



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, OCTOBER 2, 2014

4:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 2, 2014.
2. Receive a briefing on I-35.

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 PROCLAMATIONS

- | | | | |
|----|-----|----------------------------------|-----------------|
| 3. | (A) | Czech Heritage Month | October 2014 |
| | (B) | National Life Chain Sunday | October 5, 2014 |
| | (C) | National Colonial Heritage Month | October 2014 |

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. PUBLIC HEARING

4. [2014-7493-R](#): PUBLIC HEARING – Conduct a public hearing and consider approving a resolution authorizing permanent use of approximately 0.101 acres of land and temporary working space use of approximately 0.142 acres of land for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.
5. [2014-7494-R](#): PUBLIC HEARING – Conduct a public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) Citizen Participation Plan.

V. CONSENT AGENDA

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

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

Minutes

- (A) [September 4, 2014 Special Called and Regular Meeting](#)
- (B) [September 18, 2014 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (C) [2014-7495-R](#): Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency repair of a manhole on Ira Young Drive in the amount of \$64,886.
- (D) [2014-7496-R](#): Consider adopting a resolution authorizing a construction contract with Skyblue Utilities, Inc (Skyblue) of Kingsland for construction of a new 8" PVC sanitary sewer main in the area of 10th and 12th Street from Central Avenue to Avenue D in an amount not to exceed \$435,384.10, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (E) [2014-7497-R](#): Consider adopting a resolution authorizing Change Order #1 to the construction contract with Austin Engineering Co., Inc. (AEC) of Austin for construction activities required to build Phase 1 of the TBP-Panda Effluent Line in an amount not to exceed \$35,000.
- (F) [2014-7498-R](#): Consider adopting a resolution authorizing change order #2 to the construction contract with McLean Construction (McLean), of Killeen, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$231,910.60.
- (G) [2014-7499-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2014-2015 sole source maintenance contract with Intergraph Public Safety in the amount of \$42,024.
- (H) [2014-7500-R](#): Consider adopting a resolution authorizing the purchase of a yearly 2014-2015 sole source maintenance contract with Sungard Public Sector in the amount of \$160,396.99.
- (I) [2014-7501-R](#): Consider adopting a resolution authorizing execution of an easement agreement granting Magellan Pipeline Company, L.P. a permanent easement of 3,777 square feet and a temporary workspace easement of 17,202 square feet for a four-inch diameter diesel fuel pipeline and related facilities adjoining the east side of North General Bruce Drive near Industrial Boulevard.

- (J) [2014-7502-R](#): Consider adopting a resolution authorizing a professional services agreement with MKP Consulting of Atascocita for the preparation of the CDBG program's five-year Consolidated Plan for fiscal years 2016 - 2020, in the amount of \$25,000.
- (K) [2014-7503-R](#): Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick, & Associates, LP (KPA) for redesign and survey services for final design of phase 1 of the Leon River Interceptor Project in an amount not to exceed \$36,040.
- (L) [2014-7504-R](#): Consider adopting a resolution authoring a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to design, bid, and provide construction phase services for North Lucius McCelvey Extension in an amount not to exceed \$228,550.
- (M) [2014-7505-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, to provide right of way services along Avenue U in an amount not to exceed \$229,400.
- (N) [2014-7506-R](#): Consider adopting a resolution authorizing the City Manager to execute a lease agreement between the City of Temple and Richard Potts, d/b/a JR Aviation LLC, upon the Federal Aviation Administration approval permitting the Lessee to lease a 150' X 120' plot of land and construct a 120' X 100' aircraft hangar and a 120' X 50' aircraft parking apron at the Draughon-Miller Central Texas Regional Airport.
- (O) [2014-7507-R](#): Consider adopting a resolution authorizing a one year lease extension to Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), to continue to provide rotary wing flight services; overnight aircraft storage; and other related aviation services through December 1, 2015 at the Draughon-Miller Central Texas Regional Airport.
- (P) [2014-7508-R](#): Consider adopting a resolution authorizing a renewal lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.

Ordinances – First Reading

- (Q) [2014-4686](#): FIRST READING: Consider adopting an ordinance authorizing a five year franchise agreement with Serenity EMS, LLC d/b/a AmeriStat Ambulance for non-emergency ambulance transfer services.

Ordinances – Second & Final Reading

- (R) [2014-4684](#): SECOND READING - Z-FY-14-35: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.054 +/- acres, out of the Baldwin Robertson Survey, Abstract Number 17, Bell County, Texas, located at 6511 North SH 317.
- (S) [2014-4685](#): SECOND READING – Consider adopting an ordinance establishing the Civil Service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

Misc.

- (T) **2014-7509-R:** Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Non-Primary Entitlement (NPE) Grant, (50-50 grant with the City's match \$300,000, funded through the Reinvestment Zone), in fiscal year 2015, for entrance and parking improvements at the northwest portion of the Draughon-Miller Central Texas Regional Airport in the total amount of \$ \$600,000.
- (U) **2014-7510-R:** Consider adopting a resolution authorizing acceptance of the FY 15 Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, (City match of \$50,000), to help assist with lower cost airside and landside Airport improvements at the Draughon-Miller Central Texas Regional Airport in the amount of \$100,000.
- (V) **2014-7511-R:** Consider a resolution granting permission to proceed with a Transportation Alternative Program (TAP) grant application to the Killeen Temple Metropolitan Planning Organization (KTMPO) for a new sidewalk and associated enhancements along N. 31st Street.

VI. REGULAR AGENDA

ORDINANCES

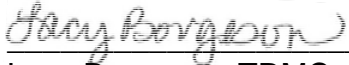
- 7. **2014-4687:** FIRST READING - PUBLIC HEARING - Z-FY-14-36: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a package store, for the retail sales of alcoholic beverages with off-premise consumption, on Lot 2, Block 1, Western Hills Commercial Phase III, located in Suite 201 at 4311 West Adams Avenue.
- 8. **2014-4688:** FIRST READING – PUBLIC HEARING - Z-FY-14-37: Consider an ordinance to take action on a rezoning from Urban Estate District (UE) to Single Family-One District (SF-1) on 61.137 +/- acres, being a tract of land in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 5105 Charter Oak Drive.
- 9. **2014-4689:** PUBLIC HEARING – Z-FY-14-38 – Consider adopting an ordinance authorizing a zoning change from TMED (T5-c) to PD-T5-c (Planned Development District-TMED T5-c) on a portion of Lots 2 and 3, Block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31st Street.

RESOLUTIONS

- 10. **2014-7512-R:** Consider adopting a resolution authorizing a construction contract with R.T. Schneider Construction Company, Ltd., (RTS), for construction of the 23rd Street Extension in an amount not to exceed \$323,264.45.

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 11:25 AM, on Friday, September 26, 2014.



Lacy Borgeson, TRMC
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14

Item #4

Consent Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, PE, Public Works Director

Don Bond, PE, City Engineer

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing and consider approving a resolution authorizing permanent use of approximately 0.101 acres of land and temporary working space use of approximately 0.142 acres of land for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

STAFF RECOMMENDATION: Staff recommends approval of resolution as proposed.

ITEM SUMMARY: The City of Temple Public Works Department is managing a group of improvement projects near Scott & White Park, which is located at the northeast corner of West Avenue R and South 19th Street. The group of projects, referenced as the Avenue R Projects, includes the widening of Avenue R, intersection enhancements at 25th and 19th Streets, sidewalks, landscaping, irrigation facilities, and an extension of the Friars Creek trail. Please see the attached exhibit for an overall project map.

The widening of Ave R and the addition of sidewalks along the north side of the roadway will require the existing limits of right-of-way to be extended approximately 10 feet to the north. This 10 foot extension will require moving the outfield fence for Guthrie Field approximately 10 feet to the north, as shown in the attached design exhibit. An additional 20-foot-wide temporary work space will be needed along Avenue R in Scott & White Park only during construction of the proposed park and transportation facilities. Please see the attached legal descriptions for the proposed additional ROW and the temporary work space.

Chapter 26 of the Texas Parks and Wildlife Code requires municipalities and other governmental entities and agencies to publish notices, hold a public hearing, and make specific findings for approval of any project involving non-park use of public land that was designated and used as a park or recreation area prior to the arrangement of the project. Approval of the project requires a determination that there is no feasible and prudent alternative to the use or taking of such land and that the program or project includes all reasonable planning to minimize harm to the remaining park land, resulting from the use or taking.

The slight reduction in the size of Guthrie Field will be mitigated by the addition of new complementary facilities, such as sidewalks, benches, lighting and landscaping. The overall project will also add sidewalk and trail connections to existing and proposed parks near Scott & White Park, resulting in substantial enhancement of the City of Temple's park system.

Please refer to the attached Design Exhibit and surveys for a detailed depiction of the area.

FISCAL IMPACT: Funding for the proposed Ave R Intersection Improvement Project has been identified in the Reinvestment Zone No. 1 Financing and Project Plans, Line 500, account 795-9500-531-6553, project 100696 to fund the costs related to the proposed improvements. There is no direct fiscal impact related to Chapter 26 of the Texas Parks and Wildlife Code.

ATTACHMENTS:

[Notice of Public Hearing](#)

[Overall Project Map](#)

[Design Exhibit](#)

[0.101-acre ROW Survey](#)

[0.142-acre Temporary Work Space Survey](#)

[Resolution](#)



NOTICE OF PUBLIC HEARING

TEMPLE CITY COUNCIL

Notice is hereby given that a public hearing will be held by the City Council of the City of Temple in the Council Chambers on the Second Floor of the Municipal Building, 2 North Main Street, Temple, Texas at 5:00 p.m. on the 2nd day of October 2014 to consider the following:

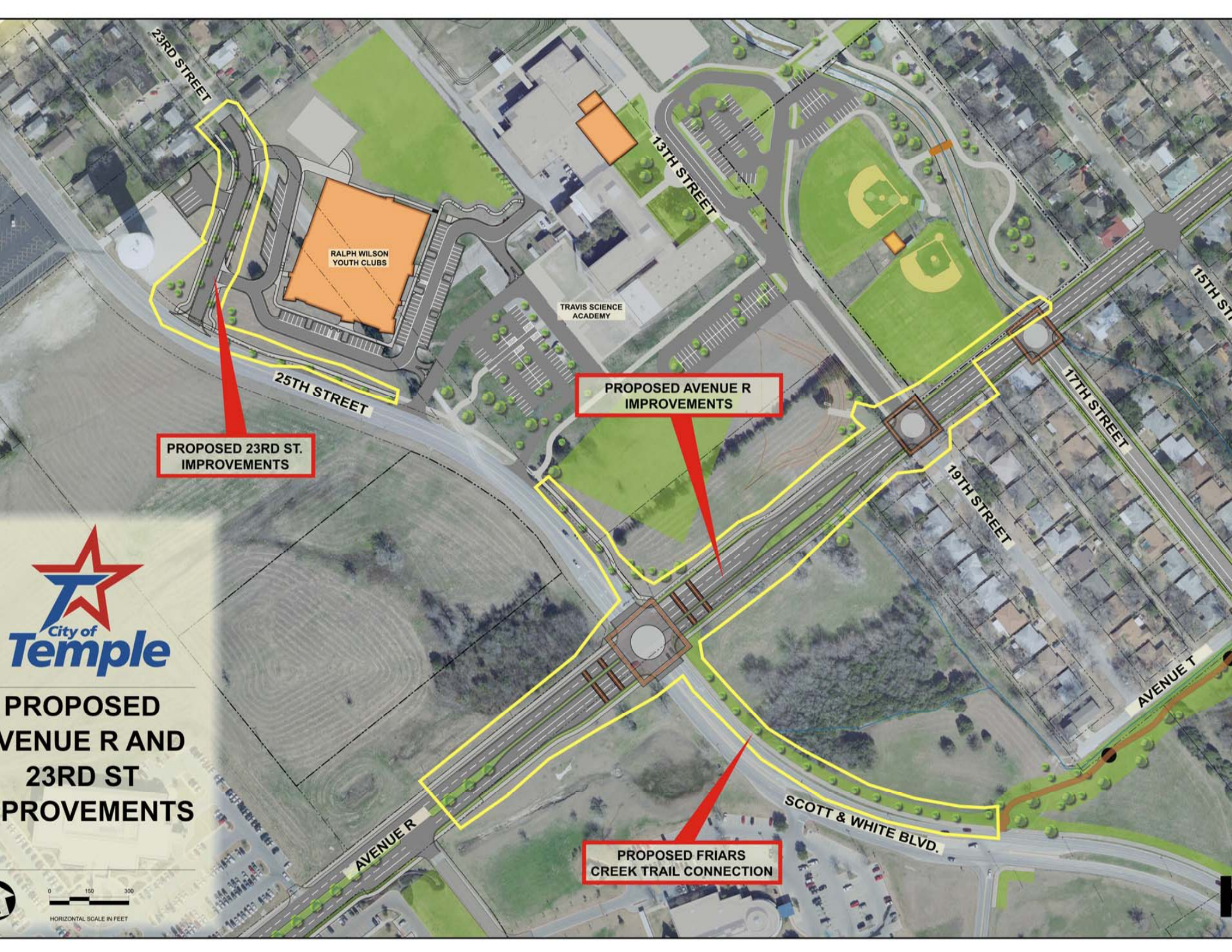
Approval of the permanent use of approximately 0.101 acres of land and temporary working space use of approximately 0.142 acres of land for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park, in accordance with Chapter 26 of the Texas Parks and Wildlife Code.

Notice is hereby given that all persons of the City of Temple may appear at said hearing, and they are invited to appear, to make suggestions, recommendations or objections to the proposed project; and that information concerning such project is on file in the Office of the City Secretary.

Dated this 7th day of September 2014.

If you have any questions regarding this Notice, please contact Lacy Borgeson, TRMC, City Secretary, City of Temple at (254) 298-5700.

SPECIAL ACCOMMODATIONS: *This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at 254-298-5700 for further information.*



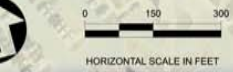
**PROPOSED 23RD ST.
IMPROVEMENTS**

**PROPOSED AVENUE R
IMPROVEMENTS**

**PROPOSED FRIARS
CREEK TRAIL CONNECTION**



**PROPOSED
AVENUE R AND
23RD ST
PROVEMENTS**





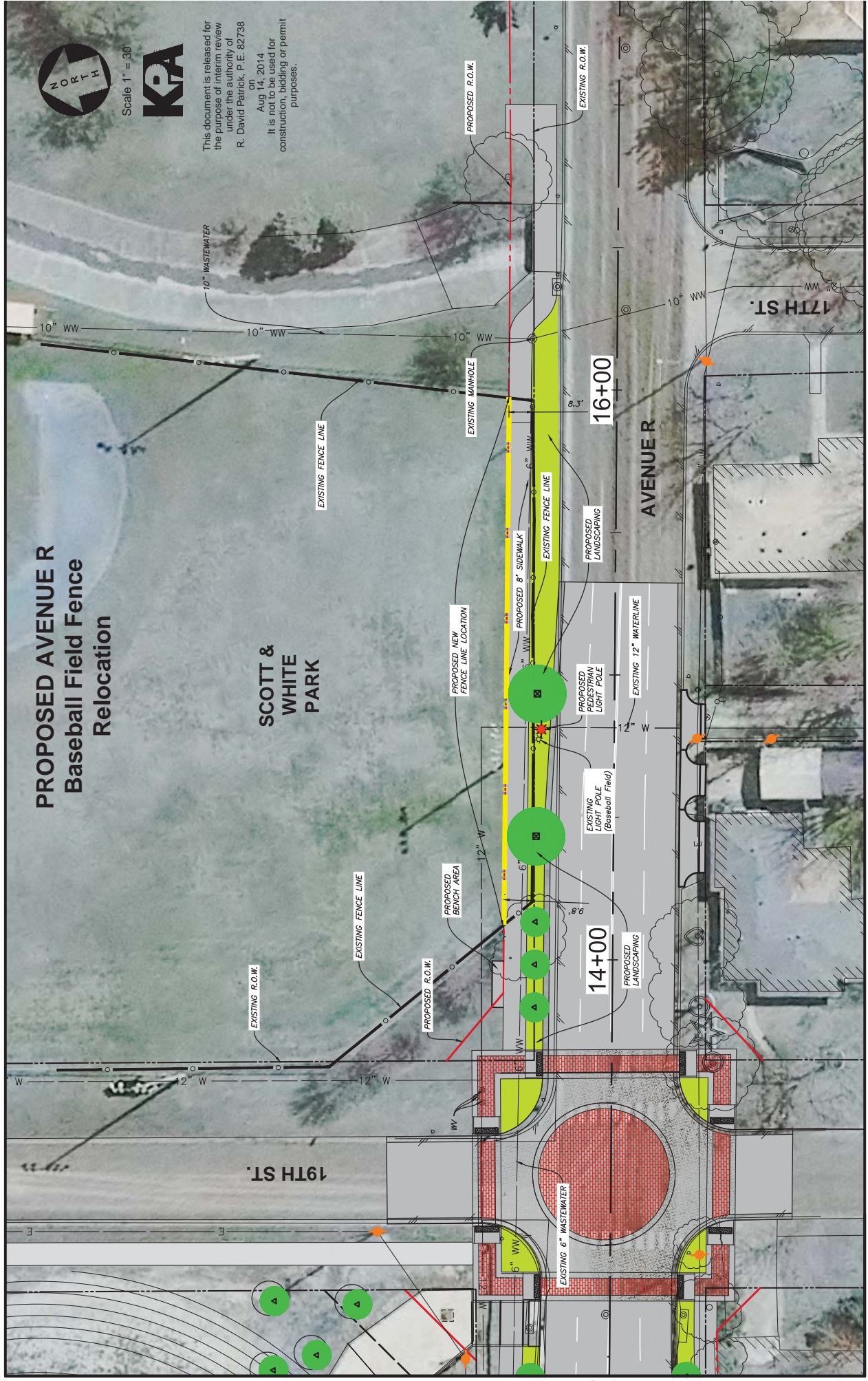
Scale 1" = 30'



This document is released for
the purpose of interim review
under the authority of
R. David Patrick, P.E. 82738
on
Aug 14, 2014
It is not to be used for
construction, bidding or permit
purposes.

PROPOSED AVENUE R Baseball Field Fence Relocation

SCOTT & WHITE PARK



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

July 18, 2013

Surveyor's Field Notes for **CITY OF TEMPLE**, for:

0.101 ACRE, situated in the **MAXIMO MORENO SURVEY, ABSTRACT 14**, Bell County, Texas, and being a portion of a tract of land in the name of The City of Temple as per Tax ID No. 396242, of which no deed was found, and a portion of an alley abandoned per Document No. 2011-00008443, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a $\frac{3}{4}$ " iron pipe found at the southwest corner of said City of Temple tract, being on the north line of a public roadway known as West Avenue R and the east line of a public roadway known as South 19th Street, for the southwest corner of the herein described tract;

THENCE, in a northerly direction with the east line of said South 19th Street, **N 16° 07' 06" E – 30.69'**, to a 5/8" iron rod with cap stamped "ACS" set, for the northwest corner of the herein described tract;

THENCE, in a southeasterly direction, severing said City of Temple tract, **S 33° 38' 08" E – 30.99'**, to a 5/8" iron rod with cap stamped "ACS" set;

THENCE, in an easterly direction, continuing to sever said City of Temple tract, **S 73° 01' 28" E – 277.17'**, a 5/8" iron rod with cap stamped "ACS" set, and **S 73° 52' 23" E – 146.03'**, crossing over said abandoned alley, to a 5/8" iron rod with cap stamped "ACS" set on the east line of said alley, same being the west line of Lot 11, Block 9, South Park Addition, an addition in the City of Temple, Bell County, Texas according to the plat recorded in Volume 563, Page 151, Deed Records of Bell County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Lot 11, same being the east line of said abandoned alley, **S 16° 17' 04" W – 9.02'**, to a 5/8" iron rod with cap stamped "ACS" set on the north line of said West Avenue R, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Avenue R, **N 73° 33' 31" W – 446.80'**, to the **POINT OF BEGINNING** and containing 0.101 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 1002. The theta angle at City Monument No. 1002 is 01° 31' 48". The combined correction factor (CCF) is 0.999848. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1002 are N.= 10,371,397.06 E.= 3,226,285.33 Reference tie from City Monument No. 1002 to the southwest corner of said 0.101 acre tract is S 47° 33' 03" E – 2425.90 feet.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.101 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 11, 2013

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

server/projects/pro100000/100500/100584/100584.15/100584.15 ROW5.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

Surveyor's sketch showing 0.101 ACRE, situated in the MAXIMO MORENO SURVEY, ABSTRACT 14, Bell County, Texas.
This sketch to accompany a metes and bounds description of the hereon shown 0.101 Acre tract.

SOUTH 19th STREET
(60' ROW) (Asphalt Surface)
PUBLIC MAINTAINED ROADWAY

CITY OF TEMPLE
TAX ID NO. 346242
NO DEED FOR THIS TRACT COULD BE FOUND BY THIS SURVEYOR*

11' ALLEY CLOSURE
DOCUMENT NO. 2011-00008443

LOT II, BLOCK 9
SOUTH PARK ADDITION
VOL. 563, PG. 151

616.1704' W 9.02'

S 73°01'28" E 271.17'

0.101 ACRE OF LAND
N 73°33'31" W 446.80'

S 73°52'23" E 146.03'

N 73°33'31" W 119.74'

1/2" Iron Rod Found

N 16°07'06" E 30.64'
33°38'08" E 30.99'
30.64' 3/4" Iron Pipe Found



(60' ROW) (Asphalt Surface)
WEST AVENUE R
PUBLIC MAINTAINED ROADWAY
Cdb. A, S1, 101-A

● - 5/8" Iron Rod with cap stamped "ACS, Set" (unless otherwise noted)

SOUTH 15th STREET
(60' ROW) (Asphalt Surface)
PUBLIC MAINTAINED ROADWAY

ALL COUNTY SURVEYING, INC.



• Surveying
• Mapping
• Construction Layout
1303 South 21st Street
Temple, Texas 76504
254-710-2272 Killeen 254-634-4636
Fax 254-714-7608
Tx. Firm Lk. No. 10023600

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983 Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 1002. The theta angle at City Monument No. 1002 is 01° 31' 48". The combined correction factor (CCF) is 0.999846. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1002 are N= 10371.947106 E= 3226.28533. Reference tie from City Monument No. 1002 to the southwest corner of sold 0.101 acre tract is S 47°53'03" E 2425.90 feet.



Survey completed: 07-11-2013
Scale: 1" = 40'
Job No.: 10058415
Dwg No.: 10058415 ROWS
Drawn by: SLW
Surveyor: CCL #4636
Copyright 2013 All County Surveying, Inc.

Plot Date: 07-17-2013

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

July 18, 2013

Surveyor's Field Notes for **CITY OF TEMPLE**, for:

0.142 ACRE, situated in the **MAXIMO MORENO SURVEY, ABSTRACT 14**, Bell County, Texas, and being a portion of a tract of land in the name of The City of Temple as per Tax ID No. 396242, of which no deed was found, and a portion of an alley abandoned per Document No. 2011-00008443, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "ACS" set on the west line of said City of Temple tract, being on the east line of a public roadway known as South 19th Street, which said iron rod set bears N 16° 07' 06" E – 30.69' from a 3/4" iron pipe found at the southwest corner of said City of Temple tract, for the westernmost southwest corner of the herein described tract;

THENCE, in a northerly direction with the east line of said South 19th Street, **N 16° 07' 06" E – 26.20'**, to a calculated point, for the northwest corner of the herein described tract;

THENCE, in a southeasterly direction, **S 33° 38' 08" E – 40.76'**, to a calculated point;

THENCE, in an easterly direction, **S 73° 01' 28" E – 269.82'**, to a calculated point, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, **S 16° 26' 29" W – 20.00'**, to a 5/8" iron rod with cap stamped "ACS" set, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, **N 73° 01' 28" W – 277.17'**, a 5/8" iron rod with cap stamped "ACS" set, and **N 33° 38' 08" W – 30.99'**, to the **POINT OF BEGINNING** and containing 0.142 Acre of Land.

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983, Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 1002. The theta angle at City Monument No. 1002 is 01° 31' 48". The combined correction factor (CCF) is 0.999848. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1002 are N.= 10,371,397.06 E.= 3,226,285.33 Reference tie from City Monument No. 1002 to the westernmost southwest corner of said 0.142 acre tract is S 48° 12' 15" E – 2412.45 feet.

This metes and bounds description to accompany a Surveyors Sketch of the herein described 0.142 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 11, 2013

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT

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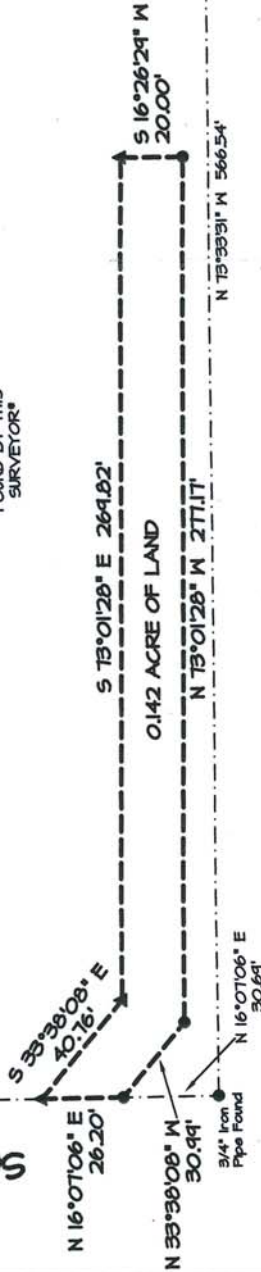
Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

Surveyor's Sketch showing 0.142 ACRE, situated in the MAXIMO MORENO SURVEY, ABSTRACT 14, Bell County, Texas.

This sketch to accompany a metes and bounds description of the hereon shown 0.142 Acre tract.

SOUTH 14th STREET
(60' ROW) (Asphalt Surface)

CITY OF TEMPLE
TAX ID NO. 346242
*NO DEED FOR THIS
TRACT COULD BE
FOUND BY THIS
SURVEYOR*



SEC. OF
LOT 11, BLOCK 9
SOUTH PARK ADDITION
VOL. 563, PG. 151

1/2" Iron
Rod Found

(60' ROW) (Asphalt Surface)
WEST AVENUE R
PUBLIC MAINTAINED ROADWAY
Cada. A, SI. 101-A

- ▲ - Calculated Point
- - 5/8" Iron Rod with cap stamped "ACS" Set (unless otherwise noted)

ALL COUNTY SURVEYING, INC.



1303 South 21st Street
Temple, Texas 76504
254-718-2272 Killen 254-634-4636
Fax 254-714-1608
Tx. Firm Lk. No. 10023600

This project is referenced to the City of Temple Coordinate System, an extension of the Texas Coordinate System of 1983 Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 1002. The theta angle at City Monument No. 1002 is 01° 31' 48". The combined correction factor (CCF) is 0.999848. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Published City coordinates for City Monument No. 1002 are N= 10571.94106 E= 5226.28535 Reference tie from City Monument No. 1002 to the southwest corner of said 0.142 acre tract is S 48°12'15" E 242.45 feet.

Survey completed: 07-11-2013
Scale: 1" = 40'
Job No.: 100594.15
Dwg No.: 100594.15 EMT4
Drawn by: SLN
Surveyor: CCL #4636
Copyright 2013 All County Surveying, Inc.



Charles C. Lucko

RESOLUTION NO. 2014-7493-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PERMANENT USE OF APPROXIMATELY 0.101 ACRES OF LAND AND TEMPORARY WORKING SPACE USE OF APPROXIMATELY 0.142 ACRES OF LAND FOR CONSTRUCTION, USE, MAINTENANCE, REPAIR, AND REPLACEMENT OF LANDSCAPING AND INTERSECTION ENHANCEMENTS ASSOCIATED WITH WEST AVENUE R, INCLUDING RIGHT-OF-WAY AND BICYCLE AND PEDESTRIAN CONNECTIVITY, IN A PORTION OF SCOTT & WHITE PARK, IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council was requested to conduct a public hearing in accordance with Chapter 26 of the Texas Parks and Wildlife Code to consider the permanent use of approximately 0.101 acres of land and temporary working space use of approximately 0.142 acres of land for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park;

Whereas, Parks and Leisure Services, the City department responsible for supervision of Scott & White Park, received written notice of the proposed project and the date and place for the public hearing on September 2, 2014;

Whereas, notice of the public hearing to be held on October 2, 2014, was given for three consecutive weeks on September 7, September 14, and September 21, 2014, in the *Temple Daily Telegram*, a newspaper of general circulation;

Whereas, the public hearing was held on October 2, 2014; 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, having taken into account clearly enunciated local preferences, finds that there is no feasible and prudent alternative to the permanent use of approximately 0.101 acres of land, described in Exhibit A, and temporary working space use of approximately 0.142 acres of land, described in Exhibit B, for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park, and further, that all reasonable planning has been done to minimize harm to the remaining park land, resulting from the use of taking.

Part 2: The City Council approves the permanent use of approximately 0.101 acres of land, described in Exhibit A, and temporary working space use of approximately 0.142 acres of land, described in Exhibit B, for construction, use, maintenance, repair, and replacement of landscaping and intersection enhancements associated with West Avenue R, including right-of-way and bicycle and pedestrian connectivity, in a portion of Scott & White Park.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: PUBLIC HEARING – Conduct a public hearing and consider adopting a resolution approving the Community Development Block Grant (CDBG) Citizen Participation Plan.

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

ITEM SUMMARY: The City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development. The primary purpose of the grant program is to develop viable communities through the provision of decent housing, suitable living environments and expanding economic opportunities for low and moderate income persons. As a recipient of these entitlement program funds the City is required to produce a Citizen Participation Plan, which outlines how, and when, the City will request formal and informal participation in the development and implementation of the CDBG programs.

This presentation and public hearing for the Citizen Participation Plan was preceded by a 30-day public comment period. One comment was received and addressed within the document.

FISCAL IMPACT: No Fiscal Impact.

ATTACHMENTS:

Resolution

RESOLUTION NO. 2014-7494-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN PARTICIPATON PLAN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development - the primary purpose of the grant program is to develop viable communities through the provision of decent housing, suitable living environments and expanding economic opportunities for low and moderate income persons;

Whereas, as a recipient of these entitlement program funds the City is required to produce a Citizen Participation Plan, which outlines how, and when, the City will request formal and informal participation in the development and implementation of the CDBG programs;

Whereas, the presentation and public hearing for the Citizen Participation Plan was preceded by a 30-day public comment period; and

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

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

Part 1: The City Council approves the Community Development Block Grant Citizen Participation Plan as presented.

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 **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(A-B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) September 4, 2014 Special Called and Regular Meeting
- (B) September 18, 2014 Special Called and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

September 4, 2014 Special Called and Regular Meeting (To Be Provided)
September 18, 2014 Special Called and Regular Meeting (To Be Provided)



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva P.E., Public Works Director
Aaron Gonzales, Interim Utility Services Director

ITEM DESCRIPTION: Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency repair of a manhole on Ira Young Drive in the amount of \$64,886.

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

ITEM SUMMARY: Over the past several days the Public Works Utility Services Division has been attempting to relieve a wastewater issue and blockage with no success at 3010 Ira Young Drive, Chappell Creek Village Apartments. Closed circuit TV monitoring of the sewer main disclosed broken sections around the manhole and severe root intrusion of the sewer main on the upstream side, preventing wastewater from passing through the system.

Given the severe condition of the sewer main and loss of the collection system all together in the location and limited to no access, Public Works Utilities is requesting this be declared an emergency repair. If the line is not replaced immediately it may present significant health, safety and environmental hazards. Bell Contractors has been engaged to complete the work, as they have the immediate material and equipment on hand to complete this project in a timely manner.

FISCAL IMPACT: Currently, funding in the amount of \$64,886 is available in Capital Building & Grounds/Sewer Line Replacement, account 520-5460-535-6361, project 101246, to fund the emergency contract with Bell Contractors.

ATTACHMENTS:

[Project Map](#)
[Quote from Bell Contractors](#)
[Resolution](#)

EMERGENCY SE

**5,956 square feet
SOD**

**BY-PASS
PUMPING LINE**

ROOT INTRUSION SEWER LINE & MANHOLE REPLACEMENT

**8,796 square feet
SOD**

SE 20 10" VCP

SE
20

UE 15 UE 15

3010



Bell Contractors, Inc.

3082 West Hwy. 190 . Belton, Texas 76513 . Phone (254)939-3509 . FAX (254)939-3500

September 22, 2014

Aaron Gonzales
City of Temple Utility Services
3210 E. Ave. H, Bldg A, Suite 123
Temple, TX 76501

Phone:

FAX:

Mobile:

e-mail: agonzales@templetx.gov

Bid proposal for Replacement Of Manhole on Ira Young Drive in Temple, Texas.

| Unit # | Description | Quantity | Unit | Unit Price | Amount |
|--------------------|---------------------------|----------|------|------------|------------------|
| II Sewer | | | | | |
| 1 | 10" SDR-26 | 56 LF | \$ | 250.00 | \$ 14,000.00 |
| 2 | Std. 4' Dia Manhole 16-0' | 1 Ea | \$ | 8,700.00 | \$ 8,700.00 |
| 3 | Demo Existing Manhole | 1 Ea | \$ | 5,100.00 | \$ 5,100.00 |
| 4 | Clearing / Site Prep | 1 LS | \$ | 19,100.00 | \$ 19,100.00 |
| 5 | Sodding | 4420 sf | \$ | 3.30 | \$ 14,586.00 |
| 6 | Trench Safety | 1 ls | \$ | 3,400.00 | \$ 3,400.00 |
| Total-Sewer | | | | \$ | 64,886.00 |
| Total | | | | \$ | 64,886.00 |

City to provide by-pass pumping and disposal of trees removed from work area.

Thank you for the opportunity to quote this project

Jonathan Perez
Estimator

RESOLUTION NO. 2014-7495-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN EMERGENCY CONTRACT WITH BELL CONTRACTORS OF BELTON, TEXAS, FOR THE EMERGENCY REPAIR OF A MANHOLE ON IRA YOUNG DRIVE, IN THE AMOUNT OF \$64,886; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, over the past several days the Public Works Utility Services Division has been attempting to relieve a wastewater issue with no success at 3010 Ira Young Drive, Chappell Creek Village Apartments;

Whereas, closed circuit TV monitoring of the sewer main disclosed broken sections around the manhole and severe root intrusion of the sewer main on the upstream side preventing wastewater from passing through the system;

Whereas, given the severe condition of the sewer main and loss of the collection system in the location and limited to no access, Public Works Utilities is requesting this be declared an emergency repair - if the line is not replaced immediately it may present significant health, safety and environmental hazards;

Whereas, due to the urgent nature of the project, staff obtained a proposal from Bell Contractors of Temple, Texas, to complete the work immediately as they have the necessary material and equipment on hand to respond quickly;

Whereas, staff recommends ratifying an emergency contract with Bell Contractors, of Belton, Texas for the emergency repair of a manhole on Ira Young Drive, in the amount of \$64,886;

Whereas, funding is available in Capital Building & Grounds/Sewer Line Replacement, Account No. 520-5460-535-6361, Project No. 101246, to fund this emergency contract; 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 ratify an emergency contract with Bell Contractors of Belton, Texas, after approval as to form by the City Attorney, for the emergency repair of a manhole on Ira Young Drive, in the amount of \$64,886;

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 **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(D)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Skyblue Utilities, Inc (Skyblue) of Kingsland for construction of a new 8" PVC sanitary sewer main in the area of 10th and 12th Street from Central Avenue to Avenue D in an amount not to exceed \$435,384.10, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Public Works Utility Services Division has experienced numerous wastewater line issues during the past several years between 10th and 12th Street from Central Avenue to Avenue D. These lines, which are mostly made from vitrified clay pipe, are aging and beginning to fail. This project will result in the replacement of an estimated 2,990 linear feet of 6-inch and 8-inch diameter wastewater lines with new 8-inch wastewater lines and new services.

On August 28, 2014, six bids were received. Per the attached Bid Tabulation, Skyblue submitted the low bid on the project in the amount of \$435,384.10. The opinion of probable construction cost was \$445,000. Clark & Fuller, checked references and recommends awarding construction to the low bidder, Skyblue, in their attached letter. Construction time allotted for the project is 160 days.

FISCAL IMPACT: Council authorized this project as part of the Capital Improvement Plan in the FY 2015 Budget in the amount of \$350,000. On March 20, 2014, Council awarded an engineering contract in the amount of \$69,083 to Clark & Fuller, PLLC. In order to fund the construction contract in the amount of \$435,384.10, an additional \$154,467.10 will need to be allocated to this project from the estimated savings associated with the Water Line Replacement – Along Lamar from 7th Street to Nugent Tank Project. Both projects will be funded with the proposed 2015 Utility Revenue Bonds to be issued Spring 2015. Funds in the amount of \$504,468 will be made available in account 561-5400-535-6951, project 101083, to fund this construction contract in the amount of \$435,384.10 with Skyblue Utilities, Inc.

ATTACHMENTS:

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



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

September 4, 2014

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

Re: 2014 10th and 12th Avenue Wastewater Replacement Project

Dear Ms. Carlos and Mr. Brown,

On August 28th, we received six (6) bids for the 10th and 12th Avenue Wastewater Replacement Project. We have reviewed each of the bids for accuracy and completeness. Skyblue Utilities, Inc. submitted a Bid totaling \$ 435,354.10 making them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost for this project is \$ 445,000.00.

Our firm has no previous experience working with Skyblue Utilities, Inc. Therefore we contacted numerous entities on the list of references provided by Skyblue Utilities, Inc. and everyone had positive comments. Several stated that Skyblue Utilities, Inc. responded in a timely fashion to construction problems and worked with project personnel to complete the project on time. When asked if Skyblue Utilities, Inc. were the low bidder on their next project all would recommend them.

We are recommending that you award the contract to Skyblue Utilities, Inc. We believe, through documentation and personal verbal contact with the contractor's list of provided references, that Skyblue Utilities, Inc. is qualified and is capable of providing the new utility improvements as required in this project.

Please advise us as to which contractor you select.

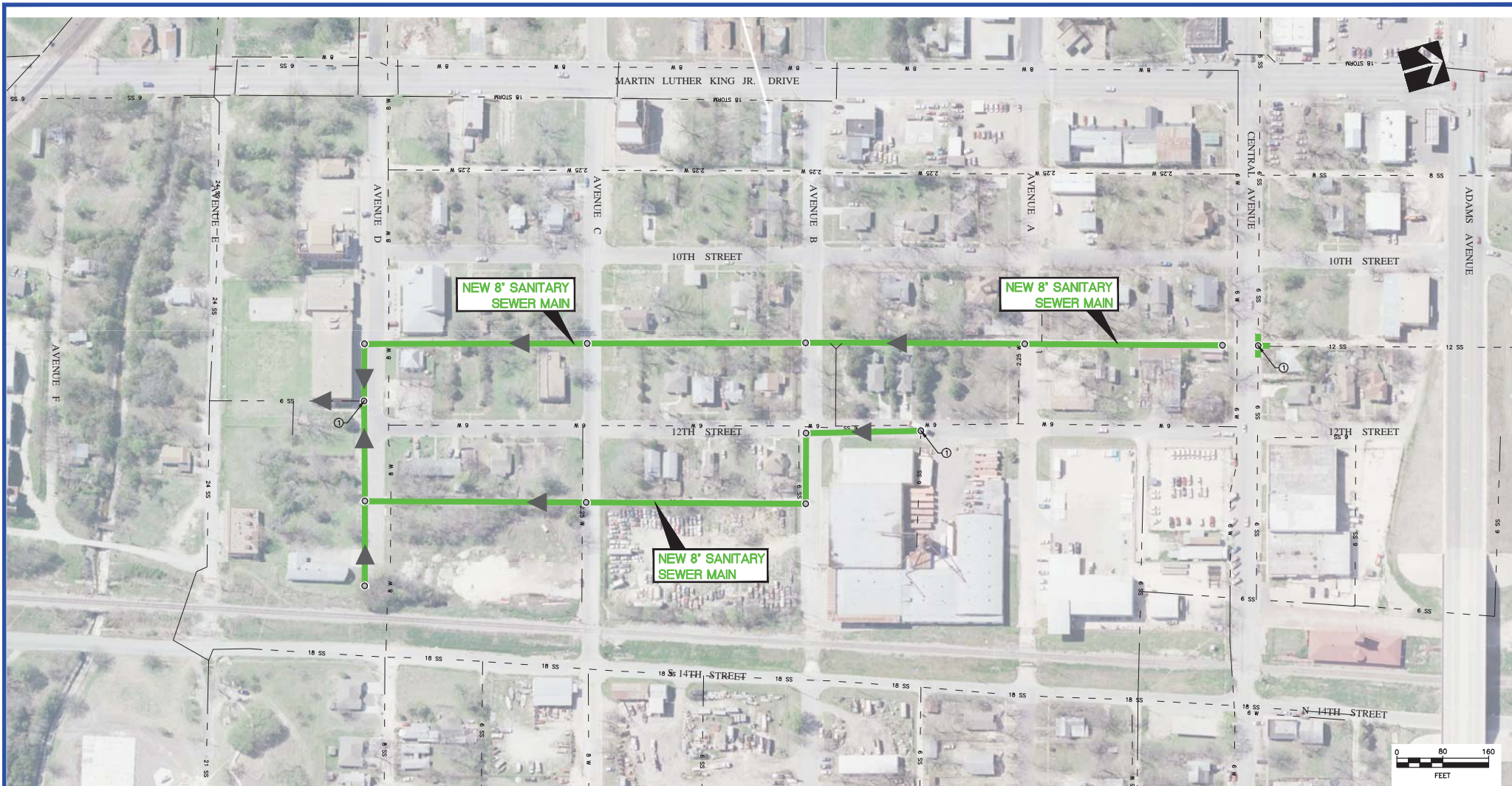
Sincerely,

Monty Clark, P.E., CPESC

Bid Tabulation Sheet
Wastewater Line Replacement (10th & 12th from Central Ave to Ave D)

Bid Date: August 28, 2014

| Base Bid | | | Skyblue Construction | | M&C Fonseca | | D Guerra Construction, LLC | | TTG Utilities, LP | | Bell Contractors, Inc | | Patin Construction, LLC | | |
|--|---|------------|----------------------|--------------|---------------|--------------|----------------------------|--------------|-------------------|--------------|-----------------------|--------------|-------------------------|--------------|---------------|
| No. | Item Description | Est. Quan. | Unit | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost | Unit Price | Total Cost |
| Base Bid | | | | | | | | | | | | | | | |
| 1 | Site R.O.W. Preparation & Clearing | 30.5 | STA | \$ 360.00 | \$ 10,980.00 | \$ 475.00 | \$ 14,487.50 | \$ 750.00 | \$ 22,875.00 | \$ 250.00 | \$ 7,625.00 | \$ 230.00 | \$ 7,015.00 | \$ 300.00 | \$ 9,150.00 |
| 2 | Mobilization, Bonds, Permits, & Insurance | 100% | LS | \$ 14,400.00 | \$ 14,400.00 | \$ 20,000.00 | \$ 20,000.00 | \$ 25,000.00 | \$ 25,000.00 | \$ 13,500.00 | \$ 13,500.00 | \$ 26,100.00 | \$ 26,100.00 | \$ 25,000.00 | \$ 25,000.00 |
| 3 | Saw Cut, Remove and Replace Existing Gravel | 2787 | SY | \$ 7.20 | \$ 20,066.40 | \$ 11.00 | \$ 30,657.00 | \$ 10.00 | \$ 27,870.00 | \$ 16.40 | \$ 45,706.80 | \$ 11.00 | \$ 30,657.00 | \$ 20.00 | \$ 55,740.00 |
| 4 | Saw Cut, Remove, and Replace HMAc Pavement Section | 73600% | SY | \$ 43.20 | \$ 31,795.20 | \$ 25.00 | \$ 18,400.00 | \$ 45.00 | \$ 33,120.00 | \$ 30.85 | \$ 22,705.60 | \$ 32.00 | \$ 23,552.00 | \$ 35.00 | \$ 25,760.00 |
| 5 | Provide Reinforced Concrete Pavement Sections | 31.5 | SY | \$ 72.00 | \$ 2,268.00 | \$ 95.00 | \$ 2,992.50 | \$ 70.00 | \$ 2,205.00 | \$ 104.25 | \$ 3,283.88 | \$ 61.00 | \$ 1,921.50 | \$ 100.00 | \$ 3,150.00 |
| 6 | Provide Disconnect, Cap, and Abandon Existing Utilities | 100% | LS | \$ 3,600.00 | \$ 3,600.00 | \$ 4,000.00 | \$ 4,000.00 | \$ 2,000.00 | \$ 2,000.00 | \$ 2,375.00 | \$ 2,375.00 | \$ 6,000.00 | \$ 6,000.00 | \$ 5,000.00 | \$ 5,000.00 |
| 7 | Provide New Traffic Control Plan & Implementation | 100% | LS | \$ 4,800.00 | \$ 4,800.00 | \$ 6,800.00 | \$ 6,800.00 | \$ 15,000.00 | \$ 15,000.00 | \$ 8,500.00 | \$ 8,500.00 | \$ 5,500.00 | \$ 5,500.00 | \$ 6,500.00 | \$ 6,500.00 |
| 8 | Provide New Storm Water Pollution Prevention Plan & Implementation | 100% | LS | \$ 7,200.00 | \$ 7,200.00 | \$ 3,500.00 | \$ 3,500.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 5,600.00 | \$ 5,600.00 | \$ 5,000.00 | \$ 5,000.00 |
| 9 | Provide and Implement a Trench Safety Plan | 100% | LS | \$ 5,400.00 | \$ 5,400.00 | \$ 4,800.00 | \$ 4,800.00 | \$ 7,000.00 | \$ 7,000.00 | \$ 5,325.00 | \$ 5,325.00 | \$ 5,700.00 | \$ 5,700.00 | \$ 5,000.00 | \$ 5,000.00 |
| Total Base Bid | | | | | | | | | | | | | | | |
| Wastewater Line Replacement (10th & 12th from Cenntral Ave to Ave D) | | | | | \$ 100,509.60 | | \$ 105,637.00 | | \$ 140,070.00 | | \$ 111,521.28 | | \$ 112,045.50 | | \$ 140,300.00 |
| New Sanitary Sewer Main Construction | | | | | | | | | | | | | | | |
| 10 | Demolish and Remove Existing Sanitary Sewer Manhole | 10 | EA | \$ 1,020.00 | \$ 10,200.00 | \$ 980.00 | \$ 9,800.00 | \$ 1,200.00 | \$ 12,000.00 | \$ 1,000.00 | \$ 10,000.00 | \$ 1,300.00 | \$ 13,000.00 | \$ 650.00 | \$ 6,500.00 |
| 11 | Provide 4' Diameter Precast Eccentric Concrete Manhole | 15 | EA | \$ 3,257.54 | \$ 48,863.10 | \$ 4,200.00 | \$ 63,000.00 | \$ 3,150.00 | \$ 47,250.00 | \$ 3,100.00 | \$ 46,500.00 | \$ 4,000.00 | \$ 60,000.00 | \$ 2,800.00 | \$ 42,000.00 |
| 12 | Provide New Shallow 4' with City Approved Heavy Duty 32" Ring | 1 | EA | \$ 2,804.40 | \$ 2,804.40 | \$ 3,500.00 | \$ 3,500.00 | \$ 2,550.00 | \$ 2,550.00 | \$ 2,850.00 | \$ 2,850.00 | \$ 3,300.00 | \$ 3,300.00 | \$ 3,000.00 | \$ 3,000.00 |
| 13 | Provide Connection to Existing Sanitary Sewer Main | 5 | EA | \$ 1,646.88 | \$ 8,234.40 | \$ 3,800.00 | \$ 19,000.00 | \$ 500.00 | \$ 2,500.00 | \$ 300.00 | \$ 1,500.00 | \$ 2,300.00 | \$ 11,500.00 | \$ 2,500.00 | \$ 12,500.00 |
| 14 | Provide New 10" PVC SDR 26 Sanitary Sewer Main | 20 | LF | \$ 60.50 | \$ 1,210.00 | \$ 54.00 | \$ 1,080.00 | \$ 100.00 | \$ 2,000.00 | \$ 108.50 | \$ 2,170.00 | \$ 130.00 | \$ 2,600.00 | \$ 70.00 | \$ 1,400.00 |
| 15 | Provide New 8" PVC SDR 26 Class 160 "Pressure Rated" Sanitary Sewer Main | 2990 | LF | \$ 51.68 | \$ 154,523.20 | \$ 52.00 | \$ 155,480.00 | \$ 77.00 | \$ 230,230.00 | \$ 105.35 | \$ 314,996.50 | \$ 91.60 | \$ 273,884.00 | \$ 64.00 | \$ 191,360.00 |
| 16 | Provide New 12" PVC SDR 26 Class 160 "Pressure Rated" Sanitary Sewer Main | 20 | LF | \$ 76.24 | \$ 1,524.80 | \$ 58.00 | \$ 1,160.00 | \$ 97.00 | \$ 1,940.00 | \$ 111.95 | \$ 2,239.00 | \$ 160.00 | \$ 3,200.00 | \$ 80.00 | \$ 1,600.00 |
| 17 | Provide New 4" Sanitary Sewer Service and Service Connection | 61 | EA | \$ 1,216.44 | \$ 74,202.84 | \$ 2,100.00 | \$ 128,100.00 | \$ 1,500.00 | \$ 91,500.00 | \$ 1,250.00 | \$ 76,250.00 | \$ 520.00 | \$ 31,720.00 | \$ 1,650.00 | \$ 100,650.00 |
| 18 | Provide New 6" Sanitary Sewer Service and Service Connection | 2 | EA | \$ 1,654.08 | \$ 3,308.16 | \$ 2,300.00 | \$ 4,600.00 | \$ 1,750.00 | \$ 3,500.00 | \$ 1,500.00 | \$ 3,000.00 | \$ 690.00 | \$ 1,380.00 | \$ 2,000.00 | \$ 4,000.00 |
| 19 | Provide Miscellaneous 4" Sanitary Sewer Service Pipe | 200 | LF | \$ 65.15 | \$ 13,030.00 | \$ 42.00 | \$ 8,400.00 | \$ 57.00 | \$ 11,400.00 | \$ 56.75 | \$ 11,350.00 | \$ 57.10 | \$ 11,420.00 | \$ 25.00 | \$ 5,000.00 |
| 20 | Provide All Testing | 100% | LS | \$ 4,800.00 | \$ 4,800.00 | \$ 6,800.00 | \$ 6,800.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 4,575.00 | \$ 4,575.00 | \$ 2,300.00 | \$ 2,300.00 | \$ 2,500.00 | \$ 2,500.00 |
| Total Phase - Sanitary Sewer Main | | | | | | | | | | | | | | | |
| Wastewater Line Replacement (10th & 12th from Cenntral Ave to Ave D) | | | | | \$ 322,700.90 | | \$ 400,920.00 | | \$ 409,870.00 | | \$ 475,430.50 | | \$ 414,304.00 | | \$ 370,510.00 |
| New Water Main Construction | | | | | | | | | | | | | | | |
| 22 | Provide Connection to Existing Water Main | 2 | EA | \$ 1,468.80 | \$ 2,937.60 | \$ 3,650.00 | \$ 7,300.00 | \$ 4,350.00 | \$ 8,700.00 | \$ 1,625.00 | \$ 3,250.00 | \$ 1,700.00 | \$ 3,400.00 | \$ 5,000.00 | \$ 10,000.00 |
| 23 | Provide New 8" PVC C900 Class 150 Water Main | 40 | LF | \$ 61.05 | \$ 2,442.00 | \$ 48.00 | \$ 1,920.00 | \$ 145.00 | \$ 5,800.00 | \$ 40.00 | \$ 1,600.00 | \$ 70.30 | \$ 2,812.00 | \$ 150.00 | \$ 6,000.00 |
| 24 | Provide New 20" Steel Pipe Encasement | 20 | LF | \$ 170.50 | \$ 3,410.00 | \$ 185.00 | \$ 3,700.00 | \$ 175.00 | \$ 3,500.00 | \$ 97.00 | \$ 1,940.00 | \$ 78.20 | \$ 1,564.00 | \$ 150.00 | \$ 3,000.00 |
| 25 | Provide New 8" MJ 45 Degree Bend | 4 | EA | \$ 606.00 | \$ 2,424.00 | \$ 985.00 | \$ 3,940.00 | \$ 275.00 | \$ 1,100.00 | \$ 500.00 | \$ 2,000.00 | \$ 340.00 | \$ 1,360.00 | \$ 650.00 | \$ 2,600.00 |
| 26 | Provide All Testing | 100% | LS | \$ 960.00 | \$ 960.00 | \$ 2,950.00 | \$ 2,950.00 | \$ 1,000.00 | \$ 1,000.00 | \$ 600.00 | \$ 600.00 | \$ 1,100.00 | \$ 1,100.00 | \$ 1,200.00 | \$ 1,200.00 |
| Total Phase - Water Main Construction | | | | | | | | | | | | | | | |
| | | | | | \$ 12,173.60 | | \$ 19,810.00 | | \$ 20,100.00 | | \$ 9,390.00 | | \$ 10,236.00 | | \$ 22,800.00 |
| Total Base Bid & Sanitary Sewer and Water Main Construction | | | | | \$ 435,384.10 | | \$ 526,367.00 | | \$ 570,040.00 | | \$ 596,341.78 | | \$ 536,585.50 | | \$ 533,610.00 |



**2014 CITY OF TEMPLE
WASTEWATER LINE REPLACEMENT
10TH & 12TH STREET FROM
CENTRAL TO AVENUE D**

RESOLUTION NO. 2014-7496-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH SKYBLUE UTILITIES, INC., OF KINGSLAND, TEXAS, FOR CONSTRUCTION OF A NEW 8-INCH PVC SANITARY SEWER MAIN IN THE AREA OF 10TH AND 12TH STREET, FROM CENTRAL AVENUE TO AVENUE D, IN AN AMOUNT NOT TO EXCEED \$435,384.10; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Utility Services Division has experienced numerous wastewater line issues during the past several years between 10th and 12th Street from Central Avenue to Avenue D and these lines, which are mostly made from vitrified clay pipe, are aging and beginning to fail;

Whereas, this project will result in the replacement of an estimated 2,990 linear feet of 6-inch and 8-inch diameter wastewater lines with new 8-inch wastewater lines and new services;

Whereas, on August 28, 2014, six (6) bids were received for the construction of a new 8-inch PVC sanitary sewer main in the area of 10th and 12th Street from Central Avenue to Avenue D;

Whereas, Skyblue Utilities, Inc. submitted the low bid - the City has not previously done business with Skyblue so references were checked and staff recommends awarding construction to Skyblue Utilities, Inc. of Kingsland, Texas, in the amount of \$435,384.10;

Whereas, City Council authorized this project as part of the Capital Improvement Plan in the fiscal year 2015 budget – this project will be funded with the proposed 2015 Utility Revenue Bonds to be issued in the Spring of 2015;

Whereas, the City of Temple anticipates the issuance of one or more series of obligations, the interest on which will be excludable from gross income under Section 103 of the Internal Revenue Code of 1986, as amended, in order to finance all or a portion of this project;

Whereas, certain expenditures relating to the Project will be paid prior to the issuance of the Obligations and the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

Whereas, upon issuance of the Obligations, the City desires to reimburse these prior expenditures with proceeds of the Obligations;

Whereas, Section 1.150.2 of the Treasury Regulations provides that an expenditure on the Project may not be reimbursed from Obligation proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

Whereas, funds are available in Account No. 561-5400-535-6951, Project No. 101083, to fund this construction contract; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with Skyblue Utilities, Inc., of Kingsland, Texas, after approval as to form by the City Attorney, for construction of a new 8-inch PVC sanitary sewer main in the area of 10th and 12th Streets from Central Avenue to Avenue D, in an amount not to exceed \$435,384.10, as well as declare an official intent to reimburse the expenditure with the issuance of 2015 Utility Revenue Bonds.

Part 2: This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 1 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing Change Order #1 to the construction contract with Austin Engineering Co., Inc. (AEC) of Austin for construction activities required to build Phase 1 of the TBP-Panda Effluent Line in an amount not to exceed \$35,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water requires a pump station at the TBP.

On September 5, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for Phase I design and bidding services in an amount not to exceed \$353,800. On March 3, 2014, Council authorized that contract to be amended with \$113,600 of construction phase services. On April 3, 2014, Council authorized a construction contract with AEC for Phase I construction in an amount not to exceed \$1,246,000.

The attached change order includes the following item:

CO1-1, Replace Drain Valves on Chlorine Contact Basin (CCB) No. 3 and Reclaimed Pump Station (RPS) Drain Lines, Not to exceed \$35,000.

During the construction phase, it was noted by TBP staff that the 8" plug valves that allow the referenced basins to be drained by gravity were not functional. As such, both basins are currently drained via a temporary pumping system. They are shown on the attached Map. The proximity of the CCB No. 3 valve to the RPS valve allows that it will be exposed in order to replace the RPS valve. As such, it is recommended that both valves be replaced at the same time. In discussions with the contractor, he had concerns about the depth of the valves and the subsurface conditions to be encountered. He noted that his risk level was relatively high due to these unknowns and asked to have the change order approved on a not to exceed amount that would be invoiced on actual cost. A 15% multiplier will be included on the total expended

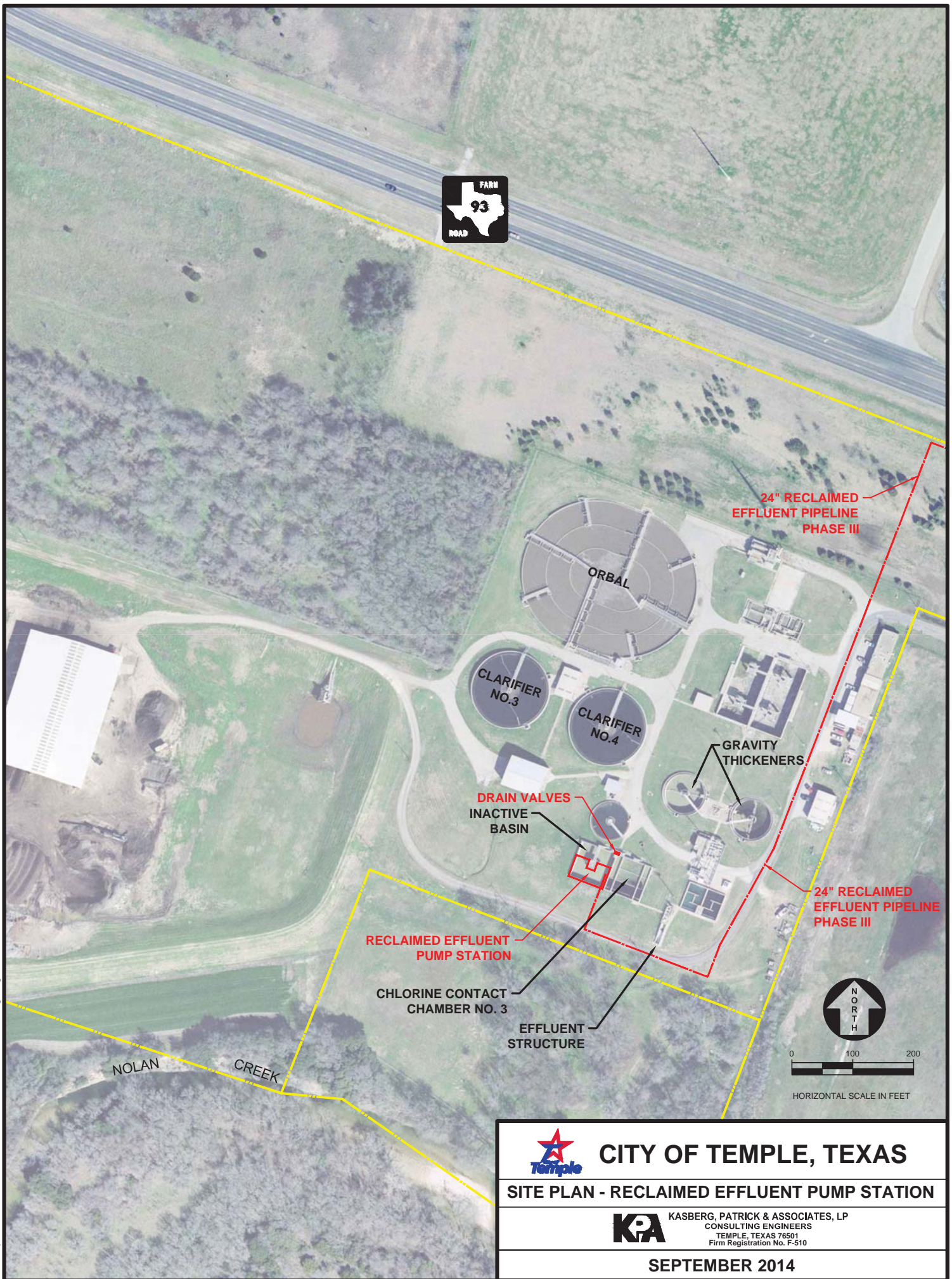
Amount for bonds, insurance, overhead and profit. The difference in the approved amount (\$35,000) and the actual expended cost will be removed from the contract by a final change order. The material cost of each valve is approximately \$1200.

Per attached letter, KPA recommends approving the change order. Staff also recommends approving the change order.

FISCAL IMPACT: Currently, funding in the amount of \$127,042.22 is available in account 562-5200-535-6947, project 101097. Council is being presented a budget adjustment in the amount of \$139,869 to allocate additional funding needed for change order # 1 with Austin Engineering Co, Inc. in the amount of \$35,000, as well as, the agenda item being presented to Council for authorization for change order # 2 with McLean Construction in the amount of \$231,910.60. After approval of this budget adjustment, \$155,535 of contingency funds specifically for this project will remain available.

ATTACHMENTS:

[Map](#)
[Engineer's Letter](#)
[Change Order](#)
[Resolution](#)



CITY OF TEMPLE, TEXAS

SITE PLAN - RECLAIMED EFFLUENT PUMP STATION



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76501
Firm Registration No. F-510

SEPTEMBER 2014



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

KASBERG, PATRICK & ASSOCIATES, LP
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Texas Firm F-510

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ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

September 19, 2014

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Temple - Belton WWTP Reclaimed Effluent Project
Phase I - Reclaimed Effluent Pump Station

Dear Mr. Billeck:

This letter provides a summary of the recommended and/or approved changes in total contract amount for Phase I of the TBWWTP Reclaimed Effluent Project. An itemized breakdown of additions and/or deletions phase is as follows:

Summary of Phase I Contract Modifications

1. **Previously Approved Net Change in Phase I Contract Amount = \$0.00**
2. **Recommended Total Net Change in Phase I Contract Amount = \$35,000.00**
3. **Total Net Change in Phase I Contract Amount = \$35,000.00**
4. **Additions to the Phase I Contract**
 - a. CO1-1 (Replace Drain Valves on Chlorine Contact Basin No. 3 and Reclaimed Pump Station Drain Lines) Not to exceed \$35,000.00. During the construction phase, it was noted by TBWWTP staff that the 8" plug valves that allow the referenced basins to be drained by gravity were not functional. As such, both basins are currently drained via a temporary pumping system. The proximity of the CCB No. 3 valve to the Reclaimed Pump Station valve allows that it will be exposed in order to replace the Reclaimed Pump Station valve. As such, it is recommended that both valves be replaced at the same time. In discussions with the contractor, he had concerns about the depth of the valves and the subsurface conditions to be encountered. He noted that his risk level was relatively high due to these unknowns and asked to have the change order approved on a not to exceed amount that would be invoiced on actual time and materials expended. The Change Order has incorporated the labor and equipment hourly rates. Material and rented equipment will be invoiced on actual cost. A 15% multiplier will be included on the total expended amount for bonds, insurance, overhead and profit. The difference in the approved amount (\$35,000) and the actual expended cost will be removed from the contract by a final change order. The material cost of each valve is approximately \$1,200.00.

Mr. James Billeck, P.E.
September 19, 2014
Page Two

The following table summarizes the initial contract amount, net changes in contract amount, percent change in contract amount and recommended contingencies for each of the phases and as a total project:

Table 1
Summary of TBWWTP Reclaimed Effluent Construction Contracts

| Construction Contract | Contractor | Contract Amount | Total Net Change in Contract Amount | % Change in Contract | *Contingency |
|--|-----------------------|-----------------|-------------------------------------|----------------------|---------------|
| Phase I (Pump Station) | Austin Engineering | \$ 1,246,000.00 | \$ 35,000.00 | 2.81% | \$ 124,600.00 |
| Phase II (Old Hwy 95 to Panda) | Flanigan Construction | \$ 2,111,111.20 | \$ 35,461.00 | 1.68% | \$ 211,111.00 |
| Phase III (TBWWTP to Old 95) | McLean Construction | \$ 5,505,505.10 | \$ 377,157.60 | 6.85% | \$ 550,550.00 |
| Total TBWWTP Reclaimed Effluent Contracts | | \$ 8,862,616.30 | \$ 447,618.60 | 2.04% | \$ 886,261.00 |

* Contingency is the value that KPA recommended Panda have available to address any construction related items that could possibly arise during the construction phase. These contingencies were revised throughout the process and the values shown are from the most recent revision (March 6, 2014). The total contingency amount varied from a high of \$1,250,000 to the final value of \$886,261.

We are available to meet with you as required to discuss any of these items. Thank you.

Sincerely,



Thomas D. Valle, P.E.

TDV/

xc: 2013-134-40

CHANGE ORDER

PROJECT Temple-Belton WWTP Reclaimed Effluent Pump Station – Phase I

OWNER: City of Temple

CONTRACTOR: Austin Engineering Co., Inc.

ENGINEER: Kasberg, Patrick & Associates

CHANGE ORDER #: 1

Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

Add:

| Item | Description | Quantity | Unit | Cost | Total |
|-------|---|----------|------|--------------|--------------|
| CO1-1 | Replace Two (2) 8-inch Plug Valves on Chlorine Contact Basin No. 3 and Reclaimed Pump Station Drain Lines | 100% | LS | \$ 35,000.00 | \$ 35,000.00 |

Note: This work is to be done on a time and materials basis, with a maximum not to exceed price of \$35,000. Labor and equipment will be invoiced on the following rates:

Labor

| | | |
|-----------------|----------|----------|
| 1 Foreman | \$ 32.50 | per hour |
| 2 Operator | \$ 22.00 | per hour |
| 3 Skilled Labor | \$ 18.50 | per hour |
| 4 Common Labor | \$ 15.00 | per hour |

Equipment

| | | |
|-------------------------|-----------|----------|
| 1 Komatsu 220 Excavator | \$ 70.00 | per hour |
| 2 Komatsu WA 200 Loader | \$ 36.00 | per hour |
| 3 Compactor | \$ 45.00 | per hour |
| 4 RT Backhoe/Loader | \$ 30.00 | per hour |
| 5 Pickup | \$ 25.00 | per hour |
| 6 Haul Truck / Driver | \$ 175.00 | per hour |
| 7 Dump Truck / Driver | \$ 70.00 | per hour |

Material / Equipment

Charged at invoiced price.

A 15% adder will be applied for bonds, insurance, overhead and profit, etc.

Total Add \$ 35,000.00

Delete:

| Item | Description | Quantity | Unit | Cost | Total |
|---------------------|-------------|----------|------|------|-------------|
| Total Delete | | | | | <u>\$ -</u> |

Change Order Total \$ 35,000.00

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

| | |
|--|-------------------|
| Original Contract Amount | \$ 1,246,000.00 |
| Previous Net Change in Contract Amount | \$ - |
| Net Change in Contract Amount | \$ 35,000.00 |
| Revised Contract Amount | \$ 1,281,000.00 |
| Original Contract Time | 210 days |
| Previous Net Change in Contract Time | 0 days |
| Net Change in Contract Time | 0 days |
| Revised Contract Time | 210 days |
| Original Final Completion Date | November 26, 2014 |
| Revised Final Completion Date | November 26, 2014 |

Recommended By Engineer:

By James D. Valli

9-15-14

Date

Approved By Contractor:

By: Pauline Kelly

Date

Approved by City of Temple:

By:

Jonathan Graham, Interim City Manager

D:

Approved as to Form:

By:

City Attorney's Office

Date

Approved by Finance Department

By:

Date

RESOLUTION NO. 2014-7497-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT WITH AUSTIN ENGINEERING CO., INC. OF AUSTIN, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD PHASE I OF THE PANDA EFFLUENT LINE, IN AN AMOUNT NOT TO EXCEED \$35,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, The City agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP) and delivery of this water requires a pump station at the TBP;

Whereas, on April 3, 2014, Council authorized a construction contract with Austin Engineering Co., Inc., of Austin, Texas for Phase I construction services;

Whereas, change order #1 will include the replacement of drain valves on the Chlorine Contact Basin No. 3 and the Reclaimed Pump Station (“RPS”) drain lines, in an amount not to exceed \$35,000;

Whereas, during the construction phase, it was noted by TBP staff that the 8” plug valves that allow the referenced basins to be drained by gravity were not functional which has caused both basins to drain via a temporary pumping system – because the proximity of the Chlorine Contact Basin No. 3 valve to the RPS valve allows that it will be exposed in order to replace the RPS valve, it is recommended that both valves be replaced at the same time;

Whereas, funding for this change order is available, but an amendment to the fiscal year 2014-2015 budget needs to be approved to transfer the funds to in Account No. 562-5200-535-6947, Project No. 101097; 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 execute Change Order #1 to the construction contract with Austin Engineering Co., Inc. of Austin, Texas, after approval as to form by the City Attorney, for construction activities required to build the Panda Phase I Temple-Belton Wastewater Treatment Plant Reclaimed Effluent Pump Station, in an amount not to exceed \$35,000.

Part 2: The City Council authorizes an amendment to the fiscal year 2014-2015 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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing change order #2 to the construction contract with McLean Construction (McLean), of Killeen, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$231,910.60.

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 requires a pump station and approximately 45,000 linear feet of pipeline. The attached Map depicts three phases: Phase I – pump station at TBP, Phase II – pipeline from Little River Road to Panda, Phase III – pipeline from TBP to Little River Road (Map attached).

On November 7, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for Phase III design and bidding services in an amount not to exceed \$749,200. On February 20, Council authorized a construction contract with McLean Construction for Phase III construction in an amount not to exceed \$5,505,505.10. On March 20, Council also authorized amending KPA's contract with \$538,700 for surveys, construction administration, and inspection, and on August 7, a change order #1 with McLean Construction was authorized in the amount of \$145,247.

The attached change order #2 includes the following items:

- An addition of 274 linear feet of 36" Steel Encasement by Bore to extend bores at various locations to avoid conflicts with trees, water lines, and to meet TxDOT requirements.
- An addition of 2,800 linear feet of AT&T telephone cable relocation is recommended.
- An addition of 194 linear feet of pipe installed by Directional Drill at the Leon River to avoid a 30" force main is recommended.
- An addition of 100 linear feet of pipe installed by Directional Drill (material costs only) is recommended.
- An addition of 324 linear feet of 36" Steel Encasement (material costs only) is recommended.

- Lowering an existing 6" water line and install 12" encasement at Hartrick Bluff to have proper clearance is recommended.
- Relocation of a 2" service line to avoid conflict is recommended.
- Re-Mobilization to 5th Street and Solid Sleeve to allow the Centrovision fiber optic line to be relocated is recommended.
- Re-Mobilization to TBWWTP to Connect to Phase I Pump Station is recommended.
- A deduction of 294 linear feet of CI 250 Ductile Iron Pipe at the Leon River is recommended.

Per attached letter, KPA recommends approving the change order. Staff also recommends approving the change order.

FISCAL IMPACT: Currently, funding in the amount of \$127,042.22 is available in account 562-5200-535-6947, project 101097. Council is being presented a budget adjustment in the amount of \$139,869 to allocate additional funding needed for change order # 2 with McLean Construction in an amount not to exceed \$231,910.60, as well as, the agenda item being presented to Council for authorization for change order # 1 with Austin Engineering Co, Inc. in the amount of \$35,000. After approval of this budget adjustment, \$155,535 of contingency funds specifically for this project will remain available.

ATTACHMENTS:

[Project Map](#)
[Engineer's Letter](#)
[Change Order](#)
[Budget Adjustment](#)
[Resolution](#)





KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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September 19, 2014

Ms. Sharon Carlos, E.I.T.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
TBWWTP 24" Reclaimed Effluent Pipeline Phase III
Summary of Contract Modifications

Dear Ms. Carlos:

This letter provides a summary of the recommended and/or approved changes in total contract amount for Phase III of the TBWWTP Reclaimed Effluent Project. An itemized breakdown of additions and/or deletions phase is as follows:

Summary of Phase III Contract Modifications

1. **Previously Approved Net Change in Phase III Contract Amount = \$145,247.00**
2. **Recommended Total Net Change in Phase III Contract Amount = \$231,910.60**
3. **Total Net Change in Phase I Contract Amount = \$377,157.60**
4. **Additions to the Phase III Contract**

- a. Bid Item 16 (36" Steel Encasement by Bore) \$138,013.80. This increase accounts for actual encasement installed by bore on the project. The following modifications (totaling 274 LF) were required:
 - i. STA 234+11 - 22 LF added due to conflict with Fiber Optic Line, telephone riser box and water meter.
 - ii. STA 208+38 - 10 LF removed based on field conditions.
 - iii. STA 197+67 - 13 LF added to extend past actual 42" Oak Tree drip line observed in field and avoid conflict with electrical pedestal.
 - iv. STA 174+94 - 12 LF added to avoid conflict with waterline and gas line on west side of Boutwell Lane.
 - v. STA 171+76 - 4 LF added to extend bore past telephone riser box
 - vi. STA 170+30 - 120 LF added (new bore) to bore under tree drip lines and a cattle guard. This section was originally to be open cut, but it was determined in the field that a bore was required to meet TxDOT requirements concerning tree driplines and driveways (cattleguard).
 - vii. STA 167+21 - 16 LF removed due to the extension of the 31st Directional Drill.
 - viii. STA 127+00 - 53 LF added (new bore) to avoid damaging oak trees not shown on the plans, but encountered in the field.
 - ix. STA 97+50 and STA 96+61 - 46 LF added to connect the two bores and extend past the crepe myrtle (bush) drip line. Due to conflicts with telephone, drainage and water lines, a bore pit was only able to be installed on the west side of STA 96+61. A single bore was installed to the completion on the west side of STA 98+06.
 - x. STA 33+26 - 30 LF added to avoid conflict with drainage line and structure on east side of bore.

- b. Bid Item 27 (Relocate AT&T Cable in Conflict) \$18,480. The actual quantity of relocation to be encountered was estimated during the design process as AT&T did not adequately locate the existing cable during the design process. This increase is to reflect the actual quantity of telephone cable encountered to date that was in conflict with the installation of the reclaimed water line.
- c. CO2-1 (Extension of Directional Drill at Leon River) \$72,459.00. The directional drill location was modified on the west side of the Leon River. The 30" Force Main crossing was determined to be further to the west and lower than anticipated. As such, the angle of the directional drill and subsequently, the beginning point were modified. The comparable amount of 24" ductile iron pipe is being deducted from the contract.
- d. CO2-2 (Extension of Directional Drill at Leon River, Material Only) \$10,720.00. Due to the increased angle on the west side and the softness of the material on the east side of the Leon River, the directional drill on the east side ended up "long". The contractor spent several days but was unable to modify the "come out" point. It was agreed that the material cost for the HDPE would be reimbursed instead of the total per foot cost. The comparable amount of 24" ductile iron pipe is being deducted from the contract.
- e. CO2-3 (Additional Material Cost for 36" Steel Encasement) \$7,030.80. This increase accounts for the difference in material costs for the 36" Steel Encasement for the additional 324 LF of encasement added to the project in COs 1 and 2.
- f. CO2-4 (Lower WL at Hartrick Bluff Road) \$2,709.00. An existing water line was found to be in vertical conflict with the proposed waterline. The 6" WL was lowered and a 12" encasement pipe installed to comply with TCEQ separation distance requirements.
- g. CO2-5 (Relocate 2" Service Line at STA 98+00) \$976.00. An existing 2" waterline is located in the ROW and provides service to the residence just east of the CTCS. The 2" line is in horizontal conflict with the proposed reclaimed waterline. However, a 6" waterline is located on private property approximately 5' from the water meter. This item will relocate the 2" service to the 6" waterline and allow the 2" line in conflict to be removed.
- h. CO2-6 (Re-mobilization to 5th Street and solid sleeve) \$4,452.00. The contractor was forced to skip the installation from 5th Street to Hartrick Bluff Road while the fiber line was relocated. This item includes the costs for moving equipment and material and then re-mobilizing to the 5th Street upon completion of the fiber relocation and the additional fittings required to connect the two sections.
- i. CO2-7 (Re-mobilization to TBWWTP) \$1,619.00. In order to avoid future conflicts with the installation of the reclaimed waterline within the TBWWTP site, the contractor was able to install approximately 40 LF at the connection to the Phase I Contract. This was accomplished in coordination with the Phase I Contractor prior to the placement of electrical conduit and sidewalk. This item includes the costs for moving equipment and material and then re-mobilizing upon completion.
- j. Extra Days – 46 Days requested and recommended. Additional contract time has been requested as follows:
 - i. 4 Days -- Rain Days. 5/12/14, 5/13/14, 7/18/14 and 7/19/14
 - ii. 2 Days -- Extra depth at 5th Street due to waterline services and cable
 - iii. 2 Days – Mobilization/Remobilization. Hartrick Bluff to 5th Street due to conflict with fiber optic line.
 - iv. 2 Days – Extra depth at railroad crossing due to existing fiber.
 - v. 10 Days – Telephone conflict and encountered solid rock. Due to the location of the telephone cable, a rock trencher was not able to be used. The contractor had to hoe ram the solid rock.

- vi. 7 days – Telephone conflict. The additional 2,800 LF of telephone relocation was not anticipated and causes a decrease in the amount of pipe able to be installed.
- vii. 1 day – Mobilization to TBWWTP to make connection header.
- viii. 1 day – Lower existing waterline at Hartrick Bluff.
- ix. 3 days – Additional length to directional drill at 31st Street.
- x. 2 days – Added length to directional drill at Leon River.
- xi. 12 days – Added length to conventional bores at multiple locations.
The additional 46 days extends the contract time to December 5, 2014, which is approximately one week after the contractual completion of the Phase I project.

5. **Deletions** from the **Phase III** Contract

- a. Item 12 (24" CI 250 DIP) (\$26,302.50). This reduction in linear footage corresponds to the value by which the directional drill (Items CO2-1 and CO2-2) were increased. The lengthening of the directional drill required less ductile iron pipe installation.

The following table summarizes the initial contract amount, net changes in contract amount, percent change in contract amount and recommended contingencies for each of the phases and as a total project:

Table 1
Summary of TBWWTP Reclaimed Effluent Construction Contracts

| Construction Contract | Contractor | Contract Amount | Total Net Change in Contract Amount | % Change in Contract | *Contingency |
|--|-----------------------|-----------------|-------------------------------------|----------------------|---------------|
| Phase I (Pump Station) | Austin Engineering | \$ 1,246,000.00 | \$ 35,000.00 | 2.81% | \$ 124,600.00 |
| Phase II (Old Hwy 95 to Panda) | Flanigan Construction | \$ 2,111,111.20 | \$ 35,461.00 | 1.68% | \$ 211,111.00 |
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| Total TBWWTP Reclaimed Effluent Contracts | | \$ 8,862,616.30 | \$ 447,618.60 | 2.04% | \$ 886,261.00 |

* Contingency is the value that KPA recommended Panda have available to address any construction related items that could possibly arise during the construction phase. These contingencies were revised throughout the process and the values shown are from the most recent revision (March 6, 2014). The total contingency amount varied from a high of \$1,250,000 to the final value of \$886,261.

We are available to meet with you as required to discuss any of these items. Thank you.

Sincerely,



Thomas D. Valle, P.E.

TDV/

xc: 2013-147-40



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1008 South Main Street
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September 19, 2014

Ms. Sharon Carlos, E.I.T.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
TBWWTP 24" Reclaimed Effluent Pipeline Phase III
Summary of Contract Modifications

Dear Ms. Carlos:

This letter provides a summary of the recommended and/or approved changes in total contract amount for Phase III of the TBWWTP Reclaimed Effluent Project. An itemized breakdown of additions and/or deletions phase is as follows:

Summary of Phase III Contract Modifications

1. **Previously Approved Net Change in Phase III Contract Amount = \$145,247.00**
2. **Recommended Total Net Change in Phase III Contract Amount = \$231,910.60**
3. **Total Net Change in Phase I Contract Amount = \$377,157.60**
4. **Additions to the Phase III Contract**
 - a. Bid Item 16 (36" Steel Encasement by Bore) \$138,013.80. This increase accounts for actual encasement installed by bore on the project. The following modifications (totaling 274 LF) were required:
 - i. STA 234+11 - 22 LF added due to conflict with Fiber Optic Line, telephone riser box and water meter.
 - ii. STA 208+38 - 10 LF removed based on field conditions.
 - iii. STA 197+67 - 13 LF added to extend past actual 42" Oak Tree drip line observed in field and avoid conflict with electrical pedestal.
 - iv. STA 174+94 - 12 LF added to avoid conflict with waterline and gas line on west side of Boutwell Lane.
 - v. STA 171+76 - 4 LF added to extend bore past telephone riser box
 - vi. STA 170+30 - 120 LF added (new bore) to bore under tree drip lines and a cattle guard. This section was originally to be open cut, but it was determined in the field that a bore was required to meet TxDOT requirements concerning tree driplines and driveways (cattleguard).
 - vii. STA 167+21 - 16 LF removed due to the extension of the 31st Directional Drill.
 - viii. STA 127+00 - 53 LF added (new bore) to avoid damaging oak trees not shown on the plans, but encountered in the field.
 - ix. STA 97+50 and STA 96+61 - 46 LF added to connect the two bores and extend past the crepe myrtle (bush) drip line. Due to conflicts with telephone, drainage and water lines, a bore pit was only able to be installed on the west side of STA 96+61. A single bore was installed to the completion on the west side of STA 98+06.
 - x. STA 33+26 - 30 LF added to avoid conflict with drainage line and structure on east side of bore.

- b. Bid Item 27 (Relocate AT&T Cable in Conflict) \$18,480. The actual quantity of relocation to be encountered was estimated during the design process as AT&T did not adequately locate the existing cable during the design process. This increase is to reflect the actual quantity of telephone cable encountered to date that was in conflict with the installation of the reclaimed water line.
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- d. CO2-2 (Extension of Directional Drill at Leon River, Material Only) \$10,720.00. Due to the increased angle on the west side and the softness of the material on the east side of the Leon River, the directional drill on the east side ended up "long". The contractor spent several days but was unable to modify the "come out" point. It was agreed that the material cost for the HDPE would be reimbursed instead of the total per foot cost. The comparable amount of 24" ductile iron pipe is being deducted from the contract.
- e. CO2-3 (Additional Material Cost for 36" Steel Encasement) \$7,030.80. This increase accounts for the difference in material costs for the 36" Steel Encasement for the additional 324 LF of encasement added to the project in COs 1 and 2.
- f. CO2-4 (Lower WL at Hartrick Bluff Road) \$2,709.00. An existing water line was found to be in vertical conflict with the proposed waterline. The 6" WL was lowered and a 12" encasement pipe installed to comply with TCEQ separation distance requirements.
- g. CO2-5 (Relocate 2" Service Line at STA 98+00) \$976.00. An existing 2" waterline is located in the ROW and provides service to the residence just east of the CTCS. The 2" line is in horizontal conflict with the proposed reclaimed waterline. However, a 6" waterline is located on private property approximately 5' from the water meter. This item will relocate the 2" service to the 6" waterline and allow the 2" line in conflict to be removed.
- h. CO2-6 (Re-mobilization to 5th Street and solid sleeve) \$4,452.00. The contractor was forced to skip the installation from 5th Street to Hartrick Bluff Road while the fiber line was relocated. This item includes the costs for moving equipment and material and then re-mobilizing to the 5th Street upon completion of the fiber relocation and the additional fittings required to connect the two sections.
- i. CO2-7 (Re-mobilization to TBWWTP) \$1,619.00. In order to avoid future conflicts with the installation of the reclaimed waterline within the TBWWTP site, the contractor was able to install approximately 40 LF at the connection to the Phase I Contract. This was accomplished in coordination with the Phase I Contractor prior to the placement of electrical conduit and sidewalk. This item includes the costs for moving equipment and material and then re-mobilizing upon completion.
- j. Extra Days – 46 Days requested and recommended. Additional contract time has been requested as follows:
 - i. 4 Days -- Rain Days. 5/12/14, 5/13/14, 7/18/14 and 7/19/14
 - ii. 2 Days -- Extra depth at 5th Street due to waterline services and cable
 - iii. 2 Days – Mobilization/Remobilization. Hartrick Bluff to 5th Street due to conflict with fiber optic line.
 - iv. 2 Days – Extra depth at railroad crossing due to existing fiber.
 - v. 10 Days – Telephone conflict and encountered solid rock. Due to the location of the telephone cable, a rock trencher was not able to be used. The contractor had to hoe ram the solid rock.

- vi. 7 days – Telephone conflict. The additional 2,800 LF of telephone relocation was not anticipated and causes a decrease in the amount of pipe able to be installed.
- vii. 1 day – Mobilization to TBWWTP to make connection header.
- viii. 1 day – Lower existing waterline at Hartrick Bluff.
- ix. 3 days – Additional length to directional drill at 31st Street.
- x. 2 days – Added length to directional drill at Leon River.
- xi. 12 days – Added length to conventional bores at multiple locations.
The additional 46 days extends the contract time to December 5, 2014, which is approximately one week after the contractual completion of the Phase I project.

5. **Deletions** from the **Phase III** Contract

- a. Item 12 (24" CI 250 DIP) (\$26,302.50). This reduction in linear footage corresponds to the value by which the directional drill (Items CO2-1 and CO2-2) were increased. The lengthening of the directional drill required less ductile iron pipe installation.

The following table summarizes the initial contract amount, net changes in contract amount, percent change in contract amount and recommended contingencies for each of the phases and as a total project:

Table 1
Summary of TBWWTP Reclaimed Effluent Construction Contracts

| Construction Contract | Contractor | Contract Amount | Total Net Change in Contract Amount | % Change in Contract | *Contingency |
|--|-----------------------|-----------------|-------------------------------------|----------------------|---------------|
| Phase I (Pump Station) | Austin Engineering | \$ 1,246,000.00 | \$ 35,000.00 | 2.81% | \$ 124,600.00 |
| Phase II (Old Hwy 95 to Panda) | Flanigan Construction | \$ 2,111,111.20 | \$ 35,461.00 | 1.68% | \$ 211,111.00 |
| Phase III (TBWWTP to Old 95) | McLean Construction | \$ 5,505,505.10 | \$ 377,157.60 | 6.85% | \$ 550,550.00 |
| Total TBWWTP Reclaimed Effluent Contracts | | \$ 8,862,616.30 | \$ 447,618.60 | 2.04% | \$ 886,261.00 |

* Contingency is the value that KPA recommended Panda have available to address any construction related items that could possibly arise during the construction phase. These contingencies were revised throughout the process and the values shown are from the most recent revision (March 6, 2014). The total contingency amount varied from a high of \$1,250,000 to the final value of \$886,261.

We are available to meet with you as required to discuss any of these items. Thank you.

Sincerely,



Thomas D. Valle, P.E.

TDV/

xc: 2013-147-40

FY **2015**

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 | |
| 562-5200-535-69-47 | 101097 | T-B WWTP Reclaimed Effluent | \$ 139,869 | | |
| 562-5200-535-65-32 | | Contingency | | 139,869 | |
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| TOTAL..... | | | \$ 139,869 | \$ 139,869 | |

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

To allocate additional funding needed for change order #2 with McLean Construction in the amount of \$231,910.60 and change order #1 with Austin Engineering Company in the amount of \$35,000.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

10/2/2014

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

Disapproved

Finance

Date

☐

Approved

Disapproved

City Manager

Date

☐

Approved

Disapproved

RESOLUTION NO. 2014-7498-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER 2 TO THE CONSTRUCTION CONTRACT WITH MCLEAN CONSTRUCTION OF KILLEEN, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT 24-INCH EFFLUENT PIPELINE, IN AN AMOUNT NOT TO EXCEED \$231,910.60; 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) and the delivery of this water requires a pump station and approximately 45,000 linear feet of pipeline;

Whereas, on November 7, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for Phase III design and bidding services for the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline;

Whereas, on February 20, 2014, Council authorized a construction contract with McLean Construction for Phase III construction activities and on August 7, 2014, Council authorized change order #1 with McLean Construction;

Whereas, the requested change order with McLean Construction includes the following items:

- addition of 274 linear feet of 36" Steel Encasement to extend bores at various locations to avoid conflicts with trees, water lines, and to meet TxDOT requirements;
- addition of 2,800 linear feet of telephone cable relocation;
- addition of 194 linear feet of pipe at the Leon River to avoid a 30" force main;
- addition of 100 linear feet of pipe (material costs only);
- addition of 324 linear feet of 36" steel encasement (material costs only);
- lowering an existing 6" water line and installing a 12" encasement at Hartrick Bluff to have proper clearance;
- relocation of a 2" service line to avoid conflict;
- re-mobilization to 5th Street and solid sleeve to allow the Centrovision fiber optic line to be relocated;
- re-mobilization to TBP to connect to Phase I Pump Station; and
- deduction of 294 linear feet of CI 250 ductile iron pipe at the Leon River;

Whereas, KPA and staff recommend approving change order #2 to the construction contract with McLean Construction of Killeen, Texas, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in an amount not to exceed \$231,910.60;

Whereas, funds are available for this change order, but an amendment to the fiscal year 2014-2015 budget needs to be approved to transfer funds in to Account No. 562-5200-535-6947, Project No. 101097; 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 change order #2 to the construction contract with McLean Construction of Killeen, Texas, after approval as to form by the City Attorney, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in an amount not to exceed \$231,910.60.

Part 2: The City Council authorizes an amendment to the fiscal year 2014-2015 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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a yearly 2014-2015 sole source maintenance contract with Intergraph Public Safety in the amount of \$42,024.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police and Fire Departments currently use Records Management Software from Intergraph Public Safety for the following public safety applications in helping the City to conduct management of Public Safety records and analysis:

SunPro Fire RMS

I-LEADS RMS (Arrests, warrants, citations, evidence, calls for service, etc...)

CAD Interface Software

Oracle Software

Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software. This is currently the 15th year of support for the current software.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1952-519-23-38 in the amount of \$42,024 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7499-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY SOLE SOURCE MAINTENANCE CONTRACT FOR FISCAL YEAR 2014-2015 WITH INTERGRAPH PUBLIC SAFETY, IN THE AMOUNT OF \$42,024; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the police and fire departments currently use Records Management Software from Intergraph Public Safety for certain public safety applications in helping the City conduct management of Public Safety Records and analysis;

Whereas, Intergraph Public Safety is the sole provider of maintenance for Intergraph Public Safety application software and staff recommends purchasing an annual maintenance contract for a cost not to exceed \$42,024;

Whereas, this will be the City's 15th year of support for the current software – funds are budgeted in Account No. 110-1952-519-2338 for the continued annual support of this software; 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 an annual maintenance contract with Intergraph Public Safety for Public Safety Software Applications, in an amount not to exceed \$42,024.

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 annual 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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of a yearly 2014-2015 sole source maintenance contract with Sungard Public Sector in the amount of \$160,396.99.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City currently uses Enterprise Software from Sungard HTE 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 HTE is the sole provider of maintenance for HTE application software. This is currently the 10th year of support for the current software

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1951-519-23-38 for FY 2015 in the amount of \$160,396.99 for continued annual support of these applications.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7500-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A YEARLY SOLE SOURCE MAINTENANCE CONTRACT FOR FISCAL YEAR 2014-2015 WITH SUNGUARD PUBLIC SECTOR, IN THE AMOUNT OF \$160,396.99; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, Sungard HTE is the sole provider of maintenance for HTE application software and staff recommends purchasing an annual maintenance contract in the amount of \$160,296.99;

Whereas, this is the 10th year of support for this software -funds are budgeted in the Information Technology Department Account No. 110-1951-519-2338 for the continued annual support of these applications; 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 sole source maintenance contract for fiscal year 2014-2015 with Sungard Public Sector, in the amount of \$160,396.99.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(I)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, Interim City Manager
Trudi Dill, Deputy City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing execution of an easement agreement granting Magellan Pipeline Company, L.P. a permanent easement of 3,777 square feet and a temporary workspace easement of 17,202 square feet for a four-inch diameter diesel fuel pipeline and related facilities adjoining the east side of North General Bruce Drive near Industrial Boulevard.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation (TxDOT) is requiring Magellan Pipeline Company, L.P. (Magellan) to relocate portions of a four-inch diesel fuel pipeline to accommodate TxDOT's widening of I-35. The pipeline is used to deliver fuel to BNSF's rail yard.

The existing pipeline runs in the alley along the northern boundary of the subdivision called Jefferson Manor II. The new pipeline will be installed along the east side of North General Bruce Drive approaching Industrial Boulevard. Magellan accommodated staff's objection to the initial plan to install a segment of the pipeline perpendicular to I-35, connecting to the existing pipeline in the alley. The revised design has less impact on future development of the City's tract, which is vacant. The proposed easement agreement limits use of the easement by Magellan and its successors to one four-inch diesel fuel pipeline and specified related facilities.

Magellan provided an appraisal report recommending compensation of \$6,777, based on \$5,666 for a permanent easement of 3,777 square feet and \$1,111 for temporary workspace of 7,405 square feet. Staff negotiated the current offer of \$12,000, with temporary work space increased to 17,202 square feet, allowing Magellan's contractor to use the City's approximately half-acre tract for staging of the project from BNSF's rail yard north to the church property.

Staff recommends approval of the easement agreement as proposed for total compensation of \$12,000.

FISCAL IMPACT: Upon execution of an easement agreement granting Magellan Pipeline Company, L.P. a permanent easement of 3,777 square feet and a temporary workspace easement of 17,202 square feet on the east side of North General Bruce Drive near Industrial Boulevard, the City will receive a total compensation of \$12,000. Revenue received from the permanent easement in the amount of \$5,666 will be deposited into account 110-0000-461-0423, Sale of Land. Revenue received for the temporary work space in the amount of \$6,334 will be deposited into account 110-0000-461-0830, Other Revenue.

ATTACHMENTS:

[Easement Agreement](#)

[Exhibits](#)

[Side letter for temporary work space](#)

[Resolution](#)

Easement Agreement for Diesel Fuel Pipeline Facilities

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: _____, 2014

Grantor: The City of Temple, Texas
a municipal corporation

Grantor's Mailing Address: 2 N Main ST
Temple TX 76501 (Bell County)

Grantee: Magellan Pipeline Company, L.P.
a Delaware limited partnership

Grantee's Mailing Address: One Williams Center STE 2800
Tulsa OK 74172 (Tulsa County)

Easement Property: A variable width easement located in the NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE City of Temple, Bell County, Texas, said easement being part of the remainder of the tract of land as described in the deed to the City of Temple filed for record in Volume 767, Page 405, Deed Records, Bell County, Texas (D.R.B.C.T.), and being more particularly described in Exhibit A attached to this agreement and by this reference incorporated in it.

Easement Purpose: For the installation, construction, operation, use, maintenance, inspection, protection, replacement, repair, upgrade, relocation within the Easement Property, and removal of one four-inch diameter pipeline (the "Pipeline") and related facilities, including below-ground cathodic protection equipment, valves, and pipeline operations communication equipment, and above-ground pipeline markers placed at property lines and any other location as required by law (collectively, the "Facilities"), for the transportation of

diesel fuel.

Consideration:

DOLLARS (\$) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Reservations from Conveyance:

None

Exceptions to Conveyance: None

Grant of Easement:

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas property Code (or its successor) are excluded.

Acceptance of Easement As Is:

BY ITS ACCEPTANCE OF THIS EASEMENT CONVEYANCE, AND AS A MATERIAL PART OF THE CONSIDERATION, GRANTEE FURTHER EXPRESSLY ACKNOWLEDGES AND AGREES THAT (i) ANY INFORMATION PROVIDED TO GRANTEE PERTAINING TO THE EASEMENT PROPERTY BY GRANTOR HAS NOT BEEN INDEPENDENTLY INVESTIGATED OR VERIFIED BY GRANTOR, (ii) GRANTOR IS NOT MAKING, AND HAS NOT MADE, ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION, AND (iii) GRANTOR IS NOT, AND SHALL NOT BE, LIABLE OR BOUND IN ANY MANNER WITH WHATSOEVER BY ANY WRITTEN OR VERBAL STATEMENT, REPRESENTATION, REPORT, SURVEY OR INFORMATION FURNISHED TO GRANTEE, OR MADE, BY ANY PARTY WITH RESPECT TO THE EASEMENT PROPERTY OR THE EASEMENT OR THE EASEMENT INTERESTS HEREBY CONVEYED. GRANTEE SPECIFICALLY AGREES THAT HAVING BEEN GIVEN THE OPPORTUNITY TO CONDUCT SUCH TESTS, STUDIES AND INVESTIGATIONS AS GRANTEE DEEMS NECESSARY AND APPROPRIATE, GRANTEE IS RELYING SOLELY UPON GRANTEE'S OWN INVESTIGATION OF THE EASEMENT PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY GRANTOR. GRANTEE FURTHER AGREES THAT GRANTEE HAS PURCHASED AND ACCEPTED THE EASEMENT INTERESTS IN THE EASEMENT PROPERTY IN ITS CURRENT, "AS IS," WITH ALL FAULTS CONDITION, AND TO HAVE ASSUMED THE RISK OF ANY MATTER OR

CONDITION WHICH IS LATENT OR PATENT OR THAT COULD HAVE BEEN REVEALED BY ITS INVESTIGATIONS. GRANTOR HAS NOT MADE AND GRANTOR HEREBY EXPRESSLY DISCLAIMS, AND GRANTOR IS CONVEYING THE EASEMENT WITHOUT) ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, WHATSOEVER AS TO THE VALUE, FITNESS OF THE EASEMENT PROPERTY, THE PRESENCE OR ABSENCE OF ANY HAZARDOUS MATERIAL OR OTHER ENVIRONMENTAL CONDITION OR COMPLIANCE OF THE LAND WITH, OR VIOLATION OF, ANY LAW, STATUTE, ORDINANCE, RULE OR REGULATION, AND ANY OF SUCH REPRESENTATIONS AND WARRANTIES, AND ANY CLAIMS OR CAUSES OF ACTION AGAINST GRANTOR BASED IN WHOLE OR IN PART ON ANY VIOLATION OF, OR ARISING WITH RESPECT TO, ANY FEDERAL, STATE OR LOCAL STATUTE, ORDINANCE, RULE OR REGULATION ARE HEREBY EXPRESSLY WAIVED AND RELEASED BY GRANTEE.

Terms and Conditions:

The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Easement.* The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee's successors and assigns (the "Holder.")

2. *Duration of Easement.* The duration of the Easement is perpetual.

3. *Reservation of Rights.* Holder's right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor's heirs, successors, and assigns the right to use all or part of the Easement Property in conjunction with Holder as long as such use by Grantor and Grantor's heirs, successors, and assigns does not interfere with the use of the Easement Property by Holder for the Easement Purpose, and the right to convey to others the right to use all or part of the Easement Property in conjunction with Holder, as long as such further conveyance is subject to the terms of this agreement. Grantor's reservation of rights is limited only as specified in the following provisions:

a. *Exercise of mineral rights.* Grantor reserves all oil, gas, sulphur, uranium, fissional materials, and other minerals under the surface of the Easement Property. Grantor agrees not to explore, drill, mine, produce or operate for oil, gas, sulphur, uranium, fissional materials, and other minerals on the surface of the Easement Property without the express, written consent of Holder. Grantor reserves the right to extract oil, gas, sulphur, uranium, fissional materials, and other minerals from under the Easement Property; however, it is agreed that Grantor may oil, gas sulphur, uranium, fissional materials, and other minerals from under the Easement Property by directional drilling or other means, from land

located outside the boundary of the Easement Property, so long as Holder's use of the Easement Property for the Easement Purpose is not disturbed and the Pipeline and Facilities located thereon are left with proper, sufficient and permanent support and are not endangered, obstructed, injured or interfered with.

- b. *Grantor's rights to use the Easement Property.* Grantor reserves the right to use the Easement Property for pedestrian and vehicular travel; signs, parking lots, and drainage, utility and communications facilities. Grantor reserves the right to construct, operate, maintain, repair, reconstruct, remove and replace pipelines, streets, roadways, alleys, sidewalks, signs, bridges, railroad tracks, including spur tracks, underground drainage and sewer pipelines, and other utilities, across the Easement Property; and the right to use the Easement Property for recreation or similar purposes, not inconsistent or conflicting with Holder's use and enjoyment of the Easement Property for the Easement Purpose. Grantor agrees, for itself, its successors and assigns, not to excavate the Easement Property without the express, written consent of Holder, which must not be unreasonably withheld, to erect, construct, create, or permit to be erected, constructed or created, any building, fence, or obstruction either on, above, or below the surface of the ground, or change the grade or elevation thereof, or maintain any water course, reservoir or pond thereon, or cause or permit these things to be done by others. *Grantor's Use of Easement Property for landscaping.* Grantor reserves the right to use the Easement Property to plant, grow, maintain, remove and replace crops, gardens and landscaping, not including trees and deep-rooted shrubs.
- c. *Grantor's obligations.* Grantor agrees that Grantor, its successors and assigns, may not exercise their reserved rights in a manner that (i) endangers, obstructs, injures or interferes with Holder's Facilities located on the Easement Property; (ii) interferes with Holder's access to the Easement Property; (iii) prevents Holder from traveling within the Easement Property for the entire length of the Easement Property, on foot or in vehicles or machinery; (iv) leaves an insufficient amount of cover above the Pipeline for compliance with any and all applicable laws or regulations, (iv) interferes with proper, sufficient and permanent support of the Pipeline; (v) unreasonably interferes with Holder's use of the Easement Property for the Easement Purpose.

4. *Improvement and Maintenance of Easement Property by Holder.* Improvement and maintenance of the Facilities will be at the sole expense of Holder. Holder has the right to eliminate any encroachments into the Easement Property that interfere with use of the Easement Property for the Easement Purpose. Holder has the right to construct, install, maintain, replace, and remove the Facilities under or across any portion of the Easement Property; to cathodically protect the Pipeline within the boundaries of the Easement Property; and to install and maintain above-

ground markers placed at property lines and any other location as required by law. The design and construction of the Pipeline and all activities that Holder conducts on the Easement Property must be done in accordance with good, workmanlike standards in the industry and geographical area where the Easement Area is located. All matters concerning the Facilities and their configuration, construction, installation maintenance, replacement, and removal are at Holder's sole discretion, subject to performance of Holder's obligations under this agreement, including the following conditions:

- a. *Depth of Facilities.* Holder must bury the Pipeline originally constructed, reconstructed, or replaced, to a minimum depth of at least 48 inches below the surface of the ground at the time of construction, reconstruction or replacement. During initial construction the trenching must be by double ditching done in such a manner that the top 12 inches of soil will be separated from the balance of the dirt removed in making the ditch or trench for installation of the Pipeline. In backfilling after installation of the Pipeline, topsoil first removed must be used as cover soil in such a manner so as to result in it being returned to the top of the ditch as top soil.
- b. *Restoration of Easement Property.* Following the completion of the original construction of the Facilities in the Easement Property, and following any future construction or activities by Holder on the Easement Property, Holder will fill, grade and level the surface of the Easement Property, so that the surface thereof is restored as near as reasonably practical to its original level and grade. Following the completion of the original construction of the Facilities on the Easement Property, and following any future construction or other activities by Holder on the Easement Property, Holder must remove any debris and trash from the surface of the Easement Property.
- c. *As-built Survey.* Upon completion of construction, and prior to the Pipeline being placed in any service, Holder must provide Grantor with an as-built survey that reflects the location of the Pipeline, its depth, and diameter, prepared and stamped by a Registered Professional Land Surveyor in good standing in the State of Texas. Holder must provide Grantor with a supplemental survey that reflects any subsequent corrections or changes to the Pipeline.
- d. *Use of Grantor's road outside Easement Property.* Grantor will permit Holder to use roads built on Grantor's property abutting the Easement Property for ingress and egress to the Easement Property for the Easement Purpose. Holder agrees to compensate Grantor for future damages caused by Holder's use of Grantor's roads, including damages for disruption caused by maintenance, repair, replacement, and other activities related to the Pipeline.

- e. *Environmental responsibilities.* Holder agrees to comply with all local, state, and federal environmental laws, to indemnify and hold harmless Grantor from any and all environmental damages caused by the Pipeline or its operation, and to pay the costs of all environmental remediation.
- f. *Abandonment of facilities.* In the event Holder abandons the Pipeline or ceases to use the Pipeline for the Easement Purpose for any period of two years or longer, other than the time elapsing between the effective date of this Easement Agreement and the completion of construction of the Pipeline, the Easement will automatically terminate, free and clear of any right, title, or interest in Holder, without the necessity of any notice to Holder or any reentry by Grantor. In the event that the Pipeline is abandoned, Holder must remove all of its Facilities from the Easement Property, properly remediate the Easement Property after removal, and compensate Grantor for any damages caused to Grantor's property during the removal and remediation.

5. *Equitable Rights of Enforcement.* This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

6. *Attorney's Fees.* If either party retains an attorney to enforce this agreement, the party prevailing in litigation is entitled to recover reasonable attorney's fees and court and other costs.

7. *Binding Effect.* This agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.

8. *Choice of Law.* This agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county or counties in which the Easement Property is located.

9. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

10. *Waiver of Default.* It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any

action. Pursuit of any remedies set forth in this agreement does not preclude pursuit of other remedies in this agreement or provided by law.

11. *Further Assurances.* Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this agreement and all transactions contemplated by this agreement.

12. *Indemnity.* Holder agrees to indemnify, defend, and hold harmless Grantor from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision of this agreement.

13. *Entire Agreement.* This agreement and any exhibits are the entire agreement of the parties concerning the Easement Property and the grant of the Easement by Grantor to Grantee. There are no representations, agreements, warranties, or promises, and neither party is relying on any statements or representations of any agent of the other party, that are not expressly set forth in this agreement and any exhibits.

14. *Legal Construction.* If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this agreement are for reference only and are not intended to restrict or define the text of any section. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

15. *Notices.* Any notice required or permitted under this agreement must be in writing. Any notice required by this agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

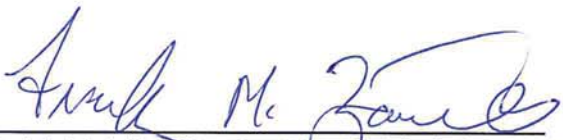
16. *Recitals.* Any recitals in this agreement are represented by the parties to be accurate, and constitute a part of the substantive agreement.

17. *Time.* Time is of the essence. Unless otherwise specified, all references to "days" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday,

Sunday, or legal public holiday, the date for performance will be the next following regular business day.

[Signatures to follow]

Magellan Pipeline Company, L.P.
By its General Partner
MAGELLAN PIPELINE GP, LLC
By its undersigned Authorized Signatory



Frank M. Zaidle, Senior Real Estate Representative

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF OKLAHOMA §
COUNTY OF TULSA §

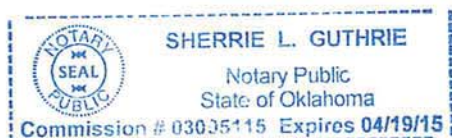
Before me, the undersigned authority, on this day personally appeared Frank M. Zaidle, known to me be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the authorized signatory and Senior Real Estate Representative of MAGELLAN PIPELINE GP, LLC, a Delaware limited liability company, general partner, on behalf of Magellan Pipeline Company, L.P., a Delaware limited partnership, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 22 day of September, 2014.



Notary Public

SHERRIE L. GUTHRIE



CITY OF TEMPLE, TEXAS

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson, City Secretary

APPROVED AS TO FORM:

City Attorney's Office

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF TEXAS §

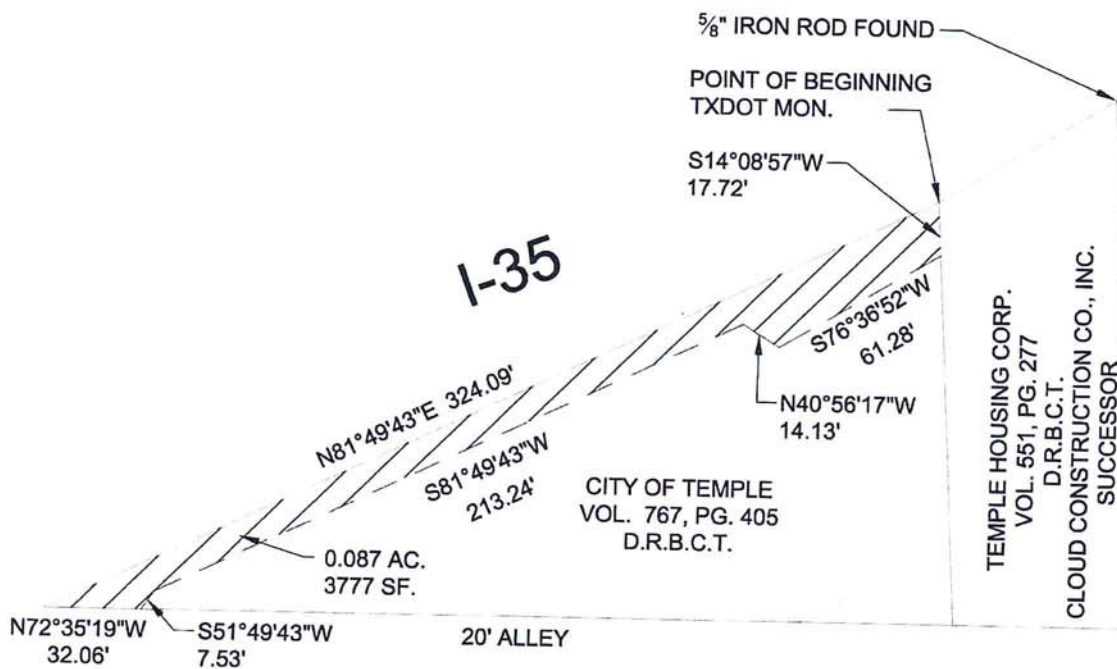
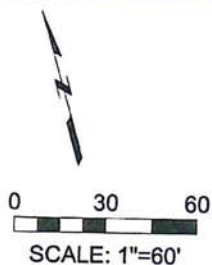
COUNTY OF BELL §

This instrument was acknowledged before me on the _____ day of _____, 2014, by **Daniel A. Dunn**, Mayor, City of Temple, Texas, on behalf of the City.

Notary Public, State of Texas

Return recorded document to:

City Attorney's Office
2 N Main ST STE 308
Temple TX 76501



TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015



2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE

BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121416
Book No:
Drawn by: FGI
Reviewed:
Date: 6-11-14

EXHIBIT A

DESCRIPTION OF PIPELINE EASEMENT

A VARIABLE WIDTH EASEMENT LOCATED IN THE NANCY FERGUSON SURVEY, ABSTRACT NO. 322, IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, SAID EASEMENT BEING PART OF THE REMAINDER OF THE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE CITY OF TEMPLE FILED FOR RECORD IN VOLUME 767, PAGE 405, DEED RECORDS, BELL COUNTY, TEXAS (D.R.B.C.T.), SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3 1/2 INCH ALUMINUM DISK STAMPED TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROW MONUMENT FOR THE SOUTHEAST CORNER OF A CALLED 0.12 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO THE STATE OF TEXAS FILE FOR RECORD IN VOLUME 1061, PAGE 588, D.R.B.C.T. BEING ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 35 AND BEING THE NORTHEAST CORNER OF SAID REMAINDER TRACT AND BEING COMMON TO THE NORTHWEST CORNER OF THE REMAINDER OF A CALLED 93 ACRE TRACT OF LAND AS DESCRIBED IN THE DEED TO TEMPLE HOUSING CORPORATION OF TEMPLE, TEXAS, FILED FOR RECORD IN VOLUME 551, PAGE 277, D.R.B.C.T.;

THENCE SOUTH 14 DEGREES 08 MINUTES 57 SECONDS WEST, ALONG THE EAST LINE SAID REMAINDER TRACT BEING COMMON TO THE WEST LINE OF SAID REMAINDER OF A CALLED 93 ACRE TRACT OF LAND, A DISTANCE OF 17.72 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 76 DEGREES 36 MINUTES 52 SECONDS WEST, A DISTANCE OF 61.28 FEET, TO A POINT FOR CORNER;

THENCE NORTH 40 DEGREES 56 MINUTES 17 SECONDS WEST, A DISTANCE OF 14.13 FEET, TO A POINT FOR CORNER;

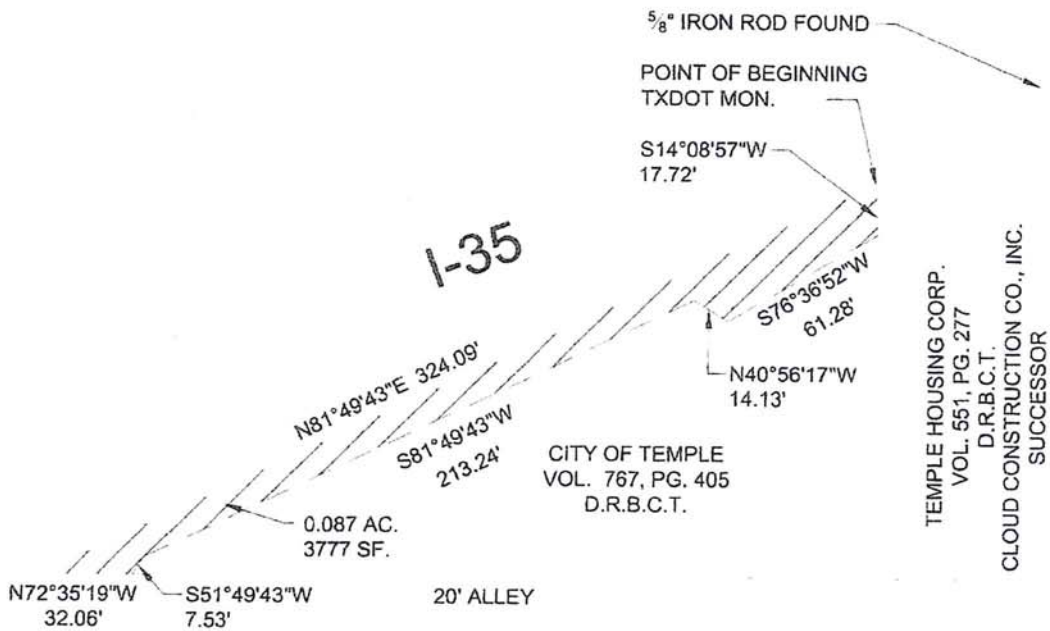
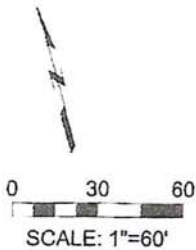
THENCE SOUTH 81 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 213.24 FEET, TO A POINT FOR CORNER;

THENCE SOUTH 51 DEGREES 49 MINUTES 43 SECONDS WEST, A DISTANCE OF 7.53 FEET, TO A POINT FOR CORNER ON THE NORTH RIGHT-OF-WAY LINE OF A 20 FOOT ALLEY;

THENCE NORTH 72 DEGREES 35 MINUTES 19 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE BEING COMMON TO THE SOUTH LINE OF SAID REMAINDER TRACT, A DISTANCE OF 32.06 FEET, TO A POINT FOR CORNER ON SAID SOUTH RIGHT-OF-WAY LINE;

THENCE NORTH 81 DEGREES 49 MINUTES 43 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 324.09 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.087 ACRES (3777 SQUARE FEET) OF LAND, MORE OR LESS.





TEXAS LICENSED SURVEYING FIRM REGISTRATION NO. 10194015

Farnsworth
GROUP
2595 DALLAS PARKWAY, STE. 102
FRISCO, TEXAS 75034
(214) 407.7354 / (214) 407.7447 Fax

VARIABLE WIDTH EASEMENT
CITY OF TEMPLE
BEING PART OF THE NANCY FERGUSON SURVEY,
ABSTRACT NO. 322, IN THE CITY OF TEMPLE,
BELL COUNTY, TEXAS

Project No: 0121415
Book No:
Drawn by: PG.
Reviewed:
Date: 6-11-14

EXHIBIT A

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October 2, 2014

Daniel A. Dunn, Mayor
City of Temple, Texas
2 North Main ST
Temple TX 76501

RE: Bell County Magellan Pipeline Relocation – Easement and Temporary
Construction Easement – 8056-BL-11

Dear Mr. Dunn:

This non-recorded side-letter agreement ("First Amendment") to the mutual agreement that has been reached between the City of Temple, Texas ("City"), as GRANTOR, and Magellan Pipeline Company, L.P. ("Magellan"), as GRANTEE, in conjunction with the Easement Agreement for Diesel Fuel Pipeline Facilities ("Easement Agreement") dated the _____ day of _____, 2014. The Easement Agreement grants GRANTEE the right to construct and operate a pipeline under and across a certain portion of GRANTOR's land situated in 0.482 acres, more or less, out of the Nancy Ferguson Survey Abstract No. 322, Bell County Texas.

GRANTEE has the right, "the "Temporary Construction Easement," to use the area shown as "Temporary Workspace" on Exhibit A to this First Amendment as workspace for purposes of constructing the diesel fuel pipeline described in the Easement Purpose in the Easement Agreement. The Temporary Construction Easement encompasses 17,202 square feet. GRANTEE, its agents, employees, contractors and subcontractors, may use the Temporary Workspace only in connection with and during the original construction of the pipeline in the permanent easement.

GRANTEE will, at all times after completing any work in connection with the construction of the project, restore the surface of the Easement Property described in the Easement Agreement and the Temporary Workspace, as nearly as possible, to the condition in which Easement Property and the Temporary Workspace was found immediately before such work was undertaken. GRANTEE agrees to indemnify, defend, and hold harmless GRANTOR from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision in this First Amendment.

The Temporary Construction Easement will automatically terminate and revert to the GRANTOR, free and clear of any right, title or interest in GRANTEE, upon whichever first

occurs: (i) the completion of construction of the pipeline on the Easement; or (ii) upon nine (9) months following the execution of this agreement.

GRANTEE has fully compensated GRANTOR for the Temporary Construction Easement, as compensation for the Temporary Construction Easement is included in compensation accepted for the permanent easement.

If the above clauses reflect the agreement between you and Magellan Pipeline Company, L.P. please sign in the space provided below.

Thank you.

Accepted and agreed to on the _____ day of _____, 2014.

Grantor: City of Temple, Texas

Accepted and agreed to:

Attest:

By: _____

Name: Daniel A. Dunn

Title: Mayor

Lacy Borgeson

City Secretary

Date: _____

Approved as to form:

City Attorney's Office

Grantee: Magellan Pipeline Company, LP

Accepted and agreed to:

By:  _____

Frank Zaidle,

Senior Real Estate Representative

Date: 9-22-14

RESOLUTION NO. 2014-7501-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT GRANTING MAGELLAN PIPELINE COMPANY, L.P. A PERMANENT EASEMENT OF 3,777 SQUARE FEET, AND A TEMPORARY WORKSPACE EASEMENT OF 17,202 SQUARE FEET FOR A FOUR-INCH DIAMETER DIESEL FUEL PIPELINE AND RELATED FACILITIES ADJOINING THE EAST SIDE OF NORTH GENERAL BRUCE DRIVE NEAR INDUSTRIAL BOULEVARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, The Texas Department of Transportation (TxDOT) is requiring Magellan Pipeline Company, L.P. (Magellan) to relocate portions of a four-inch diesel fuel pipeline to accommodate TxDOT's widening of I-35;

Whereas, the existing pipeline runs in the alley along the northern boundary of the subdivision called Jefferson Manor II and the new pipeline will be installed along the east side of North General Bruce Drive approaching Industrial Boulevard to continue service to BNSF's rail yard;

Whereas, the easement agreement limits use of the easement by Magellan and its successors to one four-inch diesel fuel pipeline and specified related facilities;

Whereas, upon execution of an easement agreement granting Magellan Pipeline Company, L.P. a permanent easement of 3,777 square feet and a temporary workspace easement of 17,202 square feet on the east side of N General Bruce Dr. near Industrial Blvd., the City will receive total compensation of \$12,000;

Whereas, revenue received from the permanent easement in the amount of \$5,666 will be deposited into Account No.110-0000-461-0423 and revenue received for the temporary work space in the amount of \$6,334 will be deposited into Account No. 110-0000-461-0830; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an easement agreement, after approval as to form by the City Attorney, which grants Magellan Pipeline Company, L.P. a permanent easement of 3,777 square feet and a temporary workspace easement of 17,202 square feet for a four-inch diameter diesel fuel pipeline and related facilities adjoining the east side of North General Bruce Drive near Industrial Boulevard, and approves the total compensation amount of \$12,000.

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

PASSED AND APPROVED this the 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, Sustainability and Grant Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with MKP Consulting of Atascocita for the preparation of the CDBG program's five-year Consolidated Plan for fiscal years 2016 - 2020, in the amount of \$25,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development. The primary purpose of the grant program is to develop viable communities through the provision of decent housing, suitable living environments and expanding economic opportunities for low and moderate income persons. As a recipient of these entitlement program funds the City is required to produce a five-year Consolidated Plan, which documents Temple's housing and community development needs, outlines strategies to address those needs, and identifies proposed program accomplishments.

The City solicited firms to assist in the preparation of the 2016 – 2020 five-year Consolidated Plan. On September 11, 2014 three (3) proposals were received for professional services requested: MKP Consulting of Atascocita, NALCAB of San Antonio, and Morningside of Austin. The scoring criteria, as defined within the RFP, focused on the proposed project firm's prior experience and familiarization with HUD/CDBG programs, proposed work approach, references and overall timeline/deliverable completion.

On September 22, 2014 a staff evaluation committee met to discuss the proposals and to compile evaluation results. Based on the pre-defined evaluation criteria, the committee's recommendation is to award the professional service contract to MKP Consulting. The committee concluded that all contractors were qualified to perform their work. However, MKP Consulting's past experience, references and proposed work approach proved that MKP Consulting offered the best value to the City for the project.

The proposed fee for professional services is \$25,000. The plan will be developed throughout FY 2015, following internal CDBG program deadlines. A presentation will be made to Council the first

meeting in June 2015, in accordance with the Citizen Participation Plan, prior to adoption and submittal to HUD by August 15, 2015.

FISCAL IMPACT: The professional services agreement is for \$25,000. Funding from the FY 2015 Community Development Block Grant in the amount of \$16,296 is available in account #260-6000-515-26-23. The remaining funding of \$8,704 will be carried forward from the FY 2014 Community Development Block Grant.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7502-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MKP CONSULTING OF ATASCOCTIA, TEXAS, FOR PREPARATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM'S FIVE-YEAR CONSOLIDATED PLAN FOR FISCAL YEARS 2016-2020, IN THE AMOUNT OF \$25,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple annually receives Community Development Block Grant (CDBG) Entitlement funds from the U.S. Department of Housing and Urban Development - the primary purpose of the grant program is to develop viable communities through the provision of decent housing, suitable living environments and expanding economic opportunities for low and moderate income persons;

Whereas, as a recipient of these entitlement program funds, the City is required to produce a five-year Consolidated Plan, which documents Temple's housing and community development needs, outlines strategies to address those needs, and identifies proposed program accomplishments;

Whereas, the City solicited firms to assist in the preparation of the 2016 – 2020 five-year Consolidated Plan and on September 11, 2014 three (3) proposals were received;

Whereas, a staff evaluation committee met to discuss the proposals and to compile evaluation results and based on the pre-defined evaluation criteria, the committee's recommendation is to award the professional service contract to MKP Consulting of Atascocia, Texas;

Whereas, the committee concluded that all contractors were qualified to perform the work; however MKP Consulting's past experience, references and proposed work approach proved that MKP Consulting offered the best value to the City for the project;

Whereas, funding is available in the Community Development Block Grant Account No. 260-6000-515-2623; 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 MKP Consulting of Atascocia, Texas, after approval as to form by the City Attorney, for the preparation of the Community Development Block Grant program's five-year Consolidated Plan for fiscal years 2016-2020, in the amount of \$25,000.

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

PASSED AND APPROVED this the **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick, & Associates, LP (KPA) for redesign and survey services for final design of phase 1 of the Leon River Interceptor Project in an amount not to exceed \$36,040.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Current growth in south and west Temple is placing heavy demand on existing sanitary sewer collection infrastructure. A new trunk main is required to provide capacity for current and projected growth and to relieve existing infrastructure that is currently operating at or above its intended capacity and beyond its original design life. Phase 1 of this project will begin to address these needs and provide new wastewater collection services along the IH 35 corridor near the Leon River.

On March 1, 2012, Council authorized a professional services agreement with KPA in an amount not to exceed \$151,880 to complete preliminary design of the Leon River project extending from the Temple Belton wastewater treatment plant to Poison Oak Road. On March 15, 2012, Council authorized an agreement with Lone Star Right of Way Services, Inc. of Belton, TX, for professional services required to acquire right of way for the project.

Through the course of design work, the City has subsequently been made aware of new property developments for the area encompassing Phase 1 that have caused the need for redesign of a portion of the project and generation of new field note descriptions for an alignment that matches development.

Cost breakdown for additional services is as follows:

| | |
|--|------------------------|
| 1) Redesign approximately 3,700 feet of Leon River Trunk Sewer | |
| a) Prepare 8 plan sheets | \$16,630 |
| b) Update lift station calculations and revise pump selection | \$ 760 |
| c) Review 302 Acre service requirement vs. proposed depth | \$ 940 |
| d) Revise and resubmit TxDOT permit | \$ 780 |
| e) Prepare and submit ONCOR permit | \$ 1,530 |
| 2) Redesign approximately 1,000 feet of Leon River force main | |
| a) Prepare 3 plan sheets | \$ 6,270 |
| 3) Provide Additional Design Surveys | \$ 6,770 |
| 4) Attend Additional meetings with City, Developers, and property owners | \$ 2,360 |
| | |
| Total | <u>\$36,040</u> |

Time required for redesign is 75 days, with construction to follow.

FISCAL IMPACT: Currently, funding in the amount of \$341,150 is available in account 561-5400--535-6941, project 100851, to fund the professional services contract amendment with KPA in the amount of \$36,040.

ATTACHMENTS:

[Project Realignment Map](#)
[Engineer's Proposal](#)
[Resolution](#)

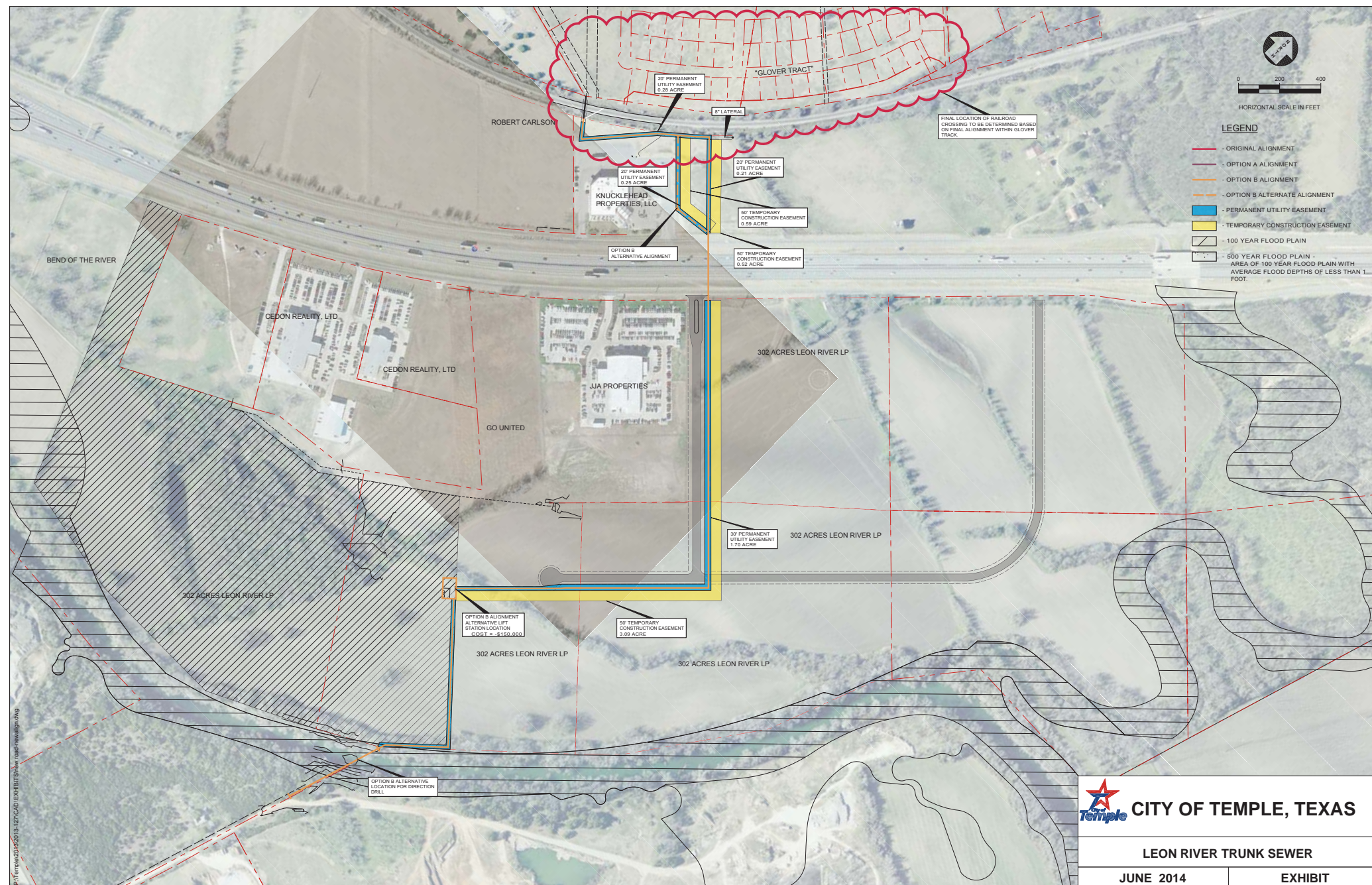


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HORIZONTAL SCALE IN FEET

LEGEND

- ORIGINAL ALIGNMENT
- OPTION A ALIGNMENT
- OPTION B ALIGNMENT
- OPTION B ALTERNATE ALIGNMENT
- PERMANENT UTILITY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT
- 100 YEAR FLOOD PLAIN
- 500 YEAR FLOOD PLAIN - AREA OF 100 YEAR FLOOD PLAIN WITH AVERAGE FLOOD DEPTHS OF LESS THAN 1 FOOT.



CITY OF TEMPLE, TEXAS

LEON RIVER TRUNK SEWER

JUNE 2014

EXHIBIT



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

July 22, 2014

Mr. Salvador Rodriguez, P.E., C.F.M.
Assistant City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Leon River Trunk Sewer – Re-alignment through 302 Acres property

Dear Mr. Rodriguez:

The following letter proposal is provided at your request. KPA currently has a contract for the design of the Leon River Trunk Sewer (and associated Lift Station and Force Main). As a result of the City's negotiations with affected property owners, KPA has been asked to provide a proposal for the redesign of the force main and trunk sewer along the 302 Acres Property and associated TxDOT crossing. The redesign will also encompass the section of trunk sewer through the Horny Toad Harley Davidson property.

The work to be performed by KPA under this contract consists of providing engineering services for re-design of the project described above to include 100% design and preparation of plans, specifications and estimates as follows:

1. Scope of Work
 - a. Redesign approximately 3,700 linear feet of Leon River Trunk Sewer from proposed Lift Station to Railroad Tracks
 - i. Prepare approximately 8 plan/profile sheets
 - ii. Review 302 Acres service requirements versus proposed manhole depth
 - iii. Revise and resubmit TxDOT permit for crossing IH-35
 - iv. Prepare and submit Oncor permit
 - b. Redesign approximately 1,000 linear feet of Force Main from proposed Lift Station to south of Leon River
 - i. Prepare approximately 3 plan/profile sheets.
 - ii. Update lift station (system head curve) calculations and revise pump selection.
 - c. Additional meetings with City Staff, Developer and Property Owners
 - d. Additional Design Surveys

The scope of work for the Re-design of portions of the Leon River Trunk Sewer can be completed for the lump sum price of \$36,040. Below is a breakdown of project costs by individual task. The re-design can be completed within 75 days of approval of this contract amendment.

Mr. Salvador Rodriguez, P.E., C.F.M.
July 22, 2014
Page 2

Leon River Trunk Sewer – Re-design

| | | |
|--------------------------------------|----|-----------|
| Re-design and Plan Sheet Preparation | \$ | 29,270.00 |
|--------------------------------------|----|-----------|

| | | |
|----------------|----|----------|
| Design Surveys | \$ | 6,770.00 |
|----------------|----|----------|

| | | |
|---|-----------|------------------|
| TOTAL LEON RIVER TRUNK SEWER RE-DESIGN | \$ | 36,040.00 |
|---|-----------|------------------|

We are pleased to submit this proposal and look forward to working with the City to complete this project.

Sincerely,



Thomas D. Valle, P.E.,

xc: 2013-127

City of Temple, Texas
Leon River Trunk Sewer Realignment from LS to Railroad Tracks
July 21, 2014

| Scope Items | Total | Summary of Hours | | | | | |
|--|------------------|------------------|----------|----------|----------|----------|----------|
| | | Principal | PE | Grad Eng | CAD | Clerical | Direct |
| | | \$160.00 | \$140.00 | \$110.00 | \$90.00 | \$60.00 | Costs |
| 1 Re-design approximately 3,700 LF of Leon River Trunk Sewer from LS to RR Tracks | \$ - | | | | | | |
| a Prepare 8 plan sheets | \$ 16,630 | 34 | 4 | 44 | 60 | 4 | \$ 150 |
| b Update Lift Station Calculations and revise pump selection | \$ 760 | 2 | | 4 | | | |
| c Review 302 Acres service requirements vs proposed depth | \$ 940 | 2 | | 4 | 2 | | |
| d Revise and resubmit TxDOT permit | \$ 780 | 1 | | 4 | 2 | | |
| e Prepare and submit Oncor permit ⁽¹⁾ | \$ 1,530 | 1 | | 4 | 2 | | \$ 750 |
| 2 Re-design approximately 1,000 LF of Leon River Trunk Force Main from LS to South of Leon River | \$ - | | | | | | |
| a Prepare 3 plan / profile sheets | \$ 6,270 | 6 | 4 | 16 | 32 | 1 | \$ 50 |
| 3 Additional Design Surveys | \$ 6,770 | 2 | | 2 | 2 | | \$ 6,050 |
| 4 Additional Meetings w/ City, Developer and Property Owners | \$ 2,360 | 12 | | 4 | | | |
| Total Hours | 255 | 60 | 8 | 82 | 100 | 5 | |
| Total Cost | \$ 36,040 | \$ 9,600 | \$ 1,120 | \$ 9,020 | \$ 9,000 | \$ 300 | \$ 7,000 |

| | |
|---------------------------|------------------|
| TOTAL FEE ESTIMATE | \$ 36,040 |
|---------------------------|------------------|

⁽¹⁾ Direct cost related to survey document required to be submitted with permit.

RESOLUTION NO. 2014-7503-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR REDESIGN AND SURVEY SERVICES FOR FINAL DESIGN OF PHASE I OF THE LEON RIVER INTERCEPTOR PROJECT, IN AN AMOUNT NOT TO EXCEED \$36,040; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, current growth in south and west Temple is placing heavy demand on existing sanitary sewer collection infrastructure - a new trunk main is required to provide capacity for current and projected growth and to relieve existing infrastructure that is currently operating at or above its intended capacity and beyond its original design life;

Whereas, on March 1, 2012, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, to complete a preliminary design of the Leon River project extending from the Temple Belton Wastewater Treatment Plant to Poison Oak Road - through the course of design work, the City has been made aware of new property developments for the area encompassing Phase 1 that have caused the need for redesign of a portion of the project;

Whereas, funding is available in Account No. 561-5400--535-6941, Project No. 100851, to fund this contract amendment in the amount of \$36,040; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for redesign and survey services for final design of Phase I of the Leon River Interceptor Project, in an amount not to exceed \$36,040.

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 **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(L)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authoring a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to design, bid, and provide construction phase services for North Lucius McCelvey Extension in an amount not to exceed \$228,550.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Industrial Park parcels at the north terminus of Lucius McCelvey Drive require a road and public utilities to serve future tenants. KPA estimates a preliminary OPC of \$1,525,000 to extend approx. 2400 feet of road, parallel water line, drainage facilities, and sewer. Design will be completed in five months.

Consultant services recommended under this resolution include the following tasks and costs:

| | |
|-----------------------------|--------------------------|
| Surveying | \$ 10,600 |
| Geotechnical | \$ 13,500 |
| Design | \$ 108,450 |
| Metes & Bounds | \$ 3,200 |
| Bidding | \$ 6,500 |
| Construction Administration | \$ 42,100 |
| On Site Representation | \$ 44,200 |
| TOTAL | <u>\$ 228,550</u> |

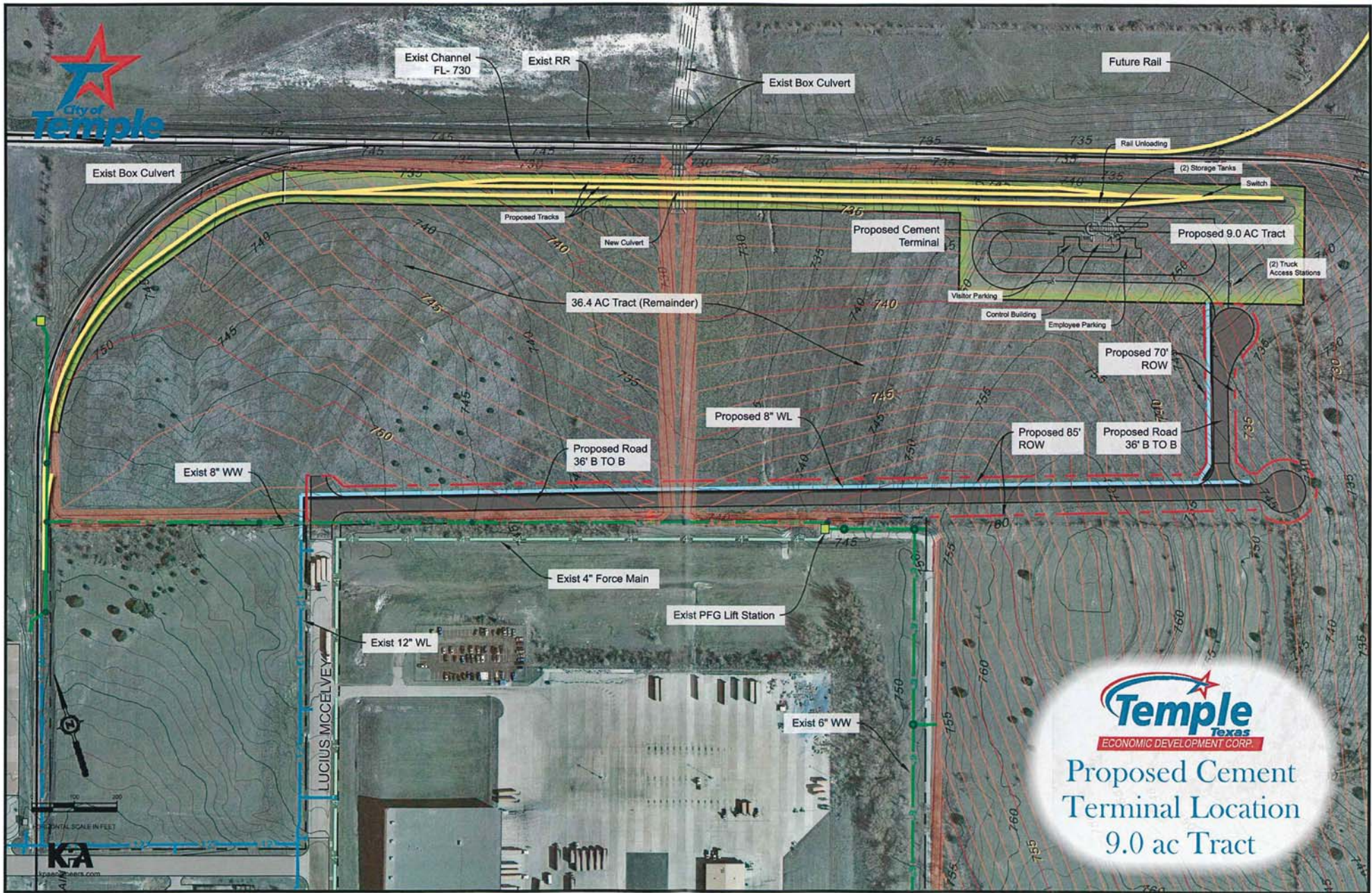
On September 24, 2014, the Reinvestment Zone #1 Board resolved to recommend that Council award this contract.

FISCAL IMPACT: Funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 150, account 795-9500-531-6563, projects 100996 and 100997, to fund this professional services agreement.

Total project costs are currently estimated at \$1,753,550. An economic prospect has agreed to participate in the cost sharing of the project. The Reinvestment Zone No. 1 will be responsible for 50% of the total project costs and the economic prospect will be responsible for 50% of the total project costs. A Financing and Project Plan amendment will be brought before the Board at a future date to fully fund the project.

ATTACHMENTS:

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





KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

September 16, 2014

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

Re: City of Temple
Buzzi Unicem Roadway and Utilities Project

Dear Mr. Bond:

At the request of the City of Temple Reinvestment Zone #1 (TRZ), we are submitting this proposal for the above referenced project. This project will develop 100% final design and construction of the improvements for the Buzzi Unicem Roadway and Utilities Project. The project will connect at the North terminus of Lucius McCelvey Drive and extend East approximately 2,400 feet. Water and drainage utilities will be included with the project with an option for wastewater to serve the 46 acres surrounding the proposed improvements. The final product will be plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department with construction to follow.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design and preparation of plans, specifications and estimates. Water utilities planned adjacent to the proposed roadway are also included in this proposal as well as geotechnical services. The project consists of construction of approximately 2,400 linear feet of roadway with associated drainage, parallel water utilities, reinforced concrete culvert, drainage conveyance to the existing culvert at the Rail Park Railroad, striping, signage and erosion control. An optional design element is included for serving the 46 acre area with wastewater which will include a lift station and force main to the PFG lift station. The timeframe for design of the project is five months. The Temple Economic Development Corporation currently owns the property that the proposed roadway improvements are planned to be located. Rights-of-Way for the project will be required including metes and bounds, but TEDC will donate the property. Our Preliminary Opinion of Probable Construction Cost is \$1,525,000.

KPA will perform all work and prepare all deliverables in accordance with the latest version of AASHTO and City of Temple specifications, standards and manuals.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. ROUTE AND DESIGN STUDIES

- A. Data Collection – Obtain and review any existing data from the City and other entities that may have record documents and are allowed to release the information. i.e. – Atmos, AT&T, Oncor, etc.
- B. Geometric Design - Develop geometric design for the full length of the project to establish survey and investigation limits. All designs shall be in accordance with AASHTO and City of Temple design guidelines and criteria.
- C. Utility Coordination
Efforts to ensure utility relocations and adjustments required to accommodate the proposed project development shall include Field Surveys and Utility Adjustment Coordination.
 - 1. Field surveys shall locate horizontally, crossings of all utilities within the project area identified by markings obtained from performing a one call utility locate service.
 - 2. After design surveys have located marked utilities from the one call service, verification of utilities will be performed as available from meeting with the utility companies (Atmos, AT&T, Oncor, etc.) and the City of Temple.
 - 3. Initial notifications of the project details and expected time lines for project development shall be conveyed to all utility owners existing within the project limits.
 - 4. Upon determination of required relocation and/or adjustments, intense coordination with impacted utility owners shall be initiated.

II. PROJECT MANAGEMENT

- A. Meetings
 - 1. Prepare, attend and document Progress Meetings at the City Office.
 - 2. Prepare, attend and document Utility Coordination Meetings, if required.
 - 3. Prepare, attend and present as necessary updates to the Temple Re-investment Zone Project Group and Board.
- B. General Contract Administration
 - 1. Develop monthly invoices and progress reports.
 - 2. Sub-consultant coordination.
 - 3. Design coordination with the City.

III. FIELD SURVEYING

A. General

1. The City of Temple shall obtain right-of-entry (ROE) agreements with property owners for the required field surveys. These efforts on the City's part should be minimal as TEDC owns the property surrounding the project. Possible rights of entry could occur at the PFG Lift Station where the proposed wastewater utility will be connected.
2. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Engineering Design and Hydraulic Analysis

1. Reasonable attempts shall be made to recover existing horizontal control points from previous work performed on this project as well as coordinate with other projects in the vicinity. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
2. Reasonable attempts at recovering and verifying existing vertical control shall be made as well as coordinate with other projects in the vicinity. Additional benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals for future reference on the plans. These will be coordinated with other projects in the area.
3. Survey files with previously obtained project data shall be compared to and merged with survey files generated through this proposal. In areas of uncertainty, changes in previous existing conditions, and/or limited topographic information, additional data shall be collected.
4. Data collection shall consist of spot elevations for improvements, edge of roadway and curb and gutter, visible or marked utilities, drainage features, centerline of roadway and grade breaks. Individual roadway cross sections shall be taken at intervals approximately 100 feet or as required to properly define the surface of the project and generate accurate Digital Terrain Models (DTMs).
5. The survey shall include topographic features within approximately 300 feet from each end of certain drainage features within the project limits or a sufficient distance to ensure and/or verify hydraulic cross sections can be developed to adequately accommodate the 100-year rainfall event. Within these limits, the survey shall extend approximately 75 feet left and right of the existing roadway centerline.

6. Channel cross sections adjacent to the railroad shall be provided from the face of the existing drainage structures or edge of channel connection (4 sections each) to approximately 200 feet upstream and downstream. The sections shall indicate any ground breaks, top of banks, toe of slopes, etc., that define the actual contour of the section and the overbank area.

IV. ROADWAY DESIGN CONTROLS

A. 30% Complete Plan Set

1. Geometric Design - Develop the horizontal and vertical alignments, typical sections and resultant design cross sections to ensure compliance with current design criteria. Delineate and discuss potential deficiencies with City Staff. Review constructability of preliminary design including connections and access.
2. Typical Sections - Develop proposed roadway typical sections for the project.
3. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets.
4. Plan & Profile Drawings - Prepare preliminary plan & profile sheets for the project.
5. Intersection Layouts - Develop layouts that define preliminary horizontal and vertical geometry for the following intersection and connection:
 - Lucius McCelvey Drive
6. Develop preliminary rights-of-way and easement requirements for the proposed roadway infrastructure to be dedicated from TEDC to the City of Temple.
7. Coordination with private utilities - After the Preliminary Engineering is complete, all utilities that appear effected will be contacted for coordination for relocation.

B. 100% Complete Plan Set

The following items shall be prepared for the project:

1. Typical Sections - Finalize typical sections prepared during the 30% completion phase.
2. Plan & Profile Drawings - Finalize plan & profile drawings prepared during the 30% completion phase.
3. Intersection Layouts - Finalize intersection and connection layouts prepared during the 30% completion phase. The following intersection and connection will be completed.
 - Lucius McCelvey
4. Miscellaneous Roadway Details - Develop various details, as required, for pavement, curb, riprap, etc.
5. Removal Layouts - Prepare removal and demolition layout sheets showing all features that are to be removed including pavement, structures, signing, etc.
6. Roadway Cross Sections - Finalize roadway cross sections prepared during the 30% completion phase.

7. Overall Grading Plan – Finalize the Overall Grading Plan for the project illustrating existing contours and proposed contours.
8. Finalize requirements for rights-of-way and easements for all proposed roadway infrastructure.
9. Develop summary of final quantities for all roadway infrastructure and prepare cost estimates based on current bid data.

V. DRAINAGE

A. 30% Complete Plan Set

1. Incorporate all design surveys into computer aided drafting and develop topographies and surfaces. This data shall be utilized to develop drainage areas, hydrology and hydraulics. This shall include topographic working drawings to prepare the preliminary drainage design.
2. Develop storm water hydrology for the ultimate roadway section throughout the limits of the project. The hydrology shall be modeled utilizing HEC-HMS with City of Temple drainage criteria. The model shall incorporate the 4% and 1% annual chance storm (25-year, and 100-year) events. Modeling shall develop storm water flows to all cross culverts and roadway conveyances. Based on the data developed, drainage infrastructure shall be designed in a preliminary format for the project area. The level of detail shall be sufficient to establish cost estimates.
3. Develop preliminary hydraulics to all cross culvert conveyances and the roadway system. The system will convey to the regional detention pond that has been constructed with the Rail Park Project.
4. Develop preliminary designs for all cross drainage structures throughout the project limits. The system will convey to the regional detention pond that has been constructed with the Rail Park Project.
5. Develop preliminary designs for proposed storm water collection systems for the proposed curb-and-gutter portion of the project area. The system will convey to the regional detention pond that has been constructed with the Rail Park Project.
6. Determine potential utility conflicts based on preliminary design for the project area.
7. Coordinate the preliminary design with the City of Temple. Comments and direction shall be incorporated into final designs.

B. 100% Complete Plan Set

1. Develop final designs for all cross drainage structures within the project limits. All cross drainage structures shall be illustrated in plan profile sheets as well as detail sheets in the 100% plans. Grading to existing ground elevations shall be detailed as well as elevations for flow lines and headwalls. Hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events

- shall be illustrated in the profile views. Designs for conveyance to reduce erosion shall be completed and detailed in the plans.
2. Develop final designs for the storm water collection system for the curb-and gutter portion of the project. Flow lines shall be detailed as well as hydraulic grade lines for the 4% and 1% annual chance storm (25-year and 100-year) events. All drainage infrastructure shall be designed and presented in the drawings in plan and profile.
 3. Design storm water conveyance to the regional detention facility. Design shall include conveyance for positive drainage and shall check proposed water surface elevations for storm water detention including backwater effects.
 4. Determine potential utility conflicts based on final design for the project area. Existing utility locations shall be illustrated in the drainage plan profile sheets.
 5. Prepare Hydraulic Data Sheets as appropriate reflecting the results of the hydraulic analyses and designs for proposed cross road culverts and storm sewer systems.
 6. Develop summary of final quantities for all drainage infrastructure and prepare cost estimates based on current bid data.
 7. Coordinate with the City of Temple to review the final drainage design, utility conflicts and relocations. All comments and direction shall be incorporated into final designs.
 8. Storm Water Pollution Prevention Plans (SW3P) - Develop SW3P to minimize potential impact to receiving waterways. The SW3P shall include quantities, type and locations of erosion control devices and any required permanent erosion control measures in accordance with the City of Temple Policy.

VI. SIGNING AND MARKINGS

A. 100% Complete Plan Set

1. Signing and Markings Layouts - Prepare signing and pavement markings layouts for the full roadway section. The layouts shall include the signing and striping, roadway layout, centerline with stationing, existing signs to remain, to be removed or to be relocated, proposed signs and proposed permanent markings including pavement markings, object markers and delineation. Details shall be in accordance with TMUTCD,
2. Sign Details - Prepare details for signs included in the Project.
3. Intersection Layouts - Prepare detailed signing and striping layouts at the following intersection:
 - Lucius McCelvey

VII. UTILITY DESIGN

- A. 30% Complete Plan Set
 - 1. Develop layout for the water line as shown in the City of Temple Water Master Plan for the project. Layout shall be along the roadway alignment.
 - 2. Develop layouts for hydrants to meet the City of Temple codes and regulations.
 - 3. Develop as an alternate to the design a lift station and force main to serve the project area. Preliminary force main, wet well and pump sizing will be completed. This design will only begin and be charged if authorized by the City of Temple.
- B. 100 % Complete Plan Set
 - 1. Prepare plan and profile for the water line as shown in the City of Temple Water Master Plan parallel to the proposed roadway.
 - 2. Call out fittings, hydrants, valves, etc on the plan profile sheets.
 - 3. Prepare details for water utilities. Details shall be in accordance with current City of Temple standards.
 - 4. Develop summary of final quantities for all water utility infrastructure and prepare cost estimates based on current bid data.
- C. Develop as an alternate to the final design a lift station and force main to serve the project area. Final force main, wet well and pump sizing will be completed. This design will only begin and be charged if authorized by the City of Temple

VIII. WASTEWATER SERVICE PLAN FOR RAIL PARK

- A. Conceptual Layout
 - 1. Develop layout for wastewater to serve the Rail Park in conjunction with the City of Temple Wastewater Master Plan.
 - 2. Provide phasing options to utilize existing lift station facilities on an interim basis until such time as interceptors are constructed.
 - 3. Provide opinions of probable cost for wastewater service components.

IX. GEOTECHNICAL

- A. Geotechnical data and design
 - 1. Roadway – Geotechnical field data will be taken for the length of the project every 500 feet in order to establish the subsurface conditions. Boring logs will be established for inclusion in the final report. Borings will be a maximum of ten feet in depth. Traffic loading will be based on City of Temple criteria.
 - 2. A final report of the subsurface investigations and geotechnical design for the roadway will be completed for the project.

X. MISCELLANEOUS DESIGN

- A. 30% Complete Plan Set
 - 1. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
- B. 100% Complete Plan Set
 - 1. Cost Estimates - Prepare detailed construction cost estimates
 - 2. General Notes and Specifications – Prepare project specific general notes including standard notes for City of Temple.
 - 3. Bid Proposal- Prepare the project bid proposal that shall include the following:
 - General Notes
 - Standard and Special Specifications
 - Bid Form
 - 4. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet / Index of Sheets
 - Project Layout

XI. Construction Administration

- A. Chair the Pre-Construction Conference.
- B. Review and approve all submittals for the project.
- C. Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- D. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- E. Develop record drawings based on information supplied by the contractor.

XII. On-Site Representation

- A. Perform daily on-site representation an average of 3 hours per day.
- B. Prepare and submit weekly logs of construction activities.
- C. Periodically take photographs of the construction and project site. Photographs will be submitted to the City of Temple electronically.

The following scope of work for the Buzzi Unicem Roadway and Utilities Project can be completed for the lump sum price of \$228,550. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

| | |
|-----------------------------------|----------------------|
| ROUTE AND DESIGN STUDIES | \$ 6,200.00 |
| FIELD SURVEYING | \$ 10,600.00 |
| ROADWAY DESIGN | \$ 25,155.00 |
| DRAINAGE | \$ 16,765.00 |
| SIGNING & PAVEMENT MARKING | \$ 2,880.00 |
| WATER UTILITY DESIGN | \$ 15,015.00 |
| WW UTILITY DESIGN (ALT) | \$ 17,385.00 |
| WW SERVICE PLAN FOR RAIL PARK | \$ 8,900.00 |
| GEOTECHNICAL | \$ 13,500.00 |
| METES AND BOUNDS/EASEMENTS | \$ 3,200.00 |
| MISC. DESIGN | \$ 8,050.00 |
| GENERAL MANAGEMENT & COORDINATION | \$ 8,100.00 |
| BIDDING | \$ 6,500.00 |
| CONSTRUCTION ADMINISTRATION | \$ 42,100.00 |
| ON SITE REPRESENTATION | \$ 44,200.00 |
| TOTAL | \$ 228,550.00 |

Sincerely,



R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple
Buzzi Unicem Roadway and Utilities Project
Final Design

| <u>POSITION</u> | <u>MULTIPLIER</u> | <u>SALARY COST/RATES</u> |
|----------------------------|-------------------|--------------------------|
| Principal | 2.4 | \$ 75.00 – 95.00/hour |
| Project Manager | 2.4 | 60.00 – 75.00/hour |
| Project Engineer | 2.4 | 50.00 – 60.00/hour |
| Engineer-in-Training | 2.4 | 40.00 – 50.00/hour |
| Engineering Technician | 2.4 | 35.00 – 50.00/hour |
| CAD Technician | 2.4 | 30.00 – 50.00/hour |
| Clerical | 2.4 | 15.00 – 30.00/hour |
| Expenses | 1.1 | actual cost |
| Computer | 1.0 | 15.00/hour |
| Survey Crew | 1.1 | 125.00 – 160.00/hour |
| Registered Public Surveyor | 1.0 | 130.00/hour |
| On-Site Representative | 2.1 | 30.00 – 40.00/hour |

RESOLUTION NO. 2014-7504-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, TO PROVIDE CONSTRUCTION PHASE SERVICES FOR THE NORTH LUCIUS MCCELVEY EXTENSION, IN AN AMOUNT NOT TO EXCEED \$228,550; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Industrial Park parcels at the north terminus of Lucius McCelvey Drive require road and public utilities to serve future tenants;

Whereas, Kasberg, Patrick & Associates, LP of Temple, Texas estimates a needed extension of approximately 2400 feet of road, parallel water line, drainage facilities, and sewer;

Whereas, on September 24, 2014, the Reinvestment Zone #1 Board resolved to recommend that Council award this contract;

Whereas, funds are available in the Reinvestment Zone No. 1 Financing Plan, Line 150, Account No. 795-9500-531-6563, Project Nos. 100996 and 100997, to fund this agreement; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, to design, bid and provide construction phase services for the North Lucius McCelvey extension, in an amount not to exceed \$228,550.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Bill D'Amico, CIP Project Coordinator

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, to provide right of way services along Avenue U in an amount not to exceed \$229,400

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Stateside Right of Way Services will provide right of way services to include project management, acquisition, title, relocation, and appraisal services for the Avenue U project.

Stateside Right of Way Services, LLC, (Stateside) is a certified Historically Underutilized Business (HUB) and a Disadvantaged Business Enterprise (DBE/WBE) with over 15 years of experience. With notable Right of Way (ROW) experience completing high profile projects, including TxDOT IH-35, NTTA-SH-121, SH-161, SH-130, Fort Worth Transportation Authority and Metropolitan Transportation Authority of Harris County, City of Denton, Dallas County, City of Weatherford, City of Mansfield, City of Fort Worth and City of Waco.

Stateside offers the following services during the right of way process: detailed multiple alternative route cost estimates, cash-flow forecasts for survey, environmental, legal, demolition, acquisition, relocation, utility relocation and construction.

Fees associated with this service include:

| | |
|--|-------------------|
| Residential Relocation – up to 20 relocations @ \$5,000 each - NTE | \$ 100,000 |
| Negotiation Services – up to 15 acquisitions @ \$4,000 each - NTE | \$ 60,000 |
| Title Services (Curative) – up to 15 closings @ \$1,500 each - NTE | \$ 22,500 |
| Appraisal Services – NTE | \$ 46,900 |
| Not To Exceed: \$ 229,400 | |

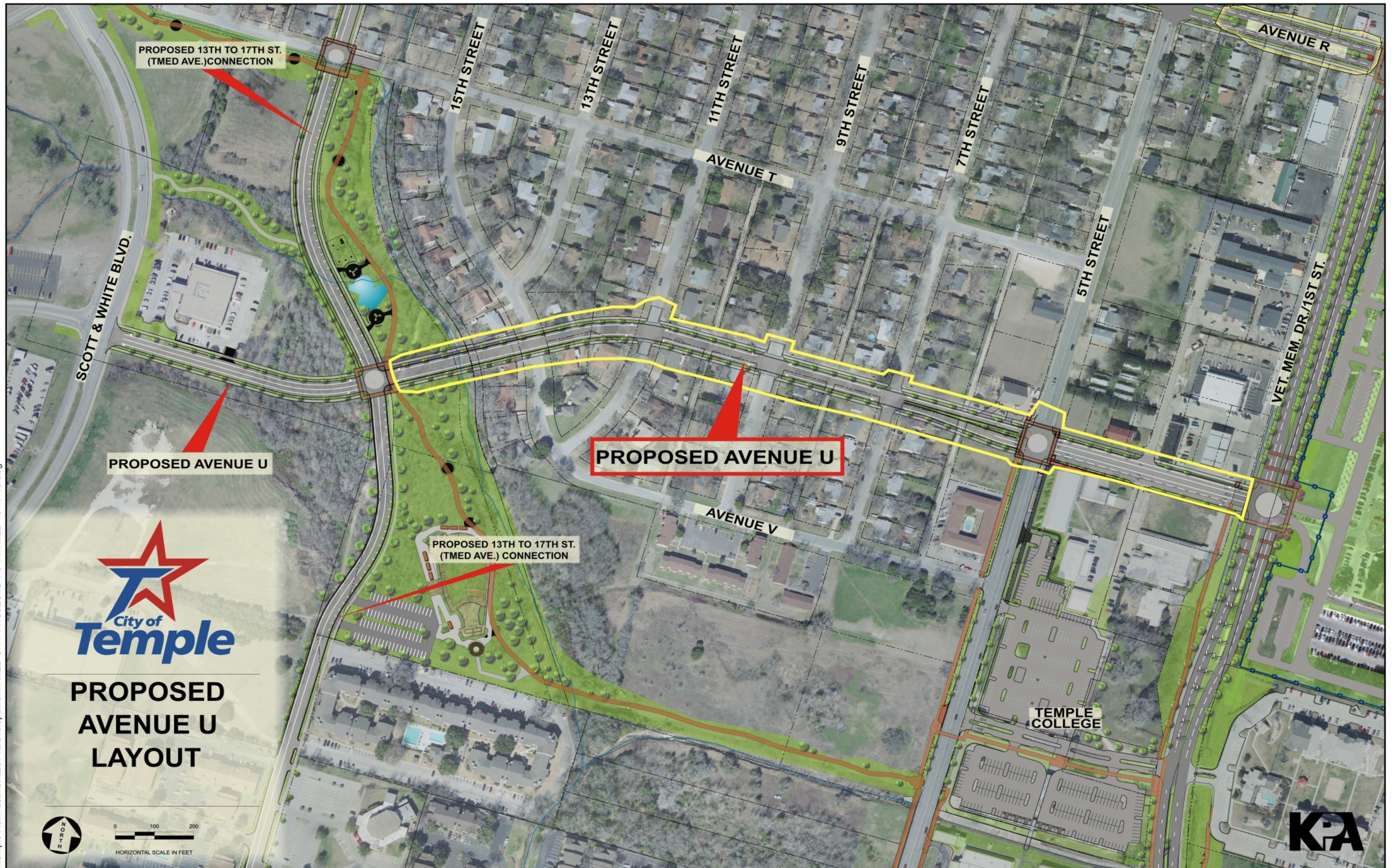
This not to exceed amount does not include relocation benefit payments, closing costs associated with acquisition or any other pass-through costs such as interpreters

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing/Project Plan, Line 460, account 795-9800-531-6874, project #101012 to fund this professional services agreement with Stateside Right of Way Services in the amount \$229,400.

ATTACHMENTS:

[Map](#)

[Resolution](#)




**PROPOSED
AVENUE U
LAYOUT**

RESOLUTION NO. 2014-7505-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, OF TEMPLE, TEXAS, TO PROVIDE RIGHT OF WAY SERVICES ALONG AVENUE U, IN AN AMOUNT NOT TO EXCEED \$229,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Stateside Right of Way Services will provide right of way services to include project management, acquisition, title, relocation, and appraisal services for the Avenue U project;

Whereas, Stateside Right of Way Services, LLC, (Stateside) is a certified Historically Underutilized Business (HUB) and a Disadvantaged Business Enterprise (DBE/WBE) with over 15 years of notable right of way and relocation experience;

Whereas, Stateside will offer multiple services during the right of way process, including, but not limited to project management, acquisition, title, relocation, and appraisal services;

Whereas, staff recommends Council authorize a professional services agreement with Stateside Right of Way Services to provide right of way services along Avenue U, in an amount not to exceed \$229,400;

Whereas, funding is available in the Reinvestment Zone No. 1 Financing/Project Plan, Line 460, Account No. 795-9800-531-6874, Project No. 101012 to fund this agreement; and

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

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

Part 1: The City Manager, or his designee, is authorized to execute a professional services agreement between the City of Temple, Texas, and Stateside Right of Way Services, Inc., of Temple, Texas, after approval as to form by the City Attorney, to provide right of way services along Avenue U, in an amount not to exceed \$229,400.

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 **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to execute a lease agreement between the City of Temple and Richard Potts, d/b/a JR Aviation LLC, upon the Federal Aviation Administration approval permitting the Lessee to lease a 150' X 120' plot of land and construct a 120' X 100' aircraft hangar and a 120' X 50' aircraft parking apron at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: JR Aviation leased an 8,300 square foot hangar at the Airport on September 1, 2013 for the purpose of providing rotary wing operations and other aviation related services at the Draughon-Miller Central Texas Regional Airport. With the growing need of hangar space, Potts has provided much needed aircraft storage to pilots on the Airport's waiting list for T-hangars. Potts needs additional facilities to support his growing business and continue to provide hangar space as needed. Potts plans to construct a 120' X 100' aircraft hangar and a 120' X 50' aircraft parking apron on a plot of land 150' X 120' directly across from the existing hangar on the west side of the Airport.

The Federal Aviation Administration is in the process of reviewing the proposed site from an airspace utilization standpoint and the Texas Department of Transportation, Aviation Division is reviewing the site from an environmental standpoint. *Approval from both FAA and TxDOT Aviation must be secured prior to any construction on the Airport.* Potts has provided professional service on the Airport and continues to expand his operations and support of the Airport; therefore, staff recommends approval of the land lease.

The term of the land lease shall be for twenty years at fair market value of .10 cents per square foot per year in the amount of \$1,800 per year and will commence upon FAA and TxDOT Aviation approval.

FISCAL IMPACT: The Airport will receive fair market value for unimproved land of .10 cents per square foot per year in the amount of \$1,800. Lessee's rental rates may be adjusted at the end of each lease year computed accordingly to the Consumer Price Index (CPI). The lease payments will be deposited into account 110-0000-446-3026, Private Hangar Rent.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7506-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF TEMPLE AND RICHARD POTTS, D/B/A JR AVIATION, LLC, UPON THE FEDERAL AVIATION ADMINISTRATIONS APPROVAL PERMITTING THE LESSEE TO LEASE A PLOT OF LAND AND CONSTRUCT AN AIRCRAFT HANGAR AND AN AIRCRAFT PARKING APRON AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, JR Aviation leased an 8,300 square foot hangar at the Airport on September 1, 2013 for the purpose of providing rotary wing operations and other aviation related services at the Draughon-Miller Central Texas Regional Airport;

Whereas, with the growing need of hangar space, Mr. Potts has provided much needed aircraft storage to pilots on the Airport's waiting list for T-hangars and now he needs additional facilities to support his growing business and continue to provide hangar space as needed;

Whereas, Mr. Potts desires to construct a 120' X 100' aircraft hangar and a 120' X 50' aircraft parking apron on a plot of land 150' X 120' directly across from the existing hangar on the west side of the Airport;

Whereas, the Federal Aviation Administration is in the process of reviewing the proposed site from an airspace utilization standpoint and the Texas Department of Transportation, Aviation Division is reviewing the site from an environmental standpoint - *approval from both the FAA and TxDOT Aviation must be secured prior to any construction on the Airport;*

Whereas, Mr. Potts has provided professional services to the Airport and continues to expand his operations in support of the Airport; therefore, staff recommends approval of the land lease;

Whereas, staff recommends entering into a 20 year lease with Richard Potts, d/b/a JR Aviation LLC at fair market value of .10 per square foot per year, in the annual amount of \$1,880 and will commence upon approval from the FAA and TxDOT Aviation;

Whereas, the Airport will receive fair market value for unimproved land of .10 per square foot per year, in the annual amount of \$1,880 and the lease payments will be deposited into Account No.110-0000-446-3026; 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 20 year lease, after approval as to form by the City Attorney, with Richard Potts, d/b/a JR Aviation LLC at fair market value of .10 per square foot per year, in the annual amount of \$1,880.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one year lease extension to Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), to continue to provide rotary wing flight services; overnight aircraft storage; and other related aviation services through December 1, 2015 at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On November 1, 2012, Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), was granted a two (2) year lease with two (2) additional one year renewal options with the City of Temple to lease a 7,590 square foot aircraft hangar to provide rotary wing flight services; overnight aircraft storage; and other related aviation services for our flying customers at the Draughon-Miller Central Texas Regional Airport.

Kachemak Bay Flying Service has demonstrated in the first two years of the lease they are capable of operating a professional aviation shop on the Airport; therefore, staff recommends that a one (1) year extension to the Kachemak Bay Flying Service lease be approved to run through December 1, 2015.

The rental rate will remain at \$1,000 per month and the lease term will expire December 1, 2015.

FISCAL IMPACT: The Airport will received \$12,000 annually in rental revenue. In addition to the rental revenue, the Airport will benefit from increased aircraft traffic and fuel sales plus providing a much needed service to our visiting customers with overnight aircraft storage.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7507-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR EXTENSION TO THE LEASE AGREEMENT WITH KACHEMAK BAY FLYING SERVICE, A WHOLLY OWNED SUBSIDIARY OF SYSTEM STUDIES AND SIMULATION, INC., TO CONTINUE TO PROVIDE ROTARY WING FLIGHT SERVICES, OVERNIGHT AIRCRAFT STORAGE, AND OTHER RELATED AVIATION SERVICES THROUGH DECEMBER 1, 2015 AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE MONTHLY RENTAL AMOUNT OF \$1,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 1, 2012, Council authorized a two year lease to Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), with two (2) additional one year renewal options to lease a 7,590 square foot aircraft hangar to provide rotary wing flight services; overnight aircraft storage; and other related aviation services for our flying customers at the Draughon-Miller Central Texas Regional Airport;

Whereas, Kachemak Bay Flying Service has demonstrated in the first year of their lease, that they are capable of operating a professional aviation shop at the Airport;

Whereas, staff recommends extending the lease agreement with Kachemak Bay Flying Service through December 1, 2015 with a rental rate of \$1,000 per month;

Whereas, the Airport will receive \$12,000 in rental revenue annually; 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 extension to the lease with Kachemak Bay Flying Service, Inc., a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), after approval as to form by the City Attorney, providing rotary wing flight services, overnight aircraft storage, and other related aviation services at the Draughon-Miller Central Texas Regional Airport, in the monthly rental amount of \$1,000.

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

PASSED AND APPROVED this the **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a renewal lease agreement with the Bell County HELP Center for lease of space in the Public Services Building.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Bell County HELP Center ("HELP Center") currently leases 4,917 square feet of space in the Public Services Building (102 E Central Ave, Temple Texas 76501). The HELP Center has requested to renew its lease for another 12 month term. The rent will continue to be \$0.55 per square foot per month, for a monthly base rent of \$2,684.35. The lease term will begin on November 1, 2014 and end on October 31, 2015.

Pursuant to the lease, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance. This is an as-is lease, the City will not be making any adjustments or upgrades to the space.

FISCAL IMPACT: Total anticipated HELP Center rent is \$32,212.20 per year and will be deposited into account 110-0000-461-0237.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7508-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE RENEWAL WITH THE BELL COUNTY HELP CENTER FOR LEASE OF SPACE IN THE PUBLIC SERVICES BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Bell County HELP Center currently leases 4,917 square feet of space in the Public Services Building located at 102 E. Central Avenue, Temple, Texas;

Whereas, the HELP Center has requested to renew its lease for another 12 month term, from November 1, 2014 to October 31, 2015, at the lease rate of \$.055 per square foot per month, for a monthly rental rate of \$2,684.35;

Whereas, pursuant to the lease, the HELP Center will be responsible for all utilities, janitorial services, and other daily maintenance – this is an ‘as-is’ lease and the City will not make any adjustment or upgrades to the space;

Whereas, staff recommends entering into a 12 month lease with the Bell County HELP Center for space in the Public Services Building, effective November 1, 2014 through October 31, 2015;

Whereas, the lease agreement allows for a 60-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to this tenant and finds them to be responsible lessees;

Whereas, total anticipated annual rent from the HELP Center will be \$32,212.20 and will be deposited into Account No. 110-0000-461-0237; 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 12 month lease renewal, after approval as to form by the City Attorney, with the Bell County HELP Center for 4,917 square feet of space in the Public Services Building located at 102 E. Central Avenue, at the lease rate of \$.055 per square foot per month, for a monthly rental rate of \$2,684.35.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING: Consider adopting an ordinance authorizing a five year franchise agreement with Serenity EMS, LLC d/b/a AmeriStat Ambulance for non-emergency ambulance transfer services.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description on first reading, schedule second reading for October 16th and a third reading and public hearing for November 6th.

ITEM SUMMARY: Serenity EMS, LLC d/b/a AmeriStat Ambulance (“Ameristat Ambulance”) has submitted a franchise agreement application for non-emergency ambulance transfer services within the city limits. Under Chapter 5 of the City Code of Ordinances, any interested transfer service must submit an application for franchise. The City currently has franchise agreements with Acadian and Scott and White EMS for non-emergency ambulance transfer services as well as a contract with Scott and White EMS for emergency ambulance transfer services.

Ameristat Ambulance wishes to offer non-emergency ambulance transfer services to health care providers, including skilled nursing facilities, assisted living facilities, hospice agencies and other related entities. This would include transports from facilities to hospitals, clinics, diagnostic centers, physician offices and other locations under circumstances that do not constitute an emergency.

Ameristat Ambulance has leased and is proposing to operate out of a station located at 401A Cottingham Drive in Temple. The station will be staffed with one MICU/CCT Ambulance with one EMT and one Paramedic 24 hours a day 7 days a week.

AmeriStat Ambulance coverage area is Georgetown, Round Rock, Cedar Park, Pflugerville, Belton, Temple, Hutto, Taylor and Flatonia (Williamson, Travis, Bastrop, Milam, Bell, Lee, and Burnet County). They are also in the process of obtaining a service agreement to do ambulance transportation for Temple VA Hospital. If the franchise is approved, AmeriStat will then begin broadening their marketing efforts to area care facilities and hospitals for business.

City staff spoke with Kenny Schnell, EMS Director for Williamson County regarding his opinion and experiences with AmeriStat Ambulance. AmeriStat Ambulance serves Williamson County as a non-emergency ambulance service provider. Mr. Schnell spoke favorably of AmeriStat Ambulance, stating that there are open lines of communication between the County EMS and AmeriStat Ambulance, that AmeriStat Ambulance is focused on patient care and that he respects them for the quality of service they provide.

Ambulance, that AmeriStat Ambulance is very focused on patient care and that he respects them for the quality of service they provide.

The City will receive a franchise fee in return for the right to use the public streets and right of way for non-emergency ambulance transfer service. Ameristat Ambulance will pay the city three and one-half (3 ½%) of the total amount billed for ambulance service fees and other income derived from the operation of the ambulance service within the City.

FISCAL IMPACT: By ordinance, non-emergency ambulance transfer services franchisees pay the City 3 ½% of the total amount billed per year. Franchise fees received are deposited into account 110-0000-413-0936.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2014-4686

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TO SERENITY EMS, LLC D/B/A AMERISTAT AMBULANCE A NON-EXCLUSIVE FRANCHISE FOR FIVE YEARS TO OPERATE AND MAINTAIN A NON-EMERGENCY AMBULANCE TRANSFER SERVICE UPON THE PUBLIC STREETS AND HIGHWAYS OF THE CITY OF TEMPLE, TEXAS PURSUANT TO THE PROVISIONS OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, THE CITY CHARTER, AND CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF TEMPLE ; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Article III, Chapter 5 of the City Code, requires that a person or persons desiring to provide non-emergency ambulance transfer services on the streets of the City of Temple obtain a franchise, under conditions set forth therein;

Whereas, Serenity EMS, LLC d/b/a Ameristat Ambulance (“Ameristat Ambulance”) has requested a franchise for a non-exclusive, non-emergency transfer service within the City of Temple;

Whereas, Ameristat Ambulance wishes to offer non-emergency ambulance transfer services to health care providers, including skilled nursing facilities, assisted living facilities, hospice agencies and other related entities - this would include transports from facilities to hospitals, clinics, diagnostic centers, physician offices and other locations under circumstances that do not constitute an emergency;

Whereas, Ameristat Ambulance has leased, and is proposing to operate out of, a station located at 401A Cottingham Drive in Temple - the station will be staffed with one MICU/CCT Ambulance with one EMT and one Paramedic 24 hours a day, 7 days a week;

Whereas, the City will receive a franchise fee of three and one-half (3 ½%) of the total amount billed for ambulance service fees and other income derived from the operation of the ambulance service within the City from AmeriStat Ambulance in return for the right to use the public streets and rights of way for non-emergency ambulance transfer service.

Whereas, franchise fees received will be deposited into account 110-0000-413-0936; and

Whereas, Ameristat Ambulance has established to the satisfaction of the City Council by clear, cogent and convincing evidence that public convenience and necessity will be served by the granting of said franchise.

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

Part 1: A non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service is granted to Serenity EMS, LLC d/b/a AmeriStat Ambulance pursuant to Chapter 5 of the Code of Ordinances of the City of Temple, as amended, and the Charter of the City of Temple, as provided herein.

Part 2: Definitions.

As used in this ordinance, the following words and phrases shall have the meaning ascribed in this section:

(a) ***City*** shall mean the City of Temple, a municipal corporation of the State of Texas, situated in Bell County; the words *in the City* or any similar reference to the territorial limits of the City of Temple, Texas, shall mean the area within the corporate limits of the City of Temple, Texas, as they now exist or as they may hereafter be lawfully modified or extended.

(b) ***Company, Transfer Service Franchise Holder***, as used herein, unless the context clearly indicates otherwise, shall mean AmeriStat Ambulance, or its legally approved successors and assigns.

(c) ***Ambulance or Transfer Service*** shall mean any motor vehicle used, designed, redesigned or constructed and equipped for the transportation of sick or injured persons, which vehicles for the purposes of this ordinance shall be of the classification of basic life support vehicle or higher, according to the definitions and standards of the City of Temple, Texas or the Bureau of Emergency Management of the Texas Department of Health.

(d) ***Non-Emergency Ambulance Transfer Service*** means a response made by a transfer vehicle or ambulance for the transportation of individuals to or from a medical facility, a nursing home or residence under circumstances which do not constitute an emergency.

(e) ***Emergency*** is any circumstance that calls for an immediate action and which the element of time in transporting the sick, wounded or injured for medical treatment at an emergency room or a facility providing emergency medical care is or may be essential to the health or life of any person. Such circumstances include, but are not limited to, general accidents, traffic accidents and acts of violence resulting in personal injury, and sudden illness.

(f) All other words, terms or phrases shall have the meaning assigned to them by Chapter 5 of the City Code, to the extent that such words, terms or phrases have not been assigned other meanings by Chapter 773 of the Texas Health and Safety Code; as amended, or the regulations of the Bureau of Emergency Management of the Texas Department of Health, in which case those assigned meanings shall prevail. In the absence of an assigned meaning by the above-referenced ordinance, statute, or regulations of the Bureau, the meanings of such words, terms and phrases shall have the ordinary meanings applied at law generally or by common usage in the English language.

Part 3: Notice and Extent of Grant.

The City grants the non-exclusive right and authority to operate and maintain ambulances solely for non-emergency ambulance transfer service of persons upon the public streets and highways of the City of Temple, Texas, for a term ending on **November 5, 2019**, to Company in consideration of the payment of a franchise fee as provided in Part 5 of this ordinance.

Part 4: Standards and Requirements for Personnel, Vehicles and Equipment.

The Company shall comply with all standards and requirements for personnel, vehicles and equipment as enumerated in Chapter 5 of the Code of Ordinances of the City of Temple.

Part 5: Payment to the City Required; Franchise Fee.

(a) The transfer service franchise holder shall, during the life of said franchise, pay to the City of Temple at the Office of the Director of Finance in lawful money of the United States, three and one-half (3 ½%) percent of the total amount billed for the transfer service fees and other income derived from the operation of the transfer service, which said remittance shall be made monthly on or before the tenth day of each calendar month for the preceding calendar month. The compensation provided for in this section shall be in lieu of any other fees or charges imposed by any other ordinance now or hereafter in force during the life hereof, but shall not release the grantee from the payment of ad valorem taxes levied, or to be levied, on property of its own.

(b) It shall be the duty of the franchise holder to file with the Director of Finance a sworn statement for each calendar quarter showing the total amount billed for the preceding three (3) months which statement shall be filed within ten (10) days following the end of the third month. The franchise holder herein shall be required to install and adequately keep a system of bookkeeping to be approved by the Director of Finance, which books shall be subject to inspections of the governing body of the City of Temple and such person or persons as the City may designate, or either of them, so as to enable the City of Temple to check the correctness of the accounts kept and to compute fairly and accurately the amount billed that may be due to the City.

Part 6: Rates.

- (a) The City Council hereby expressly reserves the right, power, and authority to fully regulate and fix, by resolution, the rates and charges for the services of the Company to its customers, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State, and the Charter confer upon the City.
- (b) Company may from time to time propose changes in the general rates by filing an application with the City Secretary for consideration of the City Council. Within a reasonable time consistent with law, the City Council shall afford Company a fair hearing

with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable.

Part 7: Liability Insurance Required.

No transfer vehicle shall be operated on the public streets of the City, unless the applicant provides evidence to the City that he has in full force and effect a public liability insurance policy on that transfer vehicle, such insurance policy to be issued by an insurance company licensed to do business in the State of Texas. Such insurance policy shall:

(a) provide liability coverage for each vehicle of not less than two hundred and fifty thousand dollars (\$250,000) per person, or five hundred thousand dollars (\$500,000) per occurrence for personal injury or death, and one hundred thousand dollars (\$100,000) for property damage;

(b) **name the City of Temple as an additional insured, and provide a waiver of subrogation in favor of the City;**

(c) not contain a passenger liability exclusion; and

(d) **provide for at least thirty (30) days prior written notice** of cancellation to the City.

Part 8: Conditions of Franchise Granted.

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous non-emergency ambulance transfer service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

Part 9: Manner of Giving Notice.

Notice to Company may be given by leaving a written copy thereof at the principal office of Company during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the Office of the Director of Finance during ordinary business hours.

Part 10: Public Convenience and Necessity.

Company has established by clear, cogent and convincing evidence and the City Council has so found and determined that the present and future public convenience and necessity require the operations here authorized to be performed by Company and the public convenience and necessity will be served by the granting of this franchise.

Part 11: Performance Bond and Revocation Clause.

(a) The transfer service franchise holder shall establish a Ten Thousand Dollar (\$10,000) performance bond. The purpose of this bond is to recover costs to the City of Temple for accepting and administering the applications for a transfer service franchise in the event the franchise is revoked.

(b) If the transfer service franchise holder violates any provision or standard of this ordinance or Chapter 5 of the City Code the franchise will be subject to revocation by the City Council of the City of Temple and forfeiture of the performance bond.

Part 12: This franchise shall become effective as provided in Article 10, Section 10.3 of the Charter of the City of Temple, if Company shall have filed its written acceptance of the franchise within thirty (30) days after the final passage and approval of this ordinance.

Part 13: 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 14: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 15: 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 2nd day of **October**, 2014.

PASSED AND APPROVED on Second Reading on the 16th day of **October**, 2014.

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Agreement of Franchisee

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS:

The franchisee, Serenity EMS, LLC d/b/a AmeriStat Ambulance, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. _____ granting a non-exclusive franchise to operate and maintain a non-emergency ambulance transfer service upon the public streets and highways of the City of Temple.

SIGNED this _____ day of _____, 2014.

SERENITY EMS, LLC D/B/A AMERISTAT
AMBULANCE

By:



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-14-35: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.054 +/- acres, out of the Baldwin Robertson Survey, Abstract Number 17, Bell County, Texas, located at 6511 North SH 317.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its August 18, 2014 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the requested rezone from AG to GR.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezone from AG to GR for the following reasons:

1. The proposed rezone complies with the FLUP and is consistent with the anticipated type of growth within the SH 317 corridor;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property, see Exhibit A, in part, is for a proposed Stripes convenience store. The development will also include the neighboring property at 6503 North SH 317. The neighboring property already is zoned General Retail (GR). The subject property is within the Suburban Commercial District according to the Comprehensive Plan / Future Land Use Plan (FLUP).

Suburban-Commercial 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 at "gateways" and high-profile corridor locations.

The Suburban Commercial district typically supports the Office (O-1 & O-2) and Neighborhood Service (NS) zoning districts. However, in the past, staff has supported General Retail (GR) within the Suburban Commercial district on a case by case basis. Specifically, along the SH 317 corridor, while most of the zoning is currently AG, rezoning has occurred to several properties which retain the GR zoning within the Suburban Commercial FLUP district. In instances such as this, it has been construed as GR zoning where appropriate with the anticipated type of growth within the corridor.

This section of the SH 317 corridor is entirely within the Suburban Commercial FLUP district. Past rezoning requests in conjunction with development trends along this corridor are suggesting that the GR district would be acceptable. Therefore, while the requested zoning to GR may not be appropriate for all areas with the Suburban Commercial designation, this request is still in full compliance with the FLUP and is consistent with surrounding zoning and the anticipated type of development within the SH 317 corridor.

While it is anticipated the property will be developed with a retail service use, specifically a Stripes convenience store, there are a number of residential and non-residential uses that are permitted by right. Those uses include but are not limited to:

| <u>Residential uses</u> | <u>Nonresidential uses</u> |
|----------------------------|---|
| Detached/Attached SF Homes | Beer & Wine Sales only - off-site consumption |
| Duplex homes | Restaurant |
| Home for the aged | Car Wash |
| Industrialized housing | Fuel sales |

Prohibited uses include HUD-Code manufactured homes and land lease communities, apartments, commercial and industrial uses. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard).

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 | AG | Undeveloped |
| North | Suburban Commercial | AG / GR | Undeveloped |
| South | Suburban Commercial | GR | Undeveloped |
| East | Suburban Residential | SF-2 | Single-Family Uses (Village of Sage Meadows) |
| West | Suburban Commercial | AG | Undeveloped |

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

| Document | Policy, Goal, Objective or Map | Compliance? |
|-----------------|--|--------------------|
| CP | Map 3.1 - Future Land Use and Character (FLUP) | Yes |
| CP | Map 5.2 - Thoroughfare Plan | Yes |
| CP | Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities | Yes |
| STP | Temple Trails Master Plan Map and Sidewalks Ordinance | Yes |

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Suburban Commercial land use district. The requested General Retail (GR) zoning district is in compliance with the Suburban Commercial FLUP district.

Thoroughfare Plan (CP Map 5.2)

The requested property has frontage along SH 317. SR 317 has been identified as a major arterial. The ROW is in place but a sidewalk along SH 317 will be required. The sidewalk will be addressed at the platting stage. The final plat has been submitted and is in review by City staff.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 8" sewer line to the east of the property. Water is available through an existing 8" water line to the east of the property as well as a 2" waterline in SH 317. Both are anticipated to be located within an existing 20" utility easement on the eastern boundary of the property. Final location and compliance will be determined during DRC review of the subdivision plat which is in progress.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does identify a proposed Local Connector Trail along SH 317. The exact location and size will be determined during the plat process.

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

| | |
|---------------|--|
| Min Lot Size | N/A |
| Min Lot Width | N/A |
| Min Lot Depth | N/A |
| Front | 15' |
| Side | 10' |
| Side (corner) | 10' |
| Rear | 0' (Special setback of 10' adjacent to or abutting residential use or zoning district) |

Since the proposed GR zoning is adjacent to residential zoning and uses, additional Development Regulations include but not limited to:

* A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and,

* A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A).

While general provisions for buffering and screening are found in UDC Section 7.7, highlighted provisions include but not limited to:

* Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),

* Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and

* Outdoor storage is permitted in the GR zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Eleven notices of the 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 September 9, 2014 at 9:00 AM, three returned notices have been received, two in approval and one in disapproval.

The newspaper printed notice of the public hearing on August 7, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

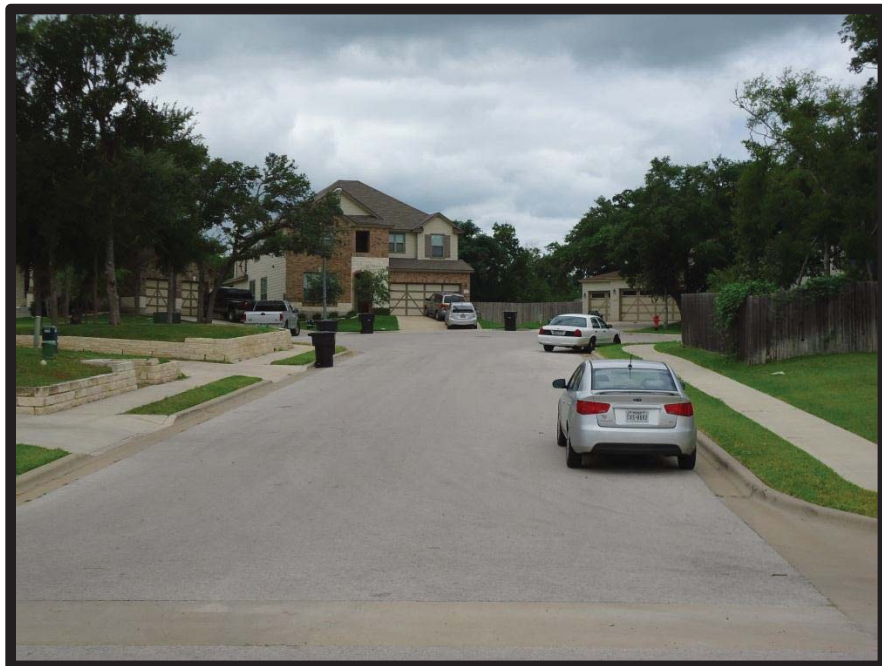
ATTACHMENTS:

Site and Surrounding Property Photos
Narrative Letter dated August 18, 2014
Zoning and Location Map (Exhibit A) Future
Land Use and Character Map Localized
area of the Thoroughfare Plan Localized
area of the Trails Plan
Utility Map
Site Plan
Notification Map
Returned Adjacent Property Owner Notices
Ordinance

Site & Surrounding Property Photos



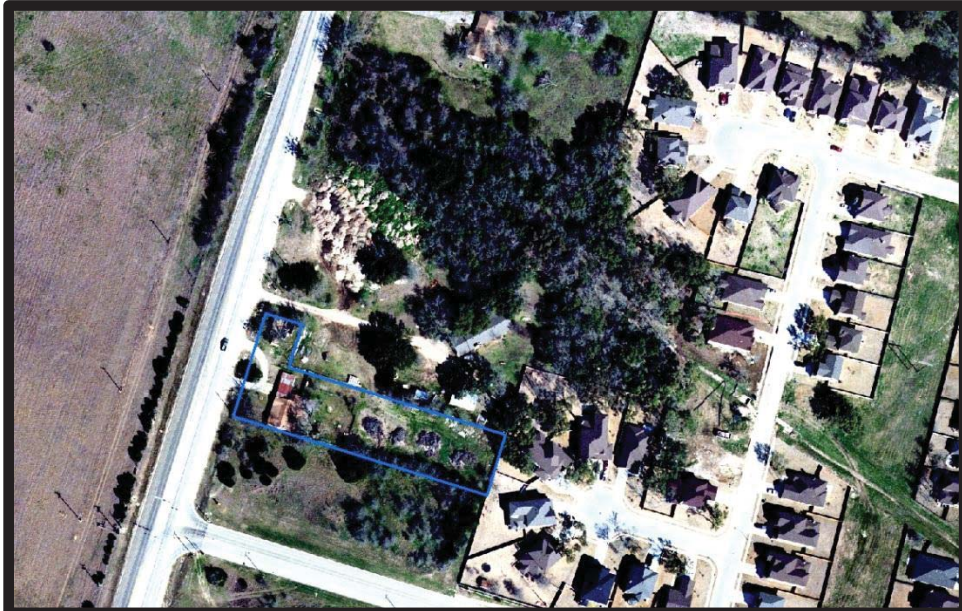
Site: SF Residence on Acreage (AG)



East: SF Residences (SF-2) – Village of Sage Meadows



West: Undeveloped (AG)



North: Undeveloped and Scattered SF Residences on Acreage (AG)



South: Undeveloped (AG)



Richard J. Hatch, Jr.
Assistant General Counsel

Tel: 361.693.3646
Fax: 361.693.3725
rhatch@susser.com
www.susser.com

August 18, 2014

City of Temple
Planning and Zoning Commission
2 North Temple Street, Suite 102
Temple, Texas 76501

HAND DELIVERY

Re: Zoning Case: Z-FY-14-35 -- Rezoning from Agricultural District (AG) to
General Retail District (RG) on 1.054 acres located at 6511 North SH 317

To Whom it May Concern:

Stripes LLC has entered into a Contract to purchase the above referenced property from J. C. Wall, II (the Wall Tract) which is the subject of the above referenced zoning case. Stripes has also contracted to purchase an adjoining tract to the south owned by Thomas L. Hoherd, Jr. (the Hoherd Tract).

The two tracts will be combined by Stripes for use to develop a 6,844 square foot convenience store with gasoline facilities. The Hoherd Tract is currently zoned GR and is not subject to rezoning.

Attached is Stripes' current site plan showing the store fronting on SH 317. Behind the store is a 100 foot buffer area between an access drive and the subdivision to the east. Within this buffer area will be Stripes' detention pond which will be earthen and planted with grass. To the south of the detention pond will be an area that will remain undisturbed to the extent possible consistent with Stripes' construction plans and City requirements. A 20 foot water and sewer easement will run along the east boundary of the Wall Tract and the Hoherd Tract which will remain open space.

Stripes will comply with all of the building and landscaping requirements of the City of Temple, and it will use all efforts to preserve any existing trees in the buffer zone between the access drive and the subdivision to the east. Stripes will consider additional tree plantings so long as they do not interfere with the detention area required for drainage of the site.

Stripes requests that the Planning and Zoning Commission approve the zoning request for the Wall Tract.

Very truly yours,

Richard J. Hatch, Jr.

RHJ/ic

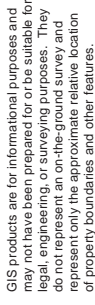
Enclosure

L:\REAL ESTATE - STRIPES\Escrowed\Temple\FM 317 & Tarver Drive (Wall)\city of temple ltr.doc

Street Address: 4525 Ayers Street, Corpus Christi, Texas 78415

Mailing Address: P.O. Box 9036, Corpus Christi, Texas 78469-9036



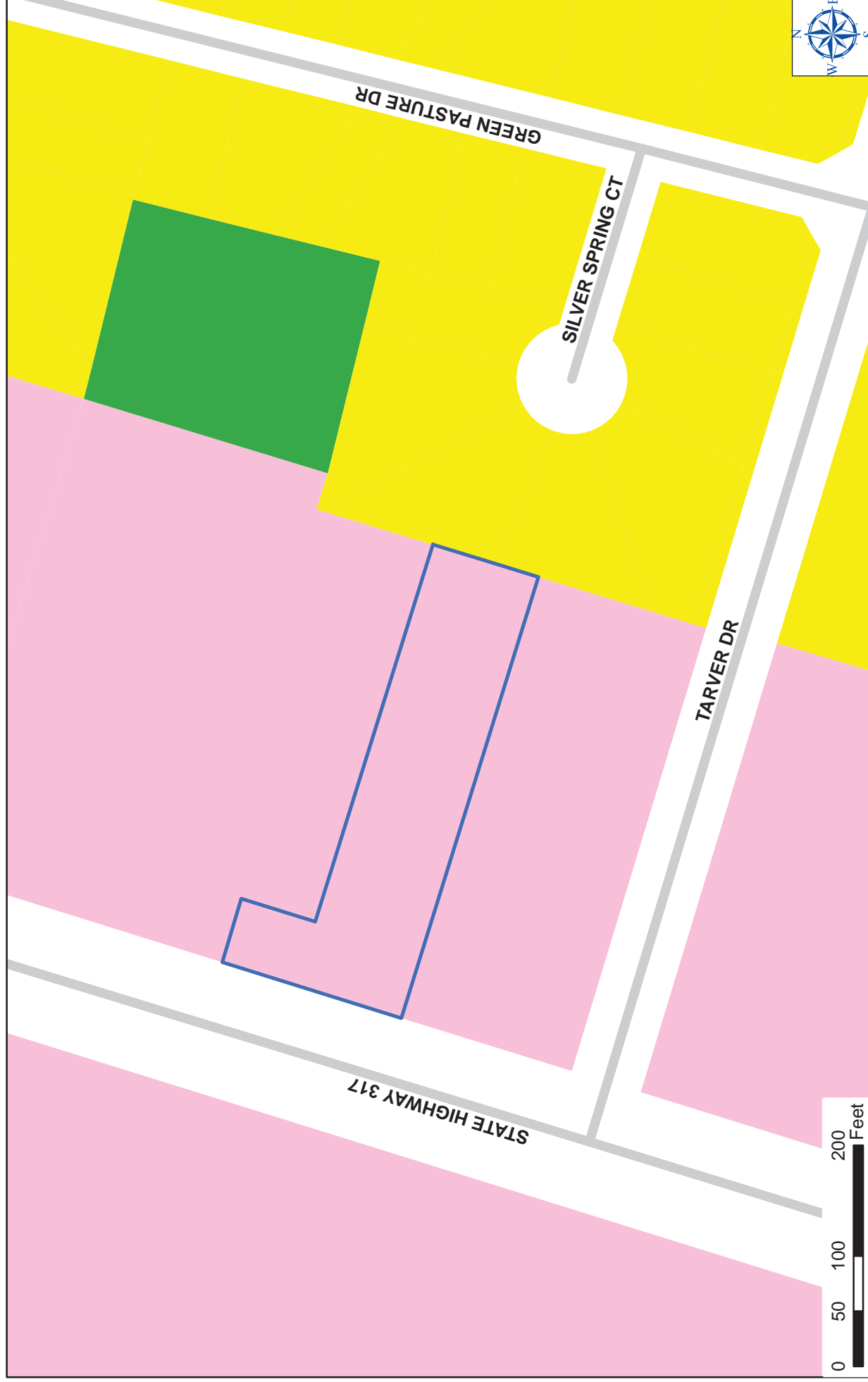




Z-FY-14-35

Future Land Use Plan

6511 N. SR 317



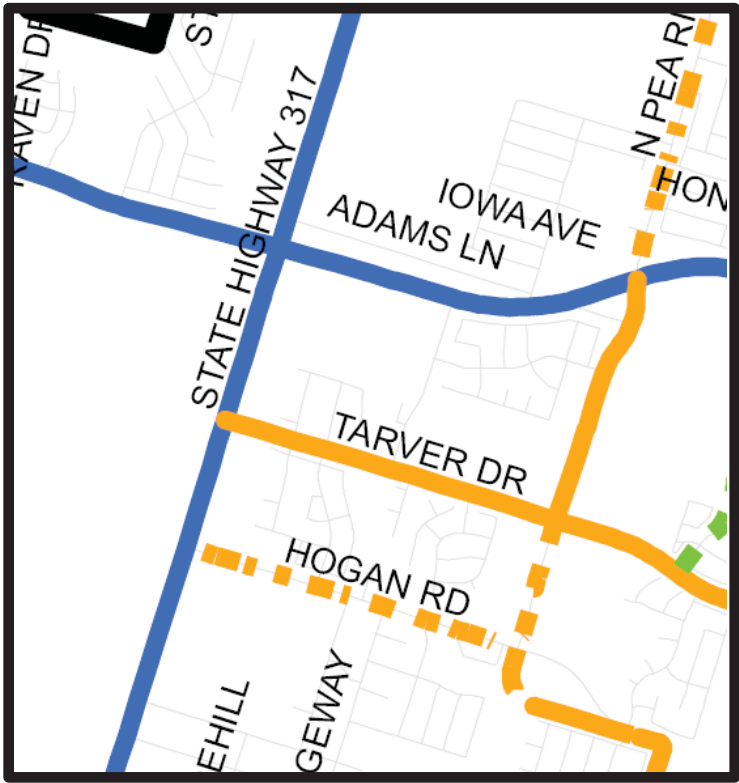
Future Land Use

- | | | | | |
|---------------------------|-------------------------|-----------------------|-----------------------------------|----------------------|
| 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 |

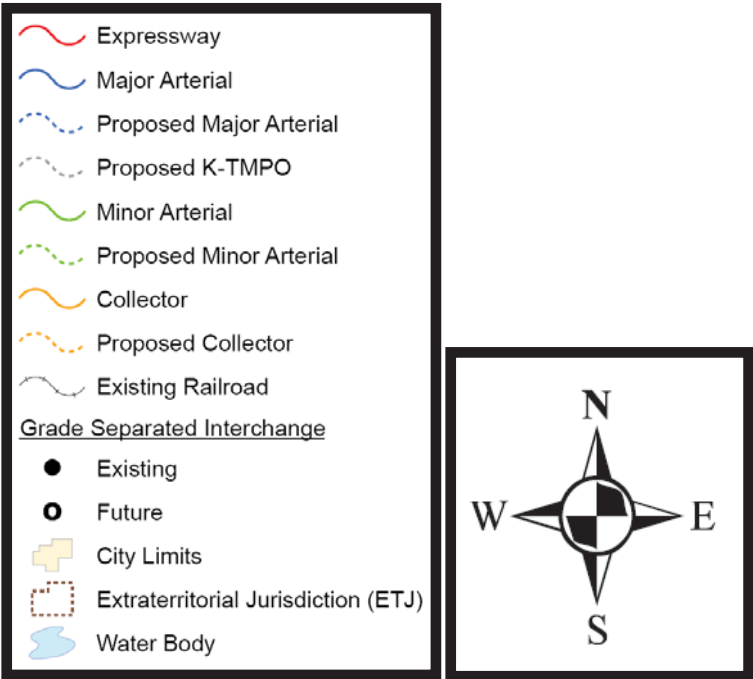
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location or property boundaries and other features.

7/21/2014
City of Temple GIS

Localized Area of the Thoroughfare Plan



Map Legend (Map not to scale)

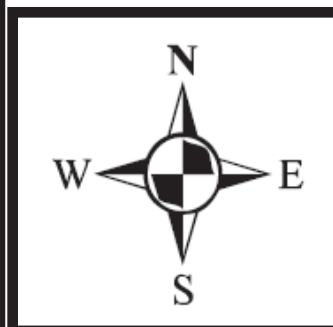


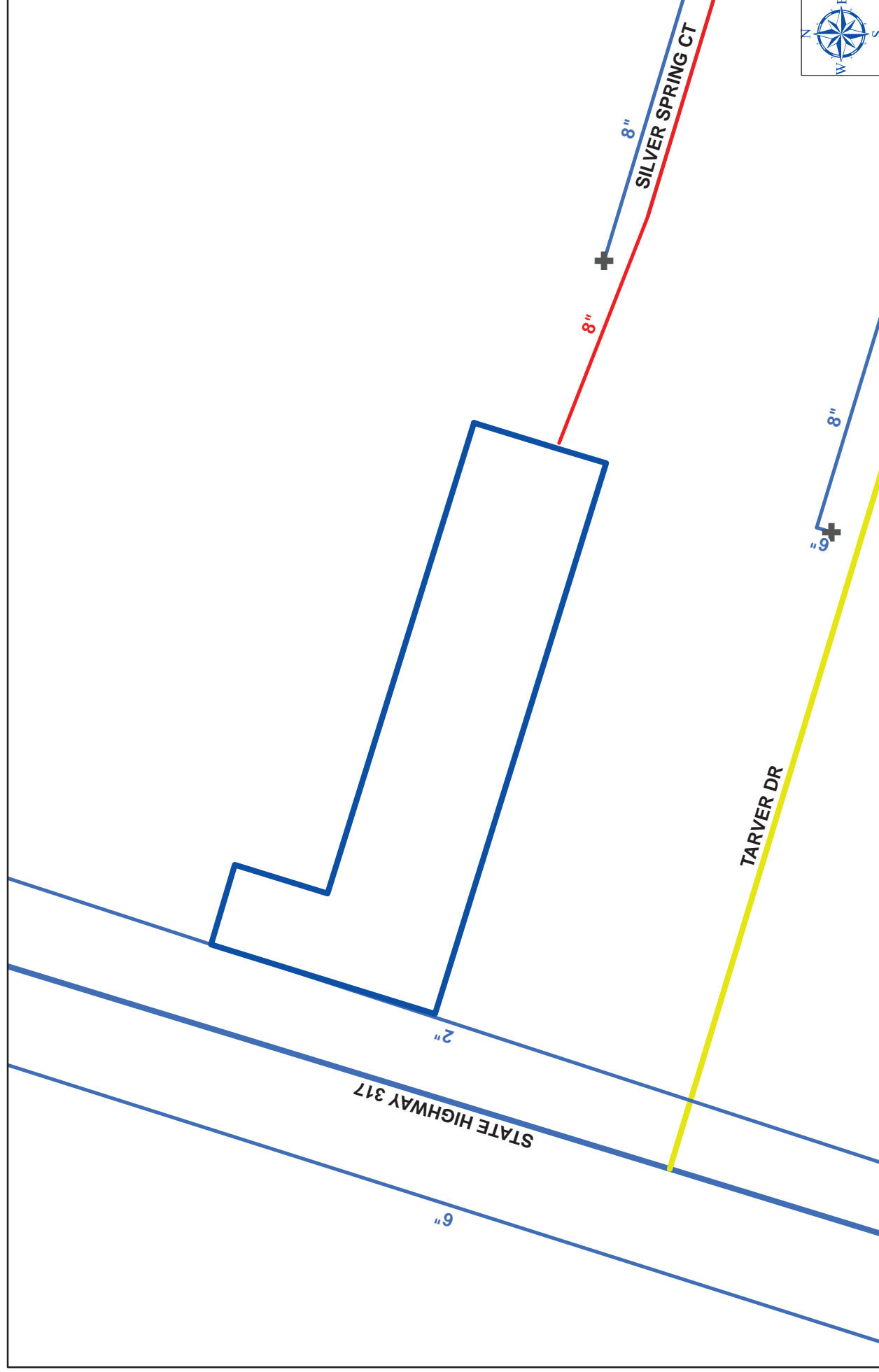
Localized Area of the Trails Plan



Map Legend (Map not to scale)

| | |
|--|--|
| | Existing Citywide Spine Trail |
| | Under Design/Construction Citywide Spine Trail |
| | Proposed Citywide Spine Trail |
| | Existing Community-Wide Connector Trail |
| | Under Design/Construction Community-Wide Connector Trail |
| | Proposed Community-Wide Connector Trail |
| | Existing Local Connector Trail |
| | Proposed Local Connector Trail |
| | Schools |
| | PAL Parks |
| | Streams |
| | Tributaries |
| | Water Body |
| | City Limits |
| | Extraterritorial Jurisdiction (ETJ) |



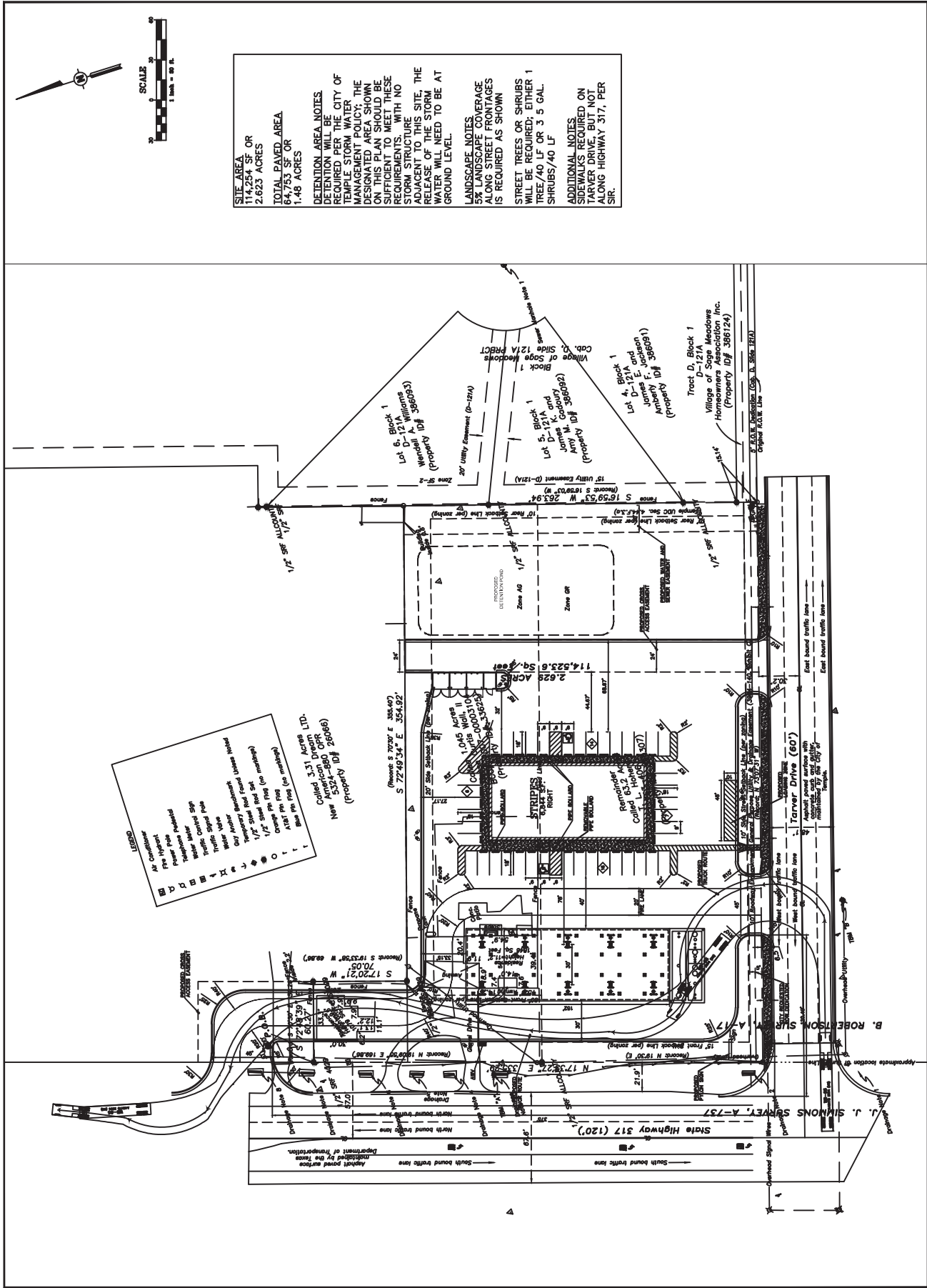


- Case
- Fire Hydrant
- Sewer Line
- Water Line
- Expressway
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Conceptual Collector



7/21/2014
City of Temple GIS

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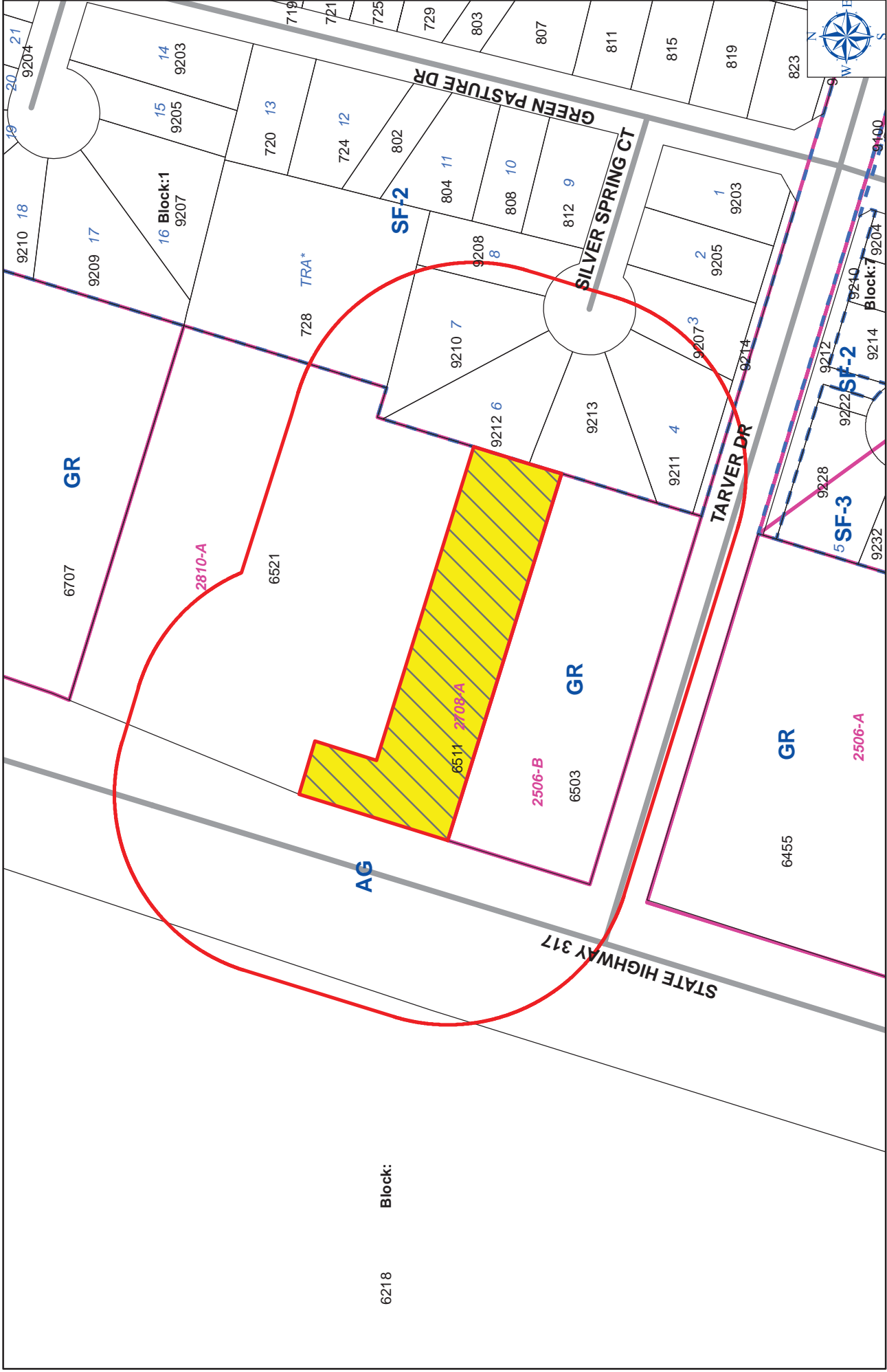




Z-FY-14-35

Notification Map
AG to GR

6511 N. SR 317



 Case

 200' Buffer

 Zoning

 Subdivision

| Outblock Number | Block Number | Lot Number |
|-----------------|--------------|------------|
| 1234-A | 1 | 1 |

0 100 200

Feet

9/8/2014
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**

New American Dream Ltd
P.O. Box 390
Moody, Texas 76557

Zoning Application Number: Z-FY-14-35


Project Manager: Mark Baker

Location: 6511 North State Highway 317

The proposed site plan review 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 zone change 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

J.C. Wall
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
August 18, 2014**

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

Number of Notices Mailed: 11

Date Mailed: August 7, 2014

RECEIVED

AUG 18 2014

City of Temple
Planning & Development



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Thomas L. Hoherd ^{JR.}
17722 Deep Brook Drive
Spring, Texas 77379

Zoning Application Number: Z-FY-14-35

Project Manager: Mark Baker

Location: **6511 North State Highway 317**

The proposed site plan review 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 zone change of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval () denial of this request.

Comments:

Thomas L. Hoherd, Jr.
Signature

THOMAS L. HOHERD
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than August 18, 2014

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

RECEIVED
AUG 18 2014
City of Temple
Planning & Development

Number of Notices Mailed: 11

Date Mailed: August 7, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Carlos & Tammy De La Rosa
9210 Silver Springs Court
Temple, Texas 76509

Zoning Application Number: Z-FY-14-35

Project Manager: Mark Baker

Location: 6511 North State Highway 317

The proposed site plan review 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 zone change of the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval

☒ denial of this request.

Comments:

Tammy De La Rosa
Signature

Tammy De La Rosa
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
August 18, 2014

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

RECEIVED

AUG 18 2014

City of Temple
Planning & Development

Number of Notices Mailed: 11

Date Mailed: August 7, 2014

ORDINANCE NO. 2014-4684

(PLANNING NO. Z-FY-14-35)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.054 ACRES OUT OF THE BALDWIN ROBERTSON SURVEY, ABSTRACT NUMBER 17 AND LOCATED AT 6511 NORTH SH 317; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to General Retail District (GR), on approximately 1.054 acres being a part of the Baldwin Robertson Survey, Abstract No. 17, situated in Bell County, Texas, and located at 6511 North SH 317, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following conditions:

- A minimum 10' rear setback is required where a non-residential use abuts a residential zoning district or use (UDC Section 4.4.4.F3) and
- A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A);
- Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood, masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4);
- Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6; and
- Outdoor storage is permitted in the GR zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

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 **18th** day of **September**, 2014.

PASSED AND APPROVED on Second Reading on the **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Denny Hainley, Acting Civil Service Director

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING: Consider adopting an ordinance establishing the Civil Service classifications and the number of positions in each classification for the Temple Fire Department and the Temple Police Department.

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

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

The FY 2015 Operating Budget includes staffing an additional six positions and six reclassifications in the Temple Police Department. The staffing changes include: two Patrol Officers; two School Resource Officers; one Detective; one POPs Officer; and six Officers reclassified to Corporals. To accommodate this change, Council must authorize six additional Corporal positions to be added to the ordinance.

The Proposed FY 2015 budget also includes the addition of three Firefighters positions to allow the Fire Department to continue to maintain ALS service levels. To accommodate this change, Council must authorize three additional Firefighter positions to be added to the ordinance. All of these changes will be effective as of October 1, 2014.

FISCAL IMPACT: Funding in the amount of \$360,995 is included in the FY 2015 Operating Budget for the six new Police Officer positions and to reclassify six Police Officer positions to Corporal positions. The two School Resource Officer positions will be funded by the Temple Independent School District through an inter-local agreement.

Funding in the amount of \$155,057 is included in the FY 2015 Budget for the three new Firefighter positions.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. 2014-4685

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

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

Whereas, the fiscal year 2015 budget includes staffing an additional six (6) positions and six (6) reclassifications in the Temple Police Department which includes two patrol officers, two School Resources Officers, one Detective, one POPs officer and six officers reclassified to Corporals - to accommodate this change, Council must authorize six (6) Corporal positions to be added to the Ordinance;

Whereas, the fiscal year 2015 budget includes staffing an additional three (3) Firefighter positions to allow the Fire Department to continue to maintain ALS service levels - to accommodate this change, Council must authorize three (3) additional Firefighter positions to be added to the Ordinance;

Whereas, funding is included in the fiscal year 2015 Operating Budget for the six new police officer positions and to reclassify six police officer positions to Corporal positions – the two School Resource Officer positions will be funded by the Temple Independent School District through an interlocal agreement;

Whereas, funding is included in the fiscal year 2015 Operating Budget for the three new Firefighter positions; and

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

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

Part 1: The City Council authorizes the staffing of an additional six (6) positions and six (6) reclassifications in the Temple Police Department which includes two patrol officers, two School Resources Officers, one Detective, one POPs officer and six officers reclassified to Corporals and an additional three (3) Firefighter positions to allow the Fire Department to continue to maintain ALS service levels.

Part 2: To accommodate these changes, Council authorizes six (6) Corporal positions and three (3) additional Firefighter positions be added to the Ordinance, as outlined in the fiscal year 2015 budget.

Part 3: Council establishes the following Classifications and the Number of Positions of Certified Firefighters and Classifications and Number of Positions of Certified Police Officers for civil service positions in the Fire and Police Departments:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* – 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *DEPUTY CHIEF* – 5 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain, for at least 2 years. In addition to base pay, every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *CAPTAIN* – 26 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *DRIVER* – 30 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay, every Driver having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *FIREFIGHTER* – 56 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

CLASSIFICATIONS AND POSITIONS
OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* – 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as the Chief of the Police Department who is not eligible for certification by the Commission on Law Enforcement Standards and Education at the intermediate level or its equivalent as determined by that Commission or who has not served as a bona fide law enforcement officer for at least 5 years.

B. *DEPUTY CHIEF* – 2 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served as a Lieutenant or continuously served for a minimum of 2 years as a Sergeant in the Department.

II. CLASSIFIED POSITIONS

A. *LIEUTENANT* – 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years. In addition to base pay, every Lieutenant having more than 5, 8, 12, 16 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

B. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously as a Corporal in the Department for at least 2 years. In addition to base pay, every Sergeant having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *CORPORAL* – 22 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a Police Officer in the Department for at least 2 years. In addition to base pay, every Corporal having more than 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *POLICE OFFICER* – 95 Positions

No person shall be eligible for appointment as a Probationary Police Officer who has not met the basic requirements for entrance into the Department. No person shall be eligible for a permanent appointment as a Police Officer who has not completed 1 year of satisfactory performance in the Department. In addition to base pay, every Police Officer who has 1, 3, 6, 10, 15 or 20 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect October 2, 2014.

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 **18th** day of **September, 2014**.

PASSED AND APPROVED on Second Reading on the **2nd** day of **October, 2014**.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of a Texas Department of Transportation, Aviation Division, Non-Primary Entitlement (NPE) Grant, (50-50 grant with the City's match \$300,000, funded through the Reinvestment Zone), in fiscal year 2015, for entrance and parking improvements at the northwest portion of the Draughon-Miller Central Texas Regional Airport in the total amount of \$ \$600,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In July 2014, the City of Temple received notification that Draughon-Miller Central Texas Regional Airport had a balance of \$300,000 in Non-Primary Entitlement Grant funds (\$150,000 from FY13 and \$150,000 from FY14). The NPE Grant program has been in place since 2001 when Congress passed and the President signed legislation to appropriate funds for the Air-21 Entitlement Program. Eligible Airports receive a maximum of \$150,000 each year to be used for airside and landside improvements. In the past, Temple's NPE funds were used in conjunction with larger AIP grant projects; however, TxDOT failed to use the funds during the runway extension and runway reconstruction projects leaving funds from FY13 & FY14 available. (FY15 NPE funds are earmarked for the Airport Master Plan project).

The NPE Grant funds will be used to leverage the Reinvestment Zone funding currently estimated at \$850,000 for the construction of a new entrance and improved parking facilities at the northwest portion of the Airport.

TxDOT has approved Temple's project eligibility at the maximum amount of \$300,000 with the City's matching funds of \$300,000 (funded through the Reinvestment Zone).

Upon receipt of the City of Temple's Resolution, TxDOT will submit the grant for approval through the Texas Commission.

FISCAL IMPACT: The City of Temple will receive a matching reimbursement up to \$300,000 upon completion of the project. Currently, there is \$850,000 available for the Airport match in the Reinvestment Zone No. 1 Financing Plan, \$100,000 in account 795-9800-531-6878, project 101017, for the new entrance and \$750,000 in account 795-9800-531-6880, project 101019, for the improved parking facilities

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7509-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF A TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, NON-PRIMARY ENTITLEMENT GRANT IN FISCAL YEAR 2015, FOR ENTRANCE AND PARKING IMPROVEMENTS AT THE NORTHWEST PORTION OF THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIPORT, IN THE TOTAL AMOUNT OF \$600,000, (WITH THE CITY'S \$300,000 MATCH FUNDED THROUGH THE REINVESTMENT ZONE); AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in July 2014, the City of Temple received notification that the Draughon-Miller Central Texas Regional Airport had a balance of \$300,000 in Non-Primary Entitlement (NPE) Grant funds (\$150,000 from fiscal year 2013 and \$150,000 from fiscal year 2014);

Whereas, the NPE Grant program has been in place since 2001 when Congress passed and the President signed legislation to appropriate funds for the Air-21 Entitlement Program - eligible Airports receive a maximum of \$150,000 each year to be used for airside and landside improvements;

Whereas, in the past, the City of Temple's NPE funds were used in conjunction with larger AIP grant projects; however, TxDOT failed to use the funds during the runway extension and runway reconstruction projects leaving funds from fiscal year 2013 & 2014 available;

Whereas, the NPE Grant funds will be used to leverage the Reinvestment Zone funding currently estimated at \$850,000 for the construction of a new entrance and improved parking facilities at the northwest portion of the Airport;

Whereas, TxDOT has approved the City of Temple's project eligibility at the maximum amount of \$300,000 with the City's matching funds of \$300,000 (funded through the Reinvestment Zone) and upon receipt of the City of Temple's Resolution, TxDOT will submit the grant for approval through the Texas Department of Transportation Commission;

Whereas, the City will receive a matching reimbursement up to \$300,000 upon completion of the project and funds are available for the match in the Reinvestment Zone No. 1 Financing Plan, \$100,000 in Account No. 795-9800-531-6878, Project No. 101017, for the new entrance and \$750,000 in Account No. 795-9800-531-6880, Project No. 101019, for the improved parking facilities; 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 CITY OF TEMPLE, TEXAS, THAT:

Part 1: The City Council accepts the grant funds in the estimated amount of \$300,000 from the Texas Department of Transportation, Aviation Division, Non-Primary Entitlement Grant in fiscal year 2015, for entrance and parking improvements at the northwest portion of the Draughton-Miller Central Texas Regional Airport, and approves the City's \$300,000 match funded through the Reinvestment Zone.

Part 2: The City Council hereby directs the City Manager to execute on behalf of the City of Temple and with the appropriate authorizations of the City of Temple, all contracts and agreements with the Texas Department of Transportation, Aviation Division, Non-Primary Entitlement Grant and such other parties as shall be necessary and appropriate for entrance and parking improvements at the northwest portion of the Draughton-Miller Central Texas Regional Airport.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(U)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing acceptance of the FY15 Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, (City match of \$50,000), to help assist with lower cost airside and landside Airport improvements at the Draughon-Miller Central Texas Regional Airport in the amount of \$100,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple, as part of our Airport Grant Assurance, has participated in the yearly grant program through the Texas Department of Transportation, Aviation Division for several years. The RAMP Grant is a pro-active, flexible grant program that allows the City to determine projects on an as needed basis upon execution of the grant. Eligible items currently being considered in FY15, but subject to change based on needs include street and drainage enhancements at the fuel farm and the general aviation terminal building; entrance and parking improvements at the northwest portion of the Airport; and signage and landscaping enhancements.

TxDOT has approved Temple's participation for inclusion in the FY15 RAMP Program at the maximum level of \$100,000 (50-50 share). The City's matching funds are included in the FY15 Airport operating budget.

The Grant Agreement must be forwarded to TxDOT upon acceptance.

FISCAL IMPACT: The expenditure of \$100,000 (which includes the City's \$50,000 match) was approved in the FY15 operating budget in account 110-5900-560-6310, project # 101136. The grant revenue was also included in the FY15 budget in account 110-0000-431-0261. TxDOT Aviation will reimburse the City 50% of the total project cost not to exceed \$50,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7510-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF THE FISCAL YEAR 2015 TEXAS DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION, ROUTINE AIRPORT MAINTENANCE GRANT, IN THE AMOUNT OF \$100,000 (WITH A CITY MATCH OF \$50,000) TO HELP ASSIST WITH LOWER COST AIRSIDE AND LANDSIDE AIRPORT IMPROVEMENTS AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, The City of Temple, as part of our Airport Grant Assurance, has participated in the yearly grant program through the Texas Department of Transportation, Aviation Division for several years;

Whereas, the Routine Airport Maintenance Program (RAMP) Grant is a pro-active, flexible grant program that allows the City to determine projects on an 'as needed' basis upon execution of the grant;

Whereas, eligible items currently being considered in fiscal year 2015, but subject to change based on needs, include street and drainage enhancements at the fuel farm, the general aviation terminal building, entrance and parking improvements at the northwest portion of the Airport, and signage and landscaping enhancements;

Whereas, TxDOT has approved Temple's participation for inclusion in the fiscal year 2015 RAMP Program at the maximum level of \$100,000 (50-50 share) - the Grant Agreement must be forwarded to TxDOT upon acceptance by Council;

Whereas, the expenditure of \$100,000 (which includes the City's \$50,000 match), was approved in the fiscal year 2015 operating budget in Account No. 110-5900-560-6310, Project No. 101136. The grant revenue was also included in the fiscal year 2015 budget in account 110-0000-431-0261. TxDOT Aviation will reimburse the City 50% of the total project cost not to exceed \$50,000; and

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

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

Part 1: The City Council accepts the grant funds in the estimated amount of \$100,000 from the Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, to assist with lower cost airside and landside Airport improvements at the Draughon-Miller Central Texas Regional Airport, and approves the City's 50% share (\$50,000) of the funds.

Part 2: The City Council hereby directs the City Manager to execute on behalf of the City of Temple and with the appropriate authorizations of the City of Temple, all contracts and agreements with the Texas Department of Transportation, Aviation Division, Routine Airport Maintenance Grant, and such other parties as shall be necessary and appropriate to assist with lower cost airside and landside Airport improvements at the Draughon-Miller Central Texas Regional Airport.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #6(V)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: Consider a resolution granting permission to proceed with a Transportation Alternative Program (TAP) grant application to the Killeen Temple Metropolitan Planning Organization (KTMPPO) for a new sidewalk and associated enhancements along North 31st Street.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: KTMPPO has \$624,000 funding available for TAP transportation enhancement grants, which requires a 20 percent match by the lead agency applying for funds. The scoring criteria for the grant focuses on improving Connectivity, Safety, Quality of Life, Financial Partnerships and Environmental Justice.

The project scope is to construct a new sidewalk connection from Temple High School (at the bus shelter) to West Adams Avenue, which includes an 8 foot sidewalk on the west side and 5 foot connections on the east side linking to existing THS sidewalks with the same width. A crosswalk, including pedestrian flashers, will be installed at Calhoun. Six inch street trees for aesthetic, shade and improved air quality purposes (studies show that trees absorb a variety of air pollutants) will be planted behind the 8' sidewalk, along with the installation of benches and trash receptacles.

The project objectives include:

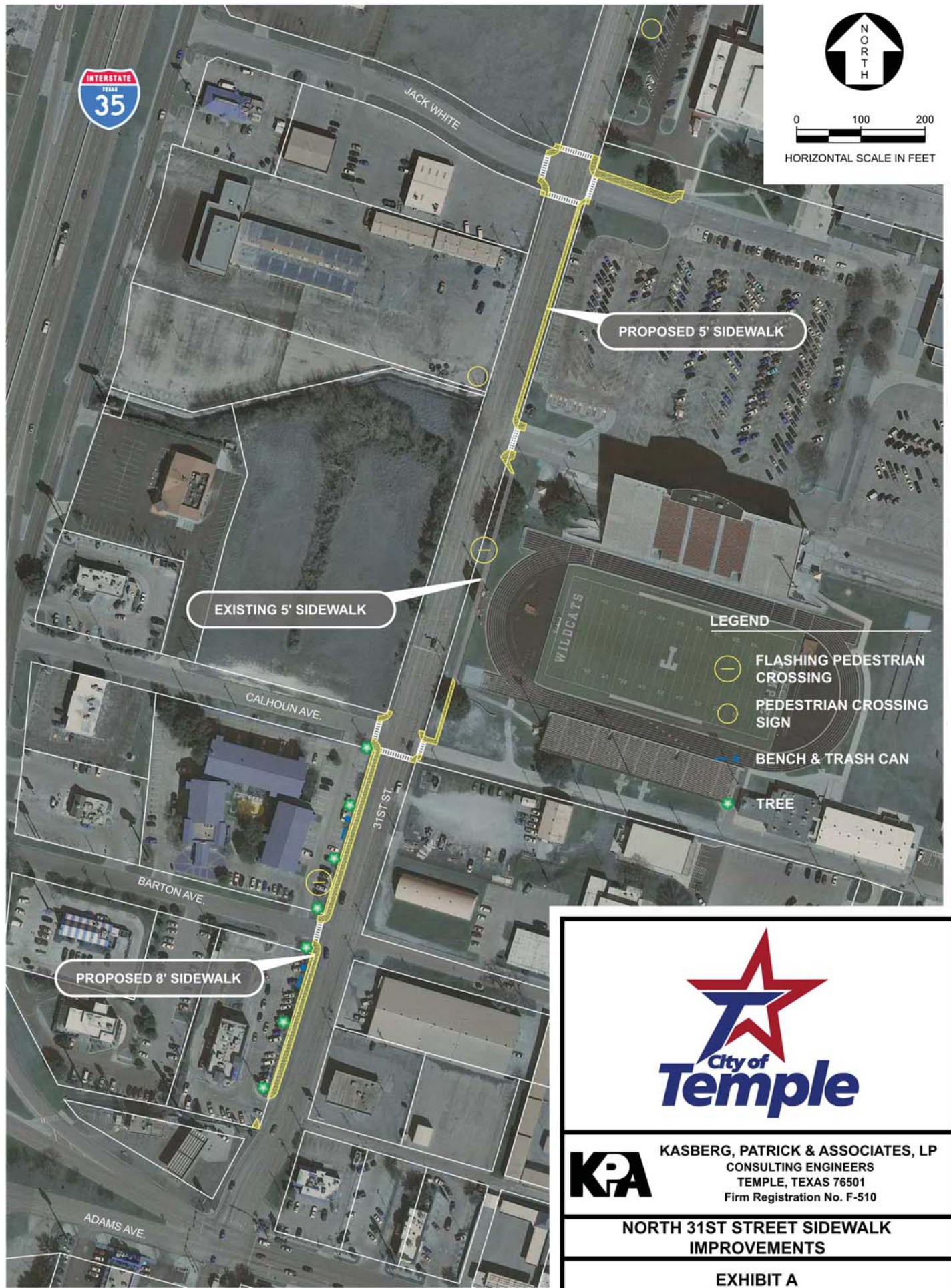
- Provide a safe and inviting sidewalk connection between THS, the bus shelter and existing businesses
- Provide links to TXDOT I-35 pedestrian improvements and to the Central Avenue downtown sidewalk connector
- Enhance and beautify “gateway” to downtown Temple’s “front door”
- Promote sustainability through: 1) increased pedestrian activity and decreased car trips; 2) planting large, drought-tolerant trees

KPA Engineers developed the preliminary design and \$307,740 cost estimate. “Financial Partnerships” represents up to 15 points out of 100 in the grant scoring criteria and is defined as organizations (private or public) committing to fund at least 10 percent of the total project costs. The City of Temple has had positive discussions with Temple Independent School District (TISD), the Reinvestment Zone (RZ), Keep Temple Beautiful (KTB) and Chick Fil-A about potentially committing the \$30,774 to be considered as financial partners. October 15, 2015 is the KTMPPO application submittal deadline.

FISCAL IMPACT: The City would be responsible for the 20 percent match (however, the City hopes to receive 10 percent financial commitments from at least 2 of the partnering organizations, which would cover the City's match requirements), the design fees (15 percent of the project), TXDOT administrative fees (estimated at 3 to 8 percent of the project cost) and any cost overruns. The City's portion of the funding would come out of the Transportation Capital Improvement Program (TCIP) budget.

ATTACHMENTS:

Project aerial site plan
Preliminary Project Cost
Grant Scoring Criteria
Grant Application
Draft Resolution
Resolution



**PRELIMINARY OPINION
OF
PROBABLE PROJECT COST**

**2014 CAT 9 Grant Application
31st Street Pedestrian Walk
City of Temple, TX**

Kasberg, Patrick & Associates, LP

September 9, 2014

| Bid No. | Description | Unit | Qty. | Unit Price | Total Price |
|--|--|-------------|-------------|-------------------|----------------------|
| Pedestrian Trail Items | | | | | |
| 1 | Preparation of Right-of-Way | STA | 13 | \$ 650.00 | \$ 8,450.00 |
| 2 | Remove and Dispose of Concrete Sidewalk, Driveways, Flumes and Curb & Gutter | SY | 650 | \$ 20.00 | \$ 13,000.00 |
| 3 | Unclassified Excavation for Pedestrian Trail | CY | 200 | \$ 17.50 | \$ 3,500.00 |
| 4 | Compacted Fill Using Onsite Material | CY | 100 | \$ 17.50 | \$ 1,750.00 |
| 5 | Compacted Fill Using Imported Select Material | CY | 100 | \$ 35.00 | \$ 3,500.00 |
| 6 | HMAC Type "D" Course Patch | TN | 40 | \$ 225.00 | \$ 9,000.00 |
| 7 | Retaining Wall (Stone) | SF | 500 | \$ 30.00 | \$ 15,000.00 |
| 8 | Handrail (TY A) | LF | 30 | \$ 110.00 | \$ 3,300.00 |
| 9 | Barrier Rail (TY A) | LF | 100 | \$ 100.00 | \$ 10,000.00 |
| 10 | Mobilization, Bonds & Insurance (not-to-exceed 5% of Total Bid) | LS | 100% | \$ 15,000.00 | \$ 15,000.00 |
| 11 | Implement and Administer Barricade, Signing and Traffic Safety Plan (Vehicular and Pedestrian) | MO | 6 | \$ 5,000.00 | \$ 30,000.00 |
| 12 | Stormwater Pollution Prevention Plan (SW3P) | LS | 100% | \$ 3,000.00 | \$ 3,000.00 |
| 13 | Furnish, Install, Maintain and Remove Silt Fence | LF | 1,000 | \$ 2.75 | \$ 2,750.00 |
| 14 | Furnish, Install, Maintain and Remove Rock Berm | LF | 25 | \$ 35.00 | \$ 875.00 |
| 15 | Inlet Protection System | EA | 4 | \$ 200.00 | \$ 800.00 |
| 16 | 24" Standard Concrete Curb & Gutter | LF | 150 | \$ 25.00 | \$ 3,750.00 |
| 17 | 2' Width Concrete Valley Gutter | LF | 100 | \$ 25.00 | \$ 2,500.00 |
| 18 | 6" CL B Concrete Flume | CY | 25 | \$ 200.00 | \$ 5,000.00 |
| 19 | 6" Concrete Driveway | SY | 300 | \$ 60.00 | \$ 18,000.00 |
| 20 | 6" Concrete Sidewalk | SY | 1,300 | \$ 50.00 | \$ 65,000.00 |
| 21 | Handicap Ramp | EA | 12 | \$ 1,500.00 | \$ 18,000.00 |
| 22 | Remove and Relocate Existing Pole Signs | EA | 8 | \$ 375.00 | \$ 3,000.00 |
| 23 | Solar Panel Flashing Pedestrian Crossing Sign & Pole | EA | 2 | \$ 5,000.00 | \$ 10,000.00 |
| 24 | Standard Pedestrian Crossing Sign & Pole | EA | 2 | \$ 750.00 | \$ 1,500.00 |
| 25 | White Thermoplastic Crosswalk | LF | 400 | \$ 25.00 | \$ 10,000.00 |
| 26 | White Thermoplastic Stop Bar | LF | 120 | \$ 12.00 | \$ 1,440.00 |
| 27 | Utility Adjustments | LS | 100% | \$ 5,000.00 | \$ 5,000.00 |
| TOTAL PEDESTRIAN TRAIL | | | | | \$ 263,115.00 |
| Landscaping Items | | | | | |
| 28 | Irrigation System | LS | 100% | \$ 10,000.00 | \$ 10,000.00 |
| 29 | Block Sodding | SY | 450 | \$ 5.00 | \$ 2,250.00 |
| 30 | Compost Manuf Topsoil (4") | CY | 100 | \$ 40.00 | \$ 4,000.00 |
| 31 | Mulch | CY | 75 | \$ 5.00 | \$ 375.00 |
| 32 | Shade Trees (Min 6" Caliper) | EA | 10 | \$ 1,750.00 | \$ 17,500.00 |
| 33 | Park Bench | EA | 3 | \$ 1,800.00 | \$ 5,400.00 |
| 34 | Top Opening Litter Receptacle | EA | 3 | \$ 1,200.00 | \$ 3,600.00 |
| 35 | 48" Hinged Round Post Bollards | EA | 2 | \$ 750.00 | \$ 1,500.00 |
| TOTAL LANDSCAPE | | | | | \$ 44,625.00 |
| PROJECT CONSTRUCTION COST | | | | | \$ 307,740.00 |
| TXDOT ADIMINISTRATIVE FEES (3%) | | | | | \$ 9,232.20 |
| TOTAL PROJECT COST | | | | | \$ 316,972.20 |

Part II

**Killeen – Temple Metropolitan Planning Organization
Category 9
Transportation Alternatives Program
FY 13/14 Scoring Criteria**

| Evaluation Category | Scoring Points | Factors |
|--------------------------------------|-----------------------|--|
| Connectivity | 25 | Connectivity to facilities such as: schools, business, existing trails, bike paths, bike lanes, sidewalks, transit stops, commuter lots, community centers, school loading zones |
| Elements of Project Design | 20 | Design includes facility enhancements such as: sidewalks, trails, trail heads, benches, trash cans, restrooms, showers, parking, shade/water stations, trail signage, drainage, erosion control |
| Elements of Safety | 20 | Safety considerations include project features such as: safety lighting, bike-friendly grates, pedestrian crossings, on-street bike lanes, improving sight distance, directional signage, correcting known safety/accident issues, grade separated crossings |
| Elements of Quality of Life | 15 | Provides elements that improve the aesthetics and air quality of the community such as: new plantings, removal of noxious weeds, xeriscaping, elimination of plants for fire breaks, grazing deterrent grasses, promoting physical activity, enhancing the cultural/scenic experience, enhancing community identity, reducing congestion |
| Partnerships/Community Collaboration | 15 | Lead agencies are encouraged to Partner with one or more agencies. A partnership entity is defined as an entity contributing financially at a minimum of 10% toward the total cost of a project. Scoring for this category is as follows: <ul style="list-style-type: none">• No partners – 0 points• 1 - 2 partners – up to 5 points• 3 partners – up to 10 points• 4 or more partners - up to 15 points |
| Environmental Justice | 5 | <ul style="list-style-type: none">• No benefit to EJ area – 0 points• Minor benefit to EJ area – 3 points• Significant impact to EJ area– 5 points |
| Total | 100 | |

Part V

Order of Submission

All Responses submitted **must** be in the following order (please do not attach Parts I thru IV):

- **Exhibit A** - Proposal Summary Form.
- **Exhibit B** – Description of Project
- **Exhibit C** – Budget Form
- **Exhibit D** - Certification Form

EXHIBIT A

KTMPO

PROPOSAL SUMMARY FORM

FOR

Transportation Alternatives Program (FY13/14)

Project Name:

Lead Agency

Address, City, State & Zip Code

*Project Contact Name

*Phone Number

Project Contact Email Address

Authorized Signature

Printed Name

Date

**Note: Name and phone number of person who will either be present or available to answer questions at KTMPO Technical Advisory Committee meeting on October 1, 2014.*



Exhibit B: Transportation Alternatives Program Description of Project

Killeen-Temple Metropolitan Planning Organization

PROJECT DETAILS

| | | | |
|----------------------------|------|--------|------|
| Project Name | | | |
| Limits From | | | |
| Limits To | | | |
| Project Length | 0.00 | Miles | 0.00 |
| City | | County | |
| Description of Work | | | |

Narrative of Project's Impact on the Region (limit to one page)

PROJECT STATUS/TIMELINE

| | | | |
|----------------------------------|-------------------------|--------------|--------------|
| Estimated Let Date | | | |
| Estimated Completion Date | | | |
| | Preliminary Engineering | Right of Way | Construction |
| Status* | | | |
| Progress (%) | | | |

*(Not Started, Underway, Complete, Not Applicable)

SCORING ELEMENTS (see Part II-Scoring Criteria for Factors)

| | |
|--|--|
| What regional connections does the project make? | |
| Describe facility enhancements of the project. | |
| What transportation safety issues and/or barriers does this project mitigate? | |
| How does this project promote an enhanced quality of life? | |
| Does this project have a partnership between one or more agencies? List all partners and their roles. | |
| How does the project have a positive, negative, or zero effect on established areas of Environmental Justice (EJ)? | |

Please include a project location map.



Exhibit C: Transportation Alternatives Program Budget Summary

Killeen-Temple Metropolitan Planning Organization

| | Agency Name | TAP Federal Funds | * Non-Federal Matching Funds | | Total |
|--------------------|-------------|-------------------|------------------------------|---------------|-------|
| | | Dollar Amount | Source of Funds | Dollar Amount | |
| Lead Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| Partner Agency | | | | | |
| SUB TOTALS | | \$ - | | \$ - | |
| TOTAL | | | | | |
| PERCENTAGES | | | | | |

** Must be a minimum Non-Federal match of 20%*

EXHIBIT D

TRANSPORTATION ALTERNATIVES PROGRAM

TxDOT ADVANCED FUNDING AGREEMENTS

I, hereby acknowledge and understand that TxDOT requires “Advanced Funding Agreements” once a project has been selected by the KTMPO. I also understand that these agreements are time sensitive and will return them within the specified deadlines as designated by the TxDOT Waco/Brownwood District office.

Name of Authorized Representative

Title

Signature

Date

RESOLUTION NO. 2014-7511-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING SUBMISSION OF A GRANT TRANSPORTATION ALTERNATIVE PROGRAM GRANT APPLICATION TO THE KILLEEN TEMPLE METROPOLITAN PLANNING ORGANIZATION FOR A NEW SIDEWALK AND ASSOCIATED ENHANCEMENTS ALONG NORTH 31ST STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Killeen Temple Metropolitan Planning Organization (KTMPO) has \$624,000 in funding available for Transportation Alternative Program (TAP) transportation enhancement grants, which requires a 20% match by the lead agency applying for the funds;

Whereas, the scoring criteria for the grant focuses on improving connectivity, safety, quality of life, financial partnerships and environmental justice;

Whereas, the proposed project will construct a new sidewalk connection from Temple High School (THS) to the bus shelter and existing businesses - it will provide links to TxDOT's I-35 pedestrian improvements and to the Central Avenue downtown sidewalk connector, enhance and beautify the gateway to downtown Temple and promote sustainability through increased pedestrian activity and decreased car trips;

Whereas, a crosswalk, including pedestrian flashers, will be installed at Calhoun and six inch street trees will be planted behind the 8-foot sidewalk, along with the installation of benches and trash receptacles;

Whereas, Kasberg, Patrick & Associates, LP developed the preliminary design and cost estimate – the City of Temple has had positive discussions with Temple Independent School District (TISD), the Reinvestment Zone (RZ), Keep Temple Beautiful (KTB) and Chick Fil-A about the potential of committing funds to be considered as financial partners;

Whereas, the City will be responsible for a 20% match and anticipates receiving a 10% financial commitment from two of the above partnering organizations, which would cover the City's match requirements, the design fees (15% of the project), TxDOT administrative fees (3%-8%) and any cost overruns;

Whereas, the City's 20% match funding is allocated in the Transportation Capital Improvement Program budget; 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 submission of a Transportation Alternative Program grant application to the Killeen Temple Metropolitan Planning Organization (KTMPO) for new sidewalks and associated enhancements along North 31st Street.

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

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 **2nd** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #7
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-14-36: Consider adopting an ordinance authorizing a Conditional Use Permit to allow a package store, for the retail sales of alcoholic beverages with off-premise consumption, on Lot 2, Block 1, Western Hills Commercial Phase III, located in Suite 201 at 4311 West Adams Avenue.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its September 2, 2014 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval per staff's recommendation of the requested Conditional Use Permit for a package store.

It was discussed and clarified that window signs would include advertising of alcoholic beverages as well as other products being sold within the store. Restrictions on window signage would not include the listing of hours of operation. While it was discussed that signage on the exterior fascia on the building could remain on after-hours, staff has found that the UDC does not make a distinction between wall mounted and freestanding signs and all signage would need to be turned off after closing time. Multi-tenant signage would not be affected by the requirement.

STAFF RECOMMENDATION: Staff recommends approval of Z-FY-14-36, a Conditional Use Permit to allow a package store with alcoholic beverage sales for off-premise consumption for the following reasons:

1. The request is compatible with the Future Land Use and Character Map;
2. The request complies with the Thoroughfare, Plan and the Trails Master Plan;
3. Public facilities are available to serve the property; and,
4. The use is compatible with Zoning and surrounding uses and,

Staff recommends Approval of the conditional use permit subject to the following conditions:

1. Such use must comply with Chapter 4, "Alcoholic Beverages," of the City Code;
2. Outdoor lighting must comply with the standards in subsection 6.7.5k;
3. Parking must be provided on site, not less than one space for each 250 square feet of retail, plus the number of parking spaces required for non-retail space as specified in UDC Section 7.5.;
4. Window signs are prohibited as per UDC Section 5.3.17;

5. Lighted signs must be turned off at closing time as per UDC Section 5.3.17; and
6. Upon compliance to the necessary building codes, the Director of Planning / Building Official or their designee is authorized to issue occupancy for the expansion into the adjacent suite in the event of expansion;

ITEM SUMMARY: The applicant is requesting a Conditional Use Permit to allow a package store within an existing but unfinished suite in the existing Paint Brush Plaza located at 4311 West Adams Ave.

The property is located within the Commercial (C) zoning district which requires the approval of a Conditional Use Permit to establish a package store. The package store to be known as “The Liquor Room” is proposed in Suite 201. A package store is a retail establishment for the sales of distilled liquors, wines and beers in unbroken original containers for off-premise consumption.

Suite 201 has inside floor measurements of approximately 23.85’ X 58.16’ or a net floor area of approximately 1,387 square feet. It is noteworthy that the applicant has expressed a desire that at some point the package store may be expanded into the adjacent Suite 202. The expansion would double the net floor area for a total of approximately 2,774 square feet of retail space.

Parking, landscaping and improvements to exterior building facades are in place and no additional improvements have been proposed or are anticipated.

It should be further noted that while this Conditional Use Permit is for a package store, as defined above, the 7-11 convenience store adjacent to the plaza suite does retail sales of individual containers of beer and wine, which is permitted by-right.

USE STANDARDS: Package stores are subject to a number of use standards as described in Section 5.3.17 of the UDC. While the proposed package store is not proposing a drive-up window, a feature which has several requirements, a number of other standards applicable to the package store have been identified and are discussed as follows:

Chapter 4 of the City Code – Alcoholic Beverages: Although the provisions of Chapter 4 of the City Code will not be listed in this report, compliance to the chapter in its entirety is required by reference. It is the proprietor’s responsibility to become familiar with the provisions of Chapter 4 of the City Code; however it is not anticipated that there will be any compliance issues related to approval of the Conditional Use Permit.

Outdoor Lighting: Outdoor lighting is reviewed during the Construction Plan phase of review. Any new lighting not already in-place would be required to comply with UDC Section 6.7.5k, the I-35 Overlay standards as well as current electrical and building code requirements. It should be noted that lighting standards would only be applied in the event of a new building permit for outdoor lighting. Compliance to UDC Section 6.7.5k would not be retroactive. Since the code does not make a distinction between freestanding and building/wall mounted signage, the code has been interpreted to apply to all signage. This would not apply to the freestanding multi-tenant sign which advertises other business in the plaza. The property owner has confirmed that individual panels on the multi-tenant

sign cannot be turned off. Since the applicant has not proposed any new outdoor lighting with this request, no issues are anticipated.

Parking: Parking is in-place and was calculated on the overall use of the development for retail and services uses. Retail and service uses are calculated at a minimum 1 space per 250 square feet of floor area. Additional parking due to the nature of the package store was not required and not anticipated as a result of the presence of the package store.

Window Signs: Window signs are prohibited. Staff anticipates compliance to the prohibition of window signs.

Lighted Signs: Lighted signs must be turned off at closing time. Staff anticipates compliance to the lighted signs being turned off at closing time.

The applicant has provided a floor plan and building elevations and as required per UDC Section 3.5.2B, a site plan. The site is developed, all facilities are in place and the building suites are partially occupied by tenants. As mentioned previously, the applicant has indicated that there is no drive-thru proposed and opportunities exist for the applicant to expand the business into the adjoining suite (#202). This potential expansion has been addressed by Condition #6 which would allow administrative approval of that expansion. The attached site and floor plan will be included in the Ordinance, if the Conditional Use Permit is approved by City Council.

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 | C | Retail and Service Uses |
| North | Suburban Commercial | C | Retail and Service Uses |
| South | Suburban Commercial | C | Apartment Complex |
| East | Suburban Commercial & Auto-Urban Multi-Family | C | Apartment Complex |
| West | Suburban Commercial | C | Undeveloped |

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

| Document | Policy, Goal, Objective or Map | Compliance? |
|-----------------|--|--------------------|
| CP | Map 3.1 - Future Land Use and Character (FLUP) | Yes |
| CP | Map 5.2 - Thoroughfare Plan | Yes |
| CP | Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities | Yes |
| STP | Temple Trails Master Plan Map and Sidewalks Ordinance | Yes |

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The Land Use and Character Map which identifies this area as Suburban Commercial. This is appropriate for office, retail and service uses adjacent to and abutting residential neighborhood. It is also appropriate in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations.

The proposed conditional use permit is for a package store, the retail sales of alcoholic drinks for off-premise consumption are considered retail in nature. The use of the property is consistent with the FLUP as well as compatible with the surrounding non-residential uses in the immediate vicinity.

Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies FM2305 (West Adams Avenue) as a Major Arterial & Ermine Trail is identified as a Collector. The roadway improvements are in place and no issues related to capacity are anticipated from the proposed use of the property.

Availability of Public Facilities (CP Goal 4.1)

A 6" water line in Ermine Trail is available to serve the water needs to the property. There is a 6" sewer line available to the property on the eastern property line. No impacts to public facilities are anticipated.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Temple Trails Master Plan map identifies a proposed City-Wide Spine trail within FM 2305 (West Adams Avenue). Both FM2305 and Ermine Trail are required to have sidewalks. Sidewalks are partially in place however, the site is currently developed and there are no improvements triggered by the proposed conditional use permit.

DEVELOPMENT REGULATIONS: Although there are no established development regulations specifically for package stores, there are a number of use standards which were identified and discussed earlier in this report. Since the site is developed and no additional facilities are needed, staff has not identified any additional development regulation applicable to the requested conditional use permit.

PUBLIC NOTICE: Ten properties, represented by eight different owners, were sent notices of the public hearing, as required by State law and City Ordinance. Three of the properties are outside of the 200-foot notification boundary. As of Tuesday September 23, 2014 at 9:00 am, no notices have been returned in agreement. One notice in disagreement, outside of the required 200-foot notification boundary has been received by staff.

The newspaper printed notice of the Planning and Zoning Commission public hearing on August 22, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Properties Photos
Zoning and Location Map
Future Land Use Map
Utility Map
Localized Area of the Thoroughfare
Plan Localized Area of the Trails Plan
Site Plan / Floor Plan / Elevations
Notification Map
Returned Property Owner Responses
Ordinance

Site & Surrounding Property Photos



Site: Suites 201 & 202 (C)



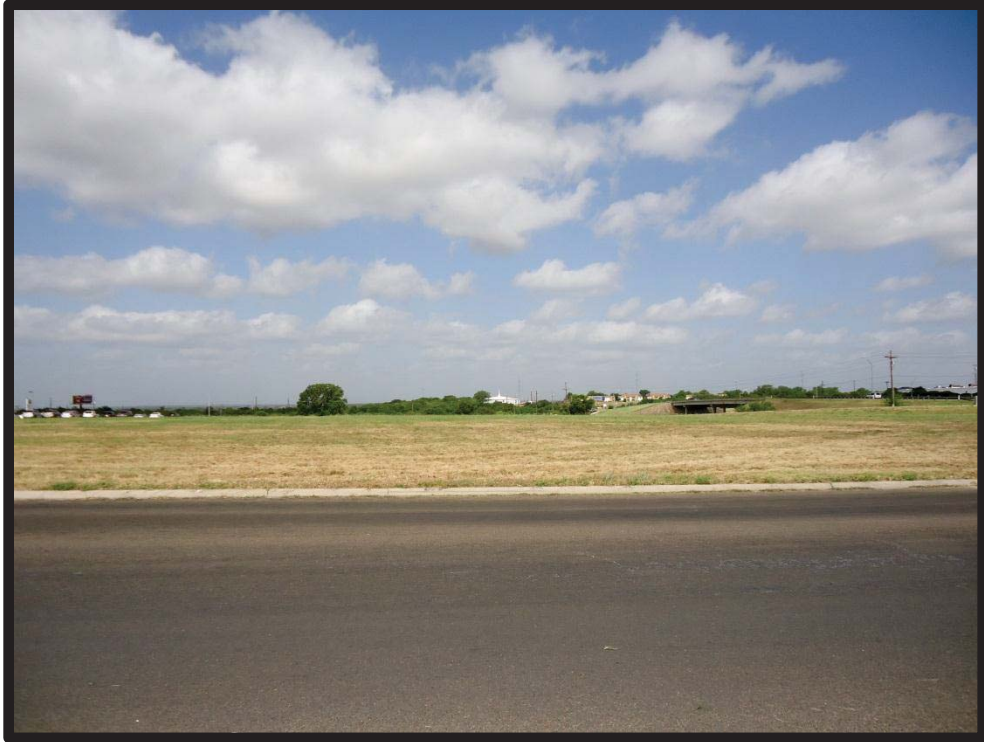
Site: Adjacent 7-11 Convenience Store (C)



Site: Paint Brush Plaza (From Ermine Trail) (C)



North: Undeveloped and Scattered Commercial and Service Uses (C)



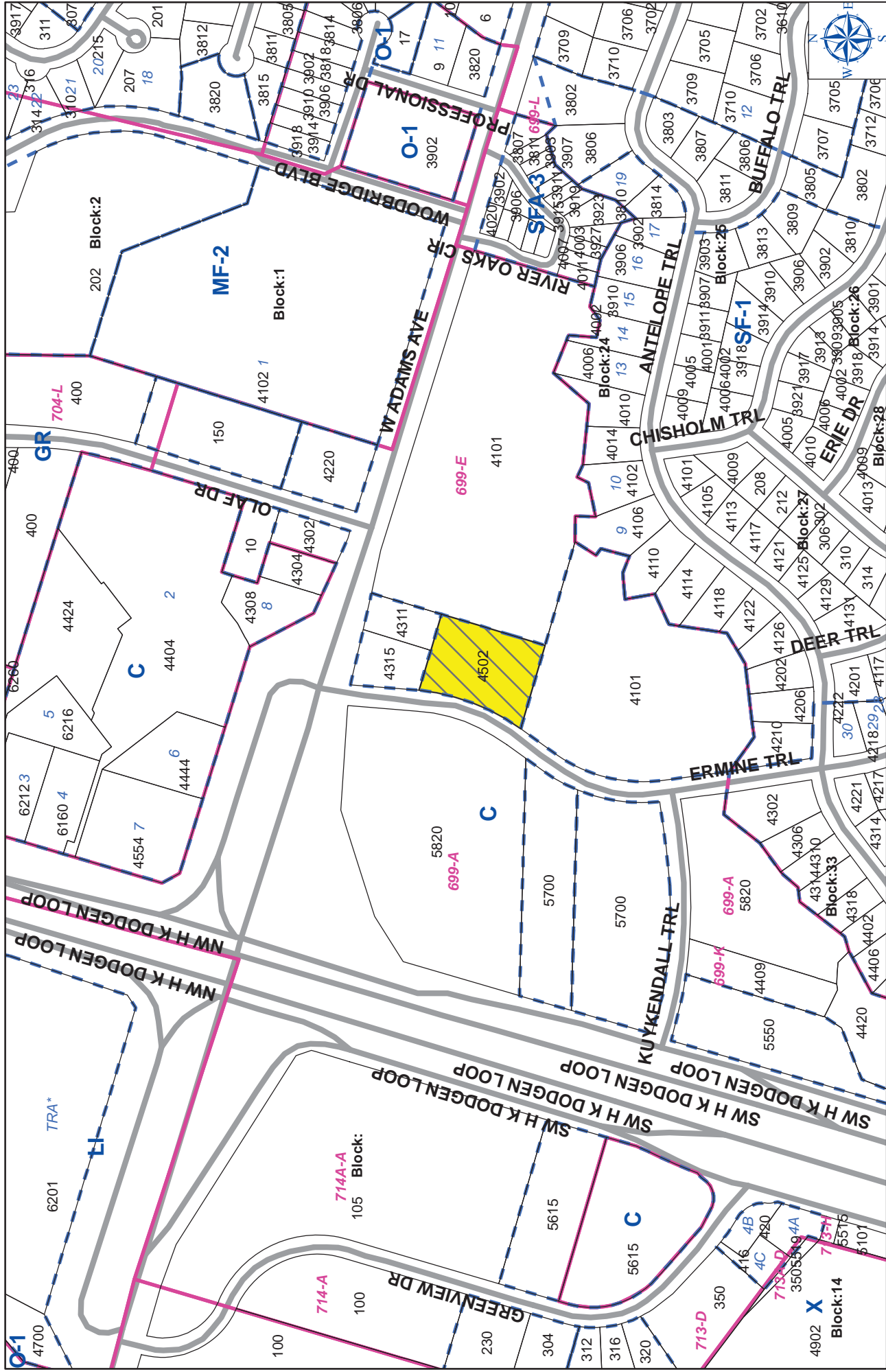
West: Undeveloped (C)



East: Apartment Complex (C)





South: Apartment Complex (C)



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



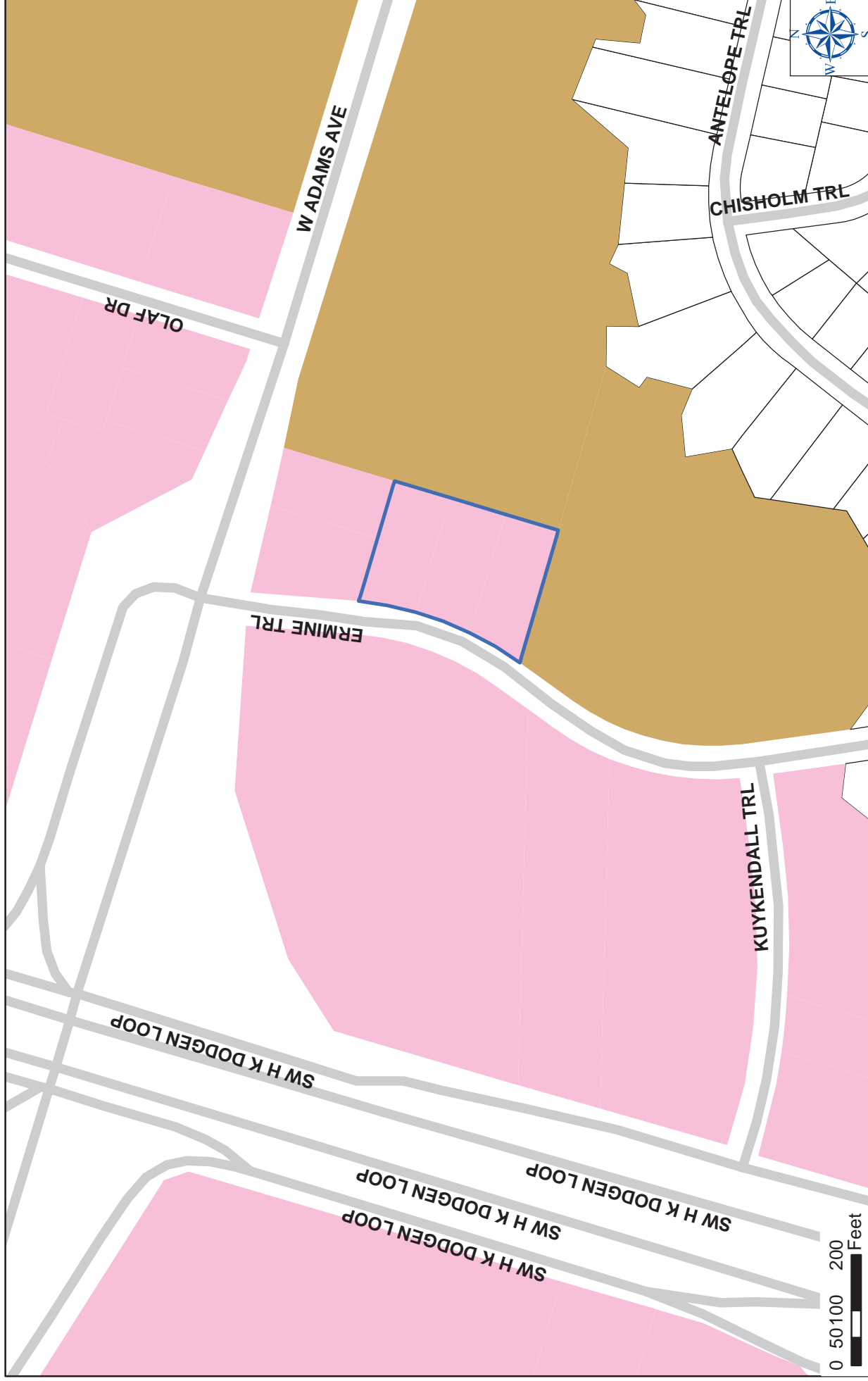
| Case | Zoning | Subdivision | Block Number | Lot Number |
|---|---|---|--------------|------------|
|  |  |  | 1234 | |



Z-FY-14-36

**Future Land Use Map
Conditional Use Permit (Package Store)**

**4311 W. Adams Ave
Suite 201**



Future Land Use

- Neighborhood Conservation
- Estate Residential
- Suburban Residential

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

- Auto-Urban Commercial
- Suburban Commercial
- Urban Center

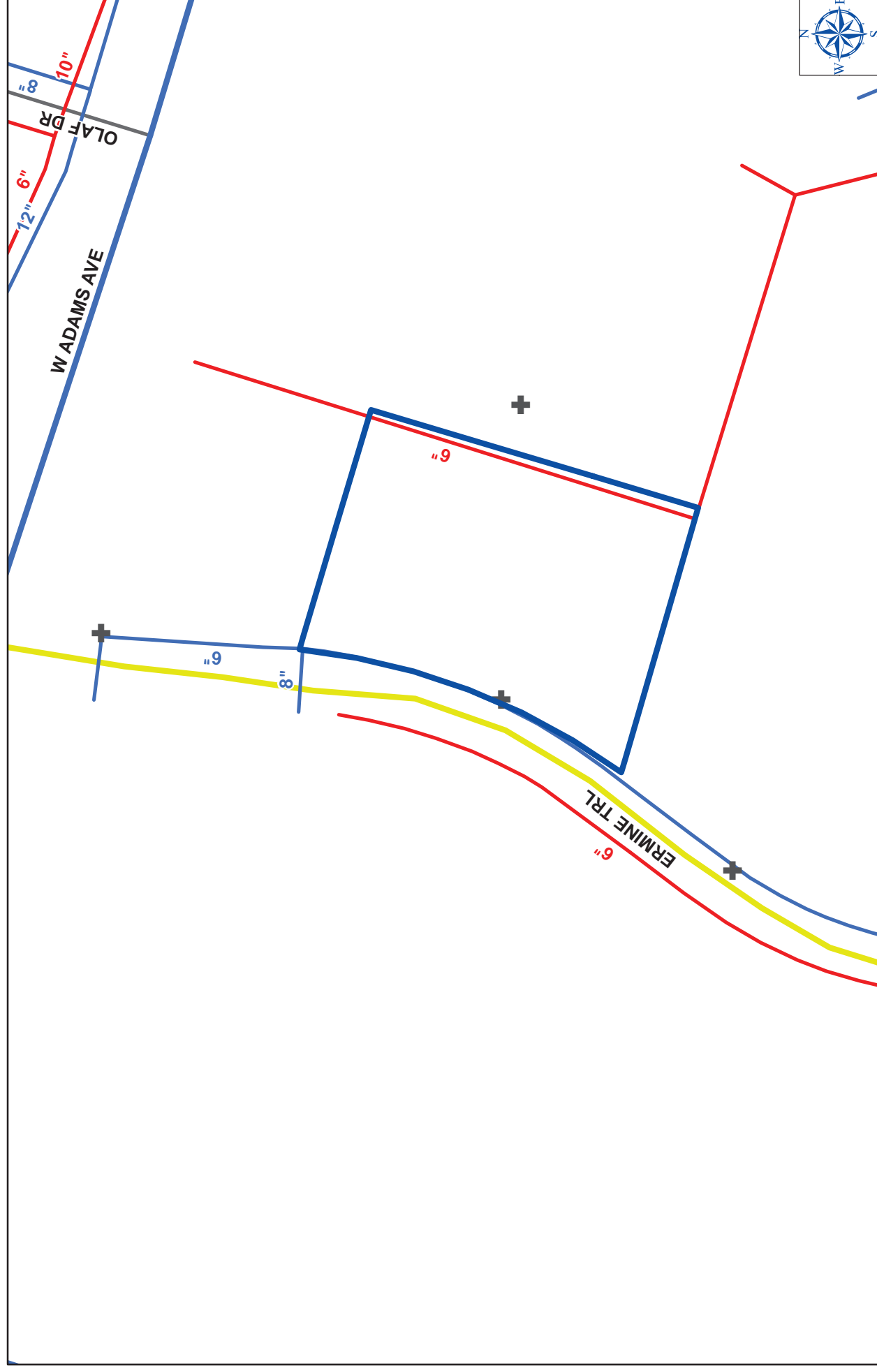
- Temple Medical Education District
- Industrial
- Business Park

- Public Institutional
- Parks & Open Space
- Agricultural/Rural

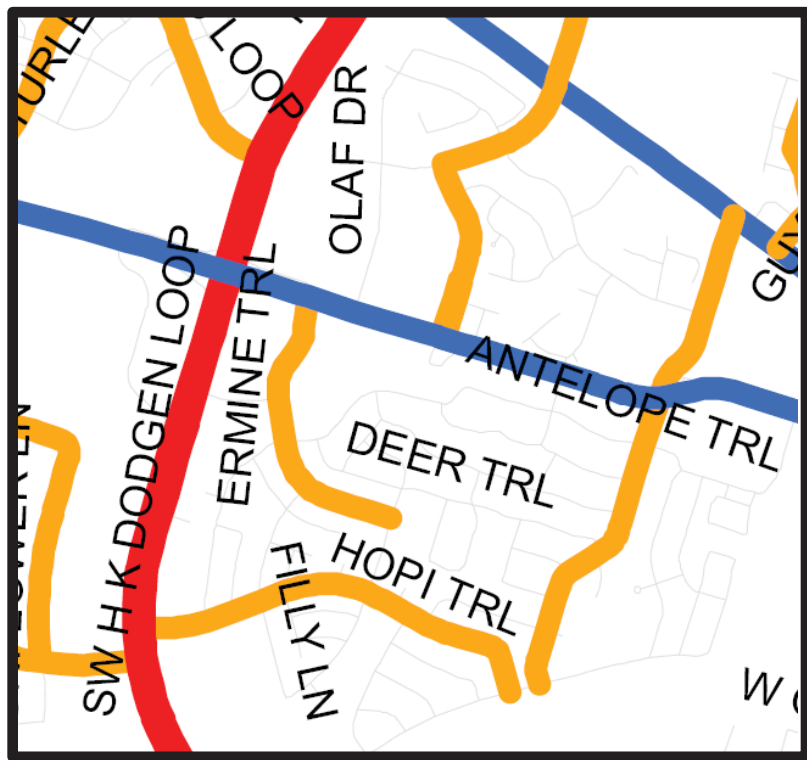
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location or property boundaries and other features.

8/25/2014
City of Temple GIS

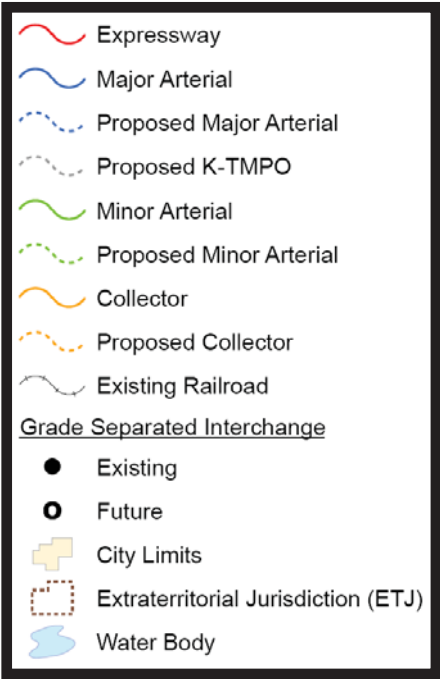
Utility Map
Conditional Use Permit (Package Store)



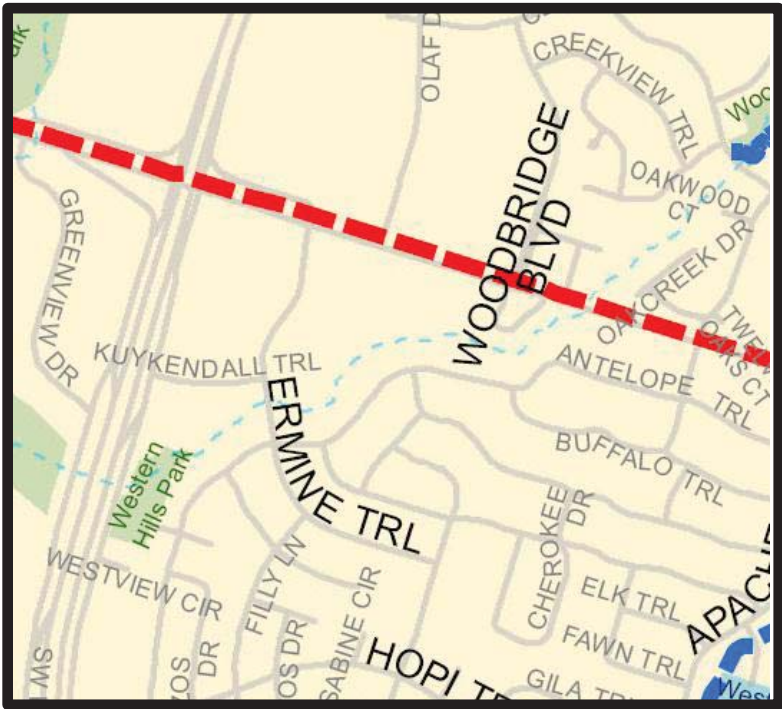
Localized Area of the Thoroughfare Plan



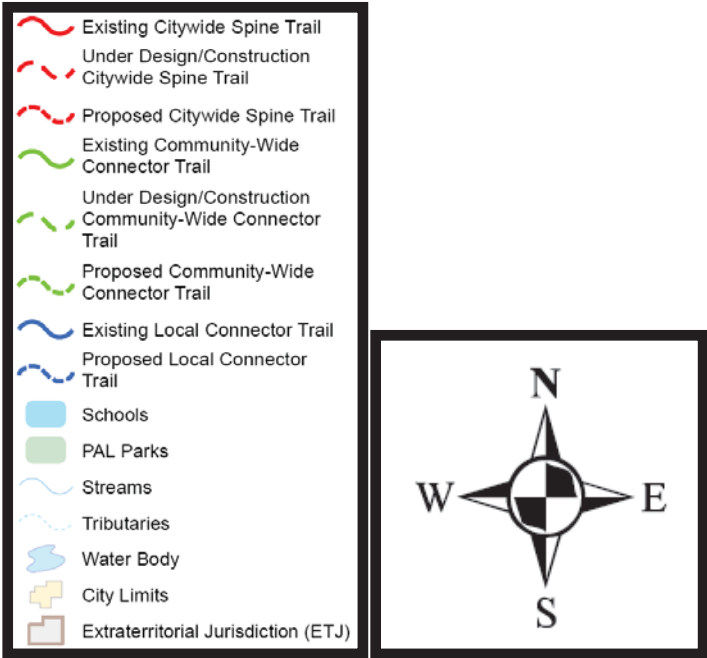
Map Legend (Map not to scale)

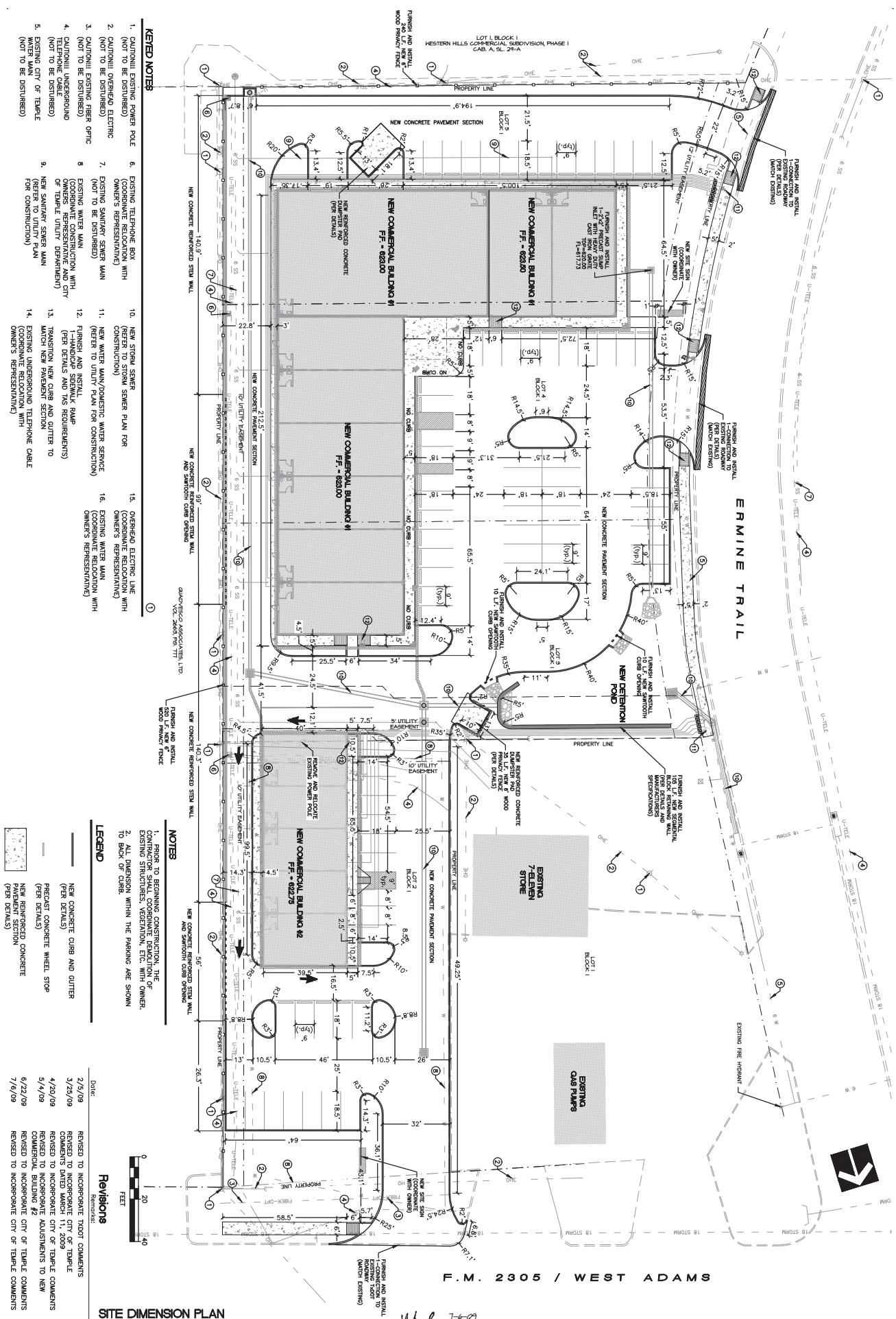


Localized Area of the Trails Plan



Map Legend (Map not to scale)





- ### KEYED NOTES
1. CAUTION! EXISTING POWER POLE (NOT TO BE DISTURBED)
 2. CAUTION! OVERHEAD ELECTRIC (NOT TO BE DISTURBED)
 3. CAUTION! EXISTING FIBER OPTIC (NOT TO BE DISTURBED)
 4. CAUTION! UNDERGROUND TELEPHONE CABLE (NOT TO BE DISTURBED)
 5. EXISTING CITY OF TEMPLE (NOT TO BE DISTURBED)
 6. EXISTING TELEPHONE BOX (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
 7. EXISTING SANITARY SEWER MAIN (NOT TO BE DISTURBED)
 8. EXISTING WATER MAIN (COORDINATE CONSTRUCTION WITH CITY OF TEMPLE UTILITY DEPARTMENT)
 9. NEW SANITARY SEWER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
 10. NEW STORM SEWER (REFER TO STORM SEWER PLAN FOR CONSTRUCTION)
 11. NEW WATER MAIN/DOMESTIC WATER SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
 12. FURNISH AND INSTALL 1-HANDICAP SIDEWALK RAMP (PER DETAILS AND AS RECOMMENDED)
 13. TRANSITION NEW CURB AND GUTTER TO MATCH NEW PAVEMENT SECTION
 14. EXISTING UNDERGROUND TELEPHONE CABLE (COORDINATE CONSTRUCTION WITH OWNER'S REPRESENTATIVE)
 15. OVERHEAD ELECTRIC LINE (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
 16. EXISTING WATER MAIN (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
- ### NOTES
1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DETECTION OF EXISTING UTILITIES, VERIFICATION, ETC. WITH OWNER.
 2. ALL DIMENSIONS WITHIN THE PARKING ARE SHOWN TO BACK OF CURB.
- ### LEGEND
- NEW CONCRETE CURB AND GUTTER (PER DETAILS)
 - PRECAST CONCRETE WHEEL STOP (PER DETAILS)
 - NEW REINFORCED CONCRETE PAVEMENT SECTION (PER DETAILS)
- ### Revisions
- | Date: | Revised: | Comments: |
|---------|--|-----------|
| 2/5/09 | REVISION TO INCORPORATE TYPOT COMMENTS | |
| 3/25/09 | REVISION TO INCORPORATE CITY OF TEMPLE COMMENTS DATED MARCH 11, 2009 | |
| 4/20/09 | REVISION TO INCORPORATE CITY OF TEMPLE COMMENTS | |
| 5/4/09 | REVISION TO INCORPORATE CITY OF TEMPLE COMMENTS | |
| 6/22/09 | REVISION TO INCORPORATE CITY OF TEMPLE COMMENTS | |
| 7/6/09 | REVISION TO INCORPORATE CITY OF TEMPLE COMMENTS | |

C6.1

Plot Date: 7-6-09

Project No: 081063.01

Drawn By: KRF

Designed By: MLC

Clark & Fuller, PLLC
Civil Engineers • Designers • Planners

Tel: (254) 890-0899 Fax: (254) 890-0901
2010 57th St. Dallas Love Field, Suite 105, Temple, Texas 76704

PAINT BRUSH PLAZA NEW SITE DEVELOPMENT

TEMPLE, TEXAS

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK, P.E., NO. 10581.

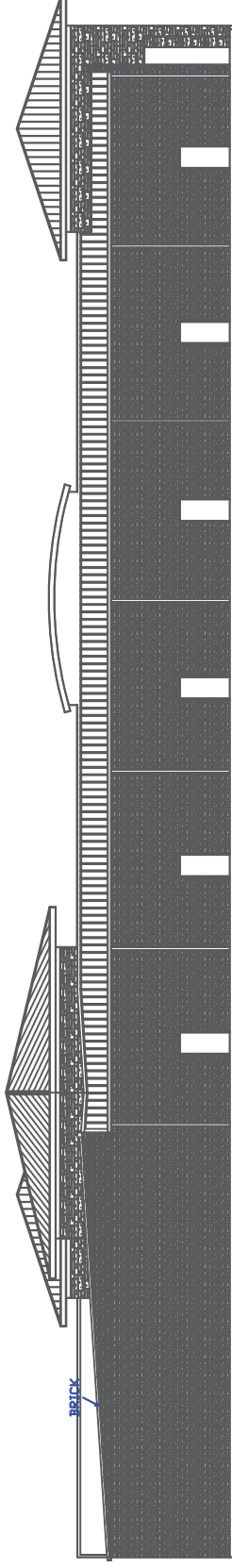
☐ FOR REVIEW
THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER NOTE ON DRAWING. IT IS NOT TO BE USED FOR BIDDING OR CONSTRUCTION PURPOSES. ONLY DRAWINGS ISSUED "FOR CONSTRUCTION" CAN BE CONSIDERED COMPLETE.

☒ FOR CONSTRUCTION
☒ FINAL DRAWINGS

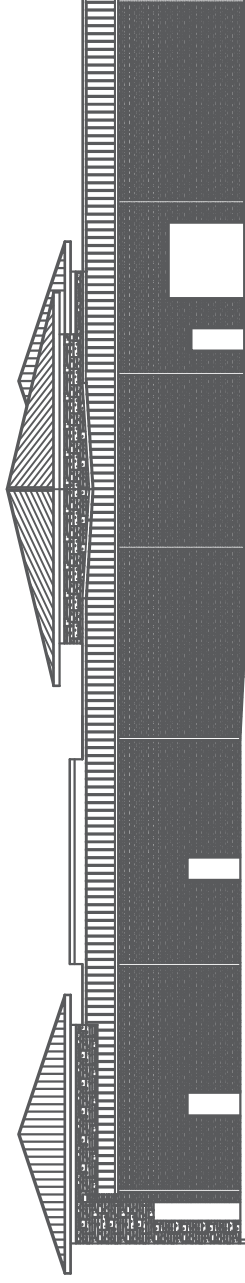
ELEVATIONS - BUILDING #1 PAINT BRUSH PLAZA

D2

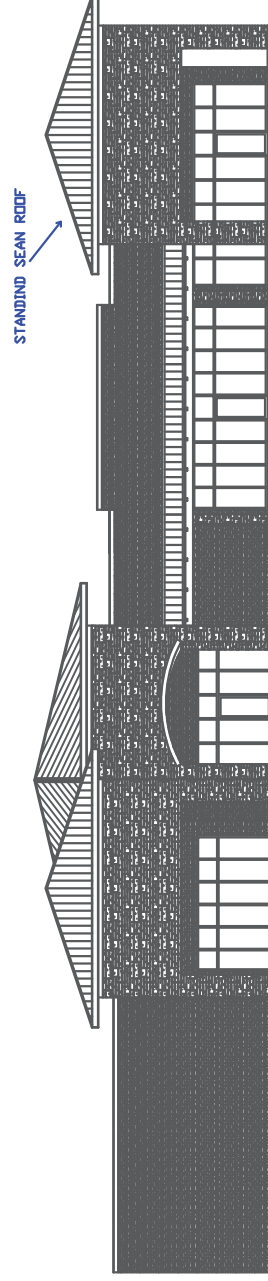
SCALE: 1/8"=1'-0"



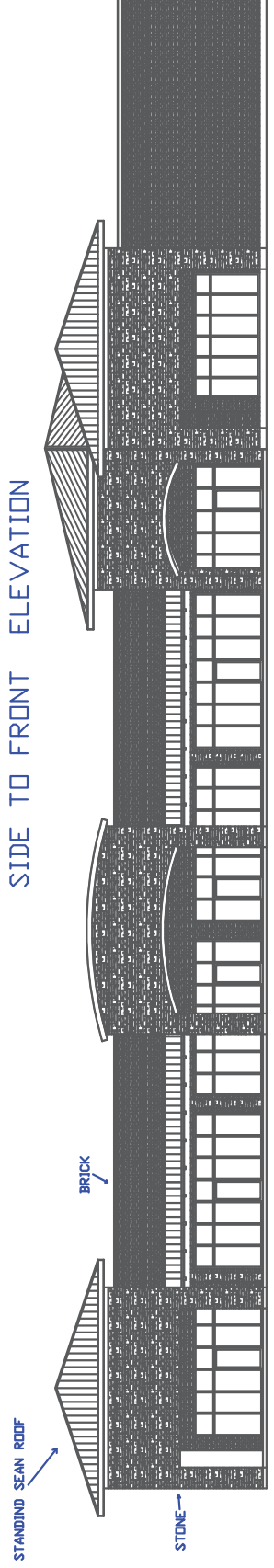
REAR ELEVATION



REAR ELEVATION



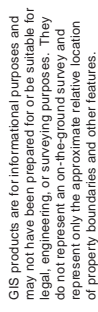
SIDE TO FRONT ELEVATION



FRONT TO SIDE ELEVATION



4311 W. Adams Ave
Suite 201



1 Lot Number

1234

Subdivision

200' Buffer

103



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT
CITY OF TEMPLE**

McGoldrick Investments LLC
5007 Cove Point Road
Temple, Texas 76502

Zoning Application Number: Z-FY-14-36

Project Manager: Mark Baker

Location: 4311 West Adams Avenue, Suite 201

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 relocation of an existing off-premise sign. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible Conditional Use Permit for the property described on the attached notice, and provide any additional comments you may have.

I recommend () approval ☒ denial of this request.

Comments:


(Signature)

GRADY MCGOLDRICK
(Print Name)

Please mail or hand-deliver this comment form to the address shown below, no later than September 2, 2014.

RECEIVED

AUG 27 2014

City of Temple
Planning & Development

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

ORDINANCE NO. _____
(Z-FY-14-36)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A
PACKAGE STORE FOR THE RETAIL SALES OF ALCOHOLIC
BEVERAGES WITH OFF-PREMISE CONSUMPTION, ON LOT 2, BLOCK 1,
WESTERN HILLS COMMERCIAL PHASE III, LOCATED IN SUITE 201 AT
4311 WEST ADAMS AVENUE; DECLARING FINDINGS OF FACT;
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 conditions, operation and location of property described as lot 2, block 1, Western Hills Commercial Phase III, located in Suite 201 at 4311 West Adams Avenue, recommends that the City Council approve the application for this Conditional Use Permit for retail sales of alcoholic beverages with off-premise consumption; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit for retail sales of alcoholic beverages with off-premise consumption on lot 2, block 1, Western Hills Commercial Phase III, located in Suite 201 at 4311 West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

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

- A. knowledge and compliance with the provisions of Chapter 4 of the City Code in its entirety is required by reference;
- B. outdoor lighting is reviewed during the Construction Plan phase of review. Any new lighting not already in-place would be required to comply with UDC Section 6.7.5k, the I-35 Overlay standards as well as current electrical and building code requirements;
- C. parking is in-place and was calculated on the overall use of the development for retail and services uses. Retail and service uses are calculated at a minimum 1 space per 250 square feet of floor area. Additional parking due to the nature of the package store was not required and not anticipated as a result of the presence of the package store;
- D. window signs are prohibited. Staff anticipates compliance to the prohibition of window signs; and
- E. Lighted signs must be turned off at closing time. Staff anticipates compliance to the lighted signs being turned off at closing time.

Part 3: The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

Part 4: The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **October**, 2014.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

10/02/14
Item #8
Regular Agenda
Page 1 of 6

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-14-37: Consider an ordinance to take action on a rezoning from Urban Estate District (UE) to Single Family-One District (SF-1) on 61.137 +/- acres, being a tract of land in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 5105 Charter Oak Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its September 15, 2014 meeting, the Planning & Zoning Commission voted 3 in favor to 6 against staff's recommendation to approve, resulting in a recommendation of denial of the requested rezone from "UE" to "SF-1".

Per UDC Section 2.4.4 – "A minimum 75 percent vote of all the members of the City Council is required to overrule a recommendation by the Planning & Zoning Commission that a proposed Zoning District Map Amendment be denied."

STAFF RECOMMENDATION: The applicant has requested to table the rezone until November 6, 2014 to allow time for receipt and review of their pending traffic impact analysis. Staff recommends approval of this request.

ITEM SUMMARY: While the proposed SF-1 zoning is not consistent with current FLUP designation of Agriculture / Rural, based on the following discussion, staff still recommends approval for a rezone from UE to SF-1 for the following reasons:

1. The requested rezone is consistent with the anticipated growth of the area which would support higher density residential development of the surrounding area which is consistent with the Suburban Ranch designation of the FLUP;
2. The request is consistent with SF-1 zoning established in the immediate area, across from Charter Oak Drive;
3. The request is in partial compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

During the September 15, 2014 Planning & Zoning Commission meeting, public discussion centered on the following:

1. Increased traffic,
2. Quality of life,
3. Impacts to historic resources (e.g. cemetery, structures),

4. Traffic enforcement,
5. Public safety and,
6. Density

At this point public discussion, particularly related to traffic has prompted staff to take a few steps back and suggest to the applicant that a traffic impact analysis (TIA) should be undertaken sooner than later. The TIA will address projected traffic volumes as a result of the proposed 184 lots. The analysis would also include recommendations for turning lanes as well as for potential signalization of intersections. The analysis should also discuss, compare and contrast the potential densities resulting from the existing Urban Estate (UE) with the proposed Single-Family-1 (SF-1) zoning districts. The time needed to prepare a TIA would also allow the applicant an opportunity to meet with the area residents through a focused neighborhood meeting. Postponing the October 2nd public hearing to a future date would allow time for this to be accomplished.

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 61.137 +/- acres (Exhibit A), is within the Agricultural/Rural designation. In August 1999, per Ordinance 1999-2651, a City initiated rezoning occurred from General Retail (GR) to the current Urban Estate (UE).

Although the subject property as SF-1 is anticipated to be developed with detached single-family residences, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Family or Group Home
Industrialized Housing

Nonresidential uses

Farm or Ranch
Place of Worship
Fire Station

Prohibited uses include HUD-Code manufactured homes and land lease communities, duplexes and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

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 | Agriculture/ Rural & | UE | Undeveloped |
| North | Suburban Residential | GR, UE, SF-1 & MH | Scattered SF Uses |
| South | Suburban Commercial | LI, GR | BNSF Railroad, I-35, scattered Commercial & Industrial Uses |
| East | Agriculture/Rural | UE, GR | Scattered SF Uses on Acreage |
| West | Agriculture/Rural | GR, ETJ | Undeveloped |

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

| Document | Policy, Goal, Objective or Map | Compliance? |
|----------|--|-------------|
| CP | Map 3.1 - Future Land Use and Character (FLUP) | Partial |
| CP | Map 5.2 - Thoroughfare Plan | Partial |
| CP | Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities | Yes |
| STP | Temple Trails Master Plan Map and Sidewalks Ordinance | Yes |

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The applicant proposes 61.137 +/- acres for single-family residential development. According to the Comprehensive Plan, "The Agricultural/Rural designation is intended for those areas within the City limits that do not yet have adequate public facilities and services and therefore, may have on-site utilities. This designation is also meant to protect areas in active farm and/or ranch use." For additional discussion, see availability of Public Facilities section of this report. The proposed rezone to SF-1 is not consistent with the Agricultural/Rural designation. While staff analysis places a significant weight on consistency to the FLUP, surrounding uses, existing zoning and anticipated development of the subject property is significantly considered during the analysis. In this case, while the proposed rezone from UE to SF-1 proposes a higher density of residential development, it is consistent with the anticipated growth of the surrounding area which would be supported by the Suburban Residential FLUP designation. The Suburban Residential designation is established immediately to the north across Charter Oak Drive and it would be expected the Suburban Residential FLUP designation would be expanded to accommodate future growth.

Initially, the area north of Charter Oak was platted as the Riverside Park Addition subdivision in 1952 while in unincorporated Bell County. This area was later part of land acquisition for the water treatment plant in the City in 1999. The remaining platted lots represent the only SF-1 zoned lots in the immediate area. Staff has identified that these lots range from 8,364 square feet to over one acre in size.

Under the current UE zoning, with a minimum 22,500 square footage per lot, staff has estimated that approximately 90 to 100 homes can be constructed under the current "UE" zoning. The number of homes takes into account includes a deduction of land area for right-of-way but does not include land deducted for parkland or other tracts for drainage.

On the other hand, under the proposed SF-1, lots are required to have a minimum 7,500 square feet. In anticipation of the SF-1 zoning by the property owner, staff has met on a preliminary basis with the applicant and been provided with a draft of the Preliminary Master Plat (attached) containing 184 lots. The lots range from 8,866 square feet to 32,585 square feet in area. The plat has not been formally

submitted for review or has been evaluated by the Design Review Committee. At some point in the future, it can be anticipated that the plat will be submitted and brought forward to the Planning & Zoning Commission for review and consideration.

In conclusion, while the proposed rezone is not consistent with the FLUP, the proposal is consistent with adjacent FLUP designation and the anticipated growth and development of the area. If the City Council approves the rezone, the FLUP will need to be updated.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Charter Oak Drive. The Thoroughfare Plan (see attached) identifies Charter Oak Drive as a proposed minor arterial.

Based on a factor of 9.52 total trips per day per residential dwelling, it can be anticipated that an additional 1,752 trips per day will be introduced to Charter Oak Drive.

The factor is based on an industry-accepted factor and modified by calculations derived from the Institute of Traffic Engineers Trip Generation Manual 9th Edition for detached single-family homes. The resulting projected figure is meant to provide general insight to the traffic volume and is not meant to be construed as part of a traffic impact analysis by staff. While a detailed traffic impact analysis is not required, staff understands from the applicant that an analysis will be prepared for this development.

According to the Comprehensive Plan, Functional Classification Criteria – Table 5A.1, a resulting traffic volume per day (VPD) of 5,000 to 30,000 receives a roadway classification of minor arterial. The resulting VPD is consistent with the roadway classification of Charter Oak Drive

It should be further noted that while the traffic counts shown are for Charter Oak Drive, the counts were taken approximately 1.6 miles northeast of the site at Charter Oak Drive and Profit Place. Furthermore the counts were taken in a direction leading away from the project site. There is no data available on Charter Oak Drive and the immediate project site.

Additional right-of-way dedications and improvements can be anticipated and triggered with the platting process. No Transportation Capital Improvement Plan (TCIP) projects are listed within the immediate area funded through 2019. Per UDC Sec. 8.5.1(Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements.

In the following Infrastructure Adequacy Table, the existing and UDC required right-of-way conditions for Charter Oak Drive as well as existing traffic count information collected by the City at a site closest to the project site are shown.

| Infrastructure Adequacy Table | |
|--|---|
| 5,000 - 30,000 Vehicles Per Day (T-Fare Sec. 5A-1) | Minor Arterial |
| Current ROW Width / Pavement Width | 54' +/- ROW Width 32' +/- Pavement Width |
| UDC Required ROW Width / Pavement Width | 70' ROW Width 49' Pavement Width |
| Dedication Anticipated (1/2 Street Balance) | 8 Feet |
| Daily Traffic Count 2013 (3300 Blk of Charter Oak) | 7742 Daily Trips |
| Daily Traffic Count 2014 (3300 Blk of Charter Oak) | 7723 Daily Trips |
| Projected Daily Traffic Volume (184 Lots) (*) | 1752 Daily Trips |
| (*) Projected daily traffic generated is based on an average of 9.52 daily trips per residence & is based on factors from the Institute of Traffic Engineers Trip Generation Manual 9th Ed. | |

Based on this discussion and the above table, it can be understood that the proposed development regardless of the current or proposed density is anticipated to increase traffic. It should be noted that according to the accident records from the City of Temple Police Department, there were 21 reported auto accidents alone between January 1, 2010 and Sept 16, 2014 in the 4500 to the 5800 block of Charter Oak Drive. This is in the immediate area of the project site frontage and equates approximately 0.37 accidents per month or about 1 accident per every 3 months (quarter of a year).

In conclusion, While Charter Oak Drive is in-place; it is substandard to meet the 184 anticipated residential lots and the additional traffic generation. Improvements to Charter Oak Drive will result from future platting however measures should be taken as early as possible to address the anticipated impacts. There are no TCIP projects listed for the foreseeable future.

Further, the review of the subdivision impacts such as resulting traffic, infrastructure and the review of residential density will be done at the time of subdivision platting, proceeding with the rezone may be premature without the benefit and consideration of a prepared TIA. Since the Planning & Zoning Commission's review, staff has advised the applicant to take a step back and proceed with the TIA and take into account the traffic volumes for both the UE and the SF-1 densities. In addition, staff has suggested that the applicant meet with the neighborhood community to discuss options and to work out differences which may identify a compromise. At that point, the applicant could come back to City Council with some traffic information which could be shared publically as well as other options that may reduce overall impacts to an acceptable level.

Availability of Public Facilities (CP Goal 4.1)

While water is available through an 18" waterline that crosses the property and an 8" water line in Charter Oak Drive, currently there is no sewer line immediately available to the subject property. The nearest line is approximately 6,000 feet to the north east. Due to the size of the proposed lots, septic systems would not be permitted and sewer line extension will be necessary. While there are several agreements to extend the sewer line in process between the property owner and the City of Temple and the extension is currently listed on the CIP project list, the agreement(s) however, have not been finalized. Issues related to the sewer line extension and the corresponding agreements will be addressed during the preliminary plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, a City-Wide Spine Trail has been identified along Charter Oak Drive. Charter Oak Drive as a minor arterial requires minimum 6' sidewalks. Trails and sidewalks will be addressed at the platting stage of review.

DEVELOPMENT REGULATIONS: Standard residential setbacks in the SF-1 district are:

| | |
|---------------|---------------------------|
| Min Lot Size | 7,500 S.F |
| Min Lot Width | 60' |
| Min Lot Depth | 100' |
| Front | 25' |
| Side | 6' Min (10% of lot width) |
| Side (corner) | 15' |
| Rear | 10' |

Per UDC Section 8.2.3, sidewalks are required on both sides of the road for arterial streets. The sidewalk will be installed at the time of development, and will be noted on the future plat.

A residential access drive is prohibited onto arterial streets (UDC Section 7.2.4A).

PUBLIC NOTICE: Thirteen notices, for the 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 September 23, 2014 at 9:00 AM, three notices for disapproval and two notices for approval have been received. Staff has received several phone calls from residents outside of the notification area with concerns about increased traffic on Charter Oak Drive and overall changes to quality of life.

The newspaper printed notice of the public hearing on September 4, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Table Request \(email dated 09-24-2014\)](#)
[Site and Surrounding Property Photos Land](#)
[Title Survey](#)
[\(Exhibit A\)](#)
[Aerial Map](#)
[Zoning and Location Map](#)
[Future Land Use and Character Map](#)
[Localized area of the Thoroughfare Plan](#)
[Localized area of the Trails Plan](#)
[Utility Map](#)
[Draft Preliminary Master Plat Notification Map](#)
[Returned Adjacent Property Notices](#)
[Ordinance](#)

Mark Baker

From: David Mojica <dmojica@beltonengineers.com>
Sent: Wednesday, September 24, 2014 4:59 PM
To: Mark Baker; 'Samuel W. Best'
Cc: Brian Chandler
Subject: Property at Charter Oaks, Item Z-FY-14-37

Belton Engineering, by this email, as representative of Samuel Best, applicant for File Item no. Z-FY-14-37, hereby request that this item be tabled until the city council meeting of November 6th 2014. Reason being that the applicant would like to have the completed Traffic study report (TIA study) complete for reference and discussion with City council at the meeting.

DAVID N. MOJICA, Project Manager
dmojica@beltonengineers.com
106 North "East" Street
Belton, Texas 76513

Site & Surrounding Property Photos



Site: Undeveloped (UE)



Site: Undeveloped (Looking Across Charter Oak & Charter Oak Loop (UE)



East: Scattered SF Uses on Acreage (UE & GR)



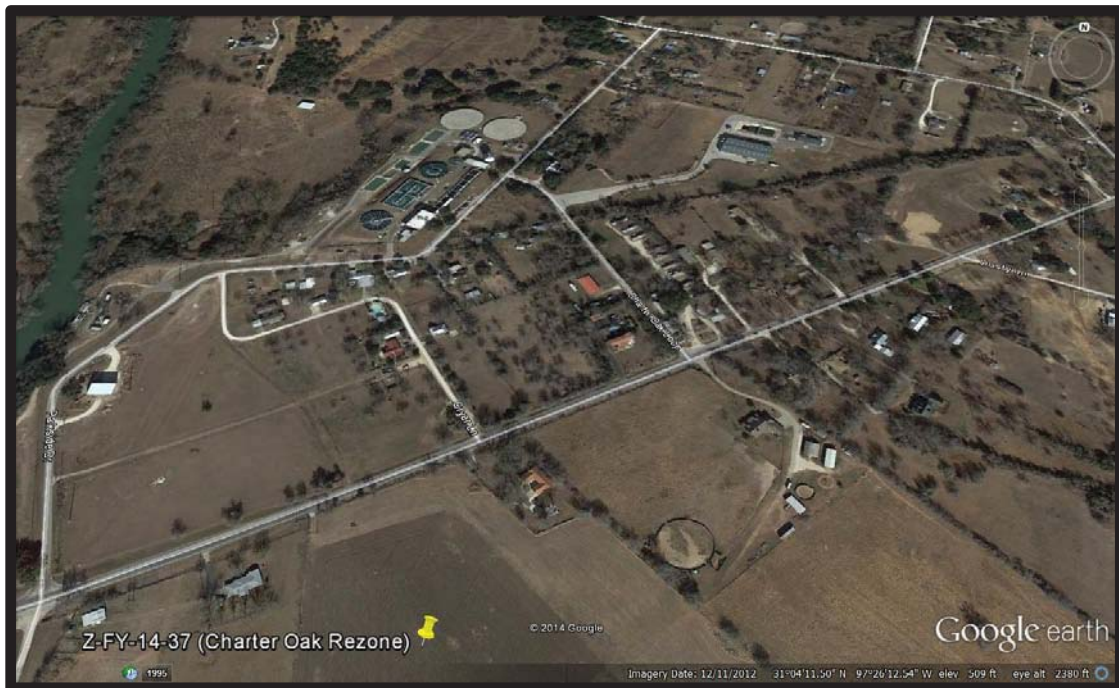
West: Undeveloped (Google Earth Image)(GR & ETJ)



North: Scattered SF Residences on Acreage (UE, GR, SF-1 & MH)



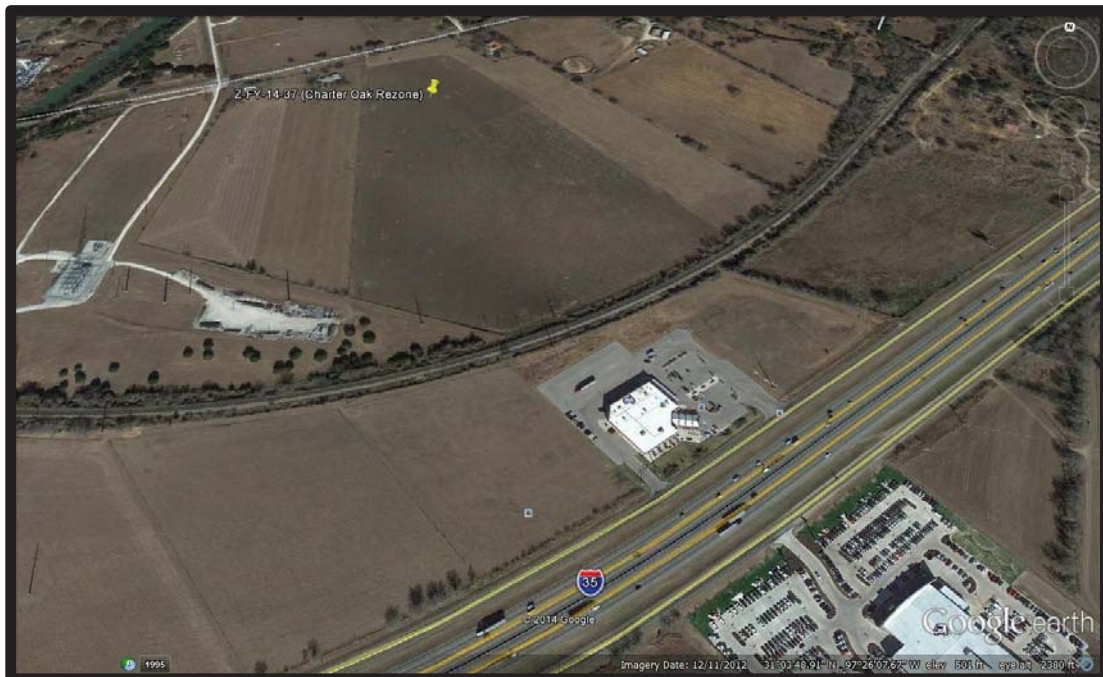
**North: (Looking from Charter Oak Loop) Scattered SF Uses
(UE, GR, SF-1 & MH)**



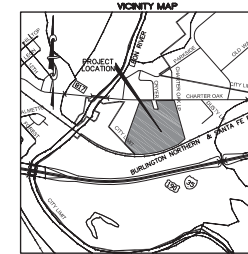
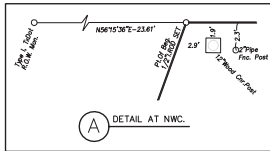
North: (Aerial) Scattered SF Uses (GR, UE, SF-1 & MH)



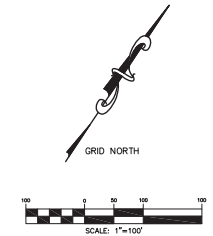
South: (Looking across Site) BNSF Railroad, I-35 & Scattered Commercial & Industrial Uses (LI, GR)



**South: (Aerial) BNSF Railroad, I-35 & Scattered Commercial and Industrial Uses
(LI, GR)**



- SURVEYOR'S NOTES:
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
 2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETED TITLE REPORT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.
 3. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANELS NO.48027-C0330E, and NO.48027-C0335E, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
 4. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.
 5. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SVC".
 6. THERE IS A METES AND BOUNDS DESCRIPTION WHICH ACCOMPANIES THIS SURVEY.
 7. THIS TRACT LIES WITHIN THE CITY OF TEMPLE, TEXAS.
 8. DISTANCE/AREA ARE GRID VALUES



WIRE FENCE = — x — x —
OVERHEAD LINE = — — — — —

NANCY CHANCE SURVEY
ABSTRACT NO. 5
TEMPLE, BELL CO. TEXAS

61.137 ACRES

B.N.S.F. RAILROAD

FERRIS TIMMERMAN PTUX
VOL. 4249
VOL. 4248



TO: CENTRAL TITLE COMPANY/SA

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION IV SURVEY AND THE CURRENT MINIMUM REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYING ACT.

01-07-14
DATE
BRUCE L. BRYAN, R.P.L.S.
TEXAS REGISTRATION NO. 4249

LAND TITLE SURVEY
5105 CHARTER OAK ROAD

61.137 ACRE TRACT OUT
OF THE NANCY CHANCE
SURVEY
ABSTRACT NO. 5
BELL COUNTY, TEXAS

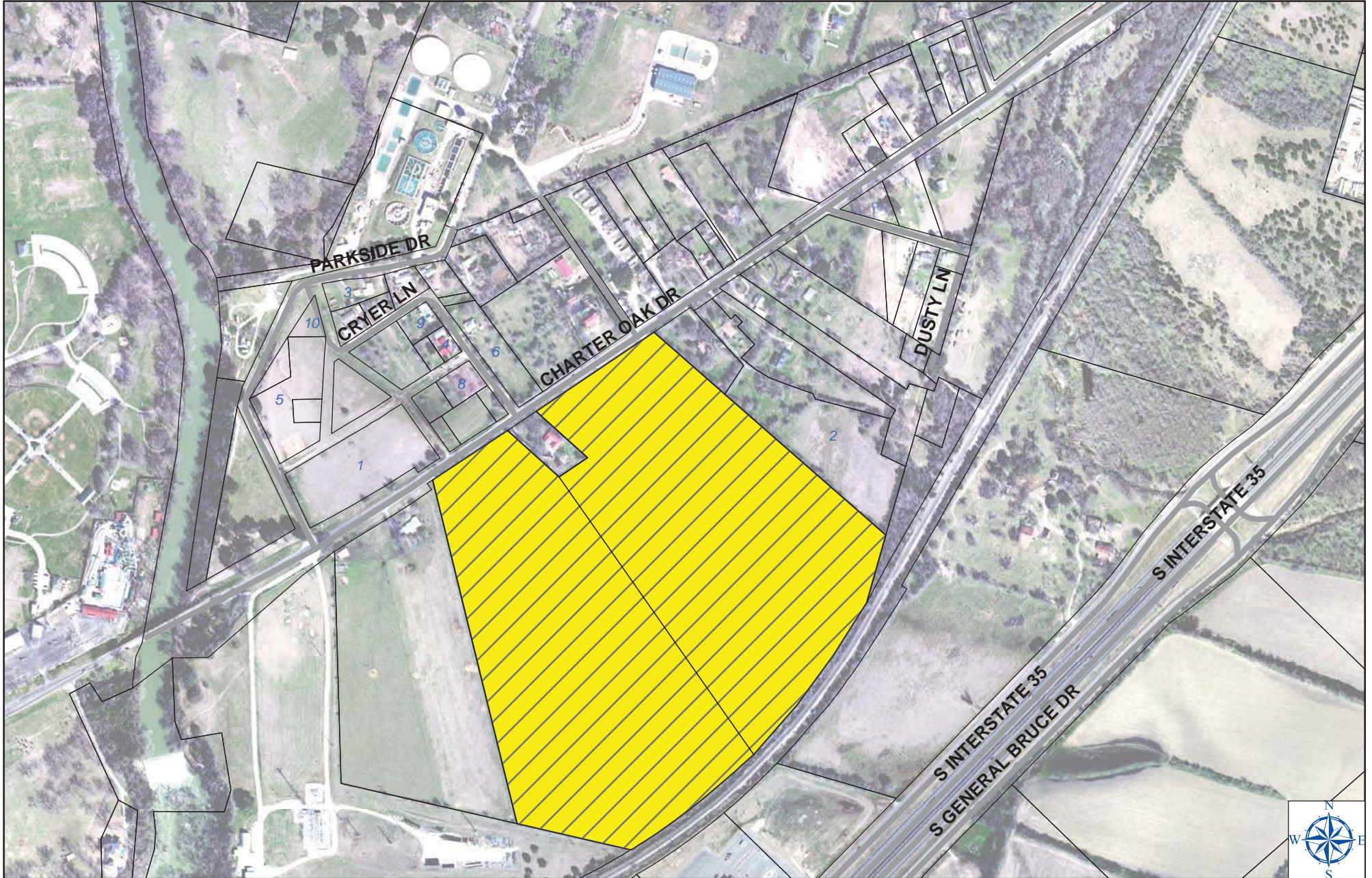
BRYAN TECHNICAL SERVICES, INC.



911 NORTH MAIN
FAYETTE, TX 77460
PHONE: (817) 353-6000
FAX: (817) 353-6001
surveys@btsinc.com

| NO. | DATE | REVISIONS | BY |
|-----|--------|--|------|
| 1 | 1-8-13 | LIMITED HOUSE TRACT AT NORTHERLY COR. L.C. | L.C. |

| | |
|--------------------|------------------------|
| DRAWN BY: LCHTAY | CHECKED BY: BLB |
| SCALE: 1" = 100' | APPROVED BY: BLB |
| PROJECT NO. 13-578 | DATE: JANUARY 05, 2014 |



Case

Lot Number

1234-A

1234

①

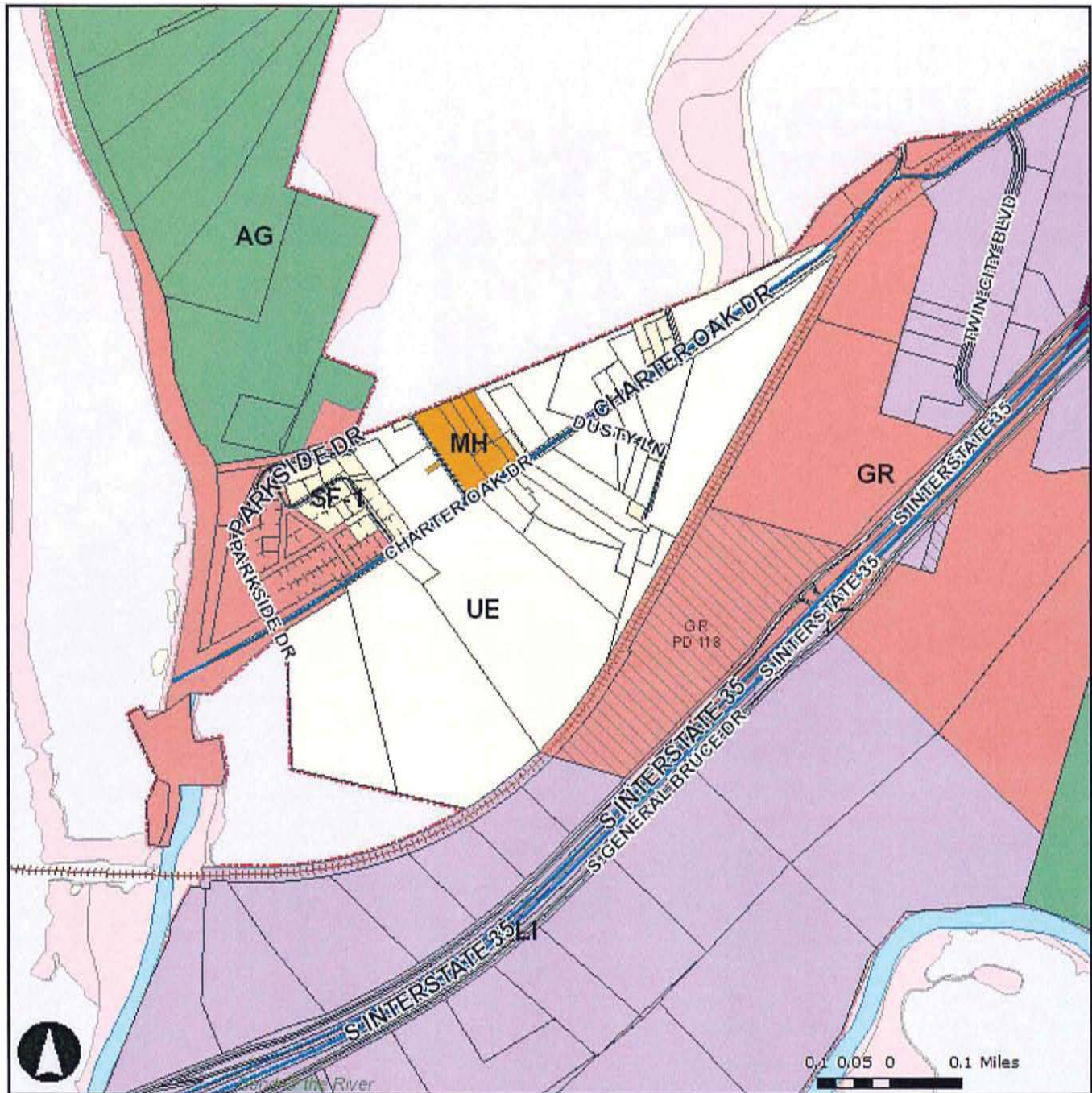
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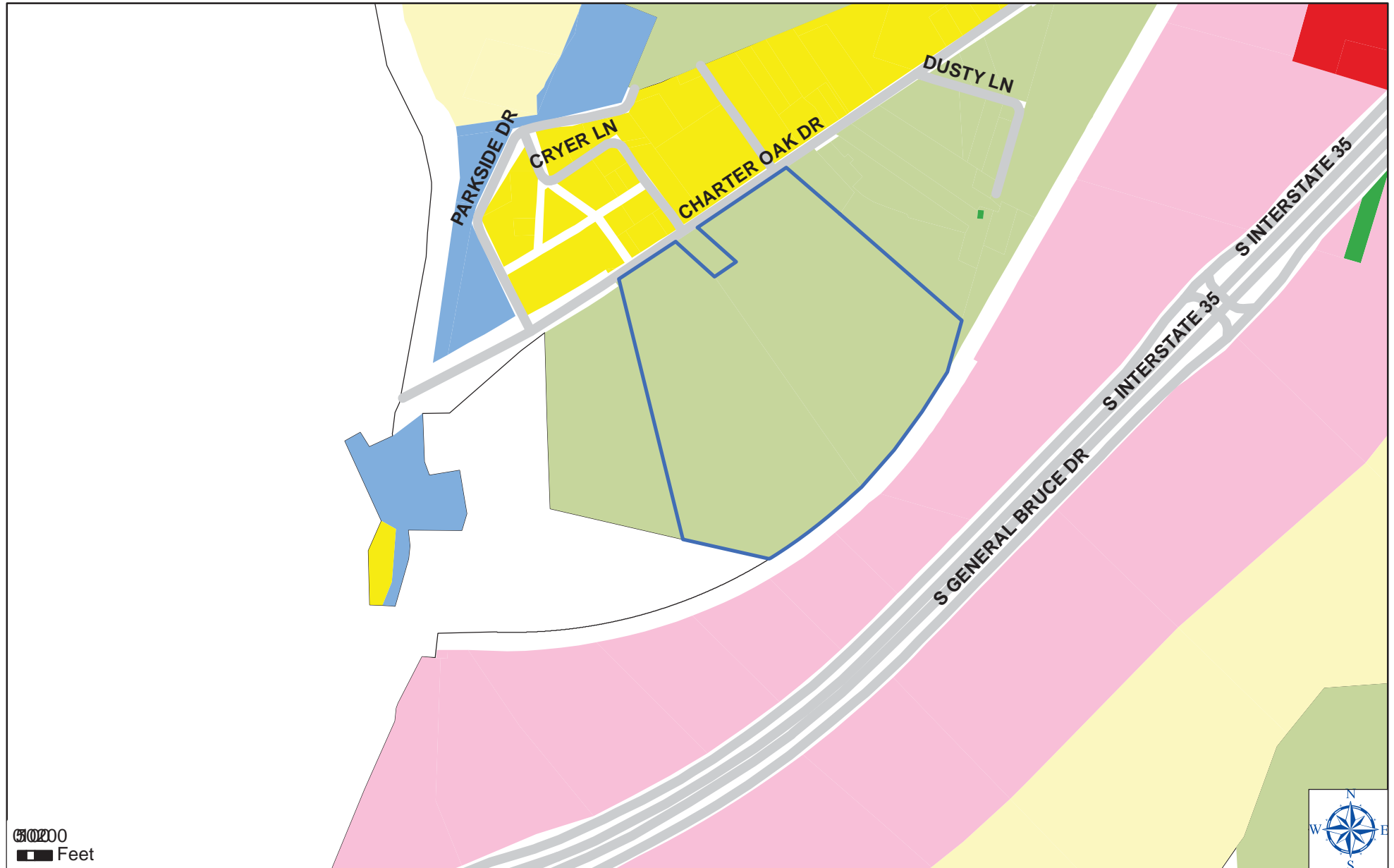


9/5/2014
City of Temple GIS
mbaker

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.

Map





Future Land Use

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

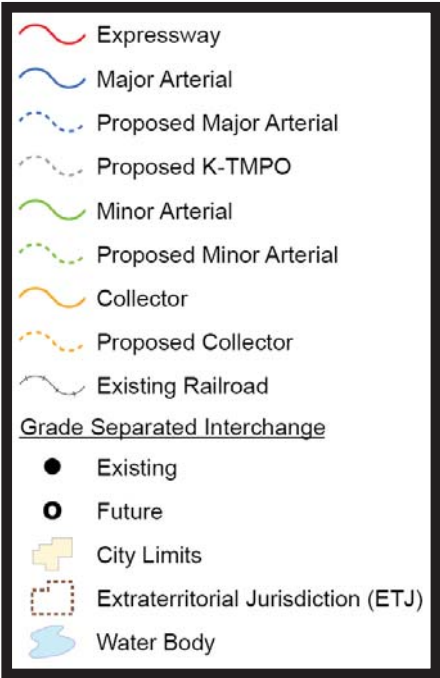
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8/18/2014
City of Temple GIS

Localized Area of the Thoroughfare Plan



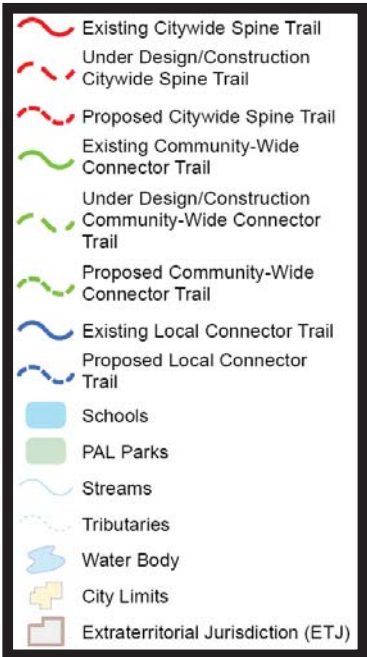
Map Legend (Map not to scale)

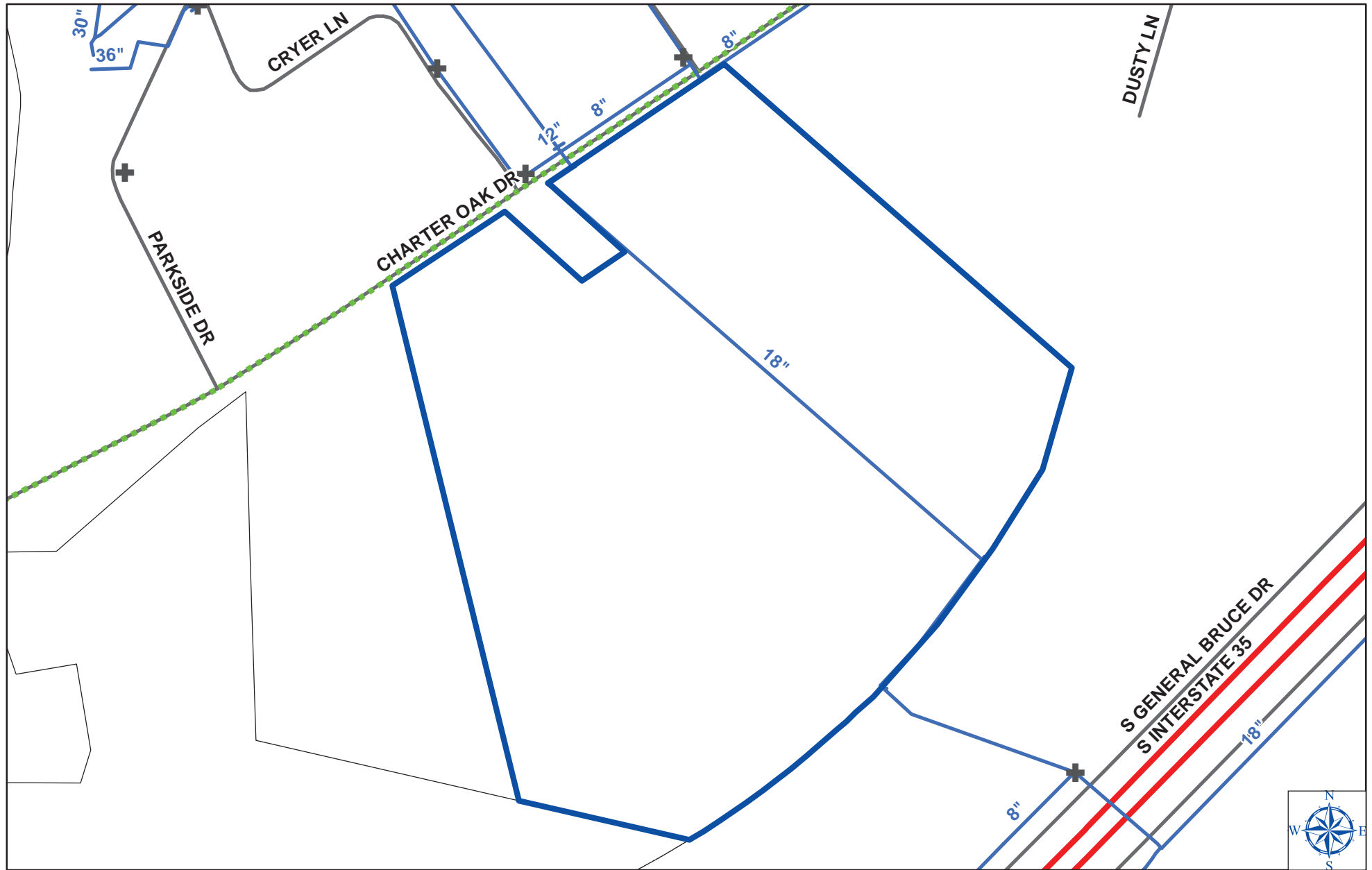


Localized Area of the Trails Plan



Map Legend (Map not to scale)



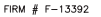


- | | | | |
|--------------|----------------|-------------------------|-------------------------|
| Case | Water Line | Proposed Major Arterial | Proposed Minor Arterial |
| Fire Hydrant | Expressway | Proposed K-TUTS | Collector |
| Sewer Line | Major Arterial | Minor Arterial | Conceptual Collector |

0 150 300 600
Feet

8/18/2014
City of Temple GIS

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[illegible]

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5600
MOBILE (254)289-7273
BELTONENGINEERS.COM

PRELIMINARY MASTER PLAT OF:
OLDE TOWNE DEVELOPMENT
SURVEY ABSTRACT
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPER/OWNER
P.O.BOX 2222, CITY, BELL COUNTY, TEXAS

PX-1

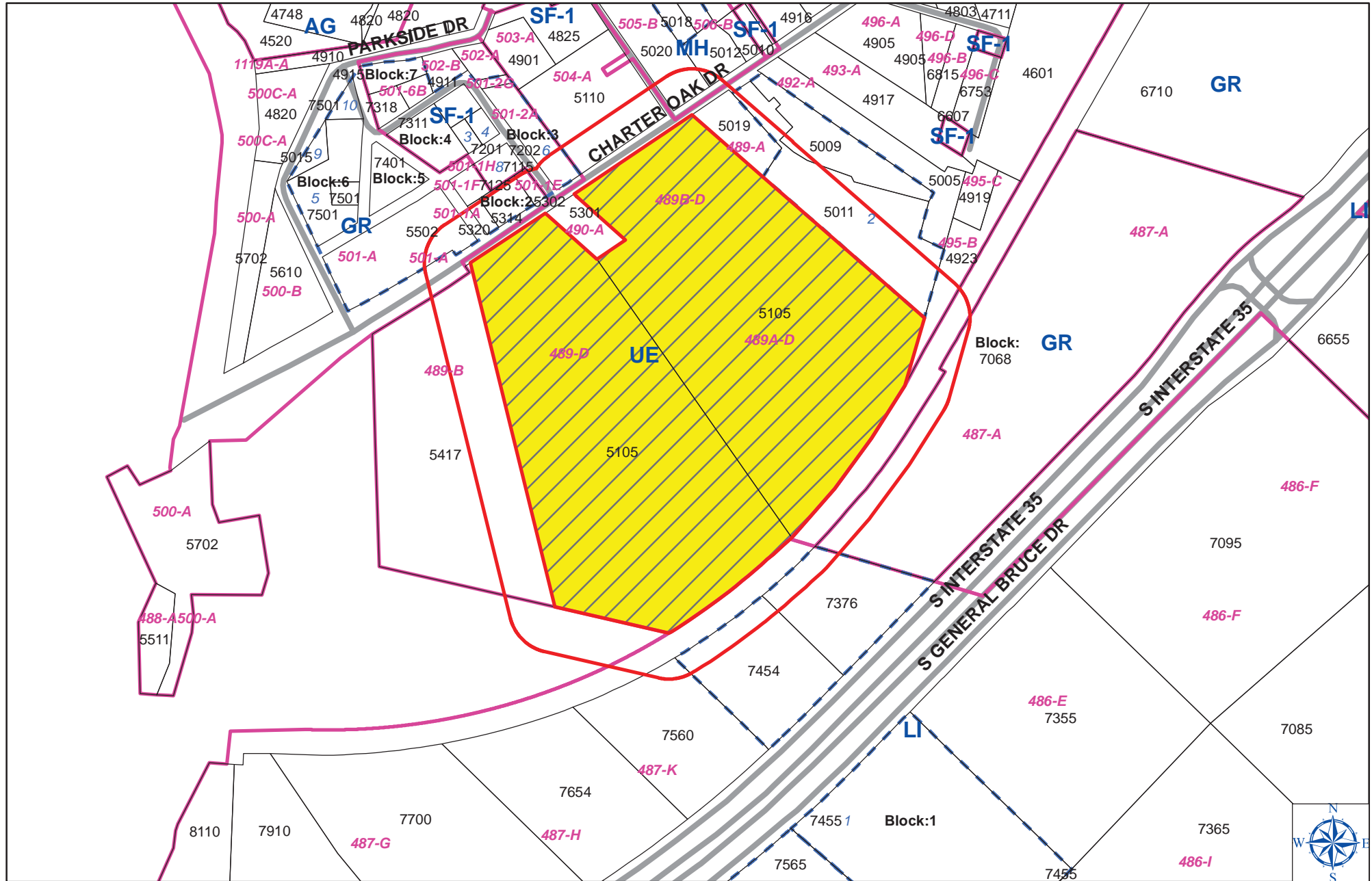




Z-FY-14-37

Notification Map UE to SF-1

5105 Charter Oak Dr.



Case



Zoning



200' Buffer



Subdivision

Outblock Number

1234-A

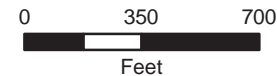
1234

①

Block Number

Lot Number

1



9/5/2014
City of Temple GIS
mbaker

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RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Marion Etux Maria Allen
5301 Charter Oak Drive
Temple, TX 76502

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend () approval ☒ denial of this request.

Comments:

We believe this will overload the use of Charter Oak Drive. The cars are never ending now from new construction on North west side of town.

Most all homes here are on one acre or more lots are these?

We are concerned about street run off being greater than now causing flooding

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 10 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Susan G. Skinner
350 Bluebonnet Circle
McGregor, TX 76657

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend ☒ approval () denial of this request.

Comments:

*The property I own (4923) (495-B)
which connects through to Rusty Lane
is for sale!*

Susan Skinner
Signature

Susan Skinner
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 11 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Eddie Hunt
902 Pecos Drive
Temple, TX 76504

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Signature

EDDIE HUNT

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED
SEP 15 2014
City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Robert Eno
5010 Charter Oak Drive
Temple, TX 76502

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

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

Comments:

*We are concerned about the fact he is planning on doing
with the land. If he is going to put in more
than a few houses, we are concerned about the extra
truffles and also septic*

Robert Eno
Signature

Robert Eno
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 15 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Yvonne & Keith Morgan
5011 Charter Oak Drive
Temple, TX 76502

RECEIVED

SEP 15 2014

City of Temple
Planning & Development

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend () approval

☒ denial of this request.

Comments:

① THIS PROJECT WILL INCREASE TRAFFIC ON CHARTER OAKS TO AN OBJECTIONABLE LEVEL! MOST OF THIS NEIGHBORHOOD IS COMMITTED TO THE "COUNTRY-LIKE" ENVIRONMENT. I INVESTED IN ~~HOME BUILDING~~ BUILDING MY HOUSE HERE BECAUSE IT WAS AWAY FROM HOUSING PROJECTS, TRAFFIC & THE ILLS THAT FOLLOW THIS TYPE OF CONGESTION. WE ARE CONCERNED AT THE NEGATIVE ENVIRONMENTAL IMPACT ON THE AREA. THIS AREA IS HOME - AS IS!! BUILDING HOMES WILL DIMINISH THE VALUE OF OUR PROPERTY BOTH IN HEART AND IN DOLLARS - THE LATER IS OF LESS IMPORT. DON'T DESTROY OUR NEIGHBORHOOD!

R. Keith Morris

Signature

R. Keith Morris

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

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



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #9
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: PUBLIC HEARING – Z-FY-14-38 – Consider adopting an ordinance authorizing a zoning change from TMED (T5-c) to PD-T5-c (Planned Development District-TMED T5-c) on a portion of Lots 2 and 3, Block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31st Street.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At their September 15, 2014 meeting, P&Z recommended unanimous approval.

STAFF RECOMMENDATION: Staff recommends approval of the Planned Development with the following exceptions from Sec. 6.3 (TMED) of the Unified Development Code:

1. Exceeds 12' maximum front setback (Sec. 6.3.5.B.)
2. 80 percent impervious cover limitation (Sec. 6.3.5.B.) to allow:
 - a. Lot 1: 85.1% impervious cover
 - b. Lot 2: 87.3% impervious cover
 - i. Note: Lot 3 is under the maximum with 75.1% impervious cover
3. Less than the 2-story building height requirements (Sec. 6.3.5.D.)
4. Allowing a commercial surface parking lot (Sec. 6.3.6.D. prohibits commercial surface parking lots in T5-c)
5. A drive-through would be permitted for a proposed restaurant (6.3.6.D. prohibits drive-through restaurants in T5-c)
6. 1 tree per 12 parking spaces (Sec. 6.3.10.D. requires 1 tree per 10 parking spaces)
7. 5 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along Scott Boulevard. (Sec. 6.3.11.B.5.)
8. 8 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along South 31st Street (Sec. 6.3.11.D.2.)
9. 50 foot maximum building façade length without articulation (Sec. 6.3.13.D. requires a 5-foot building offset at least every 50 feet of façade length)
10. Two 8 foot x 9 foot freestanding single-tenant monument signs and two 12 foot x 10 foot multitenant monument signs (Sec. 6.3.16.C)

The recommendation for approval is also conditioned on the applicant providing the following:

1. Street lighting consistent with the TMED lamp standards (lighting found along South 1st and South 5th Streets adjacent to Temple College)
2. Pedestrian connections from the South 31st Street and Scott Boulevard sidewalks to the retail development

ITEM SUMMARY: The property is currently zoned TMED T5-c, which is a zoning district is intended to create “higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to sidewalks.”

The proposed project would be characterized as “horizontal mixed use” as opposed to the “vertical mixed use” envisioned by the T5-c District, since the retail and proposed multi-family uses would be segregated on separate lots. However, the Future Land Use Plan designates the property as Auto-Urban Commercial, with which the proposed development complies. The City of Temple’s Comprehensive Plan, Choices ’08, describes the Auto-Urban Commercial designation as:

“Auto-Urban Commercial is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads. The use of a higher landscape surface area, better landscaping along frontages and around and within parking areas, a build-to line (rather than a large front yard setback), and other signage and design standards would significantly enhance the appearance of these areas, especially as sites redevelop over time. Similar to the Suburban Commercial district, the minimum site area is commonly 10,000 square feet but may be larger for multi-tenant buildings and centers. More intensive uses will naturally require larger sites to meet other site standards such as parking and on-site circulation.”

A future phase of multi-family development (shown on the site plan) would require an amendment to the Planned Development standards and site plan, which would require P&Z review, followed by City Council approval.

Of the 53 TMED T5-c code provisions within the checklist (see TMED Checklist Attachment), the applicant has requested 10 exceptions, the justification for which is primarily based on the following factor:

- Limited space, characterized by a long, narrow strip of land, for the proposed retail

As a result, staff has been working with the applicant/developer of the project to ensure that the project meets the TMED T5-c: 1) street frontage requirements for landscaping, screening and lighting and 2) masonry requirements for the building. The applicant has also confirmed his intention to landscape the TXDOT right-of-way behind the sidewalk, in addition to the landscaping on the retail property.

Proposed Traffic Signal at S. 31st Street and BS&W Emergency Room Entrances:

The City of Temple, BS&W and the developer have all been working with TXDOT to have a traffic signal eventually installed at this intersection.

PLANNED DEVELOPMENT (UDC SEC. 3.4): A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

As part of the Planned Development request, a Development Plan (Site Plan) is required for review and consideration by the Planning and Zoning Commission and City Council.

Development Plan Review Criteria (UDC Sec. 3.4.5): In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider the following criteria:

- A. The plan complies with all provisions of the Design and Development standards manual, the UDC and other ordinances of the City,
- B. The environmental impact of the development relating to the preservation of existing natural resources of the surrounding properties and neighborhood is mitigated,
- C. The development is in harmony with the character, use and design of the surrounding area,
- D. Safe and efficient vehicular and pedestrian circulation systems are provided,
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are useable and are safely and conveniently arranged, and
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

Additional Standards (UDC Sec. 3.4.2C): In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

Expiration (UDC Sec. 3.4.7): If no development has occurred on a Planned Development-zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

Design Review Committee: The Design Review Committee (DRC) reviewed the proposed Development Plan at their September 2, 2014 meeting, at which time the following topics were discussed:

- Vehicle access and drive widths to meet Fire Marshall requirements
- Pedestrian access from sidewalk to the development
- Easement widths and locations
- Drainage
- Lighting

All questions by DRC members were adequately addressed.

LAND USE: Some of the uses permitted by right in the T5-c district include, but are not limited to:

Residential uses

Single-Family (Attached)
Multi-family (with limitations)

Nonresidential uses

Assisted Living (with limitations)
Hospital
All Retail
Restaurant (no drive-through)
On-premise alcohol consumption (with a CUP)

Prohibited uses include Single-Family (Detached), all industrial and manufacturing uses, fuel sales.

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 | Auto Urban Commercial | T5-c | Undeveloped |
| North | Suburban Commercial | T5-c | Undeveloped |
| South | Auto Urban Commercial | GR | Retail |
| East | TMED | SD-H (TMED) | BS&W Hospital |
| West | Auto Urban Commercial | T5-c | Retirement Community |

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) | Yes |
| CP | Map 5.2 - Thoroughfare Plan | Yes |
| CP | Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities | Yes |
| STP | Temple Trails Master Plan Map and Sidewalks Ordinance | Yes |

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The site is designated as Auto-Urban Commercial on the Comprehensive Plan's FLUP; therefore, the proposed development complies with the Plan. As part of the Planned Development, a site (development) plan (attached) is required to be submitted and reviewed by the Planning and Zoning Commission and City Council.

Thoroughfare Plan (CP Map 5.2)

- Scott Boulevard (Collector) – right-of-way width is 94', which exceeds the City's minimum standards for the classification (55')
- South 31st Street (Major Arterial) – right-of-way width varies from 114' to 125', which exceeds the City's minimum standards for the classification (70')

Availability of Public Facilities (CP Goal 4.1)

Existing 8-inch water and sanitary sewer lines exist in the south right-of-way of Scott Boulevard. Existing 6-inch, 8-inch, and 12-inch water lines exist in the west right-of-way of South 31st Water will be provided through 8-inch water lines. Sewer will be provided through 8-inch, 10-inch, and 18-inch sanitary sewer lines. Storm sewer drainage will be carried through 18-inch and 24-inch reinforced concrete pipes (RCP).

Temple Trails Master Plan Map and Sidewalks Ordinance

According to Parks and Leisure Services, both required sidewalks (on 31st Street and Scott Boulevard) will serve the City's Citywide Trails Master Plan as part of a pedestrian network. Provided the trails / sidewalks meet the TMED requirements, the walks are seen as sufficient in meeting the Citywide Trails Master Plan requirements as well.

DEVELOPMENT REGULATIONS in the T5-c district are:

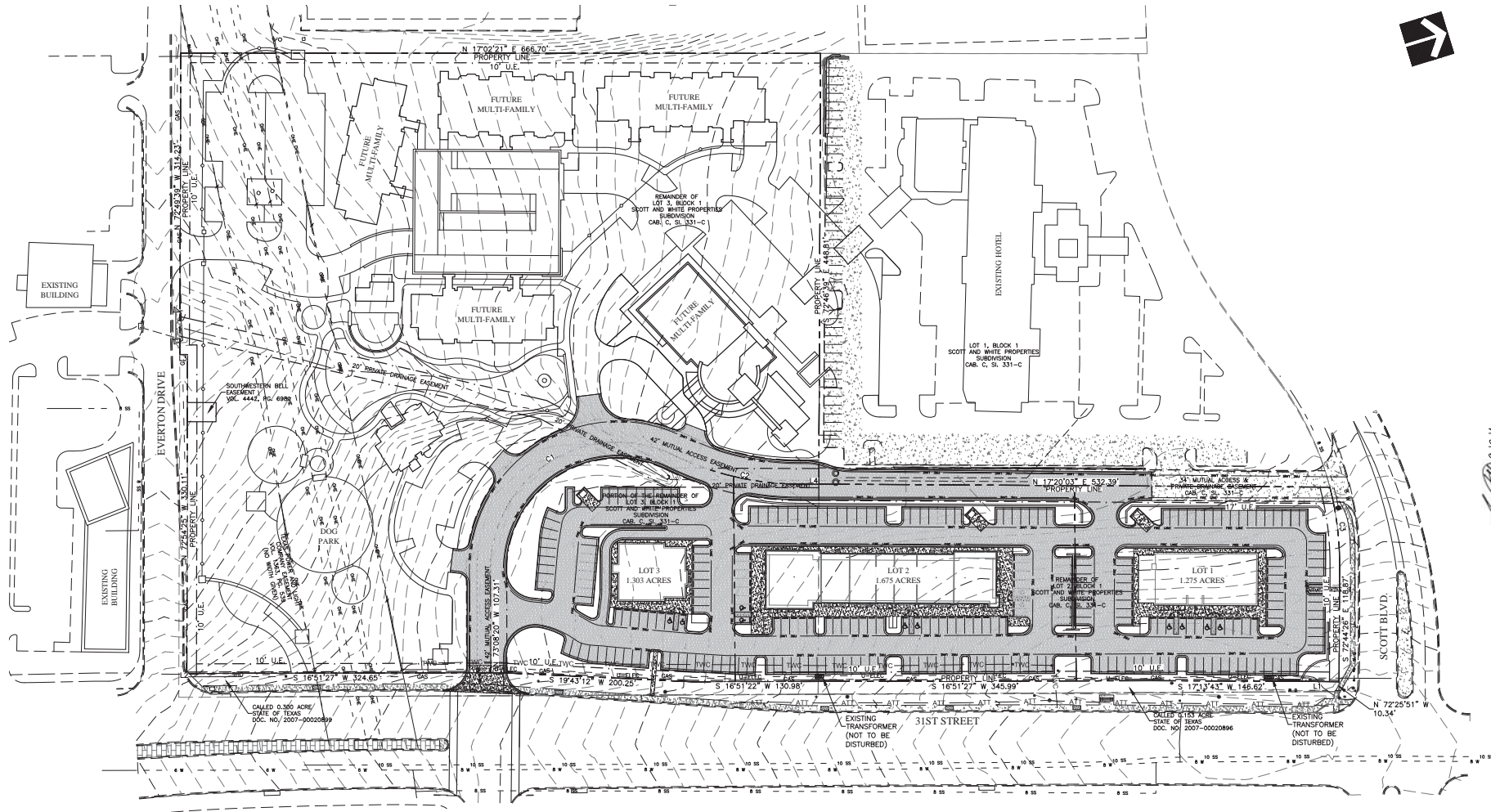
| | |
|------------------|---------|
| Min Lot Size | N/A |
| Min Lot Width | 18 |
| Min. Front | 4' |
| Max. Front | 12' |
| Impervious Cover | 80% max |

PUBLIC NOTICE: 15 notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday September 11, 2014 one (1) response from neighbors had been returned in favor and one (1) response returned in opposition.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Proposed Site](#)
[Proposed Landscape Plan](#)
[Site and Surrounding Property](#)
[Photos TMED Regulating Plan/](#)
[Transect Map Zoning and Location](#)
[Map Notification Map](#)
[Future Land Use Plan map](#)
[Thoroughfare Map](#)
[Utility Map](#)
[TMED Checklist](#)
[Proposed Signage](#)
[DRC Comments](#)
[Neighbor Responses](#)
[Ordinance](#)



NOTES

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY DEPTH OF EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT DURING CONSTRUCTION.

PARKING CALCULATOR

| BLDG NO. | BUILDING SQ. FT. | PARKING REQUIRED | SPACES PROVIDED |
|--------------|------------------|------------------|-----------------|
| 1 | 4450 | 1/3 SEATS | 73 |
| 2 | 3500 | 1/300 | 12 |
| 3 | 6567 | 1/250 | 27 |
| 4 | 2500 | 1/3 SEATS | 85 |
| 5 | 7152 | 1/3 SEATS | 85 |
| TOTAL SPACES | | | 252 |

CURVE TABLE

| LINE | LENGTH | RADIUS | DELTA ANGLE | CHD BEARING | CHD LENGTH |
|------|---------|---------|-------------|---------------|------------|
| C1 | 268.84' | 132.67' | 118°08'50" | N 15°03'55" W | 223.20' |
| C2 | 137.09' | 300.00' | 26°10'59" | N 29°55'00" E | 135.90' |
| C3 | 84.81' | 321.40' | 15°07'07" | S 79°56'12" E | 84.56' |

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 17°34'16" W | 50.04' |
| L2 | S 81°58'39" W | 3.19' |
| L3 | S 16°53'38" W | 7.93' |
| L4 | S 16°49'31" W | 18.95' |



Date: 9/10/14
Revisions: REVISED PER CITY OF TEMPLE COMMENTS.

CIVIL SITE PLAN

DRAWING STATUS

THIS DRAWING IS THE PROPERTY OF CLARK & FULLER, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CLARK & FULLER, INC.

THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE USER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES BEFORE CONSTRUCTION CAN BE CONSIDERED COMPLETE.

CLARK & FULLER, INC. 1000 N. 10TH STREET, SUITE 100, TEMPLE, TEXAS 76788-1000

SHOPPES ON THE HILL

NEW SITE DEVELOPMENT

TEMPLE, TEXAS

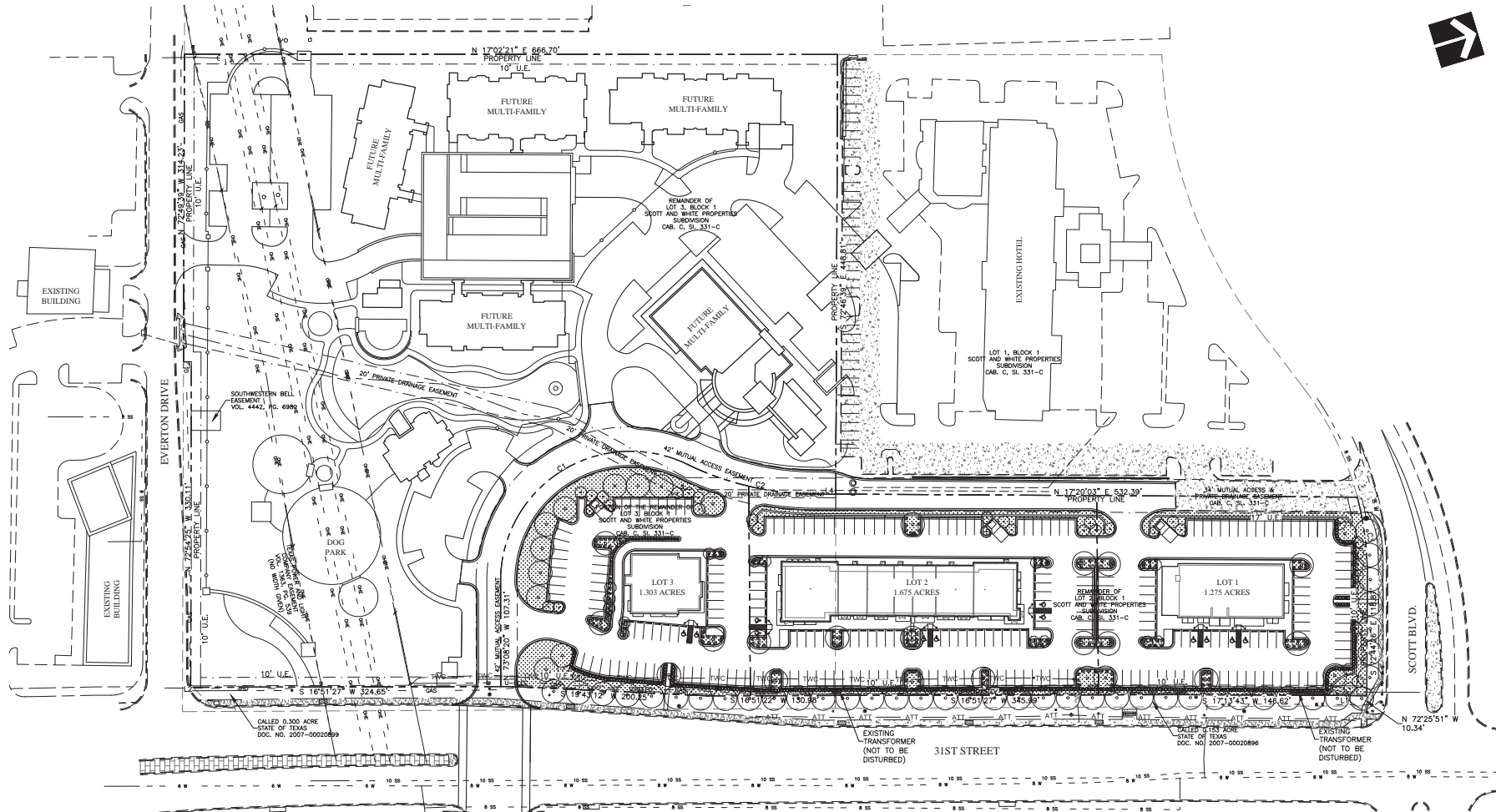
Project No: 141489.00

Plot Date: 9-10-14

Designed By: JBF

Drawn By: BNA

SP1.1



LANDSCAPE REQUIREMENTS - TMED PUBLIC FRONTAGE

| LOT NO. | TOTAL LINEAR FT. | 1 TREE PER 25 LF | TOTAL PROVIDED | 2 SHRUBS, 30" O.C. | 4" GROUNDCOVER 16" O.C. |
|---------|------------------|------------------|----------------|-----------------------|-------------------------|
| 1 | 255.00 | 10 | 10 | AT CONSTRUCTION PLANS | |
| 2 | 355.33 | 14 | 14 | AT CONSTRUCTION PLANS | |
| 3 | 273.95 | 11 | 11 | AT CONSTRUCTION PLANS | |
| TOTAL | 884.28 | 35 | 35 | AT CONSTRUCTION PLANS | |

LANDSCAPE REQUIREMENTS - TMED OVERALL TOTAL

| LOT NO. | TOTAL SQ. FT. | 20% REQUIRED | TOTAL PROVIDED | 1 TREE & 4 SHRUBS (600) | PROVIDED TREES & SHRUBS |
|---------|---------------|--------------|----------------|-------------------------|-------------------------|
| 1 | 56,745.84 | 11,349.17 | 8,490.10 | 19 / 76 | 24 / 206 |
| 2 | 72,968.78 | 14,593.76 | 9,256.25 | 23 / 96 | 39 / 201 |
| 3 | 55,539.18 | 11,107.84 | 13,820.95 | 19 / 76 | 45 / 161 |
| TOTAL | 185,253.80 | 37,050.76 | 31,567.30 | 62 / 248 | 110 / 568 |

**TOTALS INCLUDE SCREENING SHRUBS, PUBLIC FRONTAGE AND 20% REQUIREMENTS

LANDSCAPE NOTES

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.
- PRIOR TO INSTALLATION, LANDSCAPE CONTRACTOR SHALL COORDINATE THE TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBBERY WITH OWNER.
- NO REQUIRED LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER TO ADVERSELY AFFECT DRAINAGE OR UTILITY EASEMENTS.
- ALL AREAS NOT COVERED BY IMPERVIOUS SURFACES SHALL HAVE NEW GRASS SOD, GRASS SEEDING, MULCH, WASHED GRAVEL, ROCK, SAND OR OTHER DECORATIVE COVERS.
- TURF AREAS TO BE SOODED OR HYDROMULCHED SHALL BE BERMUUDA, BUFFALO GRASS OR OTHER DROUGHT TOLERANT CITY OF TEMPLE APPROVED GRASS.
- PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TEMPLE TMED APPROVED TREE LIST.

CURVE TABLE

| LINE | LENGTH | RADIUS | DELTA ANGLE | CHD BEARING | CHD LENGTH |
|------|---------|---------|-------------|---------------|------------|
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| C3 | 84.81' | 321.40' | 15°07'07" | S 79°56'12" E | 84.56' |

LINE TABLE

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| L2 | S 61°55'05" W | 3.19' |
| L3 | S 16°53'34" W | 7.83' |
| L4 | S 16°49'31" W | 18.95' |



Date: 9/10/14
Revisions: REVISED PER CITY OF TEMPLE COMMENTS.

PRELIMINARY LANDSCAPE PLAN

DRAWING STATUS

DESIGNED BY: JBF
CHECKED BY: JBF
APPROVED BY: JBF

DATE: 9/10/14

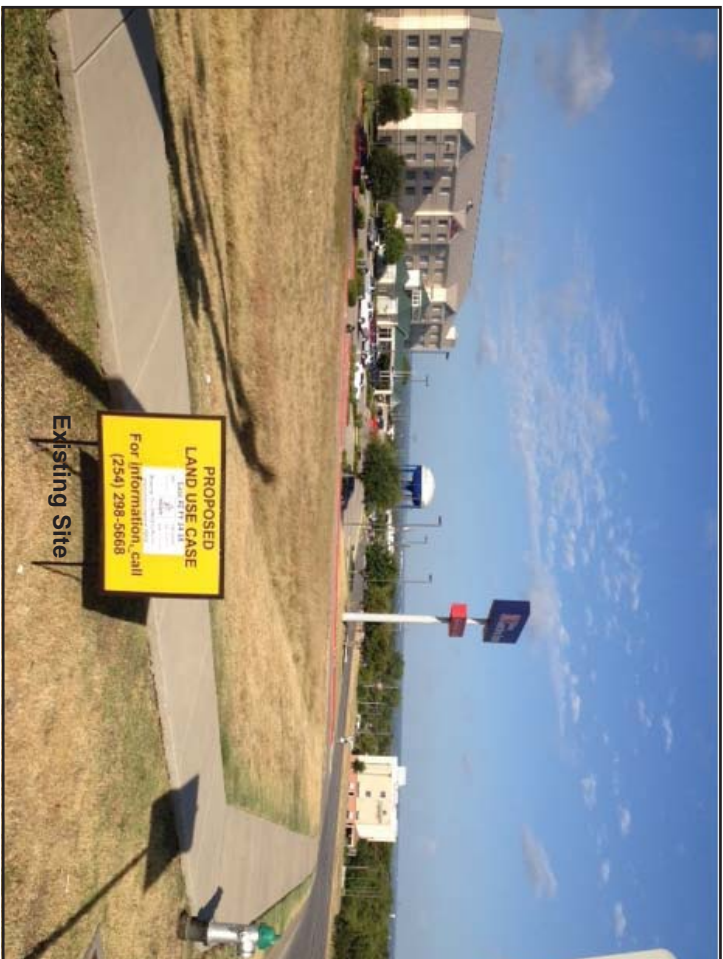
PROJECT: SHOPPES ON THE HILL
NEW SITE DEVELOPMENT
TEMPLE, TEXAS

CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING

211 North Main Street, Suite 101
Temple, Texas 76788

Project No.: 141480.00
Date: 9-10-14
Drawn By: JBF
Designed By: JBF

SP1.2



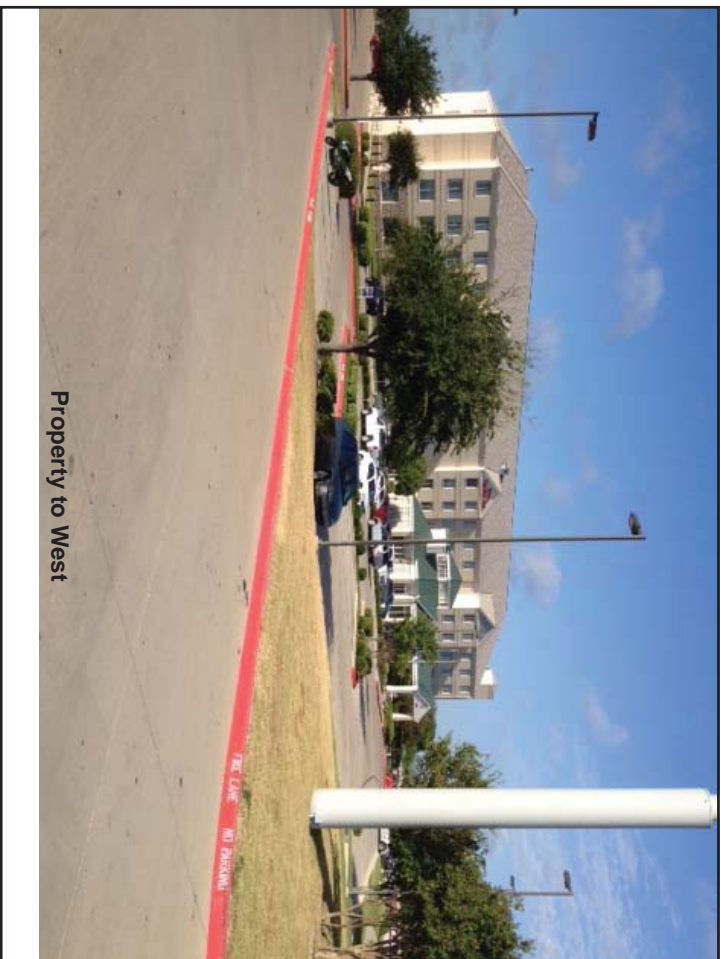




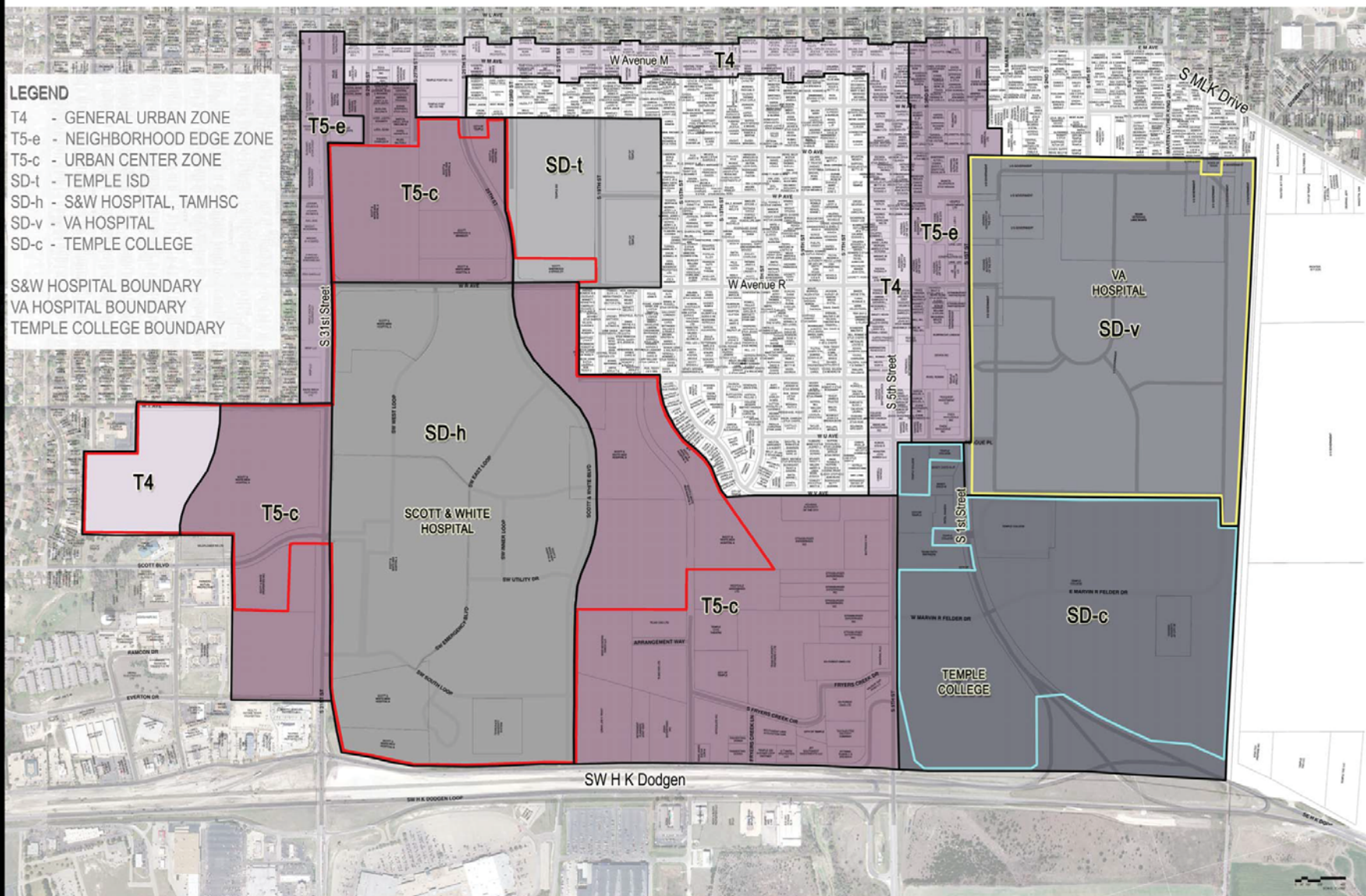
Property to South



Property to East



TEMPLE MEDICAL EDUCATIONAL DISTRICT

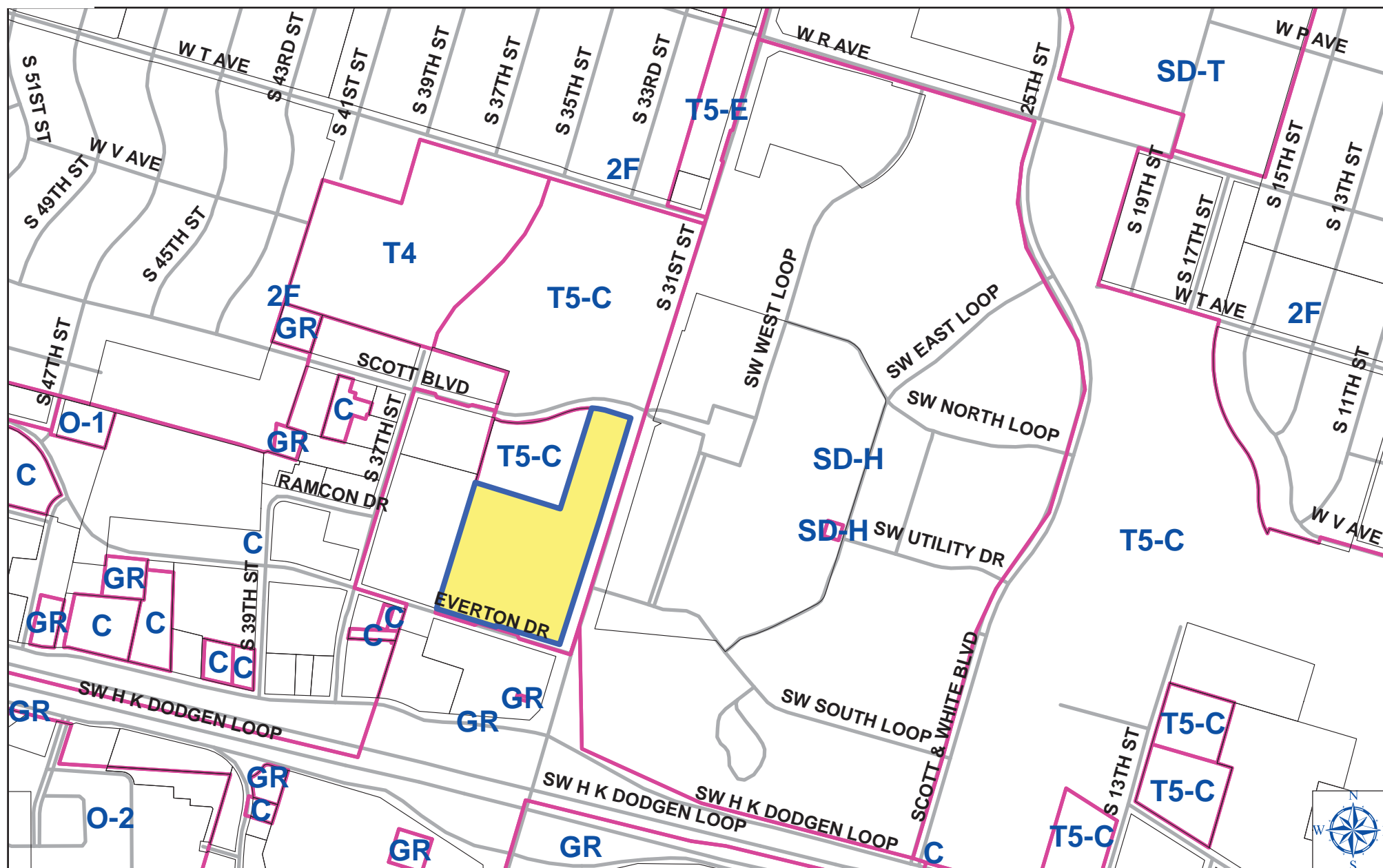


**REGULATING PLAN
TRANSECT MAP**

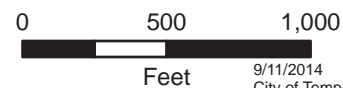




TMED T5-C to Planned Development-TMED (PD-T5-C)



- Case
- Subdivisions
- Zoning

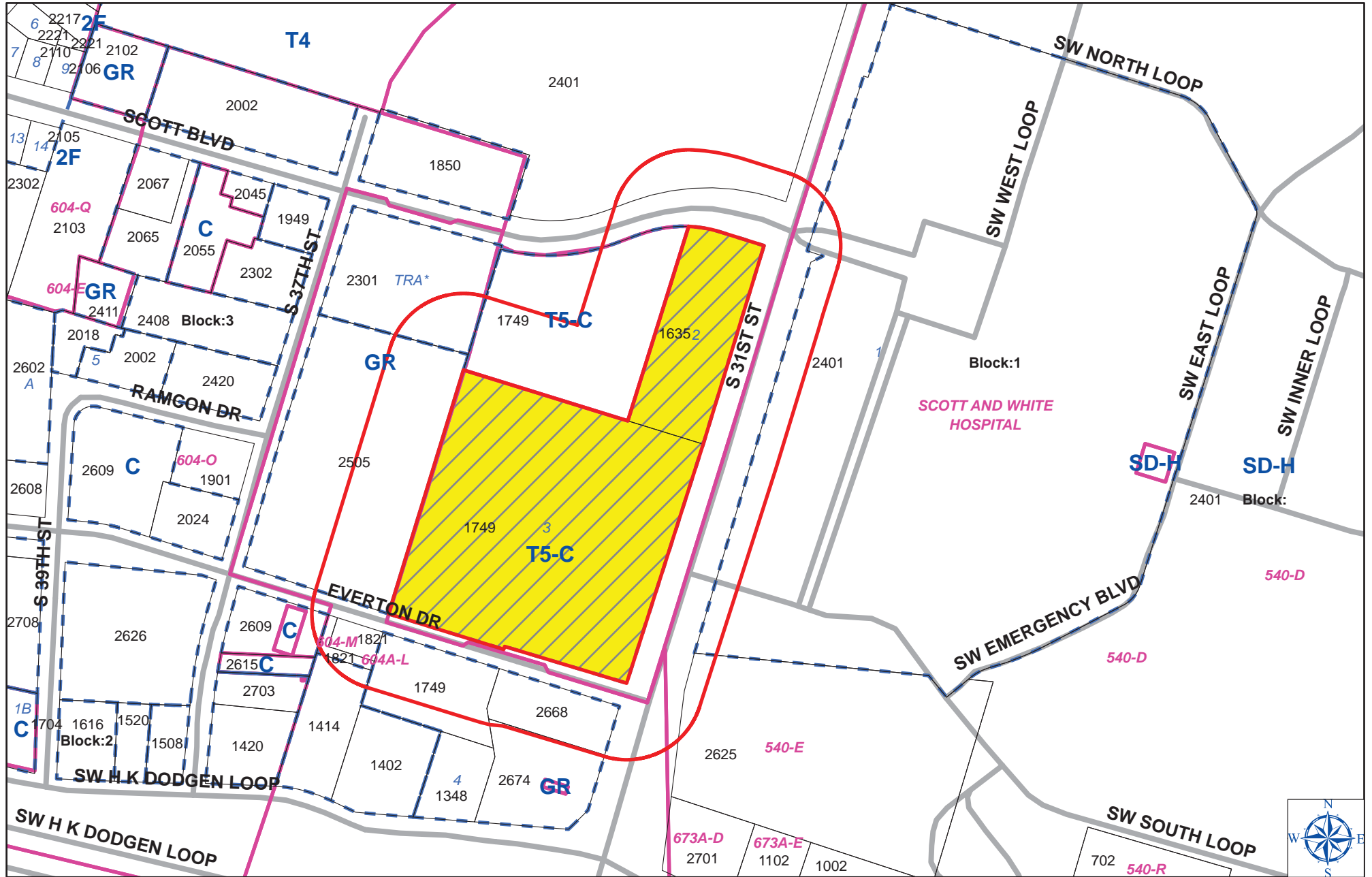


9/11/2014
City of Temple GIS

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-14-38 TMED T5-C to Planned Development-TMED (PD-T5-C)

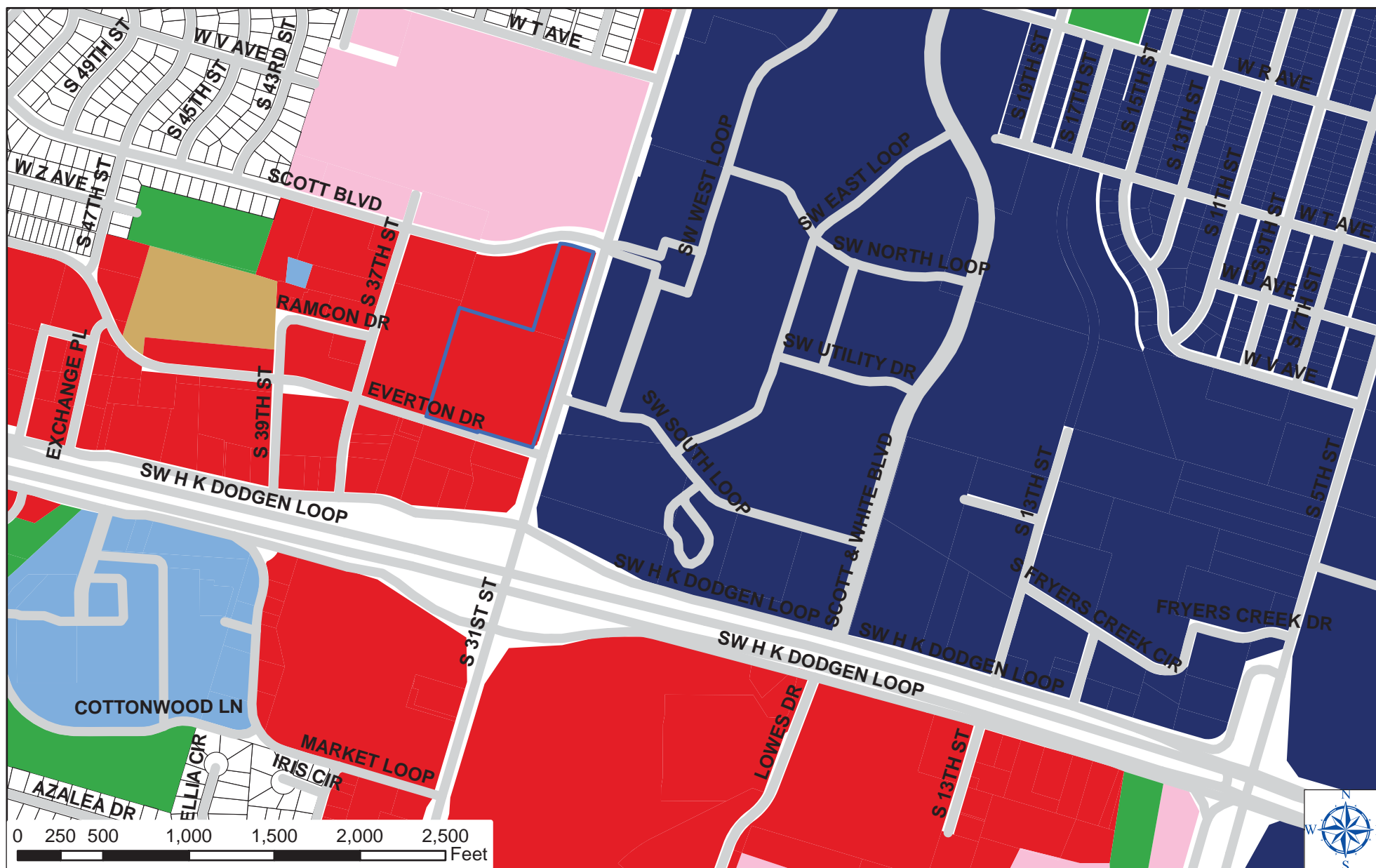


- Case
- Zoning
- 1234-A Outblock Number
- ① Block Number
- 200' Buffer
- Subdivision
- 1234
- 1 Lot Number



8/29/2014
City of Temple GIS
bandler

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

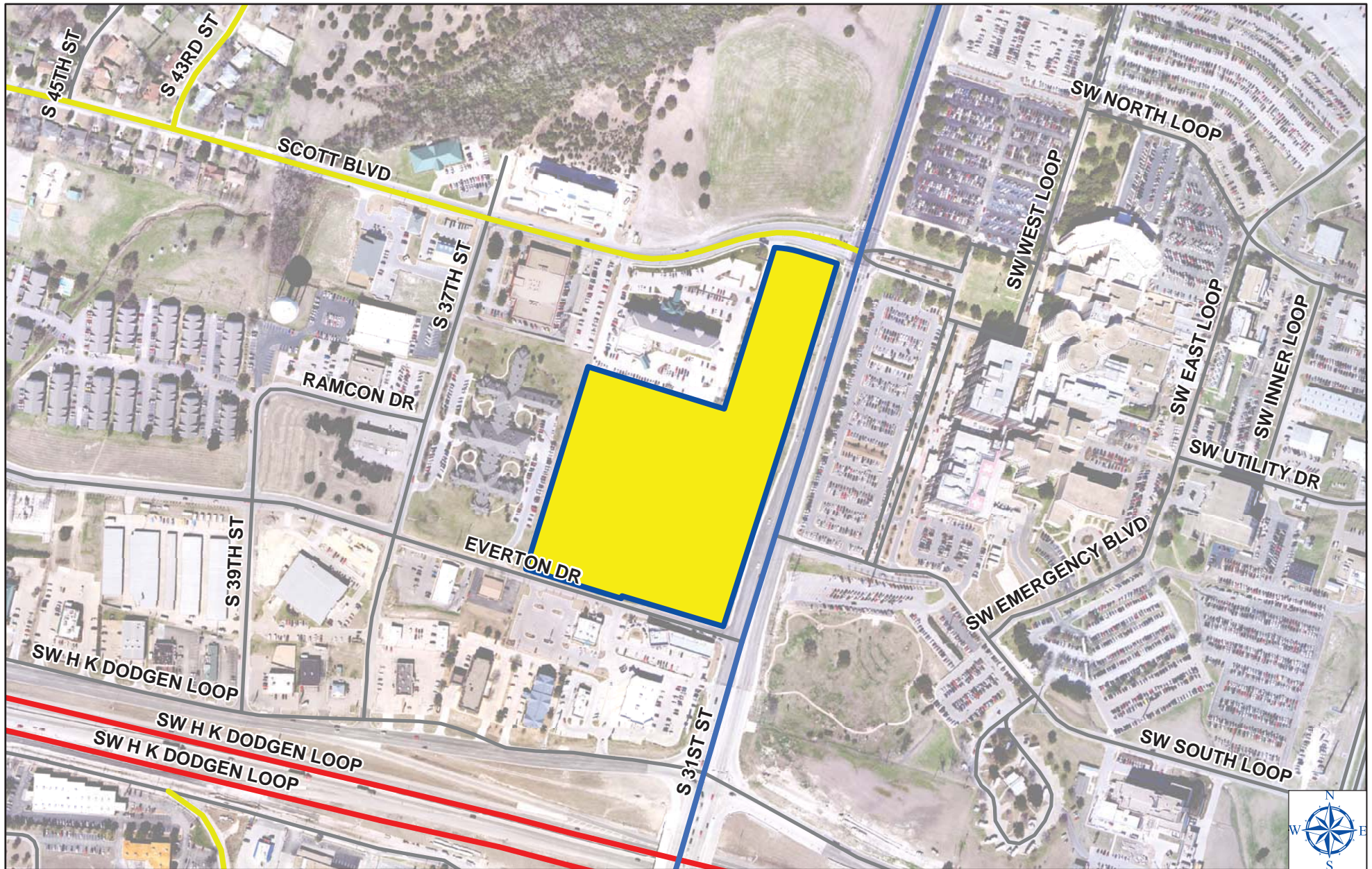


Future Land Use

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

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9/10/2014
City of Temple GIS

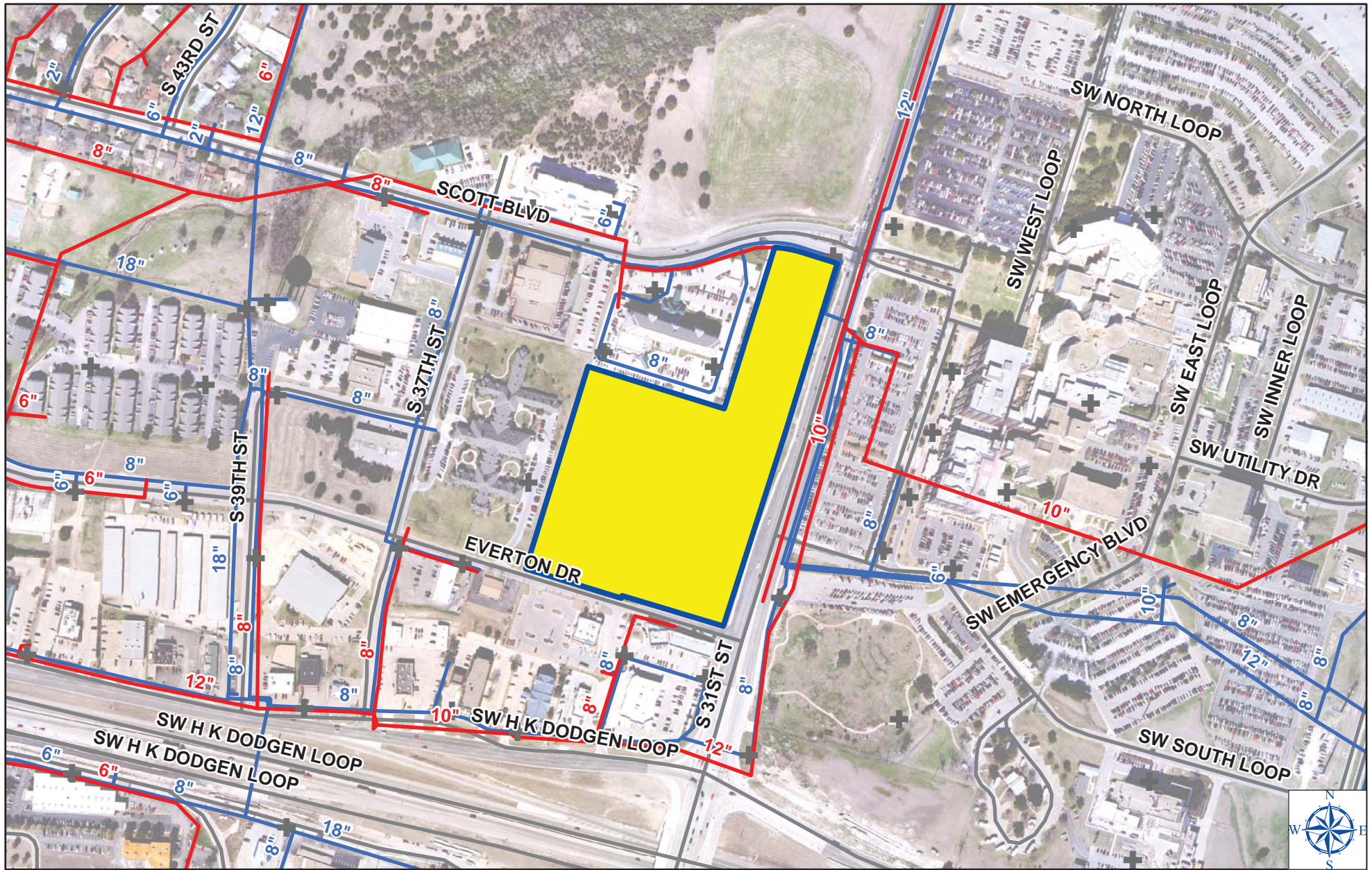


- | | | | |
|-------------------------|----------------|-------------------------|----------------------|
| Case | Expressway | Proposed K-TUTS | Collector |
| Major Arterial | Minor Arterial | Proposed Minor Arterial | Conceptual Collector |
| Proposed Major Arterial | | | |

0 250 500 1,000
Feet

9/10/2014
City of Temple GIS

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- Case
- Fire Hydrant
- Water Line
- Sewer Line



9/10/2014
City of Temple GIS

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| Code Section | Code Standard | Yes/No | Proposed Standard | Reason for not meeting TMED Standard |
|--|--|-------------|--------------------------------|---------------------------------------|
| Use Standards: UDC 6.3.6 | Does the project meet dimensional and setback requirements? | No | max 12' | need front parking area |
| | Does the project meet building configuration requirements? | No | 2 stories | single story retail, confined site |
| | Is the use allowed in the district per table 6.3.6D? | Yes | | |
| | Does the use carry an "L" designation per table 6.3.6 D? If so, specific use standards apply. | Yes | Multi-family (at a later date) | Requirements will be met at that time |
| | Does the project meet all specific use standards? 6.3.6 E | Yes | | |
| | Is any outdoor storage proposed? Outdoor storage not permitted in TMED. 6.3.6 G | No | | |
| | Outdoor sale and display of commodities not allowed in transect zone or Special District where such sale is not an allowed use. 6.3.6 H | n/a | | |
| | If permitted, does temporary outdoor display for a sidewalk sale not extend more than 5' from front façade and reserves 5' of pedestrian walkway? 6.3.6 H | No | | |
| Circulation: UDC 6.3.7 | Does the project meet Thoroughfare Standards? 6.3.7 B | Yes | | |
| | Does the project meet Block Perimeter Standards? 6.3.7C (Not applicable to SD) | No | 2,000 feet | not a full block |
| | Does the project meet access and connectivity standards related to driveway spacing and connection requirements? 6.3.7 D1 (Not applicable to SD) | yes | | |
| | If project is located in T5-e district on First Street do driveway cuts meet the minimum requirements? 6.3.7D2 | n/a | | |
| Parking & Loading Standards: UDC 6.3.8 | Does the project meet the minimum parking ratios and parking space dimensions required? 6.3.8B-C | yes | | |
| | Is off street loading proposed? Does location meet requirements? 6.3.8E (Not applicable to SD) | yes, yes | | |
| | Does parking meet general location and use standards? 6.3.8G | yes | | |
| | Does parking located in T5-e on First Street meet special requirements? 6.3.8H | n/a | | |
| | Is on-street parking allowed and in conformance with location and configuration standards? 6.3.8I | not allowed | | |
| Bike Facilities: UDC 6.3.9 | Is location and placement of bike facilities in accordance with standards? 6.3.9 B | yes | | |
| | Are minimum required bicycle racks provided? 6.3.9 B | yes | | |
| Private Property Landscape Standards: UDC 6.3.10 | Is the project in a transect zone? If so then all private parking landscape standards apply 6.3.10A | yes | | |
| | Does project provide minimum site landscaping for transect zones per table 6.3.10B? | yes | | |
| | Are proposed trees selected from approved list and meet tree mix requirements? 6.3.10C | yes | | |
| | Are parking lot landscaping and screening requirements met? 6.3.10D-E | No | 1 tree per 10 space | 1 tree per 12 spaces |
| | Has mechanical equipment been screened according to standards? 6.3.10F | Yes | | |
| | Have waste containers been screened according to standards? 6.3.10G | Yes | | |
| | Have loading docks been screened according to standards? 6.3.10H | Yes | | |
| | Do all proposed fences and walls meet minimum standards? 6.3.10I Additional standards for: non-residential/multifamily 6.3.10J, for single family uses 6.3.10K | Yes | | |

| | | | | |
|--|---|-----|---|--|
| Public Frontage Standards: UDC 6.3.11 | Does the project meet TMED Design Criteria Manual standards for public frontage? 6.3.11B | no | | |
| | Is curb and gutter provided? 6.3.11B | yes | | |
| | Which frontage type standards are applicable for the street? 6.3.11C | D | | |
| | Does the frontage depth, planting strip, on street parking and sidewalks width meet requirements set forth in Sec. 6.3.11B5? | no | 8' sidewalk | existing 6' sidewalk |
| | Is the tree type, spacing, location, and placement in accordance with requirements? 6.3.11D | Yes | | |
| | Has groundcover been provided in planting strip in accordance with requirements? 6.3.11D.2 | Yes | | |
| | Do public frontage sidewalks must meet construction, connectivity, and location requirements? 6.3.11D.2 | no | | existing sidewalk, less than 8' wide |
| | Does the public frontage provide the required pedestrian amenities? 6.3.11D.2 | yes | | |
| | Is a Hike and Bike Trail dedication required for implementation of Citywide Trails Master Plan? 6.3.11G | no | | |
| General Planting: UDC 6.3.12 | Are the proposed trees selected from the approved tree list? 6.3.12.B (See Temple Drought Tolerant Tree Selection Guide) | yes | | |
| | Is the proposed ground cover from the approved ground cover list? 6.3.12.C | yes | | |
| | Are the proposed shrubs appropriate perennial and evergreen species for the Central Texas Region? 6.3.12.D | yes | | |
| | Is all landscape installation, maintenance, and irrigation provided per standards? 6.3.12E | yes | | |
| | Do shrubs and ground cover meet minimum size requirements 6.3.12 E | yes | | |
| | Is lawn grass drought resistant and does it meet installation requirements? 6.3.12E | yes | | |
| | Has an irrigation plan been prepared? 6.4.12E | no | | not yet completed |
| Architectural, Parking, Street Lights & Utilities: UDC 6.3.13, 14, 17 and 18 | Do the proposed exterior finish materials meet city material standards? 6.3.13 | yes | | |
| | Do exterior finish materials meet minimum percentage requirements? 6.3.13 B | yes | | |
| | Is the accent material no more than 20 % and is it from the permitted list? 6.3.13 C | yes | | |
| | Is the building designed in compliance with requirements in table 6.3.13 D? (Not applicable to SD) | no | max 50 linear feet horizontal | the horizontal distance without articulation exceeds 50' |
| | Does the parking and proposed garage meet standards? 6.3.14 (Not applicable to SD) | n/a | | no garage |
| | Is there private property common areas and do they meet standards 6.3.15 A-E (Not applicable to SD or to single family detached /attached residential uses in T4 or T5) | yes | | |
| | Are the proposed street lights designed and installed on compliance with the City's Street Light Policy? 6.3.17 | yes | | |
| | Are all proposed new electric, telephone, and cable wires along the public street ROW underground? 6.3.18 | yes | | |
| | | | | |
| Sign Standards: UDC 6.3.16 | Is the sign type permitted? 6.3.16B (Not applicable to SD-r) | no | warrant only, 60 sf, 8' tall by 2' wide | |
| | Does the proposed sign type meet standards? 6.3.16C | no | | 12' high by 10' wide |

BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT

Development Signage Concepts



Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



MoonDesign



Retail Monument Signage, Type A - Version 2 (Base Plate)

BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT

Development Signage Concepts



Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



Moon Design



Retail Monument Signage, Type A - Version 2 Elevation

BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT

Development Signage Concepts



Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



Moon Design



Retail Monument Signage, Type B - Prime Solo

DRC Comments from 9-2-14 meeting

S. 31st and Scott Blvd. Planned Development (PD) Site Plan

Planning

- Location of any cut-through access points from S. 31st Street sidewalk to the restaurants/retail to encourage pedestrian use?
- Are proposed street lights to be consistent with existing TMED standard (such as at Temple College)?
- Note: TMED exception would be needed for 6' planting strip requirement between curb and sidewalk (to use the existing sidewalk), which would need to be addressed with the PD ordinance

All addressed with applicant at 9/4/14 DRC meeting

Fire

- Show hydrant spacing to cover 500' spacing (on topo utility map at least, if not site plan, too) to all parts of buildings as hose lays
- Fire lane at S. 31st needs to be at least 20' wide (on each side of the median)
- Note: Plan for an alternate public access entrance 40'+ wide to the subsequent multi-family phase

All addressed with applicant at 9/4/14 DRC meeting

Public Works (Engineering)

- How will access/turning movement issues be addressed at the Scott Blvd. entrance on the back side of the retail (for example, will it be right turn in and out only?)
- How will drainage be addressed?
- Clearly define easement widths (existing and proposed)
- Curb return radius for right turn from S. 31st into the development appears to be inadequate
- Dumpster pad middle lot (retail) appears to be much smaller than the 12' x 12' requirements (see attached Dumpster Pad Requirements)

All addressed with applicant at 9/4/14 DRC meeting

IT (GIS)

- Does the adjacent hotel plat (Hilton Garden Inn) provide an access easement for the western half of the proposed driveway?
- Easement labels and property labels do not match what is on the plat.



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

TIC Skilled Nursing Portfolio
c/o Granit Investment Group
2 Park Plaza, Suite 800
Irvine, CA 92614

Zoning Application Number: Z-FY-14-38

Project Manager: Brian Chandler

Location: Southwest Corner of Scott Boulevard & South 31st Street

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:

See attached


Signature

MICHAEL R. CARNE 9/4/14 Senior Care of
Print Name Weston Inn

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

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

Number of Notices Mailed: 15

Date Mailed: September 4, 2014



September 15, 2014

To: Brian Chandler

Re: Zoning Application No. **Z-FY-14-38**

On behalf of Senior Care of Weston Inn, I am writing to oppose the proposed rezoning from TMED (T5-c) to PD-T5-c (Planned Development District-TMED T5-c) on a portion of Lots 2 and 3, Block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31st Street.

The proposed rezoning would impact Senior Care of Weston Inn ("Weston Inn"), a skilled nursing facility, in several ways, but most importantly is the impact it will have on residents. If this rezoning application is approved, residents who have come to Weston Inn to recover, rehabilitate and receive quality care in their retirement will now be forced to endure all forms of agitation due to the construction of what is essentially a strip mall. The construction tools aggravate and infuriate the most understanding of people on a good day; now you are asking our elderly to suffer through it for several months. Unlike most people, who can get in their cars and drive somewhere for a peaceful dinner, or who can go away for a few hours or days, most of the residents at the Weston Inn do not have the luxury to seek respite from the constant noise, dust, and chaos of an active construction site. The impact this will have on the residents' health is significant – less ability to rest and sleep means less ability to recover; and increased dust and debris means greater aggravation to those with asthmatic or respiratory related illnesses. Unfortunately, these concerns are only the start of the reasons to deny this rezoning application.

After the Weston Inn's residents suffer through months of construction, they will not be welcomed with peace and solitude. Instead, they can listen to the constant buzz of a metropolitan strip mall, complete with restaurants, retail stores, an apartment complex and even a dog park! There is a reason that most health centers (hospitals, skilled nursing facilities, and assisted living facilities) are isolated away from busy intersections and retail establishments. The increased noise and chaos is not conducive to the health and well-being of folks who are ill. Weston Inn was placed on the site where it was, in part, because of the layout of its neighbors and the opportunities for rehabilitation and peace that the zoning laws would allow to its residents. This proposal intends to take away that peace and ability to recuperate, all in the name of profits and urban expansion. As such, Weston Inn, on behalf of its residents, many of whom cannot speak up for themselves on this matter, vehemently opposes the proposed rezoning.

Michael R. Capone
General Counsel

2828 N. Harwood St., Suite 1100
Dallas, TX 75201
Office: (214) 252-7771
Facsimile: (214) 252-7772
www.seniorcarecentersltd.com

2828 North Harwood St. Suite 1100 • Dallas, TX 75201
214-252-7600 • Fax 214-252-7599
www.seniorcarecentersltd.com



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

Farmers Mutual Protective
Association of Texas
P.O. Box 6106
Temple, Texas 76503-6106

Zoning Application Number: Z-FY-14-38

Project Manager: Brian Chandler

Location: Southwest Corner of Scott Boulevard & South 31st Street

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

James E. Smith
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than **September 15, 2014**

RECEIVED

SEP 15 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 15

Date Mailed: September 4, 2014

ORDINANCE NO. 2014-4689

(PLANNING NO. Z-FY-14-38)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TMED (T5-c) TO PD-T5-c (PLANNED DEVELOPMENT DISTRICT – TMED T5-c) ON A PORTION OF LOTS 2 AND 3, BLOCK 1, SCOTT AND WHITE PROPERTIES SUBDIVISION, LOCATED ON THE SOUTHWEST CORNER OF SCOTT BOULEVARD AND SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from TMED (T5-c) to PD-T5-c (Planned Development District – TMED T5-c) on a portion of lots 2 and 3, block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31st Street, as outlined in the map attached hereto as Exhibit ‘A,’ and made a part hereof for all purposes and subject to the following exceptions from Section 6.3 (TMED) of the Unified Development Code:

- Exceeds 12’ maximum front setback (Sec. 6.3.5.B.)
- 80 percent impervious cover limitation (Sec. 6.3.5.B.) to allow:
 - Lot 1: 85.1% impervious cover
 - Lot 2: 87.3% impervious cover
 - Note: Lot 3 is under the maximum with 75.1% impervious cover
- Less than the 2-story building height requirements (Sec. 6.3.5.D.)
- Allowing a commercial surface parking lot (Sec. 6.3.6.D. prohibits commercial surface parking lots in T5-c)
- A drive-through would be permitted for a proposed restaurant (6.3.6.D. prohibits drive-through restaurants in T5-c)
- 1 tree per 12 parking spaces (Sec. 6.3.10.D. requires 1 tree per 10 parking spaces)
- 5 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along Scott Blvd. (Sec. 6.3.11.B.5.)
- 8 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along S. 31st Street (Sec. 6.3.11.D.2.)
- 50 foot maximum building façade length without articulation (Sec. 6.3.13.D. requires a 5-foot building offset at least every 50 feet of façade length)
- Two 8 foot x 9 foot freestanding single-tenant monument signs and two 12 foot x 10 foot multitenant monument signs (Sec. 6.3.16.C)

Part 2: The City Council approves a zoning change subject to the following conditions:

- Street lighting is consistent with the TMED lamp standards (lighting found along South 1st and South 5th Streets adjacent to Temple College)
- Pedestrian connections from South 31st Street and Scott Boulevard sidealks to the retail development.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **October**, 2014.

PASSED AND APPROVED on Second Reading on the **16th** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

10/02/14
Item #10
Regular 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 construction contract with R.T. Schneider Construction Company, Ltd., (RTS) for construction of the 23rd Street Extension in an amount not to exceed \$323,264.45.

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

ITEM SUMMARY: This project will extend 23rd Street from its current terminus near the Travis Science Academy connecting to 25th Street. The project will provide curb and gutter, paving, drainage, sidewalk, landscaping, irrigation, and pedestrian lighting improvements.

On October 17, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for professional services required to design the project in an amount not to exceed \$39,830. On September 16, 2014, five bids were received for construction. Per the attached bid tabulation, RTS submitted the low bid on the project in the amount of \$323,264.45. KPA's opinion of probable construction cost was \$425,000. KPA advises that the bid prices which were lower than the OPC are attributable to the relative workload of active construction projects for the bidding companies.

KPA has found RTS to be a qualified bidder and recommends award of the construction contract to them in the total bid amount of \$323,264.45. Construction time allotted for the project is 150 days.

FISCAL IMPACT: Currently, funding in the amount of \$425,807.47 is available in Capital – Bonds / South 23rd Street Extension, account 365-3400-531-6882, project 101107 to fund the construction contract with R.T. Schneider Construction Company, Ltd. in an amount not to exceed \$323,264.45.

ATTACHMENTS:

[Bid Tabulation](#)

[Letter of Recommendation](#)

[Project Map](#)

[Resolution](#)

BID TABULATION
CITY OF TEMPLE
SOUTH 2nd STREET EXTENSION
3310 E. Ave H, Bldg C, Temple, TX
September 16, 2014; 2:00 PM

| BIDDER INFORMATION | | | | | | | | | | | | | | |
|-------------------------------------|--------------------|------|--------------------------------------|-----------------|-------------|---|--------------|-----------------|-------------------------------------|-----------------|--------------|--|------------|-----------------|
| R.T. Schneider Construction, Ltd. | | | Wolf Construction, LP | | | TTG Utilities, LP | | | Lone Star Grading & Material, LLC | | | Champion Site Prep, Inc. | | |
| P.O. Box 876 Belton, Texas 76713 | | | P.O. Box 1002 Salado, Texas 76781 | | | P.O. Box 299 Gatesville, Texas 76728 | | | P.O. Box 162 Salado, Texas 76781 | | | 465-A Hwy 195 Gatesville, Texas 76833 | | |
| Item No. | Estimated Quantity | Unit | Unit Price | Extended Amount | Unit Price | Extended Amount | Unit Price | Extended Amount | Unit Price | Extended Amount | Unit Price | Extended Amount | Unit Price | Extended Amount |
| 1 | 100% | LS | \$ 12,045.00 | \$ 12,045.00 | \$ 9,165.00 | \$ 9,165.00 | \$ 18,000.00 | \$ 18,000.00 | \$ 22,340.00 | \$ 22,340.00 | \$ 23,868.26 | \$ 23,868.26 | | |
| 2 | 5 | STA | 1,400.00 | \$ 7,000.00 | 11.00 | \$ 55.00 | 11.00 | \$ 55.00 | 2,000.00 | \$ 10,000.00 | 2,000.00 | \$ 10,000.00 | | |
| 3 | 100% | LS | 924.00 | \$ 924.00 | 560.00 | \$ 560.00 | 600.00 | \$ 600.00 | 900.00 | \$ 900.00 | 900.00 | \$ 900.00 | | |
| 4 | 110 | LF | 1.82 | \$ 200.20 | 5.00 | \$ 550.00 | 3.50 | \$ 385.00 | 1.50 | \$ 290.00 | 1.18 | \$ 129.98 | | |
| 5 | 1,000 | SP | 0.93 | \$ 930.00 | 0.25 | \$ 250.00 | 0.49 | \$ 500.00 | 1.00 | \$ 1,000.00 | 1.18 | \$ 1,180.00 | | |
| 6 | 100% | LS | 3,830.00 | \$ 3,830.00 | 6,660.00 | \$ 6,660.00 | 8,600.00 | \$ 8,600.00 | 1,600.00 | \$ 1,600.00 | 4,076.84 | \$ 4,076.84 | | |
| 7 | 100% | LS | 3,450.00 | \$ 3,450.00 | 1,850.00 | \$ 1,850.00 | 560.00 | \$ 560.00 | 1,020.00 | \$ 1,020.00 | 4,366.40 | \$ 4,366.40 | | |
| 8 | 100% | LS | 1,500.00 | \$ 1,500.00 | 3,080.00 | \$ 3,080.00 | 3,520.00 | \$ 3,520.00 | 18,827.00 | \$ 18,827.00 | 2,198.00 | \$ 2,198.00 | | |
| 9 | 100% | LS | 250.00 | \$ 250.00 | 1,120.00 | \$ 1,120.00 | 500.00 | \$ 500.00 | 750.00 | \$ 750.00 | 5,310.00 | \$ 5,310.00 | | |
| 10 | 100% | LS | 300.00 | \$ 300.00 | 784.00 | \$ 784.00 | 350.00 | \$ 350.00 | 500.00 | \$ 500.00 | 1,770.00 | \$ 1,770.00 | | |
| 11 | 500 | LF | 15.00 | \$ 7,500.00 | 4.57 | \$ 2,285.00 | 6.59 | \$ 3,295.00 | 12.00 | \$ 6,000.00 | 33.40 | \$ 16,700.00 | | |
| 12 | 1 | EA | 7,245.00 | \$ 7,245.00 | 5,325.00 | \$ 5,325.00 | 5,400.00 | \$ 5,400.00 | 7,700.00 | \$ 7,700.00 | 15,340.00 | \$ 15,340.00 | | |
| 13 | 108 | LF | 115.50 | \$ 12,744.00 | 46.70 | \$ 5,043.60 | 41.50 | \$ 4,482.00 | 133.00 | \$ 13,384.00 | 206.00 | \$ 2,166.48 | | |
| 14 | 1 | EA | 3,500.00 | \$ 3,500.00 | 3,616.00 | \$ 3,616.00 | 1,900.00 | \$ 1,900.00 | 3,360.00 | \$ 3,360.00 | 2,832.00 | \$ 2,832.00 | | |
| 15 | 100 | SY | 24.00 | \$ 2,400.00 | 77.72 | \$ 7,772.00 | 50.00 | \$ 5,000.00 | 18.00 | \$ 1,800.00 | 48.42 | \$ 4,842.00 | | |
| 16 | 1 | EA | 6,195.00 | \$ 6,195.00 | 5,361.00 | \$ 5,361.00 | 5,960.00 | \$ 5,960.00 | 6,760.00 | \$ 6,760.00 | 9,027.00 | \$ 9,027.00 | | |
| 17 | 1 | EA | 4,935.00 | \$ 4,935.00 | 4,857.00 | \$ 4,857.00 | 3,500.00 | \$ 3,500.00 | 6,000.00 | \$ 6,000.00 | 6,696.00 | \$ 6,696.00 | | |
| 18 | 780 | LF | 27.55 | \$ 21,801.00 | 33.84 | \$ 26,395.20 | 33.00 | \$ 25,740.00 | 36.80 | \$ 28,704.00 | 33.64 | \$ 25,771.20 | | |
| 19 | 1,010 | LF | 10,352.00 | \$ 10,352.00 | 13.66 | \$ 13,796.60 | 17.50 | \$ 17,675.00 | 11.50 | \$ 11,415.00 | 14.46 | \$ 14,604.00 | | |
| 20 | 550 | SY | 33.00 | \$ 18,150.00 | 37.68 | \$ 20,794.00 | 60.00 | \$ 33,000.00 | 54.00 | \$ 29,700.00 | 50.50 | \$ 27,775.00 | | |
| 21 | 110 | LF | 4.00 | \$ 440.00 | 4.96 | \$ 545.60 | 3.50 | \$ 385.00 | 12.00 | \$ 1,200.00 | 13.62 | \$ 1,498.20 | | |
| 22 | 140 | LF | 3.00 | \$ 420.00 | 2.48 | \$ 347.20 | 1.25 | \$ 245.00 | 4.00 | \$ 1,600.00 | 6.34 | \$ 867.60 | | |
| 23 | 1,715 | CT | 5.00 | \$ 8,575.00 | 11.50 | \$ 19,725.00 | 9.00 | \$ 15,435.00 | 8.00 | \$ 13,600.00 | 22.24 | \$ 381.41 | | |
| 24 | 615 | CT | 3.25 | \$ 1,987.50 | 8.58 | \$ 5,276.70 | 8.60 | \$ 4,970.00 | 3.50 | \$ 1,225.00 | 21.03 | \$ 2,193.45 | | |
| 25 | 2,180 | SY | 1.10 | \$ 2,398.00 | 1.26 | \$ 2,740.80 | 3.20 | \$ 4,796.00 | 1.00 | \$ 2,180.00 | 2.00 | \$ 4,360.00 | | |
| 26 | 2,180 | SY | 14.00 | \$ 30,520.00 | 17.91 | \$ 39,043.80 | 21.50 | \$ 46,870.00 | 15.70 | \$ 34,226.00 | 30.53 | \$ 47,355.40 | | |
| 27 | 1,660 | SY | 11.30 | \$ 18,758.00 | 24.81 | \$ 41,184.60 | 27.40 | \$ 45,484.00 | 36.00 | \$ 43,160.00 | 30.80 | \$ 41,128.00 | | |
| 28 | 30 | SY | 24.80 | \$ 744.00 | 11.30 | \$ 18,758.00 | 12.50 | \$ 20,750.00 | 12.00 | \$ 19,920.00 | 15.46 | \$ 23,663.00 | | |
| 29 | 30 | SY | 33.00 | \$ 990.00 | 52.70 | \$ 1,581.00 | 83.00 | \$ 1,900.00 | 4,055.00 | \$ 4,055.00 | 3,600.00 | \$ 3,600.00 | | |
| 30 | 100% | LS | 1,815.00 | \$ 1,815.00 | 1,890.00 | \$ 1,890.00 | 1,900.00 | \$ 1,900.00 | 4,055.00 | \$ 4,055.00 | 3,600.00 | \$ 3,600.00 | | |
| 31 | 450 | LF | 2.50 | \$ 1,125.00 | 2.33 | \$ 1,048.50 | 3.50 | \$ 1,575.00 | 3.50 | \$ 1,575.00 | 59.47 | \$ 1,184.10 | | |
| 32 | 20 | LF | 20.00 | \$ 400.00 | 44.80 | \$ 896.00 | 45.00 | \$ 900.00 | 900.00 | \$ 900.00 | 42.48 | \$ 849.00 | | |
| 33 | 820 | LF | 27.00 | \$ 22,140.00 | 19.07 | \$ 15,637.40 | 21.10 | \$ 17,307.00 | 13.00 | \$ 10,660.00 | 31.62 | \$ 31,668.40 | | |
| 34 | 6 | EA | 6,135.00 | \$ 36,810.00 | 5,855.70 | \$ 35,134.20 | 6,480.00 | \$ 38,880.00 | 6,100.00 | \$ 36,600.00 | 7,646.40 | \$ 4,878.40 | | |
| 35 | 3 | EA | 2,400.00 | \$ 7,200.00 | 2,950.00 | \$ 6,870.00 | 2,500.00 | \$ 2,500.00 | 2,400.00 | \$ 2,400.00 | 1,756.40 | \$ 5,033.80 | | |
| 36 | 100% | LS | 880.00 | \$ 880.00 | 840.00 | \$ 840.00 | 2,000.00 | \$ 2,000.00 | 1,680.00 | \$ 1,680.00 | 2,360.00 | \$ 2,360.00 | | |
| 37 | 100% | LS | 12,500.00 | \$ 12,500.00 | 12,350.00 | \$ 12,350.00 | 8,720.00 | \$ 8,720.00 | 15,680.00 | \$ 15,680.00 | 13,912.66 | \$ 13,912.66 | | |
| 38 | 100% | LS | 12,500.00 | \$ 12,500.00 | 12,455.00 | \$ 12,455.00 | 19,500.00 | \$ 19,500.00 | 18,180.00 | \$ 18,180.00 | 25,069.73 | \$ 25,069.73 | | |
| 39 | 1 | EA | 2,100.00 | \$ 2,100.00 | 2,995.00 | \$ 2,995.00 | 2,180.00 | \$ 2,180.00 | 3,020.00 | \$ 3,020.00 | 5,033.81 | \$ 5,033.81 | | |
| 40 | 1 | EA | 1,385.00 | \$ 1,385.00 | 2,726.70 | \$ 2,726.70 | 1,250.00 | \$ 1,250.00 | 1,680.00 | \$ 1,680.00 | 2,296.61 | \$ 2,296.61 | | |
| TOTAL BID AMOUNT - (Item 1 - 40) | | | | \$ 321,264.45 | | \$ 341,012.00 | | \$ 391,144.00 | | \$ 392,430.00 | | \$ 526,139.46 | | |

D/B Bidder Acknowledges Addendum No. 17

D/B Bidder provides Bid Security?

D/B Bidder provides required documents?

* Error in total calculation

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


 R. David Patrick, PE, CFM
 Kueberg, Patrick & Associates, LP

9/17/14

Due





KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

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

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

September 18, 2014

Mr. James Billeck, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
23rd Street Extension Project

Dear Mr. Billeck:

Bids were received by the City of Temple at 2:00 P.M. on Tuesday, September 16, 2014 for the above referenced project. There were five (5) sealed bids received and a detailed bid tabulation of these bids is attached for your use.

The 23rd Street Extension Project will provide for the extension of 23rd Street from its current terminus near the Travis Science Academy connecting to 25th Street. The project will provide curb and gutter, paving, drainage, sidewalk, landscaping, irrigation and pedestrian lighting improvements.

The Engineer's Opinion of Probable Cost was \$425,000. The Opinion of Probable Cost was developed using recent bids from other projects. The low bidder is R.T. Schneider Construction Company, Ltd.; P.O. Box 876, Belton, Texas 76513 with a bid of \$323,264.45

We have successfully completed numerous projects very similar in scope and size with R.T. Schneider Construction Company, Ltd. in the past and recommend award of the construction contract of the 23rd Street Extension Project to them in the total bid amount of **\$323,264.45**.

Please call if you should have any further questions.

Sincerely,

R. David Patrick, P.E., CFM
Partner

xc: Nicole Torralva, P.E., Director of Public Works, City of Temple
Don Bond, P.E., City Engineer, City of Temple
Belinda Mattke, City of Temple, Director of Purchasing
Russell Schneider, R.T. Schneider Construction Company, LTD., Belton, Texas
2013-150-40



PROPOSED 17TH TO 13TH ST.
(TMED AVE.) CONNECTION

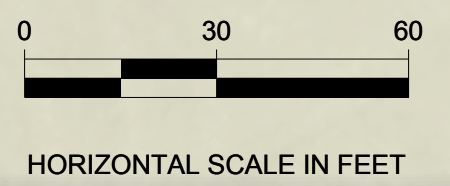
23RD STREET

RALPH WILSON
YOUTH CLUBS

25TH STREET



PROPOSED 23RD STREET IMPROVEMENTS



P:\Temple Reinvestment\2014\Development\TMED CITY PROJECTS 4-3-14\TMED 10-17-13.dwg

RESOLUTION NO. 2014-7512-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, FOR CONSTRUCTION OF THE 23RD STREET EXTENSION PROJECT, IN AN AMOUNT NOT TO EXCEED \$323,264.45; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 23rd Street Extension Project will provide for the extension of 23rd Street from its current terminus near the Travis Science Academy connecting to 25th Street and will provide curb and gutter, paving, drainage, sidewalk, landscaping, irrigation and pedestrian lighting improvements;

Whereas, on September 16, 2014, 5 bids were received for construction of the project and R.T. Schneider Construction Company, Ltd. submitted the low bid on the project;

Whereas, staff believes R.T. Schneider Construction Company, Ltd. is qualified to complete this project and recommends award of the construction contract to the company in an amount not to exceed \$323,264.45;

Whereas, funding in the amount of \$425,807.47 is available in the Capital– Bonds/South 23rd Street Extension Account No. 365-3400-531-6882, Project No. 101107 to fund this construction; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, after approval as to form by the City Attorney, for construction of the 23rd Street Extension Project, in an amount not to exceed \$323,264.45.

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 2nd day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney