,499.
- (G) 2012-6771-R: Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 South 1st Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$44,000.

<u>Ordinances – Second & Final Reading</u>

- (H) 2012-4556: SECOND READING Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.
- (I) 2012-4557: SECOND READING Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ±acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

(J) 2012-4558: SECOND READING: Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

Misc.

- (K) 2012-6772-R: Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of services needed to remodel approximately 5,000 sq ft in the Municipal Building.
- (L) 2012-6773-R: Consider adopting a resolution authorizing the submission of an application to the Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program for the purchase of fourteen new compressed natural gas refuse haulers.
- (M) Consider adopting resolutions:
 - 1. 2012-6774-R: Granting a petition to institute voluntary annexation proceedings, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.
 - 2. 2012-6775-R: Directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

<u>VI. REGULAR AGENDA</u>

ORDINANCES

- 6. 2012-4559: FIRST READING- PUBLIC HEARING Z-FY-12-50: Consider adopting an ordinance authorizing a rezoning from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.
- 7. 2012-4560: FIRST READING PUBLIC HEARING Z-FY-12-53: Consider adopting an ordinance amending the Citywide Trails Master Plan.
- 8. 2012-4561: FIRST READING PUBLIC HEARING Z-FY-12-54: Consider adopting an ordinance amending Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.
- 2012-4562: FIRST READING- PUBLIC HEARING Z-FY-12-60: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Two Family District (2F) on 16.451± acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas located between Hartrick Bluff Road and Lowe's Drive, south of Canyon Creek Drive.

10. 2012-4563: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Four for commercial/industrial tax abatement.

RESOLUTIONS

11. 2012-6776-R: P-FY-12-23: Consider adopting a resolution authorizing the Preliminary Plat of The Oaks at Lakewood, a 19.065 acres ±, 2 blocks, 37-lot residential subdivision, with a requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection, located on the east side of Mogan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road.

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 3:30 PM, on September 28, 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 Buildin	ng aton the
day of 2012	



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #3(A) Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

William A. Jones, III, Mayor

ITEM DESCRIPTION: Presentation of Proclamation.

(A) National Colonial Heritage Month - October

STAFF RECOMMENDATION: Present proclamation as presented in item description.

<u>ITEM SUMMARY:</u> (A) This proclamation was requested by and will be presented to members of the Governor Samuel Mathews chapter of Colonial Dames XVII Century.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #4 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Director of Public Works R. David Patrick, P.E., CFM, KPA Engineers

<u>ITEM DESCRIPTION:</u> PUBLIC HEARING: Receive comments from the public in regards to the proposed Quiet Zones in downtown Temple.

STAFF RECOMMENDATION: NA

ITEM SUMMARY: NA

FISCAL IMPACT: NA

ATTACHMENTS:

Chamber of Commerce Resolution Letters of Support



A RESOLUTION OF THE TEMPLE CHAMBER OF COMMERCE, SUPPORTING THE RAIL QUIET/SAFETY ZONE STUDY AND URGING CITY COUNCIL ADOPTION AND IMPLEMENTATION OF THE STUDY RECOMMENDATIONS INCLUDING IMPROVEMENTS TO THE RAILROAD INTERSECTIONS AT MLK AND MAIN STREETS AND CLOSURE AND IMPROVEMENTS TO THE INTERSECTION AT SOUTH 1ST STREET.

Whereas, a report has been conducted by a qualified engineering firm to study the options for creation of a Downtown Rail Safety Zone (Quiet Zone); and

Whereas, the existing condition whereby locomotive traffic operate with the use of horns at and near the downtown area creates an impediment to economic development and redevelopment in the Downtown area; and

Whereas, the existing condition creates safety concerns for pedestrian and vehicular traffic; and

Whereas, the board of Reinvestment Zone #1 of the City of Temple has carefully studied this issue and has recommended that the Rail Safety and Quiet Zone study be implemented as recommended by the consulting engineer, including installation of supplemental safety measure improvements to the railroad intersections at MLK and Main Streets, and closure of the intersection at South 1st Street along with pedestrian improvements; and

Whereas, the Downtown Development Alliance has designated Rail Quiet Zones as its number one priority that will contribute to the well being and vibrancy of the downtown area.

Now, Therefore, Be it Resolved by the chamber of commerce of the City of Temple, Texas, That:

<u>Part 1:</u> The Temple Chamber of Commerce supports the Rail Safety Quiet Zone Study.



<u>Part 2:</u> The Temple Chamber of Commerce urges the City Council of the City of Temple to approve the study and approve implementation of the study's recommendation including installation of supplemental safety measure improvements to the railroad intersections at MLK and Main Streets, and closure of the intersection at South 1st Street along with pedestrian improvements.

PASSED AND APPROVED this the 20th day of September, 2012.

TEMPLE CHAMBER OF COMMERCE

DAN JONES, Board Chairman

JULIE HAAG, Acting Presiden

September 27, 2012

Council Members
City of Temple
Temple TX

Dear City Council Person:

I am asking the City Council to vote for the proposed Railroad Safety Zones for downtown Temple. As residential property owners in downtown and as customers of downtown businesses, we believe that the Quiet Zones will enhance the atmosphere and increase the safety of the downtown area. As reported in this web site, www.fra.dot.gov/rrs/downloads/safety/THRReport072312.pdf, there are currently 77 quiet zones in Texas alone and the number continues to grow. On the web site http://oli.org/about-us/news/statistics there are several reports that show Texas ranks near the top for fatalities at railroad crossings.

The loud whistles are disruptive and annoying. They inhibit the development of business and are a major deterrent to any future development of residential property. Additionally, they serve no meaningful purpose. Having moved here from communities in Illinois with significant rail traffic near our house, we never heard the constant whistle blowing at all hours of the day and night that occurs in Temple. Developing Railroad Safety Zones creates a win for Temple businesses, a win for Temple residents, and modernizes an up and coming community in Central Texas. *No one loses by implementing these, and everyone wins*.

To those who would accentuate the historical nature of "hearing the trains," I would ask if they also want to take advantage of the historical nature of outdoor plumbing, telegraphs, and stage coaches in their daily lives...all of which were popular when train whistles became prevalent. Eliminating the whistles in the downtown area will in no way diminish the value of the trains to our City nor will it prevent citizens from enjoying their passage through town.

Sincerely,

Marc and Michele Hallee Home Owners



CENTRAL TEXAS HOUSING CONSORTIUM

TEMPLE HOUSING AUTHORITY

BELTON HOUSING AUTHORITY

BARBARA B. BOZON, CPA

EXECUTIVE DIRECTOR

September 27, 2012

Mayor William A. Jones, III City of Temple 2 North Main Temple, TX 76501

Dear Bill:

I am asking the City Council to vote for the proposed Railroad Quiet Zones for downtown Temple. Our organization strongly supports this request. As residential property owners in downtown and as customers of downtown businesses, we believe that the Quiet Zones will enhance the atmosphere and increase the safety of the downtown area. As reported in this web site, www.fra.dot.gov/rrs/downloads/safety/THRReport072312.pdf, there are currently 77 quiet zones in Texas alone and the number continues to grow. On the web site http://oli.org/about-us/news/statistics there are several reports that show Texas ranks near the top for fatalities at railroad crossings.

The loud whistles are disruptive and annoying. They inhibit the development of business and are a major deterrent to any future development of residential property. We are involved with the Downtown Temple Alliance and quite frequently hear businesses express their frustration with the incredibly loud and frequent train whistles.

The trains are an important part of our history, and it is wonderful to see them come through. The Santa Fe Depot is a vital part of our downtown. Eliminating the whistles in the downtown area will in no way diminish the value of the trains to our City nor will it prevent citizens from enjoying their passage through town.

700 WEST CALHOUN AVE. • 254-773-2009 • FAX 254-773-1958

Sincerely,

Barbara B. Bozon, CPA Executive Director







COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(A) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) September 20, 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:

September 20, 2012 Special Called and Regular Meeting

City Council Page 1 of 13

TEMPLE CITY COUNCIL

SEPTEMBER 20, 2012

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, September 20, 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, September 20, 2012.

Regular Agenda Item #4(G) related to NW Loop Mitigation - Mr. Blackburn stated credits are now available to us; and by choosing this method we will save dollars.

Regular Agenda Item #4(J) related to the second reading of the CUP for Lamar Advertising - last meeting there was a request by Mr. Patel to table this item. Mr. Blackburn stated at this time no resolution as been made between the parties.

Regular Agenda Item #4(N) related to the pricing policies for The Airport - Mr. Blackburn stated this was heard and approved by the Airport Advisory Board.

Regular Agenda Item #4(P) related to Issuance of COs. Mr. Barnard stated this will be Phase I of the TCIP. This also includes the landfil expansion and permitting. Landfil operation revenues will be applied to this debt.

Regular Agenda Item #5 related to first reading for multi-family two district zoning request. Mr. Blackburn stated Staff's recommendation and P&Z's recommendation are different for this request. Staff is recommending denial.

Ms. Speer stated Staff's recommendation differs from P&Z due to the request not complying with the Comprehensive Plan. This is consistent with our procedures. This case will allow us the opportunity to review what our

City Council Page 2 of 13

standards are for the area of I-35.

Mr. Blackburn suggested that there be a workshop in the future to assess the standards and determine what is expected in this area.

Regular Agenda Item #8 related to the Local Preference Option. Mr. Blackburn stated this is a complicated contract item. Mr. Mattke reviewed the local preference option for Council. She reviewed the bid package with Council. She stated the bids were opened on June 26, 2012 for 77 categories, of which there were four bidders. Staff is recommending the \$493,882 annual purchase award be to the low bidders by category, Municipal Water Work Supply \$57,080.85; HD Supply Waterworks \$130,654.05; Ferguson Waterworks \$188,442.05; and ACT Pipe and Supply \$117,705.03. ACT Pipe and Supply is requesting that they be deemed a 'local business' under the City's Local Preference Policy. They declaration is that they pay Temple taxes; employees are local residents; and ACT stocks all material of this bid in Temple. ACT is within 5% of the low bidder in 13 categories of the bids received. Ms. Mattke reviewed the Local Preference Policy adopted by Council. She also stated that if Council elects to award Local Preference as requested by ACT, there will be an additional cost of \$6,390.

Ms. Mattke stated there are two questions to answer - What is 'principal place of business'? Does awarding the 13 additional categories of the bid to ACT provide the best overall economic development opportunity to the City?

Mayor Jones stated if local preference option is selected it will add \$6,390 to the annual cost of this bid.

Councilmember Cloud asked if there was benefit to having the supplier stock locally?

Ms. Mattke stated no.

2. Receive an update on the Center of Hope and other initiatives by the Salvation Army.

Captain Shafer gave Council a brief overview. He stated all the property needed for the Center of Hope has been transferred to the Salvation Army. The Center will be located on Avenue G and will include the women's dorm. This will be converted into a men's transitional working facility. United Way is helping with the clean up and we hope to begin renovations in about a month. We continue with fundraisers to raise money. To date, the Salvation Army has pledged \$1.297 million for the Center of Hope. Captain Shafer also discussed the feeding program. There currently 40 different groups participating in this program to help feed the hungry in our community. We are blessed to have so many helping.

City Council Page 3 of 13

Councilmember Morales inquired on the transitional facility.

Captain Shafer stated there will be six rooms to house 24 men; with a capacity of 40 men. The renovations will cost approximately \$1,000.

Mayor Pro Tem Dunn inquired as to whether or not further complaints have been received from the neighborhood near the feeding program.

Captain Shafer stated this appears to have worked itself out and those receiving the services are respectful to the residents of the area.

Mayor Jones asked if there was a method used to track those receiving the services to determine if the individuals are transitional or residents of the area?

Captain Shafer stated he is out there asking question to determine as such. The Salvation Army will continue to feed the hungry and ask the community to help in supporting the program.

Councilmember Cloud asked if there was a time limit for one to stay at the transitional facility?

Captain Shafer stated this will be a case by case basis.

Mr. Blackburn asked what the funding goal is?

Captain Shafer stated \$2.5 million is a realistic goal for the Center of Hope.

3. Receive presentation from the Mayor's Fitness Council and discuss amending the City's Smoking Ordinance.

Mark Smith, Mayor's Council of Physical Fitness gave the presentation to Mr. Smith discussed the importance of having ordinance, national statistics, and hazards of tobacco use. stated tobacco use is the single larges cause of preventable death in the United States. He added that it is important to have smoke free policies; as this can influence how adolescents view smoking, resulting in reduced smoking rates in youth. According to CDC, there are more than 4,000 teens smoking cigarettes for the first time each day. As of 2009, the CDC estimates that 19.5 % of teenagers are current smokers. Smith stated Temple College is currently reviewing their policy. A smoke free policy is the trend for many cities. Texas as a whole is in the 13%-16% range of smoking population. Mr. Smith reviewed secondhand smoke facts and why this is a problem. He added that on average, children are exposed to more secondhand smoke than nonsmoking adults. Mr. Smith stated the Fitness Council recommends the City of Temple follow the lead of Waco, by closely modeling their smoking regulations which were City Council Page 4 of 13

adopted in November 17, 2009. Mr. Smith provided the proposed amendments to be, Sec. 16-89 revise to include bowling and entertainment centers and to make all Temple Parks smoke free; Sec. 16-93 (b) revise to limit up to 25% of hotel and motel rooms rented to guests, provided each room so designated has a sign on the front door showing it is a smoking room; Sec. 16-93 (K) revise to an existing establishment or facility whose gross receipts for alcohol sales are in excess of 50% of the total gross receipts of the establishment or facility. Mr. Smith also the city needs to establish a time frame or deadline for existing bars to become smoke free within the next 15 years.

In September, the Temple Parks and Leisure Services Advisory Board voted, by majority, in support of strengthening the City of Temple smoking ordinance and voted to adopt the language to make all Temple Parks smoke free.

Councilmember Cloud inquired as to the next step.

Mr. Blackburn stated it would be beneficial to have a workshop to discuss the current ordinance as well as the amendments and how it will affect those in the community.

There was an individual present that requested the City of Temple take into consideration that affects this could possibly have on the establishments within the City that allow for smoking.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 20, 2012, at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, September 20, 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

City Council Page 5 of 13

Gary Smith, Chief of Police, voiced the Invocation.

2. Pledge of Allegiance

Ken Cicora, Director of Parks and Leisure Services, led the Pledge of Allegiance.

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. Recognize HEB and Scott & White Healthcare for their sponsorship support to the City's Parks and Leisure Services Department.

Ken Cicora, Director of Parks and Leisure Services, recognized Angela McGehe, of Scott & White Healthcare, and Ed Page, Larry McAdoo, and Clay McFarland, of HEB for their sponsorship support to the City's Parks and Leisure Services Department throughout the year.

III. PUBLIC COMMENTS

Troy Mayer - Vice President of Acadian Ambulance Services addressed the council in regards to the Ambulance Service amendments. He stated that Acadian is a quality amublance service and its mission is to provided the best non emergency in Temple it can.

IV. CONSENT AGENDA

- 4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:
 - (A) September 6, 2012 Special Called and Regular Meeting
 - (B) Consider adopting resolutions authorizing annual contracts for the following:
 - 1. 2012-6733-R: Medium Duty Truck Brakes Russell & Smith Ford, Inc.; estimated amount of \$30,000
 - 2. 2012-6734-R: Sign and Traffic Control Supplies American Traffic Safety Materials, Inc., Pathmark Traffic Products, 3M Company, Vulcan Sign, and Custom Products Corp; estimated annual amount of \$49,668.37
 - 3. 2012-6735-R: Traffic Signal Equipment Traffic Parts, Inc., Naztec, Inc., and Paradigm Traffic System, Inc.;

City Council Page 6 of 13

- estimated annual amount of \$120,764.40
- 4. 2012-6736-R: Water Meters Municipal Waterworks Supply, HD Supply Waterworks, Border States Electric, Mueller Systems, and Master Meter, Inc.; estimated annual amount of \$147,919.72
- 5. 2012-6737-R: Various Forms of Rock Superior Crushed Stone of Jarrell; estimated annual amount of \$33,155
- 6. 2012-6738-R: Aggregate Base Lhoist N.A. of Texas, Ltd: estimated annual amount of \$60.000
- 7. 2012-6739-R: Hot Mix Asphalt APAC Texas, Inc-Wheeler; estimated annual amount of \$71,000
- 8. 2012-6740-R: Herbicides and Insecticides John Deere Landscapes, VETcorp, Inc., Red River Specialties, Inc., BWI-Schulenburg, and Alligare, LLC; estimated annual amount of \$56,375.03
- 9. 2012-6741-R: Liquid Ammonium Sulfate Altivia Corporaton; estimated annual amount of \$45,750
- 2012-6742-R: Chemical Root Control Services Duke's Root Control, Inc.; estimated annual amount of \$65,000
- 11. 2012-6743-R: Plumbing Supplies Ham & McCreight Supply; estimated annual amount of \$30,000
- 12. 2012-6744-R: Janitorial Supplies Gulf Coast Paper Company; estimated annual amount of \$110,000
- 13. 2012-6745-R: Office Supplies Perry Office Plus,Inc.; estimated annual amount of \$130,000
- 14. 2012-6746-R: Tires & Tubes Southern Tire Mart and GCR Tire Centers (secondary award); estimated annual amount of \$240,788.64
- 2012-6747-R: Concrete Repair and Construction Services - Dixon Paving; estimated annual amount of \$54,410
- 2012-6748-R: Electrical Services Durbin Electric and T. Morales Company Electric and Controls, Ltd.;

City Council Page 7 of 13

estimated annual amount of \$80,000

- 17. 2012-6749-R: Temporary Employment Services Manpower Group; estimated annual amount of \$34,000
- 18. 2012-6750-R: Design & Printing of Play-by-Play Brochures Color Visual Concepts, Inc.; estimated annual amount of \$29,820
- 2012-6751-R: Cellular & Data Services and Related Equipment - Verizon Wireless; estimated annual amount of \$205,000
- 20. 2012-6752-R: Local Phone Service AT& T; estimated annual amount of \$180,000
- 2012-6753-R: Sale of Scrap Metal and Recyclables -Temple Iron and Metal, a division of Bell County Iron and Recycling Co., Inc
- (C) 2012-6754-R: Consider adopting a resolution authorizing a construction contract with LA Colo LLC dba Colo Railroad Builders for construction activities required to replace the Lucius McCelvey Rail Crossing within the Reinvestment Zone in north Temple in an amount not to exceed \$94,622.64.
- (D) 2012-6755-R: Consider adopting a resolution authorizing the City to enter into a "First Responder/EMS Provider Contract" with Scott & White Memorial Hospital and Scott, Sherwood, and Brindley Foundation (collectively referred to as "Scott & White").
- (E) 2012-6756-R: Consider adopting a resolution authorizing the purchase of 51 metal refuse containers for the Solid Waste Division from Rolloffs USA., Durant, OK, through the H-GAC Contract in the amount of \$47,514.92.
- (F) 2012-6757-R: Consider adopting a resolution authorizing the purchase of a yearly 2012-2013 maintenance contract with Intergraph Public Safety in the amount of \$39,504.
- (G) 2012-6758-R: Consider adopting a resolution authorizing a credit sales agreement to purchase necessary credits for off-site stream mitigation related to the NW Loop 363 project in an amount of \$493,200.
- (H) 2012-6759-R: Consider adopting a resolution authorizing the renewal of a funding and operating agreement with the Temple

City Council Page 8 of 13

Economic Development Corporation.

- (I) 2012-4552: SECOND READING Z-FY-12-57: Consider adopting an ordinance authorizing an amendment to Ordinance 2010-4413, Temple Unified Development Code, Article 7.5, "Signs", to establish procedure to request a Conditional Use Permit for off-premise signs relocating due to proposed state right-of-way requirements.
- (J) 2012-4553: SECOND READING Z-FY-12-56: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 South General Bruce Drive.
- (K) 2012-4554: SECOND READING: Consider adopting an ordinance authorizing amendments to the Tax Increment Financing Reinvestment Zone No. 1 Financing and Project Plans for FY 2012-2022 to include recognizing additional tax increment and grant revenues; recognizing savings from bond refunding transactions; and reallocating, adjusting and appropriating to various projects.
- (L) 2012-4555: SECOND READING: Consider adopting an ordinance amending Chapter 5, "Ambulance Services," of the Code of Ordinances of the City of Temple, Texas.
- (M) 2012-6760-R: Consider adopting a resolution authorizing a Chapter 380 development agreement between the City and Jagdish Mehta, authorizing the swap of 2102 Scott Boulevard, Temple, Texas for the northern 100 feet of Mr. Mehta's property located at 352 SW Dodgen Loop, Temple, Texas.
- (N) 2012-6761-R: Consider adopting a resolution amending the retail and discount pricing policies for the Draughon-Miller Central Texas Regional Airport.
- (O) 2012-6762-R: Consider adopting a resolution authorizing participation in the Texas Municipal League, Intergovernmental Risk Pool to provide property, liability and worker's comp coverage for the City.
- (P) 2012-6763-R: Consider adopting a resolution directing publication of notice of the City's intention to issue one or more series of Tax and Revenue Certificates of Obligation (C.O.) in the amount not to exceed \$14,500,000.

City Council Page 9 of 13

(Q) 2012-6764-R: Consider adopting a resolution authorizing budget amendments for fiscal Year 2011-2012.

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

V. REGULAR AGENDA

ORDINANCES

5. 2012-4556: FIRST READING - PUBLIC HEARING - Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

Autumn Speer, Director of Community Services, presented this item to the Council. The applicant is RDO for James Sheila Mohler at 3000 South General Bruce Drive. There request is for a rezoning from HI to MF-2 District. The applicant's request to change zoning to to allow for apartment uses; the current HI does not allow for this. This property is located at Avenue K and just east of Bird Creek Crossing. Ms. Speer provided images of the surrounding area. She also reviewed the allowed uses in MF-2 District as well as those prohibited uses. The Develoment Standards were also reviewed for this site, with a maximum of 240 units being developed at this site. The Future Land Use Map designates this area at Auto-Urban. There were 13 notices mailed out, with one being returned in favor of the rezoning. Planning and Zoning Commission heard this case on September 4, 2012, and recommended approval 8/1. Staff's recommendation is to deny the request due to the request does not comply with the Future Land Use and Character Map; it does not comply with the Thoroughfare Plan; and Planned Development option combining commercial and multi-family.

Mayor Jones declared the Public Hearing open with regards to agenda item 5 and asked if anyone wished to address this item.

Mr. Jim Mohler, 3010 South General Bruce Drive, Temple stated he is the current owner of the property. He stated this is a \$15.2 million project; and will generate taxes for the City. The property is not on the interstate and would be a good are for apartments. The developer currently ownes the other complexes off of Ira Young Drive. Mr. Mohler requested Council's favorable consideration of this request.

City Council Page 10 of 13

There being no further comments, Mayor Jones declared the Public Hearing closed.

Motion by Mayor Pro Tem Danny Dunn adopt ordinance, with second and final reading set for October 4, 2012. seconded by Councilmember Perry Cloud.

At this time Mayor Jones stated the Council would reconsider item #4 (J) on the Consent Agenda.

(J) 2012-4553: SECOND READING - Z-FY-12-56: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign relocation closer than 1,500 feet from another off-premise sign at 5275 South General Bruce Drive.

Mayor Jones stated this item was discussed at the meeting on September 4, 2012, and Mr. Patel requested it be tabled for further discussions between the parties. The item was not table since it was the first reading leaving time for dialouge before the second and final reading.

Ms. Speer stated no resolution between the parties in placement of the sign proposed by Mr. Naegele. Mr. Patel is opposition of the sign and has received information from another sign company stating that the placement of this sign will detrimentally effect the visibility of the Holiday Inn sign.

Mr. Mat Naegele, Lamar Adverstising 5110 North General Bruce Drive, Temple, provided additional information to the Council related to visibility and distance from South I-35. He stated the current Holiday Inn sign, as it is today, is not visibile in time to exit the interstate. Therefore the proposed sign will not block the view of Mr. Patel's sign. Mr. Naegele noted Lamar Advertising is a good neighbor and will continue to be so. Mr. Naegele stated criteria needs to be determined for future CUPs that may be considered for linear approach.

Mayor Pro Tem Dunn asked Mr. Naegele to clarify the timeline of this request for the CUP.

Mr. Naegele stated this has been a process, with Planning and Zoning Commission as well as a first reading with Council.

Mayor Jones asked Mr. Patel if he wished to address Council.

Mr. Patel indicated no.

Mayor Pro Tem Dunn stated he appreciates the efforts of Lamar

City Council Page 11 of 13

to comply with the time constraints of this case. He also stated he did not want to table this item.

Councilmember Cloud and Councilmember Morales agreed with Mayor Pro Tem Dunn, that they too were ready to proceed.

Motion by Councilmember Perry Cloud reconsider the vote for item 4(J) as previously adopted. seconded by Councilmember Judy Morales.

Motion by Mayor Pro Tem Danny Dunn approve resolution seconded by Councilmember Perry Cloud.

6. 2012-4557: FIRST READING- PUBLIC HEARING- Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ±acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

Autumn Speer, Director of Community Services, presented this item to the Council. She stated the applicant is Russell T. Schneider on behalf of Kody Shed at 3408 and 3410 South Kegley Drive. The applicant's zone change from AG to GR District. Ms. Speer stated the applicant has indicated this will be used for a boutique / retail establishment. Ms. Speer provided visuals of the current property and surrounding areas. The Future Land Use Map designates this property as Auto-Urban Commercial; therefore General Retail is appropriate for this area. This request is compliance with the Land Use and Character Map. Ms. Speer provided Council with some of the uses allowed in GR District. She also added that changing the use will require conformance with the following Development Standards, such as access and circulation; off-street parking; screening and buffering. There were five notice mailed out; of which Staff received two in favor and none in opposition. There were also three courtesy notices mailed out, with one being returned in favor of the rezoning. Planning and Zoning heard this case on September 4, 2012 and recommended 9/0 in favor. Staff also recommends for approval of the request as presented.

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

Motion by Councilmember Judy Morales adopt ordinance, with

City Council Page 12 of 13

second and final reading set for October 4, 2012. seconded by Mayor Pro Tem Danny Dunn.

7. 2012-4558: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

Denny Hainley, Benefits Specialist, presented this item to the Council. She reviewed Chapter 143 Local Government Code which regulates the staffing requirements for Civil Service. Ms. Hainley stated there were three new firefighter positions and two additional police officer positions approved with the FY 2013 budget.

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

Motion by Councilmember Perry Cloud adopt ordinance, with second and final reading set for October 4, 2012. seconded by Mayor Pro Tem Danny Dunn.

RESOLUTIONS

- 8. 2012-6765-R: Consider adopting a resolution authorizing annual purchase agreements for utility supplies for FY 2013 with the following vendors in the estimated annual amount of \$493,881.98:
 - (A) Municipal Water Work Supply of Royse City \$57,080.85;
 - (B) HD Supply Waterworks of Belton \$130,654.05;
 - (C) Ferguson Waterworks of Killeen \$188,442.05; and
 - (D) ACT Pipe and Supply of Temple \$117,705.03;

Belinda Mattke, Director of Purchasing, presented this item to the Council. Ms. Mattke stated this is brought to the Council due to local preference option. She stated the bids were opened on June 26, 2012 for 77 categories. There were four bidders. Staff is recommending the \$493,882 annual purchase award be to the low bidders by category, Municipal Water Work Supply \$57,080.85; HD Supply Waterworks \$130,654.05; Ferguson Waterworks \$188,442.05; and ACT Pipe and Supply

City Council Page 13 of 13

\$117,705.03. ACT Pipe and Supply is requesting that they be deemed a 'local business' under the City's Local Preference Policy. They declaration is that they pay Temple taxes; employees are local residents; and ACT stocks all material of this bid in Temple. ACT is within 5% of the low bidder in 13 categories of the bids received. Ms. Mattke reviewed the Local Preference Policy adopted by Council. She also stated that if Counicl elects to award Local Preference as requested by ACT, there will be an additional cost of \$6,390.

Motion by Mayor Pro Tem Danny Dunn adopt resolution as presented by staff to award low bid. seconded by Councilmember Judy Morales.

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

ATTEST:	William A. Jones, III, Mayor
Lacy Borgeson City Secretary	



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(B) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City to enter into seven lease agreements for agricultural properties owned by the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City currently owns and leases seven properties for agricultural use. The current leases all end on December 31, 2012. As shown on the attached tabulation of proposals, on September 21, 2012, the City received six (6) proposals to lease the properties from January 1, 2013 to December 31, 2013. Staff now seeks approval to enter into one-year lease agreements with the following individuals with the option to extend for four additional one-year periods, if agreeable to both parties.

- Lease with Albert Brenek of 40 acres of City owned land located to the west of Hilliard Road for \$15 per acre per year. Total annual lease payment of \$600. See attached "Exhibit A."
- 2. Lease with Edward Brenek, Jr. of 8.164 acres of City owned land located east of Wilson Park for \$30 per acre per year. Total annual lease payment of \$244.92. See attached "Exhibit B."
- 3. Lease with Edward Brenek, Jr. of 39 acres of City owned land located on Little Flock Road for \$51.00 per acre per year. Total annual lease payment of \$1,989. See attached "Exhibit C."
- 4. Lease with Billy J. Cowart and Ray Davis of 170 acres of City owned land located at Pegasus Drive and Moore's Mill Road for \$20.50 per acre per year. Total annual lease payment of \$3,485. See attached "Exhibit D."

- 5. Lease with Grisham Farms of 164 acres of City owned land located on Old Howard Road for \$45.73 per acre per year. Total annual lease payment of \$7,499.72. See attached "Exhibit E."
- 6. Lease with Grisham Farms of 168 acres of City owned land located at the intersection of McLane Boulevard and Old Howard Road for \$32.73 per acre per year. Total annual lease payment of \$5,498.64. See attached "Exhibit F."
- 7. Lease with Monique Rincones of 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H for \$50.00 per acre per year. Total annual lease payment of \$185. See attached "Exhibit G."

The City has leased property to all of these proposed tenants previously and finds them to be responsible lessees.

The lease agreements allow for a 30 day termination clause should the lessee or the City desire to terminate the lease.

FISCAL IMPACT: The annual lease revenue generated from these agreements will total \$19,502.28 and will be paid in full at the beginning of the lease term.

ATTACHMENTS:

Tabulation of Proposals Received Exhibits A-G of Leased Properties Resolution

Tabulation of Proposals Received on September 21, 2012 at 10:00 a.m. Multiple Agricultural Leases Bid # 13-15-13

	BIDDERS - rates per acre, per year					
	Cowart & Davis	Albert Brenek	Edward Brenek, Jr	Tom Ray	Monique Rincones	Grisham Farms
	Oglesby, TX	Temple, TX	Temple, TX	Temple, TX	Temple, TX	Temple, TX
Description						
Exhibit A - 40 acres west of Hilliard Rd	no bid	\$15.00	no bid	no bid	no bid	no bid
Exhibit B - 8.164 acres east of Wilson Park	no bid	no bid	\$30.00	no bid	no bid	no bid
Exhibit C - 39 acres on Little Flock Rd	no bid	no bid	\$51.00	\$20.00	no bid	no bid
Exhibit D - 170 acres at Pegasus Dr & Moore's Mill Rd	\$20.50	no bid	no bid	no bid	no bid	no bid
Exhibit E - 164 acres on Old Howard & Pepper Creek Rd	no bid	no bid	no bid	no bid	no bid	\$45.73
Exhibit F - 168 acres at McLane Blvd & Old Howard Rd	no bid	no bid	no bid	no bid	no bid	\$32.73
Exhibit G - 3.7 acres on E Ave H, east of Service Ctr	no bid	no bid	no bid	no bid	\$50.00	no bid
Purpose	Cattle,Livestock	pasture - cattle grazing	hay prod / cattle crazing	cow/calf	horse grazing	farming & grazing cattle

Current
Contracted Prices
\$12.00
\$20.00
\$25.00
\$16.47
\$12.00
\$11.34
\$10.00

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

Belinda Mattke

24-Jul-12

Belinda Mattke, Director of Purchasing

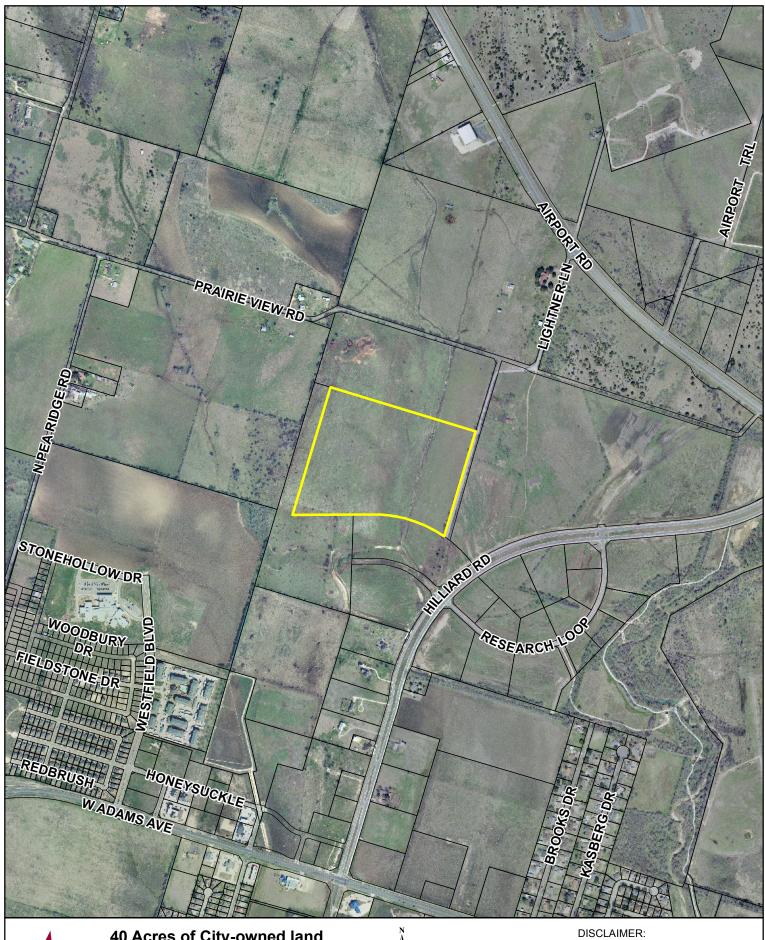
24-JUI-12Date

Highlighted proposal is recommended for award

Planholders			
Ray Davis			

Ed Brenek, Jr Albert Brenek Wesley Hart Scott Hrbacek Mark Welch Greg Davis Marvin Brenek William E. Daniel Douglas Fisher Tara Land Co Carl Grisham Monique Rincones

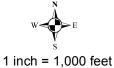
Proposed					
<u>Exhibit</u>	New Lease			FY 2012	
Α	\$	600.00	\$	480.00	
В	\$	244.92	\$	163.28	
С	\$	1,989.00	\$	975.00	
D	\$	3,485.00	\$	2,799.90	
E	\$	7,499.72	\$	1,968.00	
F	\$	5,498.64	\$	1,905.12	
G	\$	185.00	\$	37.00	
Total Annual Rev	\$	19,502.28	\$	8,328.30	





40 Acres of City-owned land located to the west of Hilliard Rd

County Property ID: 123751



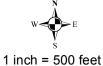
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.





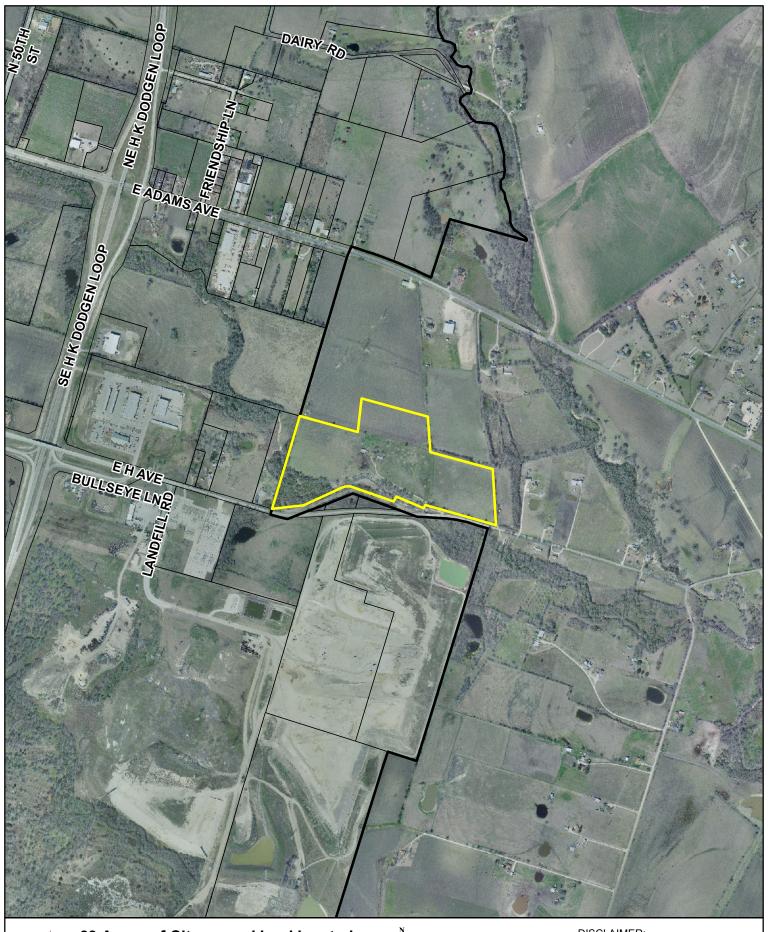
8.164 Acres of City-owned land located East of Wilson Park

County Property ID: 21367



DISCLAIMER:

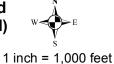
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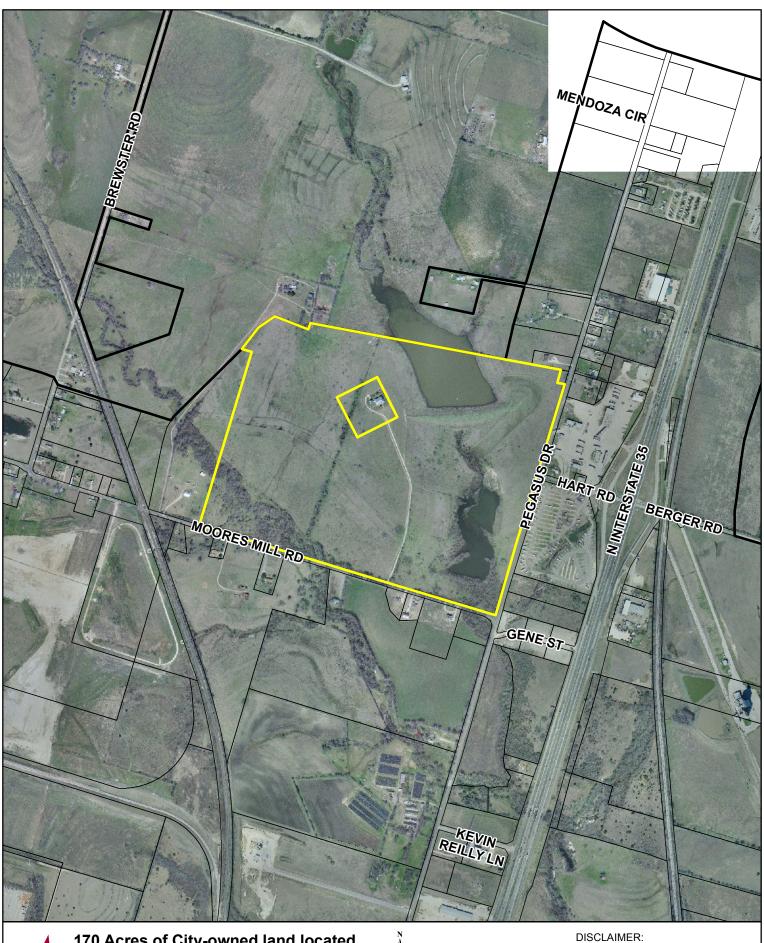
39 Acres of City-owned land located on E Ave H (formerly Little Flock Rd)

County Property ID: 55861



DISCLAIMER:

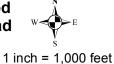
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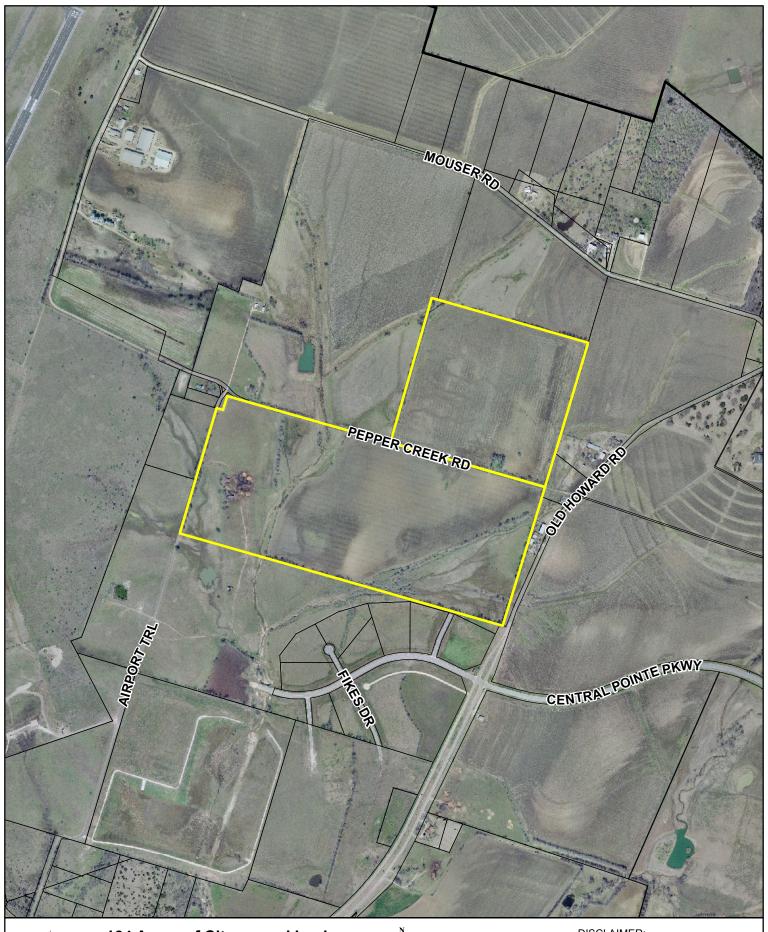


170 Acres of City-owned land located at Pegasus Drive & Moore's Mill Road

County Property ID: 95028



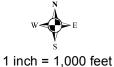
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164 Acres of City-owned land located on Old Howard Road

County Property ID: 46568, 354521



DISCLAIMER:

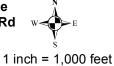
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168 Acres of City-owned land located at the intersection of McLane Blvd & Old Howard Rd

Temple

County Property ID: 126439

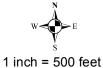


GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.





Approx location of 3.7 Acres of City-owned land located at the SE corner of the Service Center property on East Avenue H County Property ID: Part of 2204



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

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SEVEN LEASES OF AGRICULTURAL PROPERTIES OF CITY-OWNED LAND; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns and leases seven properties for agricultural use – the current leases all expire on December 31, 2012;

Whereas, on September 21, 2012, the City received 6 proposals to lease the properties from January 1, 2013 to December 31, 2013 and Staff recommends entering into a one-year lease with the following individuals with the option to extend for four additional one-year periods, if agreeable to both parties:

- 1. Lease with Albert Brenek of 40 acres of City owned land located to the west of Hilliard Road for \$15 per acre per year. Total annual lease payment of \$600. See attached "Exhibit A;"
- 2. Lease with Edward Brenek, Jr. of 8.164 acres of City owned land located east of Wilson Park for \$30 per acre per year. Total annual lease payment of \$244.92. See attached "Exhibit B;"
- 3. Lease with Edward Brenek, Jr. of 39 acres of City owned land located on Little Flock Road for \$51.00 per acre per year. Total annual lease payment of \$1,989. See attached "Exhibit C;"
- 4. Lease with Billy J. Cowart and Ray Davis of 170 acres of City owned land located at Pegasus Drive and Moore's Mill Road for \$20.50 per acre per year. Total annual lease payment of \$3,485. See attached "Exhibit D;"
- 5. Lease with Grisham Farms of 164 acres of City owned land located on Old Howard Road for \$45.73 per acre per year. Total annual lease payment of \$7,499.72. See attached "Exhibit E:"
- 6. Lease with Grisham Farms of 168 acres of City owned land located at the intersection of McLane Boulevard and Old Howard Road for \$32.73 per acre per year. Total annual lease payment of \$5,498.64. See attached "Exhibit F;"
- 7. Lease with Monique Rincones of 3.7 acres of City owned land located at the southeast corner of the Service Center property on East Avenue H for \$50.00 per acre per year. Total annual lease payment of \$185. See attached "Exhibit G;"

Whereas, each of the lease agreements allow for a 30-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to all of these proposed tenants and finds them to be reasonable lessees

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 seven leases of agricultural city-owned property, which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, in a total combined lease revenue of \$19,502.28 per year.

<u>Part 2:</u> 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 4th day of October, 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

10/04/12 Item #5(C) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a three year lease agreement with Belco Manufacturing Co., Inc. for lease of property owned by the City and located along a portion of the Georgetown Railroad.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> Belco is located at 2303 Taylor's Valley Road, Belton, Texas. A portion of a metal building located on Belco's premises encroaches onto property owned by the City and located along a portion of the old Georgetown Railroad. Belco previously leased this land on which the building encroaches from Georgetown Railroad Company. Because the City now owns the land, Belco has asked that the City enter into a similar lease agreement. The land at issue is approximately .18 of an acre. The lease will be for three years with an annual rent payment of \$5,000. Rent will be due on October 15th of each year.

FISCAL IMPACT: The tenant will pay a yearly rent of \$5,000.

ATTACHMENTS:

Resolution

RESOLUTION NO	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A THREE YEAR LEASE WITH BELCO MANUFACTURING, CO., INC.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Belco Manufacturing Co., Inc. is located at 2303 Taylor's Valley Road, Belton, Texas and a portion of a metal building located on Belco's premises encroaches onto property owned by the City of Temple and located along a portion of the old Georgetown Railroad;

Whereas, Belco has asked that the City enter into a lease agreement for the approximately .18 acre tract of land;

Whereas, the lease will be for three years, with an annual rent payment of \$5,000 and due and payable on the 15th day of October of each year; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a lease agreement between the City of Temple and Belco Manufacturing Co., Inc. for the lease of property located at 2303 Taylor's Valley Road in the annual rent amount of \$5,000.

<u>Part 2:</u> 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 4th day of October, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(D) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

<u>ITEM DESCRIPTION</u>: Consider adopting a resolution authorizing the City to enter into a contract with the Railroad and Pioneer Museum of Temple to terminate the prior agreement between the City and the Foundation.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On May 20, 2010 the City and the Foundation executed the "Agreement between the City of Temple and the Railroad and Pioneer Museum of Temple, Texas" ("the Prior Agreement.") Pursuant to the Prior Agreement, the Foundation has been operating the Railroad and Heritage Museum ("the Museum") and leasing the Sante Fe Depot. The City and the Foundation now wish to terminate the Prior Agreement and the City will take over operation of the Museum. The entire collection and archives which constitute the Museum and which are owned by the City will be returned to the City. Any archives owned by the Foundation will be lent to the City to be used in the Museum. Additionally, the Foundation agrees to return to the City all funds previously provided to the Foundation by the City as Financial Support under Section 3.1 of the Prior Agreement.

FISCAL IMPACT:

ATTACHMENTS:

Resolution

RESOLUTION NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE RAILROAD AND PIONEER MUSEUM OF TEMPLE, TEXAS ("THE FOUNDATION") TO TERMINATE THE PRIOR AGREEMENT BETWEEN THE CITY OF TEMPLE AND THE FOUNDATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 20, 2010, the City of Temple and the Foundation executed the "agreement between the City of Temple and the Railroad and Pioneer Museum of Temple, Texas" ("the Prior Agreement");

Whereas, pursuant to the prior agreement, the Foundation has been operating the Railroad and Heritage Museum and leasing the Sante Fe Depot – the City and the Foundation now wish to terminate the prior agreement and the City will take over the operation of the Museum;

Whereas, the entire collection and archives, which constitute the museum and which are owned by the City, will be returned to the City – any archives owned by the Foundation will be lent to the City to be used in the Museum

Whereas, the Foundation agrees to return to the City all funds previously provided to the Foundation by the City as Financial Support under Section 3.1 of the prior agreement; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to enter into a contract with the Railroad and Pioneer Museum of Temple, Texas and to terminate the prior agreement between dated May 20, 2010.

<u>Part 2:</u> 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 4th day of **October**, 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

10/04/12 Item #5(E) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a construction contract with Legends Landscapes of Lexington LLC, for the South First Street Improvement Phase 2 project within the Temple Medical and Education District in an amount not to exceed \$2,110,600.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Phase 1 of the South First Street Improvements (inside the curb along South 1st Street) is nearly completed. Phase 2 construction takes advantage of additional funding available by providing for enhanced pedestrian facilities and associated amenities along South 5th Street, Avenue U, and South 1st Street as shown on the attached map. Pedestrian trails, landscaping, electrical services, a pedestrian hybrid beacon, and trail marker signage are some of the various project components included in this project.

The bid summary for Phase 2 South First Street Improvements items of work are as follows:

l.	Pedestrian Trail	\$ 1,080,515.00
II.	Landscaping	\$ 379,563.45
III.	Electrical	\$ 562,156.80
IV.	Pedestrian Hybrid Beacon	\$ 66,164.75
٧.	Trail Marker Signage	\$ 22,200.00
		\$ 2,110,600.00

Final construction award is contingent upon Texas Department of Transportation approval, which is anticipated to occur by the end of October. On September 26th, the Reinvestment Zone Board voted to recommend this contract to the Council for authorization.

FISCAL IMPACT: Funds in the amount of \$2,141,791 are available to fund this construction contract. \$392,631 is available in the Reinvestment Zone No. 1 Finance and Project Plans, \$142,816 is available in City funds, and \$1,606,344 is available in TxDOT grant funds.

10/04/12 Item #5(E) Consent Agenda Page 2 of 2

ATTACHMENTS:
Engineer's Letter of Recommendation
Bid Tabulation Project Map Resolution



KASBERG, PATRICK & ASSOCIATES, LP

CONSULTING ENGINEERS
Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

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

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

September 4, 2012

Mr. Mohammad Farhoud, P.E. 3210 E. Avenue H
Building A
Temple, Texas 76501

Re:

City of Temple, Texas

1st Street Sidewalk Improvements - Phase II

Dear Mr. Farhoud:

Bids were received by the City of Temple until 2:00 P.M. on Friday, August 31, 2012 for the above referenced project. There were five (5) sealed bids received and a detailed bid tabulation of these bids is attached for your use.

The 1st Street Sidewalk Improvements – Phase II Project will provide enhanced pedestrian facilities and associated amenities in the areas along 5th Street, Avenue U and 1st Street in the vicinity of Temple College. The limits of this project extend along 5th Street from Friars Creek Drive to Avenue U, along Avenue U from 5th Street to 1st Street then along 1st Street from Avenue U to the pedestrian bridge crossing of 1st Street by Temple College. This project will consist of approximately 7,000 linear feet of 6', 10' and 12' concrete pedestrian trails, installing 89 trees (6" caliper), 73 ornamental trees (2 ½" caliper), 112 5-gallon shrubs, 1,200 3-gallon shrubs, 9,000 1-gallon planting material, 12,800 square yards of block sodding, irrigation system, pedestrian benches, trash receptacles, 70 pedestrian trail lights and foundations, electrical wiring, trail signage, a pedestrian hybrid beacon as well as other miscellaneous construction activities.

The low, successful bidder is Legends Landscapes; P.O. Box 897; Lexington, Texas 78947 in the total amount of \$2,110,600.00. Legends Landscapes has provided construction services on several similar projects for TxDOT as well as different municipalities across the State, including the recently completed 1st Street Improvements – Phase I located at the intersection of 1st Street and Marvin Felder Drive. Legends Landscaping is also a TXDOT prequalified contractor.

Mr. Mohammad Farhoud, P.E. September 4, 2012 Page Two

Based on the qualifications submitted by Legends Landscaping, we would recommend award of all components (Parts I. – V.) of the project to Legends Landscaping of Lexington, Texas in the total bid amount of \$2,110,600.00 should funding be available.

Please call if you should have any further questions.

Sincerely,

Alvin R. (Trae) Sutton III, P. E.

aliksutin

xc: Mrs. Nicole Torralva, P.E., Director of Public Works, City of Temple

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

Ms. Belinda Mattke, City of Temple

Mr. Chandler Evans, Legends Landscape

2009-138-40

TEMPLE, TEXAS 1st STREET SIDEWALK IMPROVEMENTS - PHASE II

August 31, 2012; 2:00 PM

			BIDDER INFORMATION									
				Legends Landscapes		tion Co., Inc.	Barsh Co	mpany	TTG Utilit	ties LP	Patin Constru	ction LC
			PO Box 897		4502 Twin C	ity Blvd.	PO Box	20727	PO Box	299	3800 West 2nd Street	
			Lexington, TX 78947		Temple, TX	76501	Waco TX	76701	Gatesville T	X 76527	Taylor TX	76573
					_							NAME OF TAXABLE PARTY.
Item	Estimated	d Unit Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No.	Quantity	Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
I. CIV	IL ELEME	ENTS									940	
1	70	STA Preparation of Right-of-Way \$	700.00	\$ 49,000.00	\$ 166.50 \$	11,655.00	295.00	\$ 20,650.00	550.00 \$	\$ 38,500.00 \$	1,554.00 \$	108,780.00
2	1,300	SY Remove & Dispose of Concrete Sidewalk, Driveways, Flumes & Curb & Gutter	12.50	16,250.00	22.20	28,860.00	18.50	24,050.00	15.00	19,500.00	30.00	39,000.00
3	1	EA Remove & Dispose of Existing Sign & Planter Base	1,250.00	1,250.00	333.00	333.00	772.00	772.00	1,700.00	1,700.00	500.00	500.00
4	1,750	CY Unclassified Excavation for Pedestrian Trail	12.50	21,875.00	31.08	54,390.00	23.30	40,775.00	10.00	17,500.00	10.00	17,500.00
5	175	CY Unclassified Excavation Existing Street/Driveway Pavement, Including HMAC & Base Courses	15.00	2,625.00	44.40	7,770.00	24.00	4,200.00	14.00	2,450.00	15.00	2,625.00
6	1,300	CY Compacted Fill Using Onsite Material	15.00	19,500.00	42.18	54,834.00	13.20	17,160.00	8.00	10,400.00	10.00	13,000.00
7	1000	CY Compacted Fill Using Imported Select Material	25.00	25,000.00	62.16	62,160.00	29.20	29,200.00	22.00	22,000.00	30.00	30,000.00
8	200	SY Prepare Existing Sub-grade	10.00	2,000.00	8.88	1,776.00	9.55	1,910.00	6.50	1,300.00	20.00	4,000.00
9	200	SY Furnish & Install 8-inch Crushed Limestone Base, Type A Grade 2	16.00	3,200.00	34.41	6,882.00	19.30	3,860.00	18.00	3,600.00	40.00	8,000.00
10	75	TN Place HMAC Type "D" Course Patch	135.00	10,125.00	222.00	16,650.00	162.50	12,187.50	240.00	18,000.00	125.00	9,375.00
11	1	EA Concrete Inlet Top & Flume as detailed on Sheet D-04 of the Plans	2,500.00	2,500.00	3,885.00	3,885.00	4,316.00	4,316.00	3,850.00	3,850.00	7,500.00	7,500.00
12	3,000	0 SF Retaining Wall (Stone)	25.00	75,000.00	** 20.53	61,590.00	30.15	90,450.00	39.50	118,500.00	22.00	66,000.00
13	30	LF Extend 3 - 6' x 4' box Culverts including Headwalls & Wingwalls	500.00	15,000.00	1,221.00	36,630.00	1,795.50	53,865.00	1,700.00	51,000.00	1,700.00	51,000.00
14	20	LF Extend 3 - 8' x 4' box Culverts including Headwalls & Wingwalls	640.00	12,800.00	1,332.00	26,640.00	2,500.00	50,000.00	2,300.00	46,000.00	2,000.00	40,000.00
15	250	LF Hand Rail (TY A)	88.00	22,000.00	122.10	30,525.00	93.10	23,275.00	120.00	30,000.00	78.00	19,500.00
16	1,050	LF Barrier Rail (TY A)	88.00	92,400.00	99.90	104,895.00	93.10	97,755.00	110.00	115,500.00	64.00	67,200.00
17	100%	LS Mobilization, Bonds & Insurance, (not-to-exceed 5% Total Bid) complete	100,000.00	100,000.00	** 25,005.00	25,005.00	66,850.00	66,850.00	120,000.00	120,000.00	125,000.00	125,000.00
18	8	MO Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian)	6,000.00	48,000.00	3,885.00	31,080.00	3,541.00	28,328.00	3,500.00	28,000.00	3,000.00	24,000.00
19	100%	LS Implement & Administer Stormwater Pollution Prevention Plan (SW3P)	6,000.00	6,000.00	4,995.00	4,995.00	14,165.00	14,165.00	1,280.00	1,280.00	2,000.00	2,000.00
20	5,200	LF Furnish, Install, Maintain & Remove Silt Fence	2.00	10,400.00	* 2.44	12,688.00	3.65	18,980.00	3.25	16,900.00	2.50	13,000.00
21	200	LF Furnish, Install, Maintain & Remove Rock Berm	20.00	4,000.00	35.52	7,104.00	37.80	7,560.00	28.00	5,600.00	40.00	8,000.00
22	14	EA Furnish, Install, Maintain & Remove Inlet Protection System	250.00	3,500.00	127.65	1,787.10	148.00	2,072.00	200.00	2,800.00	100.00	1,400.00
23	300	LF 24" Standard Concrete Curb & Gutter	20.00	6,000.00	16.65	4,995.00	20.30	6,090.00	22.00	6,600.00	30.00	9,000.00
24	100	LF 2' Width Concrete Valley Gutter	20.00	2,000.00	12.21	1,221.00	48.55	4,855.00	24.00	2,400.00	15.00	1,500.00
25	10	CY 6" CL B Concrete Flume	400.00	4,000.00	333.00	3,330.00	271.50	2,715.00	425.00	4,250.00	150.00	1,500.00
26	6	EA 15' Concrete Radius units	450.00	2,700.00	1,665.00	9,990.00	1,817.00	10,902.00	1,000.00	6,000.00	1,500.00	9,000.00
27	600	SY Place 6" Concrete Driveway	55.00	33,000.00	42.18	25,308.00	62.40	37,440.00	56.00	33,600.00	50.00	30,000.00
28	7,900	SY Place 6" Concrete Sidewalk, Including Ramps for Driveways	42.50	335,750.00	36.63	289,377.00	46.85	370,115.00	47.00	371,300.00	45.00	355,500.00
29	250	SY Place 6" Intregal Colored Concrete Sidewalk	65.00	16,250.00	55.50	13,875.00	75.40	18,850.00	85.00	21,250.00	85.00	21,250.00
30	120	SY Place 8" Intregal Color Decorative Concrete Stamped Crosswalk	85.00	10,200.00	72.15	8,658.00	130.00	15,600.00	95.00	11,400.00	95.00	11,400.00
31	1	EA Handicap Ramp, TxDOT Type 1 for 6' Pedestrian Trail	1,200.00	1,200.00	943.50	943.50	1,571.00	1,571.00	790.00	790.00	850.00	850.00
32	2	EA Handicap Ramp, TxDOT Type 2 for 6' Pedestrian Trail	1,200.00	2,400.00	943.50	1,887.00	1,583.00	3,166.00	795.00	1,590.00	900.00	1,800.00
33	1	EA Handicap Ramp, TxDOT Type 1 for 10' Pedestrian Trail	1,300.00	1,300.00	1,054.50	1,054.50	1,890.00	1,890.00	1,130.00	1,130.00	950.00	950.00
34	20	EA Handicap Ramp, TxDOT Type 7 for 10' Pedestrian Trail	1,000.00	20,000.00	1,054.50	21,090.00	1,372.00	27,440.00	1,150.00	23,000.00	1,000.00	20,000.00
35	2	EA Handicap Ramp, TxDOT Type 10 for 10' Pedestrian Trail	1,200.00	2,400.00	999.00	1,998.00	1,372.00	2,744.00	1,130.00	2,260.00	1,000.00	2,000.00
36	1	EA Handicap Ramp, TxDOT Type 2 for 12' Pedestrian Trail	1,300.00	1,300.00	1,221.00	1,221.00	2,037.00	2,037.00	1,260.00	1,260.00	950.00	950.00
37	2	EA Handicap Ramp, TxDOT Type 10 for 12' Pedestrian Trail	1,300.00	2,600.00	1,221.00	2,442.00	1,601.00	3,202.00	1,200.00	2,400.00	1,000.00	2,000.00
38	20	EA Remove & Relocate Existing Pole Signs	390.00	7,800.00	277.50	5,550.00	472.00	9,440.00	200.00	4,000.00	500.00	10,000.00
39	6	EA Furnish & Install Pedestrian Crossing Sign & Pole	470.00	2,820.00	610.50	3,663.00	944.00	5,664.00	390.00	2,340.00	600.00	3,600.00
40	250	LF Furnish & Install White Thermoplastic Crosswalk	20.00	5,000.00	23.31	5,827.50	24.70	6,175.00	25.00	6,250.00	25.00	6,250.00
41	125	LF Furnish & Install White Thermoplastic Stop Bar	13.40	1,675.00	8.88	1,110.00	8.00	1,000.00	8.10	1,012.50	17.00	2,125.00
42	50	LF Remove Existing Thermoplastic Crosswalk	13.40	670.00	19.98	999.00	21.25	1,062.50	21.50	1,075.00	17.00	850.00
43	100%	LS Video Tape Project Route & Delivering a Copy to the City of Temple Prior to Starting Construction	400.00	400.00	222.00	222.00	640.00	640.00	1,100.00	1,100.00	1,500.00	1,500.00
44	2	EA Adjust Manhole Lids to Grade in Pedestrian Trail	500.00	1,000.00	1,665.00	3,330.00	313.00	626.00	860.00	1,720.00	500.00	1,000.00
45	5	EA Adjust Water Meter Boxes to Grade in Pedestrian Trail	300.00	1,500.00	333.00	1,665.00	132.00	660.00	320.00	1,600.00	500.00	2,500.00

^{*} Extendted amount has been corrected.

^{**} Written amount & numerical amount do not correspond. Extended amount has been corrected. *** Total amount has been corrected.

Grand total has been corrected.

TEMPLE, TEXAS 1st STREET SIDEWALK IMPROVEMENTS - PHASE II

August 31, 2012; 2:00 PM

				August 31, 2012; 2:00 PM BIDDER INFORMATION										
			<u> </u>		J T	E	ration Co. Tec.			ማጥረ ፤ ነሪ።	tios I P	Patin Construction LC		
				Legends L	-	Emerson Construction Co., Inc.		Barsh Company		TTG Utilities LP PO Box 299		3800 West 2		
				PO Bo	ll.	4502 Twin City Blvd.		PO Box 20727		B		Taylor T		
				Lexington,	TX 78947	Temple, T	X 76501	Waco TX 76701		Gatesville TX 76527		1aylor 12	A 703/3	
17.	L rout	T 77.5	P. J. D	t Lais	Extanded	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	
Item	Estimated	Unit	Bid Data	Unit Price	Extended Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount	
No.	Quantity		Description			333.00	1,998.00	133.00	798.00	310.00	1,860.00	500.00	3,000.00	
46	6		Adjust Water Valve Boxes to Grade in Pedestrian Trail	375.00 200.00	2,250.00 800.00	333.00	1,332.00	235.00	940.00	310.00	1,240.00	500.00	2,000.00	
47	4		Adjust Clean Outs to Grade in Pedestrian Trail	650.00	1,300.00	888.00	1,776.00	932.00	1,864.00	1,350.00	2,700.00	500.00	1,000.00	
48	2		Adjust Dry Utility Vault to Grade in Pedestrian Trail	1,500.00	1,500.00	6,216.00	6,216.00	1,650.00	1,650.00	3,210.00	3,210.00	5,500.00	5,500.00	
49	1		Relocate Existing Fire Hydrant, Including 6" Water Line, Valves, Fittings & Appurtenances Furnish & Install Fire Hydrant Assembly, Including 6" Water Line, Valves, Fittings & Appurtenances	2,500.00	2,500.00	7,770.00	7,770.00	4,039.00	4,039.00	5,400.00	5,400.00	4,500.00	4,500.00	
50	1		Remove Existing Fire Hydrant & Deliver to Owner	600.00	600.00	1,998.00	1,998.00	1,177.00	1,177.00	750.00	750.00	1,000.00	1,000.00	
51	950		Furnish & Install 2" IPS Poly, SDR 11.5, PE 2406, Temple College Gas Line, Including Trenching,	35.50	33,725.00	35.52	33,744.00	32.00	30,400.00	38.00	36,100.00	0.25	237.50	
52			Embedment, Backfill & Appurtences						589.00	1.20	1,140.00	200.00	190,000.00	
53	950		Furnish & Install Tape, "CAUTION - GAS LINE BURIED", Non-Metallic (2")	2.00	1,900.00	1.11	1,054.50	0.62	650.00	685.00	1,370.00	250.00	500.00	
54	2		Furnish & Install Splice Kit, Connector, Direct Bury	825.00	1,650.00	637.14	1,274.28	325.00 366.00	1,098.00	430.00	1,290.00	2,000.00	6,000.00	
55	3		Furnish & Install Tee, Poly, BF, 2", SDR 11.5, PE 2406, & connect to existing service lines	410.00	1,230.00	399.60	1,198.80		708.00	1,100.00	1,100.00	25.00	25.00	
56	100%		Furnish all Equipment, Materials, Tools & Labor necessary for Testing all Proposed Gas Improvements to the Satisfaction of Temple College	1,170.00	1,170.00	1,021.20	1,021.20	708.00		,				
57	1,000	SF	Furnish & Install Limestone Rock Rip Rap (8" to 12" in Diameter)	10.00	10,000.00	5.55	5,550.00	3.50	3,500.00	7.50	7,500.00	7.00	7,000.00	
58	100%		Demolishing a 20' x 24' Portion of the Metal Building used for Storage at Temple College, Including the Existing Concrete Slab	2,500.00	2,500.00	4,400.00	4,400.00	6,061.00	6,061.00	5,500.00	5,500.00	1,500.00	1,500.00	
59	100%	LS	All Materials & Labor required for Removing, Relocating & Connecting the Existing Rear Wall of the	15,000.00	15,000.00	11,100.00	11,100.00	8,736.00	8,736.00	16,900.00	16,900.00	12,000.00	12,000.00	
			Temple College Metal Storage Building, Including Connecting to the Existing Concrete Slab & Limestone											
L	I I DEDEN	CERT	Brick Façade to the Rear Wall		\$ 1,080,515.00	***	\$ 1,082,323.38		\$ 1,208,475.00		\$ 1,268,767.50		\$ 1,387,167.50	
IUIA	L L PEDER	SIKIA	N TRAIL BID AMOUNT (Items 1 - 59)	1	3 1.000.212.00			li l	ψ 1,2400,21√1,000 H	g g	φ 1,200,101,20	1	φ 1,507,107160	
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	Estimated		Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	
				Unit Price		L		Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	
Item No.	Estimated	Unit IG	Bid Data Description	Price	Extended Amount	Unit Price	Extended Amount	Price	Amount	Price	Amount	Price	Amount	
Item No.	Estimated Quantity	Unit IG LS	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves &	Price	Extended Amount	Unit Price	Extended Amount	Price	8		Amount	1	Amount	
Item No. H. LA	Estimated Quantity NDSCAPIN 100%	Unit IG LS	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, \$ Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System	Price 69,988.70	Extended Amount \$ 69,988.70	Unit Price 133,200.00	Extended Amount \$ 133,200.00 \$	Price 108,590.00	Amount \$ 108,590.00	Price	Amount	93,000.00	Amount	
Item No. H. LA 60	Estimated Quantity NDSCAPIN 100% .	Unit Unit AC	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, \$ Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding	Price 69,988.70 20,000.00	Extended Amount \$ 69,988.70	\$ 133,200.00 \$ 44,400.00	Extended Amount	Price 108,590.00 177,047.00	Amount	77,500.00	Amount \$ 77,500.00 \$	Price	\$ 93,000.00	
Item No. H. LA 60 61 62	Estimated Quantity NDSCAPIN 100% 0.01 12,800	Unit IG LS AC SY	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding	Price 69,988.70 20,000.00 2.40	Extended Amount \$ 69,988.70	\$ 133,200.00 \$ 44,400.00 ** 3.10	Extended Amount \$ 133,200.00 \$	Price 108,590.00	\$ 108,590.00 1,770.47	77,500.00 11,500.00	Amount \$ 77,500.00 \$ 115.00	93,000.00 20,000.00	\$ 93,000.00 200.00	
Item No. H. LA 60 61 62 63	Estimated Quantity NDSCAPIN 100%	Unit IS AC SY CY	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Surrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4")	Price 69,988.70 20,000.00 2.40 33.00	Extended Amount \$ 69,988.70 200.00 30,720.00	\$ 133,200.00 \$ 133,200.00 \$ 44,400.00 ** 3.10 33.30	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00	Price 108,590.00 177,047.00 4.25	\$ 108,590.00 \$ 1,770.47 54,400.00	77,500.00 11,500.00 2.75	Amount \$ 77,500.00 \$ 115.00 35,200.00	93,000.00 20,000.00 3.00	\$ 93,000.00 \$ 200.00 38,400.00	
Item No. H. LA 60 61 62 63 64	Estimated Quantity NDSCAPIN 100% 0.01 12,800	LS AC SY CY SY	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Strigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch	Price 69,988.70 20,000.00 2.40	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00	\$ 133,200.00 \$ 44,400.00 ** 3.10	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00	Price 108,590.00 177,047.00 4.25 36.25	\$ 108,590.00 \$ 1,770.47 \$ 54,400.00 \$ 90,625.00	77,500.00 11,500.00 2.75 23.00	Amount \$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00	93,000.00 20,000.00 3.00 20.00	\$ 93,000.00 \$ 200.00 38,400.00 50,000.00	
Item No. H. LA 60 61 62 63	Estimated Quantity NDSCAPIN 100%	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Surrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4")	Price 69,988.70 20,000.00 2.40 33.00 2.75	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00	\$ 133,200.00 \$ 133,200.00 ** 3.10 33.30 5.55	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00	Price 108,590.00 177,047.00 4.25 36.25 5.90	\$ 108,590.00 \$ 1,770.47 54,400.00 90,625.00 14,160.00	77,500.00 11,500.00 2.75 23.00 3.40	Amount \$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00	93,000.00 20,000.00 3.00 20.00 3.70	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00	
1tem No. H. J.A 60 61 62 63 64 65 66	Estimated Quantity NDSCAPIN 100% 0.01 12,800 2,500 2,400 13	Unit LS AC SY CY SY EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, S Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper)	Price 20,000.00 2.40 33.00 2.75 730.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00	## 3.10 33.30 5.55 1,221.00	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00 \$ 15,873.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00	
Item No. II. LA 60 61 62 63 64 65	Estimated Quantity NDSCAPIN 100% 0.01 12,800 2,500 2,400 13	LS AC SY CY SY EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, \$ Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper)	Price 20,000.00 2.40 33.00 2.75 730.00 790.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00	## 3.10 33.30 5.55 1,221.00 1,243.20	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00 \$ 15,873.00 \$ 91,996.80	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 2,900.00 760.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00	
1tem No. 11. LA 60 61 62 63 64 65 66 67	Estimated Quantity NDSCAPIN 100% . 0.01 12,800 2,500 2,400 13 74 2	LS AC SY CY SY EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, \$ Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper)	20,000.00 2.40 33.00 2.75 730.00 790.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 2,655.00 700.00 640.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 2,900.00 760.00 700.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00	
60 61 62 63 64 65 66 67 68	Estimated Quantity NDSCAPIN 100%	Unit IG LS AC SY CY SY EA EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, \$ Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree)	20,000.00 2.40 33.00 2.75 730.00 790.00 350.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20 305.25	\$ 133,200.00 \$ 444.00 39,680.00 83,250.00 15,873.00 91,996.80 2,486.40 1,831.50	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 2,655.00 700.00 640.00 455.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00	
60 61 62 63 64 65 66 67 68 69	Estimated Quantity NDSCAPIN 100%	Unit IS AC SY CY SY EA EA EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (45 gal.) (Tree)	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00	## 133,200.00 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20 305.25 205.35 321.90 416.25	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 531.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00	
60 61 62 63 64 65 66 67 68 69 70	Estimated Quantity NDSCAPIN 100%	LS AC SY CY SY EA EA EA EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (45 gal.) (Tree)	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 320.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00	## 133,200.00 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20 305.25 205.35 321.90 416.25 19.98	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 531.00 29.55	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 26.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 12,000.00 3,136.00	
61 62 63 64 65 66 67 68 69 70 71	Estimated Quantity NDSCAPIN 100% . 0.01 12,800 2,500 2,400 13 74 2 6 50 1	LS AC SY CY SY EA EA EA EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree)	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 320.00 370.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00	\$ 133,200.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 29.55 23.60	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 26.00 27.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 32,000.00 \$ 4,200.00 \$ 32,000.00 \$ 4,55.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ \$ 32,400.00 \$ \$ 32,400.00 \$ \$ 32,400.00 \$ \$ 32,400.00 \$ \$ \$ 32,400.00 \$ \$ \$ 32,400.00 \$ \$ \$ 32,400.00 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00 28.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 12,000.00 3,136.00 33,600.00	
60 61 62 63 64 65 66 67 68 69 70 71 72	Estimated Quantity NDSCAPIN 100%	LS AC SY CY SY EA EA EA EA EA EA EA EA EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree)	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00 370.00 18.00 16.00 3.90	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00	## 133,200.00 ## 3.10 33.30 5.55 1,221.00 1,243.20 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 # 5.72	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00 \$ 51,480.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 29.55 23.60 10.63	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 26.00 27.00 3.65	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ \$ 32,850.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 28.00 28.00 4.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 12,000.00 31,36.00 33,600.00 36,000.00	
60 61 62 63 64 65 66 67 70 71 72 73	Estimated Quantity NDSCAPIN 100% 0.01 12,800 2,500 2,400 13 74 2 6 50 1 16 112 1,200 9,000 3	LS L	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, SIrrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (3 gal.) Plant Material (3 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 370.00 18.00 16.00 3.90 700.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00	## 133,200.00 ## 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 # 5.72 1,332.00	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 13,320.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00 \$ 51,480.00 \$ 3,996.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 29.55 23.60 10.63 354.10	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 26.00 27.00 3.65 2,400.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 28.00 28.00 4.00 2,500.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 33,136.00 33,600.00 36,000.00 7,500.00	
60 61 62 63 64 65 66 67 68 69 70 71 72 73 74	Estimated Quantity NDSCAPIN 100% . 0.01 12,800 2,500 2,400 13 74 2 6 50 1 16 112 1,200 9,000 3 2,500	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, SIrrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (5 gal.) Plant Material (5 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2 Landscape Edging	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 370.00 18.00 16.00 3.90 700.00 2.25	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00 5,625.00	## 133,200.00 ## 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 # 5.72 1,332.00 # 3.05	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00 \$ 51,480.00 \$ 3,996.00 \$ 7,625.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 29.55 23.60 10.63 354.10 3.55	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30 8,875.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 27.00 3.65 2,400.00 3.40	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00 \$ 8,500.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00 4.00 2,500.00 3.60	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 3,136.00 33,600.00 36,000.00 7,500.00 9,000.00	
61 62 63 64 65 66 67 68 69 70 71 72 73 74 75	Estimated Quantity NDSCAPIN 100% 0.01 12,800 2,500 2,400 13 74 2 6 50 1 16 112 1,200 9,000 3	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (5 gal.) Plant Material (3 gal.) Plant Material (3 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2 Landscape Edging Seasonal Color	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00 370.00 18.00 16.00 3.90 700.00 2.25 1.75	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00 5,625.00 1,268.75	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 * 5.72 1,332.00 * 3.05 * 2.78	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00 \$ 51,480.00 \$ 3,996.00 \$ 7,625.00 \$ 2,015.50	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 531.00 29.55 23.60 10.63 354.10 3.55 1.20	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30 8,875.00 870.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 27.00 3.65 2,400.00 3.40 1.50	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00 \$ 8,500.00 \$ 1,087.50	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 28.00 28.00 4.00 2,500.00 3.60 1.50	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 33,136.00 33,600.00 36,000.00 7,500.00 9,000.00 1,087.50	
61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78	Estimated Quantity NDSCAPIN 100% . 0.01 12,800 2,500 2,400 13 74 2 6 50 1 16 112 1,200 9,000 3 2,500	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (5 gal.) Plant Material (3 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2 Landscape Edging Seasonal Color Park Bench	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00 370.00 18.00 16.00 3.90 700.00 2.25 1.75 2,000.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00 5,625.00 1,268.75 18,000.00	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 * 5.72 1,332.00 * 3.05 * 2.78 1,720.50	\$ 133,200.00 \$ 444.00 39,680.00 83,250.00 15,873.00 91,996.80 2,486.40 1,831.50 10,267.50 321.90 6,660.00 2,237.76 26,640.00 51,480.00 3,996.00 7,625.00 2,015.50 15,484.50	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 531.00 531.00 354.10 3.55 1.20 1,444.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30 8,875.00 870.00 12,996.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 27.00 3.65 2,400.00 3.40 1.50 1,800.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00 \$ 8,500.00 \$ 1,087.50 \$ 16,200.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00 4.00 2,500.00 3.60 1,50 1,200.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 33,600.00 36,000.00 7,500.00 9,000.00 1,087.50 10,800.00	
61 62 63 64 65 66 67 70 71 72 73 74 75 76 77	Estimated Quantity NDSCAPIN 100% . 0.01 12,800 2,500 2,400 13 74 2 6 50 1 16 112 1,200 9,000 3 2,500 725	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (5 gal.) Plant Material (3 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2 Landscape Edging Seasonal Color Park Bench Top Opening Litter Receptacle	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00 370.00 18.00 16.00 3.90 700.00 2.25 1.75 2,000.00 1,200.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00 5,625.00 1,268.75 18,000.00 9,600.00	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 * 5.72 1,332.00 * 3.05 * 2.78 1,720.50 1,443.00	\$ 133,200.00 \$ 444.00 39,680.00 83,250.00 15,873.00 91,996.80 2,486.40 1,831.50 10,267.50 321.90 6,660.00 2,237.76 26,640.00 51,480.00 3,996.00 7,625.00 2,015.50 15,484.50 11,544.00	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 29.55 23.60 10.63 354.10 3.55 1.20 1,444.00 1,236.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30 8,875.00 870.00 12,996.00 9,888.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 26.00 27.00 3.65 2,400.00 3.40 1.50 1,800.00 1,430.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00 \$ 8,500.00 \$ 1,087.50 \$ 16,200.00 \$ 11,440.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00 28.00 4.00 2,500.00 1.50 1,200.00 135.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 33,600.00 36,000.00 7,500.00 9,000.00 10,87.50 10,800.00	
61 62 63 64 65 66 67 70 71 72 73 74 75 76 77 78 79 80	Estimated Quantity NDSCAPIN 100%	LS AC SY CY SY EA	Bid Data Description Irrigation System - Including all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System Wildflower Seeding Block Sodding Compost Manufactured Topsoil (4") Mulch Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (Min. 6" caliper) Plant Material (45 gal.) (Tree) Plant Material (5 gal.) Plant Material (3 gal.) Plant Material (1 gal.) Remove & Relocate Existing Trees as shown on Sheets LG 1.2 & LP 1.2 Landscape Edging Seasonal Color Park Bench	Price 20,000.00 2.40 33.00 2.75 730.00 790.00 350.00 350.00 370.00 18.00 16.00 3.90 700.00 2.25 1.75 2,000.00	Extended Amount \$ 69,988.70 200.00 30,720.00 82,500.00 6,600.00 9,490.00 58,460.00 1,580.00 2,100.00 17,500.00 320.00 5,920.00 2,016.00 19,200.00 35,100.00 2,100.00 5,625.00 1,268.75 18,000.00	\$ 133,200.00 \$ 44,400.00 ** 3.10 33.30 5.55 1,221.00 1,243.20 305.25 205.35 321.90 416.25 19.98 22.20 * 5.72 1,332.00 * 3.05 * 2.78 1,720.50	Extended Amount \$ 133,200.00 \$ 444.00 \$ 39,680.00 \$ 83,250.00 \$ 15,873.00 \$ 91,996.80 \$ 2,486.40 \$ 1,831.50 \$ 10,267.50 \$ 321.90 \$ 6,660.00 \$ 2,237.76 \$ 26,640.00 \$ 51,480.00 \$ 3,996.00 \$ 7,625.00 \$ 2,015.50 \$ 11,544.00 \$ 2,164.50 \$	Price 108,590.00 177,047.00 4.25 36.25 5.90 826.00 1,475.00 826.00 531.00 531.00 531.00 531.00 531.00 354.10 3.55 1.20 1,444.00	\$ 108,590.00 1,770.47 54,400.00 90,625.00 14,160.00 10,738.00 109,150.00 1,652.00 3,186.00 26,550.00 531.00 8,496.00 3,309.60 28,320.00 95,670.00 1,062.30 8,875.00 870.00 12,996.00	77,500.00 11,500.00 2.75 23.00 3.40 1,680.00 2,655.00 700.00 640.00 455.00 680.00 27.00 3.65 2,400.00 3.40 1.50 1,800.00	\$ 77,500.00 \$ 115.00 \$ 35,200.00 \$ 57,500.00 \$ 8,160.00 \$ 21,840.00 \$ 196,470.00 \$ 5,310.00 \$ 4,200.00 \$ 32,000.00 \$ 455.00 \$ 10,880.00 \$ 2,912.00 \$ 32,400.00 \$ 32,850.00 \$ 7,200.00 \$ 8,500.00 \$ 1,087.50 \$ 16,200.00	93,000.00 20,000.00 3.00 20.00 3.70 1,840.00 2,900.00 760.00 700.00 500.00 750.00 28.00 4.00 2,500.00 3.60 1,50 1,200.00	\$ 93,000.00 200.00 38,400.00 50,000.00 8,880.00 23,920.00 214,600.00 5,800.00 4,560.00 35,000.00 500.00 12,000.00 33,600.00 36,000.00 7,500.00 9,000.00 1,087.50 10,800.00	

TEMPLE, TEXAS 1st STREET SIDEWALK IMPROVEMENTS - PHASE II

		1	st STREET SII	DEWALK IMP	ROVEMENTS -	- PHASE II						
				August 31, 2012	2; 2:00 PM							
		·					BIDDER INFO	RMATION				
			Legends Landscapes PO Box 897 Lexington, TX 78947		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76501		Barsh Company PO Box 20727 Waco TX 76701		TTG Utilities LP PO Box 299 Gatesville TX 76527		Patin Construc 3800 West 2nd Taylor TX 7	d Street
Item	Estimated	Unit Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No.	1	Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
	LECTRICA				<u> </u>							
81	6,800	LF Underground Conduit & Trenching	\$ 13.00	\$ 88,400.00	** 12.87	\$ 87,516.00	\$ 9.10	\$ 61,880.00	3 13.20	\$ 89,760.00 \$	6.00 \$	40,800.00
82	750	LF Furnish & Install 4" Sch. 80 PVC Conduit Sleeve by Open Cut	17.50	13,125.00	* 17.43	13,072.50	12.85	9,637.50	18.00	13,500.00	20.00	15,000.00
83	400	LF Furnish & Install 4" Sch. 80 PVC Conduit Sleeve by Bore	79.00	31,600.00	78.81	31,524.00	34.85	13,940.00	62.00	24,800.00	30.00	12,000.00
84	19,600	LF Electrical Wiring	1.40	27,440.00	* 1.39	27,244.00	1.15	22,540.00	1.50	29,400.00	2.00	39,200.00
85	70	EA Fuses & Connectors	248.00	17,360.00	249.75	17,482.50	183.25	12,827.50	255.00	17,850.00	315.00	22,050.00
86	4	EA Hand Holes	2,410.00	9,640.00	2,419.80	9,679.20	1,522.60	6,090.40	2,485.00	9,940.00	800.00	3,200.00
87	100%	LS Control Cabinet	16,144.00	16,144.00	16,150.50	16,150.50	14,600.50	14,600.50	16,590.00	16,590.00	12,000.00	12,000.00
88	100%	LS Meter Rack	6,800.00	6,800.00	6,826.50	6,826.50	3,257.00	3,257.00	7,025.00	7,025.00	5,200.00	5,200.00
89	70	EA Decorative Light Poles with Fixtures	4,300.62	301,043.40	4,218.00	295,260.00	4,013.00	280,910.00	4,335.00	303,450.00	4,200.00	294,000.00
90	70	EA Piers for Decorative Light Poles	722.92	50,604.40	555.00	38,850.00	957.00	66,990.00	750.00	52,500.00	800.00	56,000.00
TOTA	L III. ELF	CCTRICAL BID AMOUNT (Items 81 - 90)		\$ 562,156.80	***	\$ 543,605.20		\$ 492,672.90		\$ 564,815.00	<u>L\$</u>	499,450.00
Item	Estimated	Unit Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
No.	Quantity	Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount
IV. P.	EDESTRIA	N HYBRID BEACON								212.00	100 00 1 #	1 140 00
91	6	LF Drill Shaft (24 IN) (TRF SIG POLE)	\$ 55.00	I	1							
92	14	LF Drill Shaft (36 IN) (TRF SIG POLE)	333.00	4,662.00	388.50	5,439.00		4,956.00	340.00	4,760.00	260.00	3,640.00
93	50	LF Conduit (PVC) (SCHD 40) (2")	13.25	662.50	14.43	721.50	14.15	707.50	13.65	682.50	12.00	975.00
94	65	LF Conduit (PVC) (SCHD 40) (3") (TRENCH)	14.40	936.00	15.54	1,010.10	15.35	997.75	14.75	958.75	15.00	
05	320	LE Conduit (PVC) (SCHD 80) (3") (BORE)	28.80	9.216.00	33.30	10,656.00	30.70	9,824.00	29.50	9,440.00	30.00	9,600.00

Item	Estimated	Unit	Bid Data	Unit	Extended								
No.	Quantity		Description	Price	Amount								
IV. PE.	DESTRIAN	HYB	RID BEACON										
91	6	LF	Drill Shaft (24 IN) (TRF SIG POLE)	\$ 55.00	\$ 330.00								
92	14	LF	Drill Shaft (36 IN) (TRF SIG POLE)	333.00	4,662.00	388.50		354.00	4,956.00	340.00	4,760.00	260.00	3,640.00
93	50	LF	Conduit (PVC) (SCHD 40) (2")	13.25	662.50	14.43	721.50	14.15	707.50	13.65	682.50	12.00	600.00
94	65	LF	Conduit (PVC) (SCHD 40) (3") (TRENCH)	14.40	936.00	15.54	1	15.35	997.75	14.75	958.75	15.00	975.00
95	320	LF	Conduit (PVC) (SCHD 80) (3") (BORE)	28.80	9,216.00	33.30	1	30.70	9,824.00	29.50	9,440.00	30.00	9,600.00
96	305	LF	Elec Conductor (NO. 6) BARE	1.90	579.50			2.00	610.00	1.95	594.75	1.50	457.50
97	140	LF	Elec Conductor (NO. 6) INSULATED	2.25	315.00			2.40	336.00	2.30	322.00	1.70	238.00
98	6	EA	Ground Box Type E (122317) w/ Apron	1,220.00	7,320.00	1,332.00		1,298.00	7,788.00	1,250.00	7,500.00	960.00	5,760.00
99	1	EA	Elec Srv Type D 120/240 070 (NS) SS (E) SP (O)	5,000.00	5,000.00	6,105.00	6,105.00	5,311.00	5,311.00	5,110.00	5,110.00	6,300.00	6,300.00
100	6	EA	Install Small Roadway Sign Assembly	475.00	2,850.00	610.50		944.00	5,664.00	395.00	2,370.00	1,100.00	6,600.00
101	100	LF	Ref Pav Mrk TY I (W) 12" (SLD) (100 MIL)	12.25	1,225.00			4.00	400.00	4.05	405.00	16.00	1,600.00
102	50		Ref Pav Mrk TY I (W) 24" (SLD) (100 MIL)	13.35	667.50			8.00	400.00	8.10	405.00	17.00	850.00
103	100	LF	Ref Pav Mrk TY II (W) 12" (SLD)	7.80	780.00			1.75	175.00	1.75	175.00	11.00	1,100.00
104	50	LF	Ref Pav Mrk TY II (W) 24" (SLD)	8.90	445.00			3.45	172.50	3.50	175.00	13.00	650.00
105	100	LF	Pav Surf Prep for Mrk (12")	6.00	600.00	* 1.39		1.50	150.00	1.50	150.00	8.00	800.00
106	50	LF	Pav Surf Prep for Mrk (24")	7.00	350.00			2.95	147.50	3.00	150.00	11.00	550.00
107	1	EA	Install Hwy Traf Sig (ISOLATED)	6,100.00	6,100.00	7,215.00	-	6,492.00	6,492.00	3,250.00	3,250.00	6,500.00	6,500.00
108	4	EA	Back Plate (12 IN) (1 SEC)	100.00	400.00	99.90	1	106.25	425.00	102.00	408.00	137.00	548.00
109	4	EA	Back Plate (12 IN) (2 SEC)	115.00	460.00	111.00		118.00	472.00	113.00	452.00	150.00	600.00
110	4	EA	Veh Sig Sec (12 IN) LED (YEL)	415.00	1,660.00	405.15	1	431.00	1,724.00	415.00	1,660.00	380.00	1,520.00
111	8	EA	Veh Sig Sec (12 IN) LED (RED)	415.00	3,320.00	405.15			3,448.00	415.00	3,320.00	375.00	3,000.00
112	225	LF	Trf Sig Cbl (TY A) (12 AWG) (10 CONDR)	2.25	506.25	2.22			540.00	2.30	517.50	4.00	900.00
113	140	LF	Trf Sig Cbl (TY A) (12 AWG) (16 CONDR)	3.35	469.00	3.33		3.55	497.00	3.50	490.00	6.00	840.00
114	192	LF	Trf Sig Cbl (TY A) (14 AWG) (5 CONDR)	1.75		* 1.67		1.80	345.60	1.70	326.40	2.00	384.00
115	1	EA	Ins Trf Sig PL AM (S) 1 ARM (44')	8,900.00	8,900.00	8,880.00		9,442.00	9,442.00	9,100.00	9,100.00	9,700.00	9,700.00
116	1	EA	Pedestal Pole Assembly	2,225.00	2,225.00	2,220.00		2,361.00	2,361.00	2,275.00	2,275.00	2,500.00	2,500.00
117	2.	EA	LED Countdown Pedestrian Signal Module	700.00	1,400.00	688.20		732.00	1,464.00	705.00	1,410.00	1,060.00	2,120.00
118	2	EA	Accessible Pedestrian Signal Units	2,225.00	4,450.00	2,220.00		2,361.00	4,722.00	2,270.00	4,540.00	5,000.00	10,000.00
TOTAL	IV. PEDE	ESTRI	AN HYBRID BEACON BID AMOUNT (Items 91 - 118)		\$ 66,164.75	***	\$ 69,331.29		\$ 69,925.85		\$ 61,288.90		\$ 79,472.50

YES

BID TABULATION

TEMPLE, TEXAS 1st STREET SIDEWALK IMPROVEMENTS - PHASE II

			August 31, 2012	; 2:00 PM									
			BIDDER INFORMATION										
			Legends Landscapes PO Box 897 Lexington, TX 78947		Emerson Construction Co., Inc. 4502 Twin City Blvd. Temple, TX 76501		mpany 20727 3 76701	TTG Utilities LP PO Box 299 Gatesville TX 76527		Patin Construction LC 3800 West 2nd Street Taylor TX 76573			
Item Estimated Unit	Bid Data	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended		
No. Quantity	Description	Price	Amount	Price	Amount	Price	Amount	Price	Amount	Price	Amount		
V. TRAIL MARKER SIGNAGE											2 400 00		
119 4 EA Furnish & Install T	Frail Marker Signage	\$ 5,550.00	\$ 22,200.00	\$ 7,770.00 \$	31,080.00	2,210.00	\$ 8,840.00	2,000.00 \$		850.00	\$ 3,400.00		
TOTAL V. TRAIL MARKER SIGNAGE		- I	\$ 22,200.00		31,080.00		\$ 8,840.00	\$	8,000.00		\$ 3,400.00		

	BIDDER INFORMATION										
	Legends Landscapes	Emerson Construction Co., Inc.	Barsh Company	TTG Utilities LP	Patin Construction LC						
	PO Box 897	4502 Twin City Blvd.	PO Box 20727	PO Box 299	3800 West 2nd Street						
BID SUMMARY	Lexington, TX 78947	Temple, TX 76502	Waco TX 76702	Gatesville TX 76528	Taylor TX 76574						
I. PEDESTRIAN TRAIL	\$ 1,080,515.00	\$ 1,082,323.38	\$ 1,208,475.00								
II. LANDSCAPING	\$ 379,563.45	\$ 522,518.36	\$ 592,555.37								
III. ELECTRICAL	\$ 562,156.80	\$ 543,605.20	\$ 492,672.90								
IV. PEDESTRIAN HYBRID BEACON	\$ 66,164.75	\$ 69,331.29	\$ 69,925.85								
V. TRAIL MARKER SIGNAGE	\$ 22,200.00	\$ 31,080.00	\$ 8,840.00								
TOTAL BID AMOUNT FOR: I. + II. + III. + IV. + V.	\$ 2,110,600.00	\$ 2,248,858.23	\$ 2,372,469.12	\$ 2,466,665.90	\$ 2,560,053.5						
		·									
Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES						
Did Bidder Acknowledge Addenda No. 2?	YES	YES	YES	YES	YES						
Did Bidder Acknowledge Addenda No. 3?	YES	YES	YES	YES	YES						
Did Bidder Acknowledge Addenda No. 4?	YES	YES	YES	YES	YES						
			· · · · · · · · · · · · · · · · · · ·	MEC	VEC						

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

Did Bidder provide Bid Security?

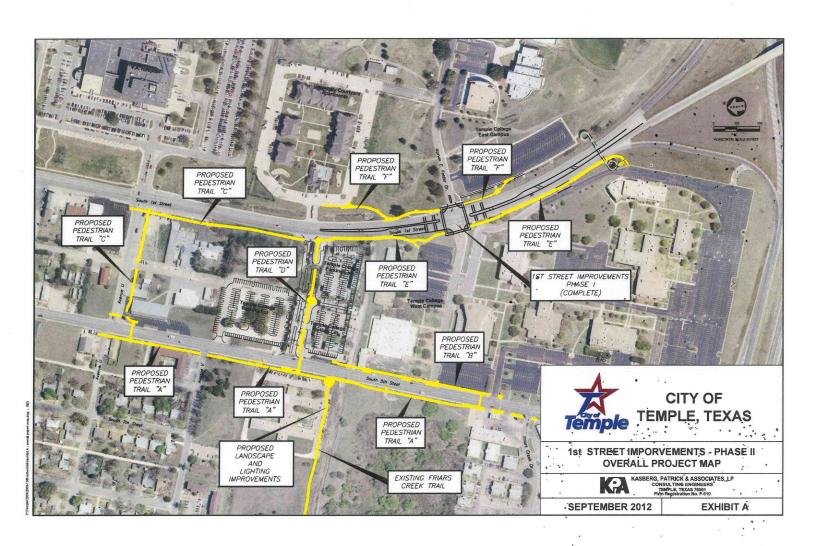


YES

YES

YES

YES



RESOLUTION NO.	
KESOEU HON NO.	

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH LEGENDS LANDSCAPES, LLC OF LEXINGTON, TEXAS, FOR THE SOUTH FIRST STREET IMPROVEMENT PHASE II PROJECT WITHIN THE TEMPLE MEDICAL AND EDUCATION DISTRICT; IN AN AMOUNT NOT TO EXCEED \$2,110,600; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Phase 1 of the South First Street Improvements is nearly complete and Phase 2 construction will take advantage of additional funding available by providing for enhanced pedestrian facilities and associated amenities along south 5th Street, Avenue U and south 1st Street;

Whereas, pedestrian trails, landscaping, electrical services, a pedestrian hybrid beacon, and trail marker signage are some of the various project components included in Phase 2;

Whereas, final construction award is contingent upon Texas Department of Transportation approval, which is anticipated to occur by the end of October, 2012;

Whereas, funds are available for this project in the Reinvestment Zone No. 1 Financing and Project Plans, and in the Texas Department of Transportation grant funds; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a construction contract, not to exceed \$2,110,600, with Legends Landscapes, LLC of Lexington, Texas, after approval as to form by the City Attorney, for the South First Street Improvement Phase 2 project within the Temple Medical and Education District.

<u>Part 2:</u> 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 $\mathbf{4^{th}}$ day of **October**, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(F) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, Sustainability and Grant Manager Sam Weed, Superintendent of Fleet Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the purchase and installation of eleven propane conversion kits from Philpott Motors of Port Neches utilizing a BuyBoard cooperative contract, in the amount of \$99,499.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The City applied for and received grant funding from the Clean Start Propane Refueling, Vehicle Incentive & Outreach Program through Texas State Technical College (TSTC) and its partners CleanFuel USA (CFUSA) and Public Solutions Group (PSG). TSTC received funding from the U.S. Department of Energy (DOE) to promote the use of alternative fuels to preserve the environment through its Clean Start program. The City was notified in September 2012 that the City had been awarded the grant in the amount of \$99,499, with no City match required.

Under the program the City committed to convert eleven vehicles to propane autogas (liquefied propane gas, LPG). Propane autogas is the best alternative fuel for medium duty vehicles. Staff has identified the vehicles listed below:

Department	Year	Model	Engine
Water (13520)	2012	F-150	5.4 L
PALs (13293)	2011	F-150	5.4 L
PALs (13294)	2011	F-150	5.0 L
Engineering (13514)	2012	F-150	5.4 L
Engineering (13516)	2012	F-150	5.4 L
Metering (13513)	2012	F-150	5.4 L
Streets (13511)	2012	F-150	5.4 L
Streets (13519)	2012	F-150	5.4 L
Solid Waste (13517)	2012	F-150	5.4 L
Fleet (13292)	2011	F-150	5.4 L
Police (TBD)	2012	Tahoe	5.3 L

10/04/12 Item #5(F) Consent Agenda Page 2 of 2

These vehicles were chosen based on model year, current accumulated miles, use, and current conversion options available on the market. Staff is proposing to utilize a system that converts the current gasoline fuel to a bi-fuel LPG system. This option allows the engine to start up using gasoline, but thereafter switch to LPG for operation. Gasoline will remain as a secondary back-up system, primarily operating on LPG. With grant assistance the City can anticipate an annual savings between \$2,500 and \$3,000 per vehicle.

The procurement and installation of the conversion kits is being recommended utilizing a BuyBoard cooperative contract. All contracts available through the BuyBoard have been awarded by virtue of a public competitive procurement process compliant with State statutes.

The cost per vehicle conversion kit is \$9,045.36. The total cost for converting the eleven vehicles equals \$99,499.

<u>FISCAL IMPACT:</u> Funding program guidelines provide for 100% reimbursable funding, in the amount of \$99,499, no City match is required. A budget adjustment is presented for Council's approval to appropriate the grant expenditure to 260-3800-519-62-13 and grant revenue to 260-0000-431-01-63 in the amount of \$99,499.

ATTACHMENTS:

Budget Adjustment Resolution

FY	2013

Disapproved

Disapproved

Approved

Date

Date

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.

PROJECT# **INCREASE DECREASE ACCOUNT NUMBER ACCOUNT DESCRIPTION** 260-3800-519-62-13 100931 Capital Equipment/Automotive \$ 99,499 99,499 260-0000-431-01-63 Federal Grants TOTAL..... 99,499 \$ 99,499 EXPLANATION OF ADJUSTMENT REQUEST- Include justification for increases AND reason why funds in decreased account are available. To appropriate grant revenue and grant expenditures received from the Clean Start Propane Refueling, Vehicle Incentive & Outreach program through Texas State Technical College (TSTC) and its partners CleanFUEL USA and Public Solutions Group (PSG). TSTC received funding from the U.S. Department of Energy (DOE) to promote the use of alternative fuels and reduce the carbon footprint to preserve the environment. The City will convert eleven fleet vehicles to liquefied petroleum (LPG), also known as propane autogas. The grant requires no City match. Total project costs are estimated at \$99,499. DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? No DATE OF COUNCIL MEETING 10/4/2012 WITH AGENDA ITEM? X Yes Approved Department Head/Division Director Date Disapproved Approved

Finance

City Manager

RESOLUTION NO.	
----------------	--

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF ELEVEN PROPANE CONVERSION KITS FROM PHILPOTT MOTORS OF PORT NECHES, TEXAS, THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE, IN THE AMOUNT OF \$99,499; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City applied for and received grant funding from the Clean Start Propane Refueling, Vehicle Incentive & Outreach Program through Texas State Technical College and its partners, CleanFuel USA and Public Solutions Group;

Whereas, Texas State Technical College received funding from the U.S. Department of Energy to promote the use of alternative fuels and reduce the carbon footprint to preserve the environment – the City was notified in September 2012 that it had been awarded a grant in the amount of \$99,499 with no City match required;

Whereas, under the program, the City committed to convert eleven vehicles to propane autogas which is the best alternative fuel for medium duty vehicles – the vehicles chosen were based on model year, current accumulated miles, use and current conversion options available on the market;

Whereas, the procurement and installation of the conversion kits is being recommended utilizing the BuyBoard Local Government Online Purchasing Cooperative, at an approximate cost per vehicle of \$9,045.36;

Whereas, grant funds are available for this purchase with no required match from the City, however a budget adjustment to the FY12-13 budget needs to be approved to appropriate the grant expenditure and grant revenue to the appropriate expenditure accounts; and

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

Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council authorizes the purchase and installation of eleven propane conversion kits from Philpott Motors of Port Neches, Texas, through the

BuyBoard Local Government Online Purchasing Cooperative System, in the amount of \$99,499.

- <u>Part 2</u>: The City Council approves an amendment to the FY2012-13 budget, substantially in the form of the copy attached hereto, for this purchase.
- <u>Part 3:</u> The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for this purchase.
- <u>Part 4:</u> 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 4th day of October, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
	<u></u>
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(G) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing a Chapter 380 grant agreement with Temple Pro Ventures Commercial, LP for redevelopment improvements at 1401 South 1st Street in the South First Street Strategic Investment Zone corridor in an amount not to exceed \$44,000.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

<u>ITEM SUMMARY:</u> This agreement outlines the obligations and representations of Derek Martin representing Temple Pro Ventures Commercial, LP and also defines the City's incentive package. 1401 South 1st Street is situated within the South 1st Street Strategic Investment Zone. The site is currently known as used as the Surplus Warehouse building.

City Council entered into an agreement with Temple Pro Ventures Commercial, LP on May 23, 2011 for the purpose of constructing a new building and site improvements with an investment of \$1,135,634. Since that time the grant recipient has completed the improvements outlined in their Chapter 380 Grant agreement, and their tenant, Surplus Warehouse has now opened for business at the new site. As noted in the City Council presentation at that time, they are now ready to proceed to Phase 2 which is redevelopment of the vacated building.

The agreement and resolution will allow Temple Pro Ventures Commercial, LP to receive a Chapter 380 grant of up to \$15,000 for façade improvements; up to \$10,000 for sidewalk improvements; up to \$2,500 for sign improvements, up to \$10,000 for landscaping, up to \$4,000 asbestos related expenses, and up to \$2,500 for demolition costs. Temple Pro Ventures' total estimated project investment for exterior finish, interior finish out, and site improvements is \$319,000 with the City's total cash match being up to \$44,000. Improvements must be completed by December 30, 2013.

Please note that improvements are proposed to an existing building which was recently vacated. The applicant is improving the property to attract a new tenant(s). There are no tenants secured for this project at this time.

10/04/12 Item #5(G) Consent Agenda Page 2 of 2

FISCAL IMPACT: The total maximum grant by the City is \$44,000. In the FY '12 budget, there is \$116,892 in SIZ funds remaining which will be carried forward to the FY '13 budget. In FY '13 budget \$100,000 was appropriated for Strategic Investment Zone matching grant incentives bringing the total funds available for FY '13 and this grant \$216,892 in account 110-1500-515-2695. After funding this grant a balance of \$172,892 remains available for future incentive grants. Payment of the grant funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

Grant Agreement Location map Existing Façade, Proposed Façade, Building Layout Resolution

South 1st Street Strategic Investment Zone 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 Pro Ventures Commercial, LP (hereinafter "Owner").

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2011-4504, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 1401 South 1st Street (hereinafter the "Property"), City and Owner agree to assume the responsibilities set forth below.

Section 2. Obligations of Owner. Owner proposes to make certain improvements to the Property, which are described generally below and as attached, and to use the Property as an office/business after the Improvements are completed. Owner is seeking matching grants for certain types of additional improvements described in Section 3, and further agrees to complete all of the additional improvements described in the subparts of Section 3.

Improvements, hereinafter collectively referred to as "the Improvements" include the following: asbestos abatement, demolition and disposal, roof replacement, exterior painting, stone and stucco work, installation of new windows, landscaping and installation of sidewalk plan, complete rehabilitation of building interior and construction of a parking garage. The total anticipated investment in the Property by Owner is \$319,552.92. Any match made by the City, as described in Section 3 below, is limited to \$44,000.

Owner agrees to complete said Improvements on or before December 30, 2013. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3. If Improvements are not completed on December 30, 2013, the City may administratively grant a onetime extension of time for 90 days.

Owner further agrees that all Improvements will meet the standards and requirements set forth in Article 6 of the Unified Development Code as they pertain to TMED.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner, subject to the maximum cap of \$44,000, as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below:

(a) Façade Improvement Grant. The City will make a grant of up to \$15,000 on a 1:1 matching basis for the replacement and repair of an existing façade with an eligible masonry product on the Improvements. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.

A depiction of the Façade Improvements to be completed by Owner is attached as **Exhibit "A."**

- (b) <u>Sign.</u> The City will make a grant of up to \$2,500.00 on a 1:1 matching basis for sign construction and installation.
- (c) <u>Sidewalk Improvement Grant.</u> The City will make a grant of up to \$10,000.00 on a 1:1 matching basis for the construction or replacement of new sidewalks, Sidewalk improvement costs eligible for reimbursement include demolition costs (where applicable) (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (d) <u>Asbestos Survey and Abatement</u>. The City will make a grant of up to \$4,000 on a 1:1 matching basis for Owner-initiated asbestos survey of the Property. Asbestos survey grant eligible costs include professional fees, labor costs, and replacement materials.
- (e) <u>Landscaping.</u> The City will make a grant of up to \$10,000 on a 1:1 matching basis for landscaping. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant

include ground preparation costs (including labor), materials (trees, shrubs, soil and amendments thereto and other decorative hardscape such as arbors, art, large pots, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs.

(f) **<u>Demolition Grant.</u>** The City will make a grant of up to \$2,500 on a 1:1 matching basis for demolition costs.

Section 4. Acceptance of Improvements and Payment of Matching Grants.

The City's obligation to provide the matching grants described in Section 3 is conditioned upon the Owner completing the Improvements described in Section 2 and the specific additional improvements described in the relevant subparts of Section 3. After the Improvements described in Section 2 and in the subparts of Section 3 are inspected and accepted by the City, the City will make payment to the Owner within 30 days of such acceptance and upon evidence of receipts for expenses.

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City.

Section 6. Assignment. Owner shall have the right to assign this Agreement as collateral for the financing of the construction of the Improvements, and in the event that Owner is unable to complete the project for any reason, its assignee shall have the right, but not the obligation to finish the project, and receive a contribution from the City in the amounts specified in this Agreement upon final inspection and acceptance of the Improvements by the City.

Section 7. Availability of Records. Owner agrees to make its books and other records related to the construction of the Improvements available for inspection by the City during reasonable business hours.

Executed on this the _	day of	, 2012

City of Temple, Texas	Owner
David A. Blackburn City Manager	Derek Martin Temple Pro Ventures
	Commercial, LP
Attest:	Approved as to form:
Lacy Borgeson City Secretary	City Attorney

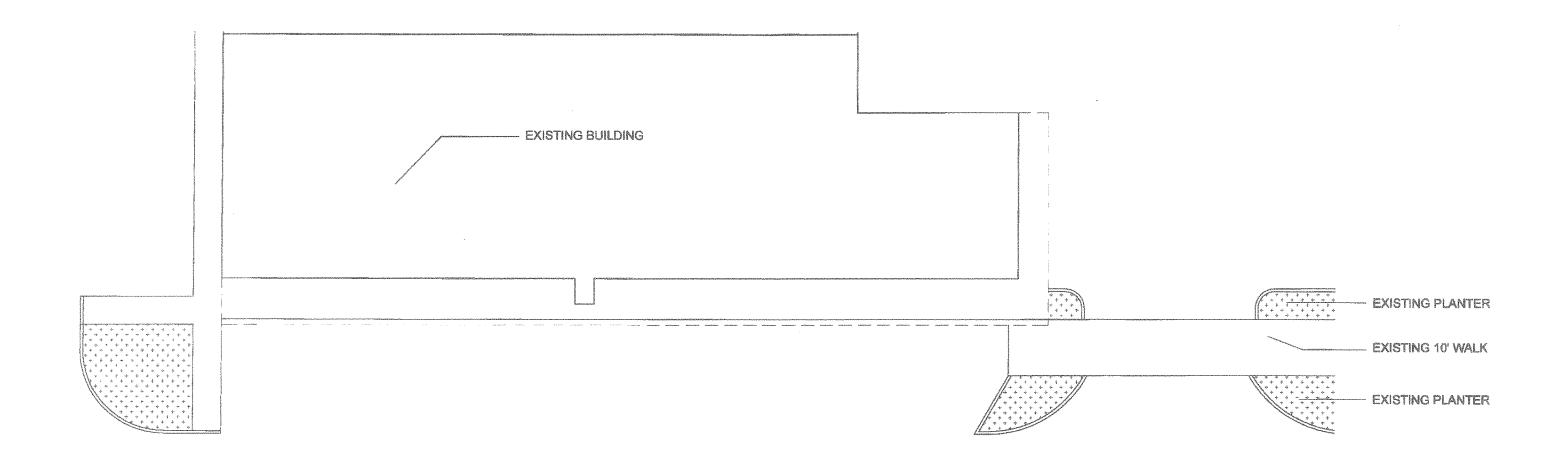
State of Texas	§
County of Bell	§
	as acknowledged before me on the day of, Blackburn, City Manager, for the City of Temple, a Texas home
Notary Public	
State of Texas	§
County of Bell	§
	as acknowledged before me on the day of,
Notary Public	

Existing Building (Phase 2 this project)

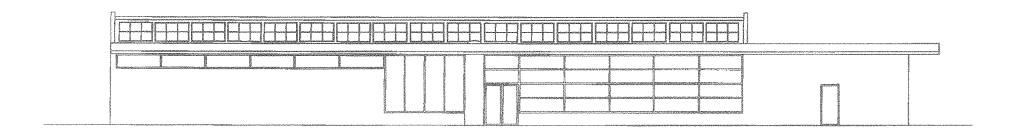


Location Map

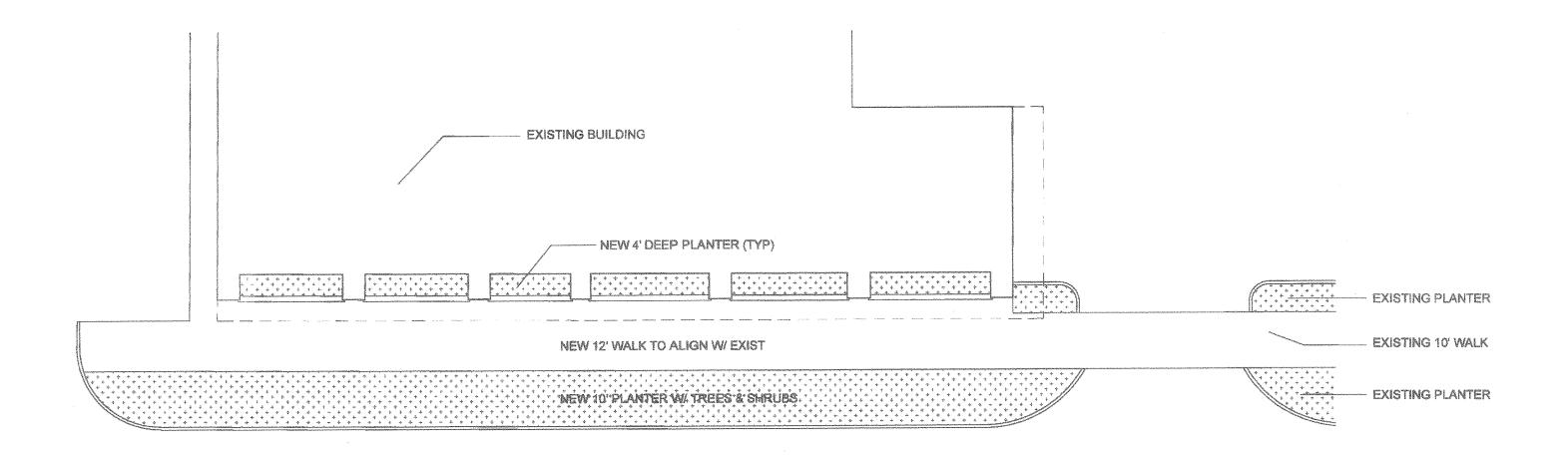




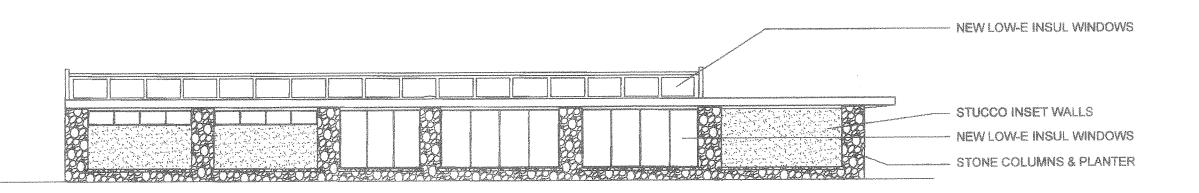
EXISTING SITE PLAN



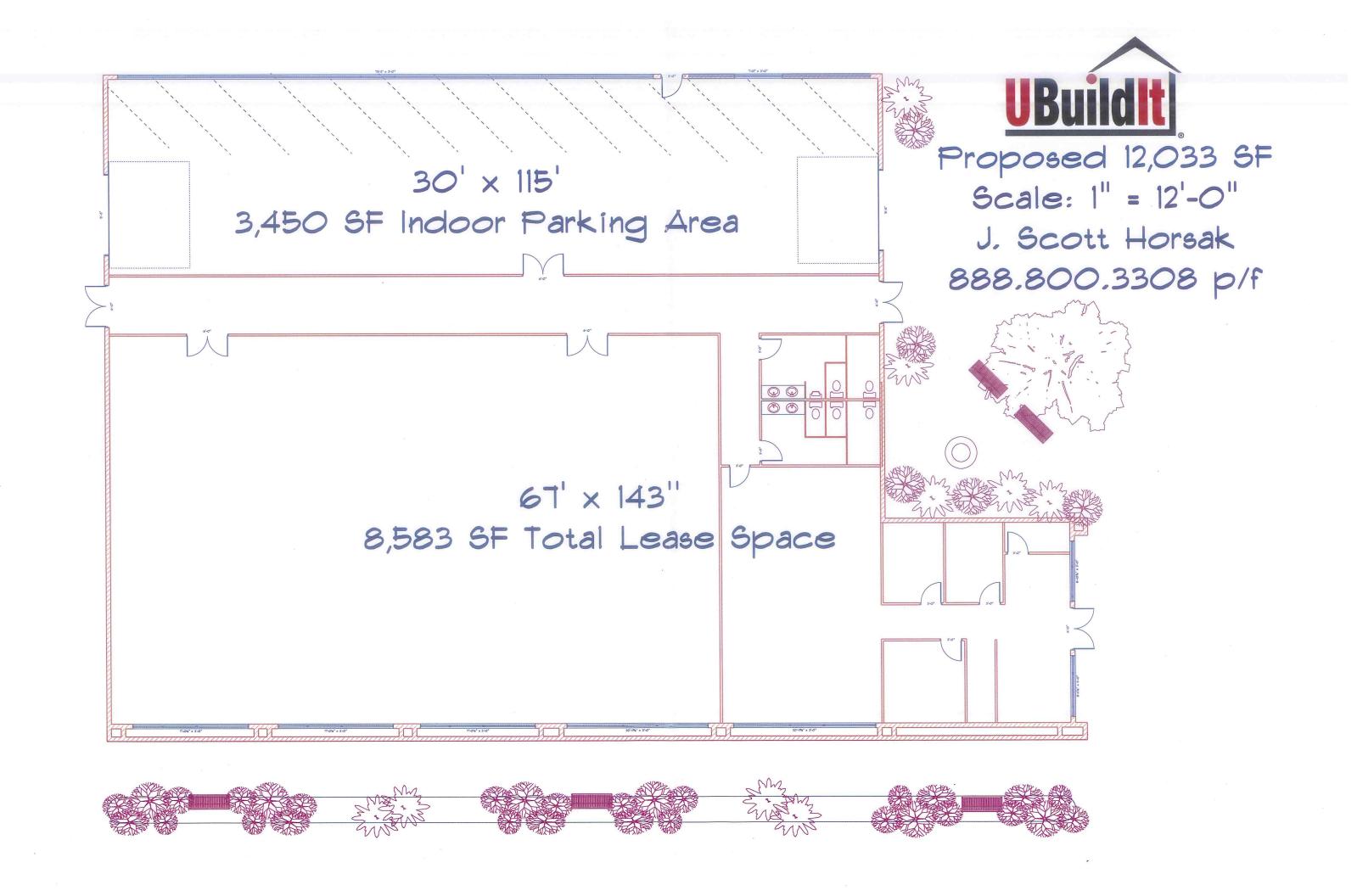
EXISTING 1st STREET ELEVATION



SITE PLAN



1st STREET ELEVATION



RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, **CHAPTER** AUTHORIZING Α 380 **DEVELOPMENT** AGREEMENT BETWEEN THE CITY OF TEMPLE AND TEMPLE PRO VENTURES COMMERCIAL, FOR REDEVELOPMENT LP. IMPROVEMENTS AT 1401 SOUTH 1ST STREET IN THE SOUTH FIRST STREET STRATEGIC INVESTMENT ZONE CORRIDOR; IN AN AMOUNT NOT TO EXCEED \$44,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this agreement outlines the obligation sand representations of Temple Pro Ventures Commercial, LP, and also defines the City's incentive package for property located at 1401 south 1st Street, which is situated within the South 1st Street Strategic Investment Zone;

Whereas, the City Council entered into an agreement with Temple Pro Ventures Commercial, LP on May 23, 2011 for the purpose of constructing a new building and site improvements – since that time, the grant recipient has completed the improvement outlined in their agreement and are now ready to proceed to Phase 2;

Whereas, Temple Pro Ventures Commercial, LP estimate the total project investment for Phase 2 will be approximately \$170,760.80, with the City's total match being up to \$44,000 – Phase 2 must be completed no later than September 30, 2013;

Whereas, the Staff recommends entering into a Chapter 380 Development Agreement with Temple Pro Ventures Commercial, LP. for redevelopment purposes of the property located at 1401 south 1st Street which is located in the South 1st Street Strategic Investment Zone Corridor; 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:

<u>Part 1:</u> The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Development Agreement with Temple Pro Ventures Commercial, LP, after approval as to form by the City Attorney, for redevelopment improvements of the property located at 1401 S. 1st Street, Temple, Texas, 76501, with the City's matching grant being up to \$44,000.

<u>Part 2:</u> 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 4th day of **October**, 2012.

WILLIAM A. JONES, III, Mayor
APPROVED AS TO FORM:
Jonathan Graham City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(H) Consent Agenda Page 1 of 8

DEPT. / DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

<u>ITEM DESCRIPTION:</u> SECOND READING - Z-FY-12-58: Consider adopting an ordinance authorizing a rezoning from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

<u>P&Z COMMISSION RECOMMENDATION:</u> At its September 4, 2012 meeting, the Planning and Zoning Commission voted 8/1 to recommend approval of a zone change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2). Commissioner Rhoads voted in opposition to the applicant's requested zone change.

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

Staff recommends denial of the ordinance for Z-FY-12-58 for a zone change from HI to MF-2 for the following reasons:

- 1. The request does not comply with the Future Land Use and Character Map;
- 2. The request does not comply with the Thoroughfare Plan Map;

Please note that staff is recommending this tract for PD zoning, with both multi-family and retail uses.

<u>ITEM SUMMARY:</u> The applicant requests this zone change to allow future development of an apartment complex. The property's current HI District does not allow apartments or any type of residential uses due to incompatibility between heavy industrial uses and residential uses. A zone change from HI to MF-2 would allow the following uses, but is not limited to those listed:

Residential uses
Single Family Attached
Single Family Detached
Duplex
Apartment
Home for the Aged

Nonresidential uses
Hotel or Motel
Fire Station
Park or Playground
Child Care/Day Care Center with a C.U.P.
Halfway House with a C.U.P.

Some <u>uses prohibited</u> in the MF-2 District include: restaurant, patio home, recreational vehicle park, HUD-Code manufactured home subdivision or land lease community, golf course, mini-storage warehouse, and food or beverage sales store, among others.

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	НІ	Undeveloped	PROPOSED LANGUSE CASE ASSAULTS For information, call 1/(234) 238-5658
North	С	Sammons Park Golf Course	

Direction	Zoning	Current Land Use	Photo
South	HI and C	Undeveloped and Retail Uses	Michael C.
			EXT NOW THE PARTY OF THE PARTY
East	LI	Residential, Commercial, and Industrial Uses	

Direction	Zoning	Current Land Use	Photo
West	С	Undeveloped	

<u>COMPREHENSIVE PLAN COMPLIANCE:</u> 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	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character	The future land use and character map designates the entire property as Auto-Urban Commercial. This designation is appropriate for the majority of areas identified for commercial use, generally concentrated at intersections versus strip development along the major road. The minimum site area is commonly 10,000 square feet but may be larger for multi-tenant buildings and centers, such as the Bird Creek Crossing Shopping Center to the south.	No
СР	Map 5.2 - Thoroughfare Plan	The property's only access is from West Avenue K, a narrow paved road without curb and gutter. The Thoroughfare Plan designates West Avenue K as a local street. There is however, an opportunity to provide I-35 access by re-evaluating Avenue K with future planning, which would yield 100,000 traffic volume to support mixed use (commercial and multi-family combined) development. This approach would best facilitate redevelopment of this section of I-35. See staff analysis	No
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities.	There is an 8-inch sewer line along the West Avenue K right-of-way. A 24-inch sewer line runs through the west side of the property. A 6-inch sewer line borders the northwest corner of the property. A 27-inch water line runs along the West Avenue K right-of-way and along the applicant's north property line. A 2-inch water line runs along a portion of the West Avenue right-of-way.	Yes

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
СР	Land Use Policy 11 – Multi-family housing should be developed at a density and scale that is appropriate with the surrounding neighborhood and available utilities and roadway capacity. Larger multi-family developments should be located on sites with adequate space for off-street parking, accessory structures, and recreational activity and toward the edge of single-family residential areas where higher traffic generation and taller buildings heights can be better accommodated. Land Use Policy – 13 - Commercial developments should be concentrated in nodes at major intersections and other appropriate locations along highway frontages and primary roadways to maintain safe and efficient traffic flow on major roads.	Land use policies 11 and 13 would permit an ideal mix at this location of both multi-family and commercial. This location is suitable for multi-family development, however due to the limited amount of vacant retails/commercial property available on this central portion of the I-35 Corridor, this type of development should be partnered with retail/commercial mix closer to the I-35 frontage.	Partially
СР	Economic Development Goal 7.2 – Tax base enhancement and the revitalization of DowntownThe City should promote the redevelopment of strategic sites that are appropriate for retail operations.	Utilizing this strategically placed property entirely for multi-family residential uses, forgoes a large opportunity to provide an adequate supply of retail sites, especially in light of the I-35 expansion and redevelopment	NO
STP	Trails Master Plan Map	The Sidewalk and Trails Plan calls for local connectors in this area.	N/A

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

<u>DEVELOPMENT REGULATIONS:</u> The Multiple Family Two District (MF-2) permits more modest sized dwelling units and an increased number of units within the multiple-family complex, allowing approximately 20 units per acre in buildings three to four stories in height. If fully developed, a maximum of 240 units could be developed. The MF-2 District should be designed for a higher density use of the land with amenities and facilities such as major thoroughfares, parks, transit and utilities close by and adequate for the volume of use.

<u>STAFF ANALYSIS:</u> The Choices '08 Plan states Temple leaks approximately \$490 million annually in retail spending. Key planning considerations for the enhancement of retail, dining and entertainment amenities as addressed by Goal 7.2 includes "expanding retail sales in Temple".

It is important to provide an adequate mix of uses in the city, including retail. This is especially important in the I-35 corridor which boasts a 100,000 daily vehicle count. The I-35 Corridor is one of, if not the most important corridor for retail growth potential in the City. There are approximately 1,400 acres of land within 500' of I-35. Of this total 33% or 460 acres are undeveloped. Approximately 82 tracts comprise this developable land with only 15 being over 10 acres in size, such as the site in question. For reference Bird Creek is approximately 46 acres.

The row acquisition will primarily affect the west side of I-35 and directly affects this sites proximity to I-35 frontage roads. Only a small portion of remainder property will remain between this property and the I-35 frontage roads. Avenue K will also remain in some capacity.

The requested zone change from HI to MF-2 is not an unreasonable request. This location is suitable for multi-family development, however due to the limited amount of vacant retail/commercial property available on this central portion of the I-35 Corridor, any type of multi-family development should be partnered with retail/commercial mix closer to the I-35 frontage. Good planning principles tell us that zoning should be used to provide a gradual transition from less intense uses, to more intense uses. This is often called "buffering" one land use from another. In this case, providing a mixed use development would accomplish this goal by transitioning from a retail use to a less intense use of multi-family in the rear. Land use policies 11 and 13 would promote an ideal mix at this location of both multi-family and commercial.

Based on the limited supply of retail opportunities, the site's key location, proximity to other regional retail, traffic volume, opportunity for buffering, potential for additional land directly adjacent to I-35 and potential abandonment of a substandard roadway; the best approach for this location would be mixed use zoning. Multi-family development could be included in the rear portion of the property to better take advantage of the golf club views and accessibility, and retail development could be incorporated in front of or in combination with the multi-family. Staff would support a Planned Development for this mixed use type of development.

10/04/12 Item #5(H) Consent Agenda Page 8 of 8

<u>PUBLIC NOTICE:</u> Thirteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200 feet of the property in question, as required by State law and City Ordinance. As of Monday, September 10, 2012, at 10:30 AM, one notice was returned in favor of the request and none were returned in opposition to the request.

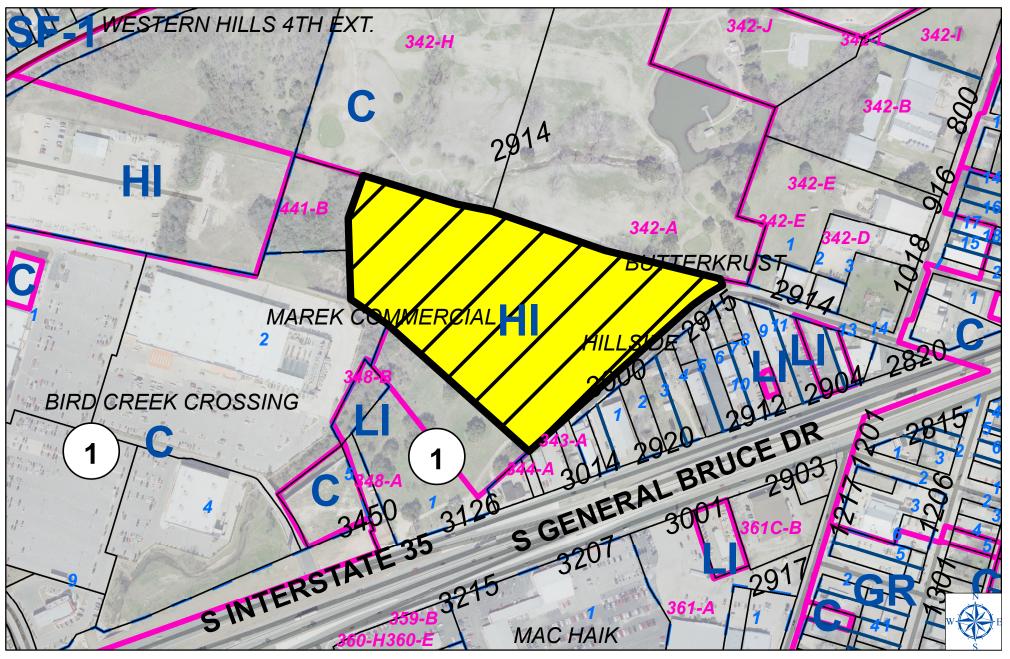
The newspaper printed notice of the Planning and Zoning Commission public hearing on August 24, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Aerial & Zoning Map
Land Use and Character Map
Utility &Thoroughfare Plan Map
Notice Map
P&Z Excerpts
Ordinance







Case Z-FY-12-58

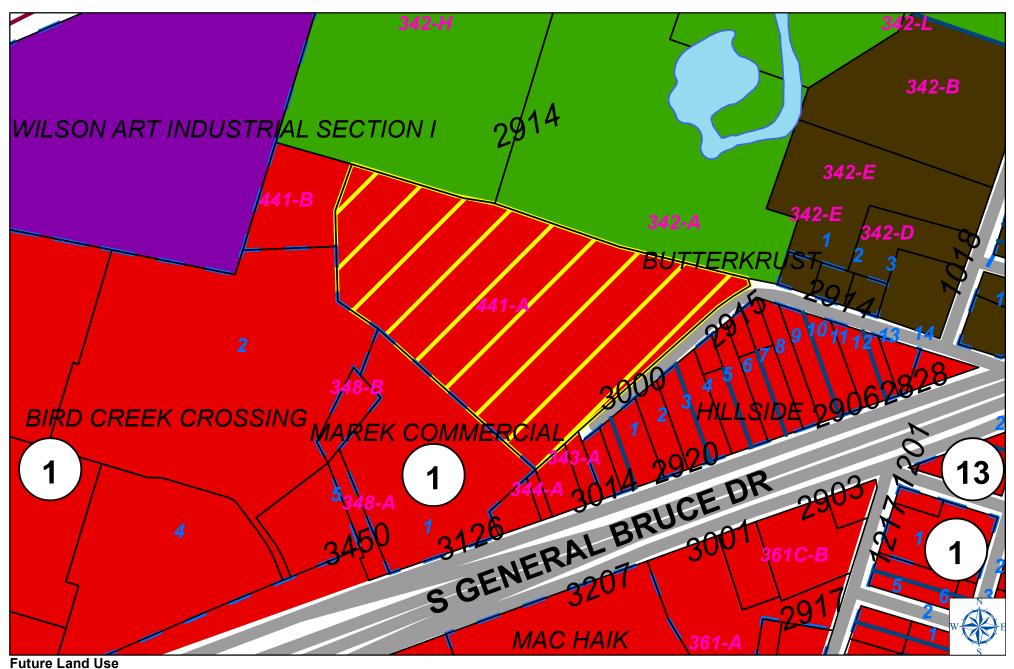


Outblock Number

Address

Block Number

Lot Number



Neighborhood Conservation

Estate Residential

Suburban Residential

Auto-Urban Residential
Auto-Urban Multi-Family
Auto-Urban Mixed Use

Auto-Urban Commercial
Suburban Commercial
Urban Center

Temple Medical Education District
Industrial
Business Park

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.

Public Institutional

Agricultural/Rural

Parks & Open Space

Case Z-FY-12-58

Fire Hydrant

Sewer Line

Water Line

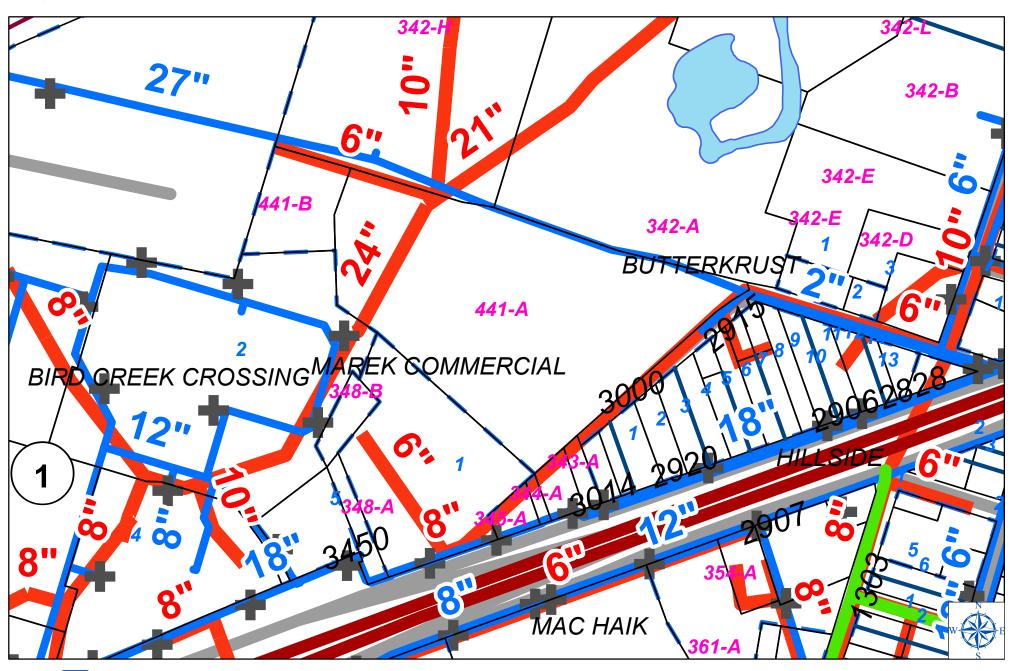
Expressway

Major Arterial

Proposed Major Arterial

Proposed K-TUTS

Minor Arterial



Proposed Minor Arterial

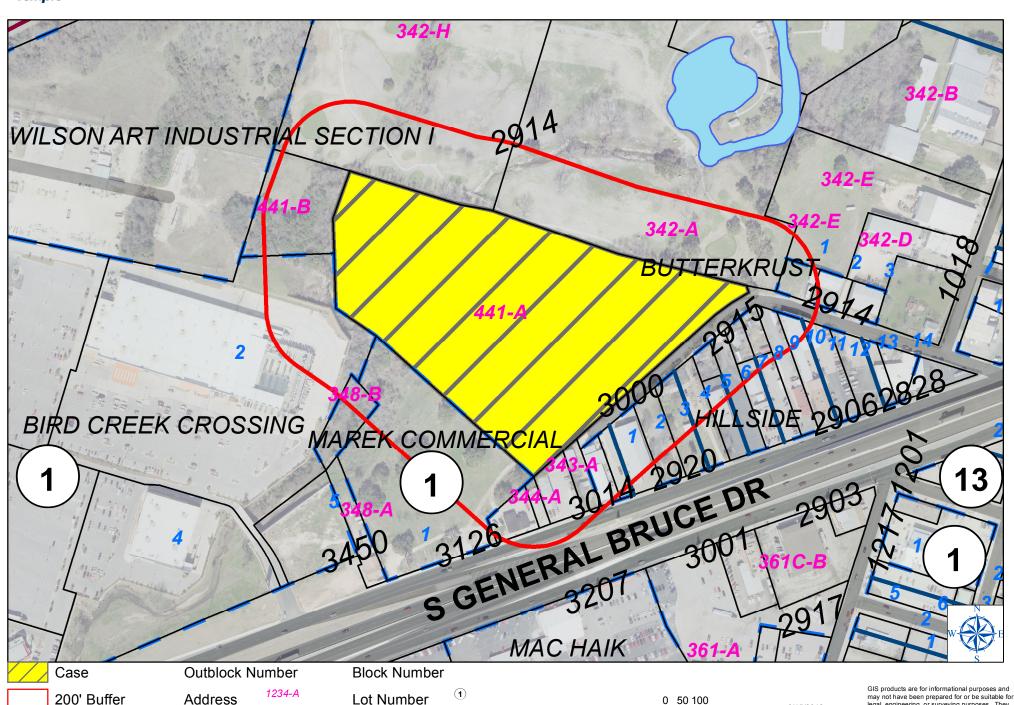
Conceptual Collector

Collector

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.



Subdivision



1234

HI to MF-2

8/15/2012 City of Temple GIS

Feet

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

TUESDAY, SEPTEMBER 4, 2012

ACTION ITEMS

Item 5: Z-FY-12-58: Hold a public hearing to discuss and recommend action on a zone change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on 12.163 ± acres, being a part of land situated in the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at 3000 South General Bruce Drive.

Ms. Tammy Lyerly, Planner, stated the applicant requests the zone change for future apartment uses since Heavy industrial district does not allow any type of residential uses. The subject property is located closed to the north edge of Bird Creek Crossing and General Bruce Drive. The only access to the subject property is from Avenue K.

Surrounding properties include undeveloped land to the south, multiple uses to the east which include residential, commercial, and industrial uses; Sammons Park Golf Course to the north, and undeveloped land to the west. The MF-2 zone change would allow the following uses, but not limited to, single family attached, single family detached, duplexes, home for the aged and apartments. Nonresidential uses would allow some things such as a motel/hotel, fire station, park with playground, and child care/day care center (requires a CUP). Prohibited uses in MF-2 include, but not limited to, a restaurant, patio home, recreational vehicle park, HUD Code manufactured home subdivision or land use community, golf course, mini-storage warehouse, and food or beverage sales.

Multifamily-Two District allows modest sized dwelling units and increased number of units within a multi-family complex, allowing approximately 20 units per acre, three to four stories in height. This property would allow a maximum of 340 units.

The Future Land Use and Character Map designate this property for Auto Urban-Commercial which residential uses would not be in compliance with the Comprehensive Plan.

There are utilities in the area to serve the property.

The Thoroughfare Plan shows Avenue K as a local street.

Thirteen notices were mailed out and one was received in favor of the request, zero was received in opposition.

Staff recommends denial of this request because the request does not agree with the Future Land Use and Character Map, does not agree with the Thoroughfare Plan since Avenue K is a local street and not developed with curb and gutter; and the incompatibility between surrounding light and heavy industrial uses and potential residential uses brought in.

Commissioner Talley asked if the applicant talked to Staff about the willingness to widen Avenue K due to the inability to handle a lot of traffic. Ms. Lyerly stated no, this was not discussed, but the applicant was given Staff's recommendation of denial based on the

Comprehensive Plan. Widening of a street is normally discussed in detail during the platting process and development issues.

Vice-Chair Staats asked what the right-of-way width was for Avenue K and Ms. Lyerly stated the right-of-way width for a local street is approximately 50 feet wide.

Commissioner Rhoads asked how many businesses in front of Avenue K would be removed and Ms. Lyerly stated it would be 150 feet deep.

Vice-Chair Staats asked how long the land had been vacant and Ms. Lyerly stated there were no signs of previous development. Vice-Chair Staats stated his concern was protecting the creek from runoff.

Chair Martin opened the public hearing.

Mr. Reuben Marek, 509 Kasberg Drive, Temple, Texas, stated he represented the buyer and seller's property. They would like to build a 180-200 unit apartment complex on this property in the amount of approximately \$20 million and a contract is currently pending. Would like to see the property rezoned to go forward with the project.

Avenue K will be a dead end street after the I35 expansion. It will provide ample entrance to the property. The adjoining property will have frontage off of I35 and, to his knowledge, there are no plans for any retail growth there. The subject property overlooks the golf course and would bring \$20 million to the City of Temple. If this project does not go through, the property will remain undeveloped as it has always been.

The widening of Avenue K has not been discussed, but Mr. Marek felt the parties involved would do what it takes to help the project.

Mr. Marek passed out copies of prospective plans for the Commissioners. No site plan is currently available for the site since the applicant is waiting for the zoning to be approved.

Mr. Marek stated the traffic would be rather light on Avenue K since it would accommodate so few businesses.

Commissioner Sears stated he likd the idea of utilizing the golf course view and vice versa.

Commissioner Magaña asked what type of apartments would be built on the property and Mr. Marek stated high end, luxury apartments, similar to Chappell Hills/Chappell Oaks, overlooking the golf course.

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

Commissioner Rhoads stated there were several unanswered questions in his mind and Staff seemed to want to keep things in alignment but also understood Mr. Marek's position. Commissioner Rhoads stated he would like to see nice apartments with retail in front of them, but understood why Staff recommended denial due to the Comprehensive Plan.

Commissioner Magaña stated he would like to see the area developed and believed it would add to the type of smaller businesses that would eventually come to the area.

Commissioner Talley agreed, however, he did not want to set a new precedent against the codes and rules already established.

Commissioner Rhoads stated he would like to see a site plan to know how this would go.

Ms. Lyerly stated a site plan would usually be included only if the zoning were for a Planned Development. Ms. Lyerly also stated any type of zone change request would need to comply with the Comprehensive Plan. If it does not, Staff will always endorse the Comprehensive Plan.

Vice-Chair Staats stated someone was willing to invest into the community and would probably be a better environmental situation for the creek if the integrity were maintained. He felt it would add value to the properties and the golf course.

Chair Martin stated he felt this project would go great with the surrounding development, bring in tax dollars and enhance Temple overall.

Commissioner Jones stated they were aware of the developer and their product, and they are willing to work on Avenue K. Commissioner Jones was in agreement with the other Commissioners.

Commissioner Magaña made a motion to approve Item 5, **Z-FY-12-58**, and Commissioner Sears made a second.

Motion passed: (8:1)

Commissioner Rhoads voted nay

[PLANNING NO. Z-FY-12-58]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM HEAVY INDUSTRIAL DISTRICT (HI) TO MULTIPLE FAMILY TWO DISTRICT (MF-2), ON APPROXIMATELY 12.163 ACRES OUT OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT 3000 SOUTH GENERAL BRUCE 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:

<u>Part 1</u>: The City Council approves a zoning change from Heavy Industrial District (HI) to Multiple Family Two District (MF-2) on a tract of land consisting of approximately 12.163 acres located at 3000 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>Part 2</u>: 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.

<u>Part 4:</u> 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.

<u>Part 5:</u> 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 **20**th day of **September**, 2012.

PASSED AND APPROVED on Second Reading on the 2nd day of **October**, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(I) Consent Agenda Page 1 of 5

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

<u>ITEM DESCRIPTION:</u> SECOND READING - Z-FY-12-59: Consider adopting an ordinance authorizing a rezoning from Agricultural District (AG) to General Retail District (GR) on 1.053 ±acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

P&Z COMMISSION RECOMMENDATION At its meeting on September 4, 2012, the Planning and Zoning Commission voted 9/0 in accordance with the Staff recommendation to recommend approval of a zone change from Agricultural District (AG) to General Retail District (GR).

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

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

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

ITEM SUMMARY: The applicant requests this rezoning to General Retail District to utilize the existing residential structure as a retail boutique.

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	Residential	
North	AG	Package Shipping	FedEx
South Across Charter Oak	С	Automobile Service and Sales/ Storage Facility	
Direction	Zoning	Current Land Use	Photo

Direction	Zoning	Current Land Use	Photo
East (East across Kegley Rd.)	AG	Light Industrial	
East (East across Charter Oaks and Kegley Rd.)	С	Gas Station	
West (Outside City Limits)	-	Undeveloped Residential	

<u>COMPREHENSIVE PLAN COMPLIANCE:</u> 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	Site Conditions	Compliance
СР	Map 3.1 - Future Land Use and Character (FLUP)	The subject property has been identified as Auto- Urban Commercial which calls for commercial uses that serve large areas.	Y
СР	Map 5.2 - Thoroughfare Plan	The subject property is situated on the corner of South Kegley Road and Charter Oak – both built as Collector Streets. Proposed access will be from South Kegley Road.	Y
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by an 8" water line. A 6" wastewater line is accessible across South Kegley Road.	Y
STP	Temple Trails Master Plan Map & sidewalks	The plan has identified a proposed community—wide connector along the east side of Kegley Road not affecting this project.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

<u>DEVELOPMENT REGULATIONS:</u> According to the City of Temple Comprehensive Plan, an Auto–Urban Commercial future land use designation is appropriate for commercial use generally concentrated at intersections (vs. strip centers along major roads). The General Retail District is the standard retail zoning district and allows most commercial uses intended to serve larger service areas and not just neighborhoods. Allowed uses include but are not limited to:

- Retail sales.
- Restaurants.
- Grocery Stores,
- Departments Stores,
- Offices, and
- Residential uses but not multi-family.

Light to heavy industrial are generally prohibited in this district. Prohibited uses include but are not limited to:

- Building Material Sales,
- Cleaning, dyeing, or laundry plat,
- Laboratory manufacturing,
- Heavy machinery, sales, storage, repair, and
- Storage warehouses.

The subject property is located at the intersection of South Kegley Road and Charter Oak Drive both built as Collector Streets. Charter Oak has been identified as a proposed future Minor Arterial on the Thoroughfare Plan. Sufficient capacity exists for the proposed use.

Dimensional standards are as follows:

Sec.	ACCOUNT OF THE			lentia e specif		1000	onal S	Stand	ards	Dimensi			loped in	accord	lance w	ith the t	ables b	elow.			
Type of Use	AG	J.	SF-1	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-I	MF-2	MF-3	1-0	0-2	SN	GR	CA	U	ב	Ī
Min. Lot Area (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Ņ
Min. Lot Width (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N
Min. Lot Depth (ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N
Min. Front Yard Setback(ft.)	50	50	25	25	15	25	15	15	15	25	25	25	25	25	25*	15	15		See 4.4.4	F.1.d*	
Min. Side Yard Setback(ft.)	20	20	20	20	20	20	20	20	20	20	20	20	20	5	5*	10	10	0*	0*	0*	0
Min. Side (Corner)Yard Setback(ft.)	15	15	15	15	15	15	15	15	15	15	15	15	15	15	10*	10	10	0*	10	10	10
Min. Rear Yard Setback(ft.)	10	10	10	10	10	10	10	10	10	10	10	10	10	0*	0*	0*	0*	0*	0*	0*	0
Max. Building Coverage (%)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N
Max. Height (stories)	3	3	2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	3	4	10	45	ALH	2 1/2	3	ALH	ALH	ALH	AL

The existing structure meets all the dimensional requirements for the proposed General Retail District zoning.

Due to the proposed change in use from residential to commercial, the property will need to be brought into compliance with specific codes, including but not limited to parking, landscaping, access/circulation, and signage.

<u>PUBLIC NOTICE:</u> Five 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. Three courtesy notices were sent to property owners outside the city limits within 200-feet of the subject property. As of Monday September 10, 2012, two notices and one courtesy notice (outside the City limits) were returned in support of the proposed change of zoning. The City has received no notices in opposition to the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 24, 2012, in accordance with state law and local ordinance.

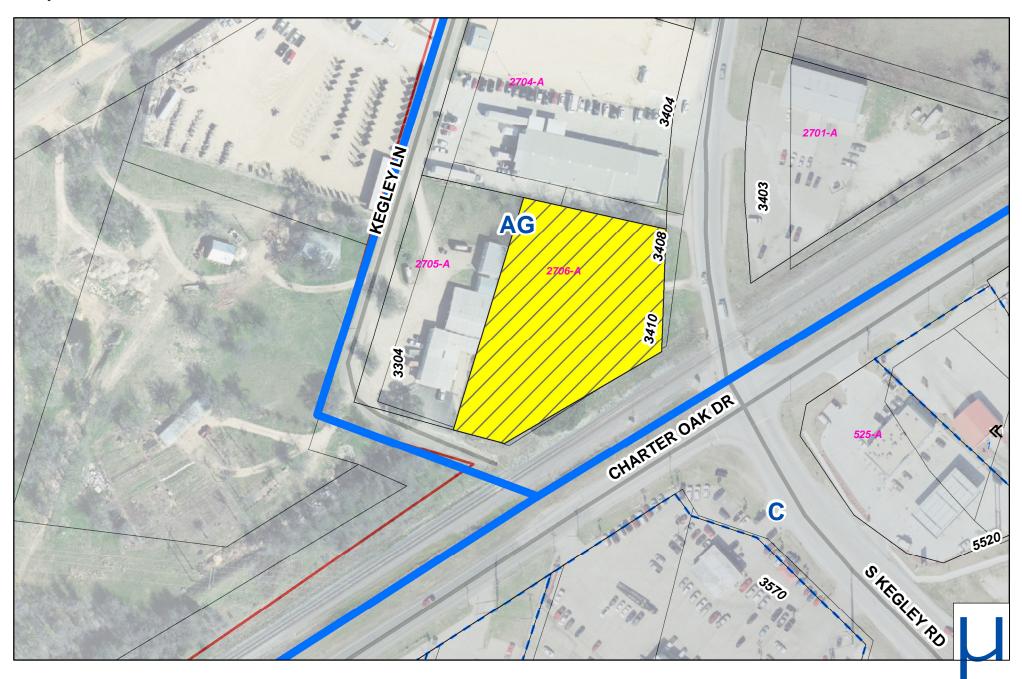
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

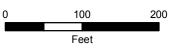
Aerial, Zoning, and Location Map Future Land Use and Character Map 200' Notification Buffer Map Thoroughfare, Trails Plan /Utility Map Notices Returned P&Z Excerpts Ordinance **Z-FY-12-59**

Z-FY-12-59 AG to GR

3408 & 3410 S. Kegley Road





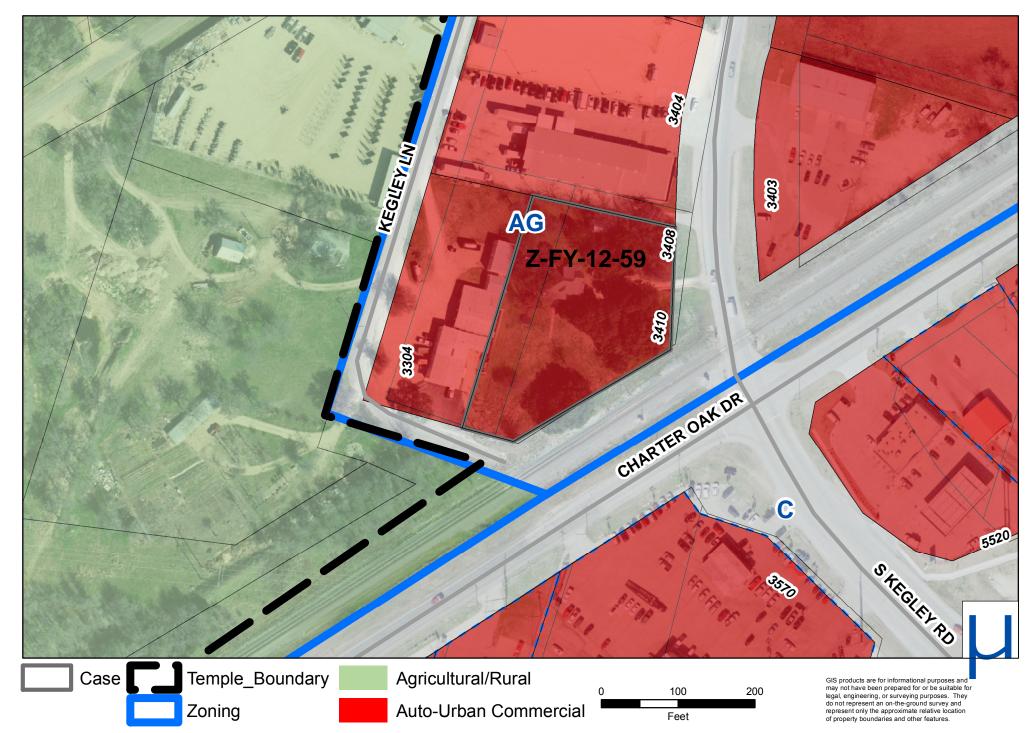


GIS products are for informational purposes and may not have been prepared for or be suitable fuegal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Z-FY-12-59

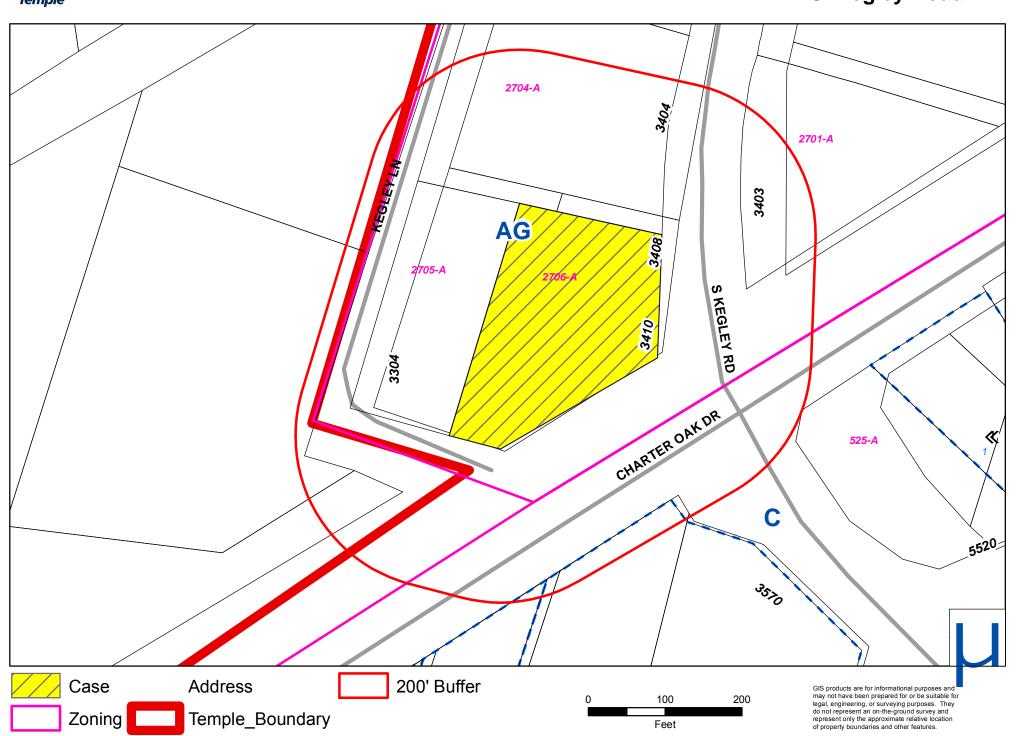
Future Land Use and Character

3408 & 3410 S. Kegley Road



200' Buffer Map

3408 & 3410 S. Kegley Road

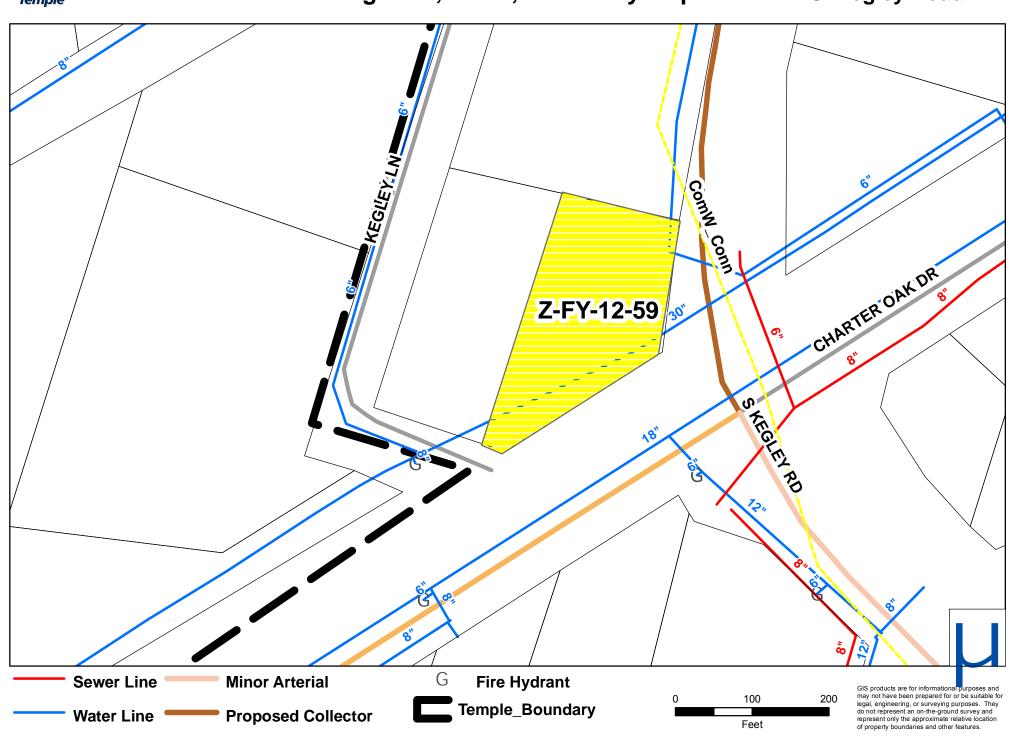




Z-FY-12-59 Thoroughfare, Trails, and Utility Map

Proposed Minor Arterial

3408 & 3410 S. Kegley Road





RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

CJC Properties Ltd P.O. Box 3766 Temple, Texas 76505-3766

Number of Notices Mailed: 5

Zoning Application Number: <u>Z-FY-12-59</u>	Project Manager: <u>Beverly Zendt</u>
Location: 3408 and 3410 South Kegley Road	
The proposed rezoning is the area shown in Because you own property within 200 feet of welcomed. Please use this form to indicate rezoning of the property described on the at comments you may have.	f the requested change, your opinions are whether you are in favor of the possible
I recommend (approval	() denial of this request.
Comments:	
CO. Amor	C.D. Amos
Signature	Print Name
Please mail or hand-deliver this comment for than September 4, 2012	rm to the address shown below, no later

City of Temple

Room 201

Planning Department

Municipal Building Temple, Texas 76501

Date Mailed: August 23, 2012

RECEIVED

SEP 0 7 2012

City of Temple
Planning & Development



COURTESY NOTICE RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Martin Etux Janice Janczak 3149 Kegley Lane Temple, Texas 76502

Zoning Application Number: Z-FY-12-	59 Project Manager: <u>Beverly Zendt</u>
Location: 3408 and 3410 South Kegley	Road
	g adjacent to a proposed zone change which is the ttached map. Although your property is outside the courtesy
Comments:	
WE MOST STRONGL	LY SUPPORT THIS PROPOSED ZUNING
CHANGE.	
Marlo 5. Jan 1	MARTY JANCZAR
Signature	Print Name
Please mail or hand-deliver this comm than <u>September 4, 2012</u>	ent form to the address shown below, no later
	City of Temple
	Planning Department
	Room 201 Municipal Building
	Temple, Texas 76501

Number of Notices Mailed: 3

Date Mailed: August 23, 2012
RECEIVED

AUG 2 8 2012

City of Temple Planning & Development



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

James E. Tranum Etal P.O. Box 1028 Temple, Texas 76503-1028

Zoning Application Number: Z-FY-12	-59 Project Manager: <u>Beverly Zendt</u>
Location: 3408 and 3410 South Kegley	y Road
Because you own property within 200 welcomed. Please use this form to i rezoning of the property described or comments you may have.	shown in hatched marking on the attached map. If feet of the requested change, your opinions are indicate whether you are in favor of the possible in the attached notice, and provide any additional () denial of this request.
Comments:	
Signature	Print Name
	ment form to the address shown below, no later
than <u>September 4, 2012</u>	City of Temple Planning Department RECEIVE
	Room 201 SFP 0.7 2012

Municipal Building

Temple, Texas 76501

Date Mailed: August 23, 2012

SEP 0 7 2012

City of Temple
Planning & Development

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

TUESDAY, SEPTEMBER 4, 2012

ACTION ITEMS

Item 6: Z-FY-12-59: Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.053 ± acres out of the Nancy Chance Survey, Abstract No 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road.

Ms. Zendt stated the subject property was located at the intersection of Kegley Road and Charter Oak Drive, adjacent to the railroad, and just inside the city limits. The property is zoned AG and the current use is residential. The requested zoning is GR and the proposed use would be a retail boutique. Surrounding properties are zoned Commercial (C) and AG.

The Future Land Use and Character Map designate the area as Auto Urban-Commercial and the request would comply. AG does not allow retail sales or services.

A change of Use will require conformance with the following standards:

Access and Circulation Sec. 7.2
Off-Street Parking and Loading 7.4
Screening and Buffering Sec. 7.6

South Kegley Road and Charter Oak Drive are both designated as Collector Streets and are adequate for the proposed use. Access will be along South Kegley Road.

Public and private facilities are extended to the site and appear adequate for the proposed use. There is a six-inch water line and six-inch sewer line available to serve the property.

Five notices were mailed out with one courtesy notice returned in favor of the request. Zero were returned in opposition.

Staff recommends approval of the change of zoning from AG to GR for the following reasons:

The request complies with the Future Land Use and Character Map;

The request complies with the Thoroughfare Plan, and

A combination of public and private facilities will be available to subject property.

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

Commissioner Talley made a motion to approve Item 6, Z-FY-12-59, and Commissioner Sears made a second.

Motion passed: (9:0)

[PLANNING NO. Z-FY-12-59]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURE DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.053 ACRES OUT OF THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED AT 3408 AND 3410 SOUTH KEGLEY ROAD; 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:

- <u>Part 1</u>: The City Council approves a rezoning from Agriculture District (AG) to General Retail District (GR) on approximately 1.052 acres out of the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 3408 and 3410 South Kegley Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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 **20**th day of **September**, 2012.

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

10/04/12 Item #5(J) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance setting the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

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

<u>ITEM SUMMARY:</u> Chapter 143 of the Local Government Code requires that the Council establish, by ordinance, the number of positions in each classification for the Fire Department and the Police Department.

FY 2013 budget includes staffing an additional three (3) Firefighters for for overtime relief within the Fire Department. To accommodate this change, Council must authorize three additional Firefighter positions to be added to the ordinance.

FY 2013 budget includes staffing an additional two (2) police officers to enhance the Criminal Investigation Division. To accommodate this change, Council must authorize two additional Police officer positions to be added to the ordinance.

All of these changes will be effective as of October 1, 2012.

FISCAL IMPACT: Funding in the amount of \$172,932 is included in the FY 2013 Budget for the three new Firefighter positions. Of this amount, \$147,639 is for salary and benefits and \$25,293 is for other items related to hiring such as equipment and uniforms. Funding in the amount of \$175,035 is included in the FY 2013 Budget for the two new Police Officer positions. Of this amount, \$108,793 is to fund salary and benefits and \$66,242 is for other items related to hiring such as vehicles, equipment and uniforms.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2012-4558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SETTING THE NUMBER OF POSITIONS IN EACH CIVIL SERVICE CLASSIFICATIONS' FOR THE TEMPLE FIRE AND RESCUE DEPARTMENT AND THE TEMPLE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the number of positions in each classification for the Temple Fire and Rescue Department and the Temple Police Department;

Whereas, the FY2013 budget includes staffing an additional three (3) firefighters for overtime relief within the Fire Department, and to accommodate this change, Council must authorize three (3) additional firefighter positions to be added to the Ordinance;

Whereas, the FY2013 budget includes staffing an additional two (2) police officers to enhance the Criminal Investigation Division of the Temple Police Department, and to accommodate this change, Council must authorize two (2) additional police officer positions to be added to the Ordinance;

Whereas, funding has been appropriated in the FY 2013 budget for three new firefighter positions and two new police officer positions; and

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

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

- <u>Part 1:</u> The City Council authorizes the staffing of three (3) additional firefighters for overtime relief within the Fire Department, and the staffing of two (2) additional police officers to enhance the Criminal Investigation Division of the Temple Police Department.
- <u>Part 2:</u> To accommodate these changes, Council authorizes three (3) additional firefighter positions and two (2) additional police officer positions be added to the Ordinance, as outlined in the FY2013 budget.
- <u>Part 3:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect October 4, 2012.

<u>Part 5:</u> 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 20th day of September, 2012.

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

10/04/12 Item #5(K) Consent Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing Ken Cicora, Director of Parks & Leisure Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of services needed to remodel approximately 5,000 sq ft in the Municipal Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> On September 6, 2012, Council authorized the use of the Design-Build project delivery method for the acquisition of services needed to remodel approximately 5,000 sf in the Municipal Building. Based on feedback received from construction contractors, it has come to staff's attention that this delivery method may have restricted competition due to the limited number of design professionals in the Temple area.

As such, it is staff's recommendation to modify the project delivery method from Design-Build to Construction Manager-at-Risk (CMAR). The CMAR method will still allow for hands on design and construction work due to the age and makeup of the building. However, the City would engage the architect versus the contractor. The City is currently negotiating a contract with Architectural Edge of Temple for the design services, of which, the contract is expected to be less than \$25,000.

The anticipated timeline for the project is as follows with a completion date still in April, 2013:

October, 2012 - City to solicit proposals from CMAR firms

November, 2012 - Evaluation of proposals

December 6, 2012 - CMAR firm recommendation to Council

January, 2013 - Gross Maximum Price (GMP) contract recommendation to Council

April, 2013 - Project complete

FISCAL IMPACT: There is no defined fiscal impact associated with this Item. It is anticipated that it will cost \$200,000 to \$250,000 to complete this project, which will be funded with project savings from the 2008 Certificate of Obligation bond issue.

ATTACHMENTS:

Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE CONSTRUCTION MANAGER-AT-RISK PROCUREMENT DELIVERY METHOD FOR THE ACQUISITION OF SERVICES NEEDED TO REMODEL APPROXIMATELY 5,000 SQUARE FEET IN THE MUNICIPAL BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 6, 2012, City Council authorized the use of the Design-Build project delivery method for the acquisition of services needed to remodel approximately 5,000 square feet in the Municipal Building;

Whereas, based on feedback received from construction contractors, it has come to staff's attention that this delivery method may have restricted competition due to the limited number of design professionals in the Temple area;

Whereas, it is staff's recommendation to modify the project delivery method form Design-Build to Construction Manager-At-Risk which will allow for hands on design and construction work due to the age and make-up of the building;

Whereas, § 252.021 of the Local Government Code provides that a governing body of a municipality may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality; 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:

<u>Part 1:</u> The City Council authorizes the use of the Construction Manager-At-Risk procurement delivery method for the acquisition of services needed to remodel approximately 5,000 square feet in the Municipal Building.

<u>Part 2:</u> 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 4th day of **October**, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #5(L) Consent Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services

<u>ITEM DESCRIPTION:</u> Consider adopting a resolution authorizing the submission of an application to the Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program for the purchase of fourteen new compressed natural gas refuse haulers.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

<u>ITEM SUMMARY:</u> The Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program (TNGVGP) provides grants to encourage an entity that owns and operates a heavy-duty or medium-duty motor vehicle to repower the vehicle with a natural gas engine or replace the vehicle with a natural gas vehicle. Grant applicants must go through a Participating Dealer under contract with the TCEQ to apply.

The purpose of the TNGVGP grant program is to encourage companies or individuals with on-road heavy-duty vehicles and medium-duty vehicles to replace the vehicles with natural gas vehicles or repower the vehicles with natural gas engines. Projects must result in a reduction of emissions of nitrogen oxides (NOX) of at least 25%.

Qualifying (New) Vehicles Eligible for Funding must:

- be a new natural gas vehicle (or new natural gas engine for repowers);
- be same category, description, and within the same GVWR range as the old vehicle;
- be powered by an engine that receives not less than 75% of its power from compressed or liquefied natural gas (vehicles capable of operating independently on either natural gas or another fuel will not be eligible under this program);
- be powered by an engine certified by the EPA to the applicable federal emissions standard, and;
- be powered by an engine certified to a NOX emissions rate at least 25% lower than the engine of the vehicle being replaced or repowered.

10/04/12 Item #5(L) Consent Agenda Page 2 of 2

FISCAL IMPACT: Funding for the purchase of three of the refuse trucks is budgeted in FY 2012 in the amount of \$630,000 in account 110-5900-540-62-22 and will be carried forward to FY 2013. These purchases were delayed due to the implementation of the CNG program.. The remaining eleven are budgeted in FY 2013 to be funded with Limited Tax Notes. The estimated additional cost of a CNG refuse hauler versus a traditional diesel-fueled truck is approximately \$35,000 to \$50,000. The TNGVGP grant will provide \$30,000 to help offset this incremental difference. For the fourteen (14) new CNG refuse haulers the total amount of funding being sought from the TNGVGP program is \$420,000.

ATTACHMENTS:

Resolution

RESOLUTION NO.	
----------------	--

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY'S TEXAS NATURAL GAS VEHICLE GRANT PROGRAM FOR THE PURCHASE OF FOURTEEN NEW COMPRESSED NATURAL GAS REFUSE HAULERS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program (TNGVGP) provides grants to encourage entities to repower certain vehicles with a natural gas engine or replace the vehicles with natural gas vehicles;

Whereas, the purpose of the TNGVGP grant program is to encourage companies or individuals with on-road heavy-duty and medium-duty vehicles to replace these vehicles with natural gas vehicles or repower the vehicles with natural gas engines – projects must result in a reduction of emissions of nitrogen oxides of at least 25%;

Whereas, funding for these purchases is budgeted in the FY12-13 – the total amount of funding being sought from the TNGVGP program is \$420,000; and

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

Now, Therefore, Be It Resolved By The City Council Of The City Of Temple, Texas, That:

- <u>Part 1</u>: The City Council authorizes the City Manager, or his designee, to submit an application to the Texas Commission on Environmental Quality's Texas Natural Gas Vehicle Grant Program for the purchase of fourteen new compressed natural gas refuse haulers.
- <u>Part 2:</u> 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 4th day of October, 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

10/04/12 Item #5(M1-2) Consent Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Consider adopting resolutions:

- 1. Granting a petition to institute voluntary annexation proceedings, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.
- 2. Directing the Staff to develop a municipal services plan and calling public hearings to consider the petition.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

<u>ITEM SUMMARY:</u> John Kiella filed a petition on September 18, 2012, seeking voluntary annexation of approximately 10± acre acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

- 1. Less than one-half mile in width,
- 2. Contiguous to the annexing municipality, and
- 3. Vacant and without residents or on which fewer than three qualified voters reside.

The landowner's petition meets the statutory requirements and is recommended to be granted.

The proposed dates for initial public hearings are October 18, 2012, (regular meeting) and October 19, 2012, (special meeting, 8:30 a.m., Council Chambers). The resolution sets the time and place for these meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan at the hearing on October 18, 2012, as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings December 6, 2012. The Planning and Zoning Commission will make a recommendation to the Council for the applicant's requested zoning to UE, Urban Estates, to be part of the annexation and zoning ordinance readings, at its November 5, 2012 meeting.

FISCAL IMPACT: Future tax revenue.

10/04/12 Item #5(M1-2) Consent Agenda Page 2 of 2

ATTACHMENTS:
Petition and Map
Annexation schedule Resolutions

VOLUNTARY PETITION FOR ANNEXATION

SEP 18 2012 Legal Dept.

September 14, 2012

To the City Council of the City of Temple:

I am the owner of an approximately 10.089 acre tract of land (hereinafter the Tract), more particularly described as follows:

Exhibit "A", consisting of two parts, Part 1, a sketch plan of this tract, and Part 2, a metes and bounds description, is attached hereto and made a part hereof by references for all pertinent purposes.

Said tract of land varies in width and is contiguous to the current limits of the City of Temple. There are no residents within this property. I am petitioning the City Council to take appropriate action to annex said Tract pursuant to Section 43.028 of the Local Government Code.

By: Kiella Development, Inc. John Kiella, President

STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, The undersigned authority, personally appeared John Kiella, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE this 17th day of Jun Will, 2012.

Notary Public, State of Texas

SHAILA BUTLER
Notary Public, State of Texas
My Commission Expires
June 21, 2014

BEING a 10.089 acre tract of land situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being an interior point of the said 25.000 acre tract and being an exterior ell corner in the north boundary line of that certain tract of land described as The Campus at Lakewood Ranch, Phase VII according to the map or plat of record in Cabinet D, Slide 251-C, Plat Records of Bell County, Texas which bears N. 78° 41' 12" W., 342.25 feet from a ½" iron rod found at the northeast corner of the said Campus at Lakewood Ranch, Phase VII for corner;

THENCE N. 73° 16′ 08″ W., 164.87 feet departing the said north boundary line and continuing over and across the said 25.000 acre tract to a ½″ iron rod with cap stamped "RPLS 2475" set being in the west boundary line of the said 25.000 acre tract and being in the east boundary line of that certain Morgan's Point Lake Resort Section 2, a subdivision of Morgan's Point according to the plat of record in Cabinet A, Slide 242-C, Plat Records of Bell County, Texas for corner;

THENCE with the west boundary line of the said 25.000 acre tract and with the east boundary line of the said Morgan's Point Lake Resort Section 2 the following six (6) calls:

- 1) N. 17^{0} 54' 49" E., 57.03 feet (calls N. 17^{0} 54' 49" E., 77.04 feet) to a 3/8" iron rod found for corner;
- 2) N. $17^{\rm o}$ 19' 35" E., 253.49 feet (calls N. $17^{\rm o}$ 19' 35" E., 253.49 feet) to a ½" iron rod found for corner;
- 3) N. $15^{\rm o}$ 58' 10" E., 109.95 feet (calls N. $15^{\rm o}$ 58' 10" E., 109.95 feet) to a ½" iron rod stamped "RPLS 2475" found for corner;
- 4) N. 17^0 09' 24" E., 274.50 feet (calls N. 17^0 45' 51" E., 488.84 feet) to a ½" iron rod found for corner;
- 5) N. 18° 32' 31" E., 214.38 feet to a ½" iron rod found for corner;



6) N. 28° 16′ 50″ E., 34.49 feet (calls N. 28° 16′ 50″ E., 34.49 feet) to a ½″ iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said 25.000 acre tract and being an exterior ell corner in a south boundary line of that certain remainder 147.28 acre tract of land described in a Judgment to LaVerne Miller of record in Volume 1681, Page 25, Deed Records of Bell County, Texas for corner;

THENCE S. 71° 40' 00" E., 226.37 feet departing the said Morgan's Point Lake Resort Section 2 and with the north boundary line of the said 25.000 acre tract (calls S. 71° 40' 00" E., 958.15 feet) and the south boundary line of the said Miller tract to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:

- 1) S. 18° 33′ 21″ W., 29.46 feet to a ½″ iron rod with cap stamped "RPLS 2475" set being at the beginning of a non-tangent curve to the left having a radius equals 525.00 feet, chord bearing equals S. 81° 28′ 40″ E., 172.87 feet, central angle equals 18° 57′ 08″ for corner;
- 2) 173.66 feet along the arc of said curve to the left to a ½" iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:

- 1) S. 00° 49' 17" W., 220.83 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. 76° 02' 04" E., 394.13 feet to a ½" iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:

1) S. 15° 56' 32" E., 55.80 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;



2) S. 54° 35' 24" W., 1106.69 feet to the Point of BEGINNING and containing 10.089 acres of land.

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

Michael E. Alvis, R.P.L.S. #5402

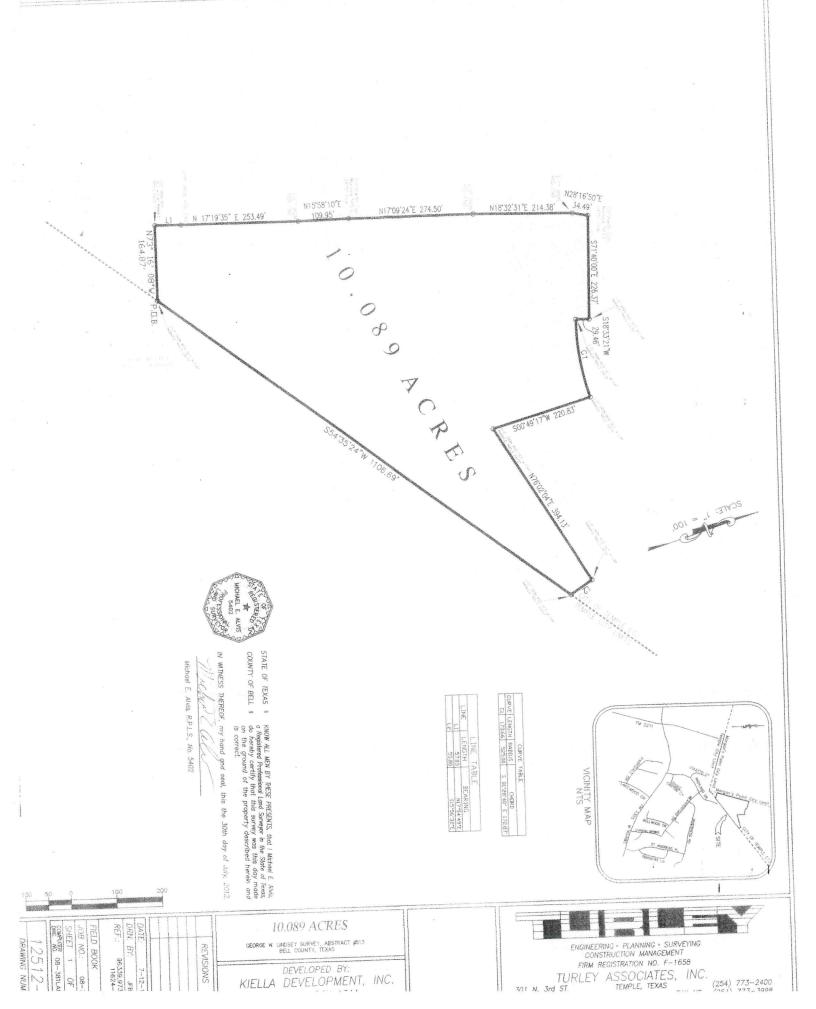
July 13, 2012

THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506 THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 04"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS N. 43° 10' 50" W., 4637.45 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

See attached surveyor's sketch that accompanies this set of field notes (ref: Turley Associates, Inc. drawing no.12512-C)





	Schedule	
	Petition for Voluntary Anne	exation
	Campus at Lakewood -10.0	89 Acres
DATE	ACTION	TIME LIMIT
September 18, 2012	CITY RECEIVES PETITION of	NA
	landowner to annex unoccupied area	
	adjacent to city limits	
October 4, 2012	COUNCIL GRANTS PETITION	Hear and grant or deny petition after
Thursday		the 5 th day, but on or before the 30 th
Regular Meeting	16th day after petition filed	day after petition is filed §43.028(d)
		LGC
	COUNCIL ADOPTS RESOLUTION	Before publication of notice of First
	Directing staff to develop service plan	hearing required under §43.065 LGC.
	Calling public hearings on October 18	
Octobor 7, 2012	and October 19 CITY SECRETARY PUBLISHES	Dublish bearing nation on ar ofter the
October 7, 2012 Sunday	NOTICES FOR PUBLIC HEARINGS	Publish hearing notice on or after the 20 th day but before the 10 th day before
Suriday	ON ANNEXATION	the date of the hearing required under
	Post notice on City web site	§43.063(c) LGC
	Publish notice in Telegram	340.000(0) 200
	Send notice to affected railroads by	
	certified mail	
	11 th day before 1 st public hearing	
	12 th day before 2 nd public hearing	
October 18, 2012	COUNCIL HOLDS 1 ST PUBLIC	Hold hearings on or after the 40 th day
Thursday	HEARING	but before the 20 th day before the date
Regular Meeting	Staff presents service plan	of institution of annexation
	OOUS days be afaire 48th as a discuss of the	proceedings with 1 st reading of
	29th day before 1 st reading of the	ordinance. §43.063(a) LGC
Octobor 10, 2012	ordinance COUNCIL HOLDS 2 ND PUBLIC	-
October 19, 2012 Friday	HEARING	
Special Meeting	Staff presents service plan	
8:30 am	Stail presents service plan	
o.oo am	28th day before 1 st reading of the	
	ordinance	
November 5, 2012	PLANNING & ZONING	Receive recommendation for rezoning
,	COMMISSION MEETING TO	from PZC prior to 1 st reading of
	CONSIDER REZONING OF	annexation/rezoning Ordinance by
	PROPERTY	Council
November 15, 2012	COUNCIL CONSIDERS	First reading institutes proceedings for
Thursday	ANNEXATION/REZONING	purposes of statutory time limits.
Regular Meeting	ORDINANCE ON 1 ST READING &	
D	HOLDS PUBLIC HEARING	Operation and analysis of the Property of the
December 6, 2012	COUNCIL CONSIDERS	Complete annexation proceedings
Thursday Regular Meeting	ANNEXATION/REZONING	within 90 days from first reading.
Regular Meeting	ORDINANCE ON 2 ND READING	§43.064(A) LGC

14th day after 1st reading of ordinance

	RESOLUTION NO.	
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE PETITION TO INSTITUTE VOLUNTARY ANNEXATION PROCEEDINGS, KNOWN AS THE CAMPUS AT LAKEWOOD VOLUNTARY ANNEXATION, FOR A TRACT OF LAND CONSISTING OF APPROXIMATELY 10 ACRES LOCATED AT THE NORTH END OF RICHLAND DRIVE, NORTH OF THE CAMPUS AT LANKEWOOD RANCH PHASE VII, PURSUANT TO SECTION 43.028 OF THE LOCAL GOVERNMENT CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the owner of a tract of land consisting of approximately 10 acres located at the north end of Richland Drive, north of The Campus at Lakewood Ranch, Phase VII, petitioned the City to annex the tract;

Whereas, Section 43.028 of the Texas Local Government Code authorizes municipalities to annex a sparsely occupied area on petition of area landowners;

Whereas, the landowner's petition meets the requirements of Section 43.028 that the petition be made in writing, describe the area by metes and bounds, and be acknowledged in the manner required for deeds by each person having an interest in the area;

Whereas, the area requested to be annexed meets the conditions in Section 43.028, that is, the area is (1) one-half mile or less in width; (2) contiguous to the annexing municipality; and (3) vacant and without residents or on which fewer than three qualified voters reside; and

Whereas, the City Council has considered the matter and deems it in the public interest to accept the landowner's petition for voluntary annexation.

Now, Therefore, Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council accepts the petition for voluntary annexation, a copy of which is attached hereto as Exhibit A, of approximately 10 acres located at the north end of Richland Drive, north of The Campus at Lakewood Ranch, Phase VII, pursuant to Section 43.028 of the Local Government Code.

<u>Part 2:</u> 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	4 th day of October, 2012.
	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney

RESOLUTION NO.	RESOLUT	ON NOI		
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DIRECTING THE STAFF TO DEVELOP A MUNICIPAL SERVICES PLAN AND CALLING PUBLIC HEARINGS FOR OCTOBER 18, 2012, AND OCTOBER 19, 2012, TO CONSIDER A PETITION FOR VOLUNTARY ANNEXATION, KNOWN AS THE CAMPUS AT LAKEWOOD VOLUNTARY ANNEXATION, CONSISTING OF APPROXIMATELY 10 ACRES LOCATED AT THE NORTH END OF RICHLAND DRIVE, NORTH OF THE CAMPUS AT LAKEWOOD RANCH PHASE VII; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2012, the City Council accepted a petition to voluntarily annex a tract of land consisting of approximately 10 acres located at the north end of Richland Drive, north of the Campus at Lakewood Ranch, Phase VII;

Whereas, the Staff recommends that the City prepare a municipal services plan to indicate the level of commitment to be made in conjunction with the annexation, and to identify public improvements necessary to serve the area proposed for annexation and how it plans to provide those services within specified time periods; and

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

Now, Therefore, Be it Ordained by the City Council of the City of Temple, Texas, That:

<u>Part 1</u>: The schedule for the voluntary annexation, which is more fully described herein, attached hereto and made a part hereof for all purposes, as Exhibit A, is adopted.

<u>Part 2</u>: The Staff is hereby directed to prepare a municipal services plan for the annexation area as follows:

an approximately 10 acre tract of land located at the north end of Richland Drive, north of the Campus at Lakewood Ranch Drive, north of the Campus at Lakewood Ranch Phase VII

The above tract is more fully described by metes and bounds contained in field notes which is attached hereto and made a part of this Resolution for all purposes as Exhibit B.

Part 3: The City Council hereby calls two public hearings to gather comment concerning the proposed annexation described in Section 2 above, with the first public hearing scheduled for the Regular Council Meeting on October 18, 2012, at 5:00 PM, and the second public hearing at a Special Called City Council Meeting on October 19, 2012, at 8:30 AM, both public hearings to be held in the City Council Chambers on the 2nd floor of the Municipal Building located at Main and Central in Temple, Bell County, Texas.

<u>Part 4</u>: The City Staff is hereby authorized to relocate the second public hearing to a suitable location within the area to be annexed in the event of protest.

<u>Part 5</u>: 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 4th day of **October**, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #6 Regular Agenda Page 1 of 7

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

<u>ITEM DESCRIPTION:</u> FIRST READING- PUBLIC HEARING - Z-FY-12-50: Consider adopting an ordinance authorizing a rezoning from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.

<u>APPLICANT HAS REQUESTED THIS BE TABLED UNTIL FURTHER NOTICE</u>

<u>P&Z COMMISSION RECOMMENDATION:</u> At its meeting on September 17, 2012, the Planning and Zoning Commission voted 5/3 in favor of the proposed change of zoning from PD-UE to PD-SF-1 as presented in the concept plan submitted (preliminary plat) with the following condition: that the applicant post "no parking" signs on internal local streets in accordance with city requirements (Commissioners Magaña, Talley, and Johnson, voted Nay; Commissioner Rhoads was absent).

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented on first reading as presented in item description, and schedule second reading and final adoption for October 18, 2012 related to the following:

- a change of zoning from PD-UE to PD-SF-1 consistent with submitted conceptual plan (Preliminary Plat);
- with disproval of the proposed 22 ft. (24' paving and ribbon curb) pavement width for interior streets requiring the applicant to construct interior streets to a local street standard (31 ft pavement width.

If the proposed rural local streets (22 ft. pavement width) are approved, it is staff's recommendation that the applicant post no parking signs, in accordance with the Planning and Zoning Commission recommendation.

ITEM SUMMARY: The current PD-UE zoning was approved in 2004 when the owner sought voluntary annexation of this tract of land. A Preliminary Plat was submitted for the subject property and the adjacent tract of land to the east depicting a pattern of development that included larger (average .5 acre lots) and commercial development along FM 93. The tract to the east was platted and built in a manner consistent with the Preliminary Plat and in accordance with Urban Estate requirements. The developer is now seeking to rezone the residential portion of the second tract from PD-UE to PD-SF-1.

The proposed zoning would increase the density from the original proposed 56 residential lots to a proposed 94 residential lots. This provides for an overall 67% increase in density with an average density of 2.39 lots per acre. The applicant has proposed a minimum lot size of 10,802 sq. ft. (.248 acres), exceeding the required minimum lot size of 7,500 sq. ft. for SF-1 zoning. Additionally, the applicant is seeking to reduce the pavement width of local streets within the development from the required 31ft. to the rural street standard of 22 ft (24' paving and ribbon curb). The applicant has submitted a preliminary plat, consistent with these stated lot dimensions, to be considered by the Planning and Zoning Commission at an upcoming meeting.

The surrounding land uses are primarily low density and include estate development and agricultural uses. Given the general character of the surrounding land uses and the density and home size proposed by the applicant, staff recommends approval of the proposed Planned Development – Single Family-1 zoning (PD-SF-1) which will provide a less dense development scheme than that allowed under Single Family-1 zoning (SF-1). Additionally, staff recommends that the streets within the development be constructed to the local street standard 31ft. pavement width consistent with UDC requirements for streets serving residential property with a density greater than 2 dwelling units per acre.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning, and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	PD-UE	Agricultural	
	AG	Agricultural	

Direction	Zoning	Current Land Use	Photo
North		Current Land Ose	
Across FM 93			
FIVI 93			
			The state of the s
			Mark Street Control of the Land Control of the
			THE WAR AND THE PARTY OF THE PA
East	PD-UE	Residential	

Direction	Zoning	Current Land Use	Photo
South	Bell County	Low-Density Residential	
West	Bell County	Undeveloped	

<u>COMPREHENSIVE PLAN COMPLIANCE:</u> 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	Site Conditions	Compliance?
СР	Map 3.1 - Future Land Use and Character (FLUP)	Suburban Residential**	Υ
СР	Map 5.2 - Thoroughfare Plan	FM 93 – Major Arterial** Dubose Road – improved Rural Collector street	Y
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	8" water line available along FM 93 adjacent to the property. Existing 10' wastewater line accessible to the property.	Υ
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Dubose and FM 93 are on the Trails Master plan. **	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan** See explanation below

Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identify this area as Suburban Residential allowing for mid-size single family detached homes identified in the Unified Development Code. According to the Comprehensive Plan, development in this district should feature curvilinear streets, increased open space and vegetation, variation in the building envelope, and larger varied lot sizes. The development proposed by the applicant is consistent with these area goals and objectives.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies FM 93 as a Major Arterial which supports adjacent residential and commercial development. Major arterials can intersect with both collectors and local streets although driveway access is restricted. Dubose Road is built to a Rural Collector standard.

Temple Trails Master Plan Map and Sidewalks Ordinance

Dubose Road and FM 93 are on the Trails Master plan. A local connector trail is proposed along the eastern boundary of the subdivision and along FM 93 adjacent to the commercial tracts of this subdivision. Dubose Road is a Rural Collector road with sufficient right-of-way to allow for the future construction of that trail segment. The section of trail proposed along FM 93 will be noted on the plat and constructed at such time that the commercial tracts along FM 93 are developed.

DEVELOPMENT REGULATIONS: The current PD-UE zoning permits single-family detached residences and related accessory uses and accommodates larger lot single family residential developments. The SF-1 is a higher density use that permits single-family detached residences and related accessory structures and serves as a transition between larger and smaller lot single family districts. The SF-1 district allows more modest sized dwelling units and an increased number of lots per acre. The minimum lot size for the UE residential district is 22,500 sq.ft. The minimum lot size for the SF-1 residential district is 7,500 sq.ft.

Dimensional standards for both zoning districts are depicted below:

4.5.	1	Single	-Famil	y Deta	ched	Dwelli		ec. 4.5. Re	esidential l	Dimension	nal Standai	rds									
Type of Use	AG	UE	SF-I	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	MF-1	MF-2	MF-3	- 0	0-2	SZ	GR	Q A	U		
Min. Lot Area (sq. ft.)	l ac.	22,500	7,500	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000		6,000	6,000	6,000	5,000	5,000	5,000	-	
Min. Lot Width (ft.)	100	80	60	50	40	50	30	20	40	50	50	50		50	50	50	50	50	50	-	
Min. Lot Depth (ft.)	150	125	100	100	100	100	100	100	100	100	100	100		100	100	100	100	100	100		
Min. Front Yard Setback (ft.)	50	30	25	25	15	25	15	15	15	25	25	25		25	25*	15	15	See 4.4	.4F.1.d*	-	
Min. Side Yard Setback (ft.)	15	15	of lot width 6 min 7.5 max	5	5	5	5	5	10% width of lot 5 min	5	10% width	of lot 5 min		10% of lot width 5 min	10% of lot width 5 min*	10	% of lot	width 5 r	min	-	
Min. Side (Corner)Yard Setback (ft.)	15	15	15	15	15	15	15	15	15	15	15	15		15	15*	15	15	15	15		ľ
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10		10	10	10	10	10	10		
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	-	50	50	50	50	50	50	1	
Max. Height (stories)	3	3	2	2 1/2	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4		3	ALH	2 ½	3	ALH	ALH		Ī

The proposed Planned Development will stipulate a larger lot size of 22,433.ft. (.515 acres) and a minimum lot size of 10,802 sq.ft. (.248 acres). Any substantial deviation from this proposed site layout would require an amended Planned Development.

The original PD-UE zoning allowed for the construction of rural local streets with a pavement width of 22 ft. (24' including ribbon curbs) to support a density of less than two dwelling units per acre. The proposed increase in density will necessitate the construction of local streets with a pavement width of 31 ft. Density for this subject tract was calculated separately from the eastern portion of the subdivision due to the distinct division of the two phases by Dubose Road.

Article 8: Subdivision Design and Improvements
Sec. 8.2. Design Standards

Street Type	Pavement Width (ft.)	Right-of-Way Width (ft.)
Rural Local Street	22	50
LocalStreet	31	50
Rural Collector Street	26	55
Collector Street	36	55
Arterial Street	49	70
Major Thoroughfare	60	80

10/04/12 Item #6 Regular Agenda Page 7 of 7

<u>PUBLIC NOTICE:</u> This item was originally scheduled for Planning and Zoning Commission consideration on August 6, 2012 before being rescheduled at the applicant's request. On July 26, 2012, nine notices and three courtesy notices (outside the City limits) of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of case Z-FY-12-50 as required by State law and City Ordinance. As of September 21, 2012, three respondents returned notices expressing opposition to the proposed change of zoning. One respondent expressed support for the proposed change of zoning. Two respondents returned courtesy notices expressing opposition to the proposed change of zoning.

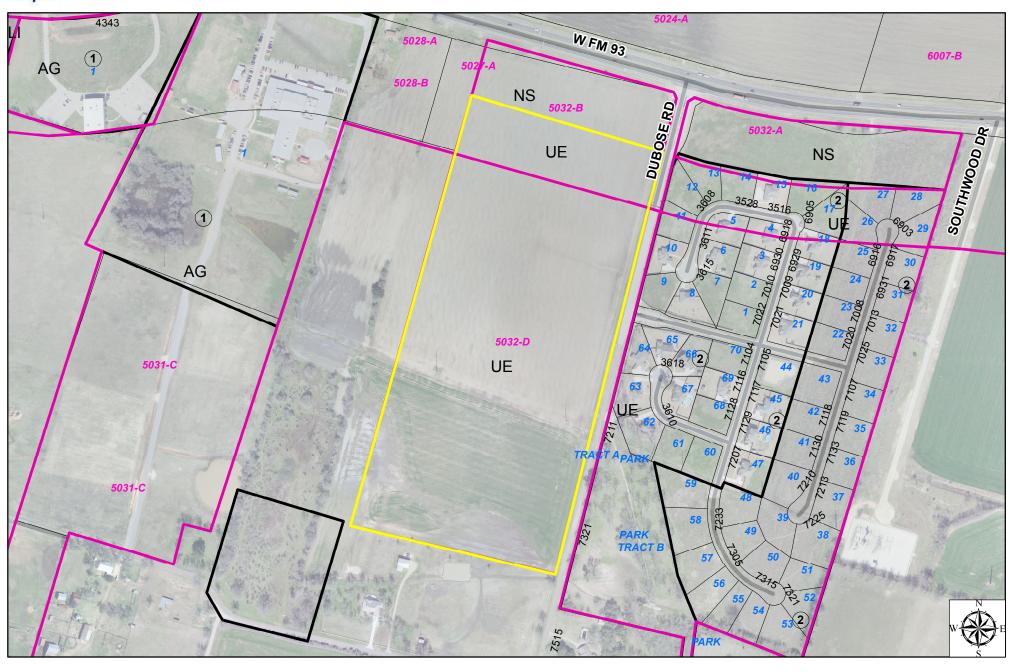
The newspaper printed notice of the Planning and Zoning Commission public hearing on September 6, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning and Location Map
Future Land Use and Character map
Notice Map
Thoroughfare and Master Trails Plan Map
Utility Map
Conceptual Plan (Preliminary Plat)
Response Letters
P&Z Excerpts
Ordinance





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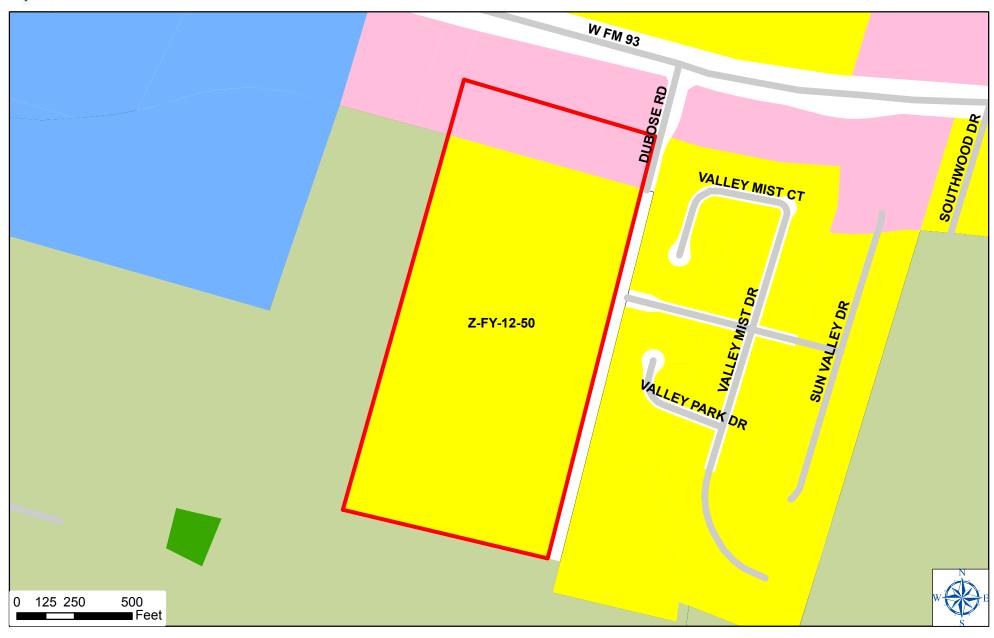
Feet

7/11/2012

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.





Future Land Use



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.

Case

200' Buffer

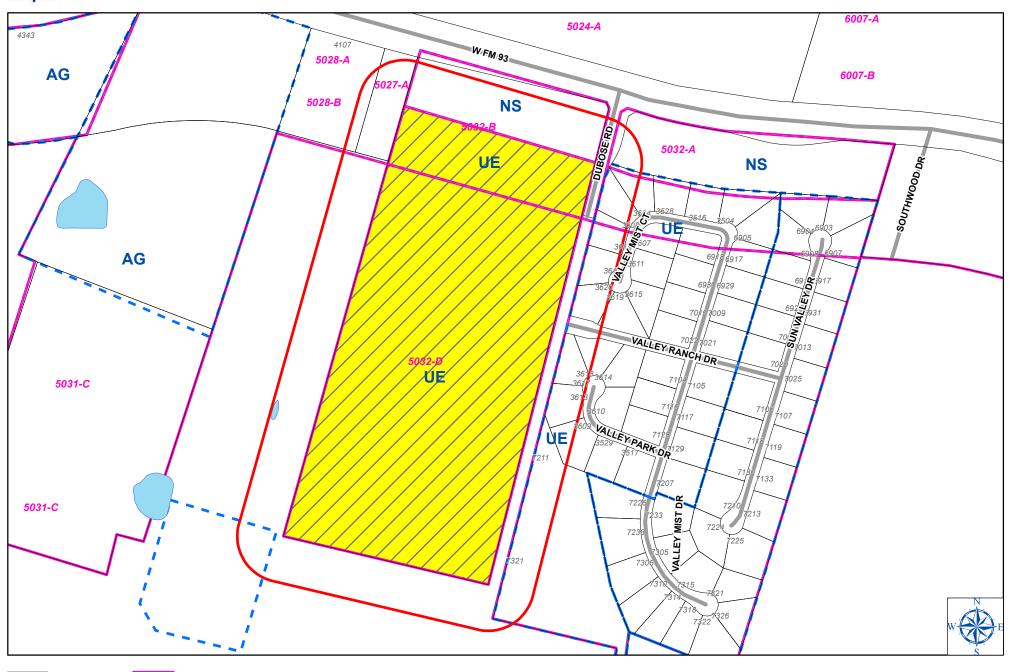
Zoning

Subdivision

1234-A Outblock

1234 Address





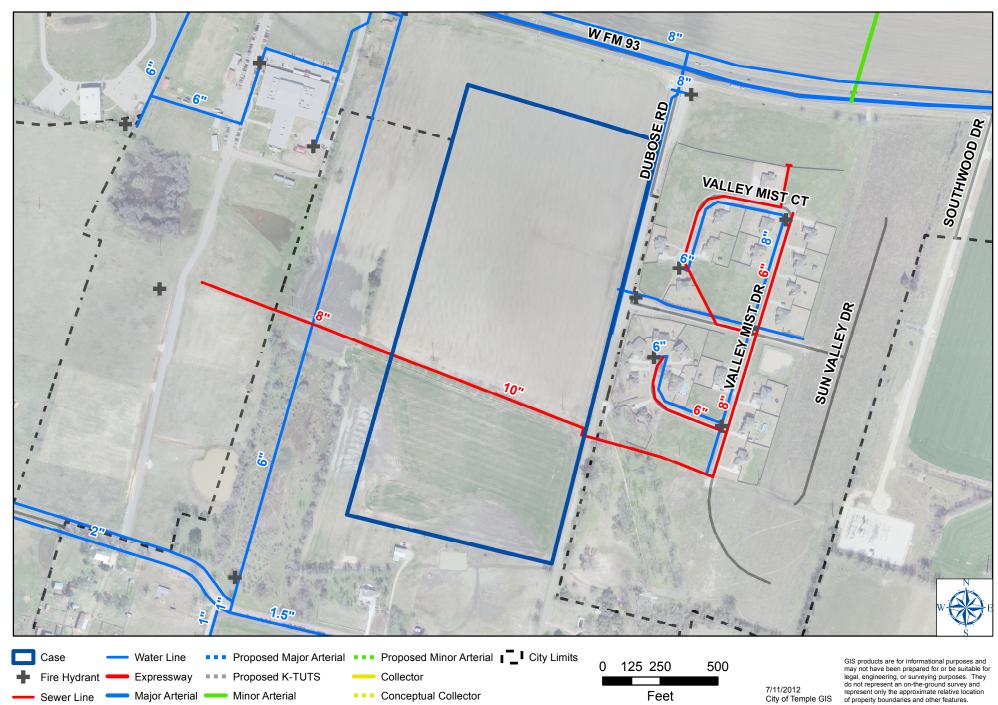
500

Feet

1,000

7/11/2012 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.





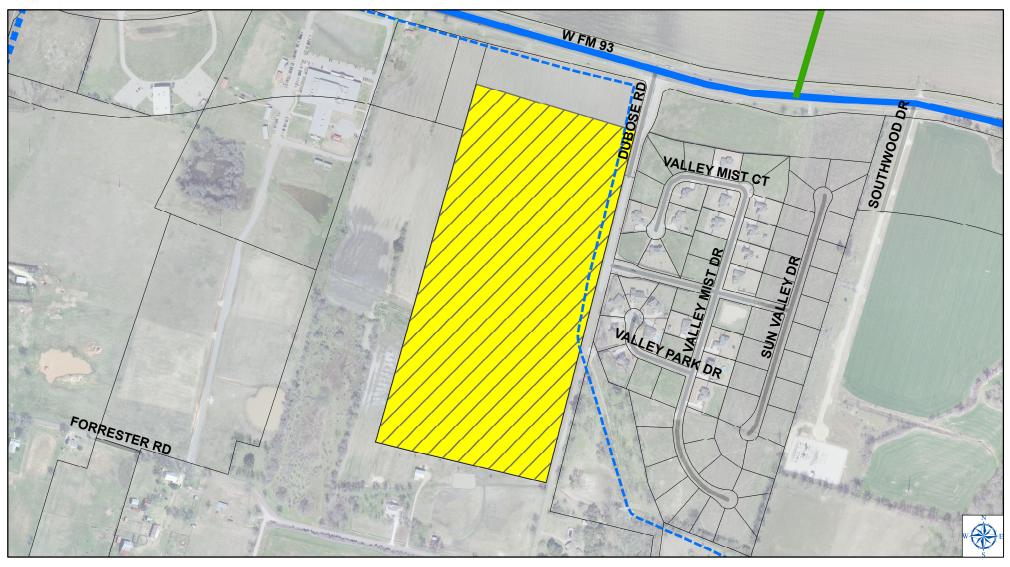
Minor Arterial

Conceptual Collector

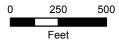
Feet

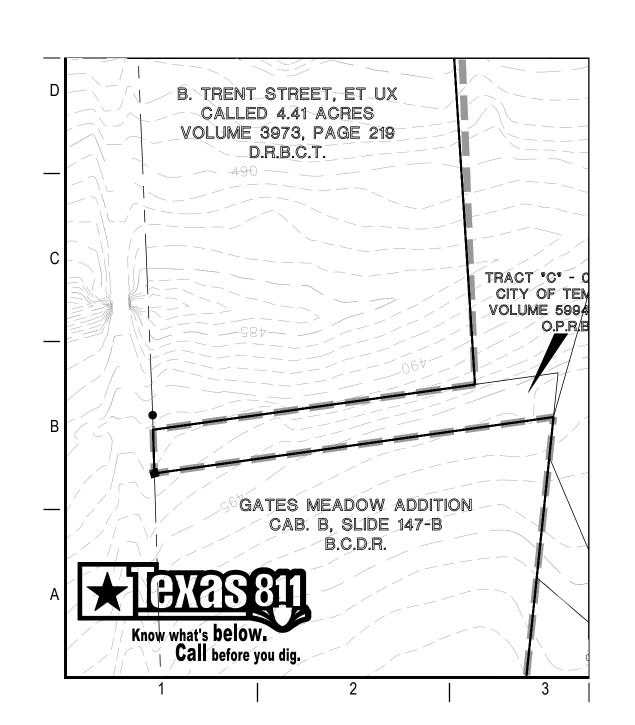
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.













2nd COURTESY NOTICE RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Gary Etux Deyette Pauer 3790 Forrester Road Temple, Texas 76502

Zoning Applic	cation Number: <u>Z-FY-12-50</u>	Project Manager:	Beverly Zenat
Location: Sc	outh of FM 93 along the west side	of Dubose Road	
	At first this developer promised two proposed, he decides to double the copposed to this re-zoning. Where is going? We are not naive to think the need the tax dollars. We have lived Subdivision, owned a pharmacy he stationed at Darnell Army Hospital Temple High School. We moved to door step. I would submit to Mr. Hacres each like he promised the first	of map. Although your of families to an acre. No concentration. Did he has all the additional water at the City of Temple where since 1969. We dere, my wife taught in Tefor 4 years. Both my day this land to escape city owe to at least make the	w after we agreed to that ave that idea all along? We are generated by this subdivision ill oppose this re-zoning. You veloped Taylors Ridge mple schools and I was aughters graduated from congestion. Now it is at our

Please mail or hand-deliver this comment form to the address shown below, no later than September 17, 2012

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

RECEIVED
SEP 1 0 2012

City of Temple
Planning & Development

Number of Notices Mailed: 3

Date Mailed: September 5, 2012



2nd RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Project Manager: Beverly Zendt

SEP 1 1 2012

City of Temple Planning & Developmen

Date Mailed: September 5, 2012

Dale Etux Dawn Massie 3620 Valley Mist Court Temple, Texas 76502

Zoning Application Number: <u>Z-FY-12-50</u>

Location: South of FM 93 a	long the west sid	e of Dubose Road	
The proposed rezoning is Because you own property welcomed. Please use this rezoning of the property decomments you may have.	within 200 feet s form to indica	of the requested char te whether you are in	nge, your opinions are favor of the possible
I recommend	() approval	(denial of this requ	est.
Comments: See enclosure,			
	47 8		
Och W. Minie		Dale +	t. Massie
Signature		Prin	t Name
Please mail or hand-deliver than <u>September 17, 2012</u>	this comment f	orm to the address sh	nown below, no later
	The state of the s	of Temple	RECEIVE

Room 201

Municipal Building Temple, Texas 76501 Date: 09/12/2012

To: Temple Planning and Zoning Commission Subject: Rezoning Request Application Z-FY-12-50

On Monday, July 23, 2012, the developer of Valley Ranch, Jim Howe, met with me and several other members of the Valley Ranch HOA to discuss future development plans for phase 3 of the subdivision. At that time, Mr. Howe made a presentation indicating that he would like to modify the zoning for the tract of land identified as 39.3 acres of land out of the William Frazier Survey, Abstract 310, City of Temple, Bell County, Texas, from half acre lots to lot sizes of approximately one-third of an acre in size. He indicated that this size lot would be more desirable to a greater segment of potential home buyers. In subdividing the property to a smaller lot size, he provided a plan that would allow for approximately 90 lots of this size. Phase 1 of Valley Ranch contains 36 lots and phase 2 contains 34 lots, for a total of 70 in both phases. (These two phases are also known as the Evergreen neighborhood, but I do not recall what Phase 3 is to be called). He further indicated that the homes that might be constructed on phase 3 would of the same style, quality and square footage as already exist in phase 1 and those currently under construction in phase 1 and phase 2, but phase 3 would not be gated as the other phases are. The current subdivision covenants provide the necessary guidelines for style and square footage, and outline any restrictions.

During the original discussion, I was fairly receptive to the plan Mr. Howe presented. After speaking with some of my neighbors and conducting some further research, I do not believe that the proposed rezoning should be approved. The minimum square footage of a PD-UE zoned lot is 22,500 sq. ft., whereas the minimum for a PD-SF-1 zoned lot is 7,500 sq. ft. The size of a one-third acre lot would be approximately 14,500 sq. ft. With a rezoning to PD-SF-1, there is a possibility that phase 3 of Valley Ranch could end up with far smaller lots and far smaller homes than currently exist in phases 1 and 2. Due to the minimum stated in PD-SF-1, there is a potential for double the number of 90 lots proposed by Mr. Howe for phase 3. It's also possible that phase 3 of Valley Ranch could become an entirely different subdivision with an entirely different set of covenants allowing for smaller square footage homes of a completely different style than exists in Valley Ranch at the present time.

While I understand that there is a need for affordable homes for the growing population of the Temple/Belton area and I'm not saying that I know the exact manner in which Mr. Howe might develop this property (PD-SF-1 does provide him greater freedom), but let us consider several things that might impact the decision to rezone phase 3 of Valley Ranch. Valley Ranch is situated on the southern fringe of the Temple city limits, primarily a more rural setting, which would make it more favorable to larger lot sizes. Currently, there are at least 4 subdivisions that I have noticed building activity taking place, 3 on South 5th St. and 1 on South 31st St. I don't have specific numbers, but judging by general observation, most appear to be smaller to medium sized starter type homes probably zoned as PD-SF-1, since they do appear to be single family dwellings. It would seem to me that there is ample PD-SF-1 zoned areas already available to South Temple that is being developed, as well as other adjacent areas (currently agricultural) on these streets that would be more conducive to PD-SF-1 some day in the future, should the owners decide to sell the property. Since there is a possibility of smaller lots/homes, then the population density will naturally increase. With these increases, there is a need to provide for more water/sewer service. There will be a need for more garbage/trash collection services. There will be a greater need for fire and police protection. There will be increased traffic into and out of the area. This could put a strain on the already existing services to this area. These factors could also degrade the quality of this more rural setting we now enjoy. And the possible addition of smaller, yet more affordable dwellings, will most likely impact the value of my property as well as that of my neighbors.

Let's use the Wyndham Hill subdivision (on South 5th St and developed by Omega/Jim Howe) as a comparison to Valley Ranch. The average lot size is about one-fifth of an acre (approx. 9,000 to 9,500 sq.ft.). The average appraised values (based on the Bell County Tax Assessors office) appear to be around \$130,000 to \$140,000, with a very few higher than that. We already know the average lot size in Valley Ranch phases 1 and 2 is one half acre. The average appraised values are in the range of

\$200,000 to \$250,000, with a fair number higher than those figures. That could be quite a difference from one side of Dubose Road to the other side.

So who does this rezoning request benefit? Naturally, the developer, else he would not be making the request. He could most likely develop this property more quickly and at less expense than he has with phases 1 and 2 of Valley Ranch. Potential new home owners could benefit as they would have better access to the more affordable homes. Even though lending institutions have made the qualification process more stringent than in the past, interest rates are at historic lows, home prices in Texas are more reasonable than some other parts of the country and if someone can get qualified, now is a good time to purchase a home they can afford. Does this benefit the City of Temple? I don't know for certain. The tax base will be increased, but those tax dollars will be used to provide services to the new residents in Valley Ranch phase 3. The new residents would be making purchases, thus paying sales tax on items, which would increase city revenue. Perhaps the city might at least break even, since municipal governments are more in the business of providing services to city residents and not necessarily turning a profit. Would rezoning phase 3 of Valley Ranch benefit me and my wife? When we moved to Valley Ranch, we were looking for some space and to get away from some of the urban sprawl and higher volume traffic associated with it. We were not looking for complete peace and quiet because if we were, we would have bought some acreage out in the country. If Mr. Howe were to develop the property in the manner explained to me and other HOA members at the aforementioned meeting, then I don't see that as a huge impact, but would still prefer the PD-UE zoning classification compared to the development latitude that Mr. Howe would be provided to an area zoned as PD-SF-1. If he were to change his mind, as he is already doing with his rezoning request, and develop the property in a similar manner as he has Wyndham Hill or in a lesser manner, then it would greatly impact us and be a detriment to our quality of life, the general composition of our more rural area, as well as values of our property.

It is my understanding that Mr. Howe has already visited with each of the planning and zoning commissioners to garner their support for this change, so it must be important to him. I don't know this be a fact, but have heard this from a neighbor who owns acreage adjacent to the property in question. This change is also important to me, so I will be attending the public hearing on September 17, 2012, so that I too, can meet the commissioners and present my position <u>against</u> the rezoning of this property.

Sincerely,

Dale H. Massie 3620 Valley Mist Ct.

Och n Missie

Temple, TX 76502 254-493-2361



2nd RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

KAM Homebuilders Ltd P.O. Box 1344 Temple, Texas 76503-1344

Zoning Application Number: <u>Z-FY-12-50</u>	Project Manager: Beverly Zendt
Location: South of FM 93 along the west side	of Dubose Road
The proposed rezoning is the area shown in Because you own property within 200 feet of welcomed. Please use this form to indicate rezoning of the property described on the at comments you may have.	f the requested change, your opinions are whether you are in favor of the possible
I recommend () approval	() denial of this request.
Comments:	
Signature	Print Name
Disease well on heard deliver this accurrent for	we to the address shows below no later

Please mail or hand-deliver this comment form to the address shown below, no later than <u>September 17, 2012</u>

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

SEP 1 3 2012

City of Temple
Planning & Development

Date Mailed: September 5, 2012



2nd COURTESY NOTICE RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

This is the wrong advess for my property

It should be 7515 Dubose Rd.

Zoning Application Number: Z-FY-12-50

Project Manager: Beverly Zendt

Location: South of FM 93 along the west side of Dubose Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy

Comments:

I am strongly against this zoning change, when this subdivision was proposed by Jim Howe he personnelly promised 12 acre lots entwith houses rangeing is value from \$250,000 to \$375,000. The smaller lot sizes will decrease the value of adjacent homes. It seems that Jim Howe ocan always get changes made to suit himself. The homeowners of the adjacent properties should have a say in this decision. I sincerely hope this zoning change is denied.

The test At the very least, delay a decision so the city can hear from others that will be effected. Only property owners within 200 ft were notified of this change. I feel other property owners in the area should have an appularity to coment.

Trent Street

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 17, 2012

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

RECEIVED

SEP 1 7 2012

City of Temple
Planning & Development

Number of Notices Mailed: 3

Date Mailed: September 5, 2012



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Gary Etux Catherine Smith 3609 Valley Park Drive Temple, Texas 76502

Zoning Application Number: <u>Z-FY-12-50</u> Project Manager: <u>Beverly Zendt</u>

Location: Along the southwest corner of FM 93 and Dubose Road

I recommend () approval

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.

(denial of this request.

Comments:
An increase in density for this tract will increase traffic
and dramage. FMAZ at Dubose can be challenging at
times, to increase the number of vehicles using this intersection
would have been challening. However to significantly increase the
load at this intersection is a serious concern. I am also very
Conversed about dramage that will flow into the "purk" behind velling
Park and Valley Mist. There we times that this drawings feature appear
to be at capacity now.
M +

Please mail or hand-deliver this comment form to the address shown below, no later than <u>August 6, 2012</u>

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

AUG 0 6 2012

City of Temple

Planning & Development
Date Mailed: July 26, 2012

Number of Notices Mailed: 9



COURTESY NOTICE RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Gary Etux Deyette Pauer 3790 Forrester Road Temple, Texas 76502

Zoning Application Number: Z-FY-12-50 Project Manager: Beverly Zendt

Location: Along the southwest corner of FM 93 and Dubose Road

We have identified your property as being adjacent to a proposed zone change which is the area shown in hatched marking on the attached map. Although your property is outside the Temple City Limits, this letter is sent as a courtesy.

omments:	
John exerce ago we were arranged by lime	
How that the lote that backed up to our	
groperty would be 1/2 alre loto. We are	
of the conviction that when a man makes	-
al promise, that it should be honored	
would be more Valuable for the subdunction	
They would be further away from thoshway a	
and would back up to beautiful accraox.	A
Walth Kauer Dellette Pauer	
Signature Print Name	

Please mail or hand-deliver this comment form to the address shown below, no later than <u>August 6, 2012</u>

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

Number of Notices Mailed: 3

Date Mailed: July 26, 2012

RECEIVED

JUL 3 1 2012

City of Temple
Planning & Developmen



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

Dale Etux Dawn Massie 3620 Valley Mist Court Temple, Texas 76502

Zoning Application Number: <u>Z-FY-1</u>	2-50 Project Manag	er: Beverly Zendt
Location: Along the southwest corner	of FM 93 and Dubose Ro	ad
The proposed rezoning is the area Because you own property within 20 welcomed. Please use this form to rezoning of the property described comments you may have.	O feet of the requested of indicate whether you are on the attached notice, a	change, your opinions are e in favor of the possible nd provide any additional
I recommend (√) approv	al () denial of this r	equest.
Comments:		
Dle 12. Munic	Denl	e H. Massie Print Name
Signature		Print Name
Please mail or hand-deliver this com than August 6, 2012	ment form to the addres	s shown below, no later
	City of Temple Planning Department	RECEIVED
	Room 201 Municipal Building	AUG 0 7 2012
	Temple, Texas 76501	City of Temple

Date Mailed: July 26, 2012

Number of Notices Mailed: 9



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

KAM Homebuilders Ltd P.O. Box 1344 Temple, Texas 76503-1344

Zoning Application Number: <u>Z-FY-12-50</u>	Project Manager: Beverly Zendt
Location: Along the southwest corner of FM	l 93 and Dubose Road
Because you own property within 200 feet welcomed. Please use this form to indicate rezoning of the property described on the comments you may have.	of the requested change, your opinions are attached map attempted whether you are in favor of the possible attached notice, and provide any additional
I recommend () approval	() denial of this request.
Comments:	
1	
Signature	Print Name
	form to the address shown below, no later

City of Temple

Room 201

Planning Department

Municipal Building Temple, Texas 76501 RECEIVED

AUG 0 1 2012

City of Temple
Planning & Development

Number of Notices Mailed: 9 Date Mailed: July 26, 2012



RESPONSE TO PROPOSED REZONING REQUEST CITY OF TEMPLE

LaVonna Constance 3613 Valley Park Drive Temple, Texas 76502

Zoning Application Number: Z-FY-12-50 Project Manager: Beverly Zendt

Location: Along the southwest corner of FM 93 and Dubose Road

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

I recommend () approval denial of this request.

Comments:

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

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

RECEIVED

AUG 0 7 2012

City of Temple

Date Mailed: Planning & Development July 26, 2012

Signature

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 4: Z-FY-12-50 Hold a public-hearing to discuss and recommend action on a zone change from PD Planned Development-Urban Estates District (PD-UE) to Planned Development -Single Family-1 District (PD-SF-1) on 39.3± acres of land, being part of the William Frazier Survey, Abstract #310 located south of FM 93 along the west side of Dubose Road.

Ms. Zendt stated in 2004 the Planned Development Urban Estates (PD-UE) zoning was approved upon voluntary annexation of both tracts of land. A preliminary plat was submitted for this tract and the tract located to the east. The tract to the east has been built in conformance with the PD-UE standards and is currently developed. The applicant is requesting a zoning change for the remaining tract from PD-UE to Planned Development Single Family-One (PD-SF-1).

Surrounding properties include Agricultural (AG) to the north, to the east across Dubose Road is PD-UE, to the south is residential and AG, and to the west is undeveloped land.

The Future Land Use and Character Map designate this property is Suburban Residential. Originally this property was proposed for 56 residential lots. The new proposal is for 94 residential lots, which is a 67% increase in density. The original PD called for an average ½ acre lot size and the proposed PD-SF-1 identifies minimum lot size of approximately 10,802 square feet or .248 acres. The original PD-UE had a density of approximately 1.37 dwelling units per acre and the new proposed density would be 2.39 dwelling units per acre.

The applicant has proposed a rural street width of 22 feet of pavement and two feet ribbon curve with the approved PD and would like to stay the same recommendation for the PD-SF-1.

This preliminary plat was submitted in July 2012 and is what the PD is being based on. The applicant intends to build larger sized lots that what is required with the SF-1 zoning. The minimum lot size is 10,802 square feet as opposed to straight SF-1 with a minimum standard lot size of 7,500 square feet. The proposed largest lot size would be 22,433 square feet which is almost one-half acre.

Public utilities are available to serve the property with an eight-inch water line along FM 93 and a ten-inch wastewater main.

A local connector is proposed along FM 93 adjacent to the commercial tracts. The trail will probably be constructed at the same time the commercial tracts are developed and Dubose has existing right-of-way for the other section of the trail to be constructed in the future.

Nine notices were mailed: one respondent was in favor, three respondents were in opposition, and two courtesy notices were in opposition.

Staff recommends approval of the zoning request from PD-UE to PD-SF-1 since it is consistent with the submitted conceptual plan with the defined minimum lot size of 10,802 square feet rather than 7,500 square feet.

Staff recommends disapproval of the proposed 22 feet pavement width for interior streets. Originally the pavement width was approved for the PD-UE when the density was below two units per acre. The Unified Development Code (UDC) states when the density goes above two dwelling units per acre, a local width is required so Staff recommends 31 feet street standard.

Chair Staats opened the public hearing.

Mr. Jim Howe, 7353 W. Adams, Temple, Texas, represents the developer of Valley Ranch Subdivision. Mr. Howe asked for additional time in order to make his slide presentation.

Mr. Howe stated Valley Ranch is a locally owned master planned community. The request is to be zoned to PD-SF-1 for the west portion of the property and to retain the rural street design for the streets. The Valley Ranch Subdivision is located off of FM 93 and west of 31st Street. This is a 107 acre property.

The front portion of the property is set aside for Commercial (C) with nine undeveloped lots. There is a city park that is also a City storm water structure.

Valley Ranch was approved in 2004 with a total of 107 acres, mixed use, with 126 one-half acre lots zoned Urban Estates (UE). Originally it was designed for septic service since there was no sewer at that location, and designed with a rural street design with 28 foot collector street (Dubose Road) and 24 foot wide local streets (Staff stated 22 feet). Drainage is by grassy open swales, there are nine commercial lots, and a park.

Mr. Howe stated it was originally designed for septic service as opposed to public sewer and all of the engineering was completed for the subdivision when the City was able to bring sewer to the area and to serve Valley Ranch, the school and neighboring area. It was decided to stay with the proposal for one-half acre lots which are served by public sewer.

Mr. Howe commented the builders have been telling him that buyers are resisting large lots due to the costs involved. Another concern is drought water rationing. TBG Partners was hired and created a revised plan which downsized the lots from one-half acre to one-third acre (average lot size 105 feet x 135 feet) and improved the traffic flow/circulation by replacing the cul-de-sacs. Rural street design stayed with the same width as Phases I and II and a green space was added.

Mr. Howe gave more dimensional information, showed pictures of similar home designs intended for the development, and spoke about road widths. Mr. Howe stated they would like to be able to continue the road street designs as created in Phases I and II without parking restrictions.

Mr. Howe stated Staff is recommending approval of the rezoning but disapproves of the rural street design and would like to go to a standard 31 foot street with an underground storm water system. Mr. Howe's response to this is that the rural street design is consistent with Phases I and II; the density for the subdivision goes to 1.17 lots per acre, not 2.39; Dubose is a collector street, 28 feet wide, and constructed to standards; local streets 24 feet rural street design has

less impervious cover than 31 foot streets that are for storm water; traffic flow is improved; and parking with 50 feet setbacks from the street provides ample off street parking. The covenants for the subdivision prohibit parking for extended periods on the streets, day or night. Storm water pollution is being managed by vegetative swales instead of using concrete pipes.

Mr. Howe stated there was precedent for what is being requested. The City approved a West Temple subdivision with SF-2 zoning with a rural street design of 22 feet, no ribbon curbs, a density of 4.15 lots per acre with an average lot size of 65 feet by 125 feet, and no parking restrictions with 34 foot setbacks.

Mr. Howe asked that the Commission approve the request.

Ms. Deyette Pauer, 3790 Forrester Road, Temple, Texas, stated her property backed up to the south portion of Valley Ranch addition, Phases III and IV. Ms. Pauer provides a plat copy for the Commission for comparison along with a signed Petition from the residents in Taylors Valley and Evergreen (Phase I and II of Valley Ranch).

Ms. Pauer stated Mr. Howe came to their home six years ago to enlist support for Valley Ranch to all be half acre estate lots on both the east and west side of Dubose Road. Ms. Pauer stated they were in favor of this because of the rural setting. It was Ms. Pauer's understanding this would be the Valley Ranch Mr. Howe intended to develop. Ms. Pauer stated there were now 94 smaller lots (minus a few) from what was originally promised.

Mr. Dale Massie, 3620 Valley Mist Court, Temple, Texas, stated on Monday, July 23, 2012, Mr. Howe met with Mr. Massie and other homeowners of Valley Ranch Subdivision to discuss the development plan for Phase III. Mr. Massie was not aware of a Phase III until this meeting and has lived in Valley Ranch for one year. Presently, the subject property is being used for agricultural purposes until 2013.

Mr. Massie stated Mr. Howe informed them that smaller lots would be more desirable to a greater number of potential homebuyers. In subdividing the property into smaller lots, Mr. Howe showed a general plan of approximately 90 lots, where Phases I and II currently have 70. The homes in Phase III would be built in a similar style in square footage as already exists in Phase I of Valley Ranch. Mr. Massie does not recall if Mr. Howe mentioned what the zoning class would be, but the minimum lot size would be associated with it. No document outlining the restrictive covenants was provided at that time.

Since that meeting, Mr. Massie has learned that the minimum square footage of a zoned UE lot was 22,500 square feet whereas the minimum for SF-1 was 7,500 square feet which he felt was significant. Mr. Massie has also learned that the subject property has undergone two previous zoning changes. Mr. Massie stated it was possible that Phase III of Valley Ranch could become an entirely different subdivision with an entirely different set of covenants and completely different style that currently exists.

Mr. Massie purchased his home with the intent of staying there because of the larger lot environment and rural surroundings.

Mr. Massie asked the Commission to table this request until further study and discussion could take place on what the exact final plan would be.

Mr. Chris Anelundi, 7021 Valley Mist Drive, Temple, Texas, stated his family moved to Temple due to the overcrowding conditions in Killeen. They bought into Valley Ranch early on the commitment that all upcoming surrounding phases would be half acre estate lots like Phase I. The rezoning request was presented to Mr. Anelundi as no one wanted to purchase an estate lot anymore. However, after three years of stagnant development in Phase I, a new house is being framed on estate lots at the rate of about one every two months, eight to ten homes in the last 18 months.

At a recent homeowners meeting, the residents were told that if the property were rezoned, Phase III would have homes of equivalent square footage and exterior materials as Phase I but would be one third of an acre to make them more appealing to buyers.

Mr. Anelundi said he felt if this zone change were approved, traffic will not be the only thing making it difficult to leave his home.

Mr. Anelundi stated it was his understanding that the subject property would continue to be farmed until 2013. That being the case, he asked the Commissioners to please table this item until all affective residents can be given a chance to voice their positions if they choose.

Mr. John Mayo, 6918 Valley Mist Drive, Temple, Texas, stated he has lived in Valley Ranch for five years. Mr. Mayo works for Omega Builders but did not work for them when he purchased his home. One of the reasons they chose Valley Ranch was Mr. Howe's reputation.

Mr. Mayo is in support of the zoning request, however, his biggest concern is that if it is not approved, Mr. Howe might lose interest in developing Phase III and would sell it to an out of town developer, which he feels would be destructive.

Mr. Mayo stated higher density development projects would occur anyway, whether in Valley Ranch or not and was in support of this request.

Mr. Ron Gates, 3454 Forrester Road, Temple, Texas, asked where Mr. Mayo worked and Chair Staats stated Omega.

Mr. Charles Verhigh, 2271 River Ranch Road, Temple, Texas, stated the tail end of Fryer's Creek runs through his property. Over time, Mr. Verhigh said he has lost over an acre of land as a result of water runoff from south Temple and feels this is due to inadequate planning for water runoff. Mr. Verhigh had not seen any water runoff plan or engineering plan for this phase of the development and would like to see what it would be, especially with twice the number of homes being added.

Mr. Verhigh would suggest tabling this item until engineering can assess the impact of water runoff from increasing the number of lots.

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

A representative from Public Works was not in attendance to answer any questions.

Commissioner Talley asked Mr. Howe how he got the information that larger lots were not selling. Mr. Howe stated the information came from feedback from sales people and other builders in the subdivision and was related to other subdivisions as well.

Mr. Howe stated storm water has been an issue and when a plan has been developed it would be submitted when the plat comes through.

Commissioner Magaña asked if this request were approved, what would keep Mr. Howe from building even smaller lots and homes. Mr. Howe stated the PD-SF-1 zoning would restrict the number and size of lots to what is stated and the covenants would require a 2000 foot minimum.

Ms. Pauer asked about the covenants stating a 2,000 square foot minimum and was it accessible to all. Chair Staats responded that the document would be recorded at the Clerk's office and is considered a public document for all. Ms. Pauer stated she would like the item tabled for further investigation.

Ms. Zendt stated the PD-SF-1 is consistent with the submitted preliminary plat locking in the parameters for the development.

Discussion about how Staff determines street width and curbs.

Commissioner Talley asked Mr. Massie what he was looking for if the item were tabled. Mr. Massie stated he would like better reassurance that the preliminary plat and any other plat going forward would not change, especially since it has already gone through previous zone changes. He has not seen the covenants for Phase II or III.

Commissioner Martin stated at this point the subject property conforms to the Future Land Use and Character Map which represents the Single Family One.

Commissioner Jones stated the only issue at hand is the zoning, not the platting. The other issues will go through the Staff and they would answer any questions the public has. He did not think tabling the zoning request would make any difference.

Ms. Autumn Speer, Director of Community Services, stated this is a Planned Development so it is a mixture of zoning and conceptual plans. SF-1 zoning does permit a 7,500 square foot lot. However, Mr. Howe proposes a planned development for SF-1 for the base zoning with a conceptual preliminary plat stipulating lot sizes and layout. Ms. Speer stated there was a preliminary plat that matches the PD in Staff's offices awaiting other information and engineering information from Mr. Howe's engineer. That is a separate process. If, through that process, Mr. Howe cannot address the issues that arise the way it is laid out, Mr. Howe would have to come back and amend the planned development.

Mr. Charles Christ, 3611 Valley Mist Court, Temple, Texas, asked about traffic circulation issues. People like cul-de-sacs because of small children and he wondered if that issue had been addressed.

Ms. Zendt stated the legal notice is published in the newspaper and the 200 foot buffer notices are required by state law. Courtesy notices are sent out but are not required by state law. Land use signs are also placed on properties to alert the public.

Commissioner Talley made a motion to table the item until the next meeting.

Ms. Zendt is asked to repeat the Staff's recommendations for the Commission.

Commissioner Magaña made a second.

Ms. Trudi Dill, Deputy City Attorney, stated the motion should include a time period for returning. Commissioner Talley stated next P&Z meeting scheduled for October 1, 2012.

Chair Staats delayed the vote upon further discussion.

Commissioner Jones stated there has been sufficient time for people to ask questions and get the information and did not feel the extra week or two would make any difference. Commissioner Jones would like to go forward with a motion.

Commissioner Talley stated tabling the item was the wisest thing to do since there are unanswered questions. Commissioner Magaña agreed.

Motion passed: (3:5)

Commissioners Harrell, Magana and Talley voted Aye; Commissioners Johnson, Jones, Martin, Vice-Chair Sears and Chair Staats voted Nay; Commissioner Rhoads absent

The motion failed therefore a new motion is needed.

Commissioner Jones made a motion to approve Item 4, Z-FY-12-50, as presented by the applicant in addition to adding no parking signs and Commissioner Martin made a second.

Discussion about street width.

Motion passed: (5:3)

Commissioners Harrell, Jones, Martin, Vice-Chair Sears, and Chair Staats voted Aye; Commissioners Magaña; Talley and Johnson voted Nay; Commissioner Rhoads absent

ORDINANCE NO.	

[PLANNING NO. Z-FY-12-50]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM PLANNED DEVELOPMENT-URBAN ESTATES DISTRICT (PD-UE) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 DISTRICT (PD-SF-1) ON APPROXIMATELY 39.3 ACRES OUT OF THE WILLIAM FRAZIER SURVEY, ABSTRACT NO. 310, LOCATED SOUTH OF FM 93 ALONG THE WEST SIDE OF DUBOSE ROAD; 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:

- <u>Part 1</u>: The City Council approves a rezoning from Planned Development-Urban Estates District (PD-UE) to Planned Development-Single Family-1 District (PD-SF-1) on approximately 39.3 acres out of the William Frazier Survey, Abstract No. 310, located south of FM 93 along the west side of Dubose Road, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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 4th day of **October**, 2012.

PASSED AND APPROVED on Second Reading on the 18th day of October, 2012. THE CITY OF TEMPLE, TEXAS WILLIAM A. JONES, III, Mayor ATTEST: APPROVED AS TO FORM: Lacy Borgeson Jonathan Graham

City Attorney

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #7 Regular Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

<u>ITEM DESCRIPTION:</u> FIRST READING - PUBLIC HEARING - Z-FY-12-53: Consider adopting an ordinance amending the Citywide Trails Master Plan.

P&Z COMMISSION RECOMMENDATION: At its meeting on September 17, 2012, the Planning and Zoning Commission voted 8:0 (Commissioner Rhoads was absent), in accordance with the Staff recommendation, to recommend approval of the amended Citywide Trails Master Plan.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading as presented in item description, and schedule a second reading and final adoption for October 18, 2012.

ITEM SUMMARY: On March 4, 2010, the City of Temple adopted, by Resolution No. 2010-5971-R, the Citywide Trails Master Plan to implement community-wide mobility goals and objectives identified in the *Choices '08*, City of Temple Comprehensive Plan. Since that time, staff has identified multiple revisions and amendments resulting from the following:

- Revisions to the Thoroughfare Plan;
- Revisions and funding changes related to the Transportation Capital Improvements Plan (CIP)(Streets CIP);
- 1st and 3rd St. Overlay Plan implementation;
- Lack of connectivity or viability of proposed routes (likelihood of construction);
- Changing City requirements; and
- City Council approved exceptions.

The Citywide Trails Master Plan is used by staff to require upsizing of certain sidewalks (with oversize participation agreements) and for requiring right-of-way dedication and construction of trails for certain development projects. This strategy for implementation necessitates adoption of the Citywide Master Trails Plan by Ordinance rather than by Resolution. By adopting this Ordinance, the City will also establish consistency with the adoption and amendment process for the Thoroughfare Plan which addresses motorized mobility much in the same way the Citywide Trails Master plan addresses non-motorized mobility.

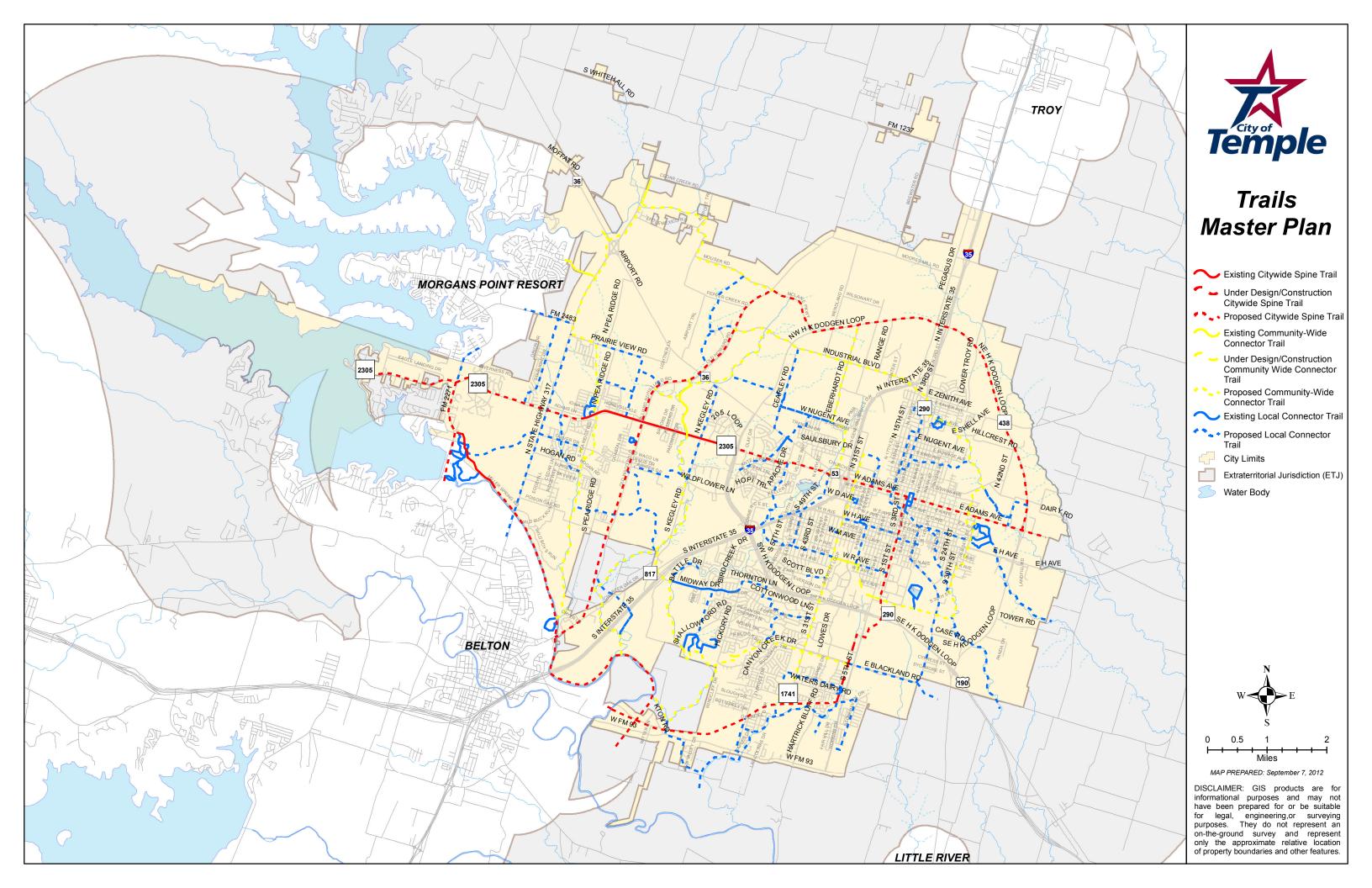
10/04/12 Item #7 Regular Agenda Page 2 of 2

Additionally, this adopted plan will assist the City in implementing the community-wide mobility goals set forth in the Comprehensive Plan and in demonstrating the City's commitment to a multi-modal transportation network for future mobility enhancement grant opportunities. Staff anticipates bringing additional revisions and corrections to City Council as part of an ongoing effort to review and update the plan.

FISCAL IMPACT: None

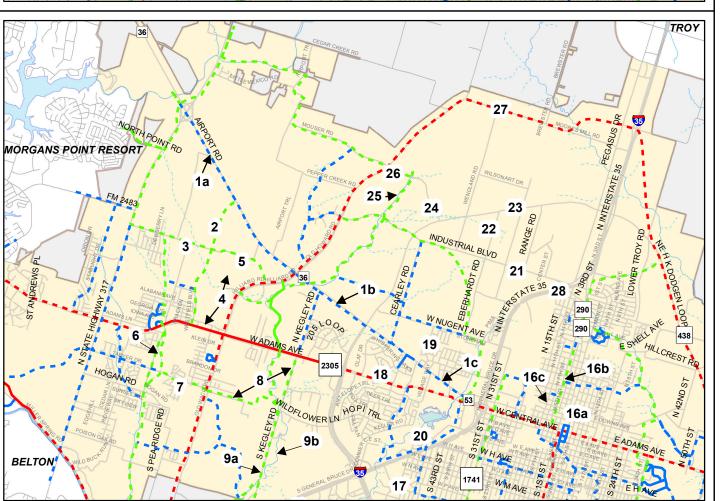
ATTACHMENTS:

Citywide Trails Master Plan Map - Existing
Citywide Trails Master Plan Map - Proposed Changes 1
Citywide Trails Master Plan Map - Proposed Changes 2
Citywide Trails Master Plan Map - Proposed
P&Z Excerpts
Ordinance



#	Classification	Action	Segment Description	Reason for Change	
1a	Proposed Community- Wide Connector	Add	Approx 14,370 ft along Airport Rd from SH 317 to Outer Loop	Providing connectivity to multiple segments	
1b	Proposed Community- Wide Connector	Add	Approx 6,100 ft along Airport Rd from Kegley to Cearley	Providing connectivity to multiple segments	
1c	Proposed Community- Wide Connector	Add	Approx 5,100 ft along Airport Rd from Apacheto Adams	Providing connectivity to multiple segments	
2	Proposed Community- Wide Connector	Add	Approx 9,500 ft from Airport Rd to W Adams Ave	Consistent with TFARE Plan amendments and addition of new arterial proposed along Westfield	
3	Proposed Local Connector	Reclassified to Proposed Community-Wide Connector	Approx 6,700 ft along Prairie View Rd	Consistent with TFARE Plan amendments and addition of new arterial proposed along Westfield	
4	ProposedLocal Connector	Remove	Approx 5,550 ft Prairie View Rd to W Adams	New alignment due to proximity to Westfield	
5	Proposed Community- Wide Connector	Add	Approx 4,300 ft from Prairie View to Outer Loop	Improving connectivity and establishing consistency with the Transportation CIP	
6	Proposed Community- Wide Connector	Add	Approx 5,200 ft from W Adams to just past Hogan Rd	Establishing consistency with the Transportation CIP	
7	Proposed Community- Wide Connector	Add	Approx 5,300 ft along Tarver	Establishing consistency with the Transportation CIP	
8	Proposed Local Reclassified to Connector Community Connect		Approx 8,700 ft east along Jupiter Dr and north along S Kegley Dr	Establishing consistency with the Transportation CIP	
9a	Proposed Community- Wide Connector	Add	Approx 8,700 ft along S Kegley Dr	Establishing consistency with the Transportation CIP	
9b	Proposed Community- Wide Connector	Remove	Approx 4,000 ft parallel to S Kegley Dr	Establishing consistency with the Transportation CIP	
18	ProposedLocal Connector	Remove	Approx 4,500 ft Whispering Oaks to Fox Trl	Lack of viability due to built environment	
19	ProposedLocal Connector	Remove	Approx 3,000 ft SW Nugent Ave to Airport Rd	Lack of viability due to built environment	
20	0 Proposed Community- Add Wide Connector		Approx 8,300 ft along 41st St and General Bruce Dr from Adams to Ira Young	Realigned in accordance with TXDOT requirements for the at- grade crossing of I-35	
21	Proposed Community- Wide Connector	Remove	Approx 11,000 ft along Industrial Blvd	Eliminated due to location in Industrial Parkarea	
22	Proposed Community- Wide Connector	Remove	Approx 8,300 ft along Eberhart Rd	Eliminated due to location in Industrial Park area	
23	Proposed City-Wide Spine	Remove	Approx 16,000 ft along HK Dodgen Loop	Eliminated due to location in Industrial Park area	
24	Proposed City-Wide Spine	Remove	Approx 4,500 ft along McLane Pkwy	Eliminated due to location in Industrial Park area	
25	Proposed Community- Wide Connector	Add	Approx 4,000 ft from McLane Pkwy to Central Pointe Pkwy along Pepper Creek	Providing connectivity to detention pond feature	
26	Proposed City-Wide Spine	Reclassified to Proposed City-Wide Connector	Approx 1,800 ft along McLane Pkwy	Relocation of City-Wide Spine allows reclass of this segment	
27	Proposed City-Wide Spine	Add	Approx 30,500 ft along Outer Loop, south along Lower Troy to HK Dodgen Loop	Eliminated due to location in Industrial Park and implementation of 1st & 3st St Overlay Plan	



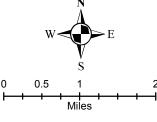




Trails Master Plan

Proposed Amendments (1 of 2)

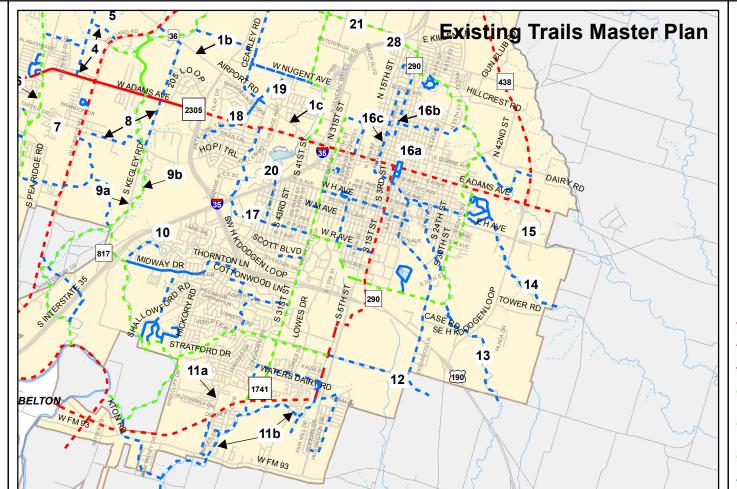
- Existing Citywide Spine Trail
 Under Design/Construction
 Citywide Spine Trail
- Proposed Citywide Spine Trail
 Existing Community-Wide
 Connector Trail
- Under Design/Construction
 Community-Wide Connector
 Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
 Proposed Local Connector
 Trail
 - City Limits
- Extraterritorial Jurisdiction (ETJ)
 - Water Body

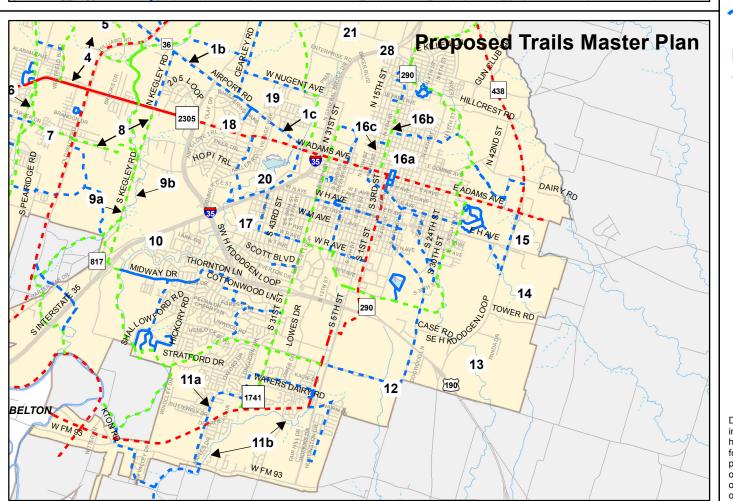


MAP PREPARED: September 10, 2012

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

#	Classification	Action	Segment Description	Reason for Change
10	Proposed Local Connector	Remove	Approx 3,000 ft along Battle Dr	Lack of connectivity and viability
11a	Proposed Community- Wide Connector	Add	Approx 5,000 ft along 31 st St	Proposed as an alternate to 11b
11b	Proposed Local Connector	Remove	Approx 14,000 ft FM 93 to Fawn Meadows Rd (Taylor's Valley)	City Council approved exception removing this segment from the plan
12	Proposed Local Connector	Remove	Approx 2,300 ft south from Blackland Rd	Lack of connectivity and viability
13	Proposed Local Connector	Remove	Approx 10,000 ft along Case Rd	Eliminated due to location in Industrial Park area
14	Proposed Local Connector	Remove	Approx 5,500 ft from HK Dodgen Loop across Landfill Rd	Lack of connectivity and viability
15	Proposed Local Connector	Add	Aprox 5,000 ft along SE HK Dodgen Loop	Promotes connectivity with the Outer Loop
16a	Proposed Community- Wide Connector	Add	Approx 2,200 ft along 5 th St	1 st and 3 rd St Overlay Plan Implementation
16b	Proposed Local Connector	Reclassified to Proposed Community- Wide Connector	Approx 3,500 ft along 7 th from Garfield to Park	1 st and 3 rd St Overlay Plan Implementation
16c	Proposed Local Connector	Remove	Approx 5,600 ft along 11 th from Adams to Park	1 st and 3 rd St Overlay Plan Implementation
17	Proposed Local Connector	Remove	Approx 4,500 ft S General Bruce to Ave R	Lack of connectivity and viability
28	Proposed Community- Wide Connector	Remove	Approx 2,000 ft from I- 35 to N General Bruce Dr	1 st and 3 rd St Overlay Plan Implementation and eliminated to location in the Industrial Park







Trails Master Plan

Proposed Amendments (2 of 2)

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

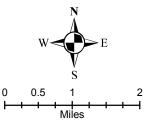
Proposed Community-Wide Connector Trail

Existing Local Connector Trail
Proposed Local Connector
Trail

City Limits

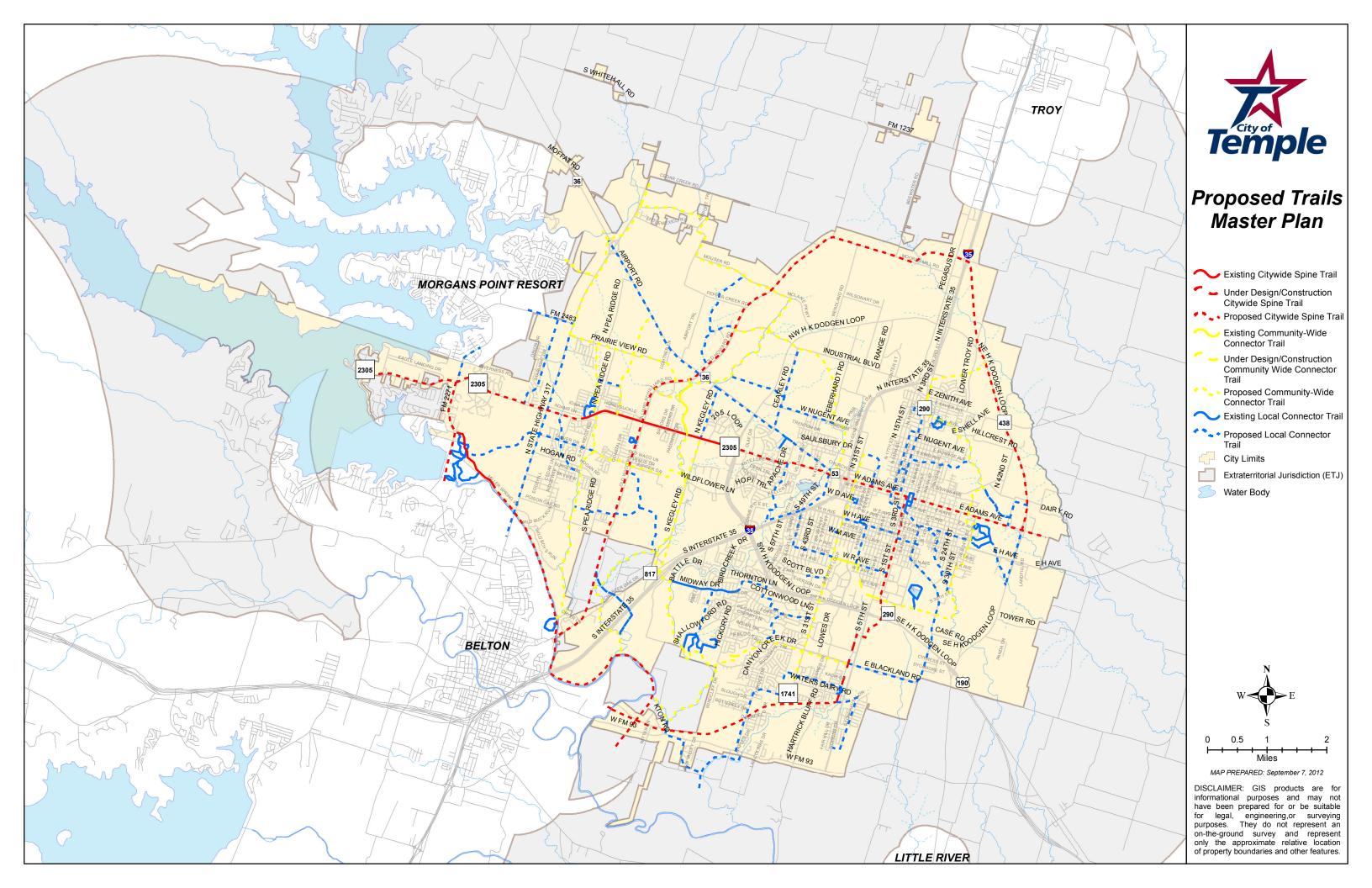
Extraterritorial Jurisdiction (ETJ)

Water Body



MAP PREPARED: September 10, 2012

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



EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 6: Z-FY-12-53 Hold a public hearing to discuss and recommend action on an amendment to the City Wide Trails Master Plan.

Ms. Zendt stated the Trails Master Plan was originally adopted in 2010. Several cleanups and revisions resulting from revisions to the Thoroughfare Plan, changes related to transportation CIPs, 1st and 3rd Street overlay, lack of connectivity, etc.

Two comprehensive maps are shown regarding approximately 35 changes. Ms. Zendt covered the largest revisions:

- 1A Add a 14,370 foot segment along Airport Road;
- 21 Remove approximately 11,000 feet along Industrial Boulevard;
- 23 Remove approximately 16,000 square feet of trail along HK Dodgen Loop located in an industrial park;
- 11B Elimination of 14,000 feet on FM 93 to Fawn Meadows Road:
- 13 Eliminate 10,000 feet along Case Road; and
- 27 Adding 30,000 feet to the Outer Loop (Lower Troy/HK Dodgen Loop).

Staff recommends approval of these amendments to the Trails Plan and adopt the new Plan.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 6, Z-FY-12-53, as recommended by Staff and Commissioner Jones made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

ORDINANCE NO.	
· · · · · · · · · · · · · · · · · · ·	

[PLANNING NO. Z-FY-12-53]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING RESOLUTION NO. 2010-5971-R, THE CITYWIDE TRAILS MASTER PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on March 4, 2010, the City Council adopted, by Resolution No. 2010-5971-R, the Citywide Trails Master Plan to implement community-wide mobility goals and objectives identified in the Choices'08, City of Temple Comprehensive Plan - since that, staff has identified multiple revisions and amendments;

Whereas, the Citywide Trails Master Plan is used by staff to require upsizing of certain sidewalks (with oversize participation agreements) and for requiring right-of-way dedication and construction of trails for certain development projects;

Whereas, this strategy for implementation necessitates adoption of the Citywide Master Trails Plan by Ordinance rather than by Resolution – by adopting this Ordinance, the City will also establish consistency with the adoption and amendment process for the thoroughfare plan which addresses motorized mobility much in the same way the Citywide Trails Master Plan address non-motorized mobility;

Whereas, this adopted plan, as outlined in Exhibit A attached hereto, will assist the City in implementing the community-wide mobility goals set forth in the Comprehensive Plan and in demonstrating the City's commitment to a multi-modal transportation network for future mobility enhancement grant opportunities; 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 and has heard comments and evidence presented by all persons supporting or opposing this requested amendment at said public hearing, and after examining the conditions, finds that the proposed amendments complies with the comprehensive plan and are adopted by the City Council.

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

<u>Part 1:</u> The City Council approves an amendment to Resolution No. 2010-5971-R, originally adopted on March 4, 2010, as outlined in Exhibit A attached hereto, which will establishe consistency with the adoption and amendment process for the thoroughfare plan which addresses motorized mobility.

<u>Part 2:</u> 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.

<u>Part 3</u>: 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.

<u>Part 7:</u> 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 $\mathbf{4}^{th}$ day of October, 2012.

PASSED AND APPROVED on Second Reading on the 18th day of October, 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

10/04/12 Item #8 Regular Agenda Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

<u>ITEM DESCRIPTION:</u> FIRST READING - PUBLIC HEARING - Z-FY-12-54: Consider adopting an ordinance amending Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

<u>P&Z COMMISSION RECOMMENDATION:</u> At its meeting on September 17, 2012, the Planning and Zoning Commission voted 8:0 (Commissioner Rhoads was absent), in accordance with the Staff recommendation, to recommend approval the amended Thoroughfare Plan Map.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading as presented in item description, and schedule a second reading and final adoption for October 18, 2012.

ITEM SUMMARY: On September 4, 2008, the City of Temple adopted the *Choices '08*, City of Temple Comprehensive Plan. With that plan, the City adopted a Thoroughfare Plan Map, a companion document to Chapter 5 which addressed transportation. The Thoroughfare Plan Map is intended as a guide for roadway network expansion and improvement. Care was taken in the development of the plan to ensure that designated routes follow existing roadway alignments, parcel boundaries, and topography as much as possible. Nevertheless, available funding, changing development patterns, city growth, right-of-way availability, and subsequent roadway realignments necessitate occasional revisions to ensure the map reflects current and projected transportation patterns and connectivity.

Planning staff has worked closely with Public Works staff to identify changes, based on updates to the City's Capital Improvements Plan project list and other developments, which impact the overall transportation network. Staff anticipates a more comprehensive review of the Thoroughfare Plan Map and additional proposed amendments in upcoming months.

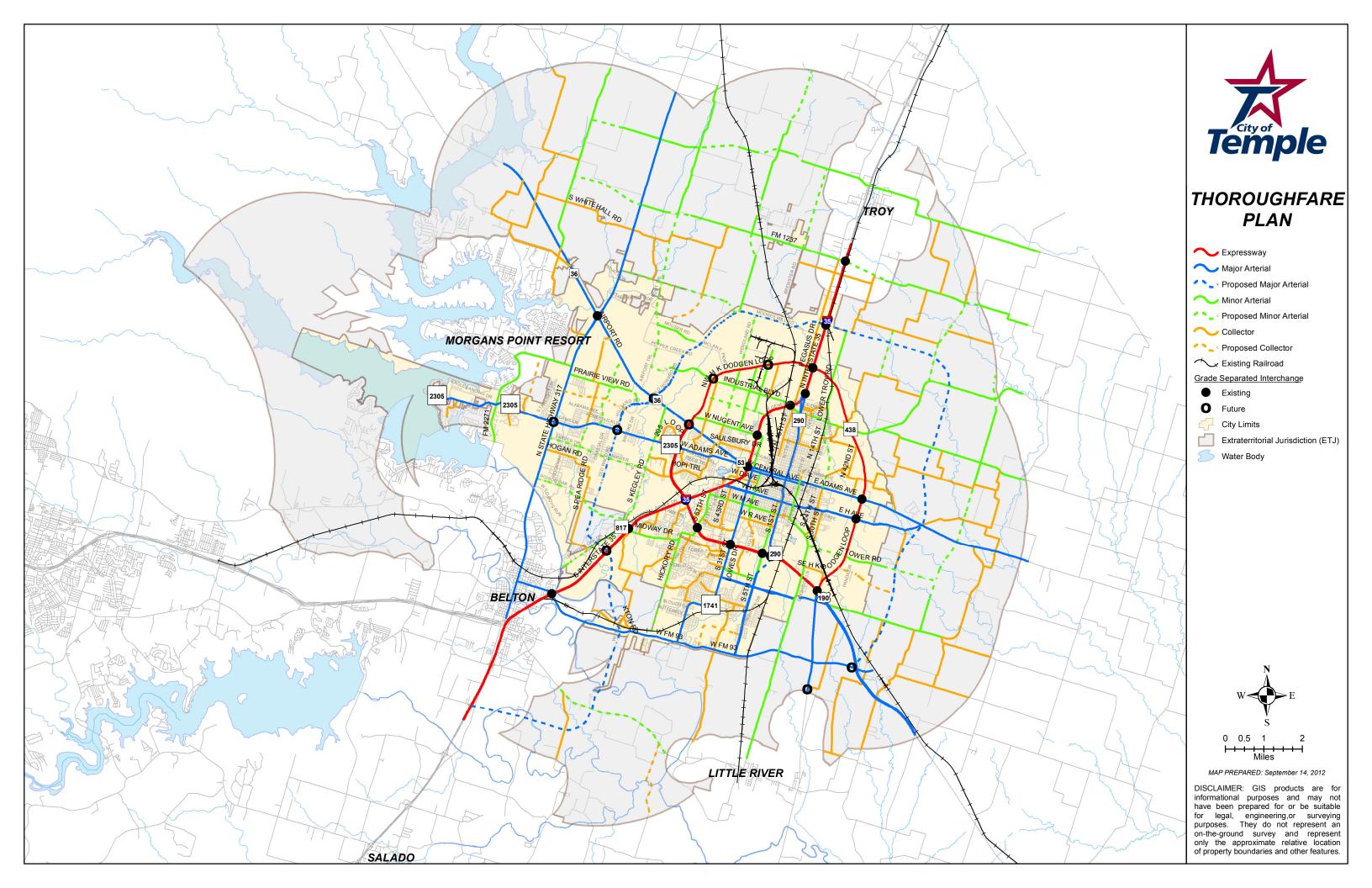
The following table summarizes the proposed amendments to the Thoroughfare Plan Map identified by staff:

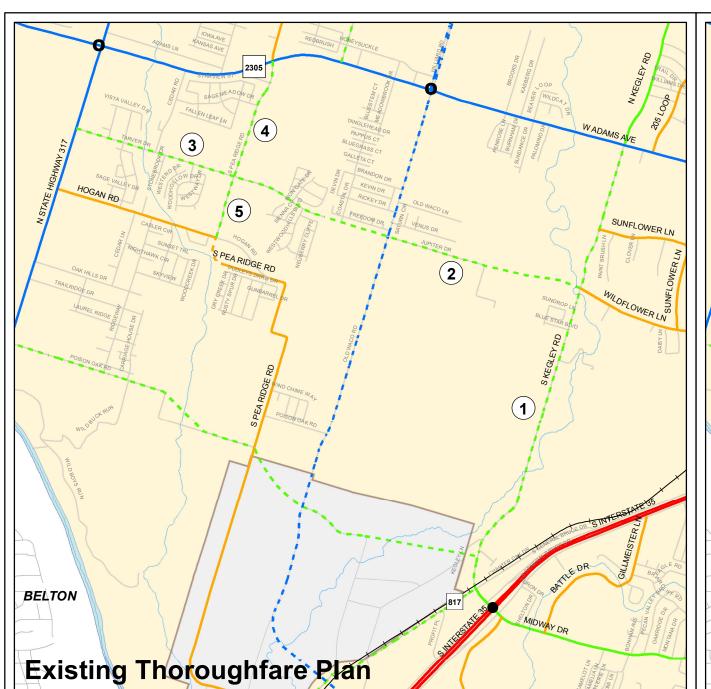
Thoroughfare Plan Proposed Amendments

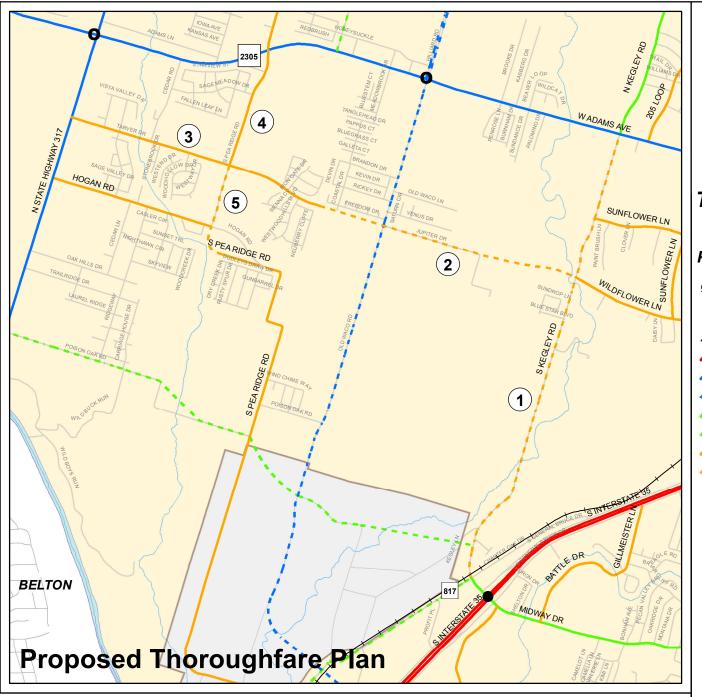
	Thoroughlare Flan Froposed Amendments					
#	Name/ Classification	Action	Segment Description	Reason for Change		
1	Kegley Road – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 2.35 miles from West Adams to Charter Oak Drive	As a future Major Arterial, the proposed Outer Loop will provide sufficient parallel capacity and north-south connectivity.		
2	Tarver Road – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 1.31 miles from Hills of Westwood Subdivision to Kegley Road.	This section will not likely be constructed as an Arterial Street due to availability of funding.		
3	Tarver Road – Proposed Minor Arterial	Reclassified to Existing Collector	Approx. 1.3 miles from State HWY 317 to Hills of Westwood Subdivision.	Although the section from State HWY 317 to S. Pea Ridge Rd has been constructed as an Arterial Street, it is anticipated that remaining sections, both existing and proposed, will be (or will remain) Collector Streets providing for an overall Collector Street classification.		
4	S. Pea Ridge Road – Proposed Minor Arterial	Reclassified to Existing Collector	Approx. 3,170 ft from W. Adams Ave. to Tarver Road	Most existing sections of this road are constructed as a Collector Street providing for an overall Collector Street classification.		
5	S. Pea Ridge Road – Proposed Minor Arterial	Reclassified to Proposed Collector	Approx. 1,700 ft. from Tarver Road to Hogan Road	This existing section will likely be widened to Collector Street width.		

FISCAL IMPACT: None

ATTACHMENTS:
Thoroughfare Plan Map- Existing Thoroughfare Plan Map- Proposed Changes Thoroughfare Plan Map- Proposed P&Z Excerpts Ordinance







#	Name/ Classification	Action	Segment Description	Reason for Change	
1	Kegley Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 2.35 miles from West Adams to Charter Oak Drive	As a future Major Arterial, the proposed Outer Loop will provide sufficient parallel capacity and north-south connectivity.	
2	Tarver Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 1.31 miles from Hills of Westwood Subdivision to Kegley Road	This section will not likely be constructed as an Arterial Street due to availability of funding.	
3	Tarver Road - Proposed Minor Arterial	Reclassified to Existing Collector	Approx 1.3 miles from State Hwy 317 to Hills of Westwood Subdivision	Although the section from State Hwy 317 to S Pea Ridge Rd has been constructed as an Arterial Street, it is anticipated that remaining sections, both existing and proposed, will be (or will remain) Collector Streets providing for an overall Collector Street classification.	
4	S Pea Ridge Road - Proposed Minor Arterial	Reclassified to Existing Collector	Approx 3,170 feet from W Adams Ave to Tarver Road	Most existing sections of this road are constructed as a Collector Street providing for an overall Collector Street classification.	
5	S Pea Ridge Road - Proposed Minor Arterial	Reclassified to Proposed Collector	Approx 1,700 feet from Tarver Road to Hogan Road	This existing section will likely be widened to Collector Street width.	



THOROUGHFARE PLAN

Proposed Amendments

Grade Separated Interchange

Existing

Future

Existing Railroad

Expressway

Major Arterial

Proposed Major Arterial

Minor Arterial

Proposed Minor Arterial

Collector

Proposed Collector

Extraterritorial Jurisdiction (ETJ)

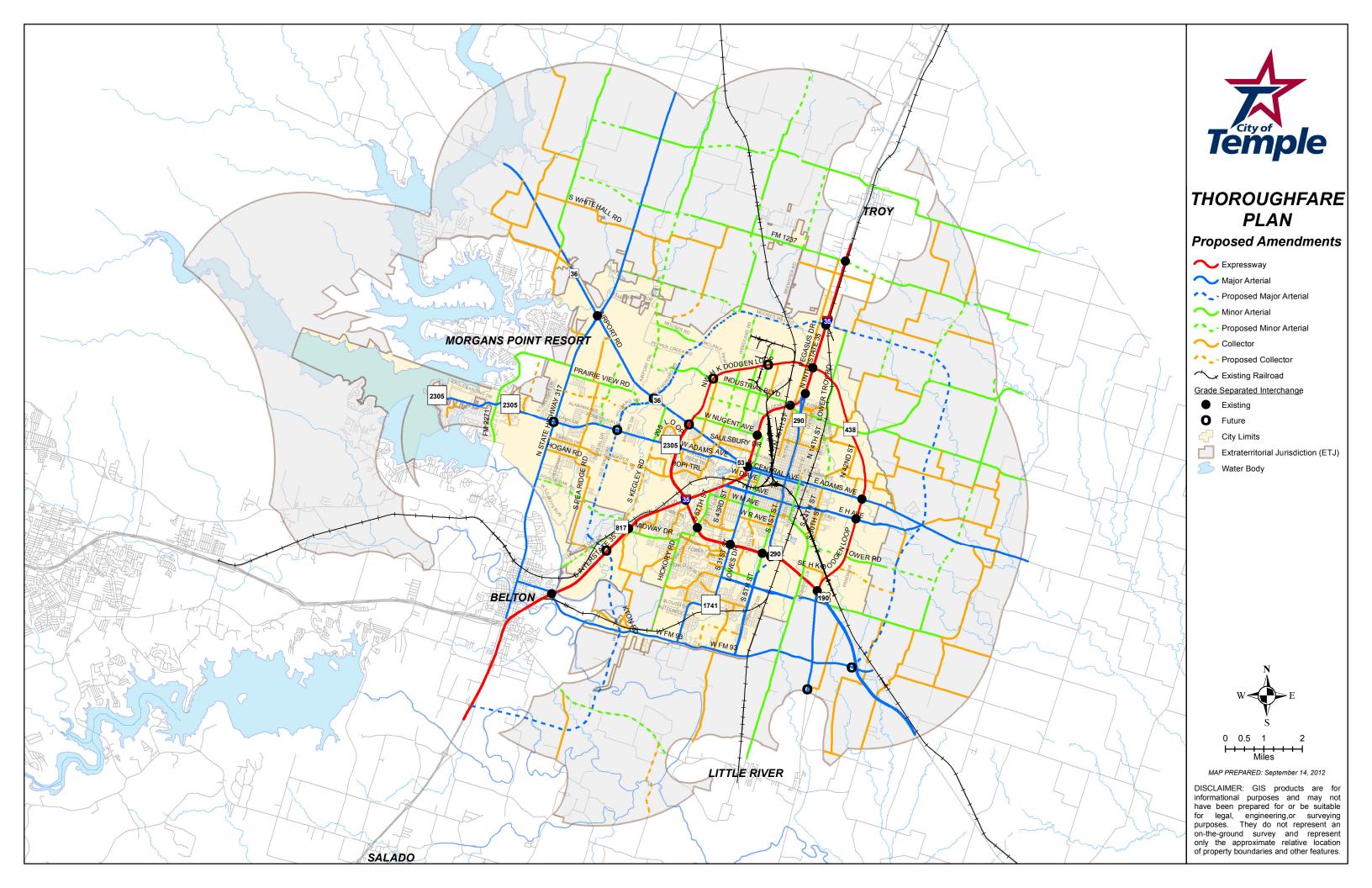
Water Body

City Limits



MAP PREPARED: September 14, 2012

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



EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 7: Z-FY-12-54 Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, the City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

Ms. Zendt stated the Thoroughfare Plan required a few cleanups with regard to changes in available funding, changing road patterns, city growth, right-of-way availability, and road realignments. The Thoroughfare Plan was adopted in 2008 and part of the Comprehensive Plan Choices '08, a companion document to Chapter 5, Transportation, and serves as the guide for roadway network, expansion, and improvements.

Some of the larger realignments/reclassifications include the following:

Kegley Road – currently proposed as a minor arterial. Staff recommends it be reclassified as a proposed collector.

As a future minor arterial, the proposed Outer Loop would provide sufficient parallel capacity and north/south connectivity. Staff recommends it be reclassified as a proposed collector.

Tarver Road – currently a minor arterial. Staff recommends it be reclassified as a proposed collector.

Tarver Road – from SH 317 to the Hills of Westwood also be reclassified as a collector.

South Pea Ridge Road – proposed as a minor collector. Staff recommends it be reclassified to existing collector.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Johnson made a motion to approve Item 7, Z-FY-12-54, and Commissioner Harrell made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

ORDINANCE NO.	

[PLANNING. Z-FY-12-54]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING AN AMENDMENT TO ORDINANCE 2008-4230, THE *CHOICES* '08, CITY OF TEMPLE COMPREHENSIVE PLAN, CHAPTER 5, TO AMEND THE THOROUGHFARE PLAN MAP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 4, 2008, the City of Temple adopted the *Choices '08*, City of Temple Comprehensive Plan and with that plan, the City adopted a thoroughfare plan map which addressed transportation and was intended as a guide for roadway network expansion and improvement.

Whereas, based on updates to the City's Capital Improvement Plan project list and other developments which impact the overall transportation network, staff identified changes which include a comprehensive review and proposed amendments.

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

<u>Part 1</u>: The City Council approves an amendment to Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the thoroughfare plan map, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

<u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

<u>Part 3</u>: 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.

<u>Part 4</u>: 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.

<u>Part 5</u>: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the **4**th day of **October**, 2012.

PASSED AND APPROVED on Second Reading and Public Hearing on the ${\bf 15}^{\rm th}$ day of October, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #9 Regular Agenda Page 1 of 6

DEPT. /DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: FIRST READING- PUBLIC HEARING - Z-FY-12-60: Consider adopting an ordinance authorizing a rezoning from Single Family Two District (SF-2) to Two Family District (2F) on 16.451± acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas located between Hartrick Bluff Road and Lowe's Drive, south of Canyon Creek Drive.

<u>P&Z COMMISSION RECOMMENDATION:</u> At its meeting on September 17, 2012, the Planning and Zoning Commission voted 8:0 (Commissioner Rhoads was absent) in accordance with the Staff recommendation to recommend approval of a zone change from SF-2 to 2F.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading as presented in item description, and schedule a second reading and final adoption for October 18, 2012.

Staff recommends approval of a rezoning from SF-2 to 2-F 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.

<u>ITEM SUMMARY:</u> The applicant is requesting this change of zoning to allow development of two family dwellings (duplexes). A preliminary plat was approved on July 18, 2011 which depicted 127 single-family units (average lot size of 65' X120') on a 29.66 acre tract that extended to Lowe's Drive on the west side and Paseo Del Plata Drive on the south side. The preliminary plat exhibited a development pattern consistent with SF-2 zoning with an approximate density of 4.28 single-family units per acre.

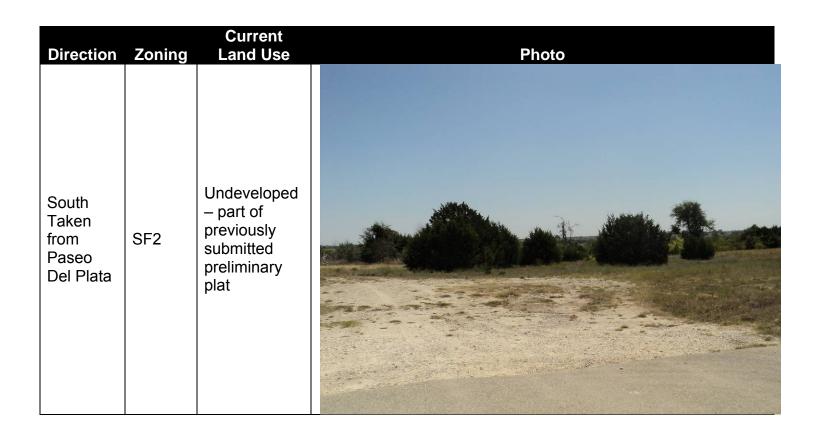
The applicant has indicated his intention to develop the subject tract in a manner consistent with the previously submitted preliminary plat, maintaining the proposed average lot sizes for the purpose of constructing two-family dwellings rather than single family dwellings. Based on the density depicted in

the preliminary plat, the applicant could construct approximately 70 two-family dwelling structures (duplexes)/140 two-family dwelling units.

SURROUNDING PROPERTY AND USES: The following table shows the subject property, existing zoning and current land uses:

zoning and		Current	
Subject Property	AG	Undeveloped Land Preliminary Platted for SF-2	PROPOSED LANDING RECE 2-FY-12-60 For information, call (2-54) 2-8-56-8
East - Taken across Hartrick Bluff Rd.	2F	Undeveloped Land Platted 10/11– 106 lots on 32.145 acres	

Direction	Zoning	Current Land Use	Photo
West Taken from Lowe's Dr.	SF-2	Undeveloped	
North	O2	Undeveloped	



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	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The subject property has been identified as Auto- Urban Residential which is compatible with 2F zoning.	Υ
СР	Map 5.2 - Thoroughfare Plan	Proposed access will be on Hartrick Bluff Road, a proposed/existing collector street (Hartrick Bluff Road is not fully constructed at this time). Local streets are not shown on the Thoroughfare Plan. Hartrick Bluff Road will provide sufficient capacity to serve the proposed use.	Y
СР	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by an 8" water line on the northeast corner of the subject tract and by and a 10" sewer line on the northwest corner of subject site. Both are accessible from the subject tract.	Y
STP	Temple Trails Master Plan Map & sidewalks	The Plan does not reflect a trail in or surrounding the subject tract. A sidewalk is required along one side of Hartrick Bluff Rd.	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

<u>DEVELOPMENT REGULATIONS:</u> According to the City of Temple Comprehensive Plan, Auto-Urban Residential land use is characterized by either site-built homes on small lots or higher density residential uses. The Comprehensive Plan states that Auto-Urban Residential land uses may include garden/patio homes, two-family dwellings and townhouses, provided that an increase in open space is coupled with an increase in density.

The following uses are **permitted by right** under the **existing Single Family-2 (SF-2)** zoning district:

- Industrialized Housing; and
- Single Family Detached Dwelling.

The following residential uses are **permitted by right** in the **proposed Two-Family (2F)** zoning district:

- Industrialized Housing;
- · Single- Family Attached Dwelling;
- Single Family Detached Dwelling;
- Duplex (two family dwelling); and
- Zero-lot-line dwelling

Prohibited uses include manufactured home subdivisions, multi-family, patio home, recreational vehicle park, and townhouses. Dimensional standards are as follows:

4.5.4	4	Two-F	amilv	Dwel	lina			Sec. 4.5	. Resident	ial Dimen	sional Sta	ndands									
Type of Use	AG	E	SF-1	SF-2	SF-3	SFA-I	SFA-2	SFA-3	Ŧ	2F	Έ	MF-2	MF-3	ō	0-2	SZ	g.	CA	U	_	
Min. Lot Area (sq. ft.)	-									4,000	4,000	3,500		3,500	3,500	-	3,500	3,500	3,500		
Min. Lot Width (ft.)										60	60	60		60	60		60	60	60		
Min. Lot Depth (ft.)	-	-				-		-		100	100	100	-	100	100	-	100	100	100	-	
Min. Front Yard Setback(ft.)	-	-								25	25	25	-	25	25*	-	15 See 4.4.4F.1.d*		-		
Min. Side Yard Setback(ft.)	-									5	10% of lot width 5 min			l 0% of lot width 5 min	10% of lot width 5 min*		10% o	-			
Min. Side (Corner)Yard Setback(ft.)	-									15	15	15		15	15*		15	15	15		
Min. Rear Yard Setback(ft.)	-									10	10	10		10	10	-	10	10	10	-	
Max. Building Coverage (%) for Rear Half of Lot	-	-		-					-	50	50	50	_	50	50	-	50	50	50		
Max. Height (stories)										2 1/2	3	4		ALH	ALH*		ALH	ALH	ALH		

10/04/12 Item #9 Regular Agenda Page 6 of 6

<u>PUBLIC NOTICE:</u> Two 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 September 21, 2012, no notices were returned either in favor or against the proposed change of zoning.

The newspaper printed notice of the Planning and Zoning Commission public hearing on September 6, 2012, in accordance with state law and local ordinance.

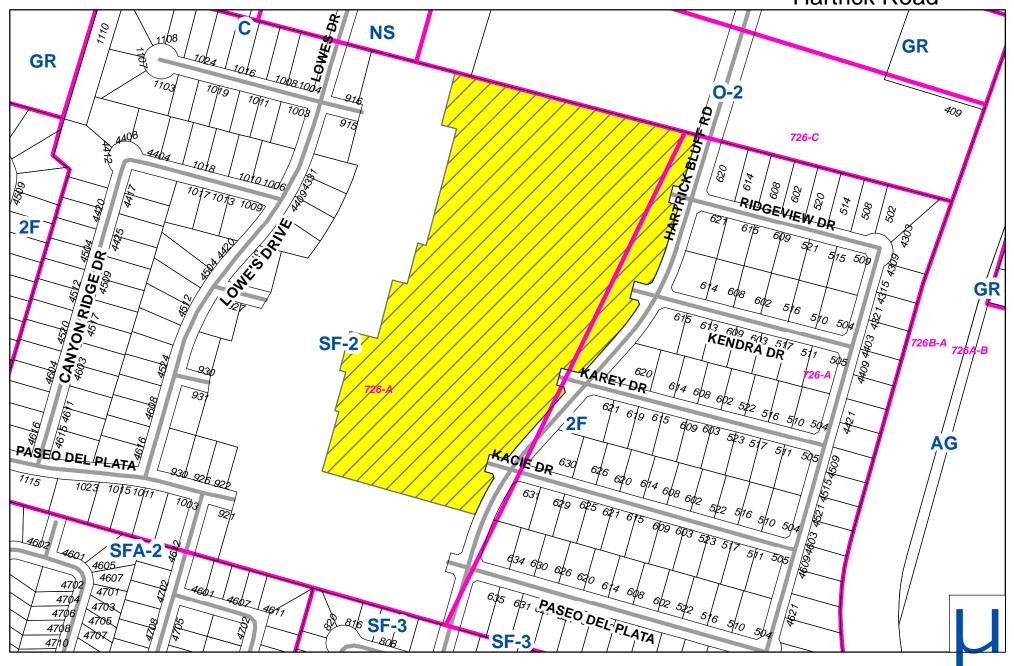
FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning and Location Map
Future Land Use and Character Map
200' Buffer Notification Map
Thoroughfare Plan and Utility Map
P&Z Excerpts
Ordinance

Change of Zoning SF-2 to 2F

McLean Commercial Hartrick Road

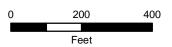






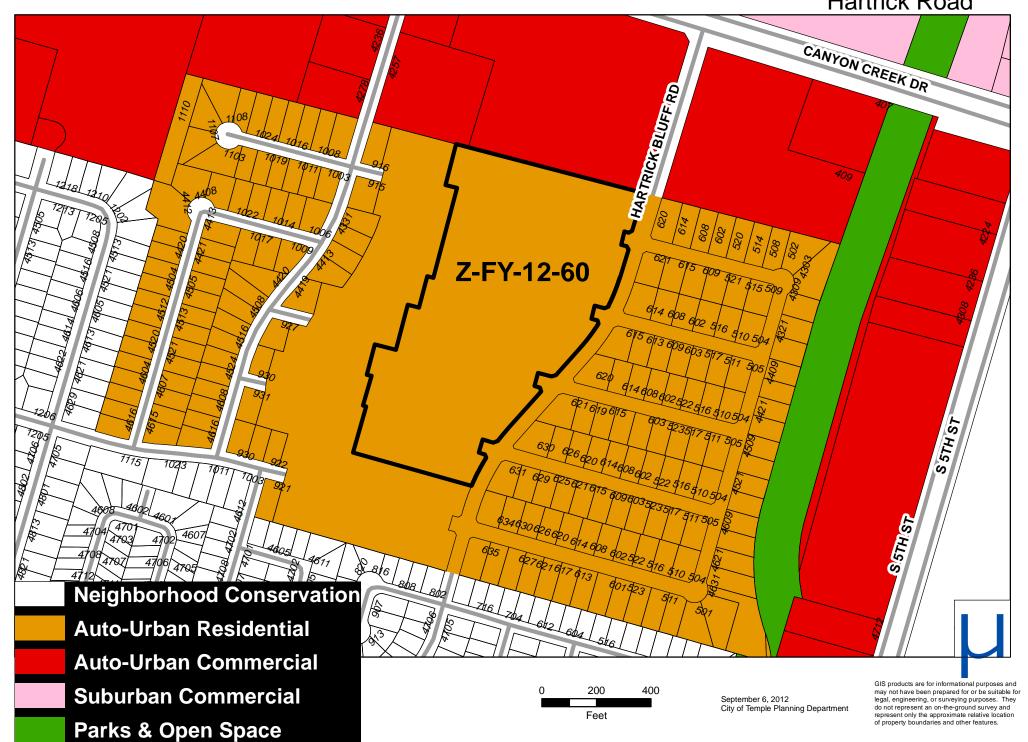






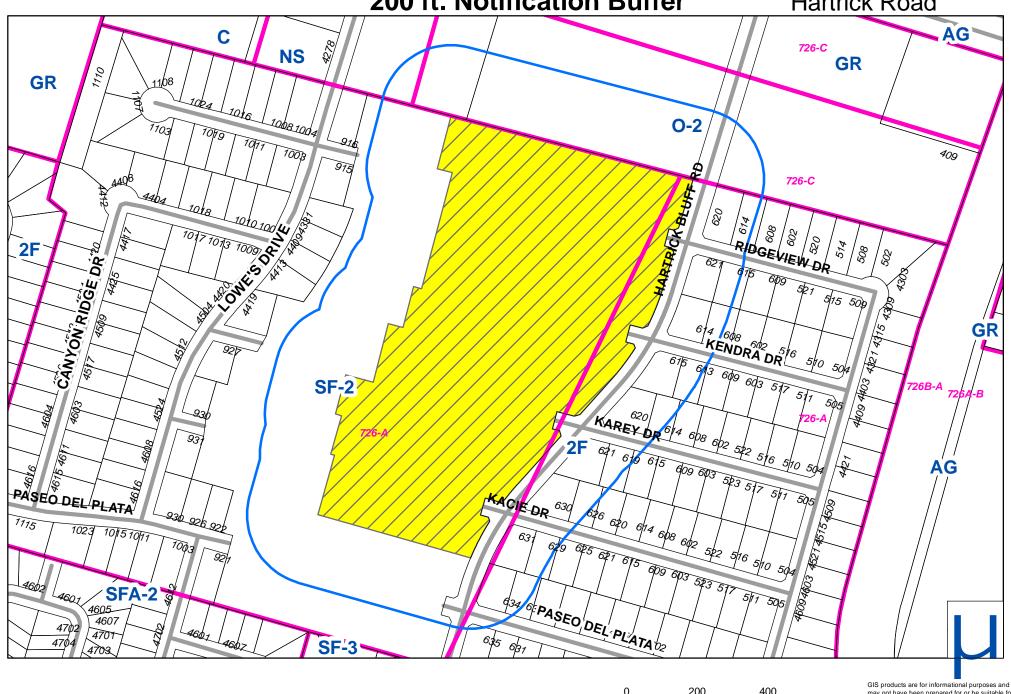
Change of Zoning SF-2 to 2F

McLean Commercial Hartrick Road



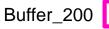
Change of Zoning SF-2 to 2F 200 ft. Notification Buffer

McLean Commercial Hartrick Road













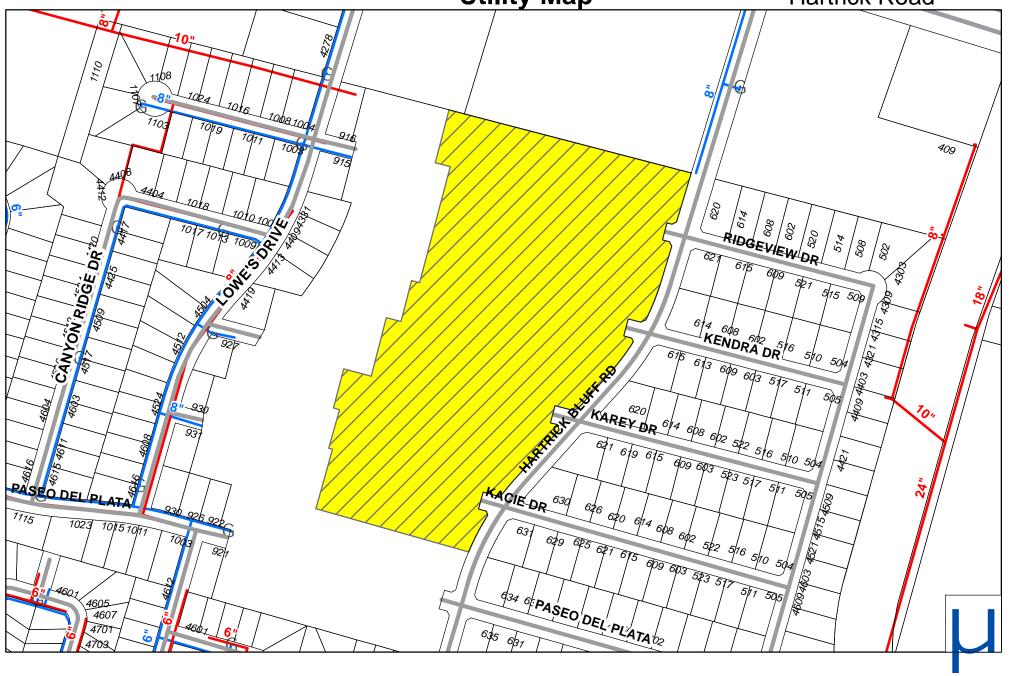




GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

Change of Zoning SF-2 to 2F Utility Map

McLean Commercial Hartrick Road



Case

EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 3: Z-FY-12-60: Hold a public hearing to discuss and recommend action on a zone change from Single Family Two District (SF-2) to Two Family District (2F) on 16.451 ± acres, situated in the Maximo Moreno Survey, Abstract 14, Bell County, Texas, located between Hartrick Bluff Road and Lowe's Drive, south of Canyon Creek Drive.

Ms. Beverly Zendt, Senior Planner stated the subject property was located between Hartrick Bluff Road and Lowe's Drive also known as the Canyon Ridge Subdivision. The applicant is Clark & Fuller on behalf of McLean Commercial.

The subject property is zoned Single Family-Two (SF-2) and the adjacent tract is zoned Two Family (2F).

The Future Land Use and Character Map designates the property as Auto-Urban Residential which allows for site built homes on smaller lots or higher density.

This item was preliminary platted along with Canyon Ridge Phase I and was not final platted as was the other section. The plat as drawn depicted 140 single family units with an average lot size of 65 feet x 120 feet. The applicant would like to develop in accordance with the preliminary plat but rather than single family homes he proposes two family dwellings. Expected development would be 70 two family dwellings or 140 units.

There is an eight inch water line on the northeast corner available for the property and a ten inch wastewater main on the northwest corner.

Two notices were mailed and zero were returned in favor or opposition.

Staff recommends approval of the zoning request since it complies with the Future Land Use and Character Map, complies with the Thoroughfare Plan and public and private facilities are available for the property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 3, Z-FY-12-60, and Commissioner Martin made a second.

Motion passed: (8:0)

Commissioner Rhoads absent

ORDINANCE NO.	

[PLANNING NO. Z-FY-12-60]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM SINGLE FAMILY TWO DISTRICT (SF-2) TO TWO FAMILY DISTRICT (2F) ON APPROXIMATELY 16.451 ACRES OUT OF THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14, LOCATED BETWEEN HARTRICK BLUFF ROAD AND LOWE'S DRIVE, SOUTH OF CANYON CREEK 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:

- <u>Part 1</u>: The City Council approves a rezoning from Single Family Two District (SF-2) to Two Family District (2F) on approximately 16.451 acres out of the Hartrick Bluff Road and Lowe's Drive, south of Canyon Creek Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.
- <u>Part 2:</u> The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.
- <u>Part 3</u>: 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.
- <u>Part 4</u>: 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.
- <u>Part 5</u>: 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 **4**th day of **October**, 2012.

PASSED AND APPROVED on Second Reading on the 18th day of October, 2012. THE CITY OF TEMPLE, TEXAS WILLIAM A. JONES, III, Mayor ATTEST: APPROVED AS TO FORM: Lacy Borgeson Jonathan Graham

City Attorney

City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #10 Regular Agenda Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance designating a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Four for commercial/industrial tax abatement.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in the item description, on first reading, and schedule second reading and final adoption for October 18, 2012.

<u>ITEM SUMMARY:</u> The proposed ordinance designates a tract of land consisting of approximately 8.144 acres and described as Lot 7 and Lot 8, Block 1, Enterprise Park, located at 2708 Lucius McCelvey Drive, as a commercial/industrial tax abatement reinvestment zone. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

Ordinance

ORDINANCE NO.	

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN AREA AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-FOUR FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple, Texas (the "City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Section 312.201 of the Texas Tax Code (hereinafter the "Code");

Whereas,, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

Whereas, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, the concept of tax abatement; and

Whereas, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

- <u>Part 1:</u> The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.
- <u>Part 2:</u> The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:
- A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;
- B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-FOUR") should be Lot 7 and Lot 8, Block 1, Enterprise Park, according to a plat of record in Cabinet D, Slide 112-A, Plat Records of Bell County, Texas, and located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

- C. That creation of REINVESTMENT ZONE NUMBER TWENTY-FOUR will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;
- D. That REINVESTMENT ZONE NUMBER TWENTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and
- E. That REINVESTMENT ZONE NUMBER TWENTY-FOUR meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.
- <u>Part 3:</u> Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing Lot 7 and Lot 8, Block 1, Enterprise Park, according to a plat of record in Cabinet D, Slide 112-A, Plat Records of Bell County, Texas, and located at 2708 Lucius McCelvey Drive, Temple, Bell County, Texas, described by the drawing in Exhibit "A" attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Twenty-Four, City of Temple, Texas.
- <u>Part 4:</u> The REINVESTMENT ZONE shall take effect on October 18, 2012, or at an earlier time designated by subsequent ordinance.
- <u>Part 5:</u> To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:
 - A. Be located wholly within the Zone as established herein;
- B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;
- C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and
- D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.
- <u>Part 6:</u> Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.
- <u>Part 7:</u> Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:
 - A. Listing the kind, number and location of all proposed improvements of the property;

- B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;
- C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and
- D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.
- <u>Part 8:</u> If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.
- <u>Part 9:</u> 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.
- <u>Part 10:</u> Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty-Four shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.
- <u>Part 11:</u> 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 **4**th day of **October**, 2012.

PASSED AND APPROVED on Second Reading on the 18th day of October, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, Mayor
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/04/12 Item #11 Regular Agenda Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Community Services

ITEM DESCRIPTION: P-FY-12-23: Consider adopting a resolution authorizing the Preliminary Plat of The Oaks at Lakewood, a 19.065 acres ±, 2 blocks, 37-lot residential subdivision, with a requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection, located on the east side of Mogan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road.

<u>P&Z COMMISSION RECOMMENDATION:</u> At its September 17, 2012, meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the Preliminary Plat of The Oaks at Lakewood, a 19.065 acres ±, 2 blocks, 37-lot residential subdivision, with a requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection. Chair Staats abstained, and Commissioner Rhoads was absent.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

Staff recommends approval of the Preliminary Plat of The Oaks at Lakewood, subject to City Council's approval of the developer's requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection.

<u>ITEM SUMMARY:</u> The Development Review Committee reviewed the Preliminary Plat of The Oaks at Lakewood on May 23, 2012 and September 5, 2012. It was deemed administratively complete on September 11, 2012.

Preliminary Plat of The Oaks at Lakewood is a 37-lot, 2-block single family residential subdivision located on the east side of Mogan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road.

The applicant requests an exception to Unified Development Code Section 8.2.1.G.2 which allows street jogs with centerline offsets of more than 180 feet to be submitted for consideration in accordance with the exception provisions in UDC Section 3.6.6. The plat proposes a street jog of 101.19 feet on Connor Drive, between Lakewood Oaks Drive and Camdyn Caye Drive.

Water will be provided to the subdivision through 6-inch and 8-inch water lines. Wastewater services will be provided through 8-inch wastewater lines, a force main, and a proposed lift station in Tract B.

City Council is the final plat authority since the applicant requests an exception to the Unified Development Code.

FISCAL IMPACT: An 8 foot wide trail is to be provided along the east side of Morgan's Point Road by the developer and reimbursed by the City of Temple.

ATTACHMENTS:

Request for Exception to UDC Section 8.2.1.G.2
Plat
P&Z Excerpts
Resolution

BANDAS ENGINEERING CO.

CIVIL ENGINEERING

Firm Number F-3782

Sept. 11, 2012

Ms. Autumn Spears
City of Temple
Director of Development and Planning
5 North Main St.
Temple, Texas 76501

Re: The Oaks at Lakewood, An Addition To The City of Temple, Texas Corrected Exception Letter With *New Street Names*

Dear Ms. Spears,

On behalf of my client, Carothers Properties, LTD and Jason Carothers, we are requesting the following exception per Section 3.66 of the <u>Unified Development Code</u>. Please see attached "Street and Lighting Layout", Sheet 2 of 7. You will notice that the C.L. distance on *Connor Drive* between *Lakewood Oaks Boulevard* and Camdyn Caye Drive is 101.19 feet. The UDC in Section 8.2.1.G.2 calls for a threshold of 180 feet for a "jogged" intersection. The following special circumstances lead us to ask for this exception:

- Lakewood Oaks Boulevard serves only as an entrance to a small neighborhood community with a very limited traffic count. It is designed to line up with Lago Terra Boulevard across Morgan's Point Drive. If we eliminate the internal jog by lining Lakewood Oaks Boulevard up with Camdyn Caye Drive, we cause a jogged intersection on Morgan's Point Road which has a high traffic count.
- 2. If we eliminate the jog internally by re-arranging the internal street layout, we end up with some odd lot shapes, lose lots, and cause other difficulties with the utility layout.
- 3. Any traffic hazards due to the internally jogged intersection can be mitigated with stop signs and warning signs.

We request that this exception be considered and forwarded to the Planning and Zoning Commission and The City Council for approval.

Please call if you have any questions concerning this matter.

Sincerely,

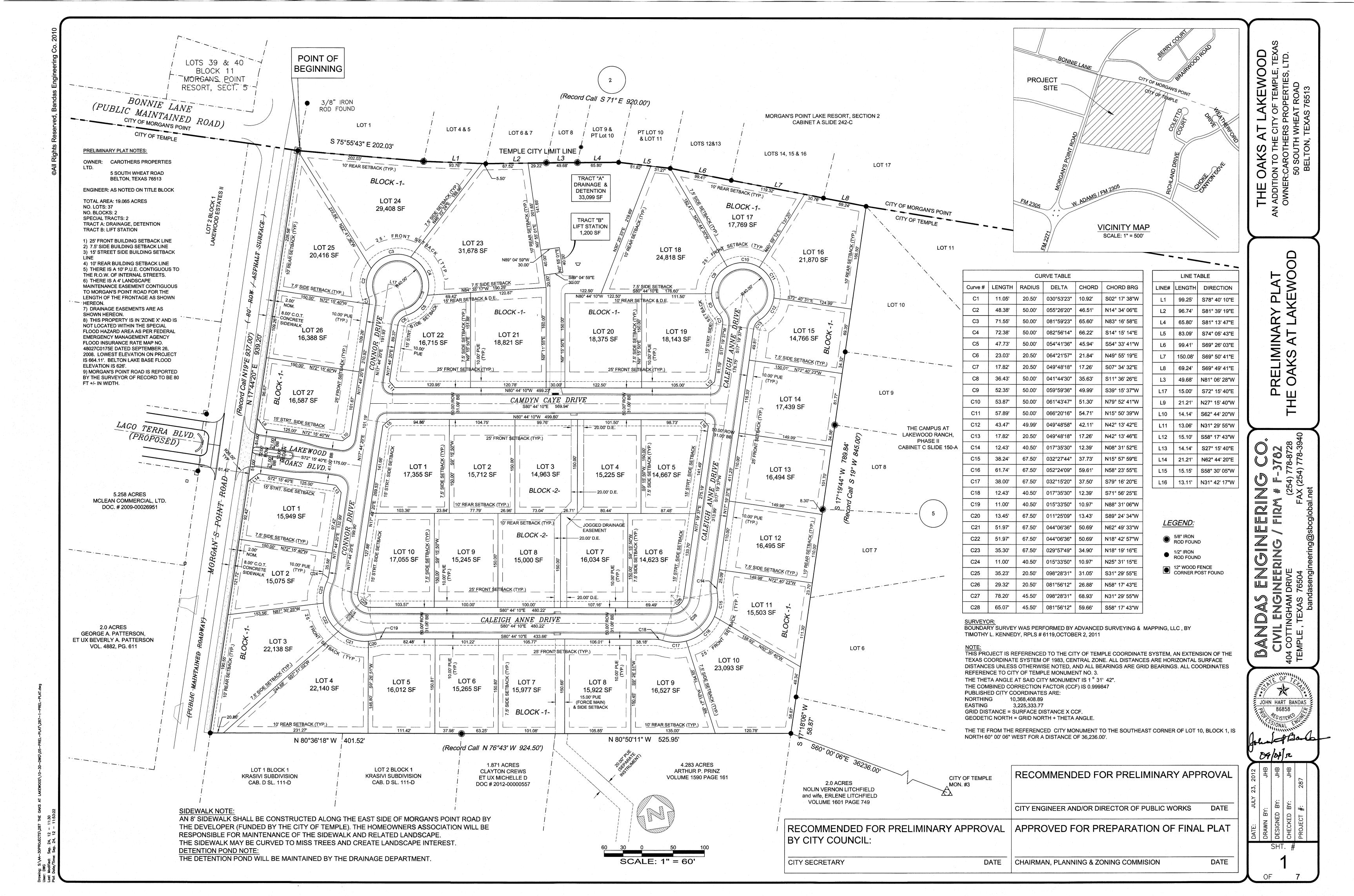
John Hart Bandas, P.E.

Cc: Mr. Jason Carothers

Bandas Office Address Change:

P.O. Box 871

Temple, Texas 76503-0871



EXCERPTS FROM THE

PLANNING & ZONING COMMISSION MEETING

MONDAY, SEPTEMBER 17, 2012

ACTION ITEMS

Item 5: P-FY-12-23 Consider and make a recommendation on the Preliminary Plat of The Oaks at Lakewood, a 19.065 acres ±, 2 blocks, 37-lot residential subdivision, with a requested exception to Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection, located on the east side of Morgan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road.

Chair Staats stated he needed to abstain from this Item and asked Vice-Chair Sears to lead the meeting during his absence.

Ms. Tammy Lyerly, Planner, stated the applicant was asking for an exception to UDC so the plat will go forward to City Council for final authority.

The subject property is located just south of the City limit line and south across from Bonnie Lane, and along Morgan's Point Road.

The DRC deemed this plat administratively complete on September 1, 2012 and the property is zoned Single Family-1 (SF-1).

The developer requests an exception to UDC Section 8.2.1.G.2 regarding a threshold of 180 feet for a jogged intersection. The development will have water services provided through a six-inch and eight-inch water lines and wastewater services will be provided through an eight inch wastewater line, forced main, and a lift station located on tract B.

The requested exception deals with the jog in the street centerline. The UDC allows street jogs to centerline offsets of more than 180 feet to be submitted for consideration. In this case, the developer is requesting a street jog of 101.19 feet.

Staff recommends approval of the plat and the requested exception.

Commissioner Talley made a motion to approve Item 5, P-FY-12-23, and Commissioner Jones made a second.

Motion passed: (7:0)

Chair Staats abstained: Commissioner Rhoads absent

Chair Staats returned to the dais.

RESOLUTION NO.	

(PLANNING NO. P-FY-12-23)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING PRELIMINARY PLAT OF THE OAKS AT LAKEWOOD, A 37-LOT, 2-BLOCK RESIDENTIAL SUBDIVISION ON APPROXIMATELY 19.065 ACRES ON THE EAST SIDE OF MORGAN'S POINT ROAD, NORTH OF THE INTERSECTION OF WEST ADAMS AVENUE AND MORGAN'S POINT ROAD, SUBJECT TO THE DEVELOPER'S REQUESTED EXCEPTIONS TO THE UNIFIED DEVELOPMENT CODE SECTION 8.2.1.G.2; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 17, 2012, the Planning and Zoning Commission approved the Preliminary Plat The Oaks at Lakewood, a 37-lot, 2-block, residential subdivision on the east side of Morgan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road, subject to the developer's requested exceptions to the Unified Development Code Section 8.2.1.G.2, regarding a threshold of 180 feet for a jogged intersection; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve the Preliminary Plat of The Oaks at Lakewood.

Now, Therefore Be it Resolved by the City Council of the City of Temple, Texas, That:

<u>Part 1:</u> The City Council approves the Preliminary Plat of The Oaks at Lakewood, a 37-lot, 2-block, residential subdivision on the east side of Morgan's Point Road, north of the intersection of West Adams Avenue and Morgan's Point Road, which is on file in the City's Planning Department, incorporated herein and referred to by reference, and including the following conditions and exceptions to the Unified Development Code Section 8.2.1.G.2:

(1) Street jogs with centerline offsets of more than 180 feet;

<u>Part 2:</u> 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 4th day of October, 2012.

	THE CITY OF TEMPLE, TEXAS
	WILLIAM A. JONES, III, MAYOR
ATTEST:	APPROVED AS TO FORM:
Lacy Borgeson	Jonathan Graham
City Secretary	City Attorney