



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, OCTOBER 16, 2014**

**3:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 16, 2014.
2. Executive Session: Chapter 551, Government Code, §551.074 – Personnel Matter – The City Council will meet in executive session to discuss the employment, evaluation, duties and work plan of the City Secretary, and the Director of Finance. No final action will be taken.
3. Discuss the purchase of 7 tracts of land and 1 easement along Prairie View Road, closing costs associated with those purchases, and the payment of relocation expenses.

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



## Minutes

### (A) [October 2, 2014 Special Called and Regular Meeting](#)

## Contracts, Leases, & Bids

- (B) [2014-7513-R](#): Consider adopting a resolution authorizing change order #21 to the construction contract with James Construction Group, LLC for construction activities on NW Loop 363 in an amount not to exceed \$213,872.58.
- (C) [2014-7514-R](#): Consider adopting a resolution authorizing the purchase of 7 tracts of land and 1 easement along Prairie View Road, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.
- (D) [2014-7515-R](#): Consider adopting a resolution authorizing the purchase of an Interactive Voice Response (IVR) for Permit Inspections solution from Selectron Technologies, Inc of Portland, Oregon, in the amount of \$48,000.
- (E) [2014-7516-R](#): Consider adopting a resolution authorizing the purchase of Sungard ONESolution Mobile Field Inspections software application from Sungard Public Sector of Lake Mary, Florida, in the amount of \$65,200.
- (F) [2014-7517-R](#): Consider adopting a resolution authorizing the purchase of an asphalt recycling machine from Cooper Equipment Company of San Antonio, utilizing a BuyBoard contract, in the amount of \$181,855.
- (G) [2014-7518-R](#): Consider adopting a resolution authorizing a payment to Brazos River Authority in the amount of \$414,150.86 for extensive repairs and upgrades made to the Lake Belton dam and reservoir under the American Recovery & Reinvestment Act.
- (H) [2014-7519-R](#): Consider adopting a resolution authorizing a professional services agreement with Alliance Transportation Group, Inc. of Austin for engineering services required for the traffic signal upgrades at South 1<sup>st</sup> Street at W Avenue U and South 1<sup>st</sup> Street at West Avenue R in an amount not to exceed \$29,600.
- (I) [2014-7520-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Austech Roof Consultants, Inc. of Austin for the design, bidding and construction phases of HVAC improvements at the Frank Mayborn Convention Center, in the amount of \$30,800.
- (J) [2014-7521-R](#): Consider adopting a resolution authorizing a renewal to the purchase agreement with Casco Industries for the purchase of firefighting protective clothing utilizing the City of North Richland Hills annual contract in the estimated amount for FY 2015 of \$39,500.
- (K) [2014-7522-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple for engineering services required for the rehabilitation of Airport and Range elevated storage tanks in an amount not to exceed \$170,500.

- (L) [2014-7523-R](#): Consider adopting a resolution authorizing a Cost Sharing Agreement with Wal-Mart Real Estate Business Trust to provide for cost sharing of the oversizing of a water line along Old Waco Road.
- (M) [2014-7524-R](#): Consider adopting a resolution authorizing the purchase of 14 network switches with associated licensing and power supplies from Solid IT Networks of Houston, utilizing a State of Texas DIR contract, in the amount of \$36,413.05.

**Ordinances – Second & Final Reading**

- (N) [2014-4687](#): SECOND READING - 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.
- (O) [2014-4689](#): SECOND READING - 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.

**VI. REGULAR AGENDA**

**Franchise Ordinance – Second Reading & Public Hearing**

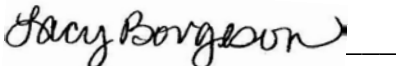
- 6. [2014-4686](#): SECOND READING AND PUBLIC HEARING: Consider adopting an ordinance authorizing a five year franchise agreement with Serenity EMS, LLC d/b/a AmeriStat Ambulance for non-emergency ambulance transfer services.

---

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

---

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:50 PM, on Friday, October 9, 2014.



Lucy Bergeson,  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #4  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING-PUBLIC HEARING - Consideration and action with respect to an "Ordinance Authorizing the Issuance of \$21,230,000\* City of Temple, Texas Combination Tax and Revenue Certificates of Obligation, Series 2014; Authorizing the Levy of an Ad Valorem Tax and the Pledge of Certain Revenues in Support of the Certificates; Approving an Official Statement and a Paying Agent/Registrar Agreement; Awarding the Sale of the Certificates; and Authorizing Other Matters Related to the Issuance of the Certificates.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description, on first and final reading.

**ITEM SUMMARY:** This item is to award the sale of \$21,230,000\* to the lowest responsible bidder of this series of bonds.

The FY 2015 Adopted Budget includes the third year of a multi-year transportation capital improvement program and recommends expansion of the program from the original scope of work to include funding for additional projects that have been identified as high-priority needs since the original program began. Originally a \$60,180,000, six-year program, the FY 2015 Budget recommended expanding the FY 2013-2018 Transportation CIP ("TCIP") to a ten-year, \$121,660,000 program. The TCIP is a result of our recent assessments and reports on both the condition of our transportation infrastructure and the need to improve our mobility. The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity.

**This is the second series of bonds issued to fund 'TCIP' projects. The proceeds from this issue will be used to fund the following projects:**

- Constructing, reconstructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, sidewalks, trails, intersections, traffic signalization and other traffic improvements projects and related water, wastewater, and drainage improvements, signage, landscaping, irrigation and purchasing necessary rights-of-way and other transportation costs

- Paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of one or more series of Certificates

**\*The issue size is preliminary and will be sized at the time of pricing.**

Standard & Poor's Ratings Services assigned its 'AA' rating and stable outlook to Temple, Texas' series 2014 combination tax and revenue certificates of obligation, and affirmed its 'AA' rating, with a stable outlook, on the city's existing GO debt. The ratings were published October 3, 2014,

The bonds will be sold through a competitive sale. Pricing will be received on the morning of October 16, 2014. The pricing will be held until the meeting on Thursday evening when Council considers the lowest responsible bidder.

The City's financial advisor, Specialized Public Finance Inc., and bond counsel, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review details of the bids and recommended award with Council. The Council will consider the offers and award based on the recommendation.

Funds will be delivered to our depository on November 4, 2014.

**FISCAL IMPACT:** The implementation and financing plan recommended for the TCIP is a phased approach which groups projects in three-year packages with design and right-of-way acquisition funded first and, in most cases, construction funded in the following package. Each three-year package also includes \$9,000,000 for the Legacy Pavement Preservation Program – an average of \$3,000,000 each year.

This phased approach allows us to allocate construction funds only when projects are ready, minimize and stabilize the tax rate impact, maximizes opportunity for tax base growth; and allows us to balance debt amortization.

The phased approach recommended results in no impact to the tax rate this year. It is anticipated, based on several assumptions, that the tax rate impact for this program of work will be 3.00 cents in FY 2017. The phasing of projects and associated financing enables evaluation of the program from year to year and allows us to pause or adjust the program as needed.

**ATTACHMENTS:**  
[Ordinance](#)

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES  
2014; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF  
CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN  
OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT;  
AWARDING THE SALE OF THE CERTIFICATES; AND AUTHORIZING OTHER  
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES**

**Adopted October 16, 2014**

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES  
2014; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF  
CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN  
OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT;  
AWARDING THE SALE OF THE CERTIFICATES; AND AUTHORIZING OTHER  
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES**

TABLE OF CONTENTS

	<u>PAGE</u>
RECITALS.....	1
SECTION 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES .....	2
SECTION 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF CERTIFICATES .....	2
SECTION 3. INTEREST .....	3
SECTION 4. CHARACTERISTICS OF THE CERTIFICATES .....	3
(a) <u>Registration, Transfer, Conversion and Exchange; Authentication</u> .....	3
(b) <u>Payment of Certificates and Interest</u> .....	4
(c) <u>In General</u> .....	5
(d) <u>Substitute Paying Agent/Registrar</u> .....	4
(e) <u>Book-Entry-Only System</u> .....	5
(f) <u>Successor Securities Depository; Transfer Outside Book-Entry-Only System</u> .....	6
(g) <u>Payments to Cede &amp; Co.</u> .....	6
(h) <u>Initial Certificate</u> .....	7
SECTION 5. FORM OF CERTIFICATE.....	7
SECTION 6. INTEREST AND SINKING FUND.....	15
SECTION 7. REVENUES .....	15
SECTION 8. DEFEASANCE OF CERTIFICATES .....	16
SECTION 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.....	17
(a) <u>Replacement Certificates</u> .....	17
(b) <u>Application for Replacement Certificates</u> .....	18
(c) <u>No Default Occurred</u> .....	18
(d) <u>Charge for Issuing Replacement Certificates</u> .....	18
(e) <u>Authority for Issuing Replacement Certificates</u> .....	18
SECTION 10. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED.....	18
SECTION 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES .....	19
(a) <u>Covenants</u> .....	19
(b) <u>Rebate Fund</u> .....	20

(c) <u>Proceeds</u> .....	20
(d) <u>Allocation Of, and Limitation On, Expenditures for the Project</u> .....	21
(e) <u>Disposition of Project</u> .....	21
(f) <u>Reimbursement</u> .....	21
SECTION 12. SALE OF CERTIFICATES .....	21
SECTION 13. DEFAULT AND REMEDIES .....	22
(a) <u>Events of Default</u> .....	22
(b) <u>Remedies for Default</u> .....	22
(c) <u>Remedies not Exclusive</u> .....	22
SECTION 14. INTEREST EARNINGS ON CERTIFICATE PROCEEDS .....	23
SECTION 15. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT	
LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT .....	23
SECTION 16. CONTINUING DISCLOSURE UNDERTAKING .....	23
(a) <u>Annual Reports</u> .....	23
(b) <u>Certain Event Notices</u> .....	24
(c) <u>Limitations, Disclaimers, and Amendments</u> .....	25
(d) <u>Definitions</u> .....	26
SECTION 17. NO RECOURSE AGAINST CITY OFFICIALS .....	26
SECTION 18. FURTHER ACTIONS .....	26
SECTION 19. INTERPRETATIONS.....	27
SECTION 20. INCONSISTENT PROVISIONS.....	27
SECTION 21. INTERESTED PARTIES.....	27
SECTION 22. INCORPORATION OF RECITALS .....	27
SECTION 23. SEVERABILITY .....	27
SECTION 24. REPEALER.....	27
SECTION 25. EFFECTIVE DATE .....	28
SECTION 26. PERFECTION.....	28

Exhibit A - Paying Agent/Registrar Agreement  
Exhibit B - Description of Annual Financial Information

**ORDINANCE NO. 2014-4690**

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF TEMPLE, TEXAS  
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES  
2014; AUTHORIZING THE LEVY OF AN AD VALOREM TAX AND THE PLEDGE OF  
CERTAIN REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN  
OFFICIAL STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT;  
AWARDING THE SALE OF THE CERTIFICATES; AND AUTHORIZING OTHER  
MATTERS RELATED TO THE ISSUANCE OF THE CERTIFICATES**

---

**THE STATE OF TEXAS     '**  
**COUNTY OF BELL         '**  
**CITY OF TEMPLE         '**

**WHEREAS**, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue certificates of obligation in the amount of \$\_\_\_\_\_ (the "Certificates") and finds that the payment in whole or in part of contractual obligations are incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates; and

**WHEREAS**, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended, and Section 1502.052, Texas Government Code, as amended; and

**WHEREAS**, on September 4, 2014 the City Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates; and

**WHEREAS**, the notice was published on September 10, 2014 and September 17, 2014 in the *Temple Daily Telegram*, a newspaper of general circulation in the City and a "newspaper" as defined in Section 2051.044, Government Code; and

**WHEREAS**, the City has not received a petition from the qualified electors of the City protesting the issuance of the Certificates; and

**WHEREAS**, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

**WHEREAS**, it is considered to be in the best interest of the City that the interest bearing Certificates be issued.

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

**SECTION 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES.**

Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The certificates of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$26,200,000 (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges and sidewalks, including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates.

**SECTION 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND**

**MATURITIES OF CERTIFICATES.** Each Certificate issued pursuant to this Ordinance shall be designated: "CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATE OF OBLIGATION, SERIES 2014", and initially there shall be issued, sold, and delivered hereunder fully registered certificates, without interest coupons, dated October 15, 2014 in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the initial Certificate delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said certificates or any portion or portions thereof (in each case, the "Registered Owner"), and said certificates shall mature and be payable serially on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
-------------	---------------	-------------	---------------

The term "Certificates" as used in this Ordinance shall mean and include collectively the Certificates initially issued and delivered pursuant to this Ordinance and all substitute Certificates exchanged therefor, as well as all other substitute certificates and replacement Certificates issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

**SECTION 3. INTEREST.** The Certificates scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF CERTIFICATE set forth in this Ordinance to their respective dates of maturity or redemption prior to maturity at the following rates per annum:

<u>YEAR</u>	<u>RATE</u>	<u>YEAR</u>	<u>RATE</u>
-------------	-------------	-------------	-------------

Interest shall be payable in the manner provided and on the dates stated in the FORM OF CERTIFICATE set forth in this Ordinance.

**SECTION 4. CHARACTERISTICS OF THE CERTIFICATES.** (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A., (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City



shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Certificates and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and

responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificates initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Certificates issued in exchange for the Certificates initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to

any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal, premium, if any, and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificates, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Certificates, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Blanket Representation of the City to DTC.

(h) Initial Certificate. The Certificates herein authorized shall be initially issued as fully registered certificates, being one certificate for each maturity in the denomination of the applicable principal amount and the initial Certificate shall be registered in the name of the purchaser or the designees thereof as set forth in Section 12 hereof. The initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Underwriters. Immediately after the delivery of the initial Certificate, the Paying Agent/Registrar shall cancel the initial Certificate delivered hereunder and exchange therefor Certificates in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

**SECTION 5. FORM OF CERTIFICATE.** The form of the Certificate, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificates initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

**FORM OF CERTIFICATE**

<b>NO. R-</b>	<b>UNITED STATES OF AMERICA          STATE OF TEXAS          COUNTY OF BELL          CITY OF TEMPLE, TEXAS          COMBINATION TAX AND REVENUE          CERTIFICATE OF OBLIGATION          SERIES 2014</b>	<b>PRINCIPAL          AMOUNT          \$ _____</b>
---------------	---	--

<b><u>INTEREST RATE</u></b>	<b><u>DATE OF CERTIFICATES</u></b>	<b><u>MATURITY DATE</u></b>	<b><u>CUSIP NO.</u></b>
	October 15, 2014		

**REGISTERED OWNER:**

**PRINCIPAL AMOUNT:** **DOLLARS**

**ON THE MATURITY DATE** specified above, the CITY OF TEMPLE, in Bell County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the initial date of delivery of the Certificates, on August 1, 2015, and semiannually on each August 1 and February 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per

annum specified above; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

**THE PRINCIPAL OF AND INTEREST ON** this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at The Bank of New York Mellon Trust Company, N.A., which is the "Paying Agent/Registrar" for this Certificate at their office in Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the 15th day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

**DURING ANY PERIOD** in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of

such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

**ANY ACCRUED INTEREST** due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

**IF THE DATE** for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

**THIS CERTIFICATE** is one of a Series of Certificates dated October 15, 2014, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$\_\_\_\_\_ (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs and (2) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates.

**ON AUGUST 1, 20\_\_\_**, or on any date thereafter, the Certificates of this Series maturing on and after August 1, 20\_\_\_ may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

**THE CERTIFICATES** maturing on August 1, 20\_\_\_ (the "Term Certificates") are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts, on the following dates and at a price of par plus accrued interest to the redemption date.

**Certificates Maturing August 1, 20\_\_\_\***

<b>Redemption Date</b>	<b>Principal Amount</b>
August 1, 20____	\$ _____
August 1, 20____*	\$ _____*

---

\*Final Maturity

**THE PRINCIPAL AMOUNT** of the Term Certificates required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Certificates of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City, at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

**NO LESS THAN** 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Certificates or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Certificate Ordinance.

**WITH RESPECT TO** any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Certificate Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar

on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

**ALL CERTIFICATES OF THIS SERIES** are issuable solely as fully registered certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered certificates, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Certificate.

**WHENEVER** the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificates, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

**IN THE EVENT** any Paying Agent/Registrar for the Certificates is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Certificate Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Certificates.



**IT IS HEREBY** certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's Waterworks and Sewer System, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the Net Revenues of the City's Waterworks and Sewer System, which amount shall not exceed \$10,000 all as provided in the Certificate Ordinance.

**BY BECOMING** the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between each Registered Owner hereof and the City.

**IN WITNESS WHEREOF**, the City has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Certificate.

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

(SEAL)

**FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**

**PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE**

(To be executed if this Certificate is not accompanied by an  
executed Registration Certificate of the Comptroller  
of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a

certificate or certificates of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated \_\_\_\_\_

**THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.**  
Paying Agent/Registrar

By \_\_\_\_\_  
Authorized Representative

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_

Please insert Social Security or Taxpayer  
Identification Number of Transferee

\_\_\_\_\_

(Please print or typewrite name and address,  
including zip code, of Transferee)

\_\_\_\_\_

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

\_\_\_\_\_

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change

whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF  
THE COMPTROLLER OF PUBLIC ACCOUNTS**

**COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.**

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(COMPTROLLER'S SEAL)

**INSERTIONS FOR THE INITIAL CERTIFICATE**

The initial Certificate shall be in the form set forth in this Section, except that:

A. immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

**"ON THE MATURITY DATE SPECIFIED ABOVE,** the City of Temple, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year    Amount    Rate    Year    Amount    Rate

(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Certificates at the respective Interest Rate per annum specified above. Interest is payable on August 1, 2015 and semiannually on each August 1 and February 1 thereafter to the date of payment of the principal installment specified above; except, that if this Certificate is required to be authenticated and the

date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The initial Certificate shall be numbered "T-1."

**SECTION 6. INTEREST AND SINKING FUND.** A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original principal amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

**SECTION 7. REVENUES.** The Certificates together with other obligations of the City, are additionally secured by and shall be payable from and secured by the surplus revenues of the City's Waterworks and Sewer System, after payment of all operation and maintenance expenses or collections thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's Waterworks and Sewer System, with such amount not exceeding \$10,000, constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of Section 6, if Surplus Revenues or other lawfully available funds are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues or other lawfully available funds then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor and the Director of Finance of the City are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

**SECTION 8. DEFEASANCE OF CERTIFICATES.** (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificates shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may at the discretion of the City Council also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of Certificates and such Certificates shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Certificate affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Certificate to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Certificate for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Certificate for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Certificate as though it was being defeased at the time of the exercise of the option to redeem the Defeased Certificate and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Certificate.

