



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd Floor – CONFERENCE ROOM

THURSDAY, DECEMBER 6, 2012

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 6, 2012.
2. Discuss the I-35 Zoning and Land Use Plans.
3. Discuss the terms of a possible Chapter 380 economic development agreement with LNR Property, LLC., the owners of the Temple Mall.

Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.

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. Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of [Child Safety Funds](#) collected in the amount of \$78,713.68
4. Presentation of the Corporate Challenge Game Awards.
5. Recognize Scott & White Health Plan for their sponsorship of Hot Summer Sounds and other events.

III. REPORTS

6. Receive the 2012 Annual report from Temple Economic Development Corporation.

IV. PUBLIC COMMENTS

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

V. CONSENT AGENDA

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

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

Contracts, Leases, & Bids

- (A) [2012-6815-R](#): Consider adopting a resolution authorizing an agreement with TxDOT to provide material inspection and testing services to be performed by TxDOT for the NW Loop 363 roadway project in an amount not to exceed \$43,805.23.
- (B) [2012-6816-R](#): Consider approving a resolution authorizing a developer participation agreement with WBW Development, Ltd. to reimburse the developer for the cost of constructing sidewalks on the east side of South 5th Street for the Alta Vista subdivision in the amount of \$42,629.50.
- (C) [2012-6817-R](#): Consider adopting a resolution authorizing a Chapter 380 agreement for the conveyance of 12.61 acres of land located east of Panda Drive to Panda Temple Power, LLC.
- (D) [2012-6818-R](#): Consider adopting a resolution authorizing an amendment to a Chapter 380 grant agreement with Sparetime Entertainment, LLC for redevelopment improvements at 5434 Loop 205.
- (E) [2012-6819-R](#): Consider adopting a resolution authorizing the purchase of a Toro Greensmaster 3400 Triplex Mower from Professional Turf Products utilizing a BuyBoard contract in the amount of \$34,698.59.
- (F) [2012-6820-R](#): Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center in the estimated amount of \$74,500 for FY 2013.
- (G) [2012-6821-R](#): Consider adopting a resolution authorizing the purchase of computer hardware during FY 2013 from Dell Marketing, LP of Round Rock, utilizing a State of Texas Department of Information Resources Contract, in the estimated annual amount of \$100,000.
- (H) [2012-6822-R](#): Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2013 through GPS Insight, LLC, of Scottsdale, Arizona, utilizing GSA Contract, in the approximate annual amount of \$30,000.
- (I) [2012-6823-R](#): Consider adopting a resolution authorizing a Change Order #4 with Lewis Contractors, Inc., of Bertram for construction services required to install wastewater main improvements from IH-35, through Bird Creek to Loop 363 in an amount of \$73,492.75 (including various project deduct costs).
- (J) [2012-6824-R](#): Consider adopting a resolution authorizing a Change Order #2 to the construction contract with James Construction Group, LLC for construction activities required to correctly identify items of work which were incorrectly identified in the plans and add a new item of work, its detail, and the appropriate revised plan sheets to the NW Loop 363 roadway project in an amount not to exceed \$60,052.20.

- (K) [2012-6825-R](#): Consider adopting a resolution authorizing a Design-Build Contract for repairs to the Santa Fe Depot foundation with Hayward Baker, Inc. of Little Elm with an initial engineering services fee of \$45,000.
- (L) [2012-6826-R](#): Consider adopting a resolution authorizing a Construction Manager-at-Risk Contract with Vanguard Contractors, LP, of Temple for renovations to the Municipal Building.

Ordinances – Second & Final Reading

- (M) [2012-4568](#): SECOND READING: Consider adopting an ordinance authorizing the annexation of a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.
- (N) [2012-4569](#): SECOND READING - Z-FY-12-61: Consider adopting an ordinance authorizing a permanent zoning upon annexation to Urban Estates District (UE) consisting of 10.089± acres of land, proposed for The Campus at Lakewood Ranch Phase VIII, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

Misc.

- (O) [2012-6827-R](#): Consider adopting a resolution dedicating a City owned tract in Highland Terrace Annex Phase II as City park land.
- (P) [2012-6828-R](#): Consider adopting a resolution authorizing payment of the TCEQ Water System Fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plants, in the amount of \$64,755.85.
- (Q) [2012-6829-R](#): Consider adopting a resolution authorizing fee increases for building and fire safety permits processed through the Construction Safety Department to become effective January 1, 2013.
- (R) [2012-6830-R](#): Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, in the amount of \$100,000 (City match of \$50,000), to assist with improvements to the new westside entrance at the Draughon-Miller Central Texas Regional Airport.
- (S) [2012-6831-R](#): A-FY-13-05: Consider adopting a resolution releasing the portion of a 40' wide water main easement, recorded in the Real Property Records of Bell County Vol. 1109/Page 72, located along the rear of Lots 5-16 of the Liberty Hill Phase III Addition just southwest of Airport Road and southeast of NW HK Dodgen Loop.
- (T) [2012-6832-R](#): Consider adopting a resolution authorizing 3% increases effective November 23, 2012 for Fire and Police Pay Plans and 3% increases for General Government employees hired on or before November 22, 2012.

- (U) [2012-6833-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

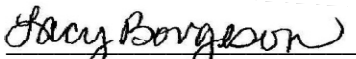
VI. REGULAR AGENDA

ORDINANCES

8. [2012-4570](#): FIRST READING – PUBLIC HEARING: Considering adopting an ordinance amending Article VII, “Regulation of Smoking in Public Places,” in Chapter 16, “Health and Sanitation,” of the City Code, to prohibit smoking in the public areas of bowling alleys, indoor entertainment facilities and in City parks, to exempt businesses with alcohol sales representing more than 50% of gross receipts, and to prohibit the owner or operator of a hotel or motel from designating more than twenty-five percent (25%) of rooms available for rent as smoking rooms.
9. (A) [2012-4567](#): SECOND READING: Consider adopting an ordinance designating a tract of land consisting of approximately 11.444 acres located at the southern end of Panda Drive, Temple, Texas as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Five for commercial/industrial tax abatement.
- (B) [2012-6834-R](#): Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power II, LLC, covering increases in the taxable value of real property for an 11.444 acre tract of land (Tax Abatement Reinvestment Zone Number 25) in the Southeast Industrial Park, south of Lorraine Drive.

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 1:30 PM, on December 3, 2012.


Lacy Borgeson, TRMC
City Secretary

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



COUNCIL AGENDA ITEM MEMORANDUM

12/06/12
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Presentation by Jon Burrows, Bell County Judge, and Sharon Long, Tax Assessor/Collector, of Child Safety Funds collected in the amount of \$78,713.68

STAFF RECOMMENDATION: Accept presentation as presented in item description.

ITEM SUMMARY: Presentation by Bell County Judge Jon Burrows and Sharon Long, Tax Assessor/Collector of child safety funds for the period October 1, 2011 through September 30, 2012 in the amount of \$78,713.68.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

12/06/12
Item #7(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Mohammad Farhoud, P.E., Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with TxDOT to provide material inspection and testing services to be performed by TxDOT for the NW Loop 363 roadway project in an amount not to exceed \$43,805.23.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the requirements of the Pass-Through Financing agreement with TxDOT, certain material testing and inspections are required to be performed by the City as developer. Some of these inspections are required to be performed by TxDOT personnel at off-site fabricator facilities. These tests include certain structural steel components, precast concrete beams and boxes, and traffic signs. Costs for these inspections were not included in the original Pass-Through Financing agreement.

FISCAL IMPACT: Funds for this work to be completed by TxDOT personnel are available in account 361-3400-531-2588, project #100681 to fund this expenditure in the amount of \$43,805.23.

ATTACHMENTS:

Inspection & Testing Estimated Cost
TxDOT Interlocal Agreement
Resolution

| ITEM-CODE | | | DESCRIPTION | Unit | APPROX. QUANT | TxDOT INSPECT RATE | TxDOT INSPECTION COST | COMMENTS |
|-----------|-----------|----------|---|------|---------------|--------------------|-----------------------|--|
| ITEM NO. | DESC CODE | S.P. NO. | | | | | | |
| 422 | 2001 | 002 | REINF CONC SLAB | SF | 75,300.000 | \$0.062 | \$4,646.01 | Only if Precast Deck Panels are used. |
| 423 | 2017 | | RET WALL (MSE)(ASHLAR STONE)(SPECIAL) | SF | 21,201.000 | \$0.080 | \$1,702.44 | Item includes both wall surface area and LF of coping if precast (assume precast) |
| | | | Coping | LF | 2,129.000 | \$0.426 | \$906.95 | |
| 425 | 2067 | 001 | PRESTR CONC GIRDER (TX46) | LF | 10,141.400 | \$0.926 | \$9,391.95 | Beam producers do have to be preapproved but inspection is still performed. |
| | | | Bridge Bearings | EA | 248.000 | \$3.087 | \$765.58 | Cost based on the laminated bearings that are typically used on TX46 beams. |
| 450 | 2043 | 001 | RAIL (TY T411) (MOD) | LF | 1,040.000 | \$0.494 | \$513.66 | *Only if railing is PRECAST; assume precast |
| 450 | 2063 | 001 | RAIL TYPE (TY T401) | LF | 3,122.000 | \$2.470 | \$7,710.09 | Cost is for the metal railing on top of the concrete rail. |
| | | | Precast concrete Railing | LF | 3,123.000 | \$0.494 | \$1,542.45 | *Only if railing is PRECAST; assume precast |
| 462 | 2005 | | CONC BOX CULV (4 FT X 4 FT) | LF | 588.000 | \$1.081 | \$635.33 | |
| 462 | 2008 | | CONC BOX CULV (5 FT X 4 FT) | LF | 750.000 | \$1.081 | \$810.38 | |
| 462 | 2009 | | CONC BOX CULV (5 FT X 5 FT) | LF | 18.000 | \$1.081 | \$19.45 | |
| 462 | 2010 | | CONC BOX CULV (6 FT X 3 FT) | LF | 1,214.000 | \$1.081 | \$1,311.73 | |
| 462 | 2011 | | CONC BOX CULV (6 FT X 4 FT) | LF | 1,255.000 | \$1.081 | \$1,356.03 | |
| 462 | 2015 | | CONC BOX CULV (7 FT X 4 FT) | LF | 1,344.000 | \$1.081 | \$1,452.19 | |
| 462 | 2021 | | CONC BOX CULV (8 FT X 6 FT) | LF | 2,398.000 | \$1.081 | \$2,591.04 | |
| 462 | 2026 | | CONC BOX CULV (9 FT X 7 FT) | LF | 1,424.000 | \$1.081 | \$1,538.63 | |
| 610 | 2025 | 010 | INS RD IL AM (TY SA) 40T-8 (.25KW) S | EA | 36.000 | \$29.944 | \$1,077.98 | |
| | | | Anchor bolts (4 bolts / pole) | EA | 144.000 | \$3.087 | \$444.53 | |
| 636 | 2002 | | ALUMINUM SIGNS (TY G) | SF | 1,024.750 | \$0.494 | \$506.12 | |
| 644 | 2001 | | INS SM RD SN SUP&AM TY 10BWG(1) SA(P) | EA | 19.000 | \$0.494 | | Cost for small road side signs are for the sign areas, not the post. Post should be purchased from an approved source off of the MPL. See line below |
| 644 | 2004 | | INS SM RD SN SUP&AM TY 10BWG(1) SA(T) | EA | 63.000 | \$0.494 | | |
| 644 | 2006 | | INS SM RD SN SUP&AM TY 10BWG(1) SA(U) | EA | 8.000 | \$0.494 | | |
| 644 | 2007 | | INS SM RD SN SUP&AM TY 10BWG(1) SB(P) | EA | 5.000 | \$0.494 | | |
| 644 | 2010 | | INS SM RD SN SUP&AM TY 10BWG(1) SB(T) | EA | 2.000 | \$0.494 | | |
| 644 | 2025 | | INS SM RD SN SUP&AM TY S80(1) SA(T) | EA | 3.000 | \$0.494 | | |
| 644 | 2027 | | INS SM RD SN SUP&AM TY S80(1) SA(U) | EA | 6.000 | \$0.494 | | |
| 644 | 2029 | | INS SM RD SN SUP&AM TY S80(1)SA(U-2EXT) | EA | 1.000 | \$0.494 | | |
| 644 | 2037 | | INS SM RD SN SUP&AM TY S80(1) SB(U) | EA | 1.000 | \$0.494 | | |
| 644 | 2038 | | INS SM RD SN SUP&AM TY S80(1)SB(U-1EXT) | EA | 3.000 | \$0.494 | | |
| 644 | 2041 | | INS SM RD SN SUP&AM TY S80(1)SB(U-WC) | EA | 1.000 | \$0.494 | | |
| 644 | 2045 | | INS SM RD SN SUP&AM TY S80(2)SB(P) | EA | 4.000 | \$0.494 | | |
| 644 | 2048 | | INS SM RD SN SUP&AM TWT(1) UA(P) | EA | 80.000 | \$0.494 | | |
| 644 | 2051 | | INS SM RD SN SUP&AM TWT(1) UB(P) | EA | 33.000 | \$0.494 | | |
| 644 | 2081 | | INS SM RD SN SUP&AM TWT(1) WS(P) | EA | 35.000 | \$0.494 | | |
| | | | SMALL SIGN TOTAL AREA | SF | 3,154.500 | \$0.494 | \$1,558.32 | Total sign area from SOSS |
| 647 | 2001 | | INSTALL LRSS (STRUCT STEEL) | LB | 4,521.600 | \$0.679 | \$3,070.62 | |
| 680 | 2002 | | INSTALL HWY TRF SIG (ISOLATED) | EA | 1.000 | \$0.494 | | Signs are typically built into bid item 680, so again will need to know the square footage of signs in order to estimate the cost. |
| | | | | | | | | |
| 686 | 2045 | | INS TRF SIG PL AM(S) 1 ARM (44")LUM | EA | 6.000 | \$29.944 | \$179.66 | |
| | | | Anchor bolts (4 bolts / pole) | EA | 24.000 | \$3.087 | \$74.09 | |

Total Estimate Cost for TxDOT Inspections**\$43,805.23**

Interlocal Agreement**Contract Services Transmittal Form**

| | |
|--|---|
| From: Construction Division - 46 (District/Division/Office) | Contact Person: Bunny M. Neible Phone No: 416-2588 |
| Subject: Material Inspection and Testing | |
| Other Entity City of Temple | Contract Maximum Amount Payable \$43,805.23 |
| Are any federal funds used in this contract? Yes | |
| <p>Is the other party to this contract a county? No</p> <p>Does this contract involve the construction, improvement, or repair of a building or road? Yes</p> <p>If the answer to both questions is yes, a resolution from the commissioners court must be included as Attachment D.</p> | |
| <p>Was the standard interlocal or amendment format modified? No</p> <p>If modified, date of Contract Services approval: _____</p> <p>Modifications made are as follows:</p> | |

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

INTERLOCAL AGREEMENT

THIS CONTRACT is entered into by the Contracting Parties under Government Code, Chapter 791.

I. CONTRACTING PARTIES:

| | |
|------------------------------------|------------------|
| Texas Department of Transportation | TxDOT |
| City of Temple | Local Government |

II. PURPOSE: Perform material inspection and testing services.

III. STATEMENT OF SERVICES TO BE PERFORMED: TxDOT will undertake and carry out services described in **Attachment A**, Scope of Services.

IV. CONTRACT PAYMENT: The total amount of this contract shall not exceed \$43,805.23 and shall conform to the provisions of **Attachment B**, Budget. Invoices will be issued weekly.

V. TERM OF CONTRACT: This contract begins when fully executed by both parties and terminates on November 30, 2014, or when otherwise terminated as provided in this Agreement.

VI. LEGAL AUTHORITY:

THE PARTIES certify that the services provided under this contract are services that are properly within the legal authority of the Contracting Parties.

The governing body, by resolution or ordinance, dated _____, has authorized the Local Government to obtain the services described in **Attachment A**.

This contract incorporates the provisions of **Attachment A**, Scope of Services; **Attachment B**, Budget; **Attachment C**, General Terms and Conditions; **Attachment D**, Resolution or Ordinance; and **Attachment E**, Location Map for Showing Project.

CITY OF TEMPLE

By _____ Date _____
AUTHORIZED SIGNATURE

TYPED OR PRINTED NAME AND TITLE

FOR THE STATE OF TEXAS

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

By _____ Date _____
Janice Mullenix
Director, Contract Services Office

ATTACHMENT A

Scope of Services

The Texas Department of Transportation (TxDOT) agrees to perform material inspection and testing services as requested by the Local Government, and subject to the terms set forth below. Material inspection and testing services to be performed by TxDOT consists of the following:

- Various inspected materials fabricated off-site (structural steel bridge components, pre-cast concrete stressed/non-stressed products, and miscellaneous fabricated products).
- Other materials inspection and testing as agreed upon in writing by TxDOT and the Local Government.

Inspections will be performed in compliance with the specifications and instructions supplied by the Local Government and are subject to the terms and conditions described below. Written inspection or test reports will be provided to the Local Government in accordance with TxDOT's existing policies as inspection and testing services are performed by TxDOT.

Prior to the commencement of material inspection and testing services, the Local Government shall provide TxDOT with a single point of contact for this scope of services. TxDOT will direct all invoices, test reports, questions and other issues to this point of contact. The Local Government shall provide an email address to which invoices will be sent. The Local Government shall provide written notification of a change to the point of contact.

INSPECTED MATERIALS

The Local Government will provide TxDOT a list of the materials requiring inspection. Estimated quantities of each material will also be provided. The types of products and the extent of the inspections will be as agreed upon prior to commencement of any inspections. The level of inspection and documentation furnished for Local Government inspections will be as provided for typical TxDOT projects.

TxDOT will only perform inspection services for the Local Government at structural steel fabrication plants, commercial precast prestressed and non-stressed concrete products plants, and other miscellaneous fabrication plants where TxDOT routinely provides such inspection and testing services for its own highway materials or for others. Out-of-state inspections for Local Government will be performed only when TxDOT has employees scheduled to conduct inspections for TxDOT projects at the requested locations, unless agreed upon otherwise. All out-of-state inspections will require reimbursement of the additional costs for travel (airfare, lodging, per diem, vehicle rentals, and other miscellaneous costs). Reimbursement will be requested through invoices from TxDOT.

TxDOT reserves the right to prioritize or reschedule any inspection and testing services according to the following:

- Inspection and testing services may be cancelled or deferred due to unavailability of TxDOT personnel to perform the necessary inspection
- Inspections for the Local Government will be given lower priority than inspections performed by TxDOT for TxDOT projects
- Inspections for the Local Government may be rescheduled to coincide with the inspection of products for TxDOT projects.

The Local Government and its fabricators will abide by the Nonconformance Report (NCR) process utilized by TxDOT for disposition of products that do not meet the requirements of the Local Government's specifications provided.

WORK REQUESTS

A minimum of two (2) weeks prior to TxDOT performing any inspections, the Local Government will submit Work Requests to TxDOT. Submit one Work Request per Fabricator and include the following:

- Project information (i.e. contract number, CSJ, etc.)
- Work description
- Type and estimated quantity of material(s) to be inspected
- Fabricator information (Name, contact person, phone number, physical location)
- Desired date of inspection
- Name, title, signature, and telephone number of the Local Government's authorized representative.
- Specification Item or Special Specification to be used for inspection
- List of the Local Government's amendments to Specification Item
- Local Governments Special Specifications
- Complete set of necessary design drawings, material specifications, and shop drawing files in Adobe .pdf format to perform inspection of the material.

Incomplete Work Requests will not be accepted. E-mail completed Work Requests, with attachments, as an Adobe .pdf format to CST_Structuralcorrespondence@txdot.gov and include "Work Request" in the subject line.

TEST REPORTS

TxDOT will send test reports and pertinent information to the Local Government's designated point of contact for services performed as attachments to invoices for services.

ATTACHMENT B

Texas Department of Transportation Inspection & Testing Rates

TxDOT will only perform inspection and testing services outlined in Attachment A.

Charges will be based on rates in effect at the time inspection and testing services are performed.

Current Inspection and Testing Rates are published at

http://ftp.dot.state.tx.us/pub/txdot-info/cst/inspection_testing.pdf

Invoices will be sent to the Local Government on a weekly basis. Payments are due within 30 days of date of invoice and will be mailed to the following address:

Texas Department of Transportation
P. O. Box 149001
Austin, Texas 78714-9001

ATTACHMENT C

General Terms and Conditions

Article 1. Amendments

This contract may only be amended by written agreement executed by both parties before the contract is terminated.

Article 2. Conflicts Between Agreements

If the terms of this contract conflict with the terms of any other contract between the parties, the most recent contract shall prevail.

Article 3. Disputes

TxDOT shall be responsible for the settlement of all contractual and administrative issues arising out of procurements entered in support of contract services.

Article 4. Ownership of Equipment

Except to the extent that a specific provision of this contract states to the contrary, all equipment purchased by TxDOT under this contract shall be owned by TxDOT.

Article 5. Termination

This contract terminates at the end of the contract term, when all services and obligations contained in this contract have been satisfactorily completed, by mutual written agreement, or 30 days after either party gives notice to the other party, whichever occurs first.

Article 6. Gratuities

Any person who is doing business with or who reasonably speaking may do business with TxDOT under this contract may not make any offer of benefits, gifts, or favors to employees of TxDOT. The only exceptions allowed are ordinary business lunches and items that have received the advanced written approval of the Executive Director of the Texas Department of Transportation.

Article 7. Responsibilities of the Parties

Each party acknowledges that it is not an agent, servant, or employee of the other party. Each party is responsible for its own acts and deeds and for those of its agents, servants, or employees.

Article 8. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules, and regulations and with the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement.

Article 9. State Auditor's Provision

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

Article 10. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

Article 11. Notices

All notices to either party shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to that party at the following address:

| | |
|---|--|
| TxDOT Texas Department of Transportation Attention: Director, Contract Services 125 East 11 th Street Austin, TX 78701-2483 | Local Government City of Temple Attention: Nicole Torralva, P.E., Director, Public Works 3210 East Avenue H, Building A. Suite 130 Temple, TX 76501 |
|---|--|

All notices shall be deemed given on the date delivered in person or deposited in the mail. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

ATTACHMENT D
RESOLUTION OR ORDINANCE

(RESOLUTION OR ORDINANCE IS ATTACHED AND MADE A PART OF THIS AGREEMENT.)

ATTACHMENT E

LOCATION MAP FOR SHOWING PROJECT

(LOCATION MAP(S) ATTACHED AND MADE A PART OF THIS AGREEMENT.)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF TEMPLE, TEXAS, AUTHORIZING AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PROVIDE MATERIAL INSPECTION AND TESTING SERVICES FOR THE NORTHWEST LOOP 363 ROADWAY PROJECT, IN AN AMOUNT NOT TO EXCEED \$43,805.23; AND PROVIDING AN OPEN MEETING CLAUSE.

Whereas, as part of the requirements of the Pass Through Financing Agreement with TxDOT, certain material testing and inspections are required to be performed by the City as developer;

Whereas, some inspections are also required to be performed by TxDOT personnel at off-site fabricator facilities – these tests include structural steel components, precast concrete beams, boxes and traffic signs;

Whereas, costs for these inspections were not included in the original Pass Through Financing Agreement, and Staff recommends the City enter into an agreement with TxDOT to provide material inspection and testing services for the Northwest Loop 363 roadway project, in an amount not to exceed \$43,805.23;

Whereas, funds are available for this work to be completed in Account No. 361-3400-531-2588, Project No. 100681; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to enter into an agreement with the Texas Department of Transportation to provide material inspection and testing services for the Northwest Loop 363 roadway project in an amount not to exceed \$43,805.23.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney's Office
Autumn Speer, Director of Community Services

ITEM DESCRIPTION: Consider approving a resolution authorizing a developer participation agreement with WBW Development, Ltd. to reimburse the developer for the cost of constructing sidewalks on the east side of South 5th Street for the Alta Vista subdivision in the amount of \$42,629.50.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The developer constructed 11,250 square feet of public sidewalk on the east side of South 5th Street and adjacent to the Alta Vista subdivision. The City's subdivision ordinance requires the developer to construct a sidewalk along a major arterial as identified in the future land use/thoroughfare plan and provides that the City will reimburse the developer for such construction.

The developer has submitted documentation of construction of 11,250 sq ft of sidewalk along South 5th Street at a cost of approximately \$3.79 per square foot. Public Works has reviewed these costs and concurs that they are reasonable. The total reimbursement to the developer under the developer participation agreement would be \$42,629.50, if approved by the City Council.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$42,630 of General Fund Designated Capital Projects-Unallocated funds to account 351-3400-531-6315, project #100954 to fund the reimbursement of the sidewalks on the east side of South 5th Street for Alta Vista subdivision.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH WBW DEVELOPMENT, LTD. TO REIMBURSE THE DEVELOPER FOR THE COST OF CONSTRUCTING SIDEWALKS, ON THE EAST SIDE OF SOUTH 5TH STREET FOR THE ALTA VISTA SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$42,629.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's subdivision ordinance requires the developer to construct a sidewalk along a major arterial as identified in the City's Thoroughfare Plan;

Whereas, WBW Development, Ltd. constructed 11,250 square feet of public sidewalk on the east side of South 5th Street and adjacent to the Alta Vista subdivision;

Whereas, the developer has submitted documentation of construction at a cost of approximately \$3.79 per square foot and staff has reviewed these costs and believes these costs to be reasonable and total reimbursement to the developer under the Developer Participation Agreement would be \$42,629.50;

Whereas, funds are available for this reimbursement in Account No. 341-3400-531-6315, Project No. 100954 to fund the reimbursement of the sidewalks on the east side of South 5th Street for the Alta Vista subdivision;

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Developer Participation Agreement with WBW Development, Ltd, after approval as to form by the City Attorney, to reimburse the developer \$42,629.50 for sidewalks on the east side of South 5th Street for the Alta Vista subdivision;

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 agreement for the conveyance of 12.61 acres of land located east of Panda Drive to Panda Temple Power, LLC.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Panda Temple Power, LLC (Panda) has begun construction of Phase I of its electric generation facility. Based on discussions with their design engineers and contractor (Bechtel) Panda needs to acquire additional acreage owned by the City just north of their existing 205 acre site.

We have agreed on a purchase price of \$5,000 for this additional acreage, and have discussed conveying the additional acreage in two steps: (1) immediate conveyance of 12.61 acres now related to construction of Phase I of their project; and (2) future conveyance of a yet to be determined additional acreage at a future date related to construction of Phase II. Conveyance of the acreage in the 2nd step would likely occur after Panda's financial closing on Phase II (early 2013).

The proposed resolution authorizes the City to enter into a Chapter 380 agreement with Panda transferring the 12.61 acre to Panda now with the payment for the 12.61 acre tract due to the City after financial closing on Phase II of the Panda project, as well as payment for any additional acreage that Panda determines that they will need after the final design for Phase II is completed. The agreement will provide a date certain (not yet identified) that if Panda has not had a financial closing on Phase II or abandons Phase II, that payment for the 12.61 acre tract will become immediately due.

FISCAL IMPACT: Staff has proposed a purchase price of \$5,000 an acre for a total purchase price of \$63,050, based on comparable sales in the area under a Chapter 380. Panda has agreed to this price.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 AGREEMENT FOR THE CONVEYANCE OF 12.61 ACRES OF LAND LOCATED EAST OF PANDA DRIVE TO PANDA TEMPLE POWER, LLC; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Panda Temple Power, LLC has begun construction of Phase I of its electric generation facility and based on discussions with their engineers, Panda needs to acquire additional acreage owned by the City, just north of their existing 205 acre site;

Whereas, staff has agreed to convey the requested additional acreage in two steps: (1) immediate conveyance of 12.61 acres now related to construction of Phase I of their project; and (2) future conveyance of a yet to be determined additional acreage at a future date related to construction of Phase II;

Whereas, the Staff recommends entering into a Chapter 380 Development Agreement with Panda Temple Power, LLC transferring the 12.61 acres now with the payment due to the City after financial closing on Phase II of the project, as well as payment for any additional acreage that Panda determines they will need after final design is complete; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 Development Agreement with Panda Temple Power, LLC., after approval as to form by the City Attorney, transferring 12.61 acres of land located east of Panda Drive.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a Chapter 380 grant agreement with Sparetime Entertainment, LLC for redevelopment improvements at 5434 Loop 205.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement outlines the obligations and representations of Sparetime Entertainment, LLC and also further defines the City's incentive package.

The existing agreement with Sparetime Entertainment, LLC was approved by City Council on January 19, 2012. The agreement commits the City to contribute up to \$250,000 to construct or modify existing infrastructure, including but not limited to providing assistance with landscaping. The previous item memorandum indicated that staff was working to identify projects which will both benefit the public and the proposed development. This amendment reflects those discussions as outlined below. Priority of improvements and related expenditures are in the order as listed.

- Install landscaping and irrigation along FM 2305, Kegley and Loop 205 (exceeds minimum standards). See attached map.
- Replace existing, deteriorated 10' wide asphalt sidewalk/trail along FM 2305 with 10' concrete trail. Install 6' wide sidewalk along Kegley and Loop 205. See attached map.
- Install fire hydrants with water service
- Construct an access drive from Loop 205 through the property to Kegley road.

FISCAL IMPACT: The total maximum grant by the City is \$250,000. Funding for this project was designated by Council on 01/19/12 from the General Fund's Designated for Capital Projects – Unallocated and is currently still allocated for the Sparetime Entertainment Chapter 380 Agreement.

ATTACHMENTS:

[Amendment to Chapter 380 Economic Development Agreement Resolution](#)

**First Addendum to Economic Development Agreement
Dated January 19, 2012**

This First Addendum to the Economic Development Agreement dated January 19, 2012 ("Original Agreement") is entered between the CITY OF TEMPLE, a home rule city in Bell County, Texas ("CITY"), TEMPLE ECONOMIC DEVELOPMENT CORPORATION, a Texas non-profit corporation ("TEDC"), and SPARE TIME FAMILY ENTERTAINMENT, LLC, a Texas limited liability company ("SPARE TIME"). CITY, TEDC, and SPARE TIME are individually sometimes called a "Party" or referred to herein as the "Parties."

Whereas, on January 19, 2012, the Original Agreement became effective between the Parties;

Whereas, the Original Agreement set forth the responsibilities and promises of each Party relating to the construction and operation of a family entertainment facility (the "Facility") to be located at:

Lot Five (5), Block One (1), Friendship Plaza, a subdivision of the City of Temple, Bell County, Texas, according to the map or plat of record in Cabinet D, Slide 340-C, Plat Records of Bell County, Texas.

Whereas, this First Addendum to the Original Agreement is meant to more specifically state some, but not all of the obligations of SPARE TIME with regards to construction of the Facility and surrounding grounds.

NOW, THEREFORE, in consideration of the promises and agreements set forth in the Original Agreement and this First Addendum, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties contract and agree that Section 1(a) of the Original Agreement shall read as follows:

- (a) To construct, occupy and operate during the Term as provided herein, the Facility at a cost of not less than approximately \$6,000,000.00 (the "Investment Goal"). SPARE

TIME agrees that construction of the Facility will include, but is not limited to the following items which are listed in order of priority:

- i. Install landscaping package and full irrigation above the minimum code requirements along FM 2305, Kegley Rd., and Loop 205 as provided for in the Quantities List attached as Exhibit A to this Addendum and as per plans drawn up by the City (Exhibit D);
- ii. Install irrigation along FM 2305 frontage from the southeast corner of the ice pod site to the corner of Kegley Rd. and FM 2305. The combination of existing and new irrigation provides continuous irrigation along FM 2305 from Loop 205 to Kegley Road. The CITY agrees to maintain and keep the entire length of irrigation on FM 2305 on the City's water meter;
- iii. Install new irrigation along Kegley Rd. from FM 2305 to the north most property line of the Friendship Plaza Plat;
- iv. Install new irrigation along Loop 205 from FM 2305 to the north most property line of the Friendship Plaza Plat;
- v. Replace the existing 10' wide asphalt sidewalk/trail along FM 2305 with 10' wide concrete sidewalk/trail from the corner of Loop 205 to Kegley Rd.;
- vi. Install new 6' wide concrete sidewalk/trail along Kegley Rd. from the corner of FM 2305 to the north most property line of the Friendship Plaza Plat;
- vii. Install new 6' wide concrete sidewalk/trail along Loop 205 from the corner of FM 2305 to the north most property line of the Friendship Plaza Plat;
- viii. Install fire hydrant with water service on the north east corner of the Facility as shown in Exhibit B to this Addendum;

- ix. Install fire hydrant with water service on the south west corner of the Facility as shown in Exhibit B to this Addendum;
- x. Construct an access drive from Loop 205 through to Kegley Rd. as shown on Exhibit C to this Addendum. This private drive must connect both roadways.

The Parties agree that all other sections of the Original Agreement remain the same and are not altered by this Addendum.

Executed on this 12th day of November, 2012.

SPARE TIME FAMILY ENTERTAINMENT
LLC, a Texas Limited Liability Company

By: William Grady Rosier
WILLIAM GRADY ROSIER, Manager

Date: 11-12-2012

TEMPLE ECONOMIC DEVELOPMENT
CORPORATION, a Texas non-profit corporation

By: _____

Name: _____

Title: _____

Date: _____

CITY OF TEMPLE

By: _____
David Blackburn, City Manager

Date: _____

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson, City Secretary

City Attorney's Office

STATE OF TEXAS

COUNTY OF BELL

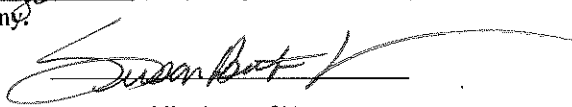
This instrument was acknowledged before me on the _____ day of _____, 2012, by David A. Blackburn, City Manager of the City of Temple, Texas.

Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on the 12 day of November, 2012, by William Brady Rossie Manager (title) of Spare Time Family Entertainment, LLC, a Texas Limited Liability Company.



Notary Public, State of Texas



STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on the _____ day of _____, 2012, by _____ (title) of Temple Economic Development Corporation, a Texas non-profit corporation.

Notary Public, State of Texas

Quantity Lists

BOWLING ALLEY SITE

| Item | Quantity | Size |
|---------------------------------|----------|----------|
| Trees | | |
| Crepe Myrtle (Natchez, "White") | 24 | 15 g. |
| Lacey Oak | 7 | 2+" cal. |
| Vitex - Treeform | 6 | 15 g. |
| Live Oak | 7 | 2+" cal. |
| Shrubs | | |
| Texas Sage | 30 | 3 g. |
| Knock Out Rose | 38 | 5 g. |
| Twisted Lead Yucca | 24 | 3 g. |
| Mexican Feather | 24 | 1 g. |
| Other | | |
| Sod | | |
| River Rock | | |

KEGLEY SITE

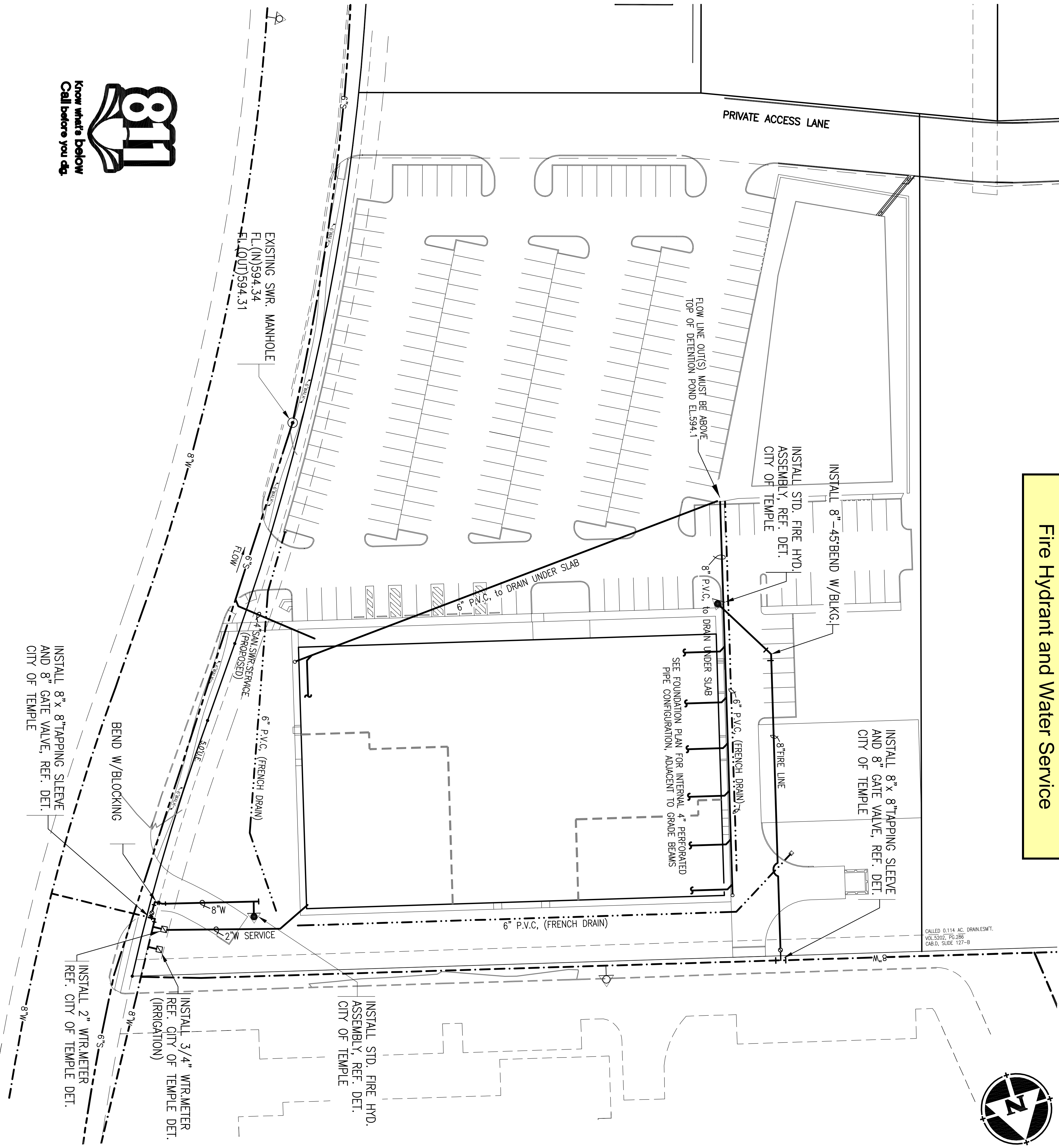
| Item | Quantity | Size |
|---------------|----------|----------|
| Trees | | |
| Monterrey Oak | 8 | 2+" cal. |
| Red Oak | 8 | 2+" cal. |

CAR WASH SITE

| Item | Quantity | Size |
|---|---------------|----------|
| Trees | | |
| Pecan | 3 | 2+" cal. |
| Cedar Elm or Slate Blue Arizona Cypress | 1 (existing?) | 2+" cal. |
| Vitex | 3 | 2+" cal. |
| Shrubs | | |
| Knock Out Rose | 11 | 5 gal |
| Mexican Feather Grass | 12 | 3 gal |
| Texas Lantana | 19 | 3 gal |
| Other | | |

| | | |
|---|-----------------|-------------|
| River Rock | | 4" |
| FM 2305 VACANT TRACT | | |
| Item | Quantity | Size |
| Shrubs | | |
| Knock Out Rose | 9 | 3 g. |
| Gulf Muhly Grass | 4 | 3 g. |
| CURRENTLY DEVELOPED TRACTS (FM 2305) | | |
| Item | Quantity | Size |
| Trees | | |
| Red Oak | 5 | 2+" cal. |
| Monterrey Oak | 3 | 2+" cal. |
| Shrubs | | |
| Texas Lantana | 8 | 3 g. |
| Knock Out Rose | 12 | 3 g. |
| Gold Lantana | 35 | 3 g. |
| Mexican Feather | 21 | 3 g. |
| Asian Jasmine | 1600 | 4" pots |
| Gulf Muhly Grass | 16 | 3 g. |
| Other | | |
| River Rock | 3 cubic yards | 4" |

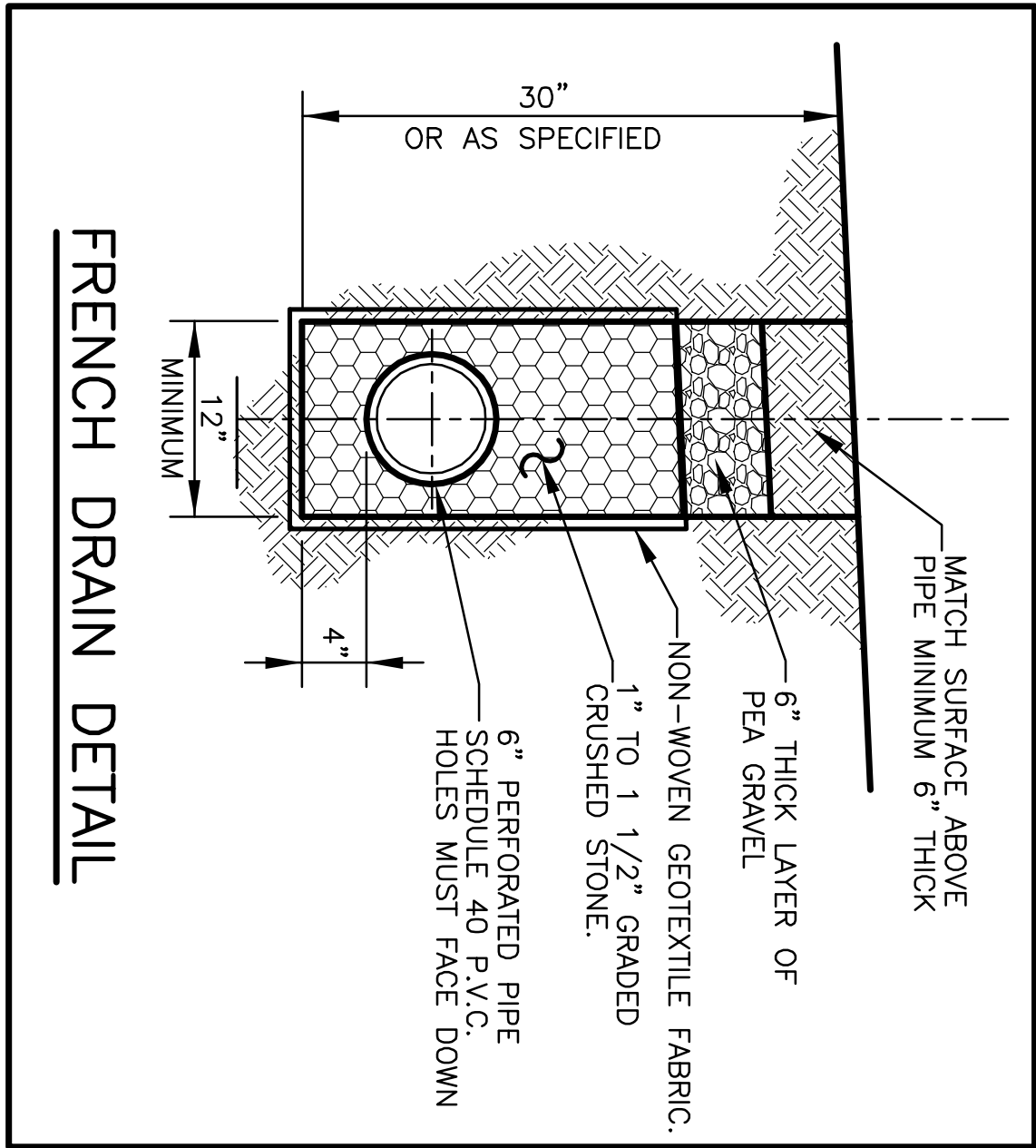
Exhibit B -
Fire Hydrant and Water Service



CALLED 0.114 AC. DRAIN/SM/T.
VOL.5202, PG.286
C&B.D. SLIDE 127-B

UTILITY PLAN LEGEND

| | |
|------------------------------------|--|
| Existing Sewer Line | |
| Existing Sewer Manhole | |
| Proposed Sewer Service | |
| Existing Water Line | |
| Proposed Water Valve | |
| Existing Fire Hydrant | |
| Proposed Fire Hydrant | |
| Proposed Single Water Service (1") | |
| Proposed Water Line | |
| Proposed Tee | |
| Proposed Flush assembly | |

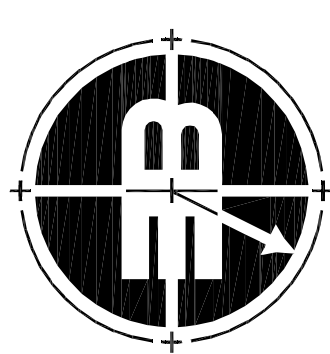


UTILITY PLAN FOR:
NEW SPARE TIME ENTERTAINMENT CENTER
5434 205 LOOP, TEMPLE, TEXAS



REVISIONS

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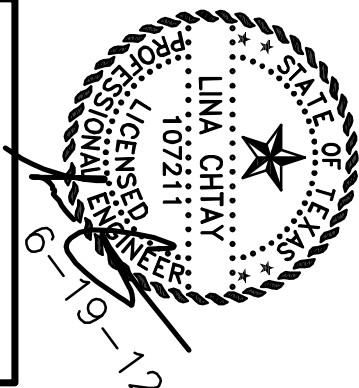
FIRM # F-13392

BELTON ENGINEERING INC.

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254) 731-5600
MOBILE (254) 289-7273
beltonengr@earthlink.net

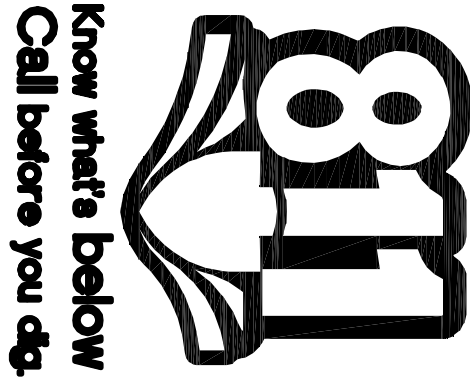
Engineering
• *Design/Build*
• *Planning*

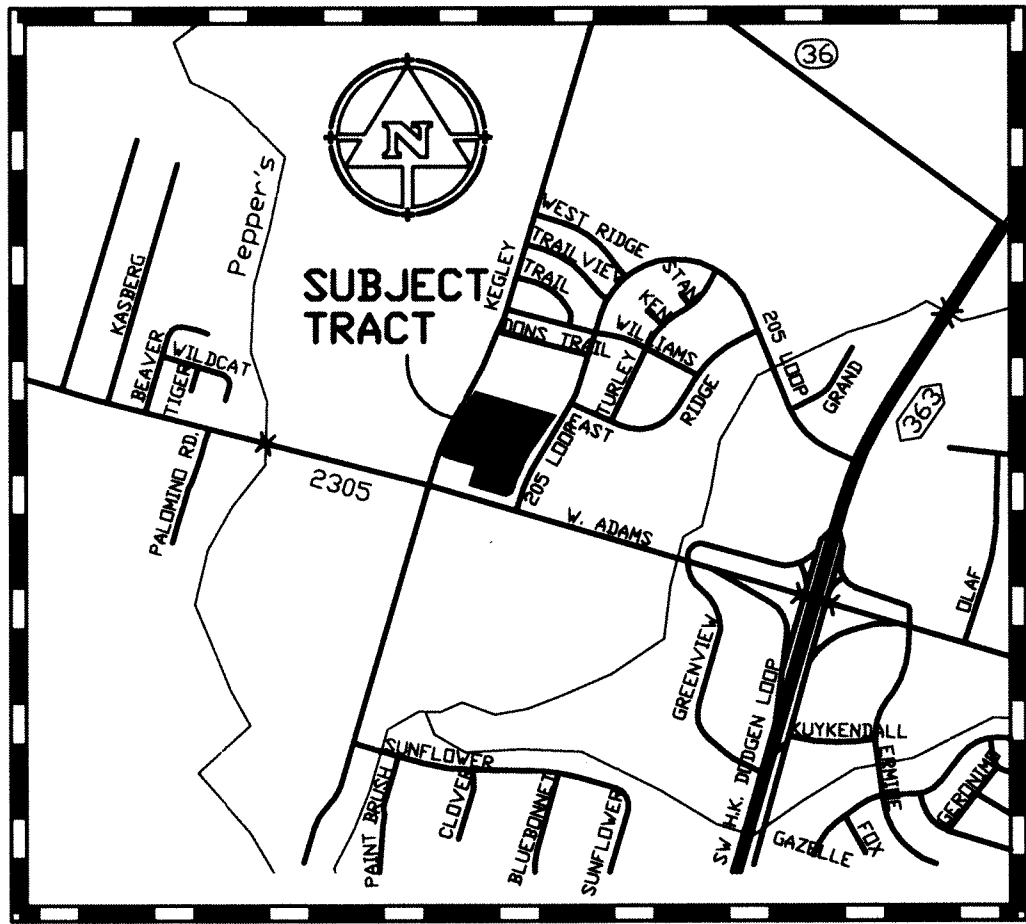
UTILITY PLAN FOR:
NEW SPARE TIME ENTERTAINMENT CENTER
5434 205 LOOP, CITY OF TEMPLE, BELL COUNTY, TEXAS
EMMONS CONSTRUCTION COMPANY
1300 STAN SCHLUETER LOOP, KILLEEN TX. 76549



SCALE: 1"=30'
DRAWN.: L.CHITAY
ELEC. DRAWING FILE
C:\11037-C3.0.DWG
DATE: 02/28/12
JOB NO.: 11038
3 OF 13

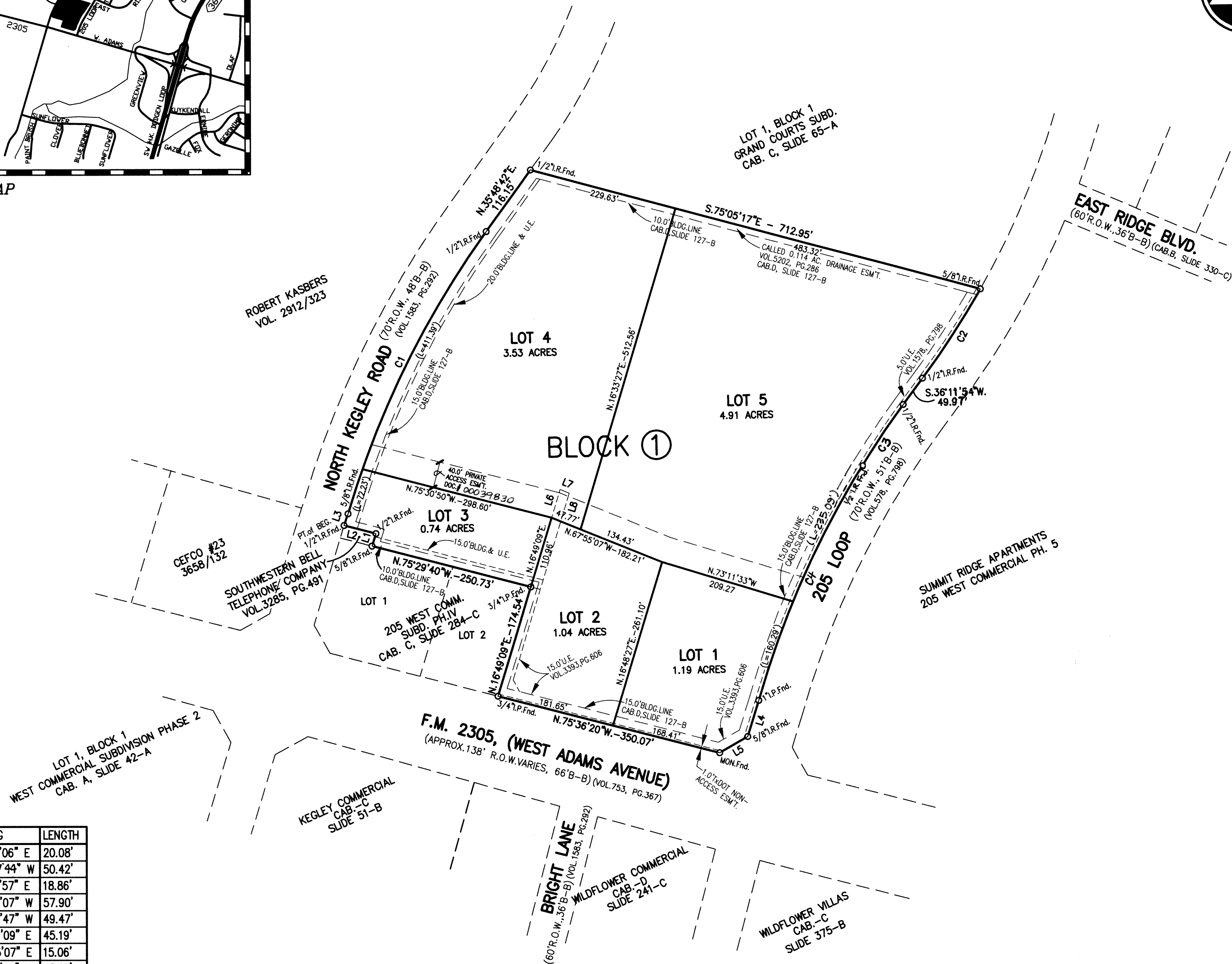
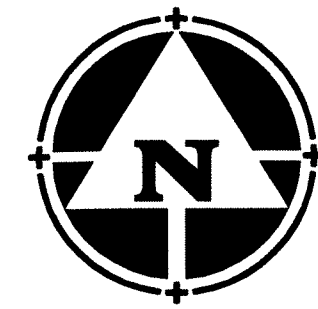
C3.0





VICINITY MAP

Exhibit "C" -
Access Road



| NO. | BEARING | LENGTH |
|-----|---------------|--------|
| L1 | N 17°41'06" E | 20.08' |
| L2 | N 75°37'44" W | 50.42' |
| L3 | N 19°12'57" E | 18.86' |
| L4 | S 17°00'07" W | 57.90' |
| L5 | S 60°01'47" W | 49.47' |
| L6 | N 16°49'09" E | 45.19' |
| L7 | S 67°55'07" E | 15.06' |
| L8 | S 16°49'09" W | 45.19' |

| NO. | DELTA | CHD.BRG. | CHD. | ARC | RADIUS |
|-----|-----------|---------------|--------|--------|---------|
| C1 | 19°07'38" | N 26°06'47" E | 481.33 | 483.57 | 1448.56 |
| C2 | 07°18'11" | S 33°07'41" W | 163.07 | 163.18 | 1280.51 |
| C3 | 04°26'07" | S 33°59'12" W | 111.21 | 111.24 | 1437.00 |
| C4 | 15°45'53" | S 23°59'57" W | 394.17 | 395.42 | 1437.00 |

FRIENDSHIP PLAZA IS IN ZONE X (UNSHADED), NOT WITHIN THE 100 YEAR FLOOD BOUNDARY PER F.E.M.A. FEDERAL INSURANCE RATE MAP NO. 48027C 0335 E

TxDOT, AND ALL UTILITY COMPANIES HAVE BEEN PROVIDED A FINAL PLAT AND UTILITY PLAN FOR REVIEW

A 4.0' SIDEWALK IS REQUIRED AS PER U.D.C. ALONG ONE SIDE OF 205 LOOP (COLLECTOR), ADDITIONALLY, A 6.0' SIDEWALK IS REQUIRED AS PER U.D.C. ALONG THE EAST SIDE OF KEGLEY RD. (MINOR ARTERIAL)

11.503 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

TRACT SURVEYED SEPTEMBER 28, 2011

THIS TRACT 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 COORDINATES ARE REFERENCED TO CITY MONUMENT NO.188. THE THETA ANGLE AT CITY MONUMENT NO.188 IS 01°30'23". COMBINED CORRECTION FACTOR (CCF) IS 0.999856. REFERENCE TIE FROM CITY MONUMENT NO.188 TO THE SOUTHWEST CORNER OF THIS 11.503 ACRE TRACT IS S.79°40'00"E, 2747.21 FEET. PUBLISHED CITY COORDINATES FOR PROJECT REFERENCE POINT 188 ARE N=10,381,459.02 E=3,211,709.53

BENCHMARK CITY OF TEMPLE MONUMENT NO. 188, EL.581.42
PUBLISHED CITY OF TEMPLE BENCHMARK SYSTEM

STATE OF TEXAS
COUNTY OF BELL

TEMPLE REAL ESTATE INVESTMENTS INC., OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS FRIENDSHIP PLAZA, WHICH INCLUDES A REPLAT OF LOTS 1, AND 2, BLOCK 1, GARDEN ESTATES OF TEMPLE TEXAS, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

TEMPLE REAL ESTATE INVESTMENTS INC.

GRADY ROSIER

STATE OF TEXAS
COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 21st DAY OF November, 2011 BY GRADY ROSIER, OWNER TEMPLE REAL ESTATE INVESTMENTS INC.

NOTARY PUBLIC

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS 23rd DAY OF November, 2011.

SECRETARY TO PLANNING & ZONING COMMISSION:

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION. DATED THIS 23rd DAY OF November, 2011.

CHAIRPERSON:

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS 23rd DAY OF November, 2011

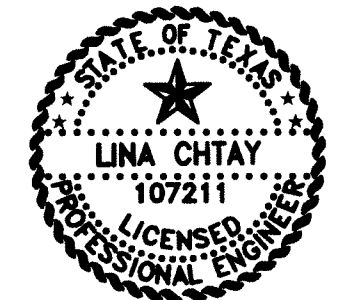
BELL COUNTY TAX APPRAISAL DISTRICT

BY: [Signature]

STATE OF TEXAS
COUNTY OF BELL

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

LINA CHITAY, P.E., NO.107211



STATE OF TEXAS
COUNTY OF BELL

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

TIMOTHY LANE KENNEDY, R.P.L.S., NO.6119



FINAL PLAT FOR:
FRIENDSHIP PLAZA

WHICH INCLUDES A REPLAT OF LOTS 1 AND 2, BLOCK ONE
GARDEN ESTATES OF TEMPLE TEXAS, SUBDIVISION

5 Lots, 1 Block
11.503 ACRES

OUT OF AND A PART OF THE GEORGE GIVENS SURVEY, ABSTRACT #345
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS



REVISIONS

FINAL PLAT OF:
FRIENDSHIP PLAZA
GEORGE GIVENS, ABSTRACT #345
CITY OF BELTON, TEMPLE, KILLEEN, BELL COUNTY, TEXAS
TEMPLE REAL ESTATE INVESTMENTS INC.
1111 MILLCREEK DR., SALADO, TEXAS

BELTON ENGINEERING INC.
Engineering • Design/Build • Planning

OFFICE (254)731-5600
MOBILE (254)289-7273
EMAIL: beltonengineeringinc@gmail.com



FIRM # F-13392

SCALE: 1"=100'

DRAWN.: L.CHITAY

REF: -

ELEC. DRAWING FILE

C:\11028 1ST-FPA

DATE: 10/26/11

JOB NO.: 11028

01 OF 04

500-D

FILE NUMBER


FILED FOR RECORD THIS 23rd DAY OF November, 2011, IN CABINET D, SIDE 206-C, PLAT RECORDS OF BELL COUNTY, TEXAS.


LANDSCAPE REQUIREMENTS
376.0 LF FRONTAGE
376LF/40 = 10 TREES


LANDSCAPE PROPOSED:
1 - CANOPY TREES - *TEXAS RED OAK
MINIMUM 2" CALIPER AND 5' TALL
WRAPPED AND STAKED

20 - 3-5 GALLON SHRUBS

*OWNER MAY SUBSTITUTE PER CITY
APPROVAL

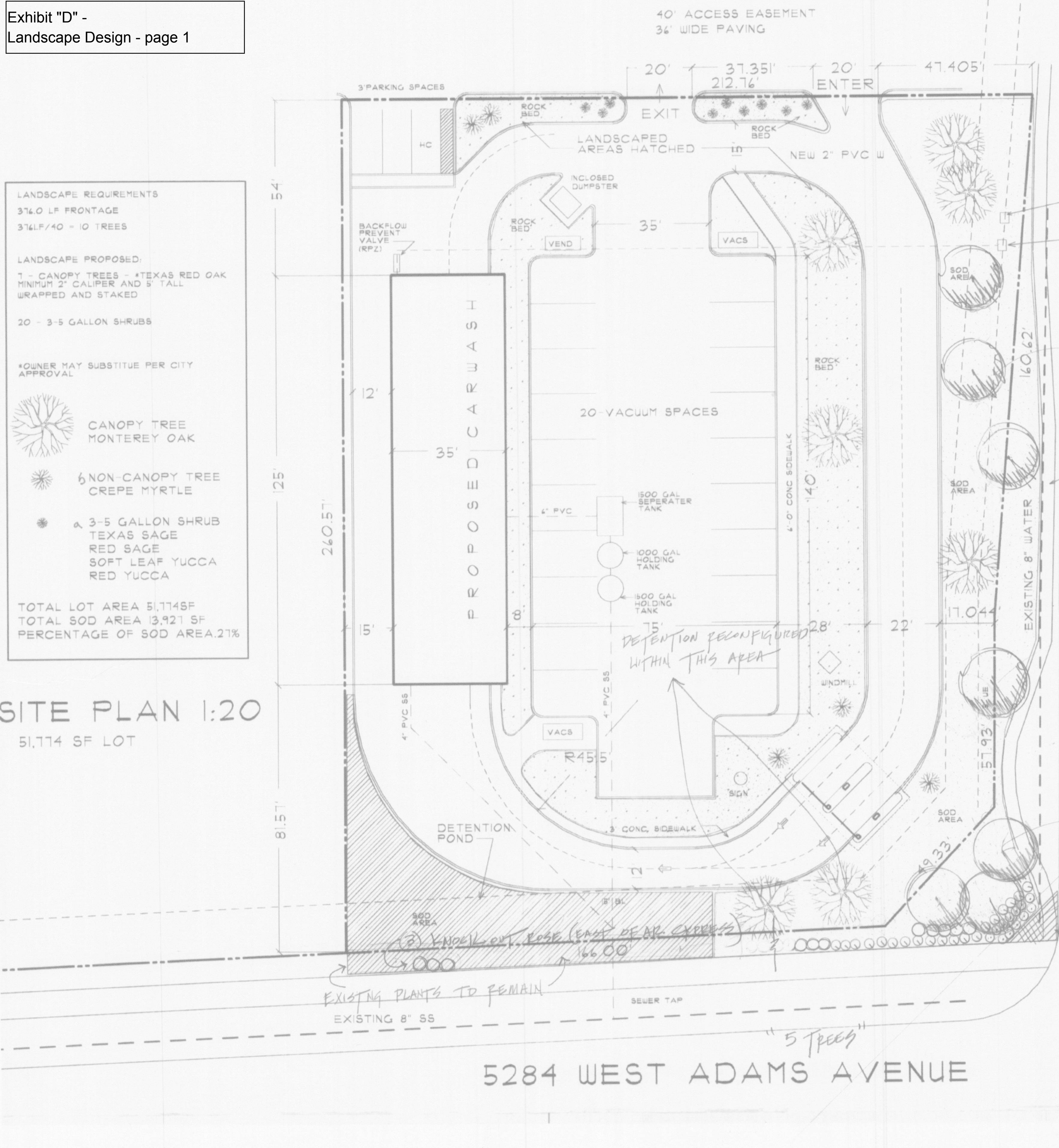

CANOPY TREE
MONTEREY OAK


NON-CANOPY TREE
CREPE MYRTLE


3-5 GALLON SHRUB
TEXAS SAGE
RED SAGE
SOFT LEAF YUCCA
RED YUCCA

TOTAL LOT AREA 51,174SF
TOTAL SOD AREA 13,921 SF
PERCENTAGE OF SOD AREA.27%

SITE PLAN 1:20
51,174 SF LOT



3/4" METER FOR
LANDSCAPING
WITH (RPZ) BACKFLOW

NEW 2" WATER METER
W/ BACK FLOW PREVENT.

"7 Trees"
(3) PECAN
(6')
NEW 4" WIDE CONC.
SIDEWALK

205 LOOP

(1) CEDAR ELM
OR SLATE BLUE
ARIZONA CYPRESS

(3) VITEX

4" RIVER ROCK
VISIBILITY TRIANGLE

SHRUBS
○ KNOCK OUT ROSE (11)
○ MEXICAN FEATHER GRASS (12)
○ TEXAS LANTANA (19)

43 SHRUBS @ 5'
7 EXTRA TREES

Set #1
Set #2
Link

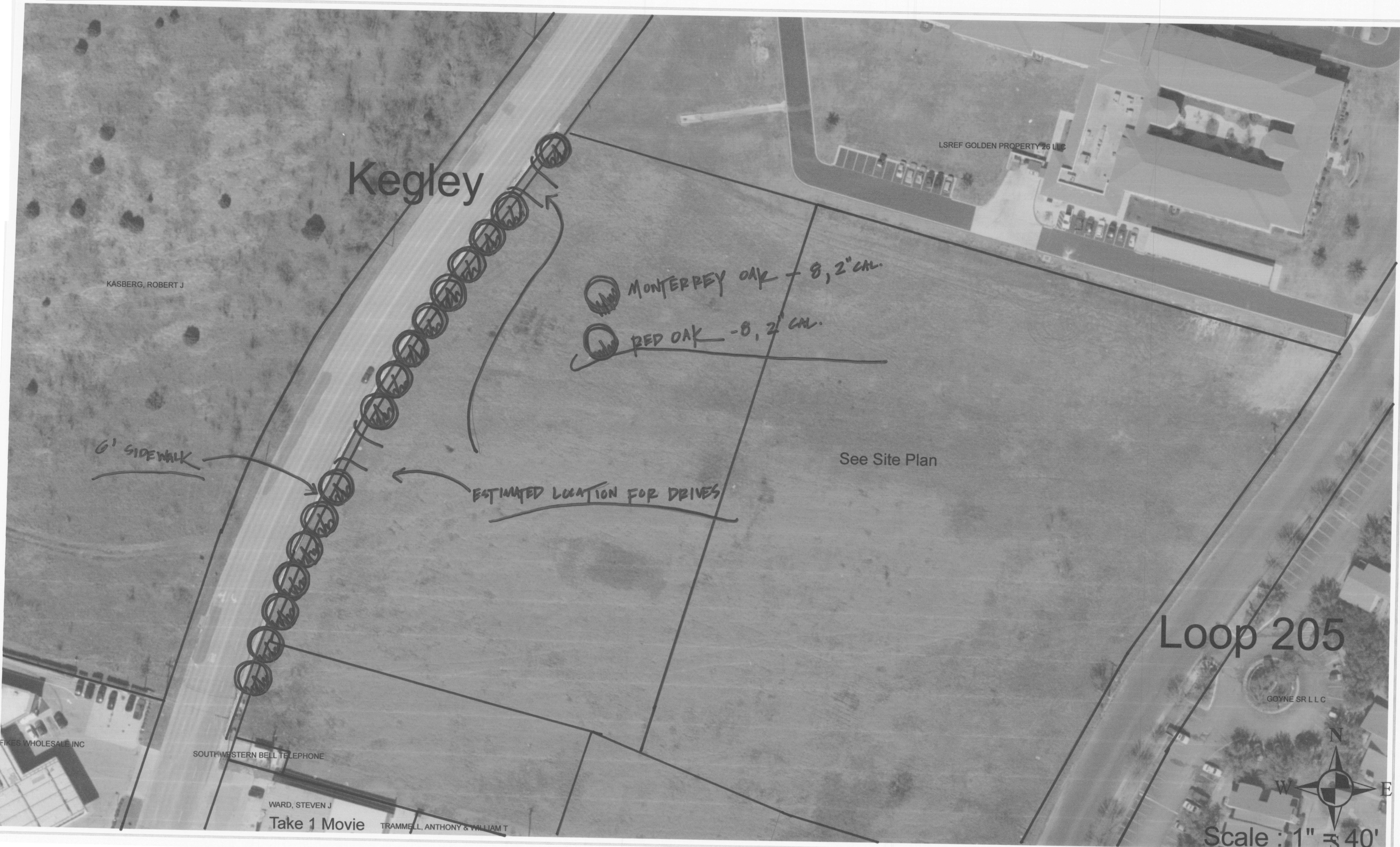
2-8-12

5284 W Adams Ave

12-93544

5284 WEST ADAMS AVENUE

Streetscape





Note: Island areas under trees should be lined with 4" river rock. All shrubs should be mulched at 3" depth & contained within beds. All plant material shall be irrigated.

NOTE: ALL PARKING SPACES ARE 19'x 9' (EXCEPT AS SHOWN, TO ACCOMMODATE HANDICAP PARKING)

DEPICTS PROPOSED LANDSCAPING AREAS (REFERENCE SHT. 2 OF THIS, FOR SPECIFICS)

LOT 5, BLOCK 1, FRIENDSHIP PLAZA
LOT AREA EQUALS = 214035.4 SQUARE FEET

PROCESS AND ACTIVITIES:
1. BOWLING FACILITY
2. PARTY FACILITY (KITCHEN, BAR, ETC.,)
3. ELECTRONIC GAMING (LASER TAG, VIDEO GAMES)

ALL SETBACKS, AND EASEMENTS ARE SHOWN AS PER RECORDED PLAT, CAB.D, SLIDE 127-B, BELL COUNTY, TX

REQ. PARKING SPACES = 214
AVAILABLE PARKING SPACES = 221 + 5 HANDICAP

*Scap 205 Planting Trees
6 other trees (medium size)
changed tree species for power lines*

CONDITIONAL USE PERMIT PLAN



REVISIONS

| |
|-------------------|
| added info as per |
| of Temple, 03-0 |

BE

FIRM # F-1339

BELTON ENGINEERING INC.

106 NO. EAST STREET
BELTON, TEXAS 76705
OFFICE (254) 731-1111
MOBILE (254) 289-1111
beltonengineeringinc.com

- Engineer
- Design/Build
- Planner

CONDITIONAL USE PERMIT PLAN:
5434 205 LOOP

CITY OF TEMPLE, BELL COUNTY, TEXAS

SPARE TIME ENTERTAINMENT CENTER

SCALE: 1"=3'

DRAWN.: L.CH

ELEC. DRAWING F

C:11038-CUPermit.

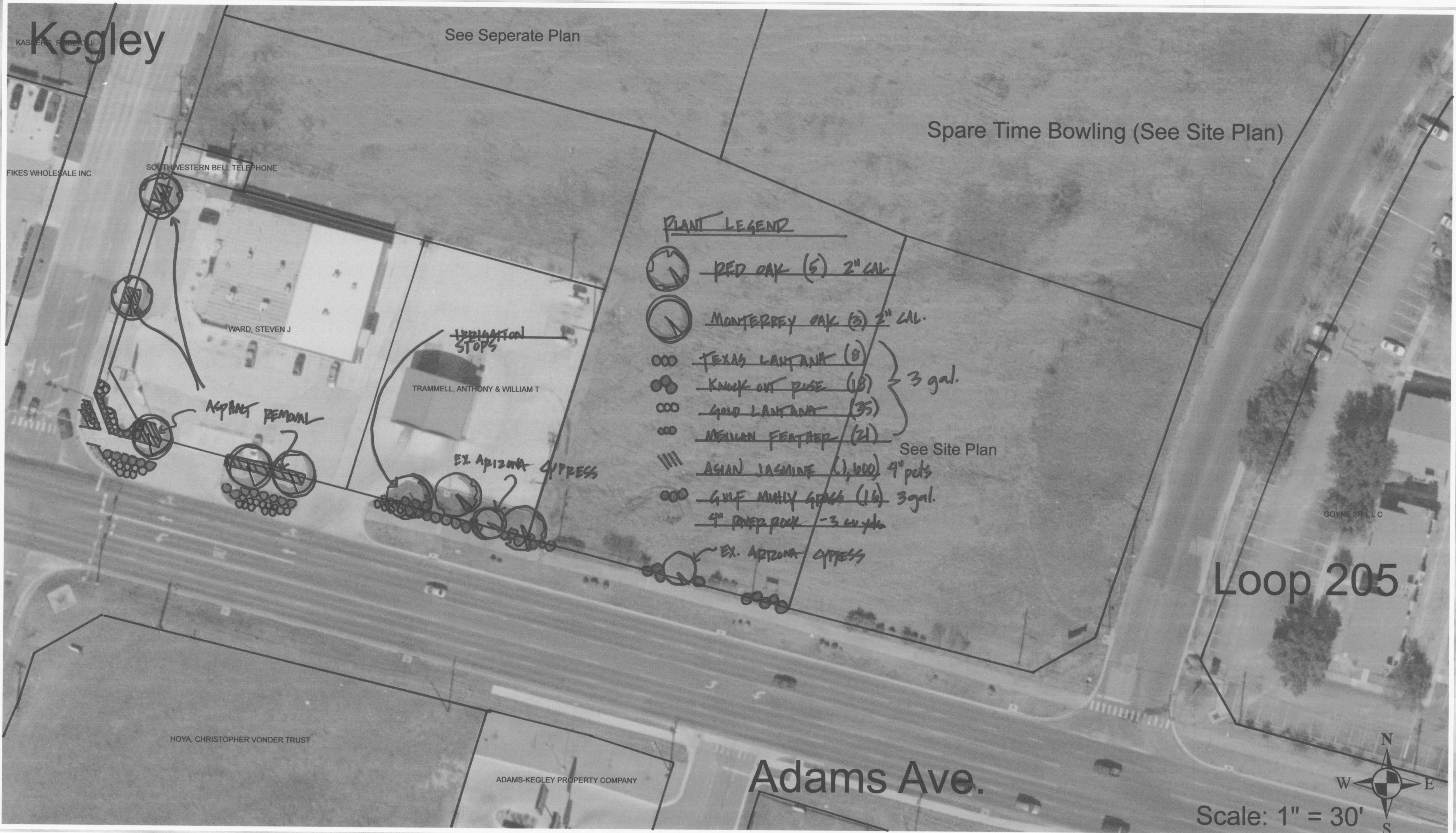
DATE: 02/09/

JOB NO.: 11C

1 OF 2

C1.0

Streetscape



Location of landscaping, irrigation, & access road



- Irrigation & landscaping as Per quantities list & drawings
- 10' wide replacement dual sidewalk & trail
- 6' wide sidewalk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A CHAPTER 380 GRANT AGREEMENT WITH SPARETIME ENTERTAINMENT, LLC FOR REDEVELOPMENT IMPROVEMENTS AT 5434 LOOP 205, TEMPLE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing agreement with Sparetime Entertainment, LLC was approved by City Council on January 19, 2012 and that agreement commits the City to contribute up to \$250,000 to construct or modify existing infrastructure, including, but not limited to, assistance with landscaping;

Whereas, the previous agreement identified projects which would benefit both the public and the proposed development – this amendment reflects those discussions and prioritizes the improvements and related expenditures;

Whereas, funding for this project was designated by Council on January 19, 2012 and is currently still allocated for this 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:

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a Chapter 380 Grant Agreement with Sparetime Entertainment, LLC for redevelopment improvements to incorporate the following projects:

- Install landscaping and irrigation along FM 2305, Kegley Road and Loop 205;
- Replace existing, deteriorated 10' wide asphalt sidewalk/trail along FM 2305 with 10' concrete trail and install 6' wide sidewalk along Kegley Road and Loop 205;
- Install fire hydrants with water service; and
- Construct an access drive from Loop 205 through the property to Kegley Road.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ken Cicora, Director of Parks and Leisure Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a Toro Greensmaster 3400 Triplex Mower from Professional Turf Products utilizing a BuyBoard contract in the amount of \$34,698.59.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: This Toro Greensmaster 3400 Triplex Mower will replace an existing Toro Greensmaster mower that is 6 years old. It will become one of the primary pieces of mowing equipment for the golf course and is essential to providing a properly maintained golf course and in keeping the greens in proper condition. To ensure that mowing schedules will not be affected by equipment failure, the existing unit will be retained as backup.

| | |
|---------------------------|-------------|
| Toro 4500-D Groundsmaster | \$25,762.39 |
| Standard Seat Kit | \$ 473.76 |
| 14 Blade Cutting Unit (3) | \$ 6,453.30 |
| Narrow Wiehle Roller (3) | \$ 839.23 |
| Light Kit | \$ 489.55 |
| Destination Charge | \$ 680.36 |
| Total | \$34,698.59 |

We will utilize a BuyBoard contract for this purchase.

FISCAL IMPACT: Replacement of this mower was approved in the FY 2013 budget. Funding in the amount of \$34,699 is available in account 110-5931-551-6222 and 110-3120-551-6222, project #100879 for the replacement of this Greensmower.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2013****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

-

| ACCOUNT NUMBER | PROJECT # | ACCOUNT DESCRIPTION | INCREASE | | DECREASE | |
|--------------------|-----------|-----------------------------------|----------|--|----------|--|
| 110-3120-551-62-22 | 100879 | Capital Equipment | \$ 199 | | | |
| 110-3120-551-22-11 | | Instruments and Special Equipment | | | 199 | |
| | | | | | | |
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| | | | | | | |
| TOTAL..... | | | \$ 199 | | \$ 199 | |

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

These funds are for a new greens triplex mower. \$34,500 in capital was approved for the addition of a new triplex. Due to recent innovations by the manufacturer an additional option is available. To purchase the triplex with the new innovations, an additional \$199 is needed. The golf course operational budget includes funds to use for equipment replacement. The additional \$199 will be taken from this account.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING _____

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO GREENSMaster 3400 TRIPLEX MOWER FROM PROFESSIONAL TURF PRODUCTS THROUGH THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE IN THE AMOUNT OF \$34,698.59; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the existing Toro Greensmaster mower is one of the primary pieces of mowing equipment for the golf course and is essential to providing a properly maintained golf course and in keeping the greens in proper condition;

Whereas, the purchase of a Toro Greensmaster 3400 Triplex Mower from Professional Turf Products will replace the existing mower which is six years old and which will be retained as a backup mower;

Whereas, staff recommends the purchase of a Toro Greensmaster 3400 Triplex Mower from Professional Turf Products, in the amount of \$34,698.59;

Whereas, funds are available in Account Nos. 110-5931-5512-6222 and 110-3120-551-6222, Project No. 100879 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of a Toro Greensmaster 3400 Triplex Mower from Professional Turf Products, through the BuyBoard Local Government Online Purchasing Cooperative System, in the amount of \$34,698.59.

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

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of jail services from Bell County Law Enforcement Center in the estimated amount of \$74,500 for FY 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years the City has utilized the services of Bell County to house inmates rather than maintaining a jail operation in-house. The City has been pleased with the services provided by Bell County. It is staff's recommendation that this arrangement continue based on Bell County having trained staffing in place and space available to fulfill the City's needs.

FISCAL IMPACT: Funding in the amount of \$74,500 is designated for jail housing in the Council-adopted FY 2013 budget, account 110-2011-521-2623.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF JAIL SERVICES FROM BELL COUNTY LAW ENFORCEMENT CENTER, IN THE ESTIMATED ANNUAL AMOUNT OF \$74,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has utilized the services of Bell County to house inmates for several years instead of maintaining an in-house jail operation;

Whereas, the Bell County Law Enforcement Center has trained staff in place and space available to fulfill the City's needs;

Whereas, the City has been pleased with the services provided by Bell County and staff recommends the continued purchase of jail services in the estimated annual amount of \$74,500;

Whereas, funds are available in Account No. 110-2011-521-2632 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of jail services from Bell County Law Enforcement Center, in the estimated annual amount of \$74,500.

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

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(G)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of computer hardware during FY 2013 from Dell Marketing, LP of Round Rock, utilizing a State of Texas Department of Information Resources Contract, in the estimated annual amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology Department currently has a PC, laptop and server replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems. Computers are in a 4 to 5 year replacement cycle. This cycle is based on the type of use (computing power needed) and overall age of the system. This replacement program was started in 2002 to ensure that we were running applications efficiently and effectively while also ensuring desktop and software applications were being supported under maintenance contracts. The Desktop PC Replacement Program will only cover current in-service PC's. If a new position is added or a program calls for an additional PC, software license or printer, this must be a newly budgeted item.

The City of Temple has chosen to standardize all hardware purchases with Dell PCs, laptops and servers. Our relationship with Dell has been very beneficial to the City and Dell equipment has proven to be reliable, supportable and cost competitive. Dell support offerings and service, in our experience, are un-matched by their competitors. Standardization is a key for any efficient support organization. It is not possible to support hardware from any and all vendors in a timely manner. As technical staff become better familiar with specific hardware, they are able to diagnose and resolve issues more quickly. With each varying hardware model, software varies as well. It isn't practical to maintain software drivers and technical information for any offering on the market. Additionally, large PC manufacturers offer several models within their own products. Some are intended for the home market and others are for the corporate/business market. Business PCs generally consist of more standardized components that will be offered for a longer period of time. These components are tested specifically for use in network environments, and are certified by software developers to work well in those environments.

It is anticipated in FY 2013 that 50 desktop computers, 10 laptops, and 3 servers will be purchased. The desktops and laptops are currently 4-5 years old as well as the servers.

Dell Marketing LP has been awarded a State of Texas Department of Information Resources (DIR) contract. Staff is recommending the use of this contract for the purchases.

FISCAL IMPACT: Funding for computer hardware has been included in several technology accounts within the adopted FY 2013 budget.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF COMPUTER HARDWARE FROM DELL MARKETING, LP OF ROUND ROCK, TEXAS, UTILIZING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR CONTRACT #: 48ABO) CONTRACT, IN THE ESTIMATED ANNUAL AMOUNT OF \$100,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology Department currently has a PC, laptop and server replacement program that is funded through the Information Technology CIP funding to replace obsolete computer systems – the computers are in a four to five year replacement cycle;

Whereas, the City has chosen to standardize all hardware purchases with Dell PCs, laptops and servers and the relationship with Dell Marketing, LP has been very beneficial to the City and Dell Equipment has proven to be reliable, supportable and cost competitive;

Whereas, it is anticipated that approximately 50 desktop computers, 10 laptops, and 3 servers will be purchased in Fiscal Year 2012-2013 and Staff recommends purchase of these from Dell Marketing, LP of Round Rock, Texas;

Whereas, funds are budgeted in Account No. 110-1900-519-2610 for the purchase of computer hardware; and

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

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

Part 1: The City Council authorizes the purchase of computer hardware from Dell Marketing, LP of Round Rock, Texas, utilizing a State of Texas Department of Information Resources (DIR Contract #: 48ABO) contract, in the estimated annual amount of \$100,000.

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

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(H)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director
Brynn Myers, Director of Administrative Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of fleet tracking monitoring service for FY 2013 through GPS Insight, LLC, of Scottsdale, Arizona, utilizing GSA Contract, in the approximate annual amount of \$30,000.

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

ITEM SUMMARY: On April 19, 2012, Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles through GPS Insight, LLC. The installation and implementation of the service on these vehicles has been completed on 78 of the 82 vehicles. The pilot group of vehicles consists of the following:

- 36 - Solid Waste heavy duty vehicles
- 5 - Solid Waste light duty vehicles
- 2 - Street Sweepers
- 4 - Animal Control light duty pickups
- 9 - Construction Safety light duty pickups
- 4 - Engineering light duty vehicles
- 10 - Metering light duty pickups
- 6 - Parks & Leisure Services light duty vehicles
- 1 - Fire Truck
- 2 - Fire light duty vehicles
- 3 - Police light duty vehicles

Some of the goals of the program is to help raise employee awareness of important issues such as speeding, idle-time, excessive acceleration/deceleration, and general vehicle usage. Additional goals are to assist in the optimization of routes, reduce travel times, provide real-time fleet tracking, balance workload among vehicles, reduce fuel and maintenance costs, and contribute to the overall efficiency and effectiveness of the City fleet.

The initial hardware cost was \$27,392. The ongoing monthly service is approximately \$2,500 per month (\$30.95 per month for each heavy duty vehicle and \$28.95 per month for each light duty vehicle), which covers the cost of wireless data plans, GPS Tracking, and maintenance.

This procurement is being recommended utilizing a U.S. General Services Administration (GSA) contract. Other governmental entities are allowed to utilize contracts that have gone through the GSA competitive procurement process.

FISCAL IMPACT: Funding for the fleet tracking service is budgeted in account 110-1900-519-2610.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FLEET TRACKING MONITORING SERVICE THROUGH GPS INSIGHT, LLC, OF SCOTTSDALE, ARIZONA, UTILIZING GSA CONTRACT #: GS-35F-0074S, IN THE ESTIMATED ANNUAL AMOUNT OF \$30,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 19, 2012, Council authorized the purchase of fleet tracking hardware and monitoring services for a pilot group of 82 City vehicles through GPS Insight, LLC – the installation of the hardware on 78 of the 82 vehicles from several departments within the City, has been completed;

Whereas, some of the objectives of this monitoring service is to raise employee awareness of issues such as speeding, idle-time, excessive acceleration/deceleration, and general vehicle usage;

Whereas, the Staff recommends the purchase of an ongoing monthly service for the fleet tracking monitoring service in the approximate amount of \$2,500 per month, which covers the cost of wireless data plans, GPS tracking and maintenance;

Whereas, funds are available in Account No. 110-1900-519-2610 for this service; and

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

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

Part 1: The City Council authorizes the purchase of fleet tracking hardware and monitoring services from GPS Insight, LLC, utilizing GSA Contract #: GS-35F-0074S in the estimated annual amount of \$30,000.

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

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

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Salvador Rodriguez, P.E., Assistant City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Change Order #4 with Lewis Contractors, Inc., of Bertram for construction services required to install wastewater main improvements from IH-35, through Bird Creek to Loop 363 in an amount of \$73,492.75 (including various project deduct costs).

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

In January of 2012, the Temple City Council authorized a construction contract with Lewis Contractors, Inc., of Bertram, Texas in the amount of \$919,986 to construct phase 2A of the project. During trenching operations near station 4+20 through 19+23, subsurface conditions deteriorated in such a way that existing fractured rock at the trench walls caused failure of the vertical walls and the trench widened from a uniform 5 feet in width to varying width between 15 to 20 feet. This change in subsurface conditions led to decreased production and an increase in the amounts of excavation, haul-off, and importation of select backfill for these areas.

Jacobs Engineering has evaluated the costs associated with these changed conditions and has determined the costs to be fair and reasonable for the increases in labor and materials for the failed trenches. Lewis Contractors, Inc. has not included any markup or profit in their estimation of the increased labor and materials. The change order, as prepared and submitted, includes a total increased cost of \$81,328.45 for the failed trench conditions, and a deduct cost of \$7,835.70 for various final project quantity adjustments.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating \$73,492.75 of interest earnings to account 561-5400-535-6925, project #100842 to fund change order #4.

ATTACHMENTS:

Engineer's Letter of Recommendation
Change Order
Project Map
Budget Adjustment
Resolution

October 25, 2012

Salvador Rodriguez, P.E.
Assistant City Engineer
City of Temple
3210 E. Avenue H
Temple, Texas 76501

**Re: Bird Creek Wastewater Replacement – Phase 2A
Claim for Change of Conditions**

Dear Mr. Rodriguez:

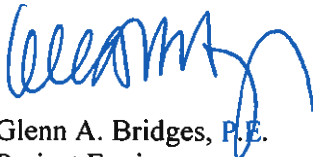
Enclosed is a copy of the claim from Lewis Constructors, Inc. (Lewis) for additional compensation due to a change of conditions in trench excavation encountered in early June (see enclosed letter from Lewis, dated June 7, 2012).

Jacobs Engineering Group, Inc. has reviewed the information included in the claim by Lewis. It is our opinion that the claim is due to changes in subsurface conditions that could not have been reasonably anticipated by a review of the contract documents and a reasonable site investigation prior to the time of bidding. Based on daily inspection reports and information provided by the Project Inspector, it is also our opinion that the costs included in the claim for additional labor, equipment and materials are fair and reasonable, and correctly reflect the locations and differences in production rates encountered due to the changed conditions.

If the claim is approved by the City of Temple, a total of \$81,328.45 will be added to the contract amount by change order. If you have any questions or need additional information at this time, please call.

Sincerely,

JACOBS ENGINEERING GROUP, INC.



Glenn A. Bridges, P.E.
Project Engineer

w/ enclosures

K:\050929 Temple - Bird Crk Interceptor\3Execution\4 Construction (Ph 5)\Contract 2A\Change Orders\Claim for Change of Conditions\Recommendation Letter.doc



LEWIS CONTRACTORS, INC.

7300 FM 2243 Georgetown, Texas 78628

Change Proposal Request

To: Justin Bush

Company: Jacobs

Date: October 2, 2012

C.O. No. :

Project: Bird Creek Interceptor PH2A

City: Temple, Texas

6 RE 4 REV.

| Description | | | | | |
|--|--------------------------------------|------|---------------------------------|----------|-------------|
| Cost associated with change of conditions at Sta 4+20 to Sta. 4+75 (April 18), Sta. 11+40 to Sta. 13+80 (May 23-25, May 29-June 1, June 4-5), Sta 16+50 to 17+90 (August 6, 2012 and August 20 and August 22, 2012) and Sta. 17+90 to 19+23 (August 7 and August 23-25, 2012) Hours of production are based upon 80 feet a day, up to this point, and production rates then dropped to 20 feet per day through this area. | | | | | |
| No. | Description | Qty. | Unit M. | Unit | Extended |
| | | | | | |
| | PART I Sta. 4+20 to Sta. 4+75 | | | | |
| | Labor | | | | |
| | | | | | |
| | Foreman | 8 | hr | \$ 20.00 | \$ 160.00 |
| | overtime | 5 | hr | \$ 30.00 | \$ 150.00 |
| | Laborer | 8 | hr | \$ 9.34 | \$ 74.72 |
| | overtime | 5 | hr | \$ 14.01 | \$ 70.05 |
| | Laborer | 8 | hr | \$ 9.50 | \$ 76.00 |
| | overtime | 5 | hr | \$ 14.25 | \$ 71.25 |
| | Pipelayar | 8 | hr | \$ 11.00 | \$ 88.00 |
| | overtime | 5 | hr | \$ 16.50 | \$ 82.50 |
| | Operator | 8 | hr | \$ 15.00 | \$ 120.00 |
| | overtime | 5 | hr | | \$ - |
| | Operator | 8 | hr | \$ 14.00 | \$ 112.00 |
| | overtime | 5 | hr | \$ 21.00 | \$ 105.00 |
| | Operator | 8 | hr | \$ 12.00 | \$ 96.00 |
| | overtime | 5 | hr | \$ 18.00 | \$ 90.00 |
| | Superintendent | 13 | hr | \$ - | \$ - |
| | | | | | \$ 1,295.52 |
| | | | markup | 0% | \$ - |
| | | | labor burden | 55% | \$ 712.54 |
| | | | | | \$ 2,008.06 |
| | | | Loss production rate difference | 75% | \$ 1,506.04 |
| | | | | | |
| | Equipment | | | | |
| | | | | | |
| | PC 400 | 13 | hr | \$ 79.84 | \$ 1,037.92 |
| | CAT 321 | 13 | hr | \$ 68.00 | \$ 884.00 |
| | Kom WA 320 | 13 | hr | \$ 49.00 | \$ 637.00 |
| | Water Truck | 3.25 | hr | \$ 21.00 | \$ 68.25 |
| | | | | | \$ 2,627.17 |
| | | | Loss production rate difference | 75% | \$ 1,970.38 |
| | | | | | |
| | | | | | |
| | | | | | |



LEWIS CONTRACTORS, INC.



| | | | | |
|--|------|-------|--------------|--------------|
| <u>Equipment</u> | | | | |
| PC 400 | 90 | hr | \$ 79.84 | \$ 7,185.60 |
| CAT 321 | 90 | hr | \$ 68.00 | \$ 6,120.00 |
| Kom WA 320 | 90 | hr | \$ 49.00 | \$ 4,410.00 |
| Water Truck | 22.5 | hr | \$ 21.00 | \$ 472.50 |
| | | | | \$ 18,188.10 |
| loss production rate difference | | | 75% | \$ 13,641.08 |
| | | | | |
| <u>Material and Additional Haul off</u> | | | | |
| Additional base | 1283 | tons | \$ 10.45 | \$ 13,407.35 |
| Haul off | 88 | hours | \$ 50.00 | \$ 4,400.00 |
| | | | | \$ 17,807.35 |
| | | | markup | 0% |
| | | | | \$ - |
| | | | | \$ 17,807.35 |
| loss production rate difference | | | 75% | \$ 13,355.51 |
| | | | | |
| Total for Part II | | | | \$ 37,873.54 |
| | | | | |
| <u>Part III Sta. 16+50 to 17+90</u> | | | | |
| <u>Labor</u> | | | | |
| Foreman | 40 | hr | \$ 20.00 | \$ 800.00 |
| overtime | 5.5 | hr | \$ 30.00 | \$ 165.00 |
| Laborer | 40 | hr | \$ 9.34 | \$ 373.60 |
| overtime | 5.5 | hr | \$ 14.01 | \$ 77.06 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 5.5 | hr | \$ 14.25 | \$ 78.38 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 5.5 | hr | \$ 14.25 | \$ 78.38 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 5.5 | hr | \$ 14.25 | \$ 78.38 |
| Operator | 40 | hr | \$ 15.00 | \$ 600.00 |
| overtime | 5.5 | hr | \$ 22.50 | \$ 123.75 |
| Operator | 40 | hr | \$ 14.00 | \$ 560.00 |
| overtime | 5.5 | hr | \$ 21.00 | \$ 115.50 |
| Operator | 40 | hr | \$ 12.00 | \$ 480.00 |
| overtime | 5.5 | hr | \$ 18.00 | \$ 99.00 |
| | | | | \$ 4,769.03 |
| | | | markup | 0% |
| | | | | \$ - |
| | | | labor burden | 55% |
| | | | | \$ 2,622.97 |
| | | | | \$ 7,392.00 |
| Loss production rate difference | | | 75% | \$ 5,544.00 |
| | | | | |
| <u>Equipment</u> | | | | |



LEWIS CONTRACTORS, INC.



| | | | | |
|---|---------------------------------|----|---------------------------------|--------------|
| PC 400 | 45.5 | hr | \$ 79.84 | \$ 3,632.72 |
| CAT 321 | 45.5 | hr | \$ 68.00 | \$ 3,094.00 |
| Kom WA 320 | 45.5 | hr | \$ 49.00 | \$ 2,229.50 |
| Water Truck | 45.5 | hr | \$ 21.00 | \$ 955.50 |
| | | | | \$ 9,911.72 |
| | loss production rate difference | | 75% | \$ 7,433.79 |
| | | | | |
| | | | Total for Part III | \$ 15,205.79 |
| | | | | |
| <u>Part IV Sta. 17+90 to 19+23</u> | | | | |
| | | | | |
| <u>Labor</u> | | | | |
| | | | | |
| Foreman | 40 | hr | \$ 20.00 | \$ 800.00 |
| overtime | 9 | hr | \$ 30.00 | \$ 270.00 |
| Laborer | 40 | hr | \$ 9.34 | \$ 373.60 |
| overtime | 9 | hr | \$ 14.01 | \$ 126.09 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 9 | hr | \$ 14.25 | \$ 128.25 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 9 | hr | \$ 14.25 | \$ 128.25 |
| Laborer | 40 | hr | \$ 9.50 | \$ 380.00 |
| overtime | 9 | hr | \$ 14.25 | \$ 128.25 |
| Operator | 40 | hr | \$ 15.00 | \$ 600.00 |
| overtime | 9 | hr | \$ 22.50 | \$ 202.50 |
| Operator | 40 | hr | \$ 14.00 | \$ 560.00 |
| overtime | 9 | hr | \$ 21.00 | \$ 189.00 |
| Operator | 40 | hr | \$ 12.00 | \$ 480.00 |
| overtime | 9 | hr | \$ 18.00 | \$ 162.00 |
| | | | | \$ 5,287.94 |
| | | | markup | 0% |
| | | | labor burden | 55% |
| | | | | \$ 8,196.31 |
| | | | Loss production rate difference | 75% |
| | | | | \$ 6,147.23 |
| | | | | |
| <u>Equipment</u> | | | | |
| | | | | |
| PC 400 | 49 | hr | \$ 79.84 | \$ 3,912.16 |
| CAT 321 | 49 | hr | \$ 68.00 | \$ 3,332.00 |
| Kom WA 320 | 49 | hr | \$ 49.00 | \$ 2,401.00 |
| Water Truck | 49 | hr | \$ 21.00 | \$ 1,029.00 |
| | | | | \$ 10,674.16 |
| | | | loss production rate difference | 75% |
| | | | | \$ 8,005.62 |
| | | | | |




| | |
|---------------|---------------------|
| Total: | \$ 81,328.45 |
|---------------|---------------------|

25

| | | |
|--------------------------------|-----------|-------------------|
| Original Contract Amount | \$ | 919,986.00 |
| Change Order #1 | \$ | 5,232.40 |
| Change Order #2 | \$ | - |
| Change Order #3 | \$ | - |
| Change Order #4 | \$ | - |
| Revised Contract Amount | \$ | 925,218.40 |

Please sign and fax back to our office at (512) 260-9902



 Lewis Contractors, Inc.

Notes: Additional base was needed due to existing trench line failure sloughing off the existing trench line
Any addition asphalt that is needed will be overrun, as shown on bid items, on pay applications.



P.O. Box 2974
Georgetown, TX 78627
(512)260-9900
Fax (512)260-9902

June 7, 2012

City of Temple
3210 E. Avenue He
Temple, Texas 76501
Attn: Justin Bush
Jacobs Engineering, Inc.

RE: Bird Creek Wastewater Replacement – Phase 2A

This letter is to serve as a notice of a change of conditions on the Bird Creek WW Replacement Phase 2A project. Excavation and backfill in the initial portions of this project were operating as expected and we were able to get an average of 80-100 foot per day of production on both pipe laying and backfill. Once we reached Sta. 11+40 the trench conditions changed and remained that way until we reached the point that we were stopped at 13+80. It appears that the trench for the existing sewer line was blasted which has left dry fractured rock between the 2 line segment while is caving into the proposed trench as we excavate. Due to these conditions our installation rate has gone down to 20-40 foot per day. This is also causing the trench excavation to go from 5ft in good conditions to 15 foot in width through this area. This is increasing the amount of haul off, base, and asphalt repair that is necessary to complete the installation.

We will continue to track and quantify the additional costs that are caused by these changes of conditions.

On 6.6.12 Gill Gregory had us stop excavation near Sta. 14+00 due to the pour trench conditions and the proximity to the retaining wall. At this time it appears, by continuing, there is a change that the wall may be lost. We will wait until further notice, on resolution on this area, before continue any pipe operations towards IH 35. We will drop back and begin testing of the line/manholes, so that the southern half of the project will not be delayed any further. We ask that time be suspended until a solution is found and we will ask for the appropriate number of days, once this is resolved.

Matt Lewis

A handwritten signature in black ink, appearing to read 'Matt Lewis', is written over a horizontal line.

CHANGE ORDER

PROJECT: Bird Creek Wastewater Replacement – Phase 2A
OWNER: City of Temple
CONTRACTOR: Lewis Contractors, Inc.
ENGINEER: Jacobs Engineering Group Inc.
CHANGE ORDER: #4

Make the following additions, modifications or deletions to the work described in the Contract Documents:

ITEM #:

1. Costs associated with change of conditions at Sta. 4+20 to 4+75, 11+40 to 13+80, 16+50 to 17+90 and 17+90 to 19+23, per change proposal request from Lewis Contractors, Inc., dated October 2, 2012.

ADD \$81,328.45
 - FINAL QUANTITY ADJUSTMENTS**
 2. Adjust base bid item #7 quantity to zero.

DEDUCT \$1,200.00
 3. Adjust base bid item #20 quantity from 6 to 8.

ADD \$3,200.00
 4. Adjust base bid item #33 quantity from 125 CY to 140 CY.

ADD \$1,500.00
 5. Adjust Allowance No. 1 quantity to zero.

DEDUCT \$10,000.00
 6. Adjust Allowance No. 2 quantity to zero.

DEDUCT \$1,335.70
- TOTAL CHANGE ORDER #5:** ADD \$73,492.75

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

| | |
|---|--------------------------|
| Original Contract Amount: | \$ <u>919,986.00</u> |
| Previous Net Change in Contract Amount: | \$ <u>68,411.16</u> |
| Net Change in Contract Amount: | \$ <u>73,492.75</u> |
| Revised Contract Amount: | \$ <u>1,061,889.91</u> |
| Original Contract Time: | <u>150 calendar days</u> |
| Previous Net Change in Contract Time: | <u>146 calendar days</u> |
| Net Change in Contract Time: | <u>0 calendar days</u> |
| Revised Contract Time: | <u>241 calendar days</u> |
| Original Final Completion Date: | <u>July 26, 2012</u> |
| Revised Final Completion Date: | <u>October 25, 2012</u> |

Contractor:

Engineer/Contract Administrator:

By _____
Date

By _____
Date

Approved by City of Temple:

Approved as to Form:

By _____
Date

By _____
City Attorney's Office Date

P:\M\1\04\Public\Public Works\050929 Temple - Bird Ck. Interceptor\050929 Temple Bird Creek Phase 2A\Exhibit

© 2012 JACOBS ENGINEERING GROUP, INC.



JACOBS
JACOBS & CO. ONE EMBLE SUITE 300
AUSTIN, TX 78705
(512) 335-1000
JACOBS & CO. INC.

TEMPLE BIRD CREEK INTERCEPTOR
TEMPLE, TEXAS
CONTRACTOR CLAIM EXHIBIT - PHASE 2A

VERIFY SCALE
0
BAR IS ONE INCH ON ORIGINAL
DRAWING. IF NOT 1 INCH ON
THIS SHEET, ADJUST SCALE.
SHEET REF. NO.
1 OF 1

SCALE: 1" = 80'
DESIGNED BY: [blank]
DRAWN BY: [blank]
CHECKED BY: [blank]
PROJECT NO.: 050929
FILE NAME: Contractor Claim Exhibit
DATE: 11/29/2012
MARK
DATE
DESCRIPTION

THESE DOCUMENTS ARE FOR REVIEW
ONLY AND NOT INTENDED FOR
CONSTRUCTION, BIDDING, OR PERMIT
PURPOSES. THEY WERE PROVIDED
BY, OR UNDER THE SUPERVISION OF:

FY **2013****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

| | | | + | | - | |
|--------------------|-----------|--------------------------------------|------------------|--|------------------|--|
| ACCOUNT NUMBER | PROJECT # | ACCOUNT DESCRIPTION | INCREASE | | DECREASE | |
| 561-5400-535-69-25 | 100842 | WWL Replacement-Birdcreek PH 2A | \$ 73,493 | | | |
| 561-0000-373-04-11 | | Unreserved Retained Earnings-Interes | | | 73,493 | |
| | | | | | | |
| | | Do Not Post | | | | |
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| TOTAL..... | | | \$ 73,493 | | \$ 73,493 | |

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

This budget adjustment appropriates interest earnings to fund change order #4 with Lewis Contractors, inc. for construction services required to install wastewater main improvements for Birdcreek Phase 2A in the amount of \$73,492.75.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

December 6, 2012

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER #4 TO THE CONSTRUCTION CONTRACT WITH LEWIS CONTRACTORS, INC., OF BERTRAM, TEXAS, FOR CONSTRUCTION SERVICES REQUIRED TO INSTALL WASTEWATER MAIN IMPROVEMENTS FROM INTERSTATE 35, THROUGH BIRD CREEK TO LOOP 363, IN AN AMOUNT OF \$73,492.75; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in March 2007, the City Council contracted with Carter & Burgess, Inc., now Jacobs Engineering Group, Inc., for professional services required to investigate and engineer solutions to unauthorized sanitary sewer discharges into Bird Creek;

Whereas, in January 2012, City Council authorized a construction contract with Lewis Contractors, Inc. to construct Phase 2A of the project;

Whereas, during trenching operations, subsurface conditions deteriorated in such a way that existing fractured rock caused failure of the vertical walls - this change in subsurface conditions has led to decreased production and an increase in the amount of excavation, haul-off, and importation of select backfill for these areas;

Whereas, Jacobs Engineering Group, Inc. has evaluated the costs associated with these changed conditions and has determined the costs of \$73,492.75 to be fair and reasonable for the increases in labor and materials;

Whereas, change order #4 as prepared and submitted, includes a total increased cost of \$81,528.45 for the failed trench conditions, and a deduct cost of \$7,835.70 for various final project quantity adjustments thereby bringing the total amount of change order #4 to \$73,492.75;

Whereas, funds are available in Account No. 561-5400-535-6925, Project No. 100842, to fund this change order, but a budget amendment needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a change order to the construction contract, in an amount of \$73,492.75, between the City of Temple and Lewis Constructors, Inc., of Bertram, Texas, after approval as to form by the City Attorney, for construction services required to install wastewater main improvements from IH35, through Bird Creek to Loop 363.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Mohammad Farhoud, P.E., Project Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Change Order #2 to the construction contract with James Construction Group, LLC for construction activities required to correctly identify items of work which were incorrectly identified in the plans and add a new item of work, its detail, and the appropriate revised plan sheets to the NW Loop 363 roadway project in an amount not to exceed \$60,052.20.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The estimated quantities in the contract plans incorrectly identified eight (8) inlet extensions as manholes and thirteen unnecessary (13) safety end treatments. In addition, this change order will add to the contract plans construction details necessary to construct multiple box culverts in high fill area and revise the contract plans to include culvert connection details needed for various locations.

No additional construction time is allotted for this change order.

FISCAL IMPACT: Funds are available in account 361-3400-531-2588, project #100681 to fund Change Order #2 in the amount of \$60,052.20.

ATTACHMENTS:

[Change Order 2](#)
[Resolution](#)

INSTRUCTIONS FOR PREPARING THE CHANGE ORDER (Local Agency)

The following information is provided to assist you in preparing the Change Order (CO).

- 1 Insert the Contractor's name as it appears in the contract.
- 2 Insert the work limits for the Change Order.
- 3 Indicate if a change is major or minor.
- 4 Give a narrative of the revised work being authorized in the change order.

If the CO affects pedestrian elements, state in the narrative that a copy of this CO must be sent to the Field Coordination Section of the Design Division.

Address time by one of the following methods:

- 1) Add the time extension number and time in the box provided.
- 2) State in the narrative that no time is added by this CO.
- 3) State in the narrative that time will be addressed later in the project when the time impact of the change order is better known.

Methods 1 and 2 are preferred. Method 3 should not be a normal practice. If time can not be agreed on with the contractor upon execution of a CO, method 3 is acceptable. In this case, time associated with this CO will be non-participating until the time justification is provided.

- 5 Attach any new/revised plan sheet(s).
- 6 For TxDOT use only. The TxDOT representative must designate if this change order is participating by providing a value for the days and amount participating. If the change order is non-participating, enter a zero "0" in the fields.
- 7 Direct the contractor to sign in the contractor's signature block.
- 8 Affix the seal of the authorized local representative in the space located at the left corner of the bottom of the CO Form. Adhere to Change Order Approval Policy of local agency.

CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 002

1. CONTRACTOR: James Construction Group, LLC

2. Change Order Work Limits: Sta. Various to Sta.

3. Type of Change (on federal-aid non-exempt projects): Minor (Major/Minor)

4. Describe the change and the reason for the change order. When necessary, include exceptions to this agreement.

Eight (8) inlet extensions Item 465-2106 were incorrectly identified as manholes Item 465-2006 (C24,D22,DD1,HH11,HH15,J8,K1&Z2). Omitting thirteen (13) SETs Item 467-2288 that were deemed unnecessary. MC-8(MOD) detail was not included in plans; required for high fill area (PS 401) for Sta. 903+58.5. Revised MH-M(MOD) detail (PS 419) to include culvert connection detail needed for various locations. No additional time is added by this change order.

CCSJ: 0320-06-001
Project: PTF 2012(125)
Highway: LP 363
County: Bell
District: Waco
Contract Number: N/A

5. New or revised plan sheet(s) are attached and numbered: 33,34,36,38,358,359,367,373,374,376,383,387,401,419

Each signatory hereby warrants that each has the authority to execute this Change Order.

| | |
|---|---|
| <p>By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with Item 4 and the Contract. Exceptions should be noted in the response for #5 above.</p> <p>THE CONTRACTOR _____ Date _____</p> <p>By _____</p> <p>Typed/Printed Name _____</p> <p>Typed/Printed Title _____</p> | <p>The following information must be provided</p> <p>Time Ext. #: N/A Days added on this C.O.: 0</p> <p>Amt. added by this change order: \$60,052.20</p> |
| | <p>For TxDOT use only:</p> <p>Days participating: 0</p> <p>Amount participating: \$</p> |
| | <p>Signature _____ Date _____</p> |
| | <p>Name/Title _____</p> |

RECOMMENDED FOR EXECUTION:

Name/Title _____ Date _____

Name/Title _____ Date _____
☐ APPROVED ☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____
☐ APPROVED ☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____
☐ APPROVED ☐ REQUEST APPROVAL

Name/Title _____ Date _____

Name/Title _____ Date _____
☐ APPROVED

Engineer's Seal:

002

CCSJ: 0320-06-001

| | | | | |
|--------------------|--------------------------|-----|-------------------------------------|----|
| Paid by Invoice? (| <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
|--------------------|--------------------------|-----|-------------------------------------|----|

[illegible]

TABLE B: Contract Items

| | | | | ORIGINAL + PREVIOUSLY REVISED | | NEW | | |
|------------------|------------------------------------|------|------------|-------------------------------|------------|----------|------------|----------------------|
| ITEM | DESCRIPTION | UNIT | UNIT PRICE | QUANTITY | ITEM COST | QUANTITY | ITEM COST | OVERRUN/ UNDERRUN |
| 465-2006 -001 | MANH (COMPL) (JUNCT BOX) (TY M) | EA | 2,700.00 | 43.00 | 116,100.00 | 35.00 | 94,500.00 | - 21,600.00 |
| 467-2288 -000 | SET (TYII)(24 IN)(RCP)(6:1)(P) | EA | 990.00 | 13.00 | 12,870.00 | 0.00 | 0.00 | - 12,870.00 |
| 462-2021 -000 | CONC BOX CULV (8 FT X 6 FT) | LF | 345.00 | 2,398.00 | 827,310.00 | 1,629.00 | 562,005.00 | - 265,305.00 |
| | | | | | | | | |
| | | | | | | | | |
| | ADDED BY CHANGE ORDER: | | | | | | | |
| 465-2106 -001 | INLET EXT (TY II) | EA | 2,191.24 | 0.00 | 0.00 | 8.00 | 17,529.92 | 17,529.92 |
| 462-2080 -000 | CONC BOX CULV (8FT X 6FT)(MOD) | LF | 445.12 | 0.00 | 0.00 | 769.00 | 342,297.28 | 342,297.28 |
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CCSJ: 0320-06-001

TXDOT Form 2146-L TAB (Rev. 10/11) Page 2 of 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER #2 TO THE CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC FOR CONSTRUCTION SERVICES REQUIRED TO CORRECTLY IDENTIFY ITEMS OF WORK WHICH WERE INCORRECTLY IDENTIFIED IN THE PLANS, ADD A NEW ITEM OF WORK, ITS DETAIL, AND THE APPROPRIATE REVISED PLAN SHEETS TO THE NORTHWEST LOOP 363 ROADWAY PROJECT, IN AN AMOUNT NOT TO EXCEED \$60,052.20; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the estimated quantities in the contract plans incorrectly identified eight inlet extensions as manholes and thirteen unnecessary safety end treatments;

Whereas, additions to the contract plans need to be made to add the construction details necessary to construct multiple box culverts in high fill areas as well as a revision to the contract plans including culvert connection details needed for various locations;

Whereas, staff recommends approval of change order #2 to the construction contract with James Construction Group, LLC for construction services required to correctly identify items of work which were incorrectly identified in the plans, add a new item of work, its detail, and the appropriate revised plan sheets to the Northwest Loop 363 Roadway Project, in an amount not to exceed \$60,052.20 - there will be no additional construction time allotted in this change order;

Whereas, funds are available in Account No. 361-3400-531-2588, Project No. 100681, to fund this change order; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a change order to the construction contract, in an amount of \$60,052.20, between the City of Temple and James Construction Group, LLC, after approval as to form by the City Attorney, for construction services required to correctly identify items of work which were incorrectly identified in the plans, add a new item of work, its detail, and the appropriate revised plan sheets to the Northwest Loop 363 Roadway Project.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Design-Build Contract for repairs to the Santa Fe Depot foundation with Hayward Baker, Inc. of Little Elm with an initial engineering services fee of \$45,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: It was determined in 2011 that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement. Staff engaged Langerman Foster Engineering Company (LFE), a geotechnical engineering company located in Waco, and TemTex Engineering (TemTex), a structural engineering company located in Temple, to assist the City in defining the performance expectations and requirements for fixing the foundation. Through consultation with LFE and TemTex it was determined that two construction phases will be needed to repair the depot: first, stabilize the foundation, and then secondly, repair the structural damage to the facility caused by the foundation movement.

On July 19, 2012, the City Council authorized the use of the Design-Build project delivery method for the foundation repairs (phase 1). On September 7, 2012, two (2) firms submitted their qualifications for the project: (1) Hayward Baker, Inc. of Little Elm, Texas, and (2) Power Lift Foundation Repair, Inc. of Sherman, Texas. A committee comprised of the LFE and TemTex consultants and staff from Parks & Leisure Services, Legal, and Finance evaluated the qualifications. It was determined that both firms were well qualified to perform the work, and as such and in accordance with the Government Code Chapter 2267, additional proposal information was requested for both firms.

After evaluating the additional proposal information received, the evaluation committee determined unanimously that Hayward Baker offered the best value for the project to the City. Hayward Baker anticipates that they will be using structural elements (micropiles) and soil stabilization (chemical injection) to stabilize the northern and eastern portion of the building. The specific construction approach will be determined during the design phase of the project, which Hayward Baker is proposing to perform at a cost of \$45,000.

A Gross Maximum Price (GMP) will be compiled during the design phase of the project. We are anticipating that the GMP for the construction work will be available the beginning of March 2013, at which time it will be presented to the Council for authorization to proceed. The estimated cost to stabilize the foundation (phase 1) is \$500,000-\$750,000.

The projected timeline related to this phase of the depot repair project is as follows:

Dec 2012 – Feb 2013 - Investigation & Design Phase
Mar 2013 - Review and Acceptance of GMP
Apr 2013 – June 2013 - Construction

It is anticipated that Phase 2 of the project the structural damage to the Depot will commence shortly after the completion of Phase 1. The preliminary estimated cost for Phase 2 is \$300,000-\$500,000.

FISCAL IMPACT: This project will be funded through the Hotel/Motel fund. A budget adjustment is presented for Council's approval appropriating \$45,000 of Hotel/Motel Unreserved Fund Balance to account 240-7000-551-2616, project #100915 for the design fees related to this project.

ATTACHMENTS:
[Budget Adjustment](#)
[Resolution](#)

FY 2013

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

+

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| ACCOUNT NUMBER | PROJECT # | ACCOUNT DESCRIPTION | INCREASE | | DECREASE | |
|--------------------|-----------|-------------------------------------|-----------|--|-----------|--|
| 240-7000-551-26-16 | 100915 | Professional | \$ 45,000 | | | |
| 240-0000-358-11-10 | | Hotel/Motel Unreserved Fund Balance | | | 45,000 | |
| | | | | | | |
| | | Do Not Post | | | | |
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| TOTAL..... | | | \$ 45,000 | | \$ 45,000 | |

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

This budget adjustment appropriates Hotel/Motel Unreserved Fund Balance to fund the design portion of the design-build contract with Hayward Baker, Inc. related to the repairs to the Santa Fe Depot foundation.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

x Yes

☐ No

DATE OF COUNCIL MEETING 12/6/2012

WITH AGENDA ITEM?

| | |
|---|-----|
| x | Yes |
|---|-----|

☐ No

Department Head/Division Director

Date _____

☐ Approved
☐ Disapproved

Finance

Date _____

| | |
|--|-------------|
| | Approved |
| | Disapproved |

City Manager

Date _____

☐ Approved
☐ Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DESIGN-BUILD CONTRACT WITH HAYWARD BAKER, INC. OF LITTLE ELM, TEXAS, FOR REPAIRS TO THE SANTA FE DEPOT FOUNDATION, WITH AN INITIAL ENGINEERING SERVICES FEE OF \$45,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, it was determined in 2011, that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement – staff engaged Langerman Foster Engineering Company and TemTex Engineering to assist the City in defining the performance expectations and requirements for fixing the foundation;

Whereas, through consultation with Langerman Foster Engineering Company and TemTex Engineering, it has been determined that two construction phases will be needed to repair the depot – first, repair the foundation, then secondly, repair the structural damage to the facility caused by the foundation movement;

Whereas, on July 19, 2012, City Council authorized the use of the Design-Build project delivery method for the foundation repairs (Phase I);

Whereas, on September 7, 2012, two firms submitted their qualifications for the project and staff recommends using Hayward Baker, Inc. of Little Elm, Texas, as staff believes they offer the best value for the project to the City;

Whereas, the initial engineering services fee of \$45,000 will cover the design of the foundation repairs – a gross maximum price will also be compiled during the design phase and will be presented to Council for approval at a later date;

Whereas, funds are available for the initial engineering services fee in Account No. 240-7000-551-2616, Project No. 100915, but an amendment to the FY2012-13 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Hayward Baker, Inc. of Little Elm, Texas for repairs to the Santa Fe Depot Foundation (Phase I) with an initial engineering services fee of \$45,000.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **December**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Reynolds, Director of Administrative Services
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Construction Manager-at-Risk Contract with Vanguard Contractors, LP, of Temple for renovations to the Municipal Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 4, 2012, Council authorized the use of the Construction Manager-at-Risk (CMAR) delivery method for the construction services needed to renovate approximately 5,000 square feet of the Municipal Building (west side of the 1st floor and the northeast suite of the 2nd floor). A design contract with Architectural Edge was previously administratively executed by the City Manager for this project in the amount of \$16,475.

On November 1, 2012 five (5) proposals were received for the CMAR services: J Jacobs Construction, LLC of Georgetown; American Constructors, Inc of Austin; Chaney-Cox Construction, Inc of Temple; Vanguard Contractors, LP of Temple; and RM Rodriguez Construction LP of Temple. The scoring criteria, as defined within the RFP, focused on the proposed project team's prior experience and quality of work, the contractor's proposed project approach for efficiently and effectively completing the project, and the contractor's costing methodology and proposed fees for completing the project on budget.

On November 6, 2012, a staff evaluation committee met to discuss the proposals and to compile evaluation results. Based on the pre-defined evaluation criteria, the committee's recommendation is to award the CMAR contract to Vanguard Contractors. The committee concluded that all contractors were well qualified to perform the work. However, Vanguard's proposed fees and staff's familiarity with Vanguard's work ended up convincing the committee that Vanguard offered the best value to the City for the project. (See attached Summary of Proposed Fees.)

The construction budget as outlined in the RFP is \$180,000 to \$230,000 with an expected 2-phase construction period of 2 months. Vanguard proposed fees are as follows: pre-construction fee of \$750, on-site management fee of \$9,860 per month, and a profit and overhead fee of 3.25%. Once Vanguard completes the bidding phase of the project, staff will come back to Council for authorization to award a gross maximum price (GMP) construction phase award to Vanguard.

FISCAL IMPACT: Facility rehabilitation funds remaining from 2008 Certificate of Obligation bond issue have been identified as a source of funding for this project. These funds are available in account 361-2400-519-6807, project #100925.

ATTACHMENTS:

[Summary of Proposed Fees](#)
[Resolution](#)

CMAR Services for Renovations to the Municipal Building
Summary of Proposed Fees Received on November 1, 2012

| | J Jacobs Construction, LLC Georgetown, TX | American Constructors, Inc. Austin, TX | Chaney-Cox Construction, Inc. Temple, TX | Vanguard Contractors, LP Temple, TX | RM Rodriguez Construction, LP Temple, TX |
|---|--|--|--|---|---|
| 1 Preconstruction Fee | \$ - | \$ 1,500 | \$ 2,500 | \$ 750 | \$ 4,000 |
| 2 General Conditions-2 mo (on-site mgmt) | \$ 21,325 Personnel Safety etc <i>Used estimate of \$234,234 to calculate the \$21,325</i> | TBD | \$ 32,900 Project Mgmt Supt Travel Payroll Tax Med Ins Communications Auto Ins Umbrella Ins 60 days | \$ 19,720 2 months Supt Proj Mgr Secretarial support Benefits Payroll taxes WComp office supplies postage travel business meals lodging printing field office telephone accounting fees \$9,860/mo | \$ 20,850 Supt Proj Mgmt Temp Telephone Safety Prog Proj Secy Truck Allow Fuel Office Supplies Small Tools |
| 3 Const Phase Fee (profit & OH) | 3% <i>(\$6,900 of \$230k)</i> | \$ 15,000 fixed fee | 5% <i>(\$11,500 of \$230k)</i> | 3.25% <i>(\$7,475 of \$230k)</i> | \$ 28,000 min fee; addtl fee of 10% over \$230k |
| 4 Allowances/ Contingencies | Vary-depends on design | Appropriate; tbd during GMP compilation | 10% | contractor=\$15k owner=\$15k return unused to City | 8% Conting Bond Fee=2.5% Gen Liab Ins=.00325 |

Line 1-3 fee; assuming
\$230k project; 60 days

| | | | | | | | | |
|----|--------|---------------|----|--------|----|--------|----|--------|
| \$ | 28,225 | \$16,500 + ?? | \$ | 46,900 | \$ | 27,945 | \$ | 52,850 |
|----|--------|---------------|----|--------|----|--------|----|--------|

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION MANAGER-AT-RISK CONTRACT WITH VANGUARD CONTRACTORS, LP, OF TEMPLE, TEXAS, FOR RENOVATIONS TO THE MUNICIPAL BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 4, 2012, City Council authorized the use of the Construction Manager-at-Risk delivery method for the construction services needed to renovate approximately 5,000 square feet in the Municipal Building;

Whereas, on November 1, 2012, the City received 5 proposals for these services – a staff evaluation committee reviewed all 5 proposals and based on proposed fees and staff's familiarity with work performance, staff recommends awarding the Construction Manager-at-Risk contract to Vanguard Contractors, LP of Temple, Texas;

Whereas, Vanguard Contractors, LP proposes the following initial fees: pre-construction fee of \$750, on-site management fee of \$9,860, and a profit and overhead fee of 3.25% once the bidding phase of the project is complete;

Whereas, funds are available for this project in Account No. 361-2400-519-6807, Project No. 100925; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Construction Manager-at-Risk contract with Vanguard Contractors, LP of Temple, Texas for renovations to approximately 5,000 square feet in the Municipal Building with proposed fees for pre-construction of \$750, on-site management of \$9,860 per month, and a profit and overhead fee of 3.25% once the bidding phase of the project is complete.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance authorizing the annexation of a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

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

ITEM SUMMARY: This annexation tracks with rezoning case Z-FY-12-61, a request to go from Agricultural (the default zoning district upon annexation) to Urban Estates.

John Kiella filed a petition on September 18, 2012, seeking voluntary annexation of approximately 10+ acre acres into the City of Temple. The property is part of the Campus at Lakewood Ranch Phase VIII subdivision. The subdivision is planned for Urban Estate single family lots.

On October 4, 2012, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property. On October 18 and 19, City staff presented the Municipal Service Plan for the property at two public hearings. No one spoke in favor of or in opposition to the request at either hearing.

FISCAL IMPACT: Future tax revenue. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Municipal Service Plan](#)
[Field Notes of Study Area](#)
[Map of Study Area](#)
[Ordinance](#)

**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
CAMPUS AT LAKEWOOD**

For approximately 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII., located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2012-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 8 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. CONSTRUCTION SAFETY

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2012.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

EXHIBIT A

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



- 6) N. $28^{\circ} 16' 50''$ E., 34.49 feet (calls N. $28^{\circ} 16' 50''$ E., 34.49 feet) to a $\frac{1}{2}$ " 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. $71^{\circ} 40' 00''$ 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. $71^{\circ} 40' 00''$ E., 958.15 feet) and the south boundary line of the said Miller tract to a $\frac{1}{2}$ " 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. $18^{\circ} 33' 21''$ W., 29.46 feet to a $\frac{1}{2}$ " 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. $81^{\circ} 28' 40''$ E., 172.87 feet, central angle equals $18^{\circ} 57' 08''$ for corner;
- 2) 173.66 feet along the arc of said curve to the left to a $\frac{1}{2}$ " 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. $00^{\circ} 49' 17''$ W., 220.83 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. $76^{\circ} 02' 04''$ E., 394.13 feet to a $\frac{1}{2}$ " 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. $15^{\circ} 56' 32''$ E., 55.80 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;

- 2) S. $54^{\circ} 35' 24''$ 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 $01^{\circ} 29' 04''$

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

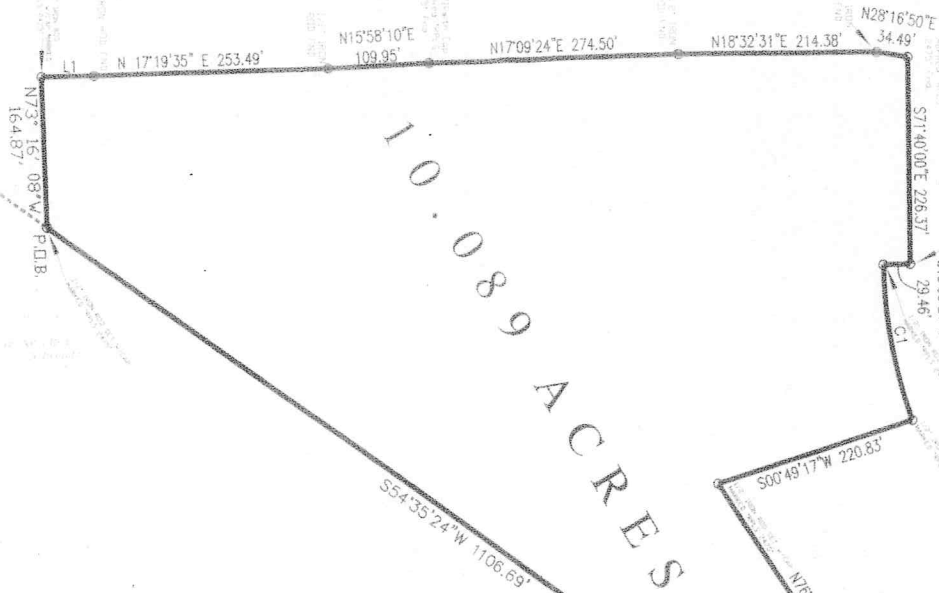
N. $43^{\circ} 10' 50''$ W., 4637.45 FEET.

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)

EXHIBIT B



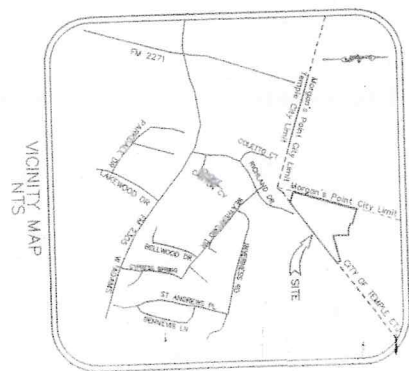
STATE OF TEXAS: I, MICHAEL E. ALVIS, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein, and is correct.

IN WITNESS THEREOF, my hand and seal, this the 30th day of July, 2012.

Michael E. Alvis R.P.L.S., No. 5402

| CURVE TABLE | |
|-------------|--------------|
| CHORD | BEARING |
| 173.66 | S 81°28'00\" |
| 35.00 | E 112°57' |

| LINE TABLE | |
|------------|--------------|
| LINE | BEARING |
| L1 | N 17°19'35\" |
| L2 | S 54°35'24\" |



10.089 ACRES

GEORGE W. LINDSEY SURVEY, ABSTRACT #513, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT, INC.

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-16558

TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
TEMPLE, TEXAS

(254) 773-2400
(fax) 773-1008

DATE: 7-12-12
DRA. BY: JFB
REF: 96319.973
FIELD BOOK: 11824-

JOB NO.: 08-1
SHEET 1 OF 1
COMPUTER: 08-3811A
DWG. NO.: 12512-

REVISIONS

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE ANNEXATION OF AN APPROXIMATELY 10 ACRE TRACT OF LAND LOCATED AT THE NORTH END OF RICHLAND DRIVE, NORTH OF THE CAMPUS AT LAKEWOOD RANCH PHASE VII; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; PROVIDING A ZONING CLASSIFICATION FOR SAID PROPERTY PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City, or portions of property currently subject to a development agreement within the City's extraterritorial jurisdiction (ETJ);

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code;

Whereas, the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property consisting of approximately 10 acres described in Exhibit "A," attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of

Temple, Bell County, Texas, and is made an integral part thereof, in accordance with the request in the *Petition for Annexation* accepted by the City of Temple, Texas, attached hereto and made a part hereof for all purposes as Exhibit "B."

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

Part 4: The owners and inhabitants of the Property herein annexed shall be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Part 5: The official map and boundaries of the City of Temple, are hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as *Urban Estates*, as shown on the map made a part hereof and attached hereto as Exhibit "D."

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2012.

PASSED AND APPROVED on Second and Final Reading on the **6th** day of **December**, 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

12/06/12
Item #7(N)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: SECOND READING - Z-FY-12-61: Consider adopting an ordinance authorizing a permanent zoning upon annexation to Urban Estates District (UE) consisting of 10.089± acres of land, proposed for The Campus at Lakewood Ranch Phase VIII, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

P&Z COMMISSION RECOMMENDATION: At its meeting on November 5, 2012, the Planning and Zoning Commission voted 7:0 (Commissioners Martin and Harrell absent) in accordance with the Staff recommendation to recommend approval of a zone assignment to UE.

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

1. The request complies with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare Plan; and
3. A combination of public and private facilities will be available to subject property.

ITEM SUMMARY: The applicant 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 initial public hearings were held on October 18, 2012 and October 19, 2012. No on-site hearing was required, as there are no residents on the land proposed to be annexed. Planning staff presented a Municipal Services Plan at the hearings, as required by state law, showing how the City will serve the area proposed to be annexed into the City.

The applicant is requesting this change of zoning to allow development of single family dwellings. A final plat was approved on September 17, 2012, for the Final Plat of The Campus at Lakewood Ranch Phase VIII, a 15.047 ± acres, 19-lot, 3 block residential subdivision, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII. The northwest portion of this plat is included in the annexation proceedings and rezoning request.

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

| Direction | Zoning | Current Land Use | Photo |
|------------------|--------|--|---|
| Subject Property | AG | Undeveloped Land Platted for UE lots |  |

| Direction | Zoning | Current Land Use | Photo |
|-----------|--------|--------------------------------------|---|
| East | UE | Undeveloped Land Plated for UE lots |  |
| West | County | Undeveloped/ Low Density Residential |  |

| Direction | Zoning | Current Land Use | Photo |
|-----------|--------|------------------|--|
| South | UE | Residential |  |

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 Suburban Residential which is compatible with UE zoning. | Y |
| CP | Map 5.2 - Thoroughfare Plan | Proposed access will be from Richland Road, an existing local street. Access is adequate for this low density development. | Y |
| CP | Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities | The subject property will be serviced by proposed 6" water lines and private septic systems. | Y |
| STP | Temple Trails Master Plan Map & sidewalks | The Plan does not reflect a trail in or surrounding the subject tract. Sidewalks are not required. | Y |

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: According to the City of Temple Comprehensive Plan, Suburban Residential land use is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. The proposed UE zoning exceeds these requirements.

The following residential uses are **permitted by right** in the **proposed Urban Estates (UE)** zoning district:

- Industrialized Housing;
- Single Family Detached Dwelling;

Prohibited uses include manufactured home subdivisions, multi-family, patio home, and single family attached dwellings. Dimensional standards are as follows:

- Minimum lot size – 22,500 sq ft
- Minimum Lot Width – 80'
- Minimum Lot Depth – 125'
- Front Yard Setback – 30'

PUBLIC NOTICE: Three 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. In addition 14 courtesy notices were sent to property owners outside of the City limits. As of October 29, 2012, one notice was returned in favor of the request.

The newspaper printed notice of the Planning and Zoning Commission public hearing on October 25, 2012, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

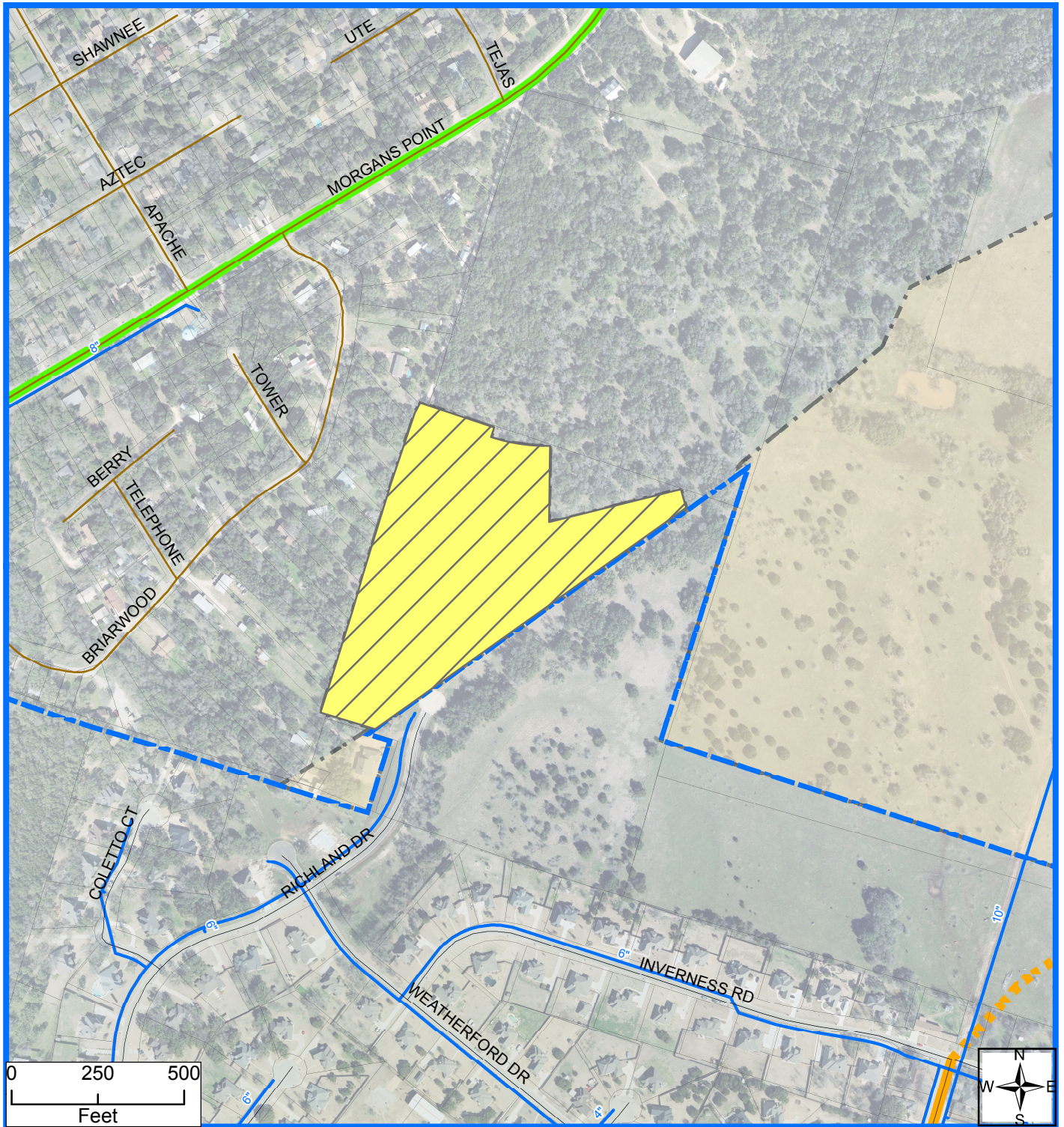
[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Notification Map](#)
[Returned Notices](#)
[P&Z Excerpts](#)
[Ordinance](#)



Z-FY-12-61

To UE

North of Richland Dr.



Case Z-FY-12-61



TempleSDE.GIS.WATER_MAIN



TempleSDE.GIS.Sewer_Mains



City/ETJ Boundary




ETJ


T-Fare

 Expressway

 Major Arterial

 Proposed Major Arterial

 Minor Arterial

 Proposed Minor Arterial

 Collector

 Proposed Collector

10/31/2012
City of Temple
GIS Dept.

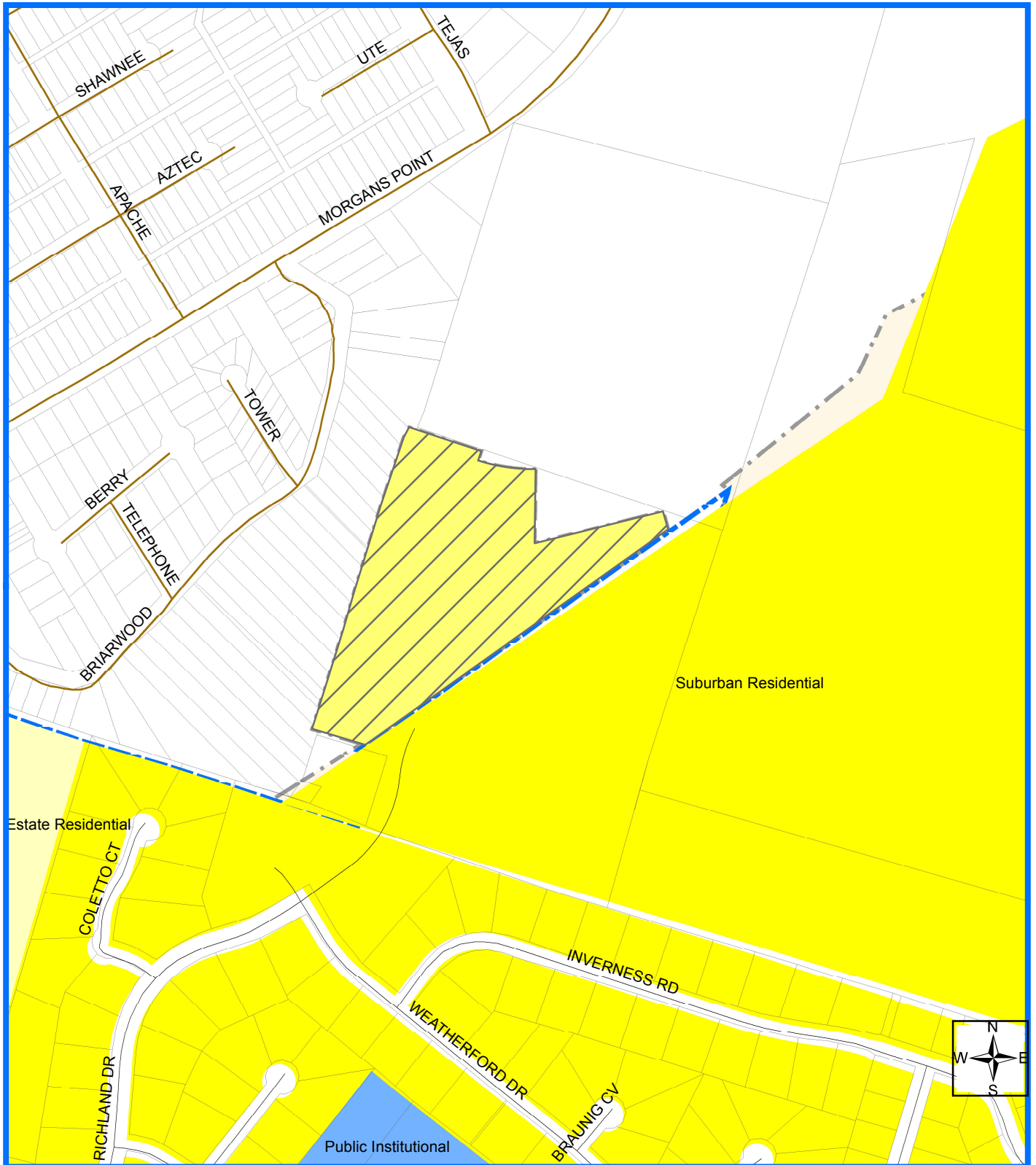
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-12-61

To UE

North of Richland Dr.



Case Z-FY-12-61



City Boundary



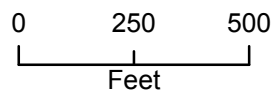
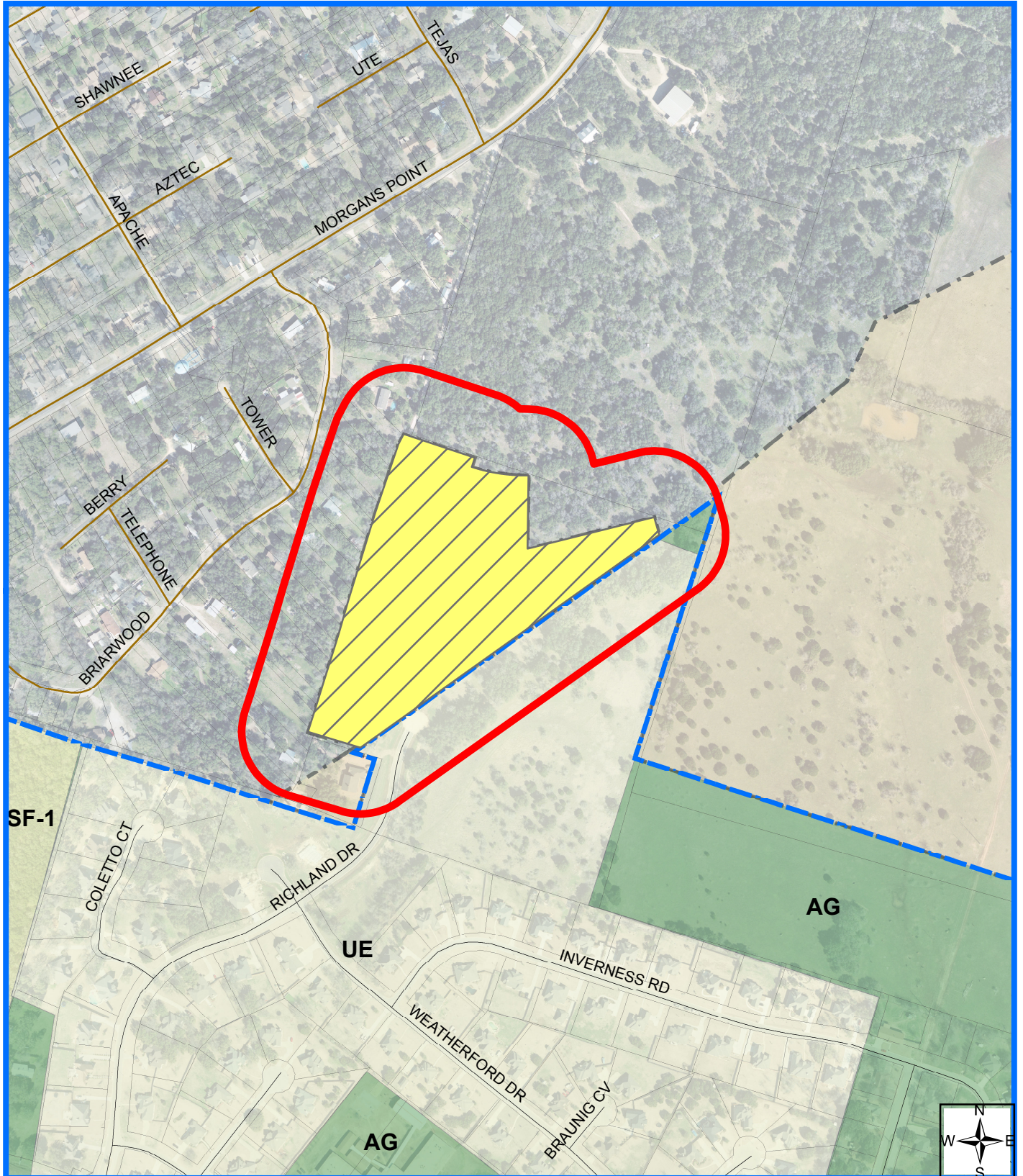
ETJ



Z-FY-12-61

To UE

North of Richland Dr.



10/31/2012
City of Temple
GIS Dept.

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.



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

First Omega Partners Ltd
7353 West Adams Avenue
Temple, Texas 76502

Zoning Application Number: Z-FY-12-61

Project Manager: Autumn Speer

Location: At the north end of Richland Drive, north of the Campus At Lakewood Ranch
Phase VII

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

I recommend ☒ approval () denial of this request.

Comments:


Signature

JOHN C. HOWE
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than November 5, 2012

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

RECEIVED
OCT 29 2012
City of Temple
Planning & Development

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, NOVEMBER 5, 2012**

ACTION ITEMS

Item 4: Z-FY-12-61 – Hold a public hearing to discuss and recommend action on permanent zoning upon annexation to Urban Estates District (UE) consisting of 10.089 ± acres of land, proposed for The Campus at Lakewood Ranch Phase VIII, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII. (Applicant: Kiella Development)

Ms. Autumn Speer, Director of Planning & Development, stated this was an annexation project submitted on September 18, 2012 to put permanent zoning on the property. The zoning will allow development of single family dwellings, which is the same that exists in the other Campus at Lakewood Ranch. The final plat was approved on September 17, 2012 for the Campus at Lakewood Ranch Phase VIII.

Surrounding properties include developed land to the south as Urban Estate (UE) residential, to the east is undeveloped land, the subject property and farther north is undeveloped, and to the west is undeveloped and low density residential on the other side of this property.

UE is the larger single family zoning district and does not allow nonresidential uses.

The Future Land Use and Character Map designate this area as Suburban-Residential and does comply. Water is available on Richland Drive and will be extended. Septic will be provided on the lots.

Staff recommends approval of the requested zoning change since the request complies with the Future Land Use and Character Map, the Thoroughfare Plan, and utilities area available to serve the property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Rhoads made a motion to approve Item 4, Z-FY-12-61, as presented, and Commissioner Jones made a second.

Motion passed: 7:0

Commissioners Martin and Harrell absent

Commissioner Talley asked Ms. Speer if the required printed notification was also published on the City's website. Ms. Speer stated no.

ORDINANCE NO. _____

(PLANNING NO. Z-FY-12-61)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A PERMANENT ZONING UPON ANNEXATION TO URBAN ESTATES (UE), ON APPROXIMATELY 10.089 ACRES OF LAND, PROPOSED FOR THE CAMPUS AT LAKEWOOD RANCH PHASE VIII, LOCATED AT THE NORTH END OF RICHLAND DRIVE, NORTH OF THE CAMPUS AT LAKEWOOD RANCH PHASE VII; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a permanent zoning upon annexation to Urban Estates (EU) on approximately 10.089 acres of land, proposed for The Campus at Lakewood Ranch Phase VIII, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **November**, 2012.

PASSED AND APPROVED on Second Reading on the **6th** day of **December**,
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

12/06/12
Item #7(O)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Ken Cicora, Parks and Leisure Services Director

ITEM DESCRIPTION: Consider adopting a resolution dedicating a City owned tract in Highland Terrace Annex Phase II as City park land.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: We are requesting to dedicate a City owned tract of land as City park land. This tract is currently owned by the City of Temple and lies at the entry to Prewitt Park on the southeast corner of the Park. The land is platted as Tract A, Block 2, Highland Terrace Annex Phase II, according to the plat of record filed in Cabinet C, Slide 170-D, of the real property records of Bell County, Texas.

The Parks and Leisure Services staff intends to use this tract as the primary access point into the park. Prewitt Park is currently undeveloped park land. Once the tract is dedicated, the Parks and Leisure Services Department will develop a park Master Plan. That plan will serve as the guide for the parks' development as funds allow. It is envisioned that the park, when developed, will include recreational amenities such as a hiking trail, picnic shelter and playground.

FISCAL IMPACT: NA

ATTACHMENTS:

[Map](#)
[Resolution](#)

Prewitt Park



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, DEDICATING A CITY OWNED TRACT OF LAND IN
HIGHLAND TERRACE ANNEX PHASE II, AS CITY PARK LAND;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns a tract of land which is platted as Tract A, Block 2, Highland Terrace Annex Phase II, according to the plat of record filed in Cabinet C, Slide 170-D, of the real property records of Bell County, Texas;

Whereas, the Parks and Leisure Services staff would like to dedicate this portion of land as City park land to be used as the primary access point into Prewitt Park, which is currently undeveloped park land;

Whereas, once dedicated, staff will develop a park Master Plan that will serve as the guide for the park's development; and

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

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

Part 1: The City Council authorizes the dedication of a tract of land which is platted as Tract A, Block 2, Highland Terrace Annex Phase II, according to the plat of record filed in Cabinet C, Slide 170-D, of the real property records of Bell County, Texas, as City park land to be used as the primary access point into Prewitt Park.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **December**, 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

12/06/12
Item #7(P)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of the TCEQ Water System Fee to the Texas Commission on Environmental Quality for operations of Temple's water treatment plants, in the amount of \$64,755.85.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Commission on Environmental Quality (TCEQ) requires Public Water Systems within the State of Texas to pay a Water System Fee for services provided by the commission to public water systems annually, as outlined in 30 TAC Chapter 290.51. This fee provides for general revenue in support of TCEQ's public water system activities.

This year, the TCEQ Water System Fee associated with permitted operations of the City's water treatment plant operation is \$64,755.85. Payment of this fee is due within 30 days of receipt of the invoice, and must be paid by early December 2012.

FISCAL IMPACT: Funds are budgeted on an annual basis in account 520-5110-535-2616 to pay of the TCEQ Water System Fee.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) WATER SYSTEM FEE FOR OPERATIONS OF TEMPLE'S WATER TREATMENT PLANTS, IN THE AMOUNT OF \$64,755.85; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality (TCEQ) requires Public Water Systems within the State of Texas to pay a Water System Fee for services provided by the commission to public water systems annually, as outlined in 30 TAC Chapter 290.51 – this fee provides for general revenue in support of TCEQ's public water system activities;

Whereas, this year, the TCEQ Water System Fee associated with permitted operations of the City's water treatment plant operation is \$64,755.85 and staff recommends paying the invoice which is due at this time;

Whereas, funds are available for this expenditure in Account No. 520-5110-535-2616; and

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

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

Part 1: The City Council authorizes payment of an invoice to the Texas Commission on Environmental Quality for a Water System Fee in the amount of \$64,755.85.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: Consider adopting a resolution authorizing fee increases for building and fire safety permits processed through the Construction Safety Department to become effective January 1, 2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Building permit fees currently assessed through the Construction Safety office have not been revised in approximately 15-20 years. The proposed summary outlines a plan to increase the majority of fees by \$15 for standard permits, increase the fees for new residential construction from \$0.11 to \$0.115 per square foot and commercial fees from \$0.055 to \$0.10 per square foot. Also proposed are increases for fees associated with manufactured home set up, demolitions, pools, and re-inspections. All of the proposed fee increases are being proposed to help off-set the costs of providing these services and associate the service more closely to a 'user fee' service than a tax-supported service. Staff also believes the fees better reflect what our area market is charging for building and development fees too.

The attached summary outlines all specific changes and current fees. Fees will not go into effect until January 1, 2013.

FISCAL IMPACT: Based on average number of permits for the last three years, the projected revenue increases are expected to be approximately \$50,000 for commercial building permits, approximately \$6,500 for new residential and remodels, and approximately \$44,000 for all other permits.

ATTACHMENTS:

[Existing and Proposed Fee Schedule](#)
[Resolution](#)

Current versus Proposed Fee Schedule

| New Residential Applications | Current Fee | Proposed Fees |
|---|--------------------|----------------------|
| New Residential Single Family | | |
| Building Per SQ FT | \$0.040 | NA |
| Electrical Per SQ FT | \$0.025 | NA |
| Plumbing Per SQ FT | \$0.029 | NA |
| Mechanical Per SQ FT | \$0.016 | NA |
| Totals | \$0.11 | \$0.115 |
| Residential Building Addition | \$15.00 | \$30.00 |
| Residential Building Remodel | \$15.00 | \$30.00 |
| New Commercial Applications | Current Fee | Proposed Fee |
| Commercial New | \$15.00 | \$30.00 |
| Plus: | | |
| 0-50,000 sq ft | \$0.055 | \$0.100 |
| Over 50,000 sq ft | \$0.03 | \$0.10 |
| Commercial New Shell Only | \$15.00 | \$30.00 |
| Plus: | | |
| 0-50,000 sq ft | \$0.045 | \$0.100 |
| Over 50,000 sq ft | \$0.025 | \$0.100 |
| Commercial Building Addition/Remodel | \$15.00 | \$30.00 |
| Plus: | | |
| Per \$1000 Job Cost | \$3.00 | \$3.50 |

| Other Applications | Current Fee | Proposed Fee |
|--|--------------------|---------------------|
| Residential Accessory Structure | \$15.00 | \$30.00 |
| Carport/Shed/Sm Acc Bldg | \$15.00 | \$30.00 |
| Deck &/or Patio | \$15.00 | \$30.00 |
| Fence | \$15.00 | \$30.00 |
| Flatwork | \$15.00 | \$30.00 |
| Manufactured Home Set-up | \$15.00 | \$90.00 |
| Roofing | \$15.00 | \$30.00 |
| Siding | \$15.00 | \$30.00 |
| Sign - Illuminated | \$35.75 | \$50.75 |
| Sign non-Illuminated | \$15.00 | \$30.00 |
| Political Signs | \$15.00 | \$30.00 |
| Tower | \$15.00 | \$30.00 |
| Sewer Tap Admin Fee | \$15.00 | \$30.00 |
| Water Tap Admin Fee | \$15.00 | \$30.00 |
| Irrigation Water Tap Admin Fee | \$15.00 | \$30.00 |
| Above Ground Pool/Spa | \$25.00 | \$25.00 |
| In Ground Pool/Spa | \$25.00 | \$75.00 |
| Paving - Other | \$15.00 | \$30.00 |
| Curb Cut | \$10.50 | \$30.00 |
| Approach | \$15.00 | \$30.00 |
| Reinspect Fee | \$7.50 | \$50.00 |
| Working Without Permit | \$0.00 | \$50.00 |
| House Moving | \$15.00 | \$50.00 |
| 20' or less in length | \$10.00 | NA |
| Up to 30' long | \$15.00 | NA |
| Up to 40' long | \$25.00 | NA |
| Up to 60' long | \$35.00 | NA |
| Demolition | \$15.00 | \$50.00 |
| Plus: | | |
| < 15,000 sqft | \$7.50 | NA |
| 15,000-29,999 sqft | \$12.50 | NA |
| 30,000-99,999 sqft | \$30.00 | NA |
| 100,000-199,999 sqft | \$50.00 | NA |
| 200,000-499,999 sqft | \$80.00 | NA |
| 500,000-1,000,000 sqft | \$100.00 | NA |
| More Than 1,000,000 | \$125.00 | NA |

| Electrical Applications | Current Fee | Proposed Fee |
|--|--------------------|---------------------|
| Electrical Repair /Replace | \$15.00 | \$30.00 |
| Plus: | | |
| Per 100 amps of service | \$15.00 | \$15.00 |
| Feeder Panels | \$15.00 | \$15.00 |
| Electrical Outlets (each) | \$0.20 | \$0.20 |
| Electrial Service Upgrade | \$15.00 | \$30.00 |
| Plus: | | |
| Per 100 amps of service | \$15.00 | \$15.00 |
| Feeder Panels | \$15.00 | \$15.00 |
| Temporary Pole | \$20.00 | \$35.00 |
| Plumbing Applications | Current Fee | Proposed Fee |
| Plumbing Repair/Replace | \$15.00 | \$30.00 |
| Plus: | | |
| Fixture (Each) | \$2.50 | \$2.50 |
| Water Heater | \$2.50 | \$2.50 |
| Gas Piping System (Up To 5 Openings) | | |
| Plumbing Irrigation | \$15.00 | \$30.00 |
| Plus: | | |
| Up To 5 heads | \$5.00 | NA |
| Additional Openings (Per Head) | \$0.50 | NA |
| Flat Fee Per Head | N/A | \$1.00 |
| Mechanical Applications | Current Fee | Proposed Fee |
| Mechanical Repair/Replace | \$15.00 | \$30.00 |
| Plus: | | |
| Heating System: Direct Fire Unit Heater, Boiler Hot Air Furnace, Or Central Heating Plant (Each) | \$15.00 | \$15.00 |
| Refrigerated Air System (Each) | \$15.00 | \$15.00 |
| Blower Or Fan Connected To A Duct System | \$15.00 | \$15.00 |

| Fire Applications | Current Fee | Proposed Fee |
|-------------------------------|--------------------|---------------------|
| FM ABOVE GROUND TANK INSTALL | \$90.00 | \$105.00 |
| FM ABOVE GROUND TANK REMOVAL | \$45.00 | \$60.00 |
| FM BLASTING LICENSE (ANNUAL) | \$1,015.00 | \$1,030.00 |
| FM BOARDING HOME INSPECTION | \$40.00 | \$55.00 |
| FM BURNING LICENSE | \$90.00 | \$105.00 |
| FM DAY CARE INSPECTION | \$30.00 | \$45.00 |
| FM FIRE ALARM INSTALLATION | \$90.00 | \$105.00 |
| FM FOSTER HOME INSPECTION | \$40.00 | \$40.00 |
| FM FUEL DISPENSER REPLACEMENT | \$65.00 | \$80.00 |
| FM LPG TANK HAULING/TRANSPORT | \$40.00 | \$55.00 |
| FM LPG TANK INSTALLATION | \$40.00 | \$55.00 |
| FM NEW SPRINKLER INSTALLATION | \$115.00 | \$130.00 |
| FM NURSING HOME INSPECTION | \$50.00 | \$65.00 |
| FM SPRINKLER INSTALL W/PUMP | \$165.00 | \$180.00 |
| FM SPRINKLER TEST REMODEL | \$90.00 | \$105.00 |
| FM STANDPIPE SYSTEM | \$90.00 | \$105.00 |
| FM SUPPRESSION SYSTEMS | \$65.00 | \$80.00 |
| FM UNDER GROUND TANK INSTALL | \$90.00 | \$105.00 |
| FM UNDER GROUND TANK INSTALL | \$90.00 | \$105.00 |
| FM UNDER GROUND TANK REMOVAL | \$45.00 | \$60.00 |
| FM FIRE ALARM REMODEL | \$90.00 | \$105.00 |
| FM WATER LINE INSTALLATION | \$90.00 | \$105.00 |
| FM WELDING | \$65.00 | \$80.00 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING FEE INCREASES FOR BUILDING AND FIRE SAFETY PERMITS PROCESSED THROUGH THE CONSTRUCTION SAFETY DEPARTMENT, EFFECTIVE JANUARY 1, 2013; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, building permit fees currently assessed through the Construction Safety office have not been revised in approximately 15-20 years;

Whereas, staff is proposing fee increases for building and fire safety permits processed through the Construction Safety Department – the proposed increase will raise the majority of fees by \$15 for standard permits, increase fees for new residential construction from \$0.11 to \$0.115 per square foot and commercial fees from \$0.055 to \$0.10 per square foot;

Whereas, also proposed are fee increases for manufactured home set up, demolitions, pool and re-inspections – these fees are proposed to off-set the costs of providing these services and staff believes the increase in fees better reflect what the City's area market is charging for building and development fees;

Whereas, fee increases will become effective January 1, 2013; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to authorize fee increases for building and fire safety permits processed through the Construction Safety Department effective January 1, 2013, and a copy of such fee increases are attached hereto as Exhibit A, and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
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Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, in the amount of \$100,000 (City match of \$50,000), to assist with improvements to the new westside entrance at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: TxDOT has provided matching funds up to \$50,000 for eligible projects such as lower cost airside and landside Airport improvements and maintenance projects through the RAMP Grant Program. The RAMP grant is a pro-active, flexible grant program and allows the City to determine projects on an as needed basis upon execution of the grant. The \$50,000 City match was approved in the Reinvestment Zone No. 1 Financing Plan September 2012.

As a result of the newly constructed corporate hangar development area, a second entrance on the Westside of the Airport is required for access to several based businesses. The funds will be used to construct new access signage, much needed lighting, road improvements and landscaping.

TxDOT has determined the project request meets the eligibility requirement.

The Grant Agreement must be forwarded to TxDOT upon acceptance.

FISCAL IMPACT: Matching funds up to \$50,000 is designated in account 795-9500-531-6558, project 100811.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, ROUTINE AIRPORT MAINTENANCE GRANT, TO ASSIST WITH IMPROVEMENTS TO THE NEW WEST SIDE ENTRANCE AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, WITH A 50% CITY MATCH OF UP TO \$50,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City requested consideration for funding from TxDOT's Aviation Division, under the Routine Airport Maintenance Program (RAMP), to assist with improvements to the new west side entrance at the Draughon-Miller Central Texas Regional Airport;

Whereas, the RAMP Grant is a pro-active, flexible grant program and allows the City to determine projects on an 'as needed' basis upon execution of the grant - TxDOT has determined the City of Temple's project request meets the eligibility requirements;

Whereas, the City's 50% match (up to \$50,000) is available in Account No. 795-9500-531-6885, project 100811; and

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

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

Part 1: The City Council accepts the grant funds (up to \$50,000) from the Texas Department of Transportation, Aviation Division, for a Routine Airport Maintenance Program (RAMP) Grant to assist with improvements to the new west side entrance at the Draughon-Miller Central Texas Regional Airport, and approves the City's 50% share (up to \$50,000) of the funds.

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

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: A-FY-13-05: Consider adopting a resolution releasing the portion of a 40' wide water main easement, recorded in the Real Property Records of Bell County Vol. 1109/Page 72, located along the rear of Lots 5-16 of the Liberty Hill Phase III Addition just southwest of Airport Road and southeast of NW HK Dodgen Loop.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The applicant, Lennar Homes, has submitted a request for the release of the portion of an existing 40' water main easement located within the boundaries of the Liberty Hill Phase III Addition. Liberty Hill Phase III was designed and built in 2006. The easement was dedicated in 1970 for the sole purpose of constructing and maintaining a water main or line. A 12" waterline was constructed through what are now Lots 5-16 of the Liberty Hill Phase III Addition. The waterline was capped and rerouted along Brookhaven Drive between 2006 and 2007. The Utility Division within the Public Works/Engineering Department confirmed that the existing water easement does not contain an active line within the boundaries of the subdivision.

FISCAL IMPACT: Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS:

[Exhibit A: Water Main Easement - vol.1109/Page 72](#)

[Exhibit B: Field Notes](#)

[Exhibit C: Location Map](#)

[Resolution](#)

Exhibit A

1109/81

WATER MAIN EASEMENT

STATE OF TEXAS

COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

THAT I, WILLIAM C. CHILDERS, for and in consideration of the sum of One and no/100 Dollars (\$1.00) to me cash in hand paid by the City of Temple, a municipal corporation of Bell County, Texas, the receipt of which and sufficiency of which is hereby acknowledged, do hereby give and grant unto the City of Temple an easement for the sole purpose of constructing and maintaining a water main or line upon and across the following described property, the easement being described as set out in "Exhibits A and B" attached hereto and incorporated at this point as if set out verbatim herein.

But upon the express condition that the City of Temple will at all times after so doing work in connection with the construction or repair of said water main restore said premises to the same condition in which said premises were found before such work was undertaken.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Temple, its successors and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said City of Temple, its successors and assigns, against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS MY HAND at Temple, Bell County, Texas, this

5 day of Oct, 1970.

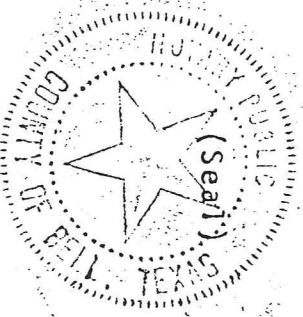
William C. Childers
WILLIAM C. CHILDERS

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared William C. Childers, known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 5th day of November, 1970.

Mary Bell Lawrence
Notary Public in and for Bell
County, Texas



City of Temple, Texas

Permanent Easement for Phase 2-A Water Line

William C. Childers

Being a strip of land forty (40) feet in width located in the R. M. Williamson Survey, Abstract No. 905, in Bell County, Texas and being over, under, and across that tract of land conveyed to William C. Childers from Preston A. Childers and wife, Lucile Scott Childers in a deed now of record in Volume 1092, Page 134 of the deed records of Bell County, Texas, said forty (40) feet permanent easement area being more particularly described by metes and bounds as follows:

BEGINNING at a point on the north property line of the Third tract of the above described deed, said point being N 19° 28' 50" E, 1658.28' and S 71° 33' 30" E, 458.63' from an iron pin described as the southwest corner of the 133.08 acre Third tract of the above described deed;

THENCE S 71° 33' 30" E, 792.15' along the north property line of said Third tract to a point for the northeast of this;

THENCE S 53° 06' 36" E, 130.21' to a point for the southeast corner of this;

THENCE N 71° 33' 30" W, 956.54' parallel to and 40' from the north property line of the above described Third tract to a point for the southwest corner of this;

THENCE N 64° 20' E, 56.90' to the point of beginning and containing 34,974 square feet of land more or less.

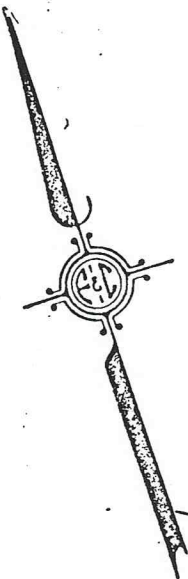
EXHIBIT A

CITY OF TEMPLE, ⁸⁴TEXAS

PERMANENT EASEMENT FOR PHASE 2-A WATER LINE

WILLIAM C. CHILDERS

WILLIAM C. CHILDERS



PROPOSED R.O.W.

SURVEY LINE

PROPOSED WATER LINE

130.21'
S53°06'36"E

30'
40'

40' PERMANENT EASEMENT

792.15'
S71°33'30"E
956.54'
N 71°33'30"W

T.P. & L 138 KV
TRANSMISSION LINE

P.O.B.

56.90'
N64°20'E

R.M. WILLIAMSON SURVEY
ABSTRACT NO. 905

SCALE: 1" = 100'

LED FOR RECORD THIS THE 9 DAY OF NOVEMBER, 1970 AT 8 A M.

MRS. RUBY MCKEE, COUNTY CLERK
BELL COUNTY, TEXAS

BY: _____ DEPUTY

BEING a 0.705 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT No. 905, Bell County, Texas and being a part or portion of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 3 of that certain 10.997 acre tract of land described as Liberty Hill Phase III according to the map or plat of record in Cabinet D, Slide 102-C, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said Liberty Hill Phase III and being the northwest corner of the said Lot 5, Block 3 and being the northeast corner of that certain 3.206 acre tract of land described in a Warranty Deed to Woodbridge Creek Properties, LLC and being of record in Volume 5281, page 765, Official Public Records of Bell County, Texas and being in the south boundary line of that certain tract of land described in a Deed to Frank Mayborn Enterprises, Inc. and being of record in Volume 1836, Page 499, Deed Records of Bell County, Texas for corner;

THENCE S. $73^{\circ} 22' 28''$ E., 699.77 feet departing the said 3.206 acre tract and with the said south boundary line and with the north boundary line of the said Liberty Hill Phase III

(calls S. $73^{\circ} 22' 28''$ E., 699.77 feet) and with the north boundary lines of the said Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 3 to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being an angle point in the north boundary line of the said Liberty Hill Phase III and being an angle point in the north boundary line of the said Lot 14, Block 3 and being the most easterly corner of the said Mayborn tract and being the most westerly corner of that certain tract of land described in a Deed to the State of Texas and being of record in Volume 1063, Page 96, Deed Records of Bell County, Texas and being in the south right-of-way line of State of Texas Highway No. 53 (also known as Airport Road) for corner;

THENCE S. $55^{\circ} 28' 15''$ E., 130.12 feet departing the said Mayborn tract and with the said south right-of-way line and with continuing with the said north boundary line of Liberty Hill Phase III (calls S. $55^{\circ} 28' 15''$ E., 465.80 feet) and continuing with the north boundary lines of said Lots 14, 15 and 16, Block 3 to a point being in the north boundary line of the said Lot 16, Block 3, Liberty Hill Phase III for corner;

THENCE N. $73^{\circ} 22' 28''$ W., 835.27 feet departing the said south right-of-way line and the said north boundary lines and over and across the said Lots 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 3 to a point being in the west boundary line of the said Lot 5, Block 3, Liberty Hill Phase III and being in the east boundary line of the aforementioned 3.206 acre tract for corner;

THENCE N. $32^{\circ} 54' 43''$ E., 41.67 feet with the said east boundary line and with the west boundary line of the said Liberty Hill Phase III (calls N. $32^{\circ} 54' 43''$ E., 236.42 feet) and with the west boundary line of the said Lot 5, Block 3 to the Point of BEGINNING and containing 0.705 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.

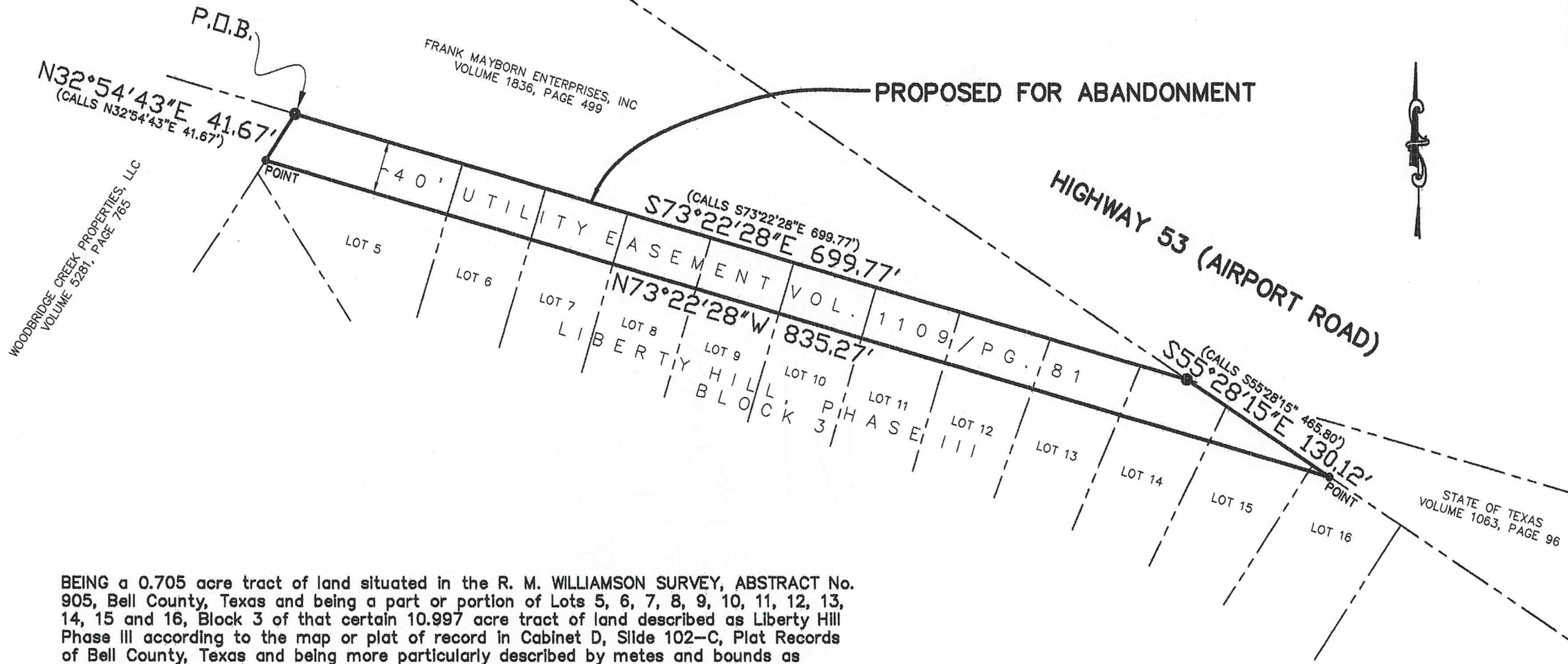


Michael E. Alvis, R.P.L.S. #5402
October 5, 2012



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 79
THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 31' 07''$
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
PUBLISHED CITY COORDINATES ARE $X = 3,219,117.54$ $Y = 10,382,885.90$
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $08^{\circ} 19' 22''$ W., 3098.23 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE



BEING a 0.705 acre tract of land situated in the R. M. WILLIAMSON SURVEY, ABSTRACT No. 905, Bell County, Texas and being a part or portion of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 3 of that certain 10.997 acre tract of land described as Liberty Hill Phase III according to the map or plat of record in Cabinet D, Slide 102-C, Plat Records of Bell County, Texas and being more particularly described by metes and bounds as included herein.



STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I Victor D. Turley, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

IN WITNESS THEREOF, my hand and seal, this the 5th day of October, 2012.

Victor D. Turley, R.P.L.S., No. 2475

LEGEND

● 1/2" IRF W/CAP "MARKED 2475"
P.O.B. POINT OF BEGINNING.

JOB NO: 12-712

DRAWN BY: TJJ

SCALE: 1:100

DATE: 10/05/12

REFERENCE: 11386-D

REVISED: 11/15/12

FILE NO: 12545-A

DAVID DAVEE
LENNAR HOMES



TURLEY ASSOCIATES, INC.
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

STATE OF TEXAS §
COUNTY OF BELL §

 This instrument was acknowledged before me on the ____ day of _____, 2012,
by **William A. Jones, III**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RELEASING A PORTION OF A 40-FOOT WIDE WATER MAIN EASEMENT, RECORDED IN THE REAL PROPERTY RECORDS OF BELL COUNTY, VOLUME 1109, PAGE 72, LOCATED ALONG THE REAR OF LOTS 5-16 OF THE LIBERTY HILL PHASE III ADDITION, JUST SOUTHWEST OF AIRPORT ROAD AND SOUTHEAST OF NORTHWEST HK DODGEN LOOP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant, Lennar Homes, requests the City of Temple release a portion of an existing 40' water main easement located within the boundaries of the Liberty Hill Phase III Addition;

Whereas, the Utility Division within the Public Works/Engineering Department confirmed the existing water easement does not contain an active line within the boundaries of the subdivision, and the Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code; and

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

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

Part 1: The City of Temple, Texas, releases all portions of the water main easement recorded in the Real Property Records of Bell County, Volume 1109, Page 72, located along the rear of lots 5-16 of the Liberty Hill Phase III Addition, just southwest of Airport Road and southeast of Northwest HK Dodgen Loop, a copy of which is attached as Exhibit A to this resolution.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney

STATE OF TEXAS §
COUNTY OF BELL §

 This instrument was acknowledged before me on the ____ day of _____, 2012,
by **William A. Jones, III**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

12/06/12
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DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Director of Administrative Services
Randy Stonerod, Director of Human Resources/Civil Service

ITEM DESCRIPTION: Consider adopting a resolution authorizing 3% increases effective November 23, 2012 for Fire and Police Pay Plans and 3% increases for General Government employees hired on or before November 22, 2012.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The FY 2013 Adopted Budget includes an allocation for 3% increases for Fire and Police Pay Plans to be effective November 23, 2012. In order for the pay increases to become effective, the City Council must adopt the updated pay scales attached to this memorandum.

In addition, the FY 2013 Adopted Budget includes an allocation for 3% increases for General Government employees hired on or before November 22, 2012 to be effective November 23, 2012. This agenda item requests the City Council to authorize the implementation of the 3% pay increases.

FISCAL IMPACT: The FY 2013 Adopted Budget includes an allocation of \$900,000 for the implementation of the 3% increases for Fire and Police Pay Plans and 3% increases for General Government employees hired on or before November 22, 2012.

ATTACHMENTS:

[Civil Service – Police Pay Schedule](#)
[Civil Service – Fire Pay Schedule](#)
[Resolution](#)

Police Compensation Plan - effective 11/23/2012

| Class, Title, Steps and Time in Grade | | Effective 11/23/2012 | | % of Increase |
|--|------------------|----------------------|--------------------|------------------|
| | | Annual | % Between Steps | |
| PSII-021 Police Officer | | | | |
| 1 | 0-1 Years | 40,907.15 | | 3% |
| 2 | 1st Anniversary | 44,180.24 | 8.0% | 3% |
| 3 | 3rd Anniversary | 47,268.00 | 7.0% | 3% |
| 4 | 6th Anniversary | 49,636.91 | 5.0% | 3% |
| 5 | 10th Anniversary | 52,118.77 | 5.0% | 3% |
| 6 | 15th Anniversary | 54,724.59 | 5.0% | 3% |
| 7 | 20th Anniversary | 57,460.83 | 5.0% | 3% |
| PSII-022 Corporal | | | | |
| 3 | 3rd Anniversary | 49,636.91 | | 3% |
| 4 | 6th Anniversary | 52,118.77 | 5.0% | 3% |
| 5 | 10th Anniversary | 54,724.59 | 5.0% | 3% |
| 6 | 15th Anniversary | 57,460.83 | 5.0% | 3% |
| 7 | 20th Anniversary | 60,333.73 | 5.0% | 3% |
| PSII-023 Police Sergeant | | | | |
| 3 | 3rd Anniversary | 56,355.94 | | 3% |
| 4 | 6th Anniversary | 58,891.66 | 4.5% | 3% |
| 5 | 10th Anniversary | 61,542.00 | 4.5% | 3% |
| 6 | 15th Anniversary | 64,311.94 | 4.5% | 3% |
| 7 | 20th Anniversary | 67,206.05 | 4.5% | 3% |
| PSII-024 Police Lieutenant | | | | |
| 3 | 5th Anniversary | 66,079.31 | | 3% |
| 4 | 8th Anniversary | 69,052.88 | 4.5% | 3% |
| 5 | 12th Anniversary | 72,161.02 | 4.5% | 3% |
| 6 | 16th Anniversary | 75,408.53 | 4.5% | 3% |
| 7 | 20th Anniversary | 78,802.05 | 4.5% | 3% |
| PSII-025 Deputy Police Chief | | | | |
| 4 | 7th Anniversary | 81,088.59 | | 3% |
| 5 | 12th Anniversary | 85,142.10 | 5.0% | 3% |
| 6 | 16th Anniversary | 88,548.30 | 4.0% | 3% |
| 7 | 20th Anniversary | 92,090.75 | 4.0% | 3% |

Fire Compensation Plan - effective 11/23/2012

| Class, Title, Steps and Time in Grade | | Effective 11/23/2012 | | % of Increase |
|--|------------------|----------------------|--------------------|------------------|
| | | Annual | % Between Steps | |
| PSI-030 & PSI-031 Firefighter | | | | |
| 1 | 0-1 Years | \$ 37,853 | | 3% |
| 2 | 1st Anniversary | 39,746 | 5.0% | 3% |
| 3 | 3rd Anniversary | 41,734 | 5.0% | 3% |
| 4 | 5th Anniversary | 43,820 | 5.0% | 3% |
| 5 | 7th Anniversary | 46,011 | 5.0% | 3% |
| 6 | 9th Anniversary | 48,312 | 5.0% | 3% |
| 7 | 15th Anniversary | 50,727 | 5.0% | 3% |
| PSI-032 & PSI-037 Fire Driver | | | | |
| 1 | 1st Anniversary | 48,271 | | 3% |
| 2 | 3rd Anniversary | 50,202 | 4.0% | 3% |
| 3 | 5th Anniversary | 51,709 | 3.0% | 3% |
| 4 | 7th Anniversary | 53,776 | 4.0% | 3% |
| 5 | 9th Anniversary | 55,927 | 4.0% | 3% |
| 6 | 15th Anniversary | 57,605 | 3.0% | 3% |
| PSI-033 & PSI-034 Fire Captain | | | | |
| 1 | 3rd Anniversary | 56,758 | | 3% |
| 2 | 5th Anniversary | 58,744 | 3.5% | 3% |
| 3 | 7th Anniversary | 60,800 | 3.5% | 3% |
| 4 | 9th Anniversary | 62,928 | 3.5% | 3% |
| 5 | 15th Anniversary | 64,816 | 3.0% | 3% |
| PSI-035 & PSI-036 Deputy Fire Chief | | | | |
| 1 | 5th Anniversary | 74,963 | | 3% |
| 2 | 7th Anniversary | 77,587 | 3.5% | 3% |
| 3 | 9th Anniversary | 80,301 | 3.5% | 3% |
| 4 | 15th Anniversary | 83,112 | 3.5% | 3% |

Police Compensation Plan - effective 11/23/2012

| Class, Title, Steps and Time in Grade | | Effective 11/23/2012 | | % of Increase |
|--|------------------|----------------------|--------------------|------------------|
| | | Annual | % Between Steps | |
| PSII-021 Police Officer | | | | |
| 1 | 0-1 Years | \$ 40,907 | | 3% |
| 2 | 1st Anniversary | 44,180 | 8.0% | 3% |
| 3 | 3rd Anniversary | 47,273 | 7.0% | 3% |
| 4 | 6th Anniversary | 49,637 | 5.0% | 3% |
| 5 | 10th Anniversary | 52,119 | 5.0% | 3% |
| 6 | 15th Anniversary | 54,725 | 5.0% | 3% |
| 7 | 20th Anniversary | 57,461 | 5.0% | 3% |
| PSII-022 Corporal | | | | |
| 3 | 3rd Anniversary | 49,637 | | 3% |
| 4 | 6th Anniversary | 52,119 | 5.0% | 3% |
| 5 | 10th Anniversary | 54,725 | 5.0% | 3% |
| 6 | 15th Anniversary | 57,461 | 5.0% | 3% |
| 7 | 20th Anniversary | 60,334 | 5.0% | 3% |
| PSII-023 Police Sergeant | | | | |
| 3 | 3rd Anniversary | 56,356 | | 3% |
| 4 | 6th Anniversary | 58,892 | 4.5% | 3% |
| 5 | 10th Anniversary | 61,542 | 4.5% | 3% |
| 6 | 15th Anniversary | 64,312 | 4.5% | 3% |
| 7 | 20th Anniversary | 67,206 | 4.5% | 3% |
| PSII-024 Police Lieutenant | | | | |
| 3 | 5th Anniversary | 66,079 | | 3% |
| 4 | 8th Anniversary | 69,053 | 4.5% | 3% |
| 5 | 12th Anniversary | 72,161 | 4.5% | 3% |
| 6 | 16th Anniversary | 75,409 | 4.5% | 3% |
| 7 | 20th Anniversary | 78,802 | 4.5% | 3% |
| PSII-025 Deputy Police Chief | | | | |
| 4 | 7th Anniversary | 81,089 | | 3% |
| 5 | 12th Anniversary | 85,142 | 5.0% | 3% |
| 6 | 16th Anniversary | 88,548 | 4.0% | 3% |
| 7 | 20th Anniversary | 92,091 | 4.0% | 3% |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING 3% INCREASES EFFECTIVE NOVEMBER 23, 2012 FOR FIRE AND POLICE PAY PLANS AND 3% INCREASES FOR GENERAL GOVERNMENT EMPLOYEES HIRED ON OR BEFORE NOVEMBER 22, 2012; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple Fiscal Year 2013 Adopted Budget includes an allocation for 3% increases for Fire and Police Pay Plans to be effective November 23, 2012 – updated pay scales, attached hereto and made a part hereof for all purposes, must be adopted to become effective;

Whereas, the City of Temple Fiscal Year 2013 Adopted Budget includes an allocation for 3% increases for General Government employees hired on or before November 22, 2012 to be effective November 23, 2012; and

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

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

Part 1: The City Council approves 3% pay increases for Fire and Police Pay Plans to be effective November 23, 2012 and adopts the updated pay scales attached hereto as Exhibit A and made a part hereof for all purposes.

Part 2: The City Council approves an allocation for 3% increases for General Government employees hired on or before November 22, 2012 to be effective November 23, 2012.

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

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12
Item #7(U)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$14,895,320.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
December 6, 2012

| ACCOUNT # | PROJECT # | DESCRIPTION | APPROPRIATIONS | |
|--|-----------|--|------------------|--------------|
| | | | Debit | Credit |
| 110-0000-461-0253 | | City Leases | | \$ 90,000 |
| 110-0000-352-1345 | | Designated for Capital Projects - Unallocated | \$ 90,000 | |
| This budget adjustments recognizes lease revenue to be received in FY 2013 from Scott & White for the property located at 505 North 3rd Street (Old Main Fire Station). The lease is \$7,500 per month for five years. | | | | |
| 110-2033-521-6229 | 100935 | OCU State Seized Funds (Police Dept.) | \$ 1,500 | |
| 110-0000-442-0725 | | OCU State Seized Funds | | \$ 1,500 |
| This budget adjustment appropriates the value of a seized vehicle (2004 Honda ATV 4x4) that will be placed in service and used by the Police Department POPS unit for special events. | | | | |
| 110-3633-560-2311 | | Buildings & Grounds (Airport - AMCOM) | \$ 9,047 | |
| 110-0000-446-3530 | | Airport Miscellaneous Revenue | | \$ 9,047 |
| RNC Construction made renovations to the breakroom at AMCOM. The Airport paid the contractor and AMCOM will reimburse the Airport. This budget adjustment recognizes the revenue and appropriates the expenditure. | | | | |
| 365-2300-540-6110 | 100197 | Land | \$ 4,603,147 | |
| 365-5700-580-7312 | | Bond Issuance Cost | \$ 4,600 | |
| 365-5700-580-7312 | | Bond Issuance Cost | \$ 44,345 | |
| 365-5700-580-7314 | | Bond Discount | \$ 63,712 | |
| 365-0000-490-1518 | | Bond Premium | | \$ 70,804 |
| 365-0000-490-1516 | | Bond Proceeds | | \$ 4,645,000 |
| 430-5700-580-7211 | | Bond Interest | \$ 5,365 | |
| 430-0000-461-0112 | | Accrued Interest | | \$ 5,365 |
| Appropriate the 2012 Taxable Combination Tax & Revenue Certificates of Obligation Bond proceeds as authorized by Council on November 1, 2012. Proceeds were received by the City on November 15, 2012. | | | | |
| 365-2800-532-6323 | 100403 | Traffic Signals | \$ 1,050,000 | |
| 365-3400-531-6527 | 100955 | Paving Overlay | \$ 3,800,000 | |
| 365-3400-531-6527 | 100953 | Street/Road Improvements | \$ 4,548,821 | |
| 365-5700-580-7312 | | Bond Issuance Cost | \$ 9,420 | |
| 365-5700-580-7312 | | Bond Issuance Cost | \$ 64,879 | |
| 365-5700-580-7314 | | Bond Discount | \$ 155,385 | |
| 365-0000-490-1518 | | Bond Premium | | \$ 208,505 |
| 365-0000-490-1516 | | Bond Proceeds | | \$ 9,420,000 |
| 430-5700-580-7211 | | Bond Interest | \$ 9,443 | |
| 430-0000-461-0112 | | Accrued Interest | | \$ 9,443 |
| Appropriate the 2012 Certificates of Obligation Bond proceeds as authorized by Council on November 1, 2012. Proceeds were received by the City on November 15, 2012. | | | | |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
December 6, 2012

| | | | APPROPRIATIONS | |
|--|------------------|---|-----------------------|----------------------|
| ACCOUNT # | PROJECT # | DESCRIPTION | Debit | Credit |
| 365-3400-531-6857 | 100952 | Hogan Road | \$ 77,650 | |
| 365-3400-531-6527 | 100953 | Street/Road Improvements | \$ 112,695 | |
| 365-0000-490-2582 | | Transfer In - General Fund | | \$ 190,345 |
| 110-9100-591-8150 | | Transfer Out - Bond Fund | \$ 190,345 | |
| 110-0000-461-0830 | | Miscellaneous Revenue - Street Perimeter Fees | | \$ 190,345 |
| Appropriate accumulated interest from street perimeter fees and street perimeter fees to partially fund street improvements related to TCIP Phase I. | | | | |
| 520-5200-535-2516 | | Judgments & Damages | \$ 2,966 | |
| 520-5000-535-6532 | | Contingency | | \$ 2,966 |
| Funds are being reallocated to pay for damage to City vehicle asset #12587. | | | | |
| 110-1200-515-2616 | | Professional (Finance) | \$ 36,355 | |
| 110-0000-461-0111 | | Interest Income | | \$ 36,355 |
| 520-5000-535-2616 | | Professional (Public Works Admin) | \$ 15,645 | |
| 520-0000-461-0111 | | Interest Income | | \$ 15,645 |
| Appropriate funds for the contract with Valley View Consulting for investment advisory services. The City's increased interest earnings will fund the annual fee of 0.04% for average balances up to \$100,000,000 and 0.03% for the average balance amount in excess of \$100,000,000. With the current interest rate environment, the City expects it's interest earnings to increase above and beyond the annual fee by at least 0.10%. | | | | |
| TOTAL AMENDMENTS | | | \$ 14,895,320 | \$ 14,895,320 |
| | | | | |
| GENERAL FUND | | | | |
| Beginning Contingency Balance | | | \$ | - |
| Added to Contingency Sweep Account | | | \$ | - |
| Carry forward from Prior Year | | | \$ | - |
| Taken From Contingency | | | \$ | - |
| Net Balance of Contingency Account | | | \$ | - |
| Beginning Judgments & Damages Contingency | | | \$ | 80,000 |
| Added to Contingency Judgments & Damages from Council Contingency | | | \$ | - |
| Taken From Judgments & Damages | | | \$ | - |
| Net Balance of Judgments & Damages Contingency Account | | | \$ | 80,000 |
| Beginning Compensation Contingency | | | \$ | 403,000 |
| Added to Compensation Contingency | | | \$ | - |
| Taken From Compensation Contingency | | | \$ | - |
| Net Balance of Compensation Contingency Account | | | \$ | 403,000 |
| Net Balance Council Contingency | | | \$ | 483,000 |
| Beginning Balance Budget Sweep Contingency | | | \$ | - |
| Added to Budget Sweep Contingency | | | \$ | - |
| Taken From Budget Sweep | | | \$ | - |
| Net Balance of Budget Sweep Contingency Account | | | \$ | - |

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2013 BUDGET
December 6, 2012

| | | APPROPRIATIONS | |
|----------------------|-----------|---|------------------------|
| ACCOUNT # | PROJECT # | DESCRIPTION | Debit Credit |
| WATER & SEWER FUND | | | |
| | | Beginning Contingency Balance | \$ 50,000 |
| | | Added to Contingency Sweep Account | \$ - |
| | | Taken From Contingency | \$ (2,966) |
| | | Net Balance of Contingency Account | \$ 47,034 |
| | | | |
| | | Beginning Compensation Contingency | \$ 142,000 |
| | | Added to Compensation Contingency | \$ - |
| | | Taken From Compensation Contingency | \$ - |
| | | Net Balance of Compensation Contingency Account | \$ 142,000 |
| | | | |
| | | Net Balance Water & Sewer Fund Contingency | \$ 189,034 |
| | | | |
| HOTEL/MOTEL TAX FUND | | | |
| | | Beginning Contingency Balance | \$ 147,759 |
| | | Added to Contingency Sweep Account | \$ - |
| | | Carry forward from Prior Year | \$ - |
| | | Taken From Contingency | \$ - |
| | | Net Balance of Contingency Account | \$ 147,759 |
| | | | |
| | | Beginning Compensation Contingency | \$ 10,100 |
| | | Added to Compensation Contingency | \$ - |
| | | Taken From Compensation Contingency | \$ - |
| | | Net Balance of Compensation Contingency Account | \$ 10,100 |
| | | | |
| | | Net Balance Hotel/Motel Tax Fund Contingency | \$ 157,859 |
| | | | |
| DRAINAGE FUND | | | |
| | | Beginning Contingency Balance | \$ 69,100 |
| | | Added to Contingency Sweep Account | \$ - |
| | | Carry forward from Prior Year | \$ - |
| | | Taken From Contingency | \$ - |
| | | Net Balance of Contingency Account | \$ 69,100 |
| | | | |
| | | Beginning Compensation Contingency | \$ 25,100 |
| | | Added to Compensation Contingency | \$ - |
| | | Taken From Compensation Contingency | \$ - |
| | | Net Balance of Compensation Contingency Account | \$ 25,100 |
| | | | |
| | | Net Balance Hotel/Motel Tax Fund Contingency | \$ 94,200 |
| | | | |
| FED/STATE GRANT FUND | | | |
| | | Beginning Contingency Balance | \$ - |
| | | Carry forward from Prior Year | \$ 39,839 |
| | | Added to Contingency Sweep Account | \$ - |
| | | Taken From Contingency | \$ - |
| | | Net Balance of Contingency Account | \$ 39,839 |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO
THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 30th day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2012-2013 City Budget.

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

Part 1: The City Council approves amending the 2012-2013 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6th day of **December**, 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

12/06/12

Item #8

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Considering adopting an ordinance amending Article VII, “Regulation of Smoking in Public Places,” in Chapter 16, “Health and Sanitation,” of the City Code, to prohibit smoking in the public areas of bowling alleys, indoor entertainment facilities and in City parks, to exempt businesses with alcohol sales representing more than 50% of gross receipts, and to prohibit the owner or operator of a hotel or motel from designating more than twenty-five percent (25%) of rooms available for rent as smoking rooms.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on first reading and schedule second reading and final adoption for December 20, 2012.

ITEM SUMMARY: The City’s first smoking ordinance was adopted in 1989. It provides for some basic regulation of smoking in enclosed areas open to the public. It required property owners to designate smoking and non-smoking areas and to post signs to that effect. The ordinance was significantly amended in 2006. The 2006 amendments (current ordinance) effectively prohibited smoking in most enclosed public areas of the City with a few exceptions. The exceptions in the 2006 amendments allow smoking in these enclosed areas:

Retail tobacco shops

Private residences

Enclosed areas not open to the general public

Bingo Parlors

Bowling Alleys

Establishments with less than 10 employees

Establishments where alcohol sales are > 45% of gross receipts

Leased hotel/motel rooms

Designated smoking areas with physical barrier, negative air pressure & separate ventilation

The Mayor’s Committee on Fitness appeared before the City Council in September to request amendments to the City’s smoking ordinance that would:

- Amend Sec. 16-89 to prohibit smoking in bowling alleys, entertainment centers & in all City parks
- Amend Sec. 16-93 to allow the operator of a hotel/motel to only smoking in 25% of the rooms
 - Current ordinance allows designation of 100% of the rooms as smoking rooms

- Amend Sec. 16-93 to allow smoking in an establishment where 50% of gross receipts are from alcohol (versus 45% in current ordinance)

The proposed ordinance incorporates those proposed changes for the City Council's consideration.

FISCAL IMPACT: N/A

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ARTICLE VII, "REGULATION OF SMOKING IN PUBLIC PLACES," IN CHAPTER 16, "HEALTH AND SANITATION," OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE, TO PROHIBIT SMOKING IN THE PUBLIC AREAS OF BOWLING ALLEYS, INDOOR ENTERTAINMENT FACILITIES AND IN CITY PARKS; TO EXEMPT BUSINESSES WITH ALCOHOL SALES REPRESENTING MORE THAN 50% OF GROSS RECEIPTS, AND TO PROHIBIT THE OWNER OR OPERATOR OF A HOTEL OR MOTEL FROM DESIGNATING MORE THAN TWENTY-FIVE PERCENT (25%) OF ROOMS AVAILABLE FOR RENT AS SMOKING ROOMS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Staff recommends amending Article VII, "Regulation of Smoking in Public Places," in Chapter 16, "Health and Sanitation," of the Code of Ordinances to prohibit smoking in the public areas of bowling alleys, indoor entertainment facilities and in City parks, to exempt businesses with alcohol sales representing more than 50% of gross receipts, and to prohibit the owner or operator of a hotel or motel from designating more than twenty-five percent (25%) of rooms as available for rent as smoking rooms;

Whereas, the City's first smoking ordinance was adopted in 1989 and provided for basic regulations of smoking in enclosed areas open to the public – the ordinance was significantly amended in 2006 to effectively prohibit smoking in most enclosed public areas of the City, with few exceptions;

Whereas, the Mayor's Committee on Fitness appeared before the City Council in September to request the recommended amendments to the City's smoking ordinance; and

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

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

Part 1: Article VII, "Regulation of Smoking in Public Places," in Chapter 16, "Health and Sanitation," of the Code of Ordinances of Temple, Texas, is amended to read as follows:

Sec. 16-89. Smoking prohibited in certain public areas

(a) (3) City buildings, **City parks (with the exception of the golf course portion of Sammons Golf Course)**, or any portion thereof owned or leased by the City and used for the City purposes;

(a) (5) any retail or service establishment serving the general public, including but not limited to, any food products establishment, department store, restaurant, **bowling alley, entertainment center**, laundromat, grocery store, private club, drug store, shopping mall, hair styling salons, including service lines, but excepting outdoor patio areas where food is served;

Sec. 16-93. Locations smoking is not prohibited

(b) hotel and motel rooms rented to guests, **provided that no more than twenty-five percent (25%) of rooms will be designated as smoking rooms**

(k) an establishment or facility where alcohol sales are equal to or in excess of **fifty percent (50%)** of the gross receipts of the establishment or facility.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6th** day of **December**, 2012.

PASSED AND APPROVED on Second Reading on the **20th** day of **December**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, MAYOR

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

12/06/12
Item #9(A)
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: SECOND READING: Consider adopting an ordinance designating a tract of land consisting of approximately 11.444 acres located at the southern end of Panda Drive, Temple, Texas as City of Temple Tax Abatement Reinvestment Zone Number Twenty-Five for commercial/industrial tax abatement.

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

ITEM SUMMARY: The proposed ordinance designates a tract of land consisting of approximately 11.444 acres and described as Tax Abatement Reinvestment Zone Number Twenty-Five, located at the south end of Panda Drive, as a commercial/industrial tax abatement reinvestment zone, as depicted in the drawing attached to the ordinance as Exhibit "A."

The tract proposed for designated as a tax abatement reinvestment zone will be the location for Phase 2 of the Panda Temple power plant project. The proposed reinvestment zone is within the boundaries of the tract acquired by Panda for their proposed power plant (Phase 1 and Phase 2) and is surrounded by tax abatement reinvestment zone (Tax Abatement Reinvestment Zone Number Twenty) designated by the City Council for Phase 1 of the Panda Temple power plant project. 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. We anticipate bringing a tax abatement agreement for the improvements that will constitute Panda Temple Power Phase 2 on December 6th.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Ordinance](#)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING A CERTAIN TRACT OF LAND CONSISTING OF APPROXIMATELY 11.444 ACRES LOCATED AT THE SOUTHERN END OF PANDA DRIVE, TEMPLE, BELL COUNTY, TEXAS, AS TAX ABATEMENT REINVESTMENT ZONE NUMBER TWENTY-FIVE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

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

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

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

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

Part 2: The City, after conducting such hearings and having heard such evidence and testimony, has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER TWENTY-FIVE") should be approximately 11.444 acres of land situated at the southern end of Panda Drive, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER TWENTY-FIVE 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-FIVE 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-FIVE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

Part 3: Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing 11.444 acres of land situated at the southern end of Panda 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-Five, City of Temple, Texas.

Part 4: The REINVESTMENT ZONE shall take effect on December 6, 2012, or at an earlier time designated by subsequent ordinance.

Part 5: To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

Part 6: Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

Part 7: Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:

A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; 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.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

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

Part 10: Sunset provision. The designation of Tax Abatement Reinvestment Zone Number Twenty-Five shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

Part 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 15th day of **November**, 2012.

PASSED AND APPROVED on Second Reading on the 6th day of **December**, 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

12/06/12
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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a tax abatement agreement with Panda Temple Power II, LLC, covering increases in the taxable value of real property for an 11.444 acre tract of land (Tax Abatement Reinvestment Zone Number 25) in the Southeast Industrial Park, south of Lorraine Drive.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

BACKGROUND: The proposed resolution authorizes the City Manager to execute an agreement with Panda Temple Power II, LLC, which if approved gives the company ten years of declining percentage tax abatement on the increased taxable value of real property improvements on a 11.444 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive. If approved, the agreement will grant Panda Temple Power II, LLC, 65% tax abatement in years 1-5, and then 55%-45%-35%-15%-12% abatement in years 6-10 on the increased value of real property.

The proposed agreement covers approximately 11.444 acres of land that is being designated as City of Temple Tax Abatement Reinvestment Zone Number 25 of this agenda (companion item). The site will be the location of Phase II of their power plant project—a gas fired combined cycle electric generation plant with a peak production of approximately 750 megawatts. The tax abatement applies only to *new* real property improvements. The agreement provides that the tax abatement period commence in the first full calendar year after their facility goes into commercial operation. (Note: the remainder of the original 250 acre tract is also owned by Panda Temple Power, is the site of Phase I of their power plant project, and subject to a 10 year, straight 50% tax abatement on real property improvements that will commence in the year following commercial operation of Phase I.)

Panda Temple Power II, LLC, timely filed an application to receive tax abatement on improvements to real property proposed for a facility to be constructed on the tract described above. The City Council has previously approved an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of the development of an electric power generating facility. Panda estimates that their investment will be in the neighborhood of \$500 million, with a portion of that tax exempt in

the form of required emissions control equipment. The actual value of the improvements, and the value of our tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a 65%% (declining percentage) tax abatement for ten years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Panda Temple Power II, LLC, and any of the taxing entities which sign the agreement even if not all sign.

Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Panda Temple Power, LLC, to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Panda Temple Power II, LLC's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's industrial growth, which would not have occurred in the absence of tax abatement.

FISCAL IMPACT: It is impossible to estimate the future assessed value of the real property improvements that Panda Temple Power proposes to build. Assuming a \$200 million taxable value, the tax abatement agreement would have the potential of abating approximately \$5,711,536 in City taxes over the 10 year life of the agreement assuming the FY 2013 tax rate of \$0.5864 per \$100 value over the 10 years. The actual value of the abatement to Panda, and the value of the taxes received by the City after abatement can vary substantially from the amounts shown as estimated expenditures by Panda.

ATTACHMENTS:

[Application](#)
[Resolution](#)

STATE OF TEXAS §

COUNTY OF BELL §

Tax Abatement Agreement (2012)
Panda Temple Power II, LLC
(For Real Property located in the Southeast Industrial Park)

This Agreement is entered into by and between the City of Temple, Texas, a home rule city and municipal corporation of Bell County, Texas, duly acting herein by and through its Mayor, (hereinafter referred to as "CITY"); Temple College duly acting herein by and through its President of the Board of Trustees; Bell County duly acting by and through its County Judge; Elm Creek Water District duly acting by and through its Chairman of the Board of Directors; and Clearwater Underground Water Conservation District duly acting by and through its Chairman of the Board of Directors (hereinafter referred to individually by name or as a "TAXING ENTITY," and collectively as "TAXING ENTITIES"); and Panda Temple Power II, LLC, duly acting by and through its authorized corporate officer (hereinafter referred to as "APPLICANT").

W I T N E S S E T H :

WHEREAS, the CITY has adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

WHEREAS, on the 3rd day of February, 2011, the City Council adopted Ordinance No. 2011-4423, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

WHEREAS, the PREMISES (defined below) proposed to be improved by APPLICANT are located within the boundaries of the City's Tax Abatement Reinvestment Zone Number Twenty-Five for commercial-industrial development, adopted by Ordinance No. 2012-_____ on the 6th day of December, 2012, which by authority of Chapter 312 of the Tax Code, makes the property eligible for tax abatement;

WHEREAS, the CITY desires to participate in tax abatement to maintain or enhance the economic and employment base of the Temple area to the long term interest and benefit of the CITY and TAXING ENTITIES, in accordance with Chapter 312 and the CITY's economic development policy;

WHEREAS, APPLICANT has requested that the City consider granting tax abatement for proposed real property improvements to said PREMISES; and

WHEREAS, the contemplated uses by APPLICANT of the PREMISES, as hereinafter described, and the contemplated improvements to said PREMISES in the form and amounts set forth in this Agreement, are consistent with encouraging development within the CITY and in accordance with the criteria and guidelines for tax abatement in the CITY's Economic Development Policy;

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

1. Property. The real property that is the subject of this Agreement is described as an approximately 11.444 acre tract of land situated in the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located in the City's Southeast Industrial Park, south of Panda Drive (hereinafter referred to as the "PREMISES"). A map of the PREMISES is attached hereto as Exhibit "A."

2. Obligations of Applicant. APPLICANT shall construct a new electric power generating facility on the PREMISES (collectively, the "IMPROVEMENTS") with an aggregate investment by Applicant in the PREMISES and the IMPROVEMENTS of approximately \$365 million in real property improvements and creating approximately 20 new jobs. The construction of the IMPROVEMENTS are is to be substantially completed on or about _____, 20____; provided, that APPLICANT shall have such additional time to complete the IMPROVEMENTS as may be required in the event of "force majeure" if APPLICANT is diligently and faithfully pursuing completion of the IMPROVEMENTS. For this purpose, "force majeure" shall mean any contingency or cause beyond the reasonable control of APPLICANT including, without limitation, acts of God or the public enemy, war, riot, civil commotion, insurrection, governmental or de facto governmental action (unless caused by acts or omission of APPLICANT), fire, explosions, adverse weather conditions or floods, and strikes. The date of completion of the IMPROVEMENTS shall be defined as the date a certificate of occupancy is issued by the CITY.

3. Completion of Improvements. APPLICANT agrees and covenants that it will diligently and faithfully pursue the completion or cause the completion of the IMPROVEMENTS as a good and valuable consideration for this Agreement. APPLICANT further covenants and agrees that all construction of the IMPROVEMENTS will be in accordance with applicable State and local laws and regulations, or valid waiver thereof. In further consideration, APPLICANT shall thereafter, from the date a certificate of occupancy is issued until the expiration of this Agreement, continuously operate and maintain the PREMISES as an electric generation plant.

4. Terms of Abatement. For a term of 10 years, beginning in the first calendar year after the IMPROVEMENTS are placed into commercial operation by the Applicant, and continuing for a term of 10 years, a portion of ad valorem taxes from the PREMISES otherwise owed to the CITY and TAXING ENTITIES shall be abated in accordance with the terms of this Agreement and all applicable state and local regulations or valid waiver thereof. Said abatement shall be on the ad valorem taxes assessed upon the increased

value of the real property constituting the IMPROVEMENTS over the value in the year in which this Agreement is executed, in the following percentages:

Years 1-5 65% on real property
Year 6 55% on real property
Year 7 45% on real property
Year 8 35% on real property
Year 9 15% on real property
Year 10 12% on real property

For purposes of this Agreement, only ad valorem taxes on the IMPROVEMENTS, including the Eligible Property as defined by the terms of City Ordinance No. 2010-4418, Section I(D)(1)(c), and utilized in connection with the IMPROVEMENTS described herein, shall be abated as provided by this Section; provided, that APPLICANT shall have the right to protest or contest any assessment of the PREMISES and said abatement shall be applied to the amount of taxes finally determined to be due as a result of any such protest or contest. Notwithstanding any other provision in this Agreement to the contrary, the items set forth on the attached Schedule 1 shall be deemed to be Eligible Property and subject to the tax abatement provided in this Section so long as the said property remains in productive life use in connection with the IMPROVEMENTS during the term of this Agreement or said property is otherwise replaced with substantially similar property for productive use in connection with the IMPROVEMENTS during the term of this Agreement.

5. Default. In the event that: (1) the IMPROVEMENTS for which an abatement has been granted are not completed in accordance with this Agreement or Applicant fails to create and maintain the jobs specified in Paragraph 2; or (2) APPLICANT allows its ad valorem taxes owed the CITY and TAXING ENTITIES to become delinquent and fails to timely and properly follow the legal procedures for protest or contest of any such ad valorem taxes; or (3) APPLICANT breaches any of the terms or conditions of this Agreement, then APPLICANT shall be in default. In the event that APPLICANT defaults in its performance of (1), (2) or (3) above, then the CITY or TAXING ENTITIES shall give APPLICANT written notice of such default and if APPLICANT has not cured such default within sixty (60) days after said written notice, or, if such default cannot be cured by the payment of money and cannot with due diligence be cured within an additional 90-day period owing to causes beyond the control of APPLICANT, then following expiration of the applicable cure period, this Agreement may be terminated by the CITY or TAXING ENTITIES, as between APPLICANT and any party giving such termination notice. As liquidated damages in the event of default (following written notice and expiration of the above-mentioned applicable cure period), all taxes which otherwise would have been paid after the occurrence of such event of default to the terminating CITY or TAXING ENTITY without the benefit of abatement (but without the addition of penalty; interest will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Tax Code), and such amount will become a debt to the terminating CITY or TAXING ENTITY and shall be due, owing and paid to the terminating CITY or TAXING ENTITY within sixty (60) days of the expiration of the above-mentioned applicable cure period.

6. Conflict of Interest. The CITY and the TAXING ENTITIES each represent and warrant that the PREMISES do not include any property that is owed by a member of their respective councils or boards, agencies, commissions, or other governmental bodies approving, or having responsibility for the approval of, this Agreement.

7. Assignment. The terms and conditions of this Agreement are binding upon the successors and assigns of all parties hereto. This Agreement cannot be assigned by APPLICANT other than to an AFFILIATE of APPLICANT unless written permission is first granted by the CITY and TAXING ENTITIES, which permission shall not be unreasonably withheld, conditioned or delayed. For purposes of this tax abatement agreement, the term "AFFILIATE" shall mean any corporation or entity which, directly or indirectly, (i) owns or controls APPLICANT, (ii) is owned or controlled by APPLICANT, or (iii) is under common ownership or control with APPLICANT.

8. Independent Contractor. It is understood and agreed between the parties that APPLICANT, in performing its obligations hereunder, is acting independently and the CITY and TAXING ENTITIES assume no responsibilities or liabilities in connection therewith to third parties and APPLICANT agrees to indemnify and hold harmless the CITY and TAXING ENTITIES therefrom.

9. Right of Access. APPLICANT further agrees that the CITY and TAXING ENTITIES, their agents and employees, shall have reasonable right of access to the PREMISES to inspect the IMPROVEMENTS in order to insure that the construction of the IMPROVEMENTS are in accordance with this Agreement and all applicable state and local laws and regulations or valid waiver thereof. After completion of the IMPROVEMENTS, the CITY and TAXING ENTITIES shall have the continuing right to inspect the PREMISES to insure that the PREMISES are thereafter maintained and operated in accordance with this Agreement. Each of the CITY and TAXING ENTITIES agree to give APPLICANT reasonable prior written notice in advance of any such access to or inspection of the PREMISES, either during construction of the IMPROVEMENTS or after completion of the IMPROVEMENTS, and APPLICANT shall have the right to regulate such access and/or inspection by representatives of the CITY and/or TAXING ENTITIES to avoid interference with construction of the IMPROVEMENTS or APPLICANT'S business operations at the PREMISES.

10. Annual Certification of Compliance with Terms of Agreement. As required under TEX. TAX CODE, Section 312.205(a)(6), APPLICANT shall certify annually (on the anniversary date of the execution of this Agreement) in writing to the governing body of each of the TAXING ENTITIES that APPLICANT is in full compliance with each applicable term of this Agreement.

11. This Agreement was authorized by Resolution No. _____ of the City Council of the City of Temple, Texas at its regularly scheduled meeting on the **6th** day of **December, 2012**, granting the Mayor authority to execute the Agreement on behalf of the CITY, a copy of said authorization is attached as Exhibit "B."

12. This Agreement was entered into by the Chairman of the Board of Trustees of

Temple College pursuant to authority granted by its Board of Trustees on the ____ day of _____, 201__, on behalf of Temple College, a copy of which authorization is attached hereto as Exhibit "C."

13. This Agreement was entered into by Jon Burrows, the County Judge of Bell County by authority granted by its County Commissioners on the __ day of _____, 201__, on behalf of Bell County, a copy of said authorization is attached hereto as Exhibit "D."

14. This Agreement was entered into by _____, Chairman of the Board of Directors for Elm Creek Water District, by authority of its Board of Directors on the _____ day of _____, 201__, on behalf of Elm Creek Water District, a copy of said authorization is attached as Exhibit "E."

15. This Agreement was entered into by _____, President of the Board of Directors for Clearwater Underground Water Conservation District, by authority of its Board of Directors on the ____ day of _____, 201__, on behalf of Clearwater Underground Water Conservation District, a copy of said authorization is attached as Exhibit "F."

16. This shall constitute a valid and binding Agreement between the CITY and APPLICANT when executed in accordance herewith, regardless of whether any other TAXING ENTITY executes this Agreement. If one or more of the other TAXING ENTITIES executes this Agreement, this shall constitute a valid and binding Agreement between such TAXING ENTITIES and APPLICANT when executed on behalf of said parties, for the abatement of such TAXING ENTITIES' taxes in accordance therewith.

The Agreement is performable in Bell County, Texas, witness our hands this the ____ day of _____, 201__.

ATTEST:

CITY OF TEMPLE

Clydetta Entzminger
City Secretary

William A Jones, III, Mayor

Approved as to form:

City Attorney's Office

ATTEST:

TEMPLE COLLEGE

_____, President
Board of Trustees

ATTEST:

BELL COUNTY

Jon Burrows, County Judge

ATTEST:

ELM CREEK WATER DISTRICT

Chairman, Board of Directors

ATTEST:

**CLEARWATER UNDERGROUND
WATER CONSERVATION DISTRICT**

_____, President
Board of Directors

ATTEST:

PANDA TEMPLE POWER, LLC

By: _____

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A TAX ABATEMENT AGREEMENT WITH PANDA TEMPLE POWER II, LLC, COVERING INCREASES IN THE TAXABLE VALUE OF REAL PROPERTY FOR AN 11.444 ACRE TRACT OF LAND (TAX ABATEMENT REINVESTMENT ZONE NUMBER 25) IN THE SOUTHEAST INDUSTRIAL PARK, SOUTH OF LORRAINE DRIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City adopted a Resolution dated June 15, 1989, stating that it elects to be eligible to participate in tax abatement;

Whereas, on November 17, 2011, the City Council adopted Ordinance No. 2011-4489, establishing a comprehensive economic development policy for the City of Temple, which policy includes criteria and guidelines for granting tax abatement within the City of Temple in accordance with Chapter 312 of the Tax Code;

Whereas, Panda Temple Power II, LLC, is the owner of property within the City's Tax Abatement Reinvestment Zone Number Twenty-Five, and has requested that the City consider granting tax abatement for proposed improvements to said real property;

Whereas, the contemplated use by Panda Temple Power II, LLC, of the property, as hereinafter described, and the contemplated improvements to said property in the form and amounts set forth in the agreement, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes, which are consistent with encouraging economic development, and in accordance with the criteria and guidelines for tax abatement in the City's Economic Development Policy;

Whereas, as required by law the City has notified the other taxing entities of its intent to enter into the agreement; and

Whereas, the City Council has considered the matter and finds that the proposed tax abatement with Panda Temple Power II, LLC, is in compliance with State law and the City's *Guidelines and Criteria* governing tax abatement, and that the proposed improvements by said company are feasible and likely to attract major investment and expand employment within the City.

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

Part 1: The City Manager, or his designee, is authorized to execute a tax abatement agreement on eligible real property between the City of Temple and Panda Temple Power II, LLC, after approval as to form by the City Attorney, governing an approximately 11.444 acre tract of land in the Southeast Industrial Park, south of Lorraine Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **6th** day of **December**, 2012.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney