



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, NOVEMBER 7, 2013

3:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 7, 2013.
2. Receive a City Council continuing education briefing on Code Enforcement.
3. Receive briefing on an on-line criminal activity reporting software.

5:00 P.M.

MUNICIPAL BUILDING

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

TEMPLE CITY COUNCIL

REGULAR MEETING AGENDA

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) [Municipal Courts Week](#) [November 4 – 8, 2013](#)

III. PUBLIC COMMENTS

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

IV. 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.

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

Minutes

- (A) [October 17, 2013 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2013-7139-R](#): Consider adopting a resolution authorizing a construction contract with K & S Backhoe Services, Inc. of Gatesville for construction of a new 12" water line along Pin Oak Drive from Hickory Road to Oakdale Drive in the amount of \$188,335.46.
- (C) [2013-7140-R](#): Consider adopting a resolution authorizing the purchase of a 0.178 acre tract of land abutting the west side of Old Waco Road near West Adams Avenue (FM 2305).
- (D) [2013-7141-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2013-2014 maintenance contract with Sungard Public Sector in the amount of \$141,121.55.
- (E) [2013-7142-R](#): Consider adopting a resolution authorizing the purchase, utilizing a Houston-Galveston Area Council cooperative contracts, of a Chevrolet 4500 van from Caldwell Country Chevrolet of Caldwell in the amount of \$36,485 and a Cues camera and data collection system from Cues, Inc. of Orlando, Florida, in the amount of \$144,000, for a total combined purchase of \$180,485.
- (F) [2013-7143-R](#): Consider adopting a resolution authorizing the purchase of two (2) Case 580 Super N Backhoes from Associated Supply Co dba ASCO Equipment of Belton utilizing a BuyBoard contract, in the amount of \$191,293.10.
- (G) [2013-7144-R](#): Consider adopting a resolution authorizing the purchase of one (1) Cat CW14 Pneumatic Compactor from Holt Cat of Irving utilizing a BuyBoard contract, in the amount of \$85,210.
- (H) [2013-7145-R](#): Consider adopting a resolution authorizing the purchase of one (1) Toro 5900 Batwing Mower from Professional Turf Products Inc. of San Antonio utilizing a BuyBoard contract, in the amount of \$82,525.42.
- (I) [2013-7146-R](#): Consider adopting a resolution authorizing a renewal to the purchase agreement with Casco Industries for the purchase of fire fighting protective clothing utilizing the City of North Richland Hills annual contract in the estimated amount for FY 2014 of \$41,677.
- (J) [2013-7147-R](#): Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.
- (K) [2013-7148-R](#): Consider adopting a resolution ratifying the purchase of 110 modules for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$310,580.32.
- (L) [2013-7149-R](#): Consider adopting a resolution authorizing a 4-year conditional sale agreement commencing January 1, 2014, for 65 electric golf cars, one (1) gas beverage car, and one (1) gas utility car from Yamaha Golf-Car Company, utilizing a BuyBoard contract, with an annual payment of \$55,170.

- (M) [2013-7150-R](#): Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP of Temple for professional services required to design and bid Phase 3 of the Panda TBP Reclaimed Water Line in south and southeast Temple in an amount not to exceed \$749,200.
- (N) [2013-7151-R](#): Consider adopting a resolution authorizing a professional services agreement with Lockwood, Andrews & Newnam, Inc. of Waco for professional services required to provide value engineering related to preliminary design of the Temple-Belton Wastewater Treatment Plant expansion in an amount not to exceed \$86,798.
- (O) [2013-7152-R](#): Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Vicken International Traders, LLC for redevelopment improvements located at 14 and 16 South Main Street within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$40,000.

Ordinances – Second & Final Reading

- (P) [2013-4618](#): SECOND READING - Z-FY-13-31: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, the Choices '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

Misc.

- (Q) [2013-7153-R](#): A-FY-13-16: Consider adopting a resolution to rescind and replace Resolution No. 2013-7006-R, retaining the easement described in Volume 1927, Page 21, of the real property records of Bell County, Texas, and releasing the easement described in Volume 774, Page 674, being 20 feet in width and approximately 3,400 feet in length, extending from a point starting at South 31st Street and ending at a point near Friar’s Creek at the north property line of the Oakbrook Apartments.
- (R) [2013-7154-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2013-2014.

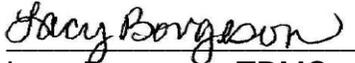
V. REGULAR AGENDA

ORDINANCES

- 5. [2013-4619](#): FIRST READING – PUBLIC HEARING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.
- 6. [2013-4620](#): FIRST READING – PUBLIC HEARING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at x:xx PM, on November 1, 2013.


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 _____ 2013. _____.



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Presentation of Proclamation:

Municipal Courts Week November 4 - 8, 2013

STAFF RECOMMENDATION: Present proclamation as presented in item description.

ITEM SUMMARY:

(1) This proclamation was requested by, and will be received by, Municipal Court Judge Kathleen Person.

FISCAL IMPACT: None

ATTACHMENTS: None



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 17, 2013 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

October 17, 2013 Special Called and Regular Meeting - To be provided



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director
Thomas Brown, Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with K & S Backhoe Services, Inc. of Gatesville for construction of a new 12" water line along Pin Oak Drive from Hickory Road to Oakdale Drive in the amount of \$188,335.46.

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

ITEM SUMMARY: In assessing overall water distribution system needs and performance, an existing gap in the City's water distribution network has been identified in the Pin Oak area. To improve system redundancy and safeguard distribution capabilities associated with a variety of work in and around Temple, installation of a new larger diameter waterline along Pin Oak Drive connecting two existing 12" line is recommended.

Identified in updates to the City's utility capital improvement project list, this project will result in replacement of nearly 1,500 feet of 2" water line with a new 12" water line. The 12" water line will not only increase fire protection in the immediate area but will also provide redundancy in the water distribution system with an alternate means of delivering water to the 785 pressure plane via south west transmission line (Scott Tank area), a critical component of the City's water system.

On October 22, 2013, 5 bids were received for construction of the project. Per the attached bid tabulation K & S Backhoe Services, Inc. submitted the low bid on the project in the amount of \$188,335.46. Clark & Fuller LLC opinion of probable construction cost for the project was approximately \$320,000.

References were checked by Clark & Fuller LLC and Public Works agrees that K & S Backhoe Services, Inc. is qualified to complete this project. Construction time allotted for the project is 180 days.

FISCAL IMPACT: Funding in the amount of \$500,000 was appropriated for this project in account 561-5200-535-6942, project #100989, in the FY 2013 budget. These funds will be carried forward to the FY 2014 budget to complete this project.

After funding engineering related services and advertising costs, \$445,475.97 remains available for this project.

ATTACHMENTS:

[Bid Tabulation](#)

[Engineer's Letter of Recommendation](#)

[Project Map](#)

[Resolution](#)

Bid Tabulation Sheet

City of Temple - 2013 Pin Oak New 12" Water Main Extension

Bid Date: October 22, 2013

No.	Base Bid Item Description	Est. Quan.	UOM	K&S Backhoe Service, Inc.		Skyblue Utilities, Inc.		Bell Contractors, Inc.		Patin Construction, LLC		Bruce Flanigan Construction, Inc.	
				Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
New Water Main Construction													
1	Site R.O.W. Preparation & Clearing	15	STA	\$ 377.13	\$ 5,656.95	\$ 1,650.00	\$ 24,750.00	\$ 886.67	\$ 13,300.00	\$ 2,500.00	\$ 37,500.00	\$ 2,160.20	\$ 32,403.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 14,391.00	\$ 14,391.00	\$ 13,200.00	\$ 13,200.00	\$ 12,600.00	\$ 12,600.00	\$ 15,000.00	\$ 15,000.00	\$ 9,704.00	\$ 9,704.00
3	Saw Cut, Remove, and Replace Existing HMA Pavement Section	745.00	SY	\$ 16.17	\$ 12,046.65	\$ 38.50	\$ 28,682.50	\$ 42.00	\$ 31,290.00	\$ 18.00	\$ 13,410.00	\$ 44.00	\$ 32,780.00
4	Provide New Traffic Control Plan & Implementation	100%	LS	\$ 4,095.00	\$ 4,095.00	\$ 3,850.00	\$ 3,850.00	\$ 7,200.00	\$ 7,200.00	\$ 3,000.00	\$ 3,000.00	\$ 6,547.00	\$ 6,547.00
5	Provide New Trench Safety Plan	100%	LS	\$ 585.00	\$ 585.00	\$ 4,400.00	\$ 4,400.00	\$ 5,600.00	\$ 5,600.00	\$ 1,500.00	\$ 1,500.00	\$ 2,695.00	\$ 2,695.00
6	Provide New Storm Water Pollution Plan	100%	LS	\$ 1,170.00	\$ 1,170.00	\$ 6,050.00	\$ 6,050.00	\$ 1,400.00	\$ 1,400.00	\$ 3,000.00	\$ 3,000.00	\$ 278.00	\$ 278.00
7	Provide Connection to Existing Water Main	7	EA	\$ 2,365.46	\$ 16,558.22	\$ 3,996.93	\$ 27,978.51	\$ 2,300.00	\$ 16,100.00	\$ 7,500.00	\$ 52,500.00	\$ 1,996.00	\$ 13,972.00
8	Provide New 12" PVC C900 Class 150 Water Main	1480	LF	\$ 44.21	\$ 65,430.80	\$ 61.23	\$ 90,620.40	\$ 45.10	\$ 66,748.00	\$ 65.00	\$ 96,200.00	\$ 60.00	\$ 88,800.00
9	Provide New 6" PVC Class C900 150 Water Main	170	LF	\$ 25.56	\$ 4,345.20	\$ 38.52	\$ 6,548.40	\$ 32.10	\$ 5,457.00	\$ 50.00	\$ 8,500.00	\$ 49.00	\$ 8,330.00
10	Provide New 12"x12" MJ Tee	2	EA	\$ 1,020.43	\$ 2,040.86	\$ 1,449.80	\$ 2,899.60	\$ 1,400.00	\$ 2,800.00	\$ 1,830.00	\$ 3,660.00	\$ 1,289.00	\$ 2,578.00
11	Provide New 12"x6" MJ Tee	3	EA	\$ 761.67	\$ 2,285.01	\$ 925.47	\$ 2,776.41	\$ 1,100.00	\$ 3,300.00	\$ 730.00	\$ 2,190.00	\$ 1,089.00	\$ 3,267.00
12	Provide New 6"x6" MJ Tee	1	EA	\$ 401.87	\$ 401.87	\$ 520.30	\$ 520.30	\$ 490.00	\$ 490.00	\$ 400.00	\$ 400.00	\$ 960.00	\$ 960.00
13	Provide New 12" MJ Gate Valve	6	EA	\$ 2,012.70	\$ 12,076.20	\$ 2,509.10	\$ 15,054.60	\$ 2,600.00	\$ 15,600.00	\$ 3,400.00	\$ 20,400.00	\$ 2,146.00	\$ 12,876.00
14	Provide New 6" MJ Gate Valve	5	EA	\$ 831.54	\$ 4,157.70	\$ 1,009.25	\$ 5,046.25	\$ 1,000.00	\$ 5,000.00	\$ 1,030.00	\$ 5,150.00	\$ 1,061.00	\$ 5,305.00
15	Provide New 12" MJ 45° Bend	1	EA	\$ 705.57	\$ 705.57	\$ 744.70	\$ 744.70	\$ 870.00	\$ 870.00	\$ 750.00	\$ 750.00	\$ 1,017.00	\$ 1,017.00
16	Provide New 6" MJ 45° Bend	11	EA	\$ 285.28	\$ 3,138.08	\$ 377.30	\$ 4,150.30	\$ 320.00	\$ 3,520.00	\$ 290.00	\$ 3,190.00	\$ 649.00	\$ 7,139.00
17	Provide New 6"x4" MJ Reducer	4	EA	\$ 247.99	\$ 991.96	\$ 322.85	\$ 1,291.40	\$ 230.00	\$ 920.00	\$ 200.00	\$ 800.00	\$ 557.00	\$ 2,228.00
18	Provide New 4"x2" MJ Reducer	4	EA	\$ 236.62	\$ 946.48	\$ 301.40	\$ 1,205.60	\$ 220.00	\$ 880.00	\$ 150.00	\$ 600.00	\$ 490.00	\$ 1,960.00
19	Provide New Standard Fire Hydrant Assembly	4	EA	\$ 4,198.19	\$ 16,792.76	\$ 4,440.05	\$ 17,760.20	\$ 4,700.00	\$ 18,800.00	\$ 6,000.00	\$ 24,000.00	\$ 5,880.00	\$ 23,520.00
20	Provide New Domestic Water Service, Water Meter, and Heavy Duty Meter	15	EA	\$ 1,290.01	\$ 19,350.15	\$ 2,221.46	\$ 33,321.90	\$ 1,300.00	\$ 19,500.00	\$ 2,500.00	\$ 37,500.00	\$ 2,185.00	\$ 32,775.00
21	Provide All Testing per TCEQ and City of Temple Requirements	100%	LS	\$ 1,170.00	\$ 1,170.00	\$ 2,200.00	\$ 2,200.00	\$ 5,400.00	\$ 5,400.00	\$ 3,000.00	\$ 3,000.00	\$ 3,158.00	\$ 3,158.00
Total Base Bid				\$ 188,335.46		\$ 293,051.07		\$ 236,775.00		\$ 332,250.00		\$ 292,292.00	


 10-23-13



215 North Main Street
Temple, Texas 76501
(254) 899-0899
Fax (254) 899-0901
www.clark-fuller.com
Firm Registration No: F-10384

October 23, 2013

City of Temple
Thomas Brown
3210 E. Ave H, Bldg A
Temple, Texas 76501

Re: City of Temple – 2013 Pin Oak New 12” Water Main Extension

Dear Mr. Brown,

We have reviewed the bids for the above referenced project. K&S Backhoe Service, Inc. submitted a Base Bid (\$188,335.46). *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

We are recommending that you award the Base Bid to K&S Backhoe Service, Inc. We believe, through personal experience, that K&S Backhoe Service, Inc is qualified and is capable of providing the 2013 Pin Oak New 12” Water Main Extension as required in this project.

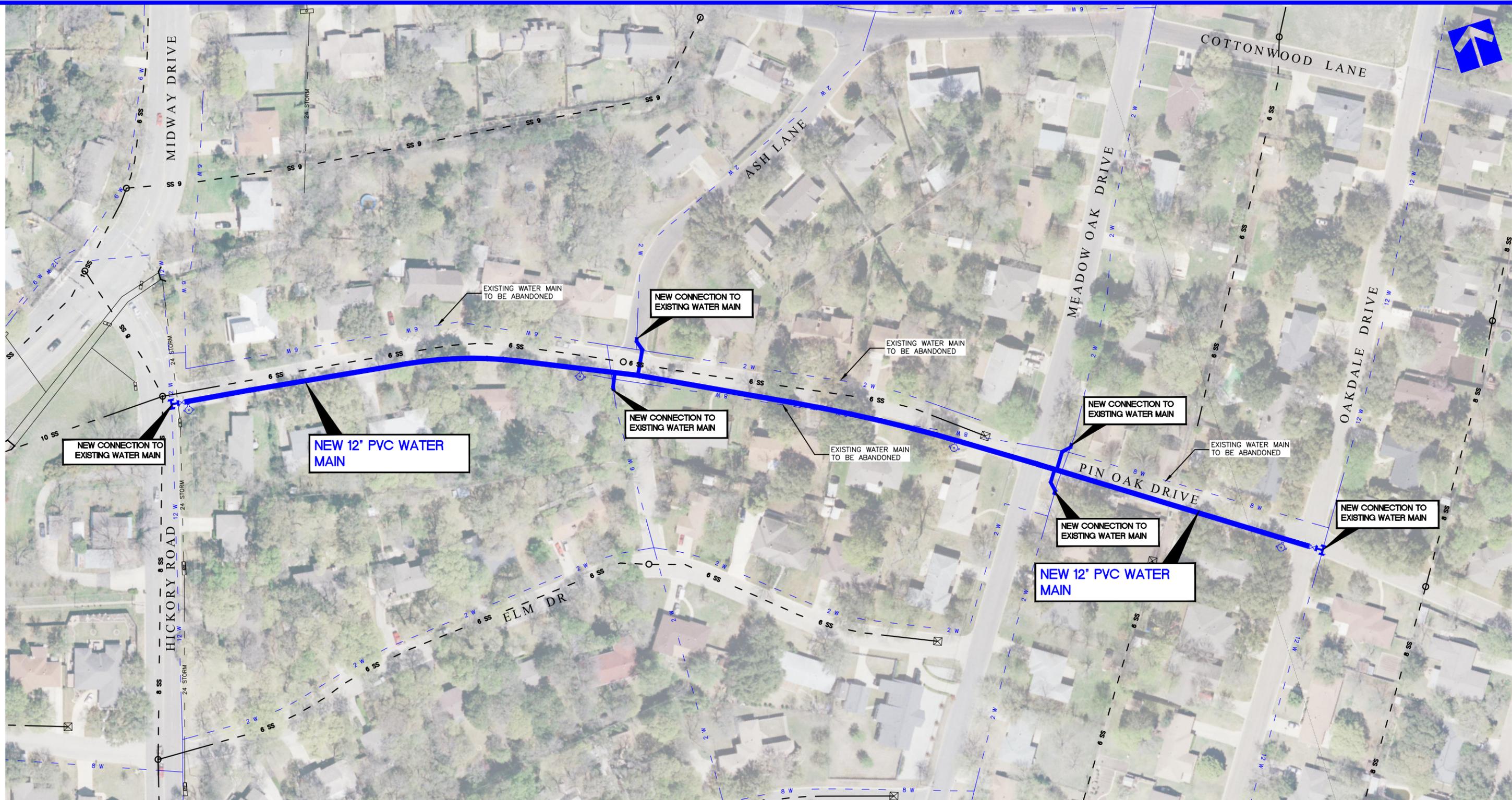
We believe that K&S Backhoe Service is a proven company with many successfully completed projects and we look forward to working with them on this project.

Sincerely,

Monty Clark, P.E., CPESC



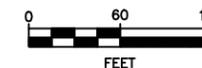
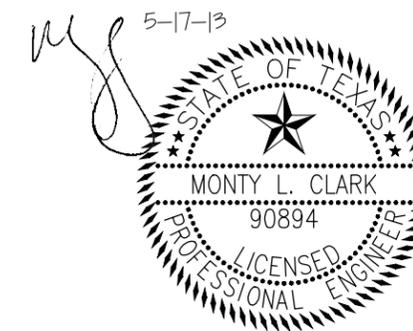
10-23-13



CLARK & FULLER
 CIVIL ENGINEERING • DESIGN • PLANNING
 215 North Main Street, Temple, TX 76501
 254.899.0899 www.clark-fuller.com F-10384



2013 PIN OAK NEW 12" WATER MAIN PROJECT



- LEGEND:**
- NEW 12" C900 CLASS 250 PVC WATER MAIN
 - NEW STANDARD FIRE HYDRANT ASSEMBLY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH K&S BACKHOE SERVICES, INC., OF GATESVILLE, TEXAS, FOR THE CONSTRUCTION OF A NEW 12" WATER LINE ALONG PIN OAK DRIVE FROM HICKORY ROAD TO OAKDALE DRIVE, IN THE AMOUNT OF \$188,335.46; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in assessing the overall water distribution system needs and performance, an existing gap in the City's water distribution network has been identified in the Pin Oak Drive area;

Whereas, to improve system redundancy and safeguard distribution capabilities associated with a variety of work in and around Temple, installation of a new larger diameter waterline along Pin Oak Drive connecting two existing 12" lines is recommended;

Whereas, identified in updates to the City's utility capital improvement project list, this project will result in replacement of nearly 1,500 feet of 2" water line with a new 12" water line – the 12" water line will not only increase fire protection in the immediate area, but will also provide redundancy in the water distribution system with an alternate means of delivering water to the 785 pressure plane via south west transmission line (Scott Tank area), a critical component of the City's water system;

Whereas, on October 22, 2013, the City received five (5) bids for this project – references were checked by Clark & Fuller, LLC and staff agrees that K&S Backhoe Services, Inc., of Gatesville, Texas is qualified to complete this project for an amount of \$188,335.46;

Whereas, funds are budgeted in Account No. 561-5200-535-6942, Project No. 100989 for this project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with K&S Backhoe Services, Inc., of Gatesville, Texas, after approval as to form by the City Attorney, for construction of a new 12" water line along Pin Oak Drive from Hickory Road to Oakdale Drive, in the amount of \$188,335.46.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a 0.178 acre tract of land abutting the west side of Old Waco Road near West Adams Avenue (FM 2305).

Executive Session – Pursuant to Chapter 551, Government Code § 551.072 – Real Property – The City Council may enter into executive session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The 0.178 acre tract of land at issue is located on the west side of Old Waco Road, near the intersection of Old Waco Road and West Adams Avenue. Acquisition of the property is necessary for future improvement and widening of Old Waco Road. The seller has proposed a purchase price which the City Staff feels is reasonable. If needed, we will provide additional information in executive session.

FISCAL IMPACT: A budget adjustment is being presented for Council's approval appropriating funding from Capital-Special Projects/Contingency, account # 110-1500-515-6532, in the amount of \$27,181 to account # 110-3410-531-6110, project # 100089 to fund the purchase of this tract.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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
110-3410-531-61-10	100089	Land	\$ 27,181	
110-1500-515-65-32		Special Projects/Contingency		27,181
TOTAL.....			\$ 27,181	\$ 27,181

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

To appropriate funds to purchase 0.178 acre tract of land located on the west side of Old Waco Road, near the intersection of Old Waco Rad and West Adams Avenue.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING 11/7/2013

WITH AGENDA ITEM? Yes No

Department Head/Division Director	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A 0.178 ACRE TRACT OF LAND ABUTTING THE WEST SIDE OF OLD WACO ROAD NEAR WEST ADAMS AVENUE (FM 2305); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 0.178 acre tract of land is located on the west side of Old Waco Road, near the intersection of Old Waco Road and West Adams Avenue, Temple, Texas, and outlined by the attached map marked as Exhibit A;

Whereas, acquisition of this property is necessary for future improvements and widening of Old Waco Road - the seller has proposed a purchase price which staff believes is reasonable and recommends the purchase of this tract of land; 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 0.178 acre tract of land is located on the west side of Old Waco Road, near the intersection of Old Waco Road and West Adams Avenue, Temple, Texas.

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

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brandon Harris, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a yearly 2013-2014 maintenance contract with Sungard Public Sector in the amount of \$141,121.55.

STAFF RECOMMENDATION: Staff recommends Council authorize the purchase of a yearly 2013-2014 maintenance contract in the amount of \$141,121.55 through Sungard Public Sector.

ITEM SUMMARY: The City currently uses Enterprise Software from Sungard for the following business applications in helping the City to conduct financial transactions:

General Ledger	Accounts Payable	Accounts Receivables
Fixed Assets	Inventory	Purchasing
Cash Receipts	Budgeting	Fleet Management
Work Orders	Payroll	Human Resources
Utility Billing	Permitting	Code Enforcement
Inspections	Zoning	Business Licenses
Municipal Court	Project Accounting	QREP
Looking Glass	HELP Pass	OnLine Business

Sungard is the sole provider of maintenance for this application software. This is currently the 9th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1951-519-23-38 in the amount of \$151,000 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY MAINTENANCE CONTRACT FOR FISCAL YEAR 2013-2014 WITH SUNGUARD PUBLIC SECTOR, IN THE AMOUNT OF \$141,121.55; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently uses Enterprise Software from Sungard for multiple business applications in helping the City conduct financial transactions;

Whereas, Sungard is the sole provider of maintenance for this application software - this is the 10th year of support for this software;

Whereas, funds are budgeted in the Information Technology Department Account No. 110-1951-519-2338 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 yearly maintenance contract for fiscal year 2013-2014 with Sungard Public Sector, in the amount of \$141,121.55.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director
Thomas Brown, Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase, utilizing a Houston-Galveston Area Council cooperative contracts, of a Chevrolet 4500 van from Caldwell Country Chevrolet of Caldwell in the amount of \$36,485 and a Cues camera and data collection system from Cues, Inc. of Orlando, Florida, in the amount of \$144,000, for a total combined purchase of \$180,485.

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

ITEM SUMMARY: The Public Works Utility Services Division 10 year old camera van used for closed circuit TV monitoring of sewer lines has been identified for replacement by the Director of Fleet Services due to the number of hours used and high maintenance cost. The current computer configuration is the original equipment and set up from when the van was purchased 10 years ago with the exception of one extra robotic camera that will work with a new camera van.

Utility Services routinely utilizes the camera van to assist in identification, assessment and evaluation of both routine and complex utility system issues. Use of this advanced technological equipment has saved significant time and expense over the years, requiring replacement of key equipment components when warranted.

TV monitoring is a major part of both the City's Sanitary Sewer Outreach (SSO) Initiative Program and maintenance in the system. The camera system can identify and provide an exact location of the problem, which enables maintenance crews to quickly repair the issue and restore service to customers.

Sustainability Impact: This vehicle, scheduled for replacement, has been evaluated to ensure that the most sustainable and fuel efficient vehicle is purchased while still meeting the needs of the department. The evaluation includes “right-sizing” engines and assessing whether a different, more efficient vehicle could be used to accomplish the operation requirements. This evaluation also includes determining whether an alternative fuel is viable for the vehicle and application.

The engine size for this vehicle is “right-sized” for the application. The vehicle was evaluated for CNG use; however, the payback period of the incremental cost of a CNG vehicle versus a diesel vehicle would exceed the projected life of the vehicle and is not the correct option at this time. Therefore, a diesel vehicle is proposed.

Replacement of the camera van was approved in the FY 2014 budget. All purchases through H-GAC cooperative contracts meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Funding in the amount of \$190,100 is available in account 520-5440-535-6211, 520-5440-535-6213, 520-5451-535-6211, and 520-5451-535-6213 (project #101065) for the purchase of this camera van. Detail of the allocation of the camera van funding is shown below.

Project Description	Account #	Project #	Amount
Replace Camera Van	520-5440-535-6213	101065	\$22,000
Replace Camera Van	520-5451-535-6213	101065	\$22,000
Computer / Special Equipment for Van	520-5440-535-6211	101065	\$73,050
Computer / Special Equipment for Van	520-5451-535-6211	101065	\$73,050
Total Camera Van Funding			\$190,100

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A CHEVROLET 4500 VAN FROM CALDWELL COUNTRY CHEVROLET OF CALDWELL, TEXAS (\$36,485), AND A CUES CAMERA AND DATA COLLECTION SYSTEM FROM CUES, INC., OF ORLANDO, FLORIDA (\$144,000), UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) COOPERATIVE CONTRACTS, IN A TOTAL COMBINED AMOUNT OF \$180,485; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Utility Services Division's 10-year old camera van used for closed circuit TV monitoring of sewer lines, has been identified for replacement by the Director of Fleet Services due to the number of hours used and high maintenance costs;

Whereas, Utility Services routinely utilizes the camera van to assist in identification, assessment and evaluation of both routine and complex utility system issues – use of this advanced technological equipment has saved significant time and expense over the years, requiring replacement of key equipment components when warranted;

Whereas, TV monitoring is a major part of both the City's Sanitary Sewer Outreach (SSO) Initiative Program and maintenance in the system – the camera system can identify a problem which allows maintenance crews to quickly repair the issue and restore service to customers;

Whereas, funding for the purchase of the camera van is allocated in Account Nos. 520-5440-535-6211, 520-5440-535-6213, 520-5451-535-6211 and 520-5451-535-6213, Project No. 101065; 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 Chevrolet 4500 Van from Caldwell Country Chevrolet of Caldwell, Texas (\$36,485) and a Cues Camera and Data Collection System from Cues, Inc., of Orlando, Florida (\$144,000), in a total combined amount of \$180,485.

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

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

PASSED AND APPROVED this the 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two (2) Case 580 Super N Backhoes from Associated Supply Co dba ASCO Equipment of Belton utilizing a BuyBoard contract, in the amount of \$191,293.10.

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

ITEM SUMMARY: The Drainage Services Division of Public Works and Parks & Leisure Services utilize backhoes for a variety of routine maintenance and construction tasks. Two existing backhoes in service are 14 years old (Drainage - 10452) and 10 years old (Parks), and have been identified by Fleet Services for replacement due to the number of hours and high maintenance costs now associated with keeping both in service.

Replacement of these backhoes was approved in the FY 2014 budget. The price received for replacement of these existing units is from the BuyBoard, a cooperative purchase contract, and includes two backhoes in the amount of \$95,886.01 each. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Total funding in the amount of \$96,000 for the first backhoe is available in account 292-2922-534-6220, project # 101061 for \$28,800 and account 292-2923-534-6220, project #101061 for \$67,200. Funding for the second backhoe in the amount of \$96,000 is available in account 110-5935-552-6220, project # 101040.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO (2) CASE 580 SUPER N BACKHOES FROM ASSOCIATED SUPPLY CO dba ASCO EQUIPMENT OF BELTON, TEXAS, UTILIZING THE BUYBOARD COOPERATIVE CONTRACT, IN THE AMOUNT OF \$191,293.10; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Drainage Services Division of Public Works and Parks & Leisure Services utilize backhoes for a variety of routine maintenance and construction tasks;

Whereas, two existing backhoes have been in service for 14 years and have been identified by Fleet Services for replacement due to the number of hours and high maintenance costs associated with keeping both backhoes in service;

Whereas, replacement of these backhoes was approved in the FY14 budget and the price received for replacement of these units is through the BuyBoard Cooperative Contract – all purchases through the BuyBoard meet Texas Governmental competitive bid requirements;

Whereas, funding is allocated in Account No. 292-2922-534-6220, Project No. 101061, Account No. 292-2923-534-6220, Project No. 101061 and Account No. 110-5935-552-6220, Project No. 101040; 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 two (2) Case 580 Super N Backhoes from Associated Supply Co dba ASCO Equipment of Belton, Texas, utilizing the BuyBoard Cooperative Contract, in the amount of \$191,293.10.

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

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

PASSED AND APPROVED this the 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one (1) Cat CW14 Pneumatic Compactor from Holt Cat of Irving utilizing a BuyBoard contract, in the amount of \$85,210.

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

ITEM SUMMARY: The Street Services Division of Public Works utilizes this pneumatic compactor for maintenance of alleys, street repairs, new pavement overlays and other routine maintenance and construction tasks. Currently, the Public Works Street Division has a 25 year old compactor (7790) which has been identified by fleet services for replacement due to age, high maintenance costs and long lead times in procuring replacement parts.

Replacement of this compactor was approved in the FY 2014 budget. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Funding in the amount of \$89,000 is available in account 110-5900-531-6220 project # 101053 for the purchase of this compactor.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) CAT CW14 PNEUMATIC COMPACTOR FROM HOLT CAT OF DALLAS, TEXAS, UTILIZING THE BUYBOARD COOPERATIVE CONTRACT, IN THE AMOUNT OF \$85,210; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Street Services Division of Public Works utilizes a pneumatic compactor for maintenance of alleys, street repairs, new pavement overlays and other routine maintenance and construction tasks;

Whereas, the current compactor is 25 years old and has been identified by Fleet Services for replacement due to age, high maintenance costs and long lead times in procuring replacement parts;

Whereas, replacement of this compactor was approved in the FY14 budget – all purchases through the BuyBoard Cooperative Contract meet Texas Governmental competitive bid requirements;

Whereas, funding for this purchase is available in Account No. 110-5900-531-6220, Project No. 101053; 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 one (1) Cat CW14 Pneumatic Compactor from Hold Cat of Dallas, Texas, utilizing the BuyBoard Cooperative Contract, in the amount of \$85,210.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one (1) Toro 5900 Batwing Mower from Professional Turf Products LP of San Antonio utilizing a BuyBoard contract, in the amount of \$82,525.42.

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

ITEM SUMMARY: The Drainage Services Division of Public Works will utilize this mower on a regular basis to maintain drainage channels throughout the city. Currently, the City of Temple has two of these mowers in the Parks & Leisure Department and they do an excellent job of mowing parks and roadways.

This additional mower for the Drainage Services Division was approved in the FY 2014 budget. All purchases through the BuyBoard meet Texas governmental competitive bid requirements.

FISCAL IMPACT: Total funding in the amount of \$83,000 is available in account 292-2922-534-6222 project # 101058 in the amount of \$41,500 and account 292-2923-534-6222, project #101058 in the amount of \$41,500 for the purchase of this mower.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) TORO 5900 BATWING MOWER FROM PROFESSIONAL TURF PRODUCTS, LP., OF SAN ANTONIO, TEXAS, UTILIZING THE BUYBOARD COOPERATIVE CONTRACT, IN THE AMOUNT OF \$82,525.42; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Drainage Services Division of Public Works will utilize this mower on a regular basis to maintain drainage channels throughout the City;

Whereas, the City currently has two of these mowers in the Parks & Leisure Department and they do an excellent job of mowing parks and roadways;

Whereas, the purchase of this mower was approved in the FY14 budget – all purchases through the BuyBoard Cooperative Contract meet Texas Governmental competitive bid requirements;

Whereas, funding for this purchase is available in Account No. 292-2922-534-6222, Project No. 101058 and Account No. 292-2923-534-6222, Project No. 101058; 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 one (1) Toro 5900 Batwing Mower from Professional Turf Products, LP., of San Antonio, Texas, utilizing the BuyBoard Cooperative Contract, in the amount of \$82,525.42.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Ron Snider, Interim Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal to the purchase agreement with Casco Industries for the purchase of fire fighting protective clothing utilizing the City of North Richland Hills annual contract in the estimated amount for FY 2014 of \$41,677.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 18, 2010, Council authorized an interlocal agreement with the City of North Richland Hills to allow for the utilization of North Richland Hills' annual contract for firefighting protective clothing with Casco Industries. On October 11, 2011 and November 15, 2012, Council authorized a one-year renewal to the contract which expired on October 10, 2013. The City of North Richland Hills' Council authorized a third extension to the contract as allowed by the original bid. The renewal to this contract will go through October 10, 2014.

Staff recommends Council authorize an extension to this purchase agreement with Casco Industries.

The Fire Department anticipates needing to purchase 20 sets of protective jackets and trousers in FY 2014 utilizing this contract. The 20 sets will be ordered on an as needed basis for new recruits and others whose equipment is no longer serviceable.

FISCAL IMPACT: Funding for the purchase of bunker gear is available in the following accounts:

Item Description	Account #	Amount
Bunker Gear (quantity of 1)	110-2210-522-2113	\$2,140
Bunker Gear (quantity of 19)	110-2231-522-2113	\$39,537
Total Bunker Gear Funding		\$41,677

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE PURCHASE AGREEMENT WITH CASCO INDUSTRIES FOR THE PURCHASE OF FIRE FIGHTING PROTECTIVE CLOTHING, UTILIZING THE CITY OF NORTH RICHLAND HILLS' ANNUAL CONTRACT, IN AN ESTIMATED AMOUNT FOR FISCAL YEAR 2014 OF \$41,677; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 18, 2010, the City Council authorized an interlocal agreement with the City of North Richland Hills to allow for the utilization of North Richland Hills' annual contract for firefighting protective clothing with Casco Industries;

Whereas, on October 11, 2011 and November 15, 2012, Council authorized a one-year renewal to the contract which expired on October 10, 2013 – the City of North Richland Hills' Council authorized a third extension to the contract as allowed by the original bid and this bid will go through October 10, 2014;

Whereas, the Fire Department anticipates the purchase of an additional 20 sets of protective jackets and trousers in fiscal year 2014, which will be ordered on an 'as-needed' basis;

Whereas, staff recommends extending the agreement for an additional year – funds are available for the purchase in Account Nos. 110-2210-522-2113 and 110-2231-522-2113; 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 one-year renewal to the purchase agreement with Casco Industries, after approval as to form by the City Attorney, for the purchase of fire fighting protective clothing for fiscal year 2014, in the estimated annual amount of \$41,677.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Scott Hoelscher, Deputy Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In FY2012-13 Council approved \$27,525 for SCBA Replacement Program. The purchase of 32 H45 Carbon Cylinders will enhance the safety and work time of our firefighters wearing breathing apparatus. Temple Fire & Rescue currently uses 30 minute cylinders and these new 45 minute cylinders will give our firefighters 33% more breathing time in case of entrapment due to collapse.

Casco Industries, Inc. is the sole source provider of MSA air packs, parts, and maintenance for the fire service in this region. Temple Fire & Rescue has standardized its SCBAs in an attempt to reduce costs and increase safety for personnel and has been using MSA air packs since 1974. In addition, the fire department has personnel certified to repair MSA air packs, and has an extensive inventory of repair parts and spare air bottles.

FISCAL IMPACT: MSA is offering a special price of \$860 per cylinder for this purchase. The total cost of 32 MSA Super Lite 45 minute HP Cylinders is \$27,520. Funding in the amount of \$27,525 is available for this purchase in account 110-2231-522-22-20.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 32 H45 CARBON FIBER SELF CONTAINED BREATHING APPARATUS ('SCBA') CYLINDERS FROM CASCO INDUSTRIES, INC., OF SHREVEPORT, LOUISIANA, AS THE SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$27,520; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in fiscal year 2012-2013, City Council approved \$27,525 for the Self Contained Breathing Apparatus ('SCBA') Replacement Program – the purchase of 32 H45 Carbon Cylinders will enhance the safety and work time of firefighters wearing breathing apparatus;

Whereas, Temple Fire and Rescue ('TF&R') currently use 30-minute cylinders and these new 45-minute cylinders will give our firefighters 33% more breathing time in case of entrapment due to collapse;

Whereas, Casco Industries, Inc. of Shreveport, Louisiana, is the sole source provider of MSA air packs, parts and maintenance for this fire service region;

Whereas, in the attempt to reduce costs and increase safety for personnel using MSA air packs, TF&R has standardized its SCBA's – TF&R has personnel certified to repair the MSA air packs and has an extensive inventory of repair parts and spare air bottles;

Whereas, staff recommends the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, Louisiana, as the sole source provider of MSA air packs, parts and maintenance for this fire service region;

Whereas, funds are available for this purchase in Account No. 110-2231-522-2220; 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 32 H45 Carbon Cylinders from Casco Industries, Inc. of Shreveport, Louisiana, is the sole source provider of MSA air packs, parts and maintenance for this fire service region, in the amount of \$27,520.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Thomas Brown, Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying the purchase of 110 modules for the Membrane Water Treatment Plant from Pall Advanced Separation Systems of Cortland, NY, in the amount of \$310,580.32.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of normal membrane water treatment plant operations, water treatment personnel regularly perform required maintenance within the facility to keep all components and operations functioning year round. At the time the Membrane Plant was built in 2002-2004, Pall Corporation's parts and equipment were originally installed, resulting in specialized equipment on site. At this time, replacement for some of these parts can only be supplied by the original vendor, Pall Corporation. While historically membrane modules have been identified as a sole source item, staff will be exploring the potential to consider purchase of equivalent membranes or alternatives in the future, as significant technological advances have occurred since the plant was built.

The membrane water treatment plant currently utilizes 11 racks of modules, with 78 modules in each rack (total of 858 modules). The life expectancy of a module is 8 to 10 years. To date, including this purchase, 371 replacement modules have been purchased.

On October 22, 2013, Pall made an offer to the City to sell the modules needed for FY '14 to the City at \$2,800 per module if the order was received by October 31, 2013, versus their previous pricing of \$2,900 per module. Based on this pricing offer, which would save the City \$11,000, the City Manager authorized staff to proceed with this purchase in October, and as such, we are requesting Council's ratification of this purchase.

FISCAL IMPACT: Funding in the amount of \$312,000 has been appropriated in account 520-5121-535-6310, project 101077, for the replacement of Membrane module racks at the WTP Membrane facility.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING A CONTRACT WITH PALL ADVANCED SEPARATION SYSTEMS OF CORTLAND, NEW YORK, FOR THE PURCHASE OF 110 MODULES FOR THE MEMBRANE WATER TREATMENT PLANT, IN THE AMOUNT OF \$310,580.32; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the normal membrane water treatment plant operations, water treatment personnel regularly perform required maintenance within the facility to keep all components and operations functioning year around;

Whereas, at the time the Membrane Plant was built (2002-2004), Pall Corporation's parts and equipment were originally installed, resulting in specialized equipment on site – at this time, replacement of some of these parts can only be supplied by the original vendor, Pall Corporation;

Whereas, the membrane water treatment plant currently utilizes 11 racks of modules with 78 modules in each rack (total of 858 modules) and the life expectancy of one module is 8-10 years – to date, 371 replacement modules have been purchased;

Whereas, on October 22, 2013, Pall Advanced Separation Systems made an offer to the City to sell the modules needed for fiscal year 2014 at \$2,800 per module if the order was received by October 31, 2013, versus their previous pricing of \$2,900 per module – based on this pricing offer, staff was authorized to proceed with the purchase;

Whereas, funds are budgeted for this purchase in Account No. 520-5121-535-6310 Project No. 101077; 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 Pall Advanced Separation Systems of Cortland, New York, after approval as to form by the City Attorney, for the purchase of 110 modules for the Membrane Water Treatment Plant, in the amount of \$310,580.32.

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

PASSED AND APPROVED this the 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a 4-year conditional sale agreement commencing January 1, 2014, for 65 electric golf cars, one (1) gas beverage car, and one (1) gas utility car from Yamaha Golf-Car Company, utilizing a BuyBoard contract, with an annual payment of \$55,170.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Sammons Golf Links' current 54-month agreement with Yamaha Golf-Car Company for 72 electric golf cars, 1 beverage car, and 1 utility car expires on January 31, 2014. Staff has researched options for a new golf car fleet and is recommending that a new agreement be executed with Yamaha for 65 electric cars, 1 beverage car, and 1 utility car. Staff believes that reducing the fleet by seven (7) cars will not impact the operations of the golf course.

Yamaha has offered to terminate the 2009 agreement one (1) month early payment-wise and to roll in the new fleet the first week of December 2013. This will enable the golf course to minimize the financial risk of failing batteries, which is typical for electric cars that are greater than 4 years old.

The proposed monthly pricing for all of the golf and beverage cars is as follows:

Payment per month @ \$65.50 x 65 fleet cars	\$ 4,257.50
Payment per month for 1 gas beverage car	215.00
Payment per month for 1 gas utility car	<u>125.00</u>
Total Monthly Payment	<u>\$ 4,597.50</u>
Annualized	<u>\$ 55,170.00</u>

The above pricing reflects the inclusion of split windshields and a battery watering system for all of the fleet cars.

It is staff's recommendation to use a conditional sale agreement (i.e. a lease/purchase agreement), which will save on personal property taxes and will give the City flexibility at the end of the lease term.

This proposed contract is being procured utilizing a BuyBoard cooperative contract, which meets the competitive solicitation rules and regulations.

FISCAL IMPACT: The annual cost for the expiring agreement is \$52,163.28. Funding for the golf cars is currently appropriated in the FY 2014 budget in the amount of \$59,662. After funding three (3) payments from the 2009 agreement, \$46,621.18 will be available to fund the nine (9) payments related to the 2014 agreement which are calculated to be \$41,377.50. The golf car lease and maintenance expenditures are recovered through usage fees charged to golfers.

In addition, a budget adjustment is presented for Council's approval to appropriate the lease proceeds and the associated capital expenditure related to the conditional sale agreement. The agreement meets the criteria to be classified as a capital lease.

ATTACHMENTS:
[Budget Adjustment
Resolution](#)

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
110-3110-551-62-13	101114	Automotive-Golf Cars	\$ 420,121	
110-0000-490-10-70		Lease Proceeds	\$ 420,121	
TOTAL.....			\$ 840,242	\$ -

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

To appropriate lease proceeds and the associated capital expenditure related to the lease for the golf cars. The lease meets the criteria to be classified as a capital lease. The lease is for 65 electric golf cars valued at \$395,713, 1 beverage car valued at \$18,269 and 1 utility car valued at \$6,139.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL? Yes No

DATE OF COUNCIL MEETING 11/7/2013

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 FOUR YEAR CONDITIONAL SALE AGREEMENT WITH YAMAHA GOLF-CAR COMPANY, FOR THE PURCHASE OF 65 ELECTRIC GOLF CARS, 1 GAS BEVERAGE CAR AND 1 GAS UTILITY CAR, UTILIZING THE BUYBOARD COOPERATIVE CONTRACT, IN THE AMOUNT OF \$55,170; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Sammons Golf Links' current lease with Yamaha Golf-Car Company for 72 electric golf cars, 1 beverage car and 1 utility car expires on January 31, 2014;

Whereas, staff has researched options for a new golf car fleet and recommends a new agreement be executed commencing January 1, 2014, with Yamaha for 65 electric golf cars, 1 gas beverage car and 1 gas utility car – staff believes that reducing the fleet by seven cars, will not have an impact on the operations of the golf course;

Whereas, it is staff's recommendation to use a conditional sale agreement which will save on personal property taxes and give the City flexibility at the end of the lease term – the proposed agreement is being procured using the BuyBoard Cooperative Contract which meets Texas Governmental competitive bid requirements;

Whereas, funding for this purchase is appropriated in the fiscal year 2014 budget, however a budget amendment needs to be approved to transfer the funds to the appropriate expense 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 to enter into a four-year conditional sale agreement with Yamaha Golf-Car Company, commencing January 1, 2014, after approval as to form by the City Attorney, for the purchase of 65 electric golf cars, 1 gas beverage car, and 1 gas utility car, commencing January 1, 2014, utilizing the BuyBoard Cooperative Contract, in an annual amount of \$55,170.

Part 2: The City Council authorizes an amendment to the fiscal year 2014 budget, substantially in the form of the copy attached hereto as Exhibit A.

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

PASSED AND APPROVED this the 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Don Bond, P.E., City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP of Temple for professional services required to design and bid Phase 3 of the Panda TBP Reclaimed Water Line in south and southeast Temple in an amount not to exceed \$749,200.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline. This project has been planned for three phases: Phase 1 – pump station at TBP, Phase 2 – pipeline from 5th Street to Panda, Phase 3 – pipeline from TBP to 5th Street (a Map is included with the attached Proposal).

KPA proposes to provide professional services, not including construction phase services, for Phase 3. The following professional services authorized under this contract will provide final design and bidding of approximately 24,000 linear feet of 24" reclaimed water line from TBP to 5th Street:

Final Design	\$ 733,800
Bid Phase Services	<u>\$ 15,400</u>
Total	\$ 749,200

Time required for design is 120 days. Preliminary opinion of probable construction cost is \$8,600,000.

Pursuant to the 2013 Effluent and Water Purchase Agreement between the City and Panda, the City agreed to commence construction of the proposed pipeline after (i) the City's receipt of Panda's written approval of the plans and specifications for the line, (ii) the City's receipt of all required environmental permits for the pipeline, (iii) notification that Panda has obtained financing from its lenders necessary to fund Panda II, (iv) the City has secured financing for the pipeline, and (v) the City's receipt of an amendment to its reuse permit for TBP.

At this time, the City has acquired all necessary environmental permits for the pipeline and has obtained an amendment to its reuse permit for TBP. Panda has also obtained financing for Panda II. Panda cannot approve the plans and specifications for the pipeline until a final design is completed. Similarly, the City cannot move forward with financing until a final design and opinion of probable cost are received. Under the proposed contract with KPA, it will be responsible for providing this information.

FISCAL IMPACT: This project will be funded with City of Temple, Texas Utility System Revenue Bonds, Series 2014. As part of the '2013 Effluent and Water Purchase Agreement' approved by Council on February 14, 2013, the City of Temple will be responsible for designing, permitting, rights of way acquisition, metering, installation, construction and maintenance of the 'Treated Effluent Facilities' (TEF) and will also 'own' the facilities. The agreement includes provisions that define Panda's obligation to reimburse the City for those expenditures related to financing the design and construction of the 'TEF'. Pursuant to the Agreement, reimbursement will begin in the month that the debt is incurred by the City and reimbursement is required even if the Agreement is later terminated. The City and Panda also agreed that any unused bond funds will be used to pay down the principal balance of the bonds. Per the agreement, the bonds will be for a term of not less than 360 months and be taxable bonds.

The cost of this design contract is \$749,200 and will be charged to account 562-5200-535-6947, project 101097. The City will front the cost of the design contracts until the bonds mentioned above are issued to fund the total cost of the project. The bonds are scheduled to be issued prior to the award of the construction contract. Based on the current project time line, this will occur in February 2014.

ATTACHMENTS:

[Proposal & Map
Resolution](#)



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS

Texas Firm F-510

RICK N. KASBERG, P.E.

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

THOMAS D. VALLE, P.E.

Temple

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

Georgetown

1008 South Main Street
Georgetown, Texas 78626
(512) 819-9478

October 28, 2013

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

Re: City of Temple, Texas
Temple-Belton WWTP Reclaimed Effluent Project
Phase III – 24” Reclaimed Effluent Pipeline (Along FM 93)

Dear Mr. Bond:

We are submitting this proposal for final design and bidding services required for the Phase III component of the Temple-Belton WWTP Reclaimed Effluent Project to serve the Panda Temple Power Plant.

The Phase III component of the project consist of approximately 24,000 linear feet of 24” pipeline located within the TxDOT right-of-way along FM 93. We recently completed a preliminary alignment study which included coordination with TxDOT representatives to determine the requirements for obtaining a permit for construction within the ROW.

On October 24, 2013 you, Tommy Valle and I met with Billy Tweedle (TxDOT) to present our recommended alignment based upon strip maps we prepared as part of the FM 93 Alignment Study. With the exception of some minor alignment comments, Mr. Tweedle provided us with his verbal concurrence of the alignment depicted on the strip maps we provided.

The attached Exhibit A depicts the overall project and approximate location of each of the three separate components/phases for your reference. Our preliminary opinion of probable construction cost (OPC) for the Phase III component of the project is \$8,600,000. The attached Exhibit B shows an itemized breakdown of construction quantities which we used in developing the OPC. Major items of construction include directional drills for crossing the Leon River and Friars Creek and approximately 2,000 linear feet of 36” encasement pipe installed by trenchless construction methods. The directional drills are necessary due to very limited construction space within TxDOT’s ROW. The 2,000 linear feet of 36” encasement pipe is due to TxDOT’s requirement for encasement beneath improved driveways and drip-lines of hardwood trees along FM 93.

The attached Exhibit C – Scope of Service clarifies the services that we propose to provide for final design and bidding of this Phase III component of the project.

Final Design required for preparation of construction drawings and bid documents can be completed within 120 calendar days. In order for us to provide the services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

I.	BASIC SERVICES	
A.	Final Design	\$ 733,800
B.	Bidding and Award of Construction Contract	\$ 15,400
	Total	\$ 749,200

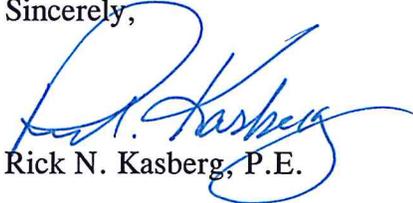
Design surveys were completed under the FM 93 Alignment Study. Therefore, these services are not included in this proposal.

It is our understanding that Panda will contract separately for the Environmental and Archeological Assessments along the pipeline route. Therefore, we have not included these services in this proposal.

Exhibit D outlines the rates which would be used to charge for special or additional services authorized beyond the scope.

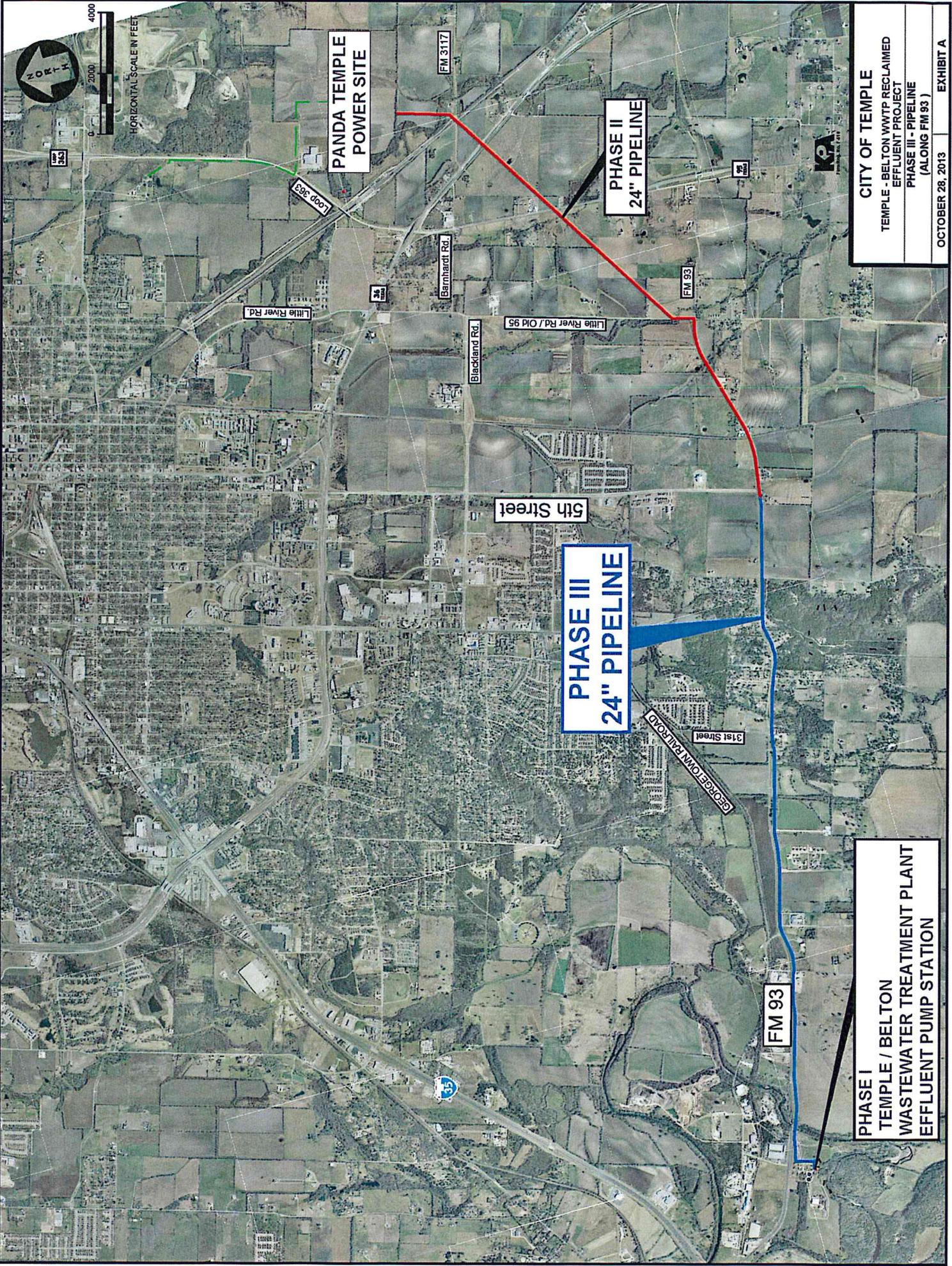
We will invoice monthly for our services based on a percent completion basis. We appreciate the opportunity and look forward to working with you on this project.

Sincerely,



Rick N. Kasberg, P.E.

RNK/crc



HORIZONTAL SCALE IN FEET

PANDA TEMPLE
POWER SITE

PHASE II
24" PIPELINE

PHASE III
24" PIPELINE

PHASE I
TEMPLE / BELTON
WASTEWATER TREATMENT PLANT
EFFLUENT PUMP STATION

CITY OF TEMPLE
TEMPLE - BELTON WWTP RECLAIMED
EFFLUENT PROJECT
PHASE III - PIPELINE
(ALONG FM 93)
OCTOBER 28, 2013 EXHIBIT A

FM 3117

Barnhardt Rd.

Blackland Rd.

5th Street

FM 93

Little River Rd / Old 95

Little River Rd.

ESSE 0007

GEORGETOWN BLVD
31st Street

FM 93



Exhibit B

City of Temple

Temple-Belton WWTP Reclaimed Effluent Project Phase III – Pipeline (5th Street to TBWWTP along FM 93)

PRELIMINARY OPINION of PROBABLE CONSTRUCTION PROJECT COST October 28, 2013

No.	Description	Quantity	Price	Total
1	Mobilization, Bonds and Insurance	100% LS	\$ 400,000.00	\$ 400,000.00
2	Relocate 12" Waterline	100% LS	30,000.00	30,000.00
3	Relocate 6" Force Main	100% LS	10,000.00	10,000.00
4	Relocate AT&T Cable	100% LS	25,000.00	25,000.00
5	Clean-Up and Final Grading	23,800 LF	2.00	47,600.00
6	Trench Safety Plan	100% LS	3,000.00	3,000.00
7	Storm Water Pollution Prevention Plan (SW3P)	100% LS	5,000.00	5,000.00
8	SW3P Implementation	100% LS	40,000.00	40,000.00
9	Traffic Control Plan	100% LS	10,000.00	10,000.00
10	Traffic Control Plan Implementation	100% LS	50,000.00	50,000.00
11	Trench Safety Plan Implementation (Pipe)	17,690 LF	2.00	35,380.00
12	Trench Safety (bore pits)	23,000 SF	1.00	23,000.00
13	24" Pipe: CL250 DIP	23,800 LF	125.00	2,975,000.00
14	24" Gate Valves	15 EA	15,000.00	225,000.00
15	Fittings	100% LS	100,000.00	100,000.00
16	Directional Bore @ Leon River	1,400 LF	800.00	1,120,000.00
17	Directional Bore @ 31st Street and Friars Creek	2,100 LF	800.00	1,680,000.00
18	36" Encasement by Bore	1,965 LF	450.00	884,250.00
19	Concrete Encasement	300 LF	50.00	15,000.00
20	Air Release Valve Assembly	3 EA	10,000.00	30,000.00
21	Repair Culvert End Treatments	100% LS	30,000.00	30,000.00
22	Reconstruct Roadway@ TBWWTP	100% LS	50,000.00	50,000.00
23	Establish Turf in TxDOT ROW	100% LS	30,000.00	30,000.00

Construction Cost \$ 7,818,230.00
Contingencies (10%) \$ 781,823.00
Total Construction Cost \$ 8,600,053.00

USE \$ 8,600,000.00



EXHIBIT C

Scope of Services

City of Temple
Temple-Belton WWTP Reclaimed Effluent Project
Phase III – 24” Reclaimed Effluent Pipeline (Along FM 93)

Kasberg, Patrick & Associates, LP
October 28, 2013

I. BASIC SERVICES

A. Final Design

1. Prepare construction drawings and specifications showing the horizontal and vertical alignments on plan and profile sheets and detail sheets. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes twenty (20) sets of 11x17 prints for bidding and construction purposes.
2. Assist in obtaining permits for TxDOT, Oncor and Railroad crossings. Contact and meet with Oncor Electric representatives to obtain details regarding existing easements along the large transmission line near the WWTP.
3. Size air release/vacuum valves. Determine location of air release and vacuum valves.
4. Perform transient surge analysis to determine potential surge and select/size surge relief equipment to be located at the Pump Station.
5. Coordinate with directional drill Contractor's to develop project specifications.
6. Prepare a revised opinion of probable construction costs based on the final drawings and specifications.
7. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents.
8. Coordinate changes during the Final Design with TxDOT to obtain preliminary approval prior to submitting final permit application.

9. Progress meetings with Panda and the City for status reports and plan reviews.

B. Bidding

1. Prepare and submit a signed and sealed Opinion of Probable Construction Cost to the City of Temple. This OPC will be itemized by typical units of construction.
2. Assist the City in advertising for and obtaining bids for the construction contract. This includes maintaining a record of prospective bidders to whom bidding documents have been issued and conduct pre-bid conference.
3. Issue addenda as appropriate to interpret, clarify, expand or amend the bidding documents.
4. Assist the City in determining the qualifications and acceptability of prospective contractors, subcontractors and materials suppliers.
5. Consult with and advise the City as to the acceptability of alternative materials and equipment proposed by the prospective constructors when substitution prior to the award of contracts is allowed by the bidding documents.
6. Attend the bid opening, prepare bid tabulation sheets, and provide assistance to the City in evaluating bids and in assembling and awarding contracts for construction, materials, equipment and services.
7. Prepare letter of recommendation for award of the construction contract.

EXHIBIT D

Charges for Additional Services

City of Temple

**Temple-Belton WWTP Reclaimed Effluent Project
Phase III – 24” Reclaimed Effluent Pipeline (Along FM 93)**

**Kasberg, Patrick & Associates, LP
October 28, 2013**

<u>POSITION</u>	<u>MULTIPLIER</u>	<u>SALARY COST/RATES</u>
Principal	2.4	\$ 70.00 – 90.00/hour
Project Manager	2.4	55.00 – 70.00/hour
Project Engineer	2.4	45.00 – 55.00/hour
Engineer-in-Training	2.4	35.00 – 45.00/hour
Engineering Technician	2.4	25.00 – 45.00/hour
CAD Technician	2.4	20.00 – 40.00/hour
Clerical	2.4	15.00 – 30.00/hour
Expenses	1.1	actual cost
Computer	1.0	15.00/hour
Survey Crew	1.1	100.00 – 135.00/hour
Registered Public Surveyor	1.0	130.00/hour
On-Site Representative	2.1	30.00 – 40.00/hour

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, L.P., OF TEMPLE, TEXAS, FOR PROFESSIONAL SERVICES REQUIRED TO DESIGN AND BID PHASE III OF THE PANDA TEMPLE-BELTON WASTEWATER TREATMENT PLANT (TBP) RECLAIMED WATER LINE IN SOUTH AND SOUTHEAST TEMPLE, IN AN AMOUNT NOT TO EXCEED \$749,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP) – delivery of this water will require a pump station and approximately 45,000 linear feet of pipeline;

Whereas, this project has been planned for three phases: Ph1 – pump station at TBP; Ph2 – pipeline from 5th Street to Panda; and Ph3 – pipeline from TBP to 5th Street;

Whereas, this project will be funded with City of Temple Utility System Revenue Bonds, Taxable Series 2014 – the design contract will be charged to Account No., 562-5200-535-6947, Project No. 101097;

Whereas, the City will front the cost of the design contract until the bonds are issued to fund the total cost of the project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Kasberg, Patrick & Associates, L.P., after approval as to form by the City Attorney, for professional services required to design and bid Phase III of the Panda Temple-Belton Wastewater Treatment Plant Reclaimed Water Line in south and southeast Temple, in an amount not to exceed \$749,200.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Don Bond, P.E., City Engineer

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Lockwood, Andrews & Newnam, Inc. of Waco for professional services required to provide value engineering related to preliminary design of the Temple-Belton Wastewater Treatment Plant expansion in an amount not to exceed \$86,798.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Temple-Belton Wastewater Treatment Plant, located on FM 93 between I-35 and S 31st Street, is a 10 million gallon per day (MGD) wastewater treatment facility that is jointly owned by the Cities of Temple and Belton. The treatment plant was constructed in 1975 and expanded in 1990, and currently provides wastewater treatment for approximately 70% of the City of Temple and the City of Belton.

TCEQ establishes certain triggers for design and expansion of wastewater treatment facilities. In 2010, influent flow at the T-B WWTP triggered the 75% of permitted annual average flow rule with three consecutive months reporting above 7.5 MGD. As a result, Temple and Belton engaged KPA to perform preliminary engineering for expansion of the plant.

This value engineering effort will include a technical review of the Preliminary Engineering Report (PER) for expansion of the plan, including identification of cost reductions related to alternative technologies, phasing options, and project delivery methods. Recommendations presented in the PER will be reviewed, along with design assumptions, proposed improvements, and growth projections. A detailed scope of work is attached. Upon conclusion of this value engineering effort, recommendations, timelines, and project costs will be finalized in the PER, so that detailed final design of various WWTP expansion components may begin.

In recognition of the historical share of costs associated with operations and ownership of the facility, this professional contract proposes to split the costs 75% / 25%, with 75% of the cost borne by the City of Temple. The City of Temple's fees for the work are \$65,098.50 (75% of \$86,798). Work will be complete by Spring 2014.

FISCAL IMPACT: The total cost for engineering is \$86,798. The City of Temple is responsible for 75%, or \$65,098.50, while the City of Belton is responsible for 25%, or \$21,699.50. The City of Temple will directly bill the City of Belton for the reimbursement of their 25% of the cost for engineering services rendered in this professional services agreement with Lockwood, Andrews, & Newman, Inc.

Funding in the amount of \$2,250,000 was originally appropriated to account 561-5500-535-6938, project #100584 from the 2010 Utility Revenue bond issue for the T-B WWTP expansion project. Project funding was reprioritized during FY 2012 leaving a budget of \$1,464,324 for this project. Prior to this contract, direct labor costs and preliminary engineering costs in the amount of \$939,324.47 were incurred. A balance of \$524,999.53 is available to fund the City of Temple's share of this contract.

ATTACHMENTS:

[Engineer's Proposal](#)
[Resolution](#)

October 28, 2013

Ms. Nicole M. Torralva, PE, Director,
Department of Public Works
3210 East Avenue H, Bldg A, Ste 130
Temple, TX 76501

Subject: Engineering Services for Review and Value Engineering of the Temple-Belton Wastewater Treatment Plant (T-B WWTP) Expansion Preliminary Engineering Report (PER)

Dear Ms. Torralva,

Lockwood, Andrews & Newnam (LAN) is extremely pleased to undertake the referenced engineering services for the Cities of Temple and Belton. The Scope of Work identifies the tasks that LAN will perform, in three phases, to complete a review and Value Engineering effort for the T-B WWTP Expansion PER.

The fee for the overall project is \$66,748 with an additional Optional Services amount of \$20,050 to be used at the Cities' direction to provide more detailed engineering analysis of the Value Engineering (VE) recommendations. Optional Services will only be undertaken with City's approval.

The project will be done in three phases, as follows:

Phase 1 – the technical review of the recommendations presented in the PER, including a plant tour, kick-off meeting, VE session, and technical meeting with City staff

Fee - \$22,787.00

Phase 2 – a comprehensive VE session to target and identify cost reductions measures, prepare summary and recommendations, and meeting with city staff and KPA engineers

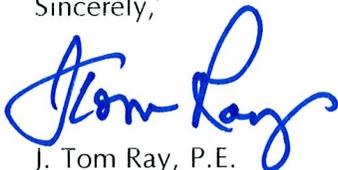
Fee - \$29,967.00

Phase 3 - compilation, preparation and presentation of summary-level evaluation report to City staff and/or Council.

Fee - \$13,994.00

Our team at LAN looks forward to working with you and Mike, and others at the City on this project. If there are any questions, please do not hesitate to contact me at (254) 753-9585.

Sincerely,



J. Tom Ray, P.E.
Program Manager

cc: Mike Huber, PE
Public Work Director/Engineer, City of Belton

SCOPE OF WORK

Value Engineering/Review Services for Temple-Belton WWTP Preliminary Engineering Report

Lockwood, Andrews & Newnam, Inc. (LAN) will provide engineering services for the technical review of the Preliminary Engineering Report for the expansion of the Temple-Belton WWTP. LAN will include value engineering to identify cost reductions related to alternative technologies, phasing options, project delivery alternatives, and other features identified as part of a structured Value Engineering (VE) review process.

This scope of work is aimed at satisfying the cities' objectives as stated above by providing a three-phase effort consisting of the following:

Phase I – a thorough technical review of the recommendations presented in the component parts of the PER (the Technical Memoranda), including a plant tour, kick-off and 30% meeting with technical staff, and an abbreviated VE session;

Phase II – a two-day Value Engineering session to target and identify cost reduction measures, prepare summary sheets for measures that the LAN VE team elects to carry forward, 90% meeting with City technical staff and KPA engineers, and preparation of final VE recommendations; and,

Phase III – compilation of a summary level engineering evaluation report and presentation to City staff and/or Council and stakeholders documenting potential project savings options.

Detailed tasks included in this Scope of Work are discussed herein.

BASIC SERVICES

1. Phase 1 – Data Review

- 1.1. Overall review of KPA Preliminary Engineering Report (PER) to understand basis for recommendations.
- 1.2. Detail review of basis of design, assumptions, and proposed improvements as documented in individual KPA Technical Memos (TM) that comprise PER including:
 - a. Growth/loading projections, including I&I flows, influent & effluent flow and loads (TM 1)
 - b. Performance evaluation of existing facilities – (TM 2)
 - c. Lift stations and Force Mains – (TM 3)
 - d. Proposed Treatment Processes - Headworks, Secondary & Tertiary Treatment, Sludge Treatment, Odor control – (TMs 4, 5, 6, 7 & 8)
 - e. Ancillary Facilities (TM 9)
 - f. Expansion on-site (TM 10)
 - g. Power Supply, Electrical issues, I&C and SCADA (TMs 11 & 12)
 - h. Environmental Investigations, as pertinent (TM 13)
- 1.3. Review of Proposed Project Construction Phasing

- 1.4. Draft Value Engineering (VE) Proposals and Log – Develop list of potential VE items based on initial PER review related to basis of design and assumptions, proposed type of improvements, project implementation (phasing), accuracy of costs based on typical \$/MGD, and overall cost-effectiveness of proposed solutions. Document initial ideas on VE Log and VE Proposal Sheets for use in workshop with City.
- 1.5. Workshop and Plant Visit - Conduct one (1) day meeting with Cities including site visit and workshop to interview operations staff, understand City's goals and objectives, discuss initial findings, determine additional data requirements, discuss City's goals, and determine key areas for more detailed VE analysis as part of Phase 2 Value Engineering effort discussed herein. Anticipate five (5) key task leaders in attendance at workshop with Cities. Prepare worksheets for identifying possible design alternative recommendations, recording pertinent information and rationale, and making final recommendation

2. Phase 2 – Value Engineering Analysis

Perform value engineering analysis on priority items identified in Phase 1 and conduct VE Workshop with City as discussed in detail below.

- 2.1. Value Engineering Review. Perform appropriate analysis to develop Value Engineering Proposals for all viable cost saving solutions associated with the following
 - a. Basis of Design & Assumptions - Evaluate basis of design and assumptions and identify potential cost saving strategies related to:
 - Growth and flow projections including I/I flows and ultimate target capacity.
 - Influent & Effluent flow characteristics
 - Performance of existing and proposed facilities
 - b. Proposed Improvements - Evaluate type of improvements recommended and determine viability of alternative technologies and/or type facilities that could result in potential cost saving strategies related to:
 - Lift stations and Force Mains
 - Treatment Processes - Headworks, Secondary & Tertiary Treatment, Sludge Treatment, Odor control
 - Ancillary Facilities
 - Expansion on-site
 - Power Supply, Electrical issues, I&C and SCADA
 - c. Project Implementation and Cost. Evaluate recommended construction phasing and cost of improvements to determine if capital expenditures can be reduced or delayed.

Value Engineering Proposals for each potential cost savings measure shall document proposal name, proposed change, justification, advantages/disadvantages, estimated capital cost, estimated O&M cost (if applicable), and estimated savings.

2.2 VE Workshop - Conduct two-day VE workshop. Potential alternative treatment technologies, other potential options for cost reductions, improved operation efficiency, and potential alternative project delivery choices will be identified and assessed. Each alternative will be scrutinized by the VE Team based on criteria established by the Team. The VE Team's evaluation of engineering economies will require considering cost estimates for proposed alternatives in comparison to the stated PER cost. The VE Team will select those alternatives to carry forward to the second day session. The second day session will present the preliminary VE options to the Cities' staff and the KPA engineer in a joint meeting. The results of the joint meeting will then be used to develop the final list of VE options and recommendation.

3. Phase 3 – Final Report and Presentation

This Phase includes finalizing the Value Engineering Proposals discussed in the Phase 2 Workshop, documenting in a signed/sealed report, and presenting to stakeholders. Detailed tasks included in Phase 3 include the following:

- 3.1 Engineering Evaluation Report Summary – Develop four (4) copies of a draft and final Engineering Evaluation Summary Level Report that documents analysis performed, options considered, final value engineering items for consideration, and additional items to be further investigated in the Design Phase of the project.
- 3.2 Final Presentation – Deliver one (1) presentation to council or staff related to findings and conclusions of the value engineering analysis.

EXCLUSIONS & ASSUMPTIONS

Following are exclusions and/or assumptions related to the Scope of Work described above.

1. Engineer's review shall be limited to data included in the KPA PER. Review of additional data such as calculations, hydraulic models, testing data, and/or supplemental reports is not included in this scope of work.
2. Engineer will identify opportunities for large scale capital cost and life-cycle cost savings and provide an order of magnitude for those savings in the value engineering proposals. Detailed costs for those items will be further developed by the Engineer of Record based during design.
3. Services do not include hydraulic modeling, process design, design and/or layout of alternative technologies, review of alternative project sites, and/or development of alternative pipeline routing.
4. Implementation of the VE items shall be the responsibility of the City's design team. Follow-up questions and/or analysis as part of the design effort are not included in this scope of work.
5. The level of effort has been developed based on the schedule shown herein. Extension of the schedule beyond this timeframe is not included in this scope of work and may require additional services.
6. Engineer will perform the VE analysis with a focus on large scale cost reductions and/or validation of equipment and construction costs provided by the Engineer. Based on an approximate \$70 million construction estimate, VE items considered will generally be \$500,000 or greater.
7. The VE team will not perform process design to evaluate different treatment processes and/or technologies unless a major finding is discovered that could significantly reduce cost of the project.

SCHEDULE

Engineer shall conduct Project based on the following schedule:

Task / Deliverable	Start	Finish	Comment
NTP	11/15/13		Based on Nov 12 council approval
Phase 1 – Data Review	11/16/13	12/15/13	
Workshop No. 1	12/19/13		
Phase 2 – VE Review	1/2/14	1/31/14	
Workshop No. 2	2/3/14 & 2/4/14		
Phase 3 - Draft Report	2/5/14	2/19/14	Based on agreement of final VE Items at Workshop No. 2
City Review	2/19/14	2/26/14	One week City Review
Phase 3 - Final Report	2/27/14	3/7/14	
Phase 3 - Final Presentation	Week of 3/10/14		

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, ANDREWS & NEWNAM, INC. OF WACO, TEXAS, FOR PROFESSIONAL SERVICES REQUIRED TO PROVIDE VALUE ENGINEERING RELATED TO PRELIMINARY DESIGN OF THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT (T-B WWTP) EXPANSION, IN AN AMOUNT NOT TO EXCEED \$86,798; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple-Belton Wastewater Treatment Plant located on FM 93 between I035 and South 31st Street, is a 10-million gallon per day (MGD) wastewater treatment facility that is jointly owned by the Cities of Temple and Belton;

Whereas, the treatment plant was constructed in 1975 and expanded in 1990 – it currently provides wastewater treatment for approximately 70% of the City of Temple and the City of Belton;

Whereas, TCEQ establishes certain triggers for design and expansion of wastewater treatment facilities and in 2010, influent flow at the plant triggered 75% of the permitted annual average flow rule with three consecutive months reporting above 7.5 MGD – as a result, Temple and Belton engaged Kasberg, Patrick & Associates , LP to perform preliminary engineering for expansion of the plant;

Whereas, this value engineering effort will include a technical review of the Preliminary Engineering Report for expansion of the plant, including identification of cost reductions related to alternative technologies, phasing options, and project delivery methods;

Whereas, the City of Temple will be responsible for 75% of the cost of engineering (\$65,098.50) and the City of Belton will be responsible for the remaining 25% of the cost of engineering (\$21,699.50) - funding is available in Account No. 561-5500-535-6938, Project No. 100584;

Whereas, the City of Temple will directly bill the City of Belton for the reimbursement of their 25% of the cost for engineering services rendered in this professional services agreement with Lockwood, Andrews & Newnam, Inc. per the Ownership and Management Agreement for the Temple-Belton Wastewater Treatment Plant with the City of Belton; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a professional services agreement with Lockwood, Andrews & Newnam, after approval as to form

by the City Attorney, for professional services required to provide value engineering related to preliminary design of the Panda Temple-Belton Wastewater Treatment Plant (T-B WWTP) expansion, in an amount not to exceed \$86,798.

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Kim Foutz, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Strategic Investment Zone “matching grant” agreement with Vicken International Traders, LLC for redevelopment improvements located at 14 and 16 South Main Street within the South 1st Street Strategic Investment Zone corridor in an amount not to exceed \$40,000.

STAFF RECOMMENDATION: The proposed incentives are consistent with the incentive guidelines for the South 1st Street Strategic Investment zone adopted by City Council, therefore staff recommends approval of the grant and resolution as presented.

ITEM SUMMARY: This agreement outlines the obligations and representations of Vicken International Traders, LLC. and also defines the City's incentive package for Vicken International Traders, LLC located at 14 and 16 South Main Street within the South 1st Street Strategic Investment Zone. Vicken plans to use the building for commercial uses including restaurant, office, and other retail.

The agreement and resolution will allow Vicken International Traders, LLC. to receive a Chapter 380 SIZ 1:1 matching grant of up to \$15,000 match for façade improvements; up to \$2,500 match for sign improvements; up to \$10,000 for sidewalks; up to \$5,000 for landscaping; up to \$3,000 for asbestos abatement; and up to \$2,500 for demolition. Based on initial investment estimates, eligible expenses will result in a \$38,000 match plus waiver of permits and fees (up to \$2,000).

Vicken International Traders, LLC total project investment is \$350,000 in renovations, sidewalks, and sign improvements. Improvements must be started by December 1, 2013 and completed by December 1, 2014.

has agreed to:

- Demo and dispose of existing facade which contains asbestos materials
- Complete façade reconstruction and preservation with brick and stone
- Create second floor outside seating/dining area with wrought iron fence
- Install awning over mezzanine
- Stained sidewalk in front of building with select landscaping (TBD)

- Interior remodel of first, second, third floors and mezzanine
- Installation of new signage (wall sign only)

FISCAL IMPACT: The total maximum grant match by the City is \$38,000 plus waiver of permits and fees not to exceed \$2,000. A total of \$381,046.78 has been appropriated for the Strategic Investment Zone matching grant incentives for FY 2014 which includes a carry forward amount of \$261,046.78 from prior years. Currently, \$193,046.78 is available in account 110-1500-515-2695. If this grant is approved, a balance of \$153,046.78 will remain available for future grants.

Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City.

ATTACHMENTS:

[Grant Agreement](#)
[Location Map & Façade](#)
[Resolution](#)



South 1st Street Strategic Investment Zone Chapter 380 Development Agreement

This Agreement is executed by and between the City of Temple, a home rule city in Bell County, Texas (hereinafter “the City”) and Vicken International Traders, LLC (hereinafter “Owner”).

City and Owner agree as follows:

Section 1. Purpose. Pursuant to authority granted to home rule cities under Chapter 380 of the Local Government Code and pursuant to a program established for the South 1st Street Strategic Investment Zone under City Ordinance Number 2011-4504, the City and the Owner enter into this Agreement to promote economic development within the South 1st Street Strategic Investment Zone. As an inducement to Owner to make certain specified improvements to the property located at 14 and 16 South Main St. (hereinafter the “Property”), City and Owner agree to assume the responsibilities set forth below.

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

Improvements, hereinafter collectively referred to as “the Improvements” include the following: demolish and dispose of existing façade which contains asbestos materials; complete façade reconstruction and preserve brick and stone; create second floor outside seating/dining area with wrought iron fence; install awning over mezzanine; stain sidewalk in front of building and select landscaping; remodel interior of first, second, third floors and mezzanine; and install new signage. Exterior façade improvements will be in accordance with Exhibit “A.” The total anticipated investment in the Property by Owner is \$350,000. Any match made by the City, as described in Section 3 below, is limited to \$40,000, which includes waiver of permit fees not to exceed \$2,000.

Owner agrees to begin said improvements by December 1, 2013 and complete the Improvements on or before December 1, 2014. As a condition to receiving the matching grants from the City described in Section 3, Owner further agrees to complete the improvements described in each subpart of Section 3. If Improvements are not completed on December 1, 2014, the City may administratively grant a one-time extension of time for 90 days.

Section 3. Matching Grants by the City. The City agrees to provide matching grants to the Owner, subject to the maximum cap of \$40,000, which includes waiver of permit fees not to exceed \$2,000, as described below if Owner satisfactorily completes and maintains the additional improvements described in each subpart below and as set forth in Section 2:

- (a) **Façade Improvement Grant.** The City will make a grant of up to \$15,000 on a 1:1 matching basis for the replacement and repair of an existing façade with an eligible masonry product. Eligible masonry materials for a replacement façade under this subsection include brick, stone, stucco, EIFS, simulated stone block, and such other materials that the City may approve from time to time. A list of eligible materials for the South 1st Street Strategic Investment Zone is maintained in the Construction Safety Office, 1st Floor, the Municipal Building, 2 North Main Street. Other façade improvement costs eligible for reimbursement with a façade improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs, but specifically exclude design costs.
- (b) **Sign.** The City will make a grant of up to \$2,500 on a 1:1 matching basis for sign construction and installation.
- (c) **Landscaping.** The City will make a grant of up to \$5,000 on a 1:1 matching basis for landscaping. Landscaping improvement costs eligible for reimbursement with a landscaping improvement grant include ground preparation costs (including labor), materials (trees, shrubs, soil and other decorative hardscape such as arbors, art, large pots, railings, and walls or fences) and material and construction (including labor) costs, curbed islands, but specifically *exclude* design costs.
- (d) **Sidewalk.** The City will make a grant of up to \$10,000 on a 1:1 matching basis for the construction of new sidewalks, curb and guttering or the replacement of existing sidewalks or curb and guttering. Sidewalk improvement costs eligible for reimbursement with a sidewalk improvement grant include demolition costs (including labor), landfill costs, and material and construction (including labor) costs and equipment rental, but specifically exclude design costs.
- (f) **Demolition Grant.** The City will make a grant of up to \$2,500 on a 1:1 matching basis for demolition costs.
- (g) **Asbestos Survey and Abatement.** The City will make a grant of up to \$3,000 on a 1:1 matching basis for Owner-initiated asbestos survey of

the Property. Asbestos survey grant eligible costs include professional fees, labor costs, and replacement materials.

- (h) **Waiver of Permit Fees.** All permit fees that would be typically charged by the City of Temple to perform the work outlined in this Agreement are waived up to \$2,000 in value except that water and wastewater tap fees are not waived and will be the responsibility of Owner.

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

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

Section 5. Maintenance of Improvements. Owner, or its successors and assigns, agree to maintain the Improvements described in Section 2 and the subparts of Section 3 for a period of not less than five (5) years from the date matching grants are received from the City. Maintenance includes, but is not limited to, maintenance of all buildings, parking, and site improvements. Also included is the removal of all weeds, removal of dead plants, and replacement of all dead plants. The Owner agrees to replace, within 30 days, any plant material that is diseased, deteriorated, or dead. The Director of Planning may issue up to a 90-day extension for replacement of such plants. All new plant material must be planted and maintained in accordance with the latest edition of the American National Standards Institute requirements for Tree, Shrub, and Other Woody Plant Maintenance (ANSI A300 Parts 1-6). All required public frontage and private frontage must be irrigated and maintained in a good condition after installation.

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

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

Section 8. Contract Execution. Execution of this Agreement by Owner must occur within **sixty (60) days** of City Council approval. If execution of the Agreement does not occur within this period, Owner will have to reapply for the matching grant funds.

Executed on this the ____ day of _____, 2013.

City of Temple, Texas

Owner

David A. Blackburn
City Manager

Vicken International Traders,
LLC
By: _____

Attest:

Approved as to form:

Lacy Borgeson
City Secretary

City Attorney

State of Texas §

County of Bell §

This instrument was acknowledged before me on the ____ day of _____, 2013 by David A. Blackburn, City Manager, for the City of Temple, a Texas home rule City.

Notary Public

State of Texas §

County of Bell §

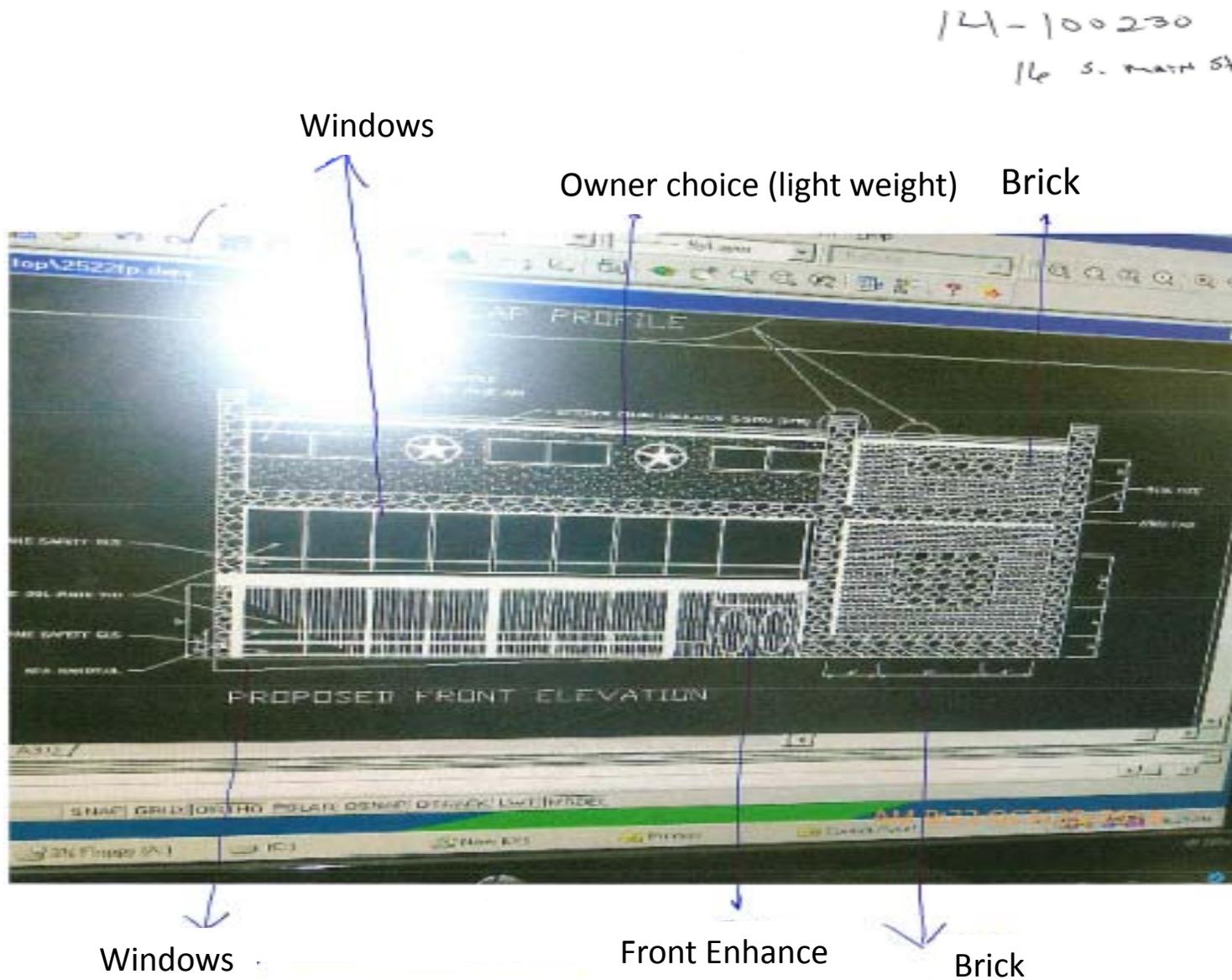
This instrument was acknowledged before me on the ____ day of _____, 2013 by _____ (name), _____ (title) of Vicken International Traders, LLC.

Notary Public

Location Map – Former Dollar General Building



Proposed Facade



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 STRATEGIC INVESTMENT ZONE 'MATCHING GRANT' AGREEMENT WITH VICKEN INTERNATIONAL TRADERS, LLC., FOR REDEVELOPMENT IMPROVEMENTS LOCATED AT 14 AND 16 SOUTH MAIN STREET, TEMPLE, TEXAS, LOCATED WITHIN THE SOUTH 1ST STREET STRATEGIC INVESTMENT ZONE CORRIDOR, IN AN AMOUNT NOT TO EXCEED \$40,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Vicken International Traders, LLC has purchased the property located at 14 and 16 S. Main Street in downtown Temple and within the South 1st Street Strategic Investment Zone corridor which makes it eligible to receive a matching grant incentive from the City which is authorized by Ordinance No. 2008-4218, passed by the Temple City Council on June 5, 2008, and amending Ordinance No. 2009-4285 passed on March 5, 2009;

Whereas, staff recommends entering into a Chapter 380 Strategic Investment Zone 'matching grant' agreement which will outline the obligations and representations of Vicken International Traders, LLC and will define the City's incentive package, as outlined in Exhibit A attached - the City's total match may not exceed \$40,000;

Whereas, Vicken International Traders, LLC plans to use the building for commercial uses including restaurant, office and other retail space – Vicken's obligations in the agreement include:

- Demo and disposal of existing façade which contains asbestos materials;
- Complete façade reconstruction and preservation with brick and stone;
- Create second floor outside seating/dining area with wrought iron fencing;
- Install awning over mezzanine;
- Stained sidewalk in front of building with select landscaping;
- Interior remodel of first, second, third floors and mezzanine;
- Installation of new signage (wall sign only);

Whereas, the total project investment by Vicken International Traders, LLC is \$350,000 and improvements must be started by December 1, 2013 and completed by December 1, 2014;

Whereas, funds are available for this matching grant incentive in Account No. 110-1500-515-2695 - if this grant is approved, a balance of \$153,046.78 will remain for future grants; 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 ‘matching grant’ agreement with Vicken International Traders, LLC, after approval as to form by the City Attorney, for redevelopment improvements at 14 and 16 S. Main Street in downtown Temple and within the South 1st Street Strategic Investment Zone corridor, in an amount not to exceed \$40,000., which includes the following:

- Demo and disposal of existing façade which contains asbestos materials;
- Complete façade reconstruction and preservation with brick and stone;
- Create second floor outside seating/dining area with wrought iron fencing;
- Install awning over mezzanine;
- Stained sidewalk in front of building with select landscaping;
- Interior remodel of first, second, third floors and mezzanine;
- Installation of new signage (wall sign only);

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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(P)
Consent Agenda
Page 1 of 3

DEPT. /DIVISION SUBMISSION & REVIEW:

Phillip Melton, Planning Intern

ITEM DESCRIPTION: SECOND READING - PUBLIC HEARING - Z-FY-13-31: Consider adopting an ordinance authorizing an amendment to Ordinance 2008-4230, the *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

P&Z COMMISSION RECOMMENDATION: At its September 16, 2013 meeting, the Planning and Zoning Commission voted 8/0 in accordance with staff recommendation to recommend approval of the amendment to *Choices '08*, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan Map.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on second and final reading with the following change:

1. Make no changes to item #6, Case Road, and leave the segment as an existing Collector due to new development pressures and trends.

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

- The city's Transportation Capital Improvement Plan project list;
- the Reinvestment Zone Number One Master Plan; and
- Local development activity.

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

Thoroughfare Plan Proposed Amendments/Corrections

#	Name/ Classification	Action	Segment Description	Reason for Change
1	North Pea Ridge Road – Identified as an existing Collector	Reclassified as a proposed Collector	Section from Prairie View Road to FM 2305	This has not yet been improved
2	Prairie View Road Identified as an existing Minor Arterial	Reclassified as a proposed Minor Arterial	Entire length	This has not yet been improved
3	Hogan Road – Identified as an existing Collector	Reclassified as a proposed Collector	From SH 317 to Pea Ridge Road	This road has not yet been improved
4	North Pea Ridge Existing Collector	Reclassified as a proposed Collector	Section from Prairie View Road to Airport Road	This has not yet been improved
5	Mouser Road – Identified as an existing and proposed Minor Arterial	Reclassified as a proposed Collector	From Airport Road to Old Howard Road	Unimproved local road, will serve as a Collector in the future.
6	Case Road – Identified as existing Collector	No Changes	Entire Length	Development pressures and trends
7	McLane Parkway Local Street	Reclassified as an existing Collector	From Old Howard Road to NW HK Dodgen Loop	Functions and constructed as Collector
8	Hilliard Road – Identified as a proposed Major Arterial	Reclassified as a Major Arterial	Section from FM 2305 to just past the intersection of Central Pointe Road	This section has already been constructed.
9	Westfield – Proposed Minor Arterial	Reclassified as a Minor Arterial	From FM 2305 to Stonehollow Dive	This section has already been constructed.
10	Central Pointe Parkway Proposed Minor Arterial	Reclassified as a Minor Arterial	Section from Hilliard Road midway to Airport Trail	This section has already been constructed.
11	Avenue U- Identified as a Local Road	Added Extension/ Connection as a proposed Collector	Proposed as a Collector from 1 st Street to Scott and White Boulevard	Adopted as part of Reinvestment Zone Plan
12	13 / 17th St – Identified as a Local Road	Added Extension/ Connection as a proposed Collector	Proposed as a Collector from Avenue T to HK Dodgen Loop	Adopted as part of Reinvestment Zone Plan
13	Scott and White Boulevard- Proposed Collector	Removed	Section from Avenue R to South HK Dodgen Loop	North-South connectivity realignment along 13 th /17 th St. Existing S&W Blvd will remain
14	New Segment-	Added as a proposed Collector	From Old Howard Road to McLane Parkway	New unnamed segment
15	New Segment	Added as a proposed Collector	From Adams Ave. to Tarver Dr.	Extension of Westfield Blvd. south of Adams Ave.

Additionally, consistent with the attached letter from the Temple Area Builders' Association, staff would also like to recommend annual review and evaluation of the Thoroughfare Plan to ensure that it accurately represents current and projected transportation patterns and needs. Staff recommends that the Thoroughfare Plan map be updated annually to reflect changes brought about by development and related adopted plans.

FISCAL IMPACT: None

ATTACHMENTS:

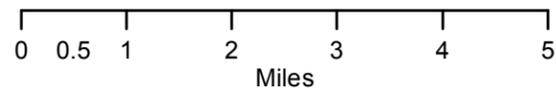
Thoroughfare Plan Map- Existing
Thoroughfare Plan Map- Proposed Changes
Thoroughfare Plan- with Revisions
TABA Letter of Support
PZ Excerpts
Ordinance



Existing Thoroughfare Plan

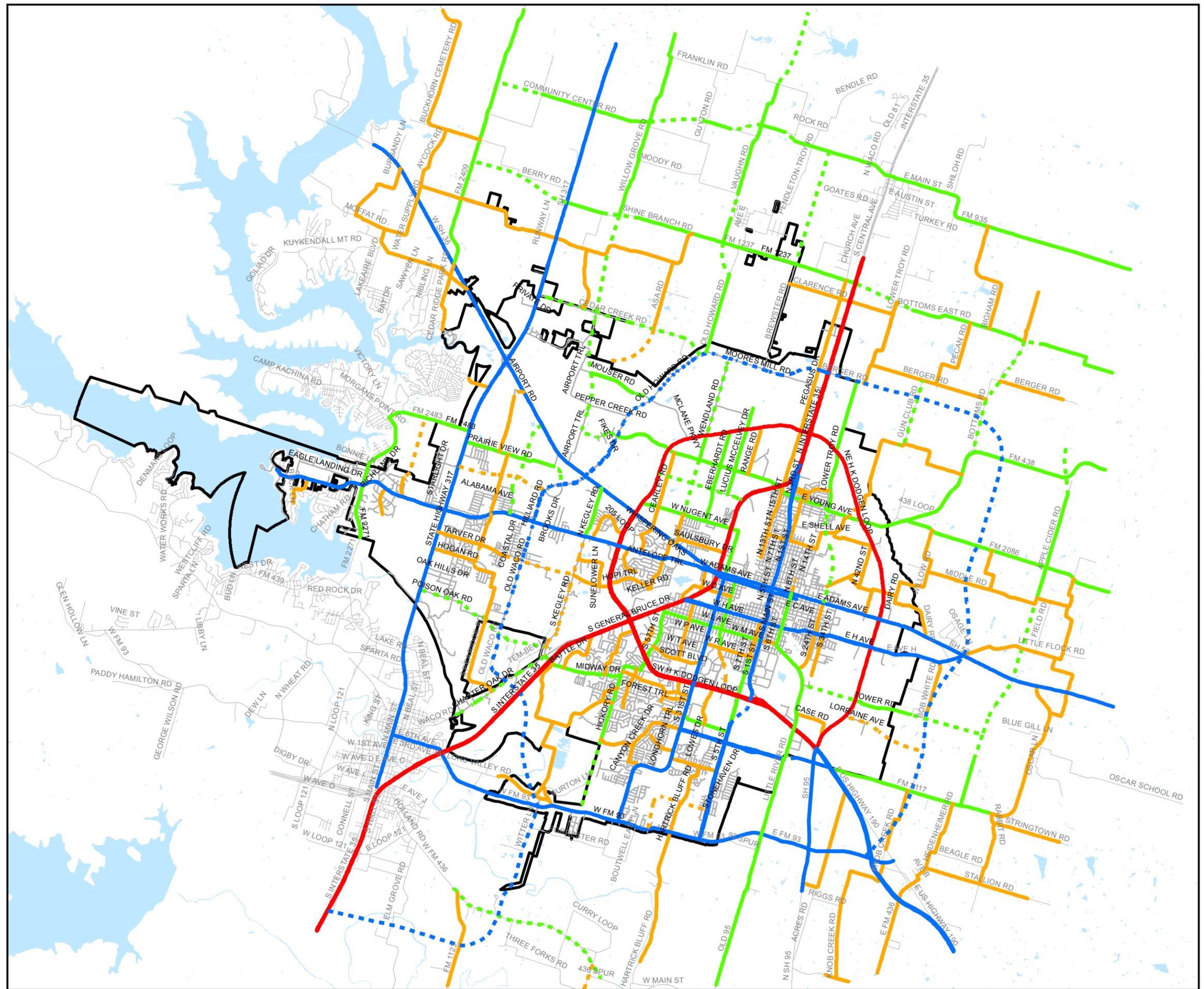
THOROUGHFARE CLASS

- Expressway
- Major Arterial
- Proposed Major Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector
- Temple City Limits



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.

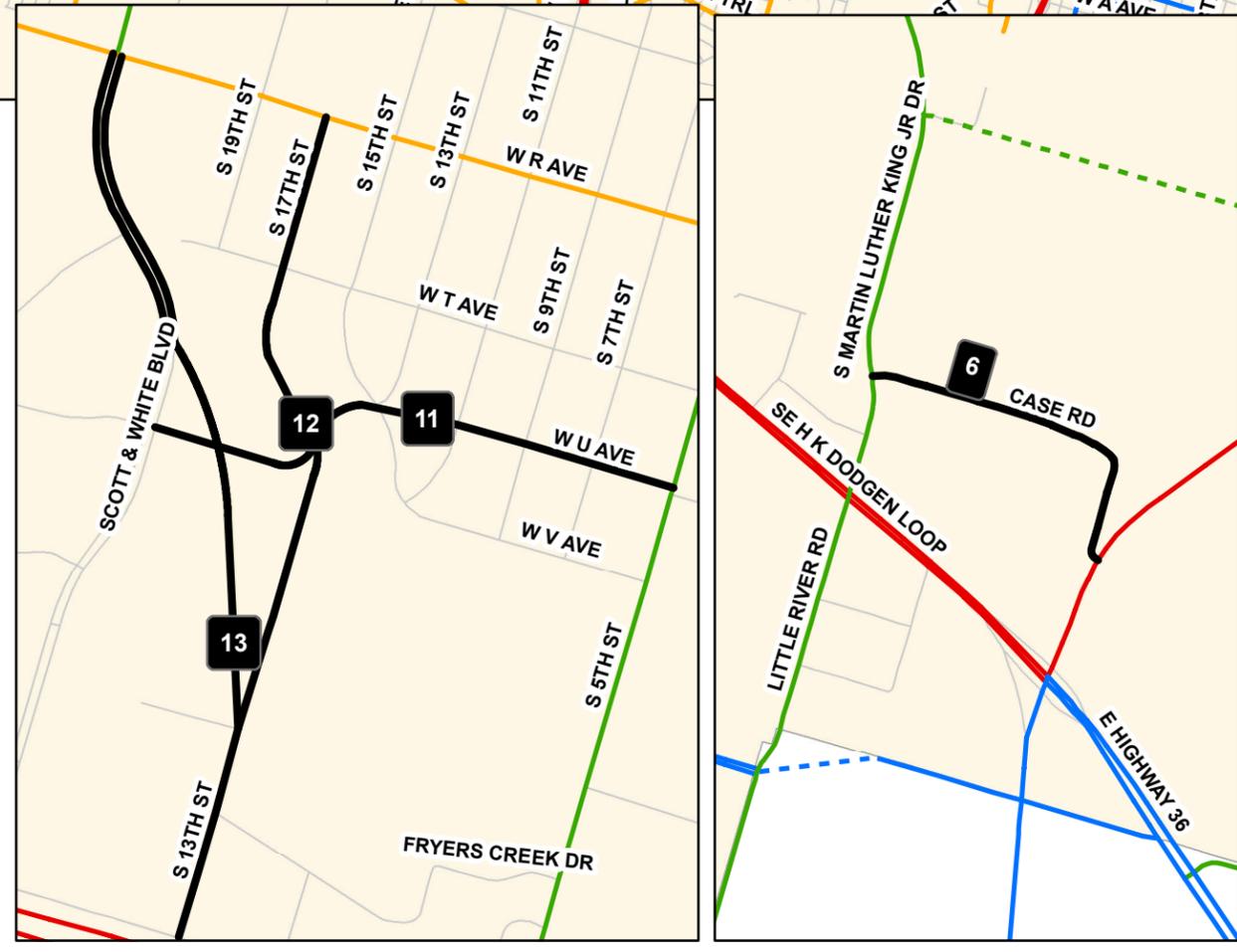
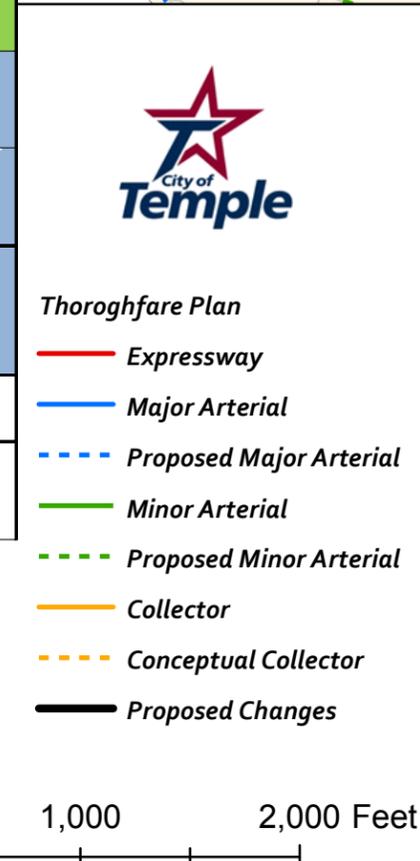
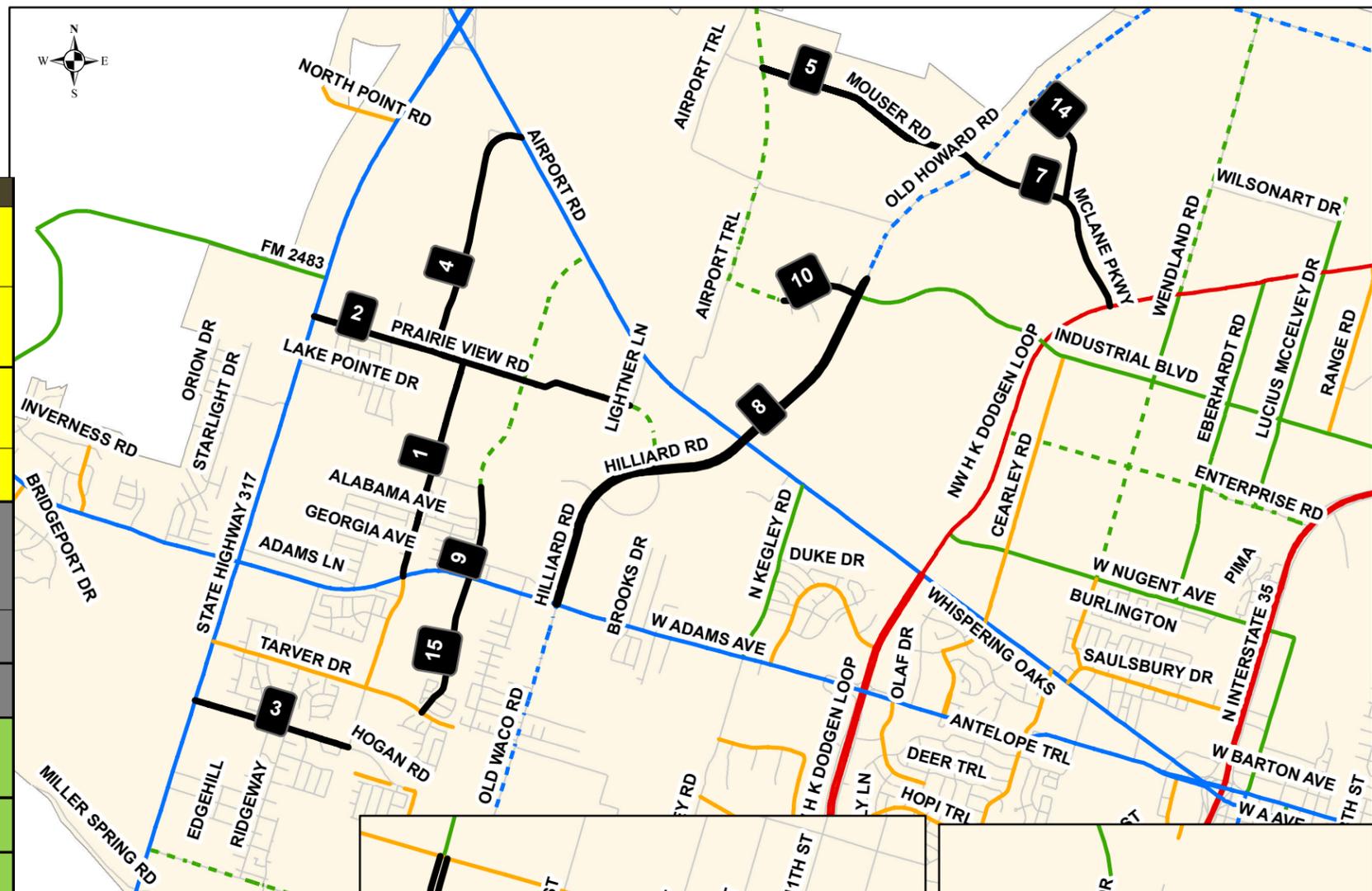
City of Temple
GIS Department
7/26/2013



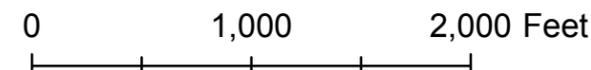
Proposed Thoroughfare Plan Update

Thoroughfare Plan Proposed Amendments/Corrections

#	Name/Classification	Action	Segment Description	Reason for Change
1	North Pea Ridge Road – Identified as an existing Collector	Reclassified as a proposed Collector	Section from Prairie View Road to FM 2305	This has not yet been improved
2	Prairie View Road Identified as an existing Minor Arterial	Reclassified as a proposed Minor Arterial	Entire length	This has not yet been improved
3	Hogan Road – Identified as an existing Collector	Reclassified as a proposed Collector	From SH 317 to Pea Ridge Road	This road has not yet been improved
4	North Pea Ridge Existing Collector	Reclassified as a proposed Collector	Section from Prairie View Road to Airport Road	This has not yet been improved
5	Mouser Road – Identified as an existing and proposed Minor Arterial	Reclassified as a proposed Collector	From Airport Road to Old Howard Road	Unimproved local road, will serve as a Collector in the future.
6	Case Road – Identified as existing Collector	No Changes	Entire Length	Development pressure and trends
7	McLane Parkway Local Street	Reclassified as an existing Collector	From Old Howard Road to NW HK Dodgen Loop	Functions and constructed as Collector
8	Hilliard Road – Identified as a proposed Major Arterial	Reclassified as a Major Arterial	Section from FM 2305 to just past the intersection of Central Pointe Road	This section has already been constructed.
9	Westfield – Proposed Minor Arterial	Reclassified as a Minor Arterial	From FM 2305 to Stonehollow Drive	This section has already been constructed.
10	Central Pointe Parkway Proposed Minor Arterial	Reclassified as a Minor Arterial	Section from Hilliard Road midway to Airport Trail	This section has already been constructed.
11	Avenue U - Identified as a Local Road	Added Extension/Connection as a Collector	Proposed as a Collector from 1 st Street to Scott and White Boulevard	Adopted as part of Reinvestment Zone Plan
12	13 / 17th St – Identified as a Local Road	Added Extension/Connection as a Collector	Proposed as a Collector from Avenue T to HK Dodgen Loop	Adopted as part of Reinvestment Zone Plan
13	Scott and White Boulevard - Proposed Collector	Removed	Section from Avenue R to South HK Dodgen Loop	North-South connectivity realignment along 13 th /17 th St. Existing S&W Blvd will remain
14	New Segment-	Added as a proposed Collector	From Old Howard Road to McLane Parkway	New unnamed segment
15	New Segment	Added as a proposed Minor Arterial	From Adams Avenue to Tarver Drive	Extension of Westfield Blvd. south of Adams



- Thoroughfare Plan**
- Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Conceptual Collector
 - Proposed Changes





July 11, 2013

Beverly Mesa-Zendt
Assistant Director of Planning
City of Temple

RE: Proposed Thoroughfare Plan Update

Dear Beverly:

Thank you for the overview you provided regarding the Temple Thoroughfare Plan (Map) to our group. You made it clear that the current Map is somewhat dated and needs to be updated to bring it in line with what is currently on the ground.

We are glad to be able to help you outside our normal vetting practice on this issue as we believe that the changes that you are making are necessary and will do no harm to the local building community. Therefore, on behalf of the subcommittee that met with you today including TABA President Will Sears, Mike Pilkington, John Kiella, Jason Carothers, David Patterson, and myself; TABA would like to provide you with this letter supporting your efforts to complete the Map update before you end your career with the City of Temple.

Further, we propose that updates to the Map occur on a more frequent basis. An annual update is what we would recommend until a process can be developed to allow for maps to be updated as road projects are completed or re-classified.

During our discussion, it seemed that there may also be a need to explore the addition of a new designation to the types of roads that are classified as part of the Thoroughfare Plan. TABA would be amenable to working with the City to explore the possibility of adding a classification to bridge the gap between a "collector" road and an "arterial" road. During the discussion, it seemed some "collector" roads in the City are carrying traffic more suited to "arterials". We offer our assistance in working with the City to figure out how to resolve this issue.

Thanks again for the meeting. Please do not hesitate to contact me at 254-773-0445, should you have any questions.

Sincerely,

Troy Glasson
Executive Officer
Temple Area Builders Association

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 16, 2013**

ACTION ITEMS

Item 3: Z-FY-13-31: Hold a public hearing to discuss and recommend action on an amendment to Ordinance 2008-4230, the Choice '08, City of Temple Comprehensive Plan, Chapter 5, to amend the Thoroughfare Plan.

Mr. Phillip Melton, Planning Intern, stated Staff was proposing amendments to the Thoroughfare Plan related to the Transportation Capital Improvement Plan (TCIP) and Reinvestment Zone (RZ) No. 1 Master Plan.

The current Thoroughfare Plan was adopted as part of the Comprehensive Plan in 2008 and last submitted in October 2012.

There are 15 proposed changes:

The first four are not yet improved to their respective classifications and are shown as existing on the current Thoroughfare Plan. These will be shown as proposed rather than existing thoroughfares. These include sections of North Pea Ridge Road, Prairie View Road and Hogan Road.

The next three thoroughfares are not currently functioning nor planned to function as currently classified. Proposed updates would reduce their classification to a lower classification. These include Mouser Road, Case Road and McLane Parkway.

Segments 8 through 10 are currently shown as proposed thoroughfares but have been constructed since the last Thoroughfare Plan update. Proposed updates reclassify these as existing rather than proposed thoroughfares. These include Hilliard Road, Westfield, and Central Pointe Parkway.

Segments 11 through 13 are thoroughfares that have been upgraded or downgraded in classification. These changes were adopted as part of RZ No. 1 Master Plan. Proposed updates reflect these changes into the Thoroughfare Plan. These include Avenue U, 13th and 17th Streets and Scott and White Boulevard.

Segments 14 and 15 are new thoroughfare segments that would be added to the Thoroughfare Plan in accordance with RZ No. 1 Master Plan. Segment 14 connects Old Howard Parkway to McLane Parkway and Segment 15 connects Old Howard Road to Wendland Road.

Staff recommends approval of the Thoroughfare Plan and also recommends annual review of the Thoroughfare Plan to ensure it represents current and projected transportation needs.

Chair Sears opened the public hearing.

Mr. John Kiella, 11122 Whiterock Drive, Temple, Texas, stated on the RZ one, Segment 15, they were working with HEB and they had that as a proposed collector; HEB might want that as a private road.

Ms. Kim Foutz, Acting Director of Planning and Assistant City Manager, suggested that if there were any question about it that that portion was not passed right now. This can always come back and be added at a later time. Staff would rather it not be added until at such time the issue is more secured.

Mr. Kiella stated the homebuilders were behind all the other changes but requested Segment 15 be pulled for now.

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

Commissioner Jones made a motion to approve Item 3, Z-FY-13-31, with the exclusion of Segment 15, and Commissioner Johnson made a second.

Motion passed: (8:0)

Vice-Chair Rhoads absent

ORDINANCE NO. _____

[PLANNING. Z-FY-13-31]

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

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

Part 1: On September 4, 2008, the City of Temple adopted the *Choices* '08, City of Temple Comprehensive Plan and with that plan, the City adopted a thoroughfare plan map which addressed transportation and was intended as a guide for roadway network expansion and improvement.

Part 2: Care was taken in the development of the plan to ensure that designated routes follow existing roadway alignments, parcel boundaries, and topography as much as possible; however, available funding, changing development patterns, city grown, right-of-way availability, and subsequent roadway realignments necessitate occasional revisions to ensure the map reflects current and projected transportation patterns and connectivity.

Part 3: The City Council approves an amendment to Ordinance 2008-4230, the *Choices* '08, City of Temple Comprehensive Plan, Chapter 5, to amend the thoroughfare plan map, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 4: The City Council directs the Director of Planning to make the necessary changes to the Future Land Use Map accordingly.

Part 5: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 6: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 7: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading on the 17th day of **October, 2013.**

PASSED AND APPROVED on Second Reading and Public Hearing on the 7th day of **November, 2013**

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: A-FY-13-16: Consider adopting a resolution to rescind and replace Resolution No. 2013-7006-R, retaining the easement described in Volume 1927, Page 21, of the real property records of Bell County, Texas, and releasing the easement described in Volume 774, Page 674, being 20 feet in width and approximately 3,400 feet in length, extending from a point starting at South 31st Street and ending at a point near Friar's Creek at the north property line of the Oakbrook Apartments.

STAFF RECOMMENDATION: Adopt resolution as presented in item description to rescind and replace Resolution No. 2013-7006-R to retain the easement described in Volume 1927, Page 21, of the real property records of Bell County, Texas, and to release only the easement described in Volume 774, Page 674. Both easements are located within the main campus of Scott & White Memorial Hospital.

ITEM SUMMARY: The applicant, Scott & White Memorial Hospital (now a part of Baylor Scott and White Health), requested release of the sanitary sewer easement described in Volume 774, Page 674 to accommodate future development and platting of the campus.

The Utility Division within the Public Works/Engineering Department concurs with (1) the release of the easement described in Volume 774, Page 674, which was formerly used for a force main that is no longer in use and (2) retention of the easement recorded in Volume 1927, Page 21, which is still needed for an active public wastewater line.

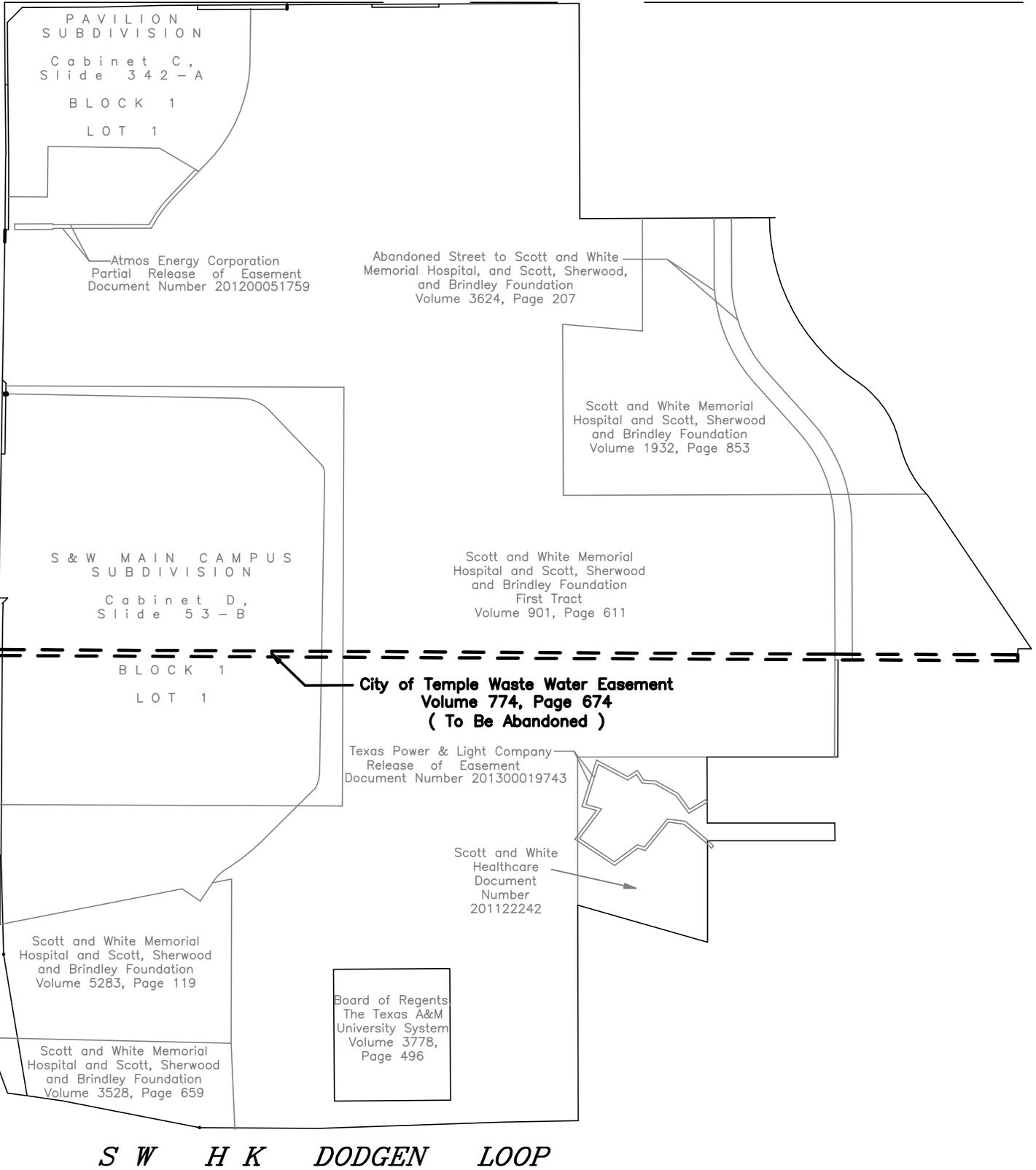
FISCAL IMPACT: Staff recommends restoration of the easement at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

ATTACHMENTS:

[Surveyors Sketch of 20' easement location](#)
[Resolution](#)

W. AVENUE R

SOUTH 31ST STREET



Existing 20' Waster Water Easement Location

NOT TO SCALE

Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple as it appears upon the map recorded in Cabinet D, Slide 53-B of said Plat Records and being a part of the BRADFORD HUGHES SURVEY, Abstract Number 376 and MAXIMO MORENO SURVEY, Abstract Number 14, Bell County, Texas
 Surveyed January 10, 2013.
 RONALD CARROLL SURVEYORS, INC.



Sketch showing a Waste Water Easement Abandonment over a portion of Lot 1, Block 1, S & W MAIN CAMPUS SUBDIVISION, a subdivision in the City of Temple, Bell County, Texas

RONALD CARROLL SURVEYORS, INC.
 5302 South 31st Street - Temple, Texas 76502
 Phone: (254) 773-1447 Fax: (254) 773-1728

FOR: Scott & White Memorial Hospital	SHEET NO: 1 of 1	DRAWN BY: CJP	DATE: 6/10/13
DISK: S:/DATA/TEXASJOBSDATA/		DRAWING NAME: 12085-S&W-WWEsmt	JOB#: 12085

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ABANDONING A 20-FOOT-WIDE SANITARY SEWER EASEMENT, LOCATED WITHIN THE MAIN CAMPUS OF SCOTT & WHITE MEMORIAL HOSPITAL, EXTENDING FROM A POINT STARTING AT SOUTH 31ST STREET AND ENDING AT A POINT NEAR FRIAR'S CREEK AT THE NORTH PROPERTY LINE OF THE OAKBROOK APARTMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council passed Resolution No. 2013-7006-R, releasing a 20-foot-wide sanitary sewer easement within the main campus of Scott & White Memorial Hospital;

Whereas, it is necessary to rescind and replace Resolution No. 2013-7006-R to retain the easement described in Volume 1927, Page 21, of the real property records of Bell County, Texas, being 20 feet in width and approximately 3400 feet in length, extending from a point starting at South 31st Street and ending at a point near Friar's Creek at the north property line of the Oakbrook Apartments;

Whereas, the applicant, Scott & White Memorial Hospital (now a part of Baylor Scott & White Health), requested abandonment of the sanitary sewer easement described in Volume 774, Page 674, to accommodate future development and platting of the campus;

Whereas, the Utility Division within the Public Works/Engineering Department concurs with (1) release of the easement described in Volume 774, Page 674, which was formerly used for a force main that is no longer in use and (2) retention of the easement recorded in Volume 1927, Page 21, which is still needed for an active public wastewater line; 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, abandons a 20-foot-wide sanitary sewer easement, being approximately 3400 feet in length, which is more particularly described in Volume 774, Page 674, of the real property records of Bell County, Texas, and in 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 **7th** day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, 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 _____, 2013, by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #4(R)
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 2013-2014.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2013-2014 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$66,294.

ATTACHMENTS:

[Budget Amendments
Resolution](#)

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
November 7, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-4000-555-2225		Books & Periodicals (Library)	\$ 2,000	
110-0000-314-1917		Reserve for MacGregor Trust		\$ 2,000
<p>Appropriate funds to purchase history books as specified with MacGregor Trust Funds.</p>				
110-2031-521-2211		Instruments/Special Equipment (Police Department)	\$ 2,675	
110-0000-352-1345		Fund Balance Unallocated		\$ 2,675
<p>Appropriating police donations from FY 2013 that were not appropriated during FY 2013. The funds will be used to purchase an L3 burner that can hold up to 100 disks.</p>				
110-1800-525-1115		Skilled (Municipal Court)	\$ 1,752	
110-1800-525-1220		Retirement	\$ 268	
110-1800-525-1221		Social Security (Medicare)	\$ 115	
110-1800-525-1223		Worker Compensation	\$ 4	
110-1800-525-1226		Life Insurance	\$ 2	
110-1800-525-1227		AD&D Insurance	\$ 1	
110-1800-525-1228		Long Term Disability	\$ 4	
110-1800-525-1126		Longevity		\$ 241
110-0000-452-0458		Juvenile Case Manager Fund		\$ 1,905
<p>Appropriate additional revenue and expenditures related to the Teen Court Program of the Municipal Court. Two Juvenile Case Manager I positions are funded with Juvenile Case Manager Fund restricted revenues in the FY 14 Budget. During FY 13 one of the Juvenile Case Manager I positions became vacant. In FY 14 the position was filled at a higher rate than what was included in the FY 14 Budget. This budget appropriates the additional amount not funded in the FY 14 Budget.</p>				
520-5522-535-2652		Contracted Srvcs-WWTP Temple/Belton (Sewer Treatment)	\$ 59,473	
520-0000-373-0412		W&S Unreserved Retained Earnings		\$ 59,473
<p>To appropriate additional funds needed to cover the management fee of 3% by Brazos River Authority for the Temple/Belton WWTP. The management fee was not accounted for during the FY 14 budget process.</p>				
TOTAL AMENDMENTS			\$ 66,294	\$ 66,294
GENERAL FUND				
		Beginning Contingency Balance		\$ 498,072
		Added to Contingency Sweep Account		\$ 89,700
		Carry forward from Prior Year		\$ -
		Taken From Contingency		\$ (57,016)
		Net Balance of Contingency Account		\$ 530,756
		Beginning Judgments & Damages Contingency		\$ 40,000
		Added to Contingency Judgments & Damages from Council Contingency		\$ -
		Taken From Judgments & Damages		\$ (1,000)
		Net Balance of Judgments & Damages Contingency Account		\$ 39,000

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2014 BUDGET
November 7, 2013

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning Compensation Contingency		\$ 288,000
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ -
		Net Balance of Compensation Contingency Account		\$ 288,000
		Net Balance Council Contingency		\$ 857,756
		Beginning Balance Budget Sweep Contingency		\$ -
		Added to Budget Sweep Contingency		\$ -
		Taken From Budget Sweep		\$ -
		Net Balance of Budget Sweep Contingency Account		\$ -
		WATER & SEWER FUND		
		Beginning Contingency Balance		\$ 50,000
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 50,000
		Beginning Compensation Contingency		\$ 50,000
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ -
		Net Balance of Compensation Contingency Account		\$ 50,000
		Net Balance Water & Sewer Fund Contingency		\$ 100,000
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance		\$ 29,107
		Added to Contingency Sweep Account		\$ -
		Carry forward from Prior Year		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ 29,107
		Beginning Compensation Contingency		\$ 7,500
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ -
		Net Balance of Compensation Contingency Account		\$ 7,500
		Net Balance Hotel/Motel Tax Fund Contingency		\$ 36,607
		DRAINAGE FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		\$ -
		Carry forward from Prior Year		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency		\$ 7,500
		Added to Compensation Contingency		\$ -
		Taken From Compensation Contingency		\$ -
		Net Balance of Compensation Contingency Account		\$ 7,500
		Net Balance Drainage Fund Contingency		\$ 7,500
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		\$ -
		Added to Contingency Sweep Account		\$ -
		Taken From Contingency		\$ -
		Net Balance of Contingency Account		\$ -

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2013-2014 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 29th day of August, 2013, the City Council approved a budget for the 2013-2014 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2013-2014 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 2013-2014 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 7th day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Phillip Melton, Planning Intern

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-13-34: Consider adopting an ordinance authorizing a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for November 21, 2013.

Staff recommends approval of the requested Conditional Use where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC.

ITEM SUMMARY: The subject property is located on the southeast side of South General Bruce Drive between Gillmeister Lane and Mockingbird Lane. The property is addressed as 4507 South General Bruce Drive. The applicant, LuAron McCormack, proposes establishing a business where it is anticipated that less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption. As the applicant is proposing sales of alcoholic beverages other than beer and wine, a conditional use permit will be required. The property is zoned PD (GR) and the Future Land Use Plan designates this area as Auto-Urban Commercial. This Conditional Use Permit would be compatible with the zoning and the Future Land Use Plan.

Establishments with alcoholic beverage sales for on-premise consumption are subject to the standards in Section 5.3.15 of the UDC. A number of the standards applicable to this property have been identified and are discussed as follows:

Traffic Generation / Area Overcrowding: It is not anticipated that there will be an added substantial increase of traffic generation or overcrowding to the Gateway Center area.

Licensing from Texas Alcoholic Beverage Commission: The applicant must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code. This will be required within 6 months from the date of the issuance of the conditional use permit.

Parking: According to the applicant's site plan, 81 parking spaces will be provided, which is in accordance to the UDC Sec. 7.5.

Distance from Sensitive Uses: As provided by UDC Section 5.3.15C, the property is not located within 300 from a place of worship, elementary or secondary school, public hospital, public park, or any residentially zoned or developed lot. The closest distance to any of these listed uses is Harvest Church in the Gateway Center, which measured in a straight, direct line from the property line of the establishment to the door of Harvest Church, is approximately 340 feet.

The applicant has provided a site plan as required per UDC Section 3.5.2B. Staff has reviewed the use permit and the site plan which were considered by the DRC during their September 23, 2013 meeting. Based on the proposal, no issues were identified during the meeting. The applicant has applied for a building permit, and the approved site plan for the building permit will be included in the Ordinance if the conditional use permit is approved by City Council.

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

<u>Direction</u>	<u>Zoning</u>	<u>Current Land Use</u>
Subject Property	GR	Currently Unoccupied
(N) IH-35	N/A	Freeway
(S) Gateway Center	GR	Retail Uses
(E) Gateway Center	GR	Retail Uses
(W) New Pool's Tires & Rims	GR	Service Uses

PUBLIC NOTICE: One notice of the Planning and Zoning Commission public hearing was sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. The notice was returned with no objection to the Conditional Use Permit.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site Photos

Aerial Map

Site Plan

Buffer Notification Map

Returned Property Owner Notice

PZ Excerpts

Ordinance



South: Subject Property (in the foreground) and the Gateway Center



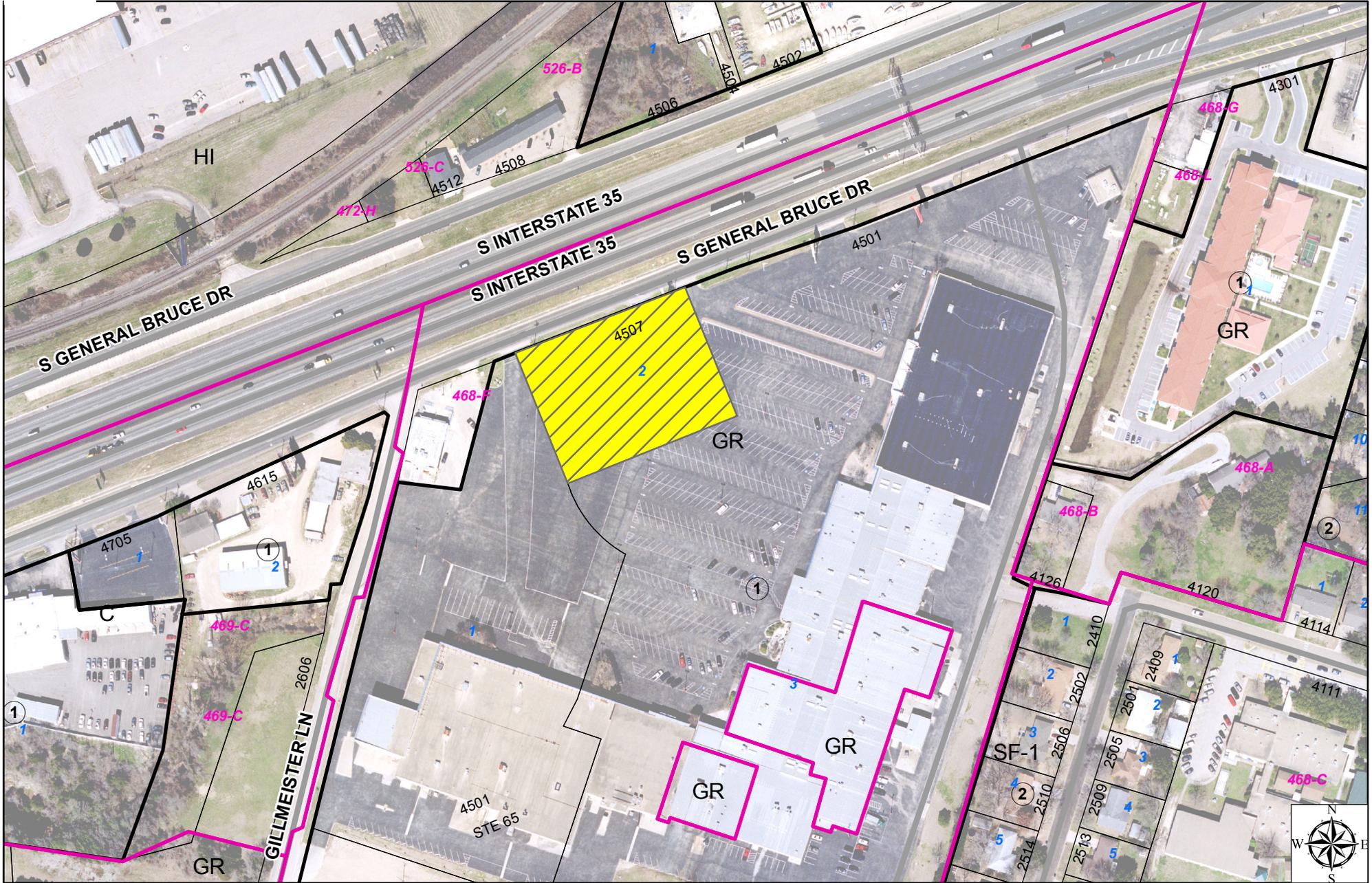
North: Interstate 35



East: Gateway Center



West: Gateway Center Parking Lot and New Pool's Tires and Rims

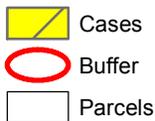
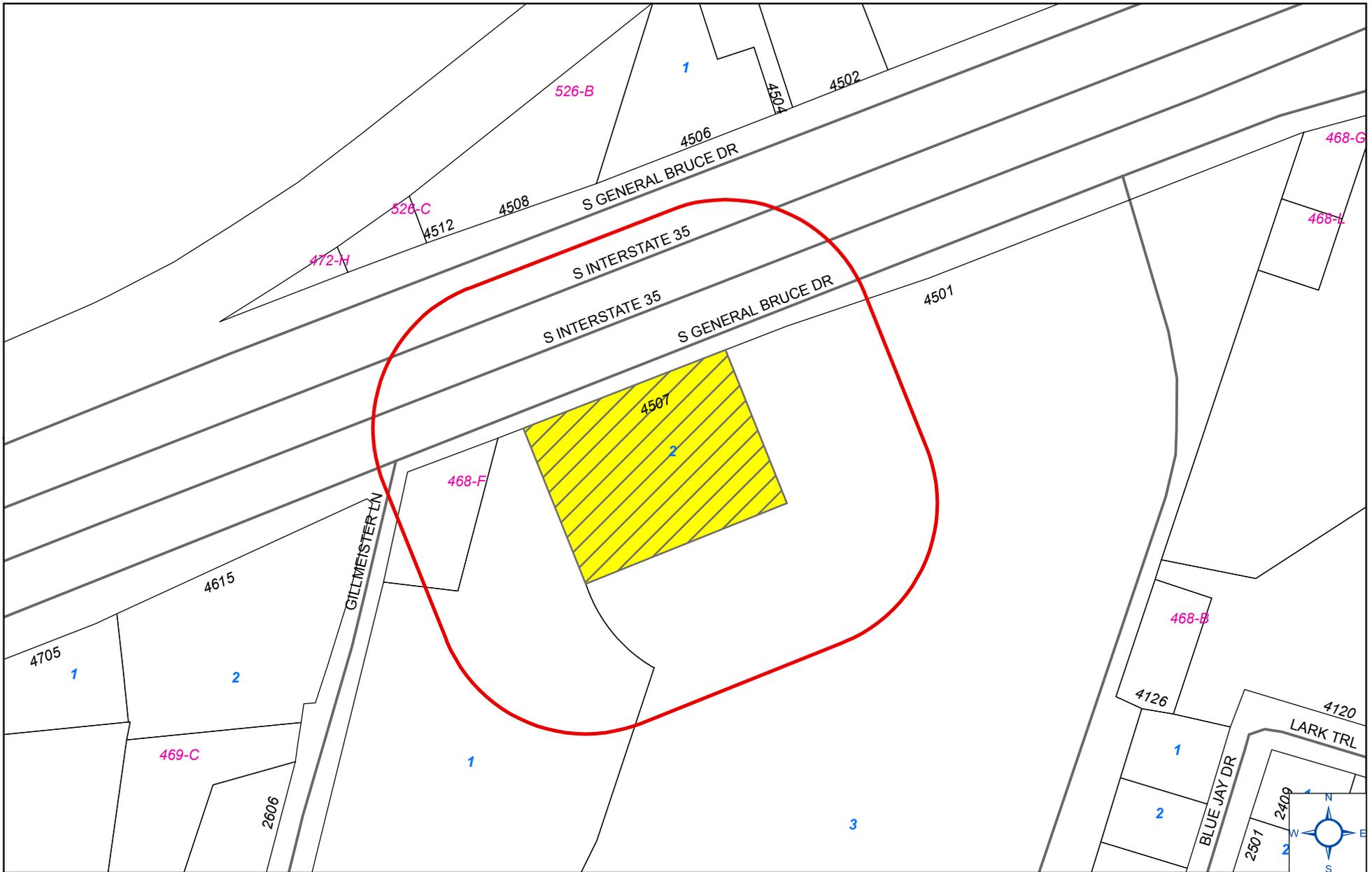


	Case	1234	Addresses		Parcels
	Lots		Zoning		Subdivisions



10/1/2013
City of Temple GIS

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



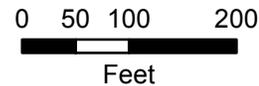
Historic Lot Lines

Outblock 1234-A

Lots

Addresses

1
1234



9/11/2013
City of Temple GIS
pmetlon

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
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

Mohammad Kayani
7208 Rick Drive
Temple, Texas 76701

Zoning Application Number: Z-FY-13-34

Project Manager: Phillip Melton

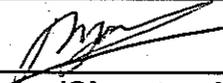
Location: 4507 South General Bruce Drive

The proposed request for a Conditional Use Permit is the area shown in hatched marking on the attached map. The Conditional Use Permit will allow the sale of alcoholic beverages for on-premise consumption in a restaurant. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

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

Comments:

In my opinion Alcoholic is Bad for Human. In my Religion is prohibited. Beside these two things I have no objection.



(Signature)

10-1-13

Mohammad KAYANI

(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2012.

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

RECEIVED
OCT 04 2013
City of Temple
Planning & Development

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, OCTOBER 7, 2013**

ACTION ITEMS

Item 3: Z-FY-13-34: Hold a public hearing to discuss and recommend action on a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for the Longhorn Steakhouse, on Lot 2, Block 1, Gateway Center, located at 4507 South General Bruce Drive. (LuAron McCormack for Jim Powell)

Mr. Phillip Melton, Planning Intern, stated the current site is vacant however, the applicant has submitted an application for a building permit. The Future Land Use and Character Map designate the area as Auto-Urban Commercial.

The property is zoned for GR and a CUP would be required as subject to Section 5.3.15 of the Unified Development Code (UDC).

Applicable standards from UDC Section 5.3.15 include traffic generation/area overcrowding, licensing from Texas Alcoholic Beverage Commission, parking, and distance from sensitive uses.

Surrounding properties include retail use to the south and east, I-35 to the north, and tire retail/service use to the west.

One notice was mailed and was returned in favor of the request.

Staff recommends approval of the requested CUP where less than 75% of the gross revenue will be from the sale of alcoholic beverages with on-premise consumption for the following reasons:

The request is compatible with the Future Land Use & Character Plan which identifies this area as Auto-Urban Commercial; and

The applicant has demonstrated compliance with the specific standards in Section 5.3.15 of the UDC

Commissioner Pitts stated he had concerns about traffic on Bluejay.

Ms. Kim Foutz, Acting Director of Planning, stated the Gateway Center went in through the City Council and had a number of exemptions they requested. This is just a pad site with it. City Council did have discussions about the traffic on Bluejay as well as Gillmeister and they provided an exception for sidewalks on Gillmeister.

Vice-Chair Rhoads asked if the church located there would be going away. Ms. Foutz stated the church was moving outside of the center off of Gillmeister to the south. The measurement for alcohol beverage would not be within the area regulated or be a proximity problem.

Vice-Chair Rhoads opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Magaña made a motion to approve Item 3, Z-FY-13-34, and Commissioner Jones made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats absent

[PLANNING NO. Z-FY-13-34]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION, WHERE SALES WILL BE LESS THAN 75% OF THE TOTAL GROSS REVENUE FOR A LONGHORN STEAKHOUSE RESTAURANT IN THE GATEWAY CENTER, LOCATED AT 4507 SOUTH GENERAL BRUCE DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the location and zoning classification of the establishment, has recommended that the City Council approve this application; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted concerning the establishment at 4507 South General Bruce Drive, and has heard the comments and evidence presented by all persons supporting or opposing this matter at said public hearing, and after examining the location and the zoning classification of the establishment finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption where sales will be less than 75% of the gross revenue for a Longhorn Steakhouse Restaurant in the Gateway Center located at 4507 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- (a) The landscaping plan meets the minimum requirements, however, it is subject to change and staff will offer to bring it back for review if necessary.
- (b) The sale and consumption of alcoholic beverages shall occur only within the designated area, in accordance with the site plan attached as Exhibit B.
- (c) The permittee must design and operate the establishment in such a manner that the proposed use or actual use of the premises shall not substantially increase traffic congestion or create overcrowding in the establishment or the immediately surrounding area.
- (d) The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six (6) months from the date of the issuance of the conditional use permit by the City Council, such limitation in time being subject to review and possible extension by the City.
- (e) The permittee bears the burden of showing that the establishment does not exceed the limitation on gross receipts from sales of alcoholic beverages applicable to its conditional use permit. The permittee must maintain accounting records of the sources of its gross revenue and allow the City to inspect such records during reasonable business hours.
- (f) The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- (g) The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment premises to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee shall consult with the Chief of Police, who shall act in an advisory capacity to determine the number of qualified employees necessary to meet his obligations hereunder.
- (h) The establishment must provide adequate parking spaces to accommodate its members and their guests. Provided, however, the number of parking spaces shall never be less than those required for similar uses in that zoning district where the establishment is located.
- (i) The permittee must operate the establishment in such a manner as to prevent excessive noise, dirt, litter and odors in the establishment or in the surrounding area and operate the establishment in such a manner as to minimize disturbance to surrounding property owners.
- (j) The City Council may deny or revoke a conditional use permit if it affirmatively determines that the issuance of the same is (a) incompatible with the surrounding uses of property, or (2) detrimental or offensive to the neighborhood or contrary to the health, safety, and general welfare of the City and its inhabitants.
- (k) A conditional use permit issued under this section runs with the property and is not affected by a change in the owner or lessee of a permitted establishment.

- (l) All conditional use permits issued under this section will be further conditioned that the same may be canceled, suspended or revoked in accordance with the revocation clause set forth in Section 7-609.

Part 3: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **November**, 2013.

PASSED AND APPROVED on Second Reading on the 21st day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/07/13
Item #6
Regular Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-13-35: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its October 7, 2013 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the zone change from General Retail (GR), Single-Family Two (SF-2) and Planned Development (PD-GR) to General Retail (GR) for the above described property.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for November 21, 2013.

Based on the following discussion, staff recommends approval for a zone change from GR, SF-2 & PD-GR to GR for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Suburban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: According to the City of Temple Comprehensive Plan / Future Land Use Plan (FLUP), the property's current Suburban Commercial land use designation is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as "gateways" and high-profile corridor locations. The land use classification is characterized by extensive landscaping and /or open space. The architectural style of buildings, roof, signage and lighting also contribute to a suburban character. The request to a General Retail zoning district (GR) complies with the FLUP. In addition,

the GR zoning designation is compatible with the adjacent land use and will continue the non-residential pattern of development in the immediate area.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments. The GR zoning district is intended to serve larger service areas than neighborhoods. The district should be located at the intersection of major arterials and should provide total on-site traffic, maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although it is anticipated the property will be developed with general retail uses, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

- Single-Family Dwelling
- Duplex
- Convent or monastery

Nonresidential uses

- Veterinary Hospital (No kennels)
- Electrical substation (high voltage bulk power)
- Minor vehicle servicing

Prohibited uses include HUD-Code manufactured homes and land lease communities, apartments, boat sales or storage, welding or machine shop, storage warehouse and major vehicle repair. All industrial uses are prohibited, except industrial uses allowed by an approved conditional use permit (i.e. temporary asphalt concrete batching plants).

SURROUNDING PROPERTY AND USES: The following table provides the direction from the property, Future Land Use Plan (FLUP) designation, existing zoning and current land uses:

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	GR, PD-GR & SF-2	Undeveloped
North	Suburban Commercial	AG, O-1 & GR	Undeveloped & Commercial Dev.
South	Suburban Commercial	AG	Undeveloped & Scattered SF Residences
East	Suburban Commercial	PD-GR & SF-2	Mini Storage & SF Residences (Crescent View Subdivision).
West	Suburban Commercial	AG, GR & SF-3	Undeveloped & Scattered SF Residences & Dev. (Meadows Subdivision)

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

Document	Policy, Goal, Objective or Map	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	Y
CP	Map 5.2 - Thoroughfare Plan	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Y
STP	Temple Trails Master Plan Map & sidewalks	Required (Addressed through Plat)

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

DEVELOPMENT REGULATIONS: Standard non-residential setbacks in the GR district are:

Minimum lot size	-	N/A
Minimum Lot Width	-	N/A
Minimum Lot Depth	-	N/A
Front Yard Setback	-	15'
Side Yard Setback	-	10'
Corner Side Setback	-	10'
Rear Yard Setback	-	0'

Per UDC Section 4.4.4F.3a, a minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use.

In addition, any proposed non-residential development will be subject to the general development standards prescribed in UDC Section 7. This section provides for standards for access, circulation, sidewalks, landscaping, off-street parking, signage, screening, buffering and exterior building materials. While several of these items will be addressed through the anticipated plat, the remainder will be addressed through the Construction Document review phase of development.

PUBLIC NOTICE: Nineteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday October 29, 2013 at 10:00 AM, 4 notices for approval, 1 notice for disapproval and 3 listed as undeliverable have been returned.

The newspaper printed notice of the Planning and Zoning Commission public hearing on September 26, 2013, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Subject and Surrounding Property Photos](#)
[Zoning Map](#)
[Future Land Use and Character Map](#)
[Surrounding Use, Zoning & Future FLUP](#)
[Buffer Notification Map](#)
[Returned Property Owner Notices](#)
[PZ Excerpts](#)
[Ordinance](#)

Site & Surrounding Property Photos



Site: Undeveloped - Looking South



Site: Undeveloped - Looking West from the Red Barn Mini Storage Property



West: Developed – Texas Partners Federal Credit Union



West: Undeveloped - Across Old Waco Road



East: Developed - Red Barn Mini Storage



East: Developed - Mini Storage and Single Family Residences



North: Developed & Undeveloped Land



North: Holy Trinity Catholic High School



Future Land Use

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

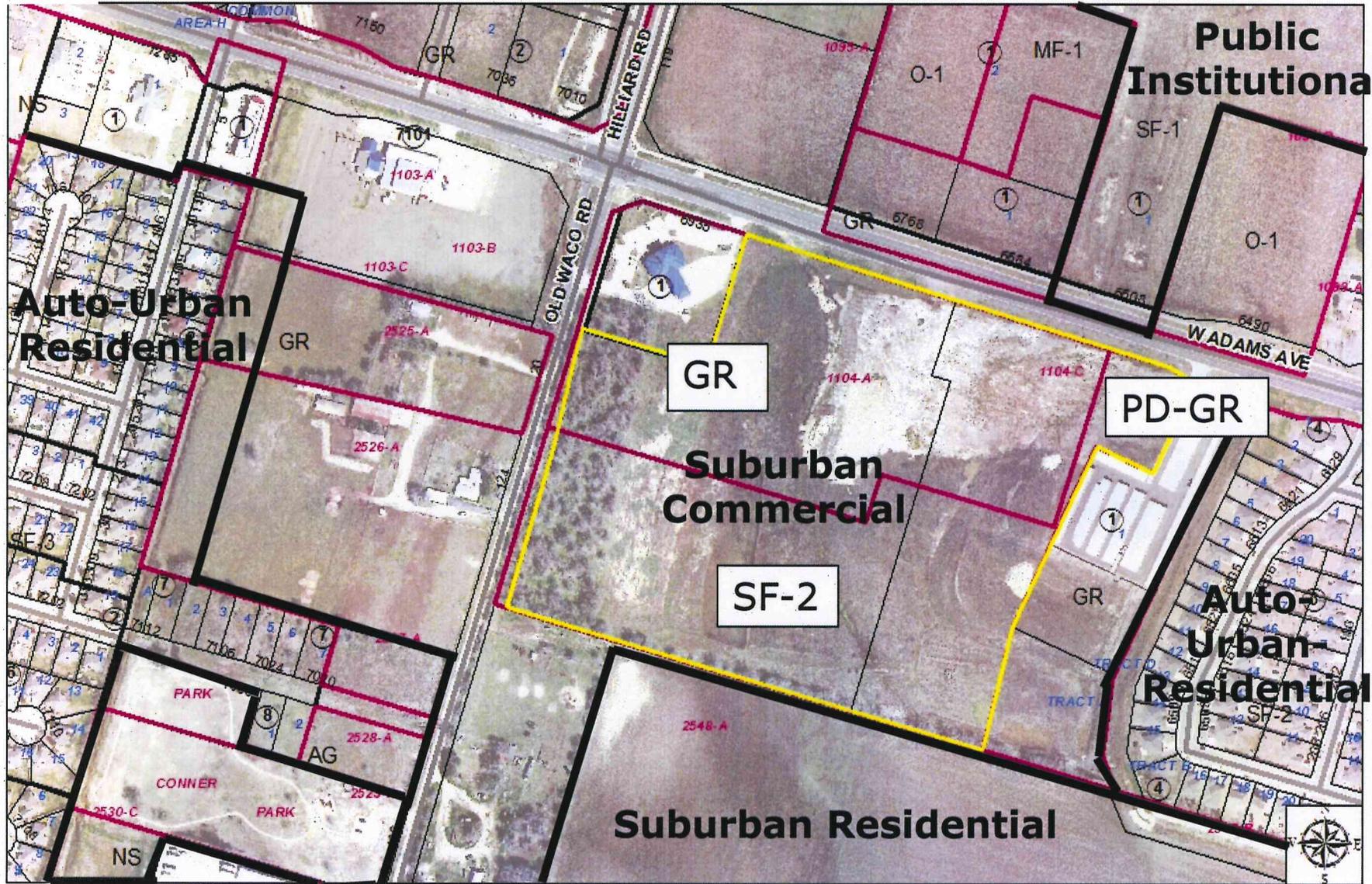
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



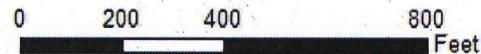
Z-FY-13-35

Surrounding Use, Zoning & FLUP

SEC W. Adams Ave.
& Old Waco Rd.



- Case
- Subdivisions
- 1234-A Outblocks
- 1 Blocks
- Zoning
- Parcel
- 1234 Addresses
- 1 Lots



9/23/2013
City of Temple GIS

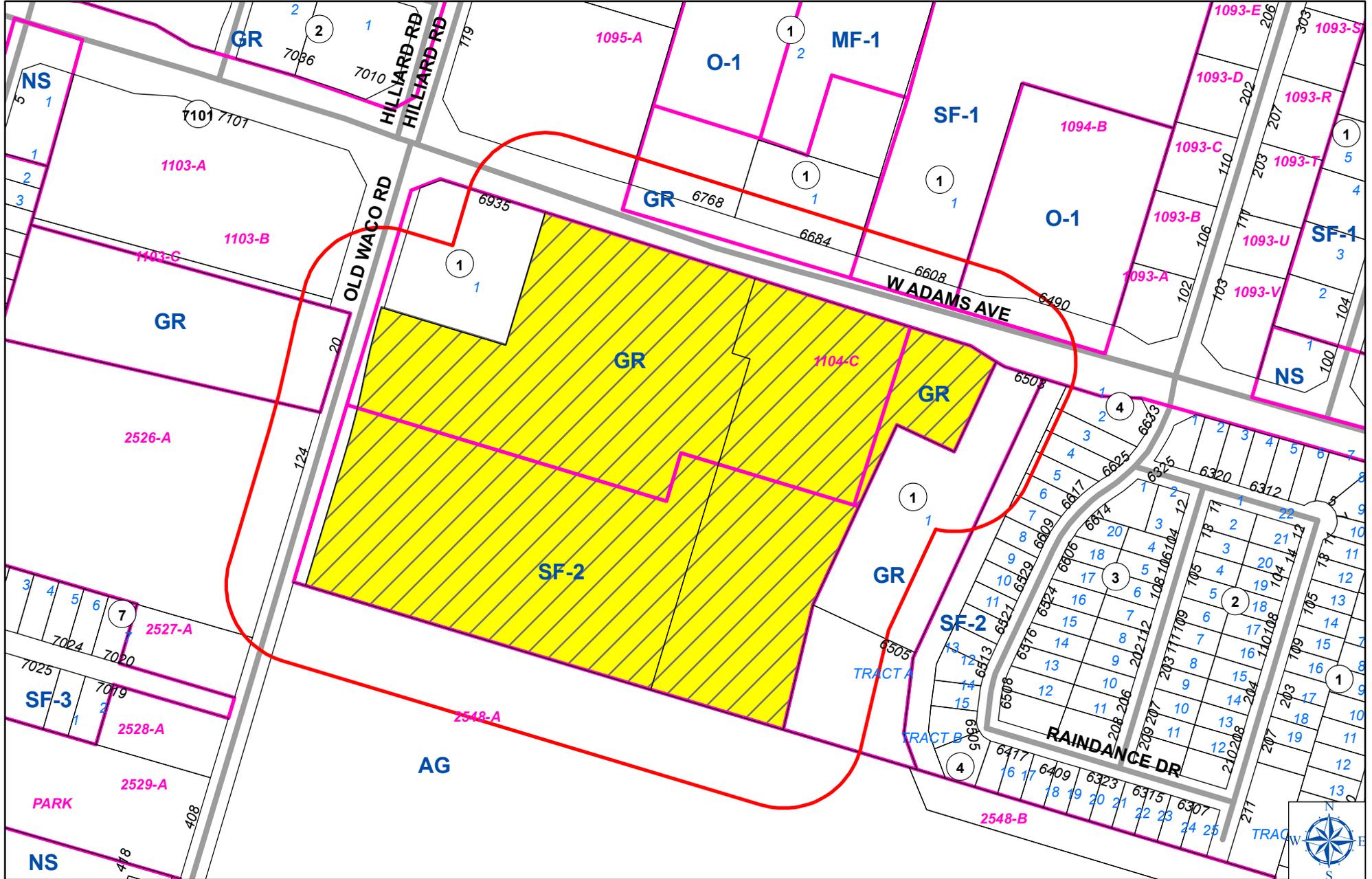
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-13-35

GR, GR-PD & SF-2 to GR

SEC W. Adams Ave. & Old Waco Rd.

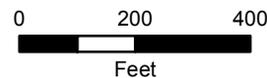


Zoning

1234-A
1234
Address

①
1

Block Number
Lot Number



9/17/2013
City of Temple GIS
mbaker

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
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Big Red Barn III Ltd
P.O. Box 148
Killeen, Texas 76540-148

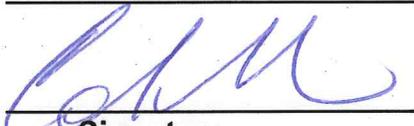
Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend approval () denial of this request.

Comments:


Signature

Colette Marshall
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2013

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 03 2013
City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Texas Partners Federal Credit Union
1011 Wales Drive
Killeen, Texas 76549

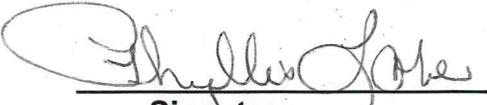
Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

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

Comments:



Signature

Thyllis Love

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2013

**City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501**

RECEIVED
OCT 03 2013
City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Dretchen Dye
6613 Brooks Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend () approval denial of this request.

Comments:



Signature

DRETCHEN DYE

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2013

City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501

RECEIVED
OCT 03 2013

Number of Notices Mailed: 17

Date Mailed: September 26, 2013

City of Temple
Planning & Development



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Lisa Joshlin
486 Valley Drive
Moody, Texas 76557

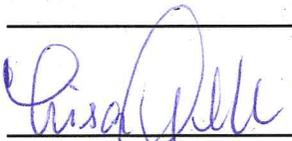
Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

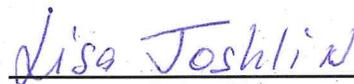
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I recommend approval () denial of this request.

Comments:



Signature



Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2013

**City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501**

RECEIVED

OCT 04 2013

Number of Notices Mailed: 17

Date Mailed: September 26, 2013 City of Temple Planning Department



**RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE**

Mary E. McDonald
1846 Hollister St, Apt 15
Houston, Texas 77080

Zoning Application Number: Z-FY-13-35 **Project Manager:** Mark Baker

Location: Southeast Corner of Adams Avenue and Old Waco Road

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

I recommend approval () denial of this request.

Comments:

no objections

M E McDonald
Signature

Mary McDonald
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than October 7, 2013

**City of Temple
Planning Department
Room 102
Municipal Building
Temple, Texas 76501**

RECEIVED
OCT 07 2013
City of Temple
Planning & Development

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, OCTOBER 7, 2013**

ACTION ITEMS

Item 2: Z-FY-13-35: Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on 29.953 ± acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road. (Michael Beevers for Bill Barge)

Mr. Mark Baker, Planner, stated this item would go forward to City Council for first reading on November 7th and second reading on November 21st.

This is a zone change from General Retail (GR) Planned Development General Retail (PD-GR) and Single Family-Two (SF-2) to a straight GR zoning and the Future Land Use and Character Map identifies the property as Suburban-Commercial District.

A 14-inch and four-inch water lines are available in West Adams Avenue and there is a 24-inch water line available in Old Waco Road. An 18-inch sewer line is available in West Adams and a 10-inch sewer line in Old Waco Road.

The surrounding properties and uses include the following: both developed and undeveloped property to the north, mini-storage and some single family residential to the east, a combination of developed and undeveloped to the west, and undeveloped land to the south.

The allowed and prohibited uses are given along with the development regulations comparisons.

Seventeen notices were mailed out with four returned in favor of the request and one in opposition.

Staff recommends approval of the request for a zone change from “GR”, “PD-GR” and “SF-2” to “GR” for the following reasons:

The proposed zoning is consistent with the Future Land Use Map which identifies this area as Suburban Commercial;

The request complies with the Thoroughfare Plan;

The proposed zoning is compatible with the surrounding uses; and

Public facilities are available to serve the subject property.

Commissioner Johnson asked what the original PD was on the property. Mr. Baker said he believed it was primarily for the mini-storage, but would have to research to see what was put in the PD.

Vice-Chair Rhoads opened the public hearing.

Mr. Mike Beevers, 5101 FM 439, Belton, Texas, stated he was present on behalf of the applicant. Mr. Beevers responded to what was on the original PD and stated the tract was purchased in 2005 and the subject of the mini-storage came up. At that time, Staff recommended it be done under a PD zoning to accommodate the mini-storage rather than come in with GR and come back with a Conditional Use Permit (CUP). The balance of the tract was zoned in anticipation of duplexes or some other low impact, multi-family development.

There being no further speakers, Vice-Chair Rhoads closed the public hearing.

Commissioner Jones made a motion to approve Item 2, Z-FY-13-35, and Commissioner Magaña made a second.

Motion passed: (6:0)

Chair Sears and Commissioner Staats absent

ORDINANCE NO. _____

[PLANNING NO. Z-FY-13-35]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM GENERAL RETAIL DISTRICT (GR), SINGLE-FAMILY TWO DISTRICT (SF-2), AND PLANNED DEVELOPMENT DISTRICT (PD-GR), TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 29.953 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT 5, LOCATED AT THE SOUTHEAST CORNER OF WEST ADAMS AVENUE AND OLD WACO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from General Retail District (GR), Single-Family Two District (SF-2), and Planned Development District (PD-GR) to General Retail District (GR) on approximately 29.953 acres of land situated in the Nancy Chance Survey, Abstract No. 5, City of Temple, Bell County, Texas, located at the southeast corner of West Adams Avenue and Old Waco Road, 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 7th day of **November**, 2013.

PASSED AND APPROVED on Second Reading on the 21st day of **November**, 2013.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Jonathan Graham
City Attorney