As used in this section, "Defeasance Securities" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding certificates or otherwise provide for the funding of an escrow to effect the defeasance of the Certificates are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a City, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding certificates or otherwise provide for the funding of an escrow to effect the defeasance of the Certificates, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable state law that may be used to defease obligations such as the Certificates. "Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

**SECTION 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES.** (a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the Registered Owner shall furnish to the City and to the Paying

Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificates. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

**SECTION 10. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED.** The Mayor of the City is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

**SECTION 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES.** (a) Covenants. The City covenants to take any action necessary to assure,

or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with --

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificates are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and



(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

(7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Certificates. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in

no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless any action taken in connection with such disposition will not adversely affect the tax-exempt status of the Certificates. For purpose of the foregoing, the City may rely on an opinion of nationally-recognized bond counsel that the action taken in connection with such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

**SECTION 12. SALE OF CERTIFICATES.** The Certificates are hereby sold pursuant to the taking of public bids therefor to the bidder whose bid produced the lowest true interest cost and shall be delivered to \_\_\_\_\_ (the "Initial Purchaser") at a price of \$\_\_\_\_\_ which is \_\_\_\_\_% of the par amount of the Certificates. The City Council hereby finds and determines that the true interest cost on the Certificates, as calculated pursuant to Chapter 1204, Texas Government Code, as amended is \_\_\_\_\_%. It is hereby officially found and determined that the terms of this sale are the most advantageous reasonably obtainable as of the date hereof. The Certificates shall initially be registered in the name of \_\_\_\_\_.

**SECTION 13. DEFAULT AND REMEDIES.** (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, including, but not limited to, their prospect or

ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

**SECTION 14. INTEREST EARNINGS ON CERTIFICATE PROCEEDS.** Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with other certificate proceeds for the purpose for which the Certificates are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on certificate proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Certificates from being arbitrage certificates shall be so rebated and not considered as interest earnings for the purposes of this Section.

**SECTION 15. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT.** Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. Each the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

The City hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Certificates by the Initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated October 6, 2014, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

**SECTION 16. CONTINUING DISCLOSURE UNDERTAKING.** (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 15 of this Ordinance, being the information described in Exhibit "B" hereto. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents

provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(b) Certain Event Notices. The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the Bonds, or other events affecting the tax-exempt status of the Bonds;
- G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with this subsection by the time required. All documents provided to the MSRB pursuant to this subsection shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Certificates no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

**UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.**

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under the Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Certificates in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the

primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with Section 16(a) an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

(d) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"*SEC*" means the United States Securities and Exchange Commission.

**SECTION 17. NO RECOURSE AGAINST CITY OFFICIALS.** No recourse shall be had for the payment of principal of or interest on any Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

**SECTION 18. FURTHER ACTIONS.** The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Certificates by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

**SECTION 19. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificates and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Certificates.

**SECTION 20. INCONSISTENT PROVISIONS.** All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

**SECTION 21. INTERESTED PARTIES.** Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Certificates, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Certificates.

**SECTION 22. INCORPORATION OF RECITALS.** The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

**SECTION 23. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 24. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 25. EFFECTIVE DATE.** This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

**SECTION 26. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code,



then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**IN ACCORDANCE WITH SECTION 1201.028**, Texas Government Code, finally passed, approved and effective on this 16<sup>th</sup> day of October, 2014.

**THE CITY OF TEMPLE, TEXAS**

---

By: Mayor  
City of Temple, Texas

**ATTEST:**

---

City Secretary  
City of Temple, Texas

**APPROVED AS TO FORM:**

---

City Attorney  
City of Temple, Texas

**EXHIBIT "A"**

**Paying Agent\Registrar Agreement**

## **EXHIBIT "B"**

### **DESCRIPTION OF ANNUAL FINANCIAL INFORMATION**

The following information is referred to in Section 16 of this Ordinance.

#### **Annual Financial Statements and Operating Data**

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

- |      |            |   |   |
|------|------------|---|---|
| (1)  | Appendix B | - | Excerpts from Annual Financial Report;              |
| (2)  | Table 1    | - | Valuation, Exemptions and Ad Valorem Tax Debt;      |
| (3)  | Table 2    | - | Valuation and Ad Valorem Tax Debt History;          |
| (4)  | Table 3    | - | Tax Rate, Levy and Collection History;              |
| (5)  | Table 4    | - | Ten Largest Taxpayers;                              |
| (6)  | Table 5    | - | Pro-Forma Ad Valorem Tax Debt Service Requirements; |
| (7)  | Table 7    | - | Authorized But Unissued Ad Valorem Tax Bonds;       |
| (9)  | Table 8    | - | General Fund Revenues and Expenditure History; and  |
| (10) | Table 10   | - | Current Investments.                                |

#### **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in the paragraph above.



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(A)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) October 2, 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:**

[October 2, 2014 Special Called and Regular Meeting](#)



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(B)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #21 to the construction contract with James Construction Group, LLC for construction activities on NW Loop 363 in an amount not to exceed \$213,872.58.

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

**ITEM SUMMARY:** The City and TxDOT negotiated an agreement under the Pass-Through Program for the NW Loop 363 expansion project from FM 2305/West Adams north up to the BNSF main line. On September 16, 2010, Council authorized a pass through financing agreement with TxDOT for these improvements. On September 30, 2010, TxDOT authorized approval of the agreement. General terms and conditions of the agreement were presented to council on September 16, 2010.

On May 24, 2012, Council authorized a construction contract with James Construction in the amount of \$39,883,619.28 for expansion of the NW Loop 363. On October 12, 2012, Council authorized change order #1 in the amount of \$58,706.41. On December 6<sup>th</sup>, 2012, Council authorized change order #2 in the amount of \$60,052.20. Subsequent change orders under \$25,000 have been sporadically executed through the course of construction.

The change order currently requiring council authorization is Change Order #21, in the total amount of \$213,872.58. This change order includes an allocation of \$32,800.74 to address traffic rail foundation for the Airport Road bridge rail, and an allocation of \$181,071.84 to provide for lime stabilization of high plasticity material at the interchange of NW Loop 363 and Airport Road. An additional 25 days is allocated to complete lime stabilization work.

Per attached letter, H.W. Lochner recommends approving the change order. Staff also recommends approving the change order.

**FISCAL IMPACT:** Currently, funding in the amount of \$247,331.90 is available in account 261-3400-531-2588, project 100681, to fund change order #21 for a total amount of \$213,872.58 with James Construction Group, LLC.

**ATTACHMENTS:**

Engineer's Recommendation Letter  
Change Order #21  
Resolution

October 9, 2014

Ms. Nicole Torralva, PE  
Director of Public Works  
City of Temple  
3210 E. Avenue H, Bldg A, Suite 130  
Temple, TX 76501

Re: NW Loop 363  
Pass Through Finance Project  
Temple, Texas

Dear Ms. Torralva:

Attached is draft Change Order No. 21 for the NW Loop 363 project. This change order is for the treatment of unsuitable subgrade materials (high Plasticity Index clays) under the Loop 363 mainlanes and ramps beneath and south of the Airport Road bridge and for the addition of payment for a foundation for bridge rail.

The unsuitable material was encountered during excavation activities and has undergone the series of tests required by TxDOT to determine the appropriate solution for addressing the material. Through testing, it was determined that lime treatment of the material in place is the preferred solution. We recommend this work to provide proper treatment of the subgrade.

We entered negotiations with James Construction Group (JCG) for the addition of this work into the contract. JCG provided a proposal for the work and requested \$189,823.33 and 25 Working Days for this effort. We reviewed the proposal and suggested an adjustment of the time associated with equipment and operators to JCG. JCG accepted this recommendation and revised the proposal to the current amounts of \$181,071.84 and 25 Working Days.

Also, Change Order #21 includes payment for the construction of Traffic Rail Foundation (TRF) for the bridge rail on the Airport Rd bridge. The TRF is necessary and was designed in the project. However, no pay item was established in the original contract. The total for this work is \$32,800.74 and no additional time.



# LOCHNER

Lochner recommends this Change Order for approval. We will provide an executed CO for you once the City is acceptable with this draft. Please review and let us know if you have any questions or need additional information.

Very truly yours,

**LOCHNER**

A handwritten signature in black ink, appearing to read "W. P. Hicks", with a checkmark at the end.

William P. Hicks, P.E.  
Project Manager

Enclosures

## **INSTRUCTIONS FOR PREPARING THE CHANGE ORDER (Local Agency)**

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

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

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

Address time by one of the following methods:

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

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

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

# CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 021

1. CONTRACTOR: James Construction Group, LLC

2. Change Order Work Limits: Sta. 28+82 - 31+74 SH36 to Sta. 1050+ 00 - 1020+42

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

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

Adding Item 260-2016 Lime, Item 260-2073 Lime Trt, additional month of mobilization and barricades due to unsuitable subgrade on SB and NB mainlanes and ramps between Sta. 1050+00 and Sta. 1020+42. Adding Item 420-2006 C I C Conc (Rail Foundation) that was inadvertently left out of contract pay items, but was in the construction plans for installation on the SH 36 underpass. Time Ext. #1 adds 25 working days to allow for lime treatment.

**CCSJ:** 0320-06-001

**Project:** PTF 2012(125)

**Highway:** LP 363

**County:** Bell

**District:** Waco

**Contract Number:** \_\_\_\_\_

5. New or revised plan sheet(s) are attached and numbered: Spec Provision 260-003

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

<p>By signing this change order, the contractor agrees to waive any and all claims for additional compensation due to any and all other expenses; additional changes for time, overhead and profit; or loss of compensation as a result of this change. Further, the contractor agrees that this agreement is made in accordance with Item 4 and the Contract. Exceptions should be noted in the response for #5 above.</p> <p>THE CONTRACTOR _____ Date _____</p> <p>By _____</p> <p>Typed/Printed Name _____</p> <p>Typed/Printed Title _____</p>	<p><b>The following information must be provided</b></p> <p>Time Ext. #: <u>1</u> Days added on this C.O.: <u>25</u></p> <p>Amt. added by this change order: <u>\$ 213,872.58</u></p> <hr/> <p><b>For TxDOT use only:</b></p> <p>Days participating: _____</p> <p>Amount participating: _____</p> <p>Signature _____ Date _____</p> <p>Name/Title _____</p>
---	---

**RECOMMENDED FOR EXECUTION:**

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED  REQUEST APPROVAL

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED  REQUEST APPROVAL

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED  REQUEST APPROVAL

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Name/Title \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED

Engineer's Seal:

# CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 021

Estimated Cost: \$ 213,872.58

CCSJ: 0320-06-001

Paid by Invoice? (  Yes  No )

**TABLE A: Force Account Work and Materials Placed into Stock**

LABOR	HOURLY RATE	EQUIPMENT	HOURLY RATE

**TABLE B: Contract Items**

ITEM	DESCRIPTION	UNIT	UNIT PRICE	ORIGINAL + PREVIOUSLY REVISED		NEW		OVERRUN/ UNDERRUN
				QUANTITY	ITEM COST	QUANTITY	ITEM COST	
260-2016-003	LIME (HYD.COM OR QK(SLURRY))	TON	176.75	0.00	0.00	400.00	70,700.00	70,700.00
260-2073-003	LIME TRT (SUBGRADE)(8")	SY	3.82	0.00	0.00	18,331.00	70,024.42	70,024.42
420-2006-002	CL C CONC (RAIL FOUNDATION)	CY	565.53	0.00	0.00	58.00	32,800.74	32,800.74
500-2001-905	MOBILIZATION	LS	35,847.42	0.00	0.00	1.00	35,847.42	35,847.42
502-2001-033	BARRICADES, SIGNS & TRAF HLING	MO	4,500.00	25.00	112,500.00	26.00	117,000.00	4,500.00
<b>TOTALS</b>					112,500.00		326,372.58	213,872.58

**CONSTRUCTION CONTRACT CHANGE ORDER NUMBER: 021**

CCSJ: 0320-06-001

TABLE B: Contract Items (Continued)

ITEM	DESCRIPTION	UNIT	UNIT PRICE	ORIGINAL + PREVIOUSLY REVISED		NEW		OVERRUN/ UNDERRUN
				QUANTITY	ITEM COST	QUANTITY	ITEM COST	
				<b>The "Totals" from Table B of the previous work sheet:</b>				
				<b>TOTALS</b>		112,500.00	326,372.58	213,872.58
						112,500.00	326,372.58	213,872.58

RESOLUTION NO. 2014-7513-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NUMBER 21 TO THE CONSTRUCTION CONTRACT WITH JAMES CONSTRUCTION GROUP, LLC, OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES ON NORTHWEST LOOP 363, IN AN AMOUNT NOT TO EXCEED \$213,872.58; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City and TxDOT negotiated an agreement under the Pass-Through Program for the NW Loop 363 expansion project from FM 2305/West Adams north to the BNSF main line;

**Whereas**, on September 16, 2010, Council authorized a pass through financing agreement with TxDOT for these improvements - on September 30, 2010, TxDOT authorized approval of the agreement and the general terms and conditions of that agreement were presented to council on September 16, 2010;

**Whereas**, on May 24, 2012, Council authorized a construction contract with James Construction in the amount of \$39,883,619.28, for expansion of the NW Loop 363; on October 12, 2012 Council authorized change order #1 in the amount of \$58,706.41; and on December 6<sup>th</sup>, 2012, Council authorized change order #2 in the amount of \$60,052.20 - subsequent change orders under \$25,000 have been executed through the course of this construction project;

**Whereas**, proposed Change Order #21, in the amount of \$213,872.58, includes an allocation of \$32,800.74 to address traffic rail foundation for the Airport Road bridge rail and an allocation to provide for lime stabilization of high plasticity material at the interchange of NW Loop 363 and Airport Road;

**Whereas**, staff recommends approving change order #21 to the construction contract with James Construction Group, LLC of Belton, Texas, construction activities on NW Loop 363 in an amount not to exceed \$213,872.58;

**Whereas**, funds are available for this change order in Account No. 261-3400-531-2588, Project No. 100681; and

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

NOW, THEREFORE, BE IT 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 #21 to the construction contract with James Construction Group, LLC of Belton, Texas, after approval as to form by the City Attorney, for construction activities on NW Loop 363 in an amount not to exceed \$213,872.58.

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(C)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

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

**ITEM DESCRIPTION:** **ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 7 tracts of land and 1 easement along Prairie View Road, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for expansion of Prairie View Road from Airport Road west to North Pea Ridge Road. The design requires the acquisition of right of way from 7 parcels and the acquisition of 1 drainage easement. Appraisals have been performed on each parcel and the City is in the process of performing a relocation study on one of the parcels. Staff is asking for authorization to purchase the 7 parcels and 1 easement, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$510,000.

**FISCAL IMPACT:** Council authorized this project as part of the Transportation Capital Improvement Program in the FY 2015 Budget. This project will be funded with Combination Tax and Revenue Certificates of Obligation to be sold October 16, 2014. Funding in the amount of \$7,145,000 will be made available in account 365-3400-531-6862, project 100984, to fund right of way and construction.

**ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. 2014-7514-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 7 TRACTS OF LAND AND 1 EASEMENT ALONG PRAIRIE VIEW ROAD, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THOSE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City is currently in the design phase for expansion of Prairie View Road from Airport Road west to North Pea Ridge Road – the design requires the acquisition of right-of-way from 7 parcels and the acquisition of 1 drainage easement;

**Whereas**, appraisals have been performed on each parcel and the City is in the process of performing a relocation study on one of the parcels;

**Whereas**, staff recommends authorizing the purchase of 7 parcels, and 1 easement, payment of closing costs and any relocation costs that may be required by law, in an amount not to exceed \$510,000;

**Whereas**, Council authorized this project as part of the Transportation Capital Improvement Program in the fiscal year 2015 budget – this project will be funded with a Combination Tax and Revenue Certificates of Obligation to be sold October 16, 2014;

**Whereas**, funding will be made available in Account No. 365-3400-531-6862, Project No. 100984; 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 7 tracts of land and 1 easement along Prairie View Road, the payment of closing costs, and the payment of relocation expenses, in an amount not to exceed \$510,000.

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

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(D)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an Interactive Voice Response (IVR) for Permit Inspections solution from Selectron Technologies, Inc of Portland, Oregon, in the amount of \$48,000.

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

**ITEM SUMMARY:** The City currently has an Interactive Voice Response (IVR) solution through Selectron Technologies in the Water Utility Business Office which allows customers to pay their bills through the Telephone, receive account information, receive assistance and manage their accounts through the IVR system. This provides staff the ability from fielding mundane, repetitive requests, and instead can re-focus their efforts on critical priorities and more problematic issues.

We would like to provide this same functionality to our citizens and development community for permitting and inspections. The software provides real-time data integration between the Building Permit software and the IVR system and provides the following capabilities:

- Schedule Inspections  
Schedule framing, electrical, mechanical, plumbing and Fire inspections  
Cancel Inspections  
Cancel and/or reschedule inspections
- Listen to Inspection Results  
Listen to the status of a specific inspection.
- Receive a Faxed Inspection History Report  
Receive a report by fax that shows the entire inspection history on a permit.
- Receive a Faxed Application Status Report  
Listen to the Information Line  
Listen to the following general information:
  1. Inspection request cut-off times
  2. Tips for using the IVR system
  3. Important contact phone numbers

As communicated from SunGard Public Sector, the City's current business system provider, Selectron's IVR system is the IVR solution that interfaces the best with the SunGard Public Sector platform, and Selectron's IVR solution is only available directly through Selectron. Accordingly, staff is recommending this purchase as a single source procurement as allowed by the Local Government Code §252.022.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-5948-519-62-21, project 101152 in the amount of \$48,500 for the purchase of Interactive Voice Response (IVR) for Permit Inspections.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7515-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN INTERACTIVE VOICE RESPONSE SYSTEM FOR PERMIT INSPECTIONS WITH SELECTRON TECHNOLOGIES, INC. OF PORTLAND, OREGON, IN THE AMOUNT OF \$48,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City currently has an Interactive Voice Response (IVR) system through Selectron Technologies, Inc. in the Water Utility Business Office which allows customers to pay their bills through the telephone, receive account information, receive assistance and manage their accounts through the IVR system;

**Whereas**, staff would like to offer our citizens the same functionality for permitting and inspections - this software provides real-time data integration between the Building Permit software and the IVR system and provides the following capabilities:

- Ability to schedule, cancel and/or reschedule inspections;
- Ability to schedule, cancel and/or reschedule framing, electrical, mechanical, plumbing and fire inspections;
- Ability to listen to inspection results or the status of a specific inspection;
- Ability to receive a faxed inspection history report that shows the entire inspection history on a permit;
- Ability to receive a faxed application status report;
- Ability to listen to the information line;
- Ability to listen to the following general information:
  - Inspection request cut-off times;
  - Tips for using the IVR system;
  - Important contact phone numbers;

**Whereas**, Selectron's IVR system is the IVR solution that interfaces the best with the SunGuard Public Sector platform, the City's current business system provider;

**Whereas**, Selectron's IVR solution is only available directly through Selectron Technologies, Inc. and therefore staff recommends this purchase as a single source procurement as allowed by the Local Government Code §252.022, in the amount of \$48,000;

**Whereas**, funds are budgeted in Account No. 110-5948-519-6221, Project No. 101152 for this purchase; and

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

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

**Part 1:** The City Council authorizes the purchase of an Interactive Voice Response system for Permit Inspections with Selectron Technologies, Inc., in the amount of \$48,000.

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

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

PASSED AND APPROVED this the **16<sup>th</sup>** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(E)  
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 Sungard ONESolution Mobile Field Inspections software application from Sungard Public Sector of Lake Mary, Florida, in the amount of \$65,200.

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

**ITEM SUMMARY:** The City just upgraded to the OneSolution Building Permits, and to continue to streamline the entire development process for our employees and customers, staff is recommending to expand the use of the OneSolution whereby building inspectors can use the program in the field. This product will provide more efficient workflow, enterprise project management and integrated building permits for our building inspectors in the field.

The software provides the ability to bring together data from multiple data sources (including historical information) and present it to field personnel in real-time. The mobile suite includes powerful applications to manage our field staff from the office. Permit Staff can assign and dispatch activities, review information recorded in the field, and track the current and historic locations of your field staff. The field staff can also spend more time in the field without having to run in and out of the office all of the time.

The ONESolution software is proprietary software developed by Sungard Public Sector, the City's current business system provider, and as such, will integrate with the system's current business system. Accordingly, staff is recommending this purchase as a single source procurement as allowed by the Local Government Code §252.022.

**FISCAL IMPACT:** The Information Technology Department currently has funding in the amount of \$66,500 budgeted in account 110-5919-519-62-21, project 101147, for the purchase of the ONESolution Mobile Field Inspections Application in the amount of \$65,200.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7516-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF SUNGARD ONESOLUTION MOBILE FIELD INSPECTIONS SOFTWARE APPLICATION FROM SUNGARD PUBLIC SECTOR, OF LAKE MARY, FLORIDA, IN THE AMOUNT OF \$65,200; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City just upgraded to the OneSolution Building Permits software application and to continue to streamline the entire development process for our employees and customers, staff recommends expanding the use of OneSolution so that building inspectors can use the program in the field;

**Whereas**, this product will provide more efficient workflow, enterprise project management and integrated building permits for our inspectors while in the field;

**Whereas**, the software provides the ability to bring together data from multiple data sources (including historical information) and present it to field personnel in real-time - the mobile suite includes powerful applications to manage our field staff from the office, permit staff can assign and dispatch activities, review information recorded in the field, and track the current and historic locations of the field staff;

**Whereas**, the OneSolution software is proprietary software developed by Sungard Public Sector of Lake Mary, Florida, the City's current business system provider, and as such, will integrate with the system's current business system;

**Whereas**, staff is recommending this purchase as a single source procurement as allowed by the Local Government Code §252.022, in the amount of \$65,200;

**Whereas**, funding is available in Account No. 110-5919-519-6221, Project No. 101147 for the OneSolution Mobile Field Inspections Software Application; 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 Sungard OneSolution Mobile Field Inspections software application from Sungard Public Sector of Lake Mary, Florida, in the amount of \$65,200.

**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 **16<sup>th</sup>** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item#5(F)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva P.E., Public Works Director  
Kenny Henderson, Director of Street and Drainage Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of an asphalt recycling machine from Cooper Equipment Company of San Antonio, utilizing a BuyBoard contract, in the amount of \$181,855.

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

**ITEM SUMMARY:** Currently the City of Temple has a contract with APAC for hot mix asphalt, with current price set at \$71 per ton. Plant locations in Belton and in Kempner require significant travel times for crews who pick up materials, sometimes as often as three to five days a week, depending on asphalt availability, weather and work load. With the purchase of an asphalt recycling machine, crews will be able to use large amounts of asphalt millings and wrap from previous jobs, stored within Temple, to provide high quality recycled hot mix asphalt for utility cuts and street maintenance work. The machine can be stationed at a preferred location, or can be taken to jobsites as needed. Both these factors provide relief to resources and budgets, as the cost of asphalt when using this machine will be reduced to around \$30 per ton, and a savings of around \$400 a month in fuel cost.

Staff is recommending the purchase of the machine utilizing a competitively procured BuyBoard contract. All purchases through the BuyBoard meet the Texas governmental competitive bid requirements.

**FISCAL IMPACT:** Funding in the amount of \$210,000 is available in account 110-5900-531-6220, project 101162 for the purchase of the asphalt recycling machine in the amount of \$181,855.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7517-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF AN ASPHALT RECYCLING MACHINE, FROM COOPER EQUIPMENT COMPANY OF SAN ANTONIO, TEXAS, UTILIZING A BUYBOARD CONTRACT, IN THE AMOUNT OF \$181,855; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City of Temple currently has a contract with APAC for hot mix asphalt, with current price set at \$71.00 per ton;

**Whereas**, plant locations in Belton and in Kempner require significant travel times for crews who pick up materials, sometimes as often as three to five days a week, depending on asphalt availability, weather and work load;

**Whereas**, with the purchase of an asphalt recycling machine, crews will be able to use large amounts of asphalt millings and wrap from previous jobs, stored within Temple, to provide high quality recycled hot mix asphalt for utility cuts and street maintenance work;

**Whereas**, the machine can be stationed at a preferred location, or can be taken to jobsites as needed - both these factors provide relief to resources and budgets, as the cost of asphalt when using this machine will be reduced to approximately \$30 per ton, and a monthly fuel cost savings;

**Whereas**, staff recommends the purchase of the asphalt recycling machine utilizing a competitively procured BuyBoard contract which meets the Texas governmental competitive bid requirements;

**Whereas**, funding is available in Account No. 110-5900-531-6220, Project No. 101162 for the purchase of an asphalt recycling machine; 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 asphalt recycling machine, from Cooper Equipment Company of San Antonio, Texas, utilizing a BuyBoard contract, in the amount of \$181,855.

**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 **16<sup>th</sup>** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(G)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a payment to Brazos River Authority in the amount of \$414,150.86 for extensive repairs and upgrades made to the Lake Belton dam and reservoir under the American Recovery & Reinvestment Act.

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

**ITEM SUMMARY:** Under the American Recovery and Reinvestment Act of 2009, the Corps of Engineers has made extensive repairs and maintenance to the Lake Belton dam and reservoir. The BRA's portion of those repairs is \$5,439,121.59 payable over the next 30 years. Pursuant to the Water Storage Contract between the Brazos River Authority ("BRA") and the City, dated July 16, 1962, the repairs related to Lake Belton Space 1 Storage allocation is 34.59% or \$1,881,392.16, The City is responsible for 22.013% of the BRA's operation and maintenance costs associated with Lake Belton and the Belton Dam. Staff is seeking authorization to make a payment to BRA in the amount of \$414,150.86.

**FISCAL IMPACT:** Currently, funding in the amount of \$23,677 is available in account 520-5110-535-2651. A budget adjustment is being presented for Council's approval appropriating the additional amount needed of \$390,474 to fund the payment in the amount of \$414,150.86 to Brazos River Authority.

### **ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

**BUDGET ADJUSTMENT FORM**

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

**Adjustments should be rounded to the nearest \$1.**

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
520-5110-535-26-51		Contracted Services / BRA	\$ 390,474	
520-5900-535-63-61	101186	2nd & 4th; Ave C to Adams Ave		390,474
<b>TOTAL.....</b>			\$ 390,474	\$ 390,474

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

To allocate additional funds needed for payment to Brazos River Authority in the amount of \$414,150.86 for extensive repairs and upgrades made to the Lake Belton dam and reservoir under the American Recovery & Reinvestment Act of 2009. Additional funding to pay BRA is available in the account and not needed for the project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?  Yes  No

DATE OF COUNCIL MEETING \_\_\_\_\_ 10/16/2014 \_\_\_\_\_

WITH AGENDA ITEM?  Yes  No

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

Revised form - 10/27/06

RESOLUTION NO. 2014-7518-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PAYMENT TO BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$414,150.86, FOR EXTENSIVE REPAIRS AND UPGRADES MADE TO THE LAKE BELTON DAM AND RESERVOIR, UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, under the American Recovery and Reinvestment Act of 2009, the Corps of Engineers has made extensive repairs and maintenance to the Lake Belton dam and reservoir and the Brazos River Authority's ('BRA') portion of those repairs is \$5,439,121.59 payable over the next 30 years;

**Whereas**, pursuant to the Water Storage Contract between the BRA and the City of Temple dated July 16, 1962, the repairs related to Lake Belton Space 1 Storage allocation is 34.59%, or \$1,881,392.16 – the City is responsible for 22.013% of the BRA's operation and maintenance costs associated with Lake Belton Space 1 Storage and the Belton Dam;

**Whereas**, staff recommends payment to BRA in the amount of \$414,150.86 for the extensive repairs and upgrades made to the Lake Belton Dam and Reservoir;

**Whereas**, funds are available, but an amendment to the fiscal year 2014-2015 budget needs to be approved to transfer the funds into Account No. 520-5110-535-2651 to fund this payment to BRA; and

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

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

**Part 1:** The City Council authorizes payment to Brazos River Authority in the amount of \$414,150.86, which covers extensive repairs and upgrades made to the Lake Belton dam and reservoir under the American Recovery & Reinvestment Act.

**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 16<sup>th</sup> day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(H)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Kenny Henderson, Street & Drainage Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Alliance Transportation Group, Inc. of Austin for engineering services required for the traffic signal upgrades at South 1<sup>st</sup> Street at West Avenue U and South 1<sup>st</sup> Street at West Avenue R in an amount not to exceed \$29,600,

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

**ITEM SUMMARY:** Public safety along South 1<sup>st</sup> Street is an important consideration within Temple. Due to growth in the area and the increase in the amount of traffic, there is a need to upgrade both pedestrian and vehicular traffic patterns at these intersections. These intersections currently have no turn movements and operate on fixed times. While the current layout and operation of these signals was adequate when first built, this area has outgrown the current layout and needs to be updated.

The upgrade will include mast arm typed signals with video detection and protected turn movements, along with new pedestrian crossings. The proposed timeline for design of this project is 120 days. Professional engineering services are broken down as follows.

Traffic Signal Layout	\$ 22,400.00
Traffic Signal Specification and bid documents	\$ 4,450.00
Meetings	<u>\$ 2,750.00</u>
<b>Total</b>	<b><u>\$ 29,600.00</u></b>

Construction of these upgrades is anticipated to occur in 2015.

**FISCAL IMPACT:** Council authorized this project as part of the Transportation Capital Improvement Program in the FY 2015 Budget. This project will be funded with the Combination Tax and Revenue Certificates of Obligation to be sold October 16, 2014. Funding in the amount of \$300,000 will be made available in account 365-3400-531-6885, project 101225, to fund this engineering contract in the amount of \$29,600 with Alliance Transportation Group, Inc.

**ATTACHMENTS:**

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

## **EXHIBIT A**

### **CITY SERVICES**

The City of Temple will furnish to the Engineer the following items/information:

Provide all available written data pertinent to previous operation, reports and any other data affecting the intersection.

Provide all available electronic files of existing right-of-way, property maps, survey files, design plans, etc. within 400 feet of each intersection.

Provide assistance in negotiating with public utilities, railroads, and others who will be affected by the installation of the traffic signals.

Preparation of necessary permit applications. (Note: Alliance Transportation Group, Inc. will provide graphical exhibits in support of the applications.)

## EXHIBIT B

### ENGINEERING SERVICES

#### PROJECT PARAMETERS

The following assumptions pertain to the provision of Basic Services:

- A. The PROJECT will consist of the following activities, as requested by the CLIENT:
  - i. Task 1.0 Traffic signal construction plans for the intersections of 1<sup>st</sup> Street and Avenue R and 1<sup>st</sup> Street and Avenue U in Temple, Texas.
  - ii. Task 2.0 Traffic signal specifications and bid documents for the proposed traffic signals at the intersections of 1<sup>st</sup> Street and Avenue R and 1<sup>st</sup> Street and Avenue U.
  - iii. Task 3.0 Meetings
- B. City of Temple will supply controller, cabinet, and video detection equipment.
- C. CLIENT will review approved plans and provide recommendations in a timely manner.
- D. PROJECT is located within the City of Temple, Texas.
- E. Electronic files of Survey Data and/or as-built drawings will be collected and used as the basis for any designs associated with the PROJECT.
- F. Designs will be based on the latest edition of the Texas MUTCD and existing traffic signal specifications used by the TxDOT Waco District.

## **TASK 1.0 TRAFFIC SIGNAL LAYOUT**

For each of the two project intersections (unless specifically noted), the Engineer will perform the following tasks:

- 1.1 Collect all “as built” or design drawings of the intersection and plans for the proposed widening of 1<sup>st</sup> Street, in electronic format, from the CLIENT or his representatives.
- 1.2 Create base plan sheets for signal plans from “as built” drawings.
- 1.3 Inspect intersection, where applicable, to determine existing pavement widths, lane configurations and traffic control devices, and locate existing above ground utilities.
- 1.4 Transmit base sheets to utility service providers with request for identification and location of all utilities in and around the intersection. Request field location of utilities using One-Call system.
- 1.5 Add utilities identified by service providers to base sheets.
- 1.6 Develop construction plan sheets showing traffic signal poles, detection zones, conduit runs, wiring needs, and signal face locations.
- 1.7 Develop plan view sheet showing elevations of traffic signal indications, poles, and any traffic control signs to be mounted on the traffic signal.
- 1.8 Develop ADA compliant pedestrian crossing plans noting cross-slopes and running slopes in the pedestrian routes.
- 1.9 Develop wiring termination chart showing the number and type of electrical wire runs between the signal controller and indications.
- 1.10 Submit one (1) preliminary copy of the signal layout plans for review by City of Temple.
- 1.11 Meet one (1) time with City of Temple representatives to review the preliminary traffic signal design.
- 1.12 Incorporate one (1) time any revisions to the preliminary plans based on City of Temple comments.
- 1.13 Provide one (1) set of reproducible mylar final drawings, sealed by a Professional Engineer to the City of Temple.

## **TASK 2.0 TRAFFIC SIGNAL SPECIFICATIONS AND BID DOCUMENTS**

The development of Traffic Signal Specifications and Bid Documents will include the following tasks:

- 2.1 Obtain AM and PM peak hour turning movement volumes at each intersection.
- 2.2 Develop traffic signal phasing sheet based on traffic volumes.
- 2.3 Develop quantity estimate sheet.
- 2.4 Insert appropriate specification sheets.
- 2.5 Prepare packet of preliminary construction plans and City of Temple bid form.
- 2.6 Submit one (1) draft copy of the preliminary construction plans and preliminary bid form for review by City of Temple representatives.
- 2.7 Meet one (1) time with City of Temple representatives to review any changes to the preliminary bid form.
- 2.8 Incorporate, one (1) time, any changes to the bid forms based on City of Temple comments.
- 2.9 Provide one (1) set of reproducible bid packet documents to the City of Temple.
- 2.10 Prepare one (1) time, an ENGINEER's opinion of probable construction cost based on the approved drawings, specifications, and materials.

## **TASK 3.0 MEETINGS**

- 3.1 Meet one (1) time with City of Temple representatives to review the preliminary draft signal designs as described in Task 1.11.
- 3.2 Meet one (1) time with City of Temple representatives to review the proposed bid forms as described in Task 2.7.

**NOTE:** All meetings will be at the direction of the Client or the Client's representative(s) and will be performed on an hourly fee basis. Thus, for Task 3.0 the budget is strictly an estimate and does not include a not-to-exceed clause.

## EXHIBIT C

### FEE SCHEDULE

#### 1.1 FEE/COMPENSATION FOR SERVICES AND REIMBURSABLE EXPENSES

Direct Labor: No retainer fee is required for this project. Direct labor to complete the transportation engineering services is described below:

Lump Sum Basis:

Task 1.0	Traffic Signal Layout	\$ 22,400.00
Task 2.0	Traffic Signal Specifications & Bid Documents	\$ 4,450.00
	Subtotal	\$ 26,850.00

Hourly Basis (as shown in Attachment "B")

Task 3.0	Meetings	\$ 2,750.00
	Grand Total	\$ 29,600.00

## **EXHIBIT D**

### **WORK SCHEDULE**

Preliminary design plans to be submitted to City of Temple for review within 60 days from Notice to Proceed.

Review and Comment by City of Temple and Texas Department of Transportation within 30 days from Preliminary Design Plan submittal.

Address comments and submit Final Design Plans sealed by licensed Texas Professional Engineer within 30 days from receipt of review comments from City of Temple and/or Texas Department of Transportation.



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.



S 3RD ST  
W R AVE



ROAD 6

PURPLE HEART TRL

**Proposed Signal Upgrades**

T AVE

ROAD 1

CHAMPIONS WAY

S 5TH ST

S 3RD ST

**Proposed Signal Upgrades**

W U AVE



S 1st St Corridor



10/7/2014  
1 inch = 25 feet

RESOLUTION NO. 2014-7519-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH ALLIANCE TRANSPORTATION GROUP, INC., OF AUSTIN, TEXAS, FOR ENGINEERING SERVICES REQUIRED FOR TRAFFIC SIGNAL UPGRADES AT SOUTH 1<sup>ST</sup> STREET AT WEST AVENUE U, AND SOUTH 1<sup>ST</sup> STREET AT WEST AVENUE R, IN AN AMOUNT NOT TO EXCEED \$29,600; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, public safety along S 1<sup>st</sup> Street is an important consideration within the City of Temple and due to growth in the area and the increase in the amount of traffic, there is a need to upgrade both pedestrian and vehicular traffic patterns at these intersections;

**Whereas**, these intersections have no turn movements and operate on fixed times, and while the current layout and operation of these signals was adequate when first built, this area has outgrown the current layout and needs to be updated;

**Whereas**, the upgrade will include mast arm typed signals with video detection and protected turn movements, along with new pedestrian crossings;

**Whereas**, Council authorized this project as part of the Transportation Capital Improvement Program in the fiscal year 2015 budget and it will be funded with the Combination Tax and Revenue Certificates of Obligation to be sold October 16, 2014;

**Whereas**, funds are available in, Account No. 365-3400-531-6885, Project No. 101225, 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 a professional services agreement with Alliance Transportation Group, Inc., of Austin, Texas, after approval as to form by the City Attorney, for engineering services required for the traffic signal upgrades at South 1<sup>st</sup> Street at West Avenue U and South 1<sup>st</sup> Street at West Avenue R in an amount not to exceed \$29,600.

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(I)  
Consent Agenda  
Page 1 of 2

**DEPT./DIVISION SUBMISSION & REVIEW:**

Ashley Williams, General Services Manager  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Austech Roof Consultants, Inc. of Austin for the design, bidding and construction phases of HVAC improvements at the Frank Mayborn Convention Center, in the amount of \$30,800.

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

**ITEM SUMMARY:** On May 1, 2014 City Council approved a contract with Austech Roof Consultants for the design and bidding for roof replacement work at the Frank Mayborn Convention Center, in an amount of \$24,831. Work was completed and it was found that the current placement of seven (7) HVAC units is incorrect on the current roof deck. In order to successfully replace the roof the HVAC units must be moved to be appropriately supported by the existing roof structure.

The existing HVAC equipment is up for replacement in 2019 and many of the units are no longer made, so replacement parts are hard to locate. Staff recommends replacing the proposed units early, improving the comfort levels and loads placed on the building through more efficient and appropriately sized units.

The project includes the pre-design phase, construction document phase, bidding phase and construction phase of the project, in the amount of \$30,800. The construction phase of the roof replacement project was not previously included in the original agreement; however, due to the extent of the project staff recommends inclusion of the construction phase oversight for both the roof replacement and HVAC replacement.

The attached proposal includes fees for the scope of work listed above:

<i>Phase</i>	<i>Amount</i>
Pre-Design	\$4,620
Bidding Documents	\$10,780
Bid Phase	\$1,540
Construction Phase	\$13,860
<b>Total</b>	<b>\$30,800</b>

**FISCAL IMPACT:** Council is being presented a budget adjustment appropriating \$30,800 of Hotel/Motel Unreserved Fund Balance to account 240-4400-551-6310, project 101057, for the contract amendment to the professional services agreement with Austech Roof Consultants, Inc. in the amount of \$30,800.

**ATTACHMENTS:**

[Budget Adjustment  
Proposal  
Resolution](#)

## BUDGET ADJUSTMENT FORM

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

**Adjustments should be rounded to the nearest \$1.**

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
<b>240-4400-551-63-10</b>	<b>101057</b>	Roof / HVAC Improvements - Mayborn	\$ 30,800	
<b>240-0000-358-11-10</b>		Hotel/Motel Unreserved Fund Balance		30,800
<b>DO NOT POST</b>				
<b>TOTAL.....</b>			<b>\$ 30,800</b>	<b>\$ 30,800</b>

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

This budget adjustment appropriates Hotel/Motel Unreserved Fund Balance to fund the contract amendment to the professional services agreement with Austech Roof Consultants, Inc. for the design, bidding and construction phases of HVAC improvements at the Frank Mayborn Convention Center in the amount of \$30,800.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
DATE OF COUNCIL MEETING	<u>10/16/2014</u>		
WITH AGENDA ITEM?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Department Head/Division Director	Date	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

Revised form - 10/27/06

September 24, 2014



Belinda Mattke  
City of Temple  
Purchasing Department  
3210 E. Avenue H. Bldg. C  
Temple, TX 76501

Proj: **Frank Mayborn and Summit Center**

Austech Roof Consultants, Inc. proposes to provide the following mechanical and structural engineering services:

The following would be added to the current Scope of Work for the above Project.

**I. Pre-Design Phase**

- A. Review original building plans and specifications, as made available by Client.
- B. Visit site and verify existing mechanical units, curbs, duct, and include on roof plan.
- C. Review interior for existing locations of penetrations ducts, return air etc.
- D. Provide Client recommended available options, along with preliminary budget figures.
- E. Solicit Client's preferences for incorporation into Bidding Documents.

**II. Construction Documents Phase**

- A. Create mechanical work Specifications, Detail Drawings, and Roof Plan depicting requirements.
- B. Include mechanical work information with roof replacement requirements to complete Bidding Documents.
- C. Print Bidding Documents as required in original Scope of Work

**III. Bidding Phase**

- A. Complete Bidding Phase services as indicated in original Scope of Work

**IV. Construction Phase**

- A. Conduct Pre-Construction Conference.
- B. Review Contractor's submittals and provide recommendations.
- C. Visit the site during critical stages of the Work and report findings to Client
- D. Provide recommendations to Client.
- E. Certify Contractor's applications for payment.
- F. Assist Contractor in formulating a written punch list, at Substantial Completion of Project.

## V. Proposed Budgets & Hourly Rates

The following budget would be added to the existing Agreement for the above Project.

Phase	Budget Amount	Percent	Type
I. Pre-Design	\$4,620	15%	Lump Sum
II. Bidding Documents	\$10,780	35%	Lump Sum
III. Bid Phase	\$1,540	5%	Lump Sum
IV. Construction Phase (part-time)	\$13,860	45%	Lump Sum
Totals:		\$30,800	100%

## GENERAL INFORMATION

- Austech can monitor Contractor progress during the Work and report construction phase budget status to Client's Representative. Client's Representative may choose to change frequency and duration of Austech's visits.
- Austech will invoice monthly, with updates on budget balance indicated on each invoice. Balance left in Budgets, upon conclusion of services, will not be invoiced.

Please let me know if there are any questions or I can provide additional information.



Ken Ollinger RRC, CCCA  
Senior Consultant  
[ken@austechrci.com](mailto:ken@austechrci.com)

File: P2014-039.doc



RESOLUTION NO. 2014-7520-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH AUSTECH ROOF CONSULTANTS, INC., OF AUSTIN, TEXAS, FOR THE DESIGN, BIDDING AND CONSTRUCTION PHASES OF HVAC IMPROVEMENTS AT THE FRANK MAYBORN CONVENTION CENTER, IN THE AMOUNT OF \$30,800; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on May 1, 2014, City Council approved a contract with Austech Roof Consultants for the design and bidding for roof replacement work at the Frank Mayborn Convention Center;

**Whereas**, during the work it was found that the current placement of seven (7) HVAC units is incorrect on the current roof deck, and in order to successfully replace the roof, the HVAC units must be moved to be appropriately supported by the existing roof structure;

**Whereas**, many replacement parts are hard to locate because the existing HVAC equipment is up for replacement in 2019 - staff recommends replacing the proposed units early, improving the comfort levels and loads placed on the building through more efficient and appropriately sized units;

**Whereas**, funds are available for this contract amendment but an amendment to the fiscal year 2014-2015 budget needs to be approved to transfer the funds to Account No. 240-4400-551-6310, Project No. 101057; 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 Austech Roof Consultants, Inc. of Austin, Texas, after approval as to form by the City Attorney, for the design, bidding and construction phases of HVAC improvements at the Frank Mayborn Convention Center, in the amount of \$30,800.

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(J)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Mitch Randles, Fire Chief  
Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a renewal to the purchase agreement with Casco Industries for the purchase of firefighting protective clothing utilizing the City of North Richland Hills annual contract in the estimated amount for FY 2015 of \$39,500.

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

**ITEM SUMMARY:** On October 18, 2010, Council authorized an interlocal agreement with the City of North Richland Hills to allow for the utilization of North Richland Hills' annual contract for firefighting protective clothing with Casco Industries. On October 11, 2011, November 15, 2012 and November 7, 2013, Council authorized one-year renewals to the contract. The current contract expired on which expired on October 10, 2014. The City of North Richland Hills' Council authorized a fourth extension to the contract as allowed by the original bid. The renewal to this contract will go through October 11, 2015.

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

The Fire Department anticipates needing to purchase 19 sets of protective jackets and trousers in FY 2015 utilizing this contract. The 19 sets will be ordered on an as needed basis for new recruits and others whose equipment is no longer serviceable.

**FISCAL IMPACT:** Funding for the purchase of bunker gear in the amount of \$39,500 is available in 110-2231-522-2113.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7521-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE PURCHASE AGREEMENT WITH CASCO INDUSTRIES FOR THE PURCHASE OF FIRE FIGHTING PROTECTIVE CLOTHING, UTILIZING THE CITY OF NORTH RICHLAND HILLS' ANNUAL CONTRACT, IN AN ESTIMATED AMOUNT FOR FISCAL YEAR 2015 OF \$39,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

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

**Whereas**, on October 11, 2011, November 15, 2012 and November 7, 2013, Council authorized one-year renewals to the contract which expired on October 10, 2014 – the City of North Richland Hills' Council authorized a fourth extension to the contract as allowed by the original bid and this bid will go through October 11, 2015;

**Whereas**, the Fire Department anticipates the purchase of an additional 19 sets of protective jackets and trousers in fiscal year 2015, which will be ordered on an 'as-needed' basis for new recruits and others whose equipment is no longer serviceable;

**Whereas**, staff recommends Council authorize an extension to the purchase agreement with Casco Industries – funds are available for the purchase of bunker gear in Account No. 110-2231-522-2113; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a renewal to the purchase agreement with Casco Industries, after approval as to form by the City Attorney, utilizing the City of North Richland Hills' annual contract in the estimated amount for FY 2015 of \$39,500

**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 16<sup>th</sup> day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #5(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 a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple for engineering services required for the rehabilitation of Airport and Range elevated storage tanks in an amount not to exceed \$170,500.

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

**ITEM SUMMARY:** The City owns and operates the Airport elevated storage tank, at Draughon-Miller Central Texas Regional Airport, and the Range elevated storage tank, located in northwest Temple at Range Road (Map attached). These tanks respectively serve the 785' and 920' pressure planes. Both tanks require full rehabilitation and recoating to comply with TCEQ regulations.

The proposed timeline for design is 15 days. Professional services are as follows:

Plans and Specifications	\$ 28,300
Bidding	\$ 7,000
Construction Administration	\$ 28,800
Onsite Representation	\$ 19,500
HOT Inspection	\$ 86,900
<b>Total</b>	<b><u>\$170,500</u></b>

Construction is anticipated to begin in early 2015 and is estimated to require 210 calendar days to complete. The preliminary opinion of rehabilitation cost is \$1.3 million.

**FISCAL IMPACT:** Currently, funding in the amount of \$1,000,000 is available in account 520-5900-535-6522, project 101198, to fund the professional services agreement with Kasberg, Patrick & Associates, LP in an amount not to exceed \$170,500.

**ATTACHMENTS:**  
Engineer's Proposal  
Map  
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

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

Re: City of Temple, Texas  
 Rehabilitation of Airport and Range Road Elevated Storage Tanks  
 Overcoat and Logo Replacement of 25<sup>th</sup> Street Elevated Storage Tank

Dear Ms. Carlos:

This letter is in response to your request for engineering services required for rehabilitation of the 1.5 MG Airport EST and the 1.0 MG Range Road EST and also an option for an exterior overcoat and logo replacement on the 1.0 MG 25<sup>th</sup> Street EST. Our preliminary opinion of probable construction cost is \$1.4 million for this project with a construction period of 7 months. The tank locations are shown on Exhibit "A".

The attached Exhibit "B" provides for a Scope of Services for the project. In order for us to provide services required for completion of this project, the following not-to-exceed lump sum amounts will be applicable:

	Airport / Range Rd. Tanks 1.5 MG / 1 MG Full Rehabilitation	25th St. Tank 1 MG Overcoat/Logo	Total
<b>Basic Services</b>			
Plans and Specifications	\$ 28,300	\$ 1,100	\$ 29,400
Bidding	\$ 7,000	\$ 7,000 *	\$ 14,000
Construction Administration	\$ 28,800	\$ 2,500	\$ 31,300
<b>Total Basic Services</b>	<b>\$ 64,100</b>	<b>\$ 10,600</b>	<b>\$ 74,700</b>
<b>Special Services</b>			
On-site Representation	\$ 19,500	\$ 1,500	\$ 21,000
HOT Inspection	\$ 86,900	\$ 8,250	\$ 95,150
<b>Total Special Services</b>	<b>\$ 106,400</b>	<b>\$ 9,750</b>	<b>\$ 116,150</b>
<b>Total</b>	<b>\$ 170,500</b>	<b>\$ 20,350</b>	<b>\$ 190,850</b>

\* Applicable only if 25<sup>th</sup> St. Tank is bid separately

Ms. Sharon Carlos, EIT  
September 16, 2014  
Page Two

HOT Inspection Services, Inc. will observe containment systems, blasting, welding and coating applications. KPA's on-site representative will observe general daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits to observe completed blasting and coating applications by the Contractor. HOT Inspection services are based on a 7 month construction period. The **KPA** portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction.

Exhibit "C" outlines rates which would be used to charge for special or additional services authorized beyond the scope as described in this proposal. KPA will begin work once a written notice to proceed is issued by the City and will complete plans and specifications within 15 calendar days from receipt of the inspection report and notice to proceed. We are available to address any questions or comments that you may have about this proposal. As always, we look forward to working with you on the project and to the enhancement that it will bring to the City of Temple.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is written in a cursive, flowing style.

Ginger R. Tolbert, P.E.

GRT



## EXHIBIT "B"

### Scope of Services

#### **Rehabilitation of Airport and Range Road Elevated Storage Tanks Overcoat and Logo Replacement of 25<sup>th</sup> Street Elevated Storage Tank**

##### I. Basic Services

###### A. Plans and Specifications

1. Review and incorporate recommendations from previous inspections of tanks;
2. Assess tank exteriors for rehabilitation items to be included in plans;
3. Review video from previous inspections of tanks;
4. Provide Project Location Map;
5. Prepare plan and section views of the tanks;
6. Provide colored photographs in Bid Documents;
7. Prepare specifications;
8. Develop time frame and sequence for project;
9. Develop bid schedule;
10. Provide Opinion of Probable of Construction Cost;
11. Submit to City for review;

###### B. Bidding

1. Assist in soliciting bidders;
2. Monitor status/number of bidders on plan holders list;
3. Answer potential bidders questions;
4. Conduct pre-bid conference;
5. Prepare addenda as required;
6. Attend bid opening;
7. Tabulate bids and recommend contract award.

###### C. Contract Administration

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Coordinate contractor schedule with Water Plant Staff;
7. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
8. Review submittals;
9. Check final pay quantities and pay requests;
10. Prepare Record Drawings.

## II. Special Services

### A. On-Site Representation

1. **KPA** will respond to Contractor's requests for information (RFI);
2. **KPA** will prepare daily reports, including weather conditions, and deliver to Project Manager weekly;
3. **KPA** will utilize HOT Inspection Services, Inc. as a sub-consultant to perform observations of construction, which will include containment systems, blasting, welding, miscellaneous metal work and coating applications for conformance with the project Contract Documents. These services are based on a 7 month construction period.

**KPA** will observe daily construction activities which will be necessary for scheduling and coordinating HOT Inspection Services, Inc. site visits at critical hold points. The **KPA** portion of costs for on-site representation is based on an anticipated average of two (2) hours per day during construction, including associated vehicle cost; **KPA** will provide construction reports.

ATTACHMENT "C"

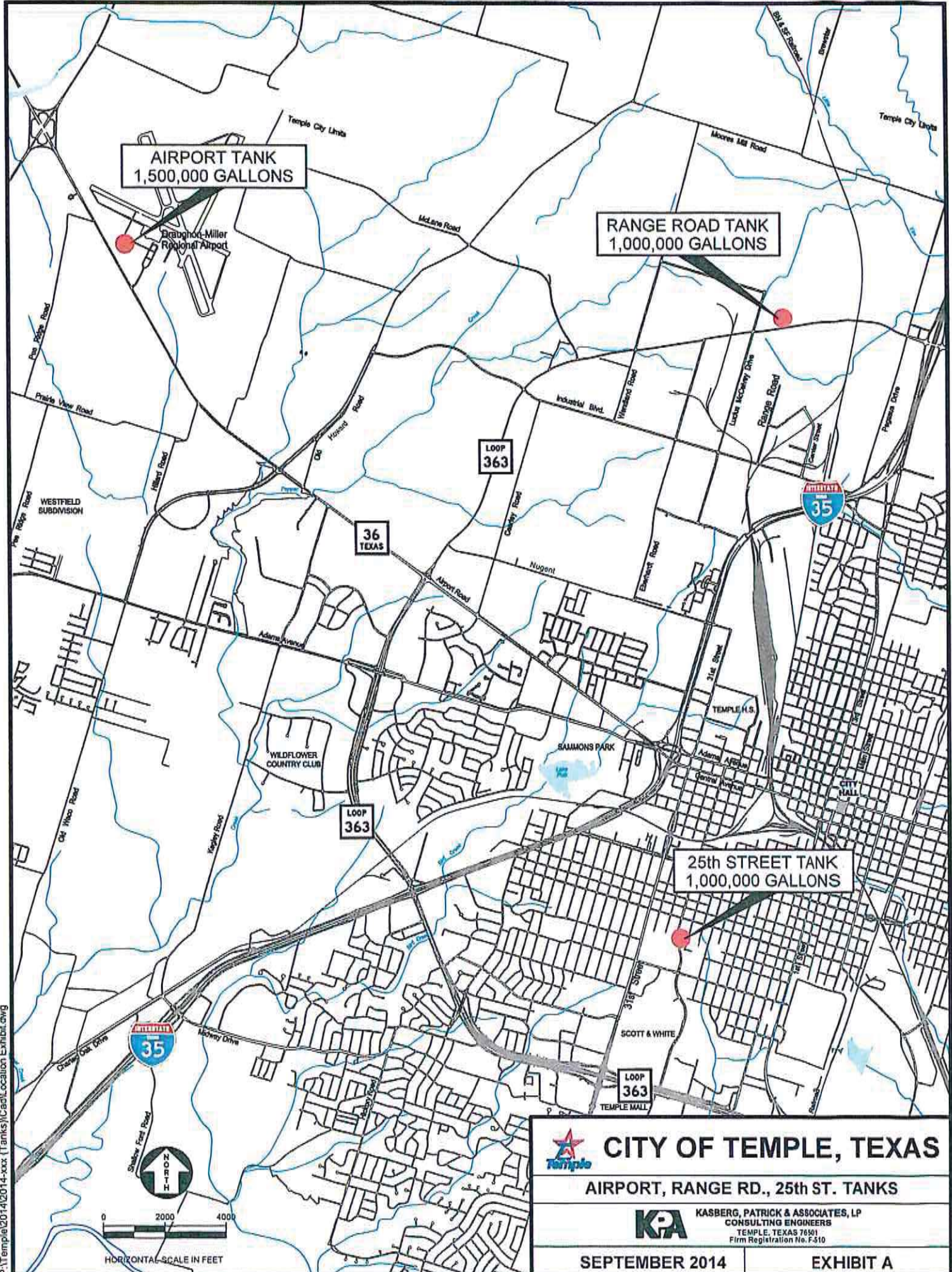
**Charges for Additional Services**

**City of Temple**

**Rehabilitation of Airport and Range Road Elevated Storage Tanks  
Overcoat and Logo Replacement of 25<sup>th</sup> Street Elevated Storage Tank**

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





 <b>CITY OF TEMPLE, TEXAS</b>	
<b>AIRPORT, RANGE RD., 25th ST. TANKS</b>	
 <b>KASBERG, PATRICK &amp; ASSOCIATES, LP</b> CONSULTING ENGINEERS TEMPLE, TEXAS 76701 Firm Registration No. F-510	
<b>SEPTEMBER 2014</b>	<b>EXHIBIT A</b>

P:\Temple\2014\2014-xxxx (Tanks)\Caot\Location Exhibit.dwg

RESOLUTION NO. 2014-7522-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, FOR ENGINEERING SERVICES REQUIRED FOR THE REHABILITATION OF THE AIRPORT AND RANGE ELEVATED STORAGE TANKS, IN AN AMOUNT NOT TO EXCEED \$170,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City owns and operates the Airport elevated storage tank, at Draughon-Miller Central Texas Regional Airport, and the Range elevated storage tank, located in northwest Temple at Range Road;

**Whereas**, these tanks serve the 785' and 920' pressure planes and both tanks require full rehabilitation and recoating to comply with TCEQ regulations – construction is anticipated to begin in early 2015;

**Whereas**, funds are available in Account No. 520-5900-535-6522, Project No. 101198 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 a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for engineering services required for the rehabilitation of the Airport and Range elevated storage tanks in an amount not to exceed \$170,500.

**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 **16<sup>th</sup>** day of **October**, 2014.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item#5(L)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Cost Sharing Agreement with Wal-Mart Real Estate Business Trust to provide for cost sharing of the oversizing of a water line along Old Waco Road.

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

**ITEM SUMMARY:** The City is currently in the design phase for expansion of Old Waco Road from Adams Avenue, south to the drainage channel located immediately north of Brandon Drive. The design includes expansion of the road and installation of related utilities including a water line. Wal-Mart Real Estate Business Trust ("Wal-Mart") is developing tracts of land located at the intersection of Adam's Avenue and Old Waco Road. The City initially planned to install an 8-inch water line as part of the expansion project, but due to the Wal-Mart development it was decided that a 12-inch water line is needed. Wal-Mart has agreed to pay to the City 100% of the difference between the cost of an 8-inch pipe and the cost of a 12-inch pipe. The estimated cost of this oversizing is \$28,071.75. In the proposed agreement, Wal-Mart will pay the amount owed to the City within 30 days of receipt of documentation from the City of the actual amounts spent towards the cost of oversizing the water line.

Staff recommends authorization of this agreement.

**FISCAL IMPACT:** In conjunction with the expansion of Old Waco Road from Adams Avenue, south to the drainage channel located immediately north of Brandon Drive, funding in the amount of \$1,400,000 has been appropriated in account 520-5900-535-6521, project 101121 for the installation of related utilities. The funded amount included installation of an 8-inch water line. With the approval of this developer agreement, the size of the water line will change from an 8-inch water line to a 12-inch water line, with the estimated cost of \$28,071.75 to be reimbursed by Wal-Mart.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7523-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COST SHARING AGREEMENT WITH WAL-MART REAL ESTATE BUSINESS TRUST, TO PROVIDE FOR COST SHARING OF THE OVERSIZING OF A WATER LINE ALONG OLD WACO ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City is currently in the design phase for expansion of Old Waco Road from Adams Avenue, south to the drainage channel located immediately north of Brandon Drive - this design includes expansion of the road and construction of related utilities including a water line;

**Whereas**, Wal-Mart Real Estate Business Trust (“Wal-Mart”) is developing tracts of land located at the intersection of Adam’s Avenue and Old Waco Road - the City initially planned to install an 8-inch water line as part of the expansion project, but due to the Wal-Mart development it was decided that a 12-inch water line is needed;

**Whereas**, Wal-Mart has agreed to pay to the City 100% of the difference between the cost of an 8-inch pipe and the cost of a 12-inch pipe and the estimated cost of this oversizing is \$28,071.75;

**Whereas**, staff recommends entering into an agreement proposing that Wal-Mart will pay the amount owed to the City within 30 days of receipt of documentation from the City of the actual amounts spent towards the cost of oversizing the water line;

**Whereas**, funding has been appropriated in Account No. 520-5900-535-6521, Project No. 101121 for the oversizing of related utilities; and

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

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

**Part 1:** The City Council authorizes a Cost Sharing Agreement with Wal-Mart Real Estate Business Trust to provide for cost sharing of the oversizing of a 12-inch water line along Old Waco Road.

**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 agreement.

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(M)  
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 14 network switches with associated licensing and power supplies from Solid IT Networks of Houston, utilizing a State of Texas DIR contract, in the amount of \$36,413.05.

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

**ITEM SUMMARY:** The City currently uses network switch equipment through Brocade to provide enterprise class computer networking. The city currently supports over 1,000 network devices across the city and to support this effort, network switches are needed to connect these devices and route traffic to the correct places. All business and government networks today use switches to connect computers, printers, cameras and servers within a building or campus environment. A switch serves as a controller, enabling networked devices to talk to each other efficiently. Through information sharing and resource allocation, Switches and routers are the building blocks for all business communications, from data to voice and video to wireless access.

The City currently has over 100 network devices across the city and unfortunately some of these devices are at the end of life and are no longer supported. This will support our maintenance efforts to replace and maintain network switches every six to seven years.

Staff is recommending the replacement of 14 network switches with associated licensing and power supplies form Solid IT Network utilizing the Texas Department of Information Resources (DIR) contract DIR-TSO-2644.

**FISCAL IMPACT:** The Information Technology Department currently has funds budgeted in account 110-1982-519-23-38 in the amount of \$36,413.05 for replacement and maintenance of these network switches.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2014-7524-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 14 NETWORK SWITCHES WITH ASSOCIATED LICENSING AND POWER SUPPLIES FROM SOLID IT NETWORKS OF HOUSTON, TEXAS, UTILIZING A STATE OF TEXAS DIR CONTRACT, IN THE AMOUNT OF \$36,413.05; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City currently uses network switch equipment through Brocade to provide enterprise class computer networking which currently supports over 1,000 network devices across the City - to support this effort, network switches are needed to connect these devices and route traffic to the correct places;

**Whereas**, a switch serves as a controller, enabling network devices to talk to each other efficiently - through information sharing and resource allocation, switches and routers are the building blocks for all business communications, from data to voice and video to wireless access;

**Whereas**, the City currently has over 100 network devices across the City and unfortunately some of these devices are at the end of their useful life and are no longer supported;

**Whereas**, this purchase will support our maintenance efforts to replace and maintain network switches every six to seven years;

**Whereas**, staff is recommending the replacement of 14 network switches with associated licensing and power supplies from Solid IT Networks of Houston, Texas, in the amount of \$36,413.05;

**Whereas**, funds are budgeted in the Information Technology Department Account No. 110-1951-519-2338 for replacement and maintenance of these network switches; 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 14 network switches with associated licensing and power supplies from Solid IT Networks of Houston, Texas, utilizing a State of Texas DIR contract, in the amount of \$36,413.05.

**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 **16<sup>th</sup>** 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

---

10/16/14  
Item #5(N)  
Consent Agenda  
Page 1 of 5

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Mark Baker, Planner

**ITEM DESCRIPTION:** SECOND READING - 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:

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
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)**





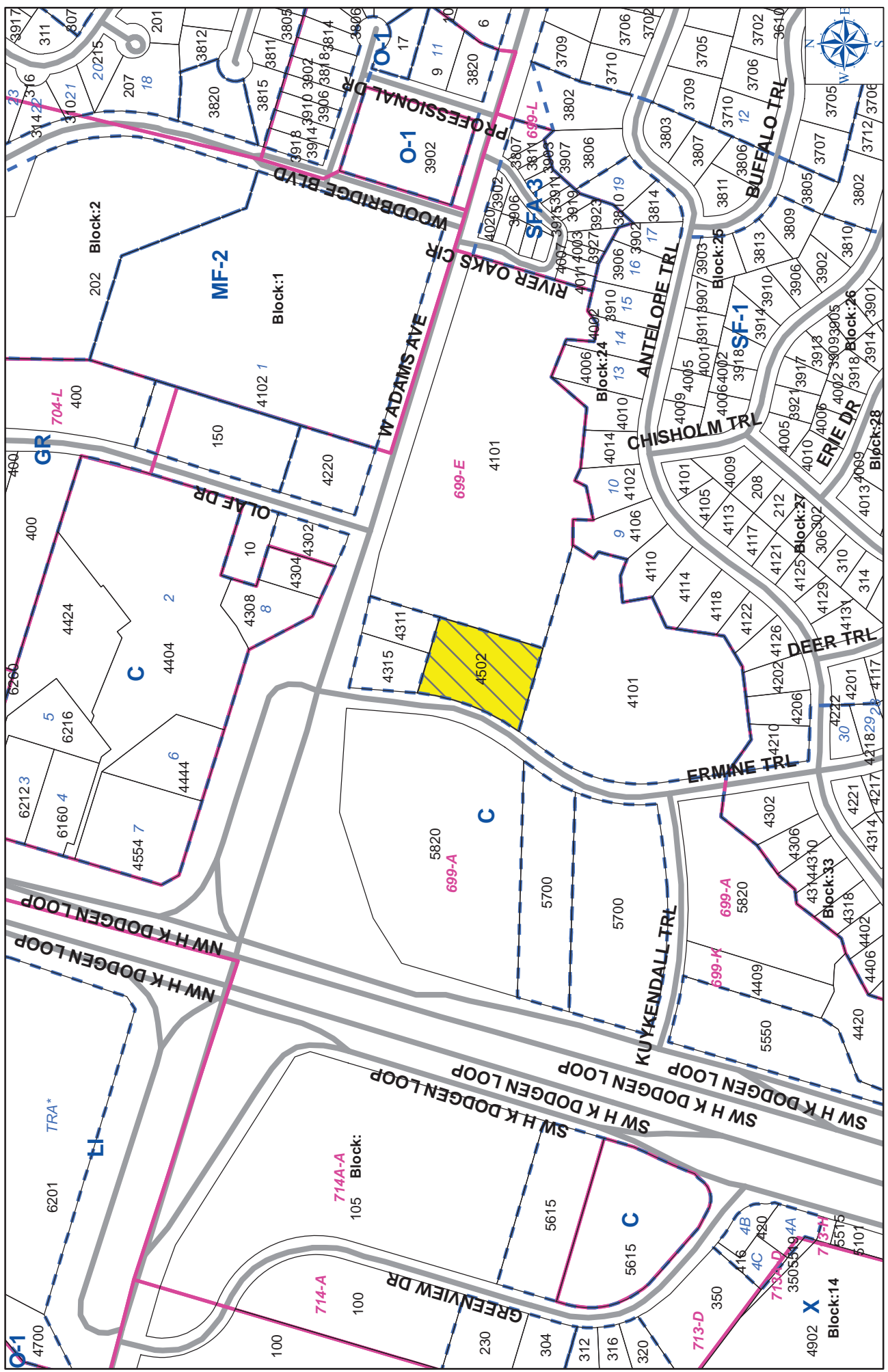
**South: Apartment Complex (C)**



**Z-FY-14-36**

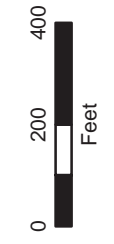
# Zoning & Location Map Conditional Use Permit (Package Store)

**4311 W. Adams Ave  
Suite 201**



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  
mbarber



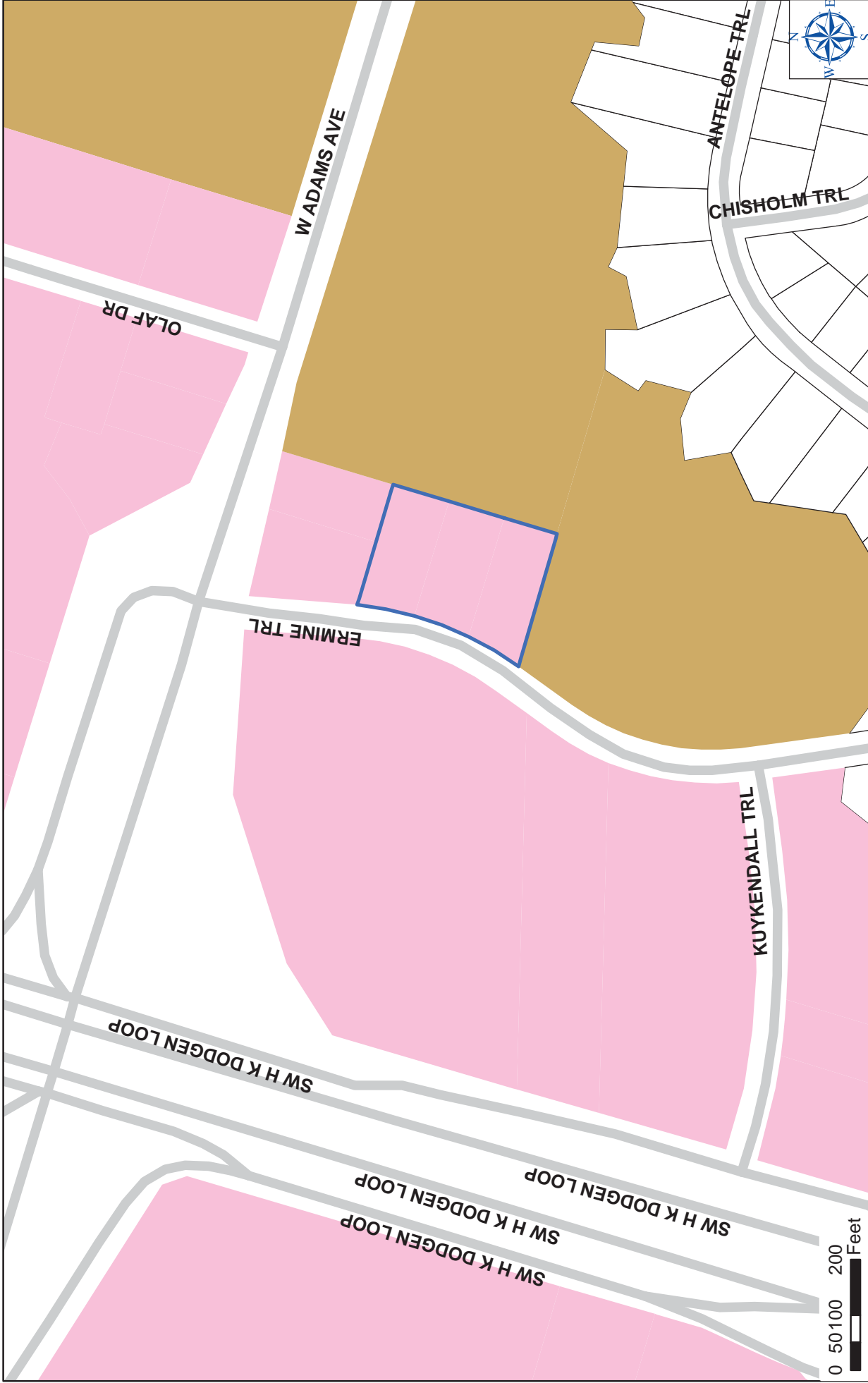
Case	Zoning	Subdivision	Outblock Number	Block Number	Lot Number
			1234	1234	1234



**Z-FY-14-36**

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

**4311 W. Adams Ave  
Suite 201**



**Future Land Use**

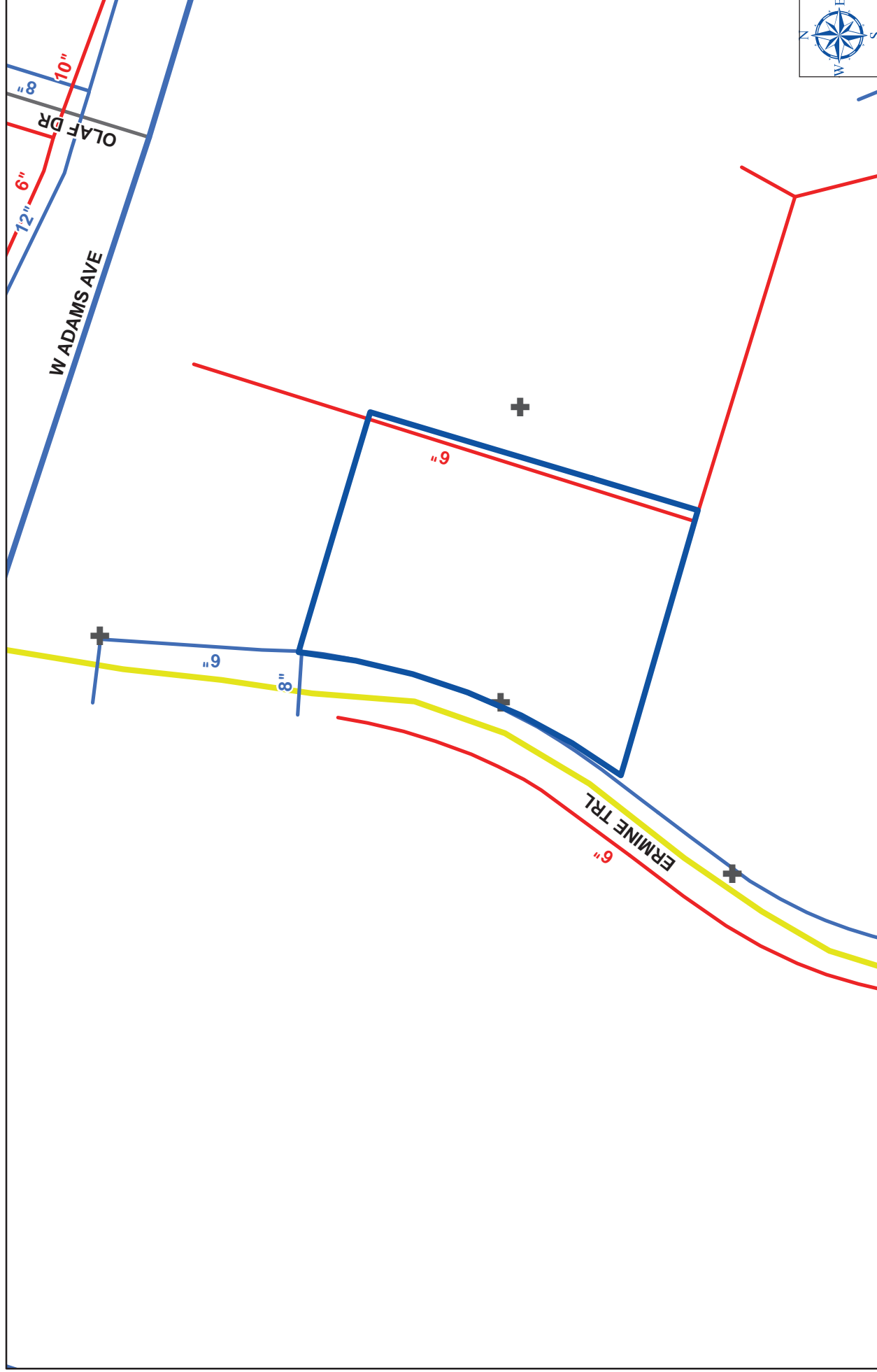
- Neighborhood Conservation
- Estate Residential
- Suburban Residential
- Auto-Urban Residential
- Auto-Urban Multi-Family
- Auto-Urban Mixed Use
- Auto-Urban Commercial
- Suburban Commercial
- Urban Center
- Temple Medical Education District
- Industrial
- Business Park
- Public Institutional
- Parks & 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)**

**4311 W. Adams Ave**  
**Suite 201**



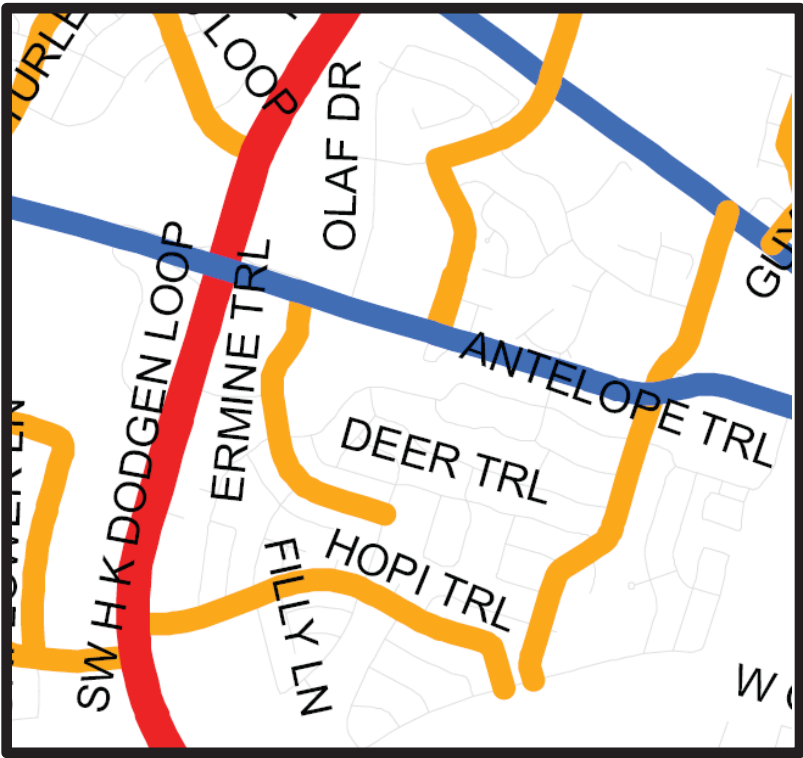
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

8/25/2014  
 City of Temple GIS

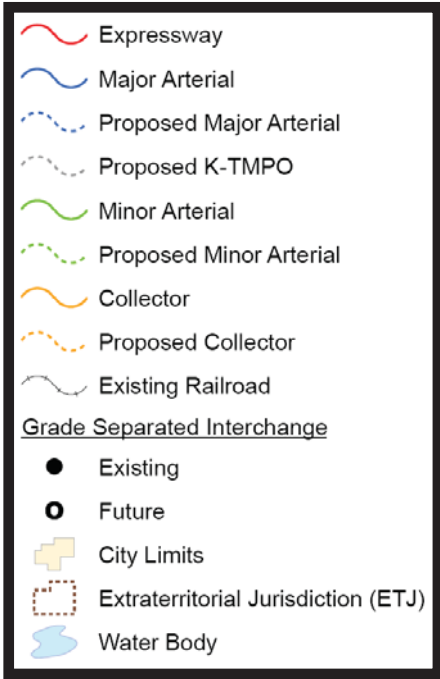


- Case
- Water Line
- Fire Hydrant
- Sewer Line
- Proposed Major Arterial
- Proposed Minor Arterial
- Expressway
- Minor Arterial
- Collector
- Conceptual Collector

# Localized Area of the Thoroughfare Plan

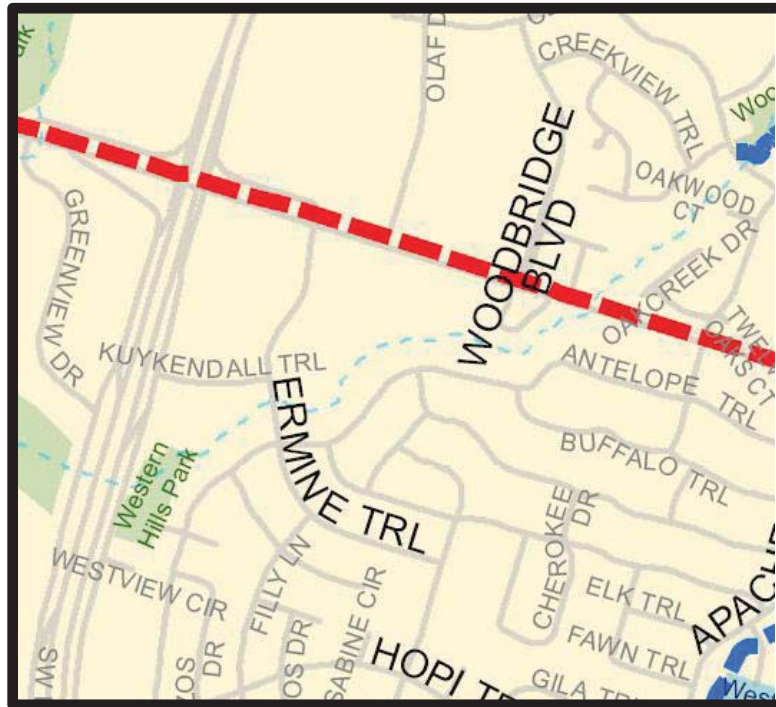


Map Legend (Map not to scale)



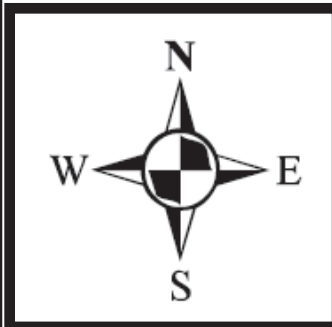


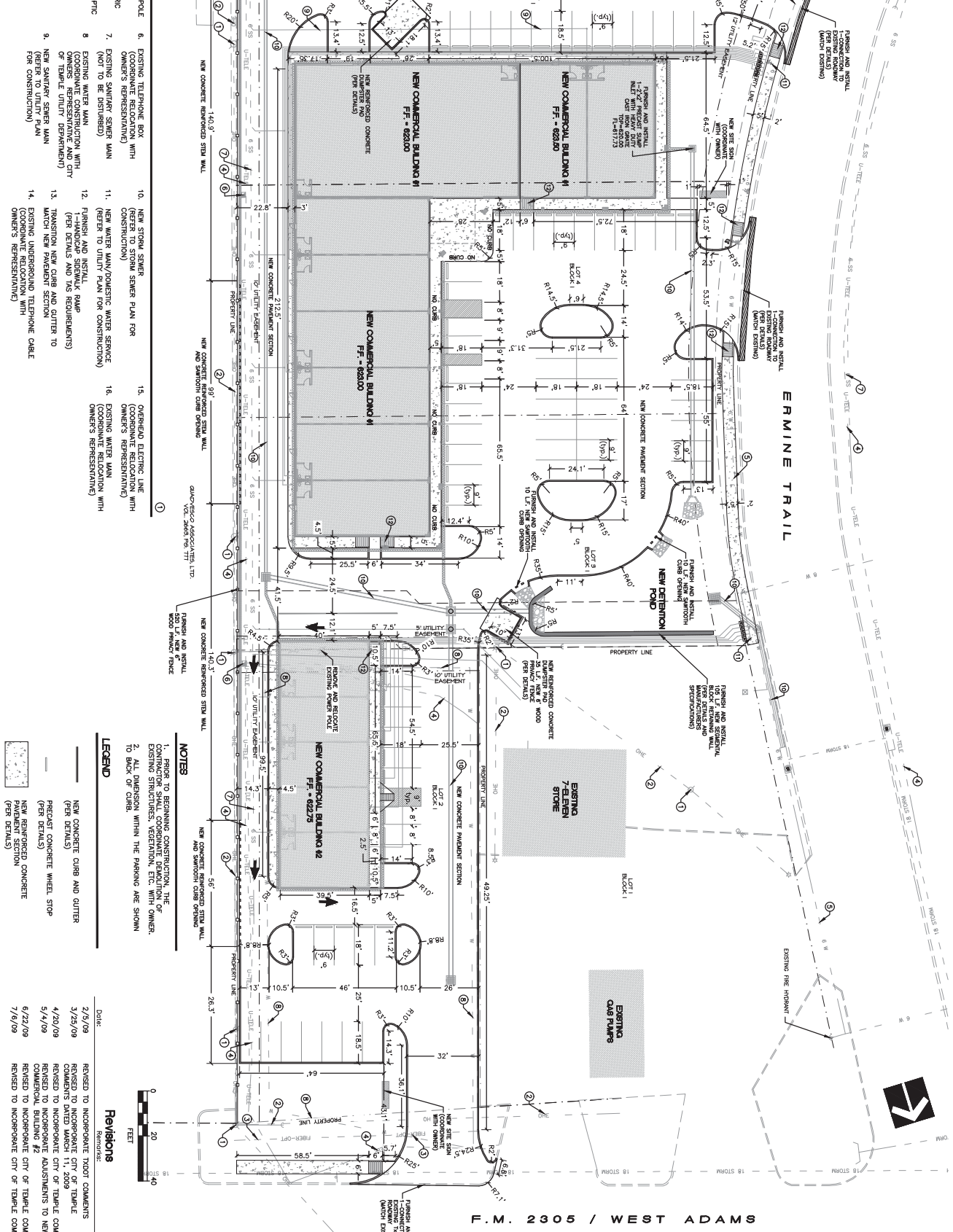
# Localized Area of the Trails Plan



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)





- KEYED NOTES**
- COUNCIL EXISTING POWER POLE (NOT TO BE DISTURBED)
  - COUNCIL OVERHEAD ELECTRIC (NOT TO BE DISTURBED)
  - COUNCIL EXISTING FIBER OPTIC (NOT TO BE DISTURBED)
  - COUNCIL UNDERGROUND TELEPHONE CABLE (NOT TO BE DISTURBED)
  - EXISTING CITY OF TEMPLE (NOT TO BE DISTURBED)
  - EXISTING TELEPHONE BOX (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
  - EXISTING SANITARY WATER MAIN (NOT TO BE DISTURBED)
  - EXISTING WATER MAIN (COORDINATE CONSTRUCTION WITH OWNER'S REPRESENTATIVE)
  - NEW SANITARY WATER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
  - NEW STORM SEWER (COORDINATE CONSTRUCTION WITH OWNER'S REPRESENTATIVE)
  - NEW WATER MAIN/DOMESTIC WATER SERVICE (REFER TO UTILITY PLAN FOR CONSTRUCTION)
  - EXISTING UNDERGROUND TELEPHONE CABLE (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
  - OVERHEAD ELECTRIC LINE (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
  - EXISTING WATER MAIN (COORDINATE RELOCATION WITH OWNER'S REPRESENTATIVE)
  - NEW WATER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
  - NEW SANITARY WATER MAIN (REFER TO UTILITY PLAN FOR CONSTRUCTION)
  - NEW STORM SEWER (REFER TO UTILITY PLAN FOR CONSTRUCTION)

- NOTES**
- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL CORRECTIVE DETECTION OF EXISTING STRUCTURES, UTILITIES, ETC. WITH OWNER.
  - ALL DIMENSIONS WITHIN THE PARKING ARE SHOWN TO SHED OF CURB.
- LEGEND**
- NEW CONCRETE CURB AND GUTTER (PER DETAILS)
  - PRECAST CONCRETE WHEEL STOP (PER DETAILS)
  - NEW REINFORCED CONCRETE (PER DETAILS)

**Revisions**

Date:	Revised:
2/5/09	REVISED TO INCORPORATE TPOAT COMMENTS
3/25/09	REVISED TO INCORPORATE CITY OF TEMPLE COMMENTS DATED MARCH 11, 2009
4/20/09	REVISED TO INCORPORATE CITY OF TEMPLE COMMENTS DATED APRIL 14, 2009
5/4/09	REVISED TO INCORPORATE CITY OF TEMPLE COMMENTS DATED MAY 4, 2009
6/22/09	REVISED TO INCORPORATE CITY OF TEMPLE COMMENTS DATED JUNE 22, 2009
7/6/09	REVISED TO INCORPORATE CITY OF TEMPLE COMMENTS DATED JULY 6, 2009

**Plot Date:** 7-6-09  
**Project No:** 081063.01  
**Drawn By:** KRF  
**Designed By:** MLC

**Clark & Fuller, PLLC**  
 Civil Engineers • Designers • Planners  
 Tel: (254) 890-0809 • Fax: (254) 890-0003  
 2010 SW 108 Dodge Loop, Suite 105, Temple, Texas 76704



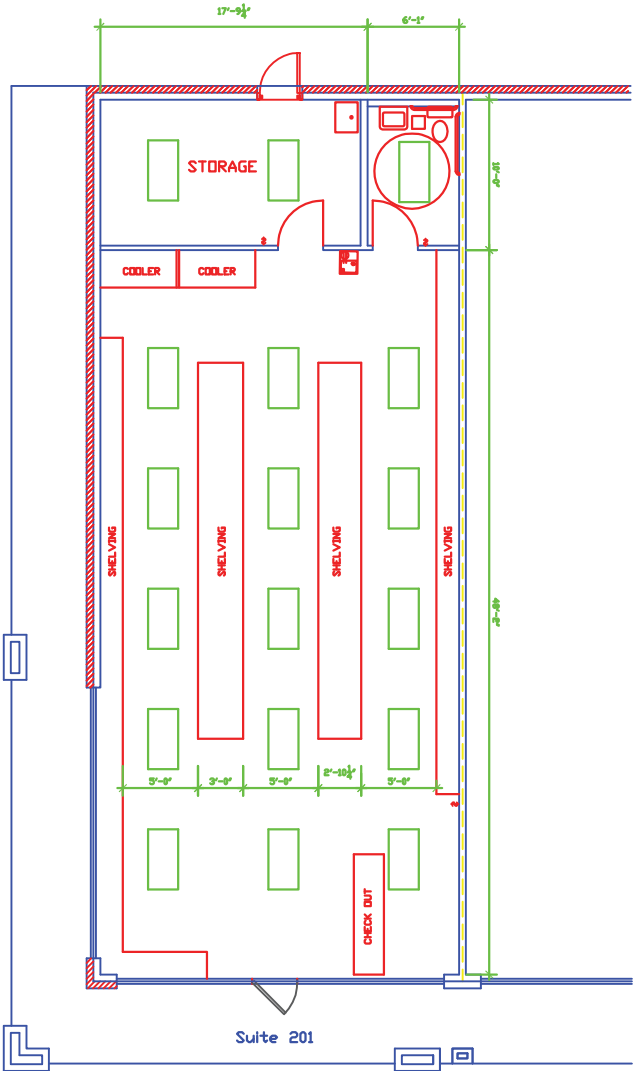
**PAINT BRUSH PLAZA**  
**NEW SITE DEVELOPMENT**  
 TEMPLE, TEXAS

**DRAWING STATUS**

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK, P.E., NO. 10585.

FOR REVIEW  
 THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY AS PER DATE 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



THE LIQUOR ROOM

4311 W. Adams, Temple

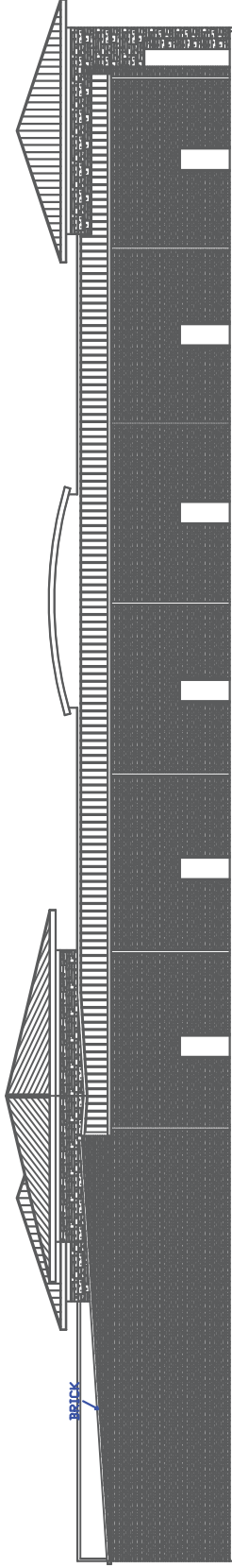
Suite #201

Note: Knox Box is between Suite #206 & #207

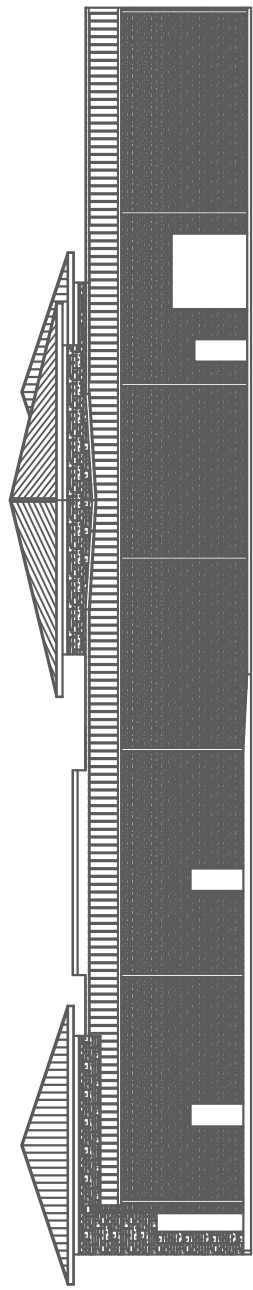
PAINT BRUSH PLAZA

SCALE: 1/4"=1'-0"  
 Maedgen Construction Inc.

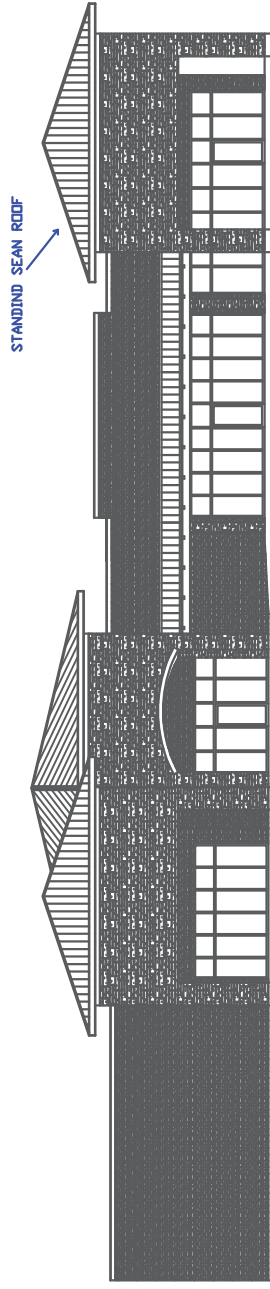
# ELEVATIONS - BUILDING #1 PAINT BRUSH PLAZA



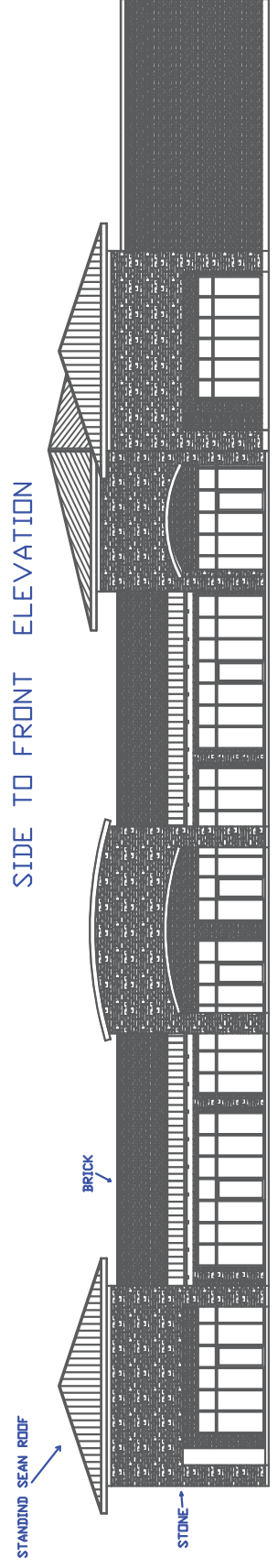
REAR ELEVATION



REAR ELEVATION



SIDE TO FRONT ELEVATION



FRONT TO SIDE ELEVATION

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







**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      (X) 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 **2<sup>nd</sup>** day of **October**, 2014.



PASSED AND APPROVED on Second Reading on the 16<sup>th</sup> 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

---

10/16/14  
Item #5(O)  
Consent Agenda  
Page 1 of 5

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** SECOND READING – 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 5<sup>th</sup> 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. 31<sup>st</sup> 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:

<b>Document</b>	<b>Policy, Goal, Objective or Map</b>	<b>Compliance?</b>
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 31<sup>st</sup> 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 31<sup>st</sup> 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](#)

**DRAWING STATUS**

NO. 1-100-11  
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF  
 JEFFREY B. FULLER, P.E., CIVIL ENGINEER, LICENSE NO. 100183  
 AND CLARK & FULLER, INC., CIVIL ENGINEERS, LICENSE NO. 100183  
 THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECTS  
 WITHOUT THE WRITTEN CONSENT OF CLARK & FULLER, INC.  
 YOUR CONTRACTOR CAN BE CONSIDERED COMPLETELY  
 RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS  
 FROM THE CITY OF TEMPLE, TEXAS.

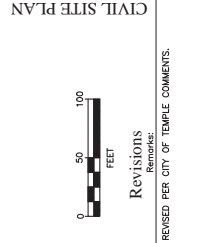
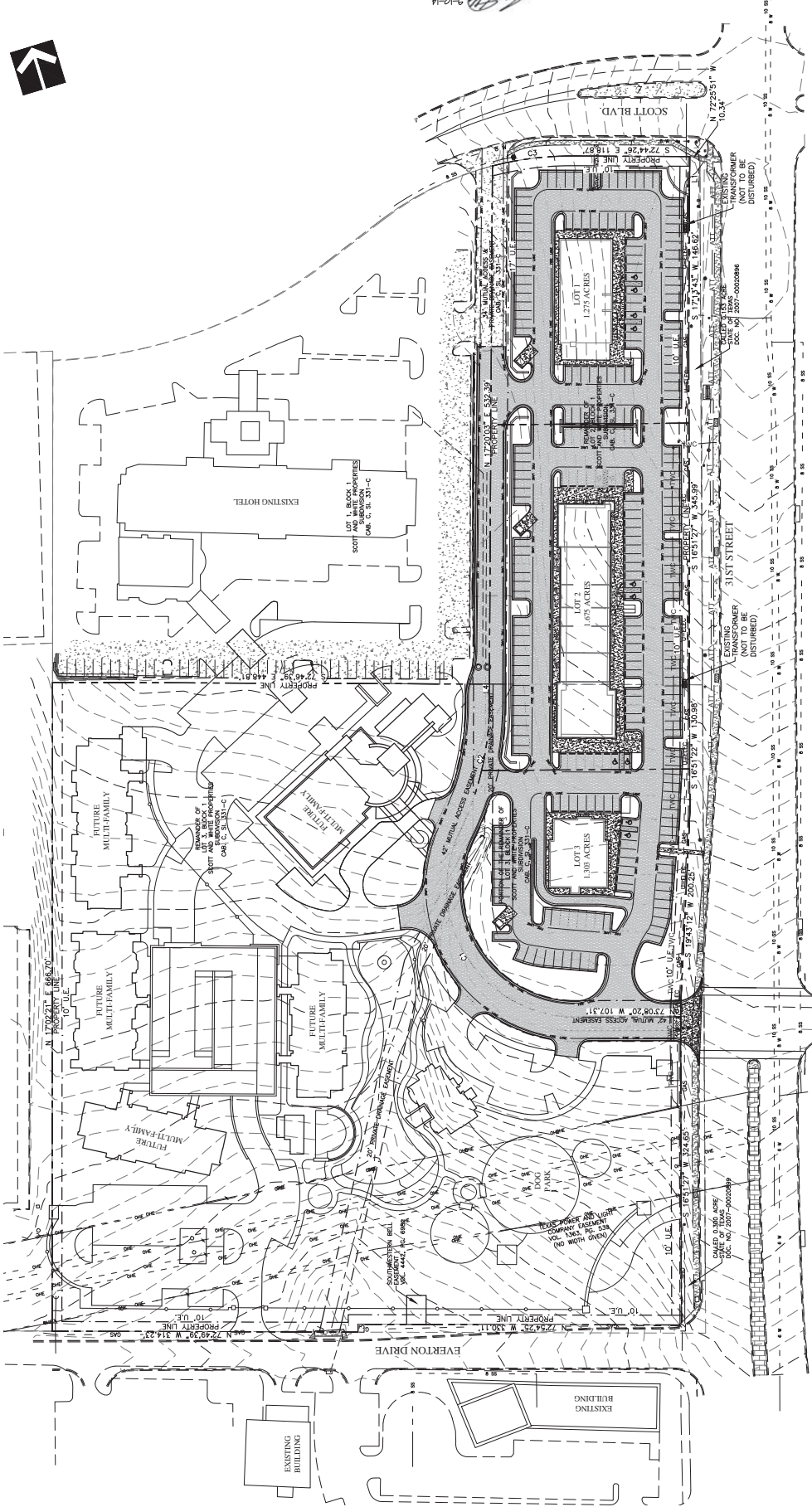
**SHOPPES ON THE HILL**  
 NEW SITE DEVELOPMENT  
 TEMPLE, TEXAS



**CLARK & FULLER**  
 CIVIL ENGINEERING • DESIGN • PLANNING  
 215 North Main Street, Temple, TX 76788  
 254-293-9999

Project No: 141493.00  
 Date: 9-10-14  
 Drawn By: JBF  
 Design By: JBF

**SP.1.1**



**CURVE TABLE**

LINE	BEARING	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	S 283.94° E	133.67°	S 105.55° W	235.90'
C2	S 137.09° W	205.00°	S 283.94° E	135.90'
C3	S 84.81° E	321.40°	S 79.96° E	84.56'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 173.41° W	50.00'
L2	S 165.53° W	7.93'
L4	S 18.62° W	18.95'

**PARKING CALCULATOR**

NO. OF BUILDINGS	MINIMUM REQUIRED	SEATS PROVIDED
1	4450	73
2	3500	17
3	2500	17
4	2500	55
5	7152	85
<b>TOTAL SPACES</b>		<b>259</b>

**NOTES**

1. PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE CITY OF TEMPLE TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TEMPLE, TEXAS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT EXISTING UTILITIES DURING CONSTRUCTION.
2. EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND DEPTHS. THE CONTRACTOR SHALL RELOCATE AND RELOCATE WITH OWNER AND APPROPRIATE UTILITY COMPANY.
3. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY DEPTH OF EXISTING UTILITIES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT EXISTING UTILITIES DURING CONSTRUCTION.

Revisions  
 Date: 9/10/14  
 REVISED PER CITY OF TEMPLE COMMENTS.



9-10-14



**DRAWING STATUS**

NO. 1-100-11  
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF  
 JOHN B. FULLER & FULLER P.C. (100101), CLARK & FULLER, PLLC (100101)  
 AND WERE PREPARED FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE  
 WITHOUT THE WRITTEN CONSENT OF CLARK & FULLER, PLLC  
 ANY REVISIONS TO THESE DRAWINGS MUST BE MADE BY THE ORIGINAL DESIGNER  
 AND MUST BE APPROVED BY THE ORIGINAL DESIGNER

**SHOPPES ON THE HILL**  
 NEW SITE DEVELOPMENT  
 TEMPLE, TEXAS

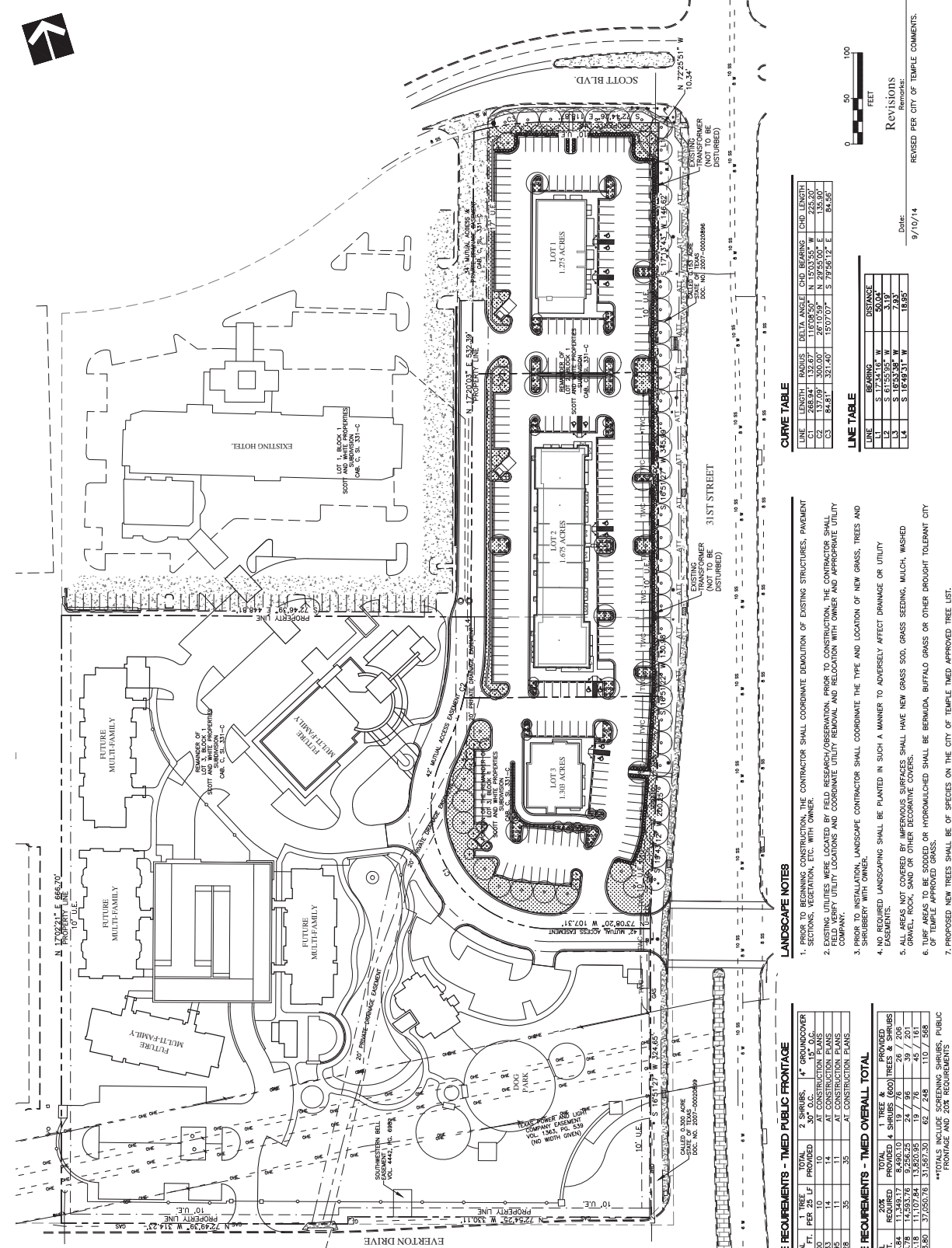


**CLARK & FULLER**  
 CIVIL ENGINEERING • DESIGN • PLANNING  
 215 North Main Street, Temple, TX 76788  
 254-292-1111

Project No: 141493.00  
 Date: 9-10-14  
 Drawn By: JBF  
 Design By: JBF

**SP1.2**

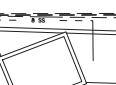
**PRELIMINARY LANDSCAPE PLAN**



**DRAWING STATUS**

NO. 1-100-11  
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF  
 JOHN B. FULLER & FULLER P.C. (100101), CLARK & FULLER, PLLC (100101)  
 AND WERE PREPARED FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE  
 WITHOUT THE WRITTEN CONSENT OF CLARK & FULLER, PLLC  
 ANY REVISIONS TO THESE DRAWINGS MUST BE MADE BY THE ORIGINAL DESIGNER  
 AND MUST BE APPROVED BY THE ORIGINAL DESIGNER

**SHOPPES ON THE HILL**  
 NEW SITE DEVELOPMENT  
 TEMPLE, TEXAS



**CLARK & FULLER**  
 CIVIL ENGINEERING • DESIGN • PLANNING  
 215 North Main Street, Temple, TX 76788  
 254-292-1111

Project No: 141493.00  
 Date: 9/10/14  
 Drawn By: JBF  
 Design By: JBF

**SP1.2**

**REVISIONS**

Revised Per City of Temple Comments. Date: 9/10/14

**LANDSCAPE NOTES**

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT, SIGNAGE, FENCELINE, ETC. WITH OWNER.
- EXISTING UTILITIES WILL BE LOCATED BY FIELD SURVEY/OBSERVATION PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND COORDINATING ALL UTILITIES, RECORDING 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 DIMENSIONS.
- ALL AREAS NOT COVERED BY IMPERVIOUS SURFACES SHALL HAVE NEW GRASS SOD, GRASS SEEDING, MULCH, WASHED GRAVEL, ROCK, SAND OR OTHER DECORATIVE COVER.
- OF THE APPROVED GRASS, BERMUDA, BUFFALO GRASS OR OTHER DROUGHT TOLERANT CITY SPECIES SHALL BE USED.
- PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TEMPLE TYPED APPROVED TREE LIST.

**LANDSCAPE REQUIREMENTS - TIMED PUBLIC FRONTAGE**

LOT NO.	LANDSCAPING PROVIDED	2" SHRUBS, 14" GROUNDCOVER	1" TREE & SHRUBS (600)
1	255,000	10	10
2	555,333	14	14
3	555,333	14	14
TOTAL	884,288	35	35

**LANDSCAPE REQUIREMENTS - TIMED OVERALL TOTAL**

LOT NO.	LANDSCAPING PROVIDED	2" SHRUBS, 14" GROUNDCOVER	1" TREE & SHRUBS (600)
1	255,000	10	10
2	555,333	14	14
3	555,333	14	14
TOTAL	884,288	35	35

**CURVE TABLE**

LINE	LENGTH	RADIUS	DELTA ANGLE	CHD BEARING	CHD LENGTH
C1	137.69	300.00	36.1059°	N 292.5510° E	136.80
C2	84.81	351.140	15.0707°	S 79.25612° E	84.56

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 17.3416° W	50.04
L2	S 18.6334° W	2.83
L3	S 18.6334° W	2.83
L4	S 18.6931° W	18.85

**LANDSCAPE NOTES**

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT, SIGNAGE, FENCELINE, ETC. WITH OWNER.
- EXISTING UTILITIES WILL BE LOCATED BY FIELD SURVEY/OBSERVATION PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND COORDINATING ALL UTILITIES, RECORDING 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 DIMENSIONS.
- ALL AREAS NOT COVERED BY IMPERVIOUS SURFACES SHALL HAVE NEW GRASS SOD, GRASS SEEDING, MULCH, WASHED GRAVEL, ROCK, SAND OR OTHER DECORATIVE COVER.
- OF THE APPROVED GRASS, BERMUDA, BUFFALO GRASS OR OTHER DROUGHT TOLERANT CITY SPECIES SHALL BE USED.
- PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TEMPLE TYPED APPROVED TREE LIST.

**LANDSCAPE REQUIREMENTS - TIMED PUBLIC FRONTAGE**

LOT NO.	LANDSCAPING PROVIDED	2" SHRUBS, 14" GROUNDCOVER	1" TREE & SHRUBS (600)
1	255,000	10	10
2	555,333	14	14
3	555,333	14	14
TOTAL	884,288	35	35

**LANDSCAPE REQUIREMENTS - TIMED OVERALL TOTAL**

LOT NO.	LANDSCAPING PROVIDED	2" SHRUBS, 14" GROUNDCOVER	1" TREE & SHRUBS (600)
1	255,000	10	10
2	555,333	14	14
3	555,333	14	14
TOTAL	884,288	35	35

**REVISIONS**

Revised Per City of Temple Comments. Date: 9/10/14

**DRAWING STATUS**

NO. 1-100-11  
 THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF  
 JOHN B. FULLER & FULLER P.C. (100101), CLARK & FULLER, PLLC (100101)  
 AND WERE PREPARED FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 FOR THE PROJECT OF THE CITY OF TEMPLE, TEXAS  
 THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE  
 WITHOUT THE WRITTEN CONSENT OF CLARK & FULLER, PLLC  
 ANY REVISIONS TO THESE DRAWINGS MUST BE MADE BY THE ORIGINAL DESIGNER  
 AND MUST BE APPROVED BY THE ORIGINAL DESIGNER

**SHOPPES ON THE HILL**  
 NEW SITE DEVELOPMENT  
 TEMPLE, TEXAS



**CLARK & FULLER**  
 CIVIL ENGINEERING • DESIGN • PLANNING  
 215 North Main Street, Temple, TX 76788  
 254-292-1111

Project No: 141493.00  
 Date: 9/10/14  
 Drawn By: JBF  
 Design By: JBF

**SP1.2**







Existing Site



Property to North







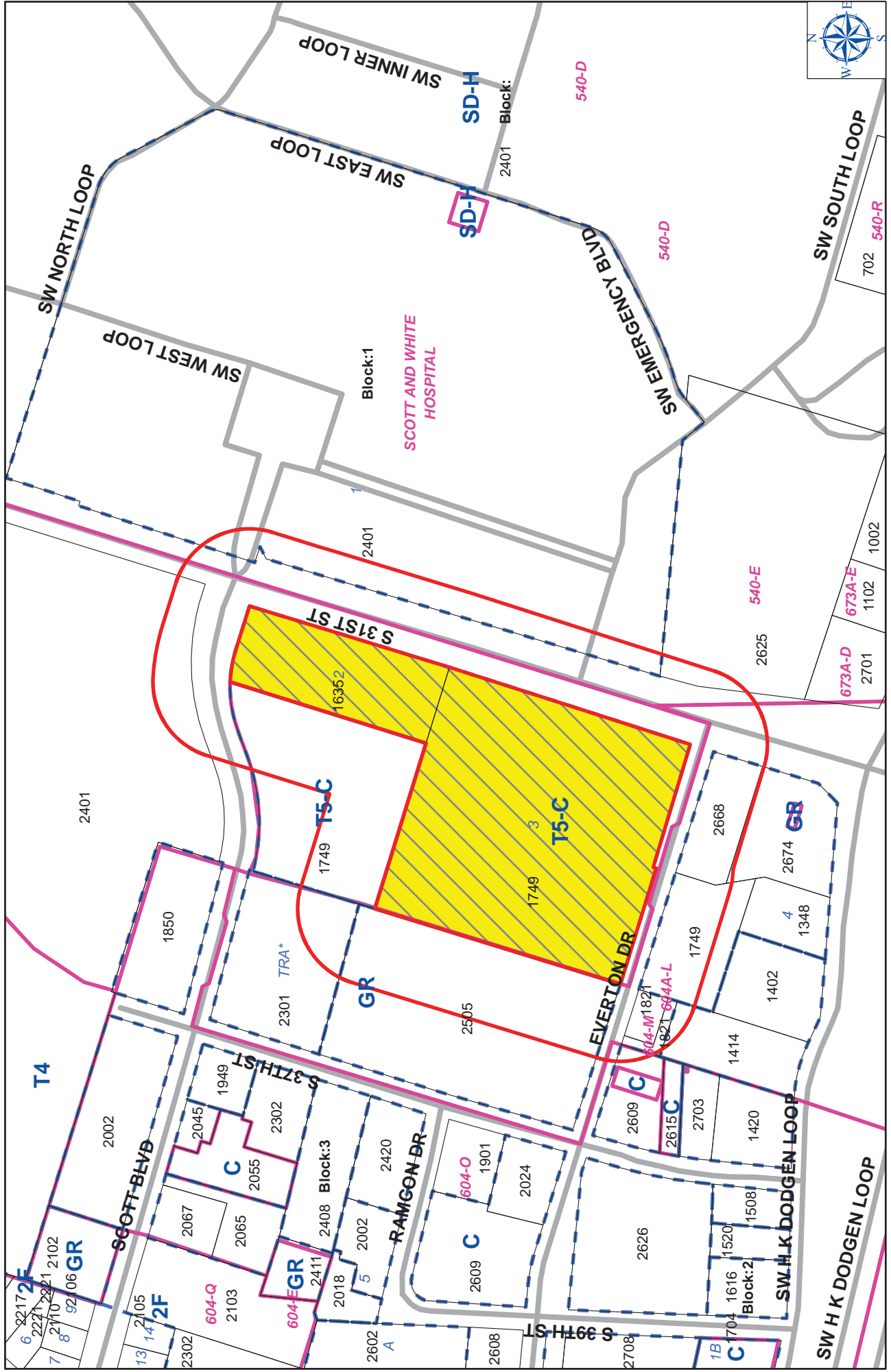








# Z-FY-14-38 TMED T5-C to Planned Development-TMED (PD-T5-C)



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.

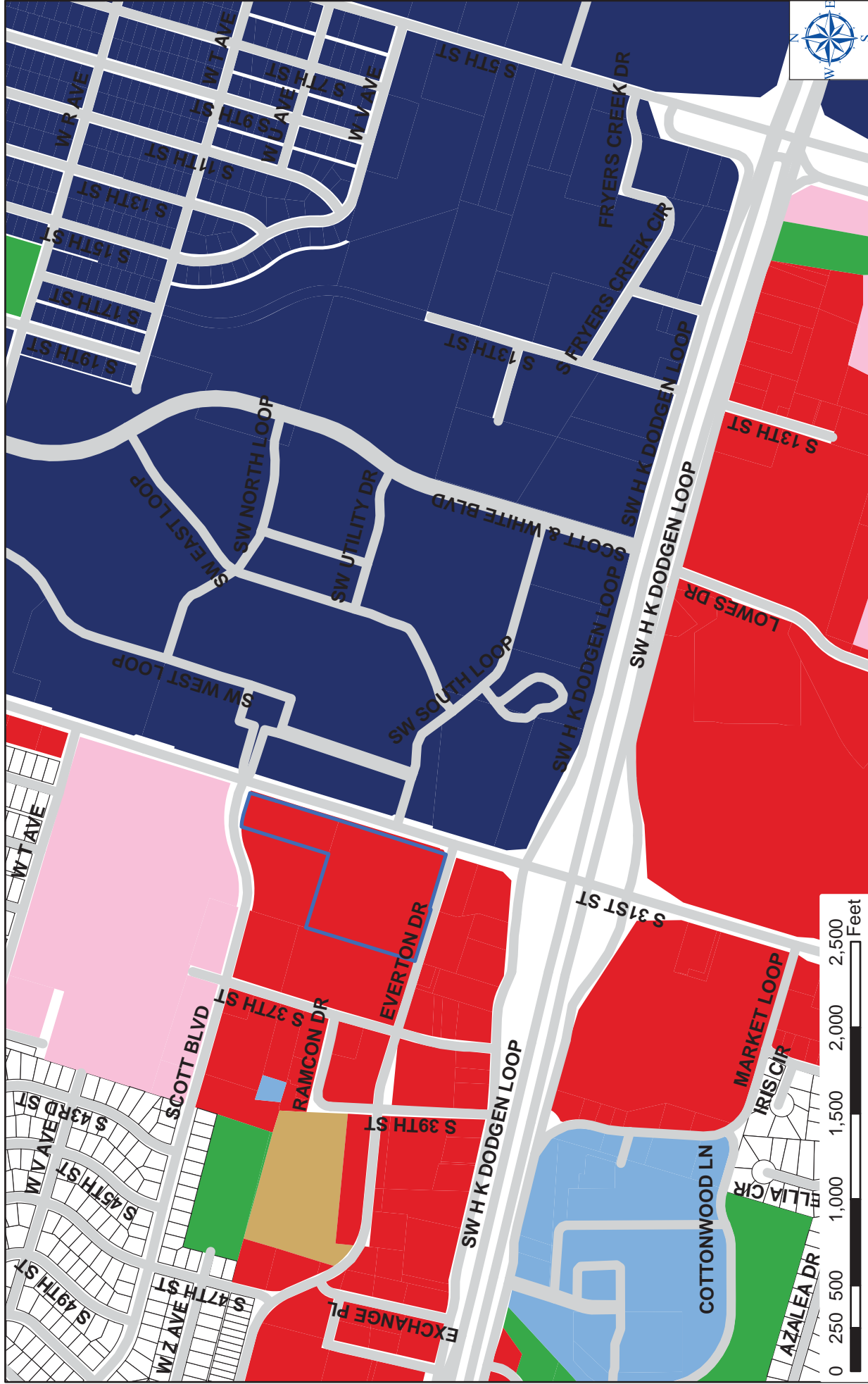
8/29/2014  
City of Temple GIS  
bchandler



① Block Number  
1 Lot Number

1234-A Outblock Number  
1234 Subdivision

Case  
200' Buffer



**Future Land Use**

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

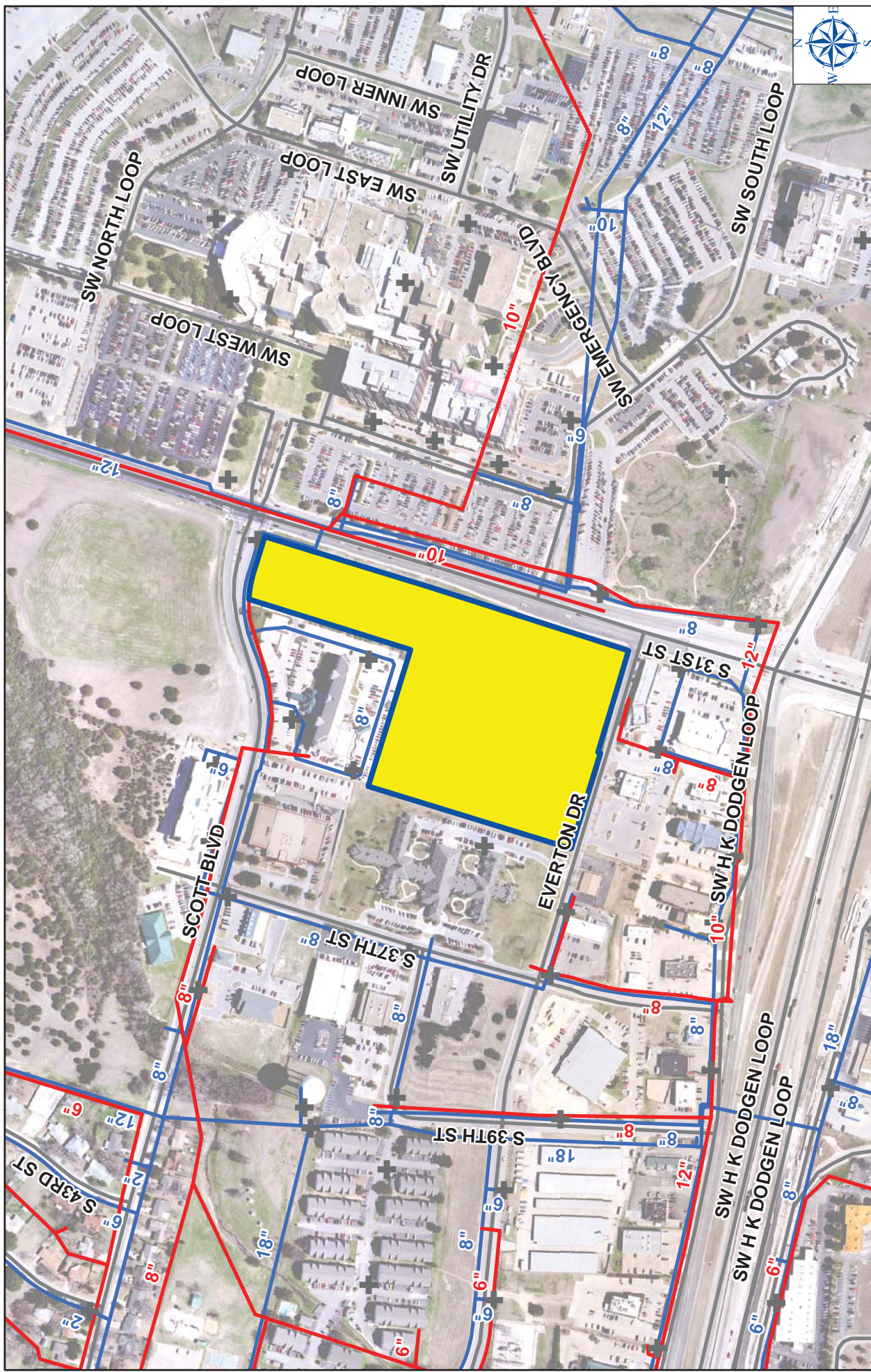
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

9/10/2014  
City of Temple GIS









Case
  Water Line
  Sewer Line
  Fire Hydrant

0 250 500 1,000  
 Feet

9/10/2014  
 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 constitute a contract. All data are approximate and represent only the approximate relative location of property boundaries and other features.



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)
	Does the project meet all specific use standards? 6.3.6 E	Yes		Requirements will be met at that time
	Is any outdoor storage proposed? Outdoor storage not permitted in TMED. 6.3.6 G	No		
Circulation: UDC 6.3.7	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 facade and reserves 5' of pedestrian walkway? 6.3.6 H	No		
	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		
	Is location and placement of bike facilities in accordance with standards? 6.3.9 B	yes		
Bike Facilities: UDC 6.3.9	Are minimum required bicycle racks provided? 6.3.9 B	yes		
	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		
Private Property Landscape Standards: UDC 6.3.10	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		

<b>Public Frontage Standards: UDC 6.3.11</b>	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		
	Are the proposed trees selected from the approved tree list? 6.3.12.B (See Temple Drought Tolerant Tree Selection Guide)	yes		
<b>General Planting: UDC 6.3.12</b>	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
	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'
<b>Architectural, Parking, Street Lights &amp; Utilities: UDC 6.3.13, 14, 17 and 18</b>	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		
	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

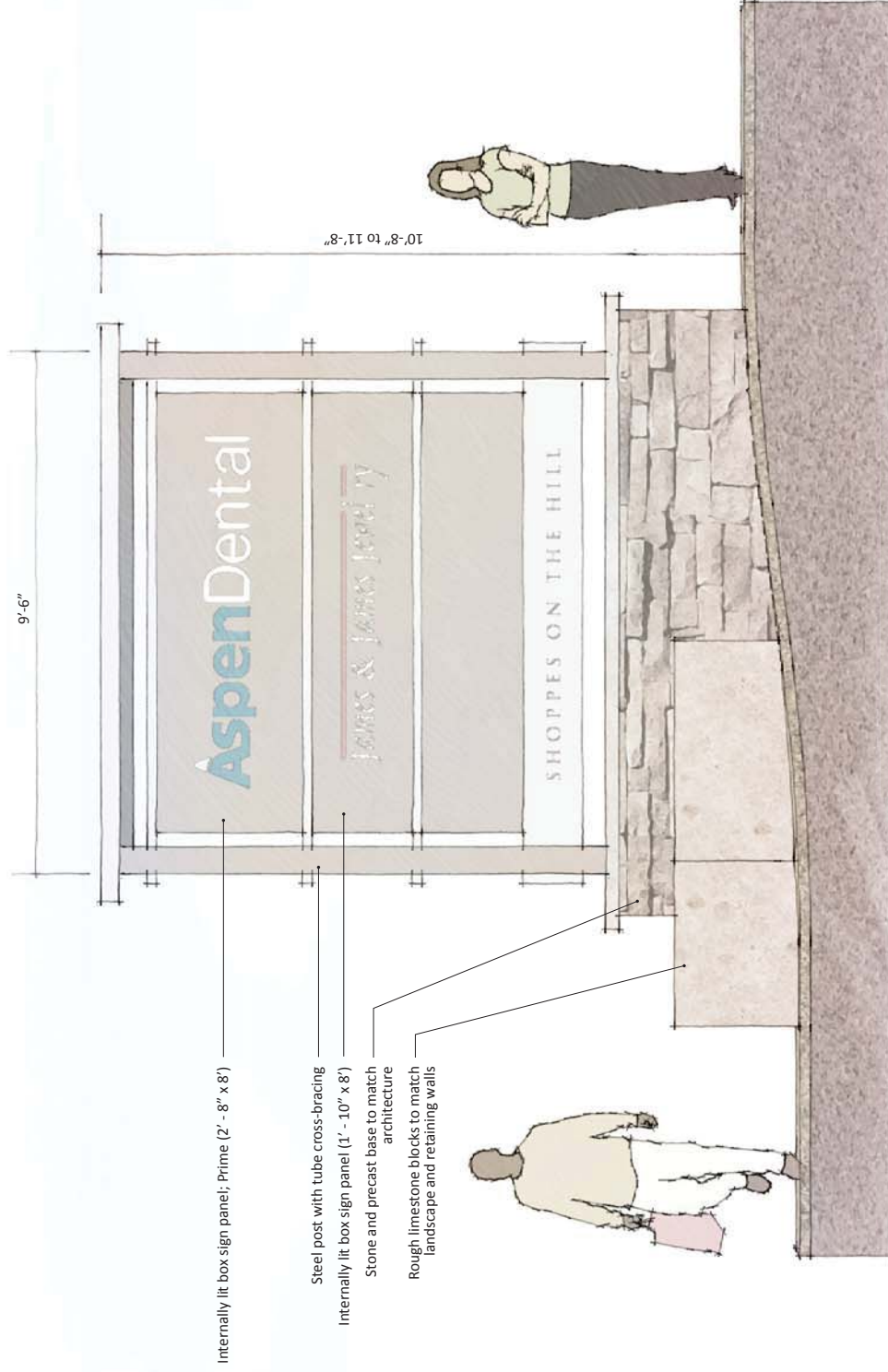


Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



Retail Monument Signage, Type A - Version 2 (Base Plate)

BAYLOR SCOTT & WHITE MIXED-USE DEVELOPMENT  
*Development Signage Concepts*



- Internally lit box sign panel; Prime (2' - 8" x 8')
- Steel post with tube cross-bracing
- Internally lit box sign panel (1' - 10" x 8')
- Stone and precast base to match architecture
- Rough limestone blocks to match landscape and retaining walls

Images are conceptual and subject to change. Dimensions are approximate and subject to City approval.



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.



Retail Monument Signage, Type B - Prime Solo

## DRC Comments from 9-2-14 meeting

### S. 31<sup>st</sup> and Scott Blvd. Planned Development (PD) Site Plan

#### Planning

- Location of any cut-through access points from S. 31<sup>st</sup> 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. 31<sup>st</sup> 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. 31<sup>st</sup> 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 31<sup>st</sup> 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*

---

---

---

---

---

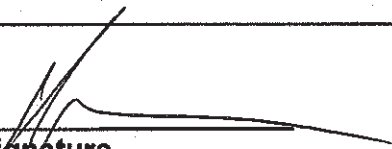
---

---

---

---

---

  
\_\_\_\_\_  
Signature

MICHAEL R. CARONE o/s/o 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 31<sup>st</sup> 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.seniorcarecentersltc.com](http://www.seniorcarecentersltc.com)

2828 North Harwood St. Suite 1100 • Dallas, TX 75201  
214-252-7600 • Fax 214-252-7599  
[www.seniorcarecentersltc.com](http://www.seniorcarecentersltc.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 31<sup>st</sup> 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**

*Secretary NOS*

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 31<sup>ST</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> and South 5<sup>th</sup> Streets adjacent to Temple College)
- Pedestrian connections from South 31<sup>st</sup> 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 2<sup>nd</sup> day of **October**, 2014.

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

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Kayla Landeros  
City Attorney

ATTEST:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary





## COUNCIL AGENDA ITEM MEMORANDUM

---

10/16/14  
Item #6  
Regular Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** SECOND READING - PUBLIC HEARING: 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:** Conduct public hearing and adopt ordinance as presented in item description on second reading, and schedule third reading and final reading for November 6, 2014.

**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.

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 2<sup>nd</sup> day of **October**, 2014.

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

PASSED AND APPROVED on Third and Final Reading and Public Hearing on the 6<sup>th</sup> 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: