



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, NOVEMBER 6, 2014

2:30 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 6, 2014.
2. Evaluations 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 Attorney, and the Municipal Court Judge. No final action will be taken.

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PROCLAMATIONS & SPECIAL RECOGNITION

3. Arbor Day November 12, 2014

III. PUBLIC COMMENTS

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

IV. CONSENT AGENDA

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

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

Minutes

- (A) [October 16, 2014 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2014-7525-R](#): Consider adopting a resolution authorizing a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program for the City of Temple Animal Shelter.
- (C) [2014-7526-R](#): Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.
- (D) [2014-7527-R](#): Consider adopting a resolution authorizing a construction contract for the base bid and bid alternates #1-6 with Austin Engineering Company, of Austin, for rehabilitation of the Hickory Lift Station in an amount not to exceed \$403,100, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (E) [2014-7528-R](#): Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required for bid, construction phase and onsite representation services for the Outer Loop (Phase 3) from Adams to the channel in an amount not to exceed \$96,700.
- (F) [2014-7529-R](#): Consider adopting a resolution authorizing a professional services agreement with Walker Partners, LLC, of Killeen for engineering services including design, surveying, bidding and construction administration required to replace" water mains along East Adams Avenue and North 3rd Street in an amount not to exceed \$175,660; as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.
- (G) [2014-7530-R](#): Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple for professional services required to design and survey work for the 2015 Utility Replacement program in an amount not to exceed \$213,791.59.
- (H) [2014-7531-R](#): Consider adopting a resolution authorizing a contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple (KPA) for services required to provide design, bidding, and right-of-way support services for the Prairie View Road Widening in an amount not to exceed \$697,400.
- (I) [2014-7532-R](#): Consider adopting a resolution authorizing a Chapter 380 Agreement with Temple Economic Development Corporation (TEDC) for conveyance to TEDC of an approximately 39 acre parcel of City-owned land located off of Range Road.
- (J) [2014-7533-R](#): Consider adopting a resolution authorizing the following with respect to the procurement of natural gas for the compressed natural gas (CNG) fueling station:
 - 1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston for consulting services related to natural gas procurement; and
 - 2. The City Manager or the Director of Finance to enter into a contract commencing January 1, 2015, with the lowest responsible bidder for a period of 12 to 36 months for the commodity cost of natural gas.

- (K) [2014-7534-R](#): Consider adopting a resolution authorizing payment of the Consolidated Water Quality (CWQ) Assessment Fee to the Texas Commission on Environmental Quality (TCEQ) for operations of Temple's wastewater treatment plants, in the cumulative amount of \$94,722.

Misc.

- (L) [2014-7535-R](#): Consider adopting a resolution authorizing the application for grant funds to Oncor's City Matching Grant Program, to complete lighting upgrades at the AMCOM hangar building at the Airport in the amount of \$23,358 with up to \$11,679 reimbursed to the City.
- (M) [2014-7536-R](#): Consider adopting a resolution authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage costs associated with the Interlibrary Loan program for an amount up to \$7,992.
- (N) [2014-7537-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

Ordinances – Third & Final Reading

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

V. REGULAR AGENDA

ORDINANCES

5. [2014-4691](#): FIRST READING & PUBLIC HEARING: Consider adopting an ordinance establishing the City's participation in the Texas Enterprise Zone Program pursuant to Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Artco-Bell Corporation to the office of the Governor Economic Development & Tourism through the Economic Development Bank as a qualified enterprise project.
6. [2014-4688](#): FIRST READING – PUBLIC HEARING - Z-FY-14-37: Consider adopting an ordinance to take action on a rezoning from Urban Estate District (UE) to Single Family-One District (SF-1) on 61.137 +/- acres, being a tract of land in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 5105 Charter Oak Drive.

RESOLUTIONS

7. [2014-7538-R](#): O-FY-15-01 – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.8 of the Unified Development Code for the 1st and 3rd Overlay District related to landscaping, sidewalks, and impervious cover for the expansion of an existing car dealership at 1001 and 1003 South 1st Street.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:30 PM, on Friday, October 31, 2014.

_____

Lacy Borgeson,
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) October 16, 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 16, 2014 Special Called and Regular Meeting (To Be Provided)



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Walter Hetzel, Animal Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program for the City of Temple Animal Shelter.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

At its October 27, 2014 meeting, the Animal Services Advisory Board voted to recommend approval of the proposed contract.

ITEM SUMMARY: Since 2005, the City of Temple Animal Shelter has participated in a spay and neuter program administered by the Ida Ollife Foundation. This past year, the Ida Ollife Foundation disbanded and a new foundation was established, the Greater Temple-Belton Foundation for Animal Care ("Foundation").

The Foundation desires to continue the spay and neuter voucher program.

Under the proposed agreement, the City of Temple will \$45 for each adopted animal which has either already been spayed or neutered by the Foundation or for which a spay and neuter voucher is purchased at the time of adoption and will pass those funds through to the Foundation on a quarterly basis. The Foundation will use funds for reasonable and necessary expenses for the purposes of administering the spay and neuter Voucher program. The Foundation will enter into a contract with one or more qualified veterinarians to perform spay and neuter services for animals adopted from the City of Temple Animal Shelter in exchange for a voucher purchased at the time of adoption.

The proposed agreement also authorizes disbursing to the Foundation \$23,120 in voucher fees that the City of Temple has been holding in escrow during the transition period from the Ida Ollife Foundation to the Greater Temple-Belton Foundation for Animal Care.

FISCAL IMPACT: None.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7525-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE GREATER TEMPLE-BELTON FOUNDATION FOR ANIMAL CARE TO ADMINISTER A SPAY AND NEUTER VOUCHER PROGRAM FOR THE CITY OF TEMPLE ANIMAL SHELTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, at its October 27, 2014 meeting, the Animal Services Advisory Board voted to recommend approval of a contract with the Greater Temple-Belton Foundation for Animal Care to administer a spay and neuter voucher program at the City of Temple Animal Shelter;

Whereas, since 2005, the City of Temple Animal Shelter has participated in a spay and neuter program administered by the Ida Ollife Foundation - this past year, the Ida Ollife Foundation disbanded and a new foundation was established, the Greater Temple-Belton Foundation for Animal Care and this new foundation desires to continue the spay and neuter voucher program;

Whereas, under the proposed agreement, the City of Temple will establish a \$45 voucher fee for each adopted animal which has either already been spayed or neutered by the Foundation or for a spay and/or neuter voucher at the time of adoption;

Whereas, these funds will pass through to the Foundation on a quarterly basis and the Foundation will use those funds for reasonable and necessary expenses of administering the spay and neuter voucher program;

Whereas, the Foundation will enter into a contract with one or more qualified veterinarians to perform spay and neuter services for those animals adopted from the City of Temple Animal Shelter in exchange for a voucher purchased at the time of adoption;

Whereas, the proposed contract will also authorize a distribution to the Foundation of all voucher fees that the City of Temple has been holding in escrow during the transition period from the Ida Ollife Foundation to the Greater Temple-Belton Foundation for Animal Care – as of September 30, 2014, the balance of the voucher fees was \$23,450; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with the Greater Temple-Belton Foundation for Animal Care, after approval as to form by the City Attorney, to administer a spay and neuter program for the City of Temple Animal Shelter, establish a \$45 voucher fee for each adopted animal, and distribute all voucher fees to the Foundation that the City has been holding in escrow during the transition period.

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

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

11/06/14
Item #4(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Valley View Consulting, LLC for Investment Advisory Services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has utilized the services of Valley View Consulting, LLC for the past two years to assist with the management of its investment portfolio. Based on the amount of the current investment portfolio and interest rate environment, staff has determined an investment consultant would continue to add value to the portfolio.

Staff has selected Valley View Consulting for the Investment Advisory Services recommendation. Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles. Valley View provides completely independent advice and consultation and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider. The investment services the City will receive include:

- Strategic portfolio advice,
- Investment policy and bond covenant review,
- Cash flow model development for all non-bond funds,
- Bond proceeds cash flow model assistance,
- Complete analysis of eligible investment options,
- Thorough deposit and transaction documentation,
- Effective broker/dealer management,
- Integrated bond proceeds investment,
- Customized communication, reporting, and training, and
- Assistance with the Bank Depository RFA process.

FISCAL IMPACT. In consideration of these services, the annual fee would be based on the average quarter end book value of investments as follows:

.036% (3.6 basis points)	Up to and including \$85,000,000
.030% (3 basis points)	Over \$85,000,000 up to and including \$150,000,000
.020% (2 basis points)	Over \$150,000,000 up to and including \$250,000,000
.010% (1 basis point)	Over \$250,000,000

\$38,000 is available in account 110-1200-515-26-16, Professional and \$17,000 is available in account 520-5000-535-26-16, Professional.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7526-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH VALLEY VIEW CONSULTING, LLC FOR INVESTMENT ADVISORY SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, The City has utilized the services of Valley View Consulting, LLC for the past two years to assist with the management of its investment portfolio - based on the amount of the current investment portfolio and interest rate environment, staff has determined an investment consultant would continue to add value to the portfolio;

Whereas, staff recommends Council approve a contract with Valley View Consulting for the Investment Advisory Services - Valley View Consulting is a SEC registered investment advisory firm serving Texas public entities in a variety of cash and investment management and consulting roles;

Whereas, Valley View provides completely independent advice and consultation and is not affiliated with any investment pool, mutual fund, broker/dealer, financial institution, or investment provider;

Whereas, the investment services the City will receive include strategic portfolio advice, investment policy and bond covenant review, cash flow model development for all non-bond funds, bond proceeds cash flow model assistance, complete analysis of eligible investment options, thorough deposit and transaction documentation, effective broker/dealer management, integrated bond proceeds investment, customized communication, reporting, and training, and assistance with the Bank Depository RFA process;

Whereas, in consideration of these services, the annual fee would be based on the average quarter end book value of investments and funds are available in Account Nos: 110-1200-515-2616 and 520-5000-535-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a contract with Valley View Consulting, LLC, after approval as to form by the City Attorney, for investment advisory services.

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

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

11/06/14
Item #4(D)
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 construction contract for the base bid and bid alternates #1-6 with Austin Engineering Company, of Austin, for rehabilitation of the Hickory Lift Station in an amount not to exceed \$403,100, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Hickory Lift Station, located in the Bird Creek drainage basin, is an important part of the wastewater collection system. Over the past several years, the station has experienced numerous pump failures/stoppages due to the inability to pass debris, long run times, and not being able to keep up during increased flows, sometimes causing overflows at the station. After preliminary evaluation, it has been determined the pumps are not adequately sized to meet the needs of the service area and need to be replaced.

On October 21, 2014, four (4) bids were received. Per the attached bid tabulation, Austin Engineering submitted the low bid with a base bid in the amount of \$342,100, which addressed primary lift station components. Six add alternates totaling \$61,000, were also accepted to remove and replace various valves that are beginning to fail. The engineer checked references and recommends awarding construction to the low bidder, Austin Engineering. Construction time allotted for the project is 250 calendar days from the authorization of the notice to proceed.

FISCAL IMPACT: Currently funding in the amount of \$248,724 is available in account 561-5400-535-6905, project 100991. The remaining needed funds in the amount of \$154,376 will be funded with the proposed 2015 Utility Revenue Bonds to be issued Spring 2015. Total funds in the amount of \$403,100 will be made available in account 561-5400-535-6905, project 100991, to fund this construction contract in the amount not to exceed of \$403,100 with Austin Engineering Company.

ATTACHMENTS:

Engineer's Letter of Recommendation
Bid Tabulation
Project Map
Resolution



S. D. KALLMAN, INC.
Engineers and Environmental Consultants

October 24, 2014

Ms. Nicole Torralva, P.E.
Director of Public Works
City of Temple
3210 East Avenue H, Building A
Temple, Texas 76501

**RE: CITY OF TEMPLE
HICKORY LIFT STATION IMPROVEMENTS
RECOMMENDATION OF AWARD**

Dear Ms. Torralva:

On Tuesday, October 21, 2014 at 2:00 p.m., the City received and opened bids on the Hickory Lift Station Improvements, and we are pleased to report that bids were received from four (4) very reputable Contractors. The order of bids received to construct the Hickory Lift Station Improvements in two hundred fifty (250) calendars days is summarized as follows:

CONTRACTOR	LOCATION	TOTAL BASE BID	TOTAL ADDITIVE ALTERNATE BID ITEMS A-1 THRU A-6	TOTAL BASE BID PLUS ADDITIVE ALTERNATE BID ITEMS A-1 THRU A-6
Austin Engineering Co., Inc.	Austin, TX	\$ 342,100.00	\$ 61,000.00	\$ 403,100.00
Associated Construction Partners	Boerne, TX	\$ 398,000.00	\$ 62,000.00	\$ 460,000.00
Matous Construction, Ltd.	Belton, TX	\$ 420,000.00	\$ 92,000.00	\$ 512,000.00
Bell Contractors, Inc.	Belton, TX	\$ 526,300.00	\$ 164,800.00	\$ 691,100.00

Please refer to the attached "Bid Tabulations" for a detailed accounting of the bids for each Contractor.

We have reviewed each Bid, and the lowest Total Base Bid plus the Additive Alternate Bid Items A-1 through A-6 for the Hickory Lift Station Improvements in the amount of \$403,100.00 is from Austin Engineering Co., Inc. of Austin, Texas.



The low Bidder, Austin Engineering Co., Inc. has done previous successful work of this type for our firm in the past, and does excellent work.

We recommend that the City of Temple award the construction contract to the low bidder, Austin Engineering Co., Inc. for the Base Bid plus all of the Additive Alternate Bids for a contract amount of \$403,100.00.

Should you have any comments or questions regarding this project or related matters, please do not hesitate to call.

Cordially,
S. D. KALLMAN, L.P.
ENGINEERS & ENVIRONMENTAL CONSULTANTS



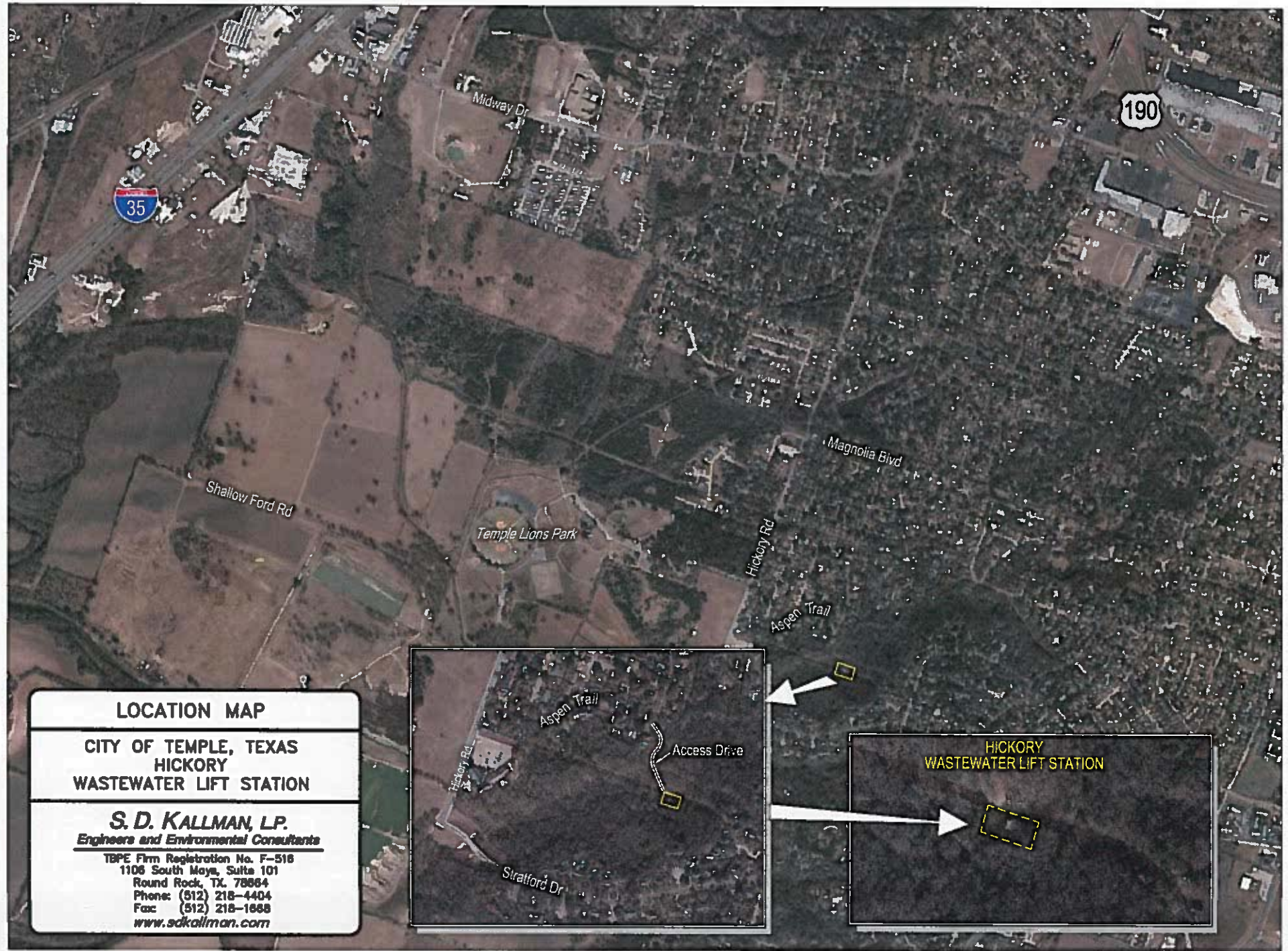
Steven D. Kallman, P.E., R.P.L.S.
President

Enclosures (Bid Tab and Location Map)

S.D. KALLMAN, L.P.-- ENGINEERS AND ENVIRONMENTAL CONSULTANTS 1106 South Ways, Suite 101 Round Rock, Texas 78684 Phone: (512) 218-4404 Fax: (512) 218-1688				BID TABULATION CITY OF TEMPLE HICKORY LIFT STATION IMPROVEMENTS						Bid Date: October 21, 2014 Bid Time: 2:00 p.m. SDK Job: 682-1556							
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	Austin Engineering Co., Inc. 3317 Ranch Road 620 North P.O. Box 342349 Austin, TX 78734-2349		Associated Construction Partners 215 W. Bandera Rd., Ste. 114-461 Boerne, TX 78006		Matous Construction, Ltd. 8602 North Highway 317 Belton, TX 76513		Bell Contractors, Inc. 3082 W. Hwy. 190 Belton, TX 76513							
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT						
BASE BID																	
1	Mobilization, Bonds & Insurance	L.S.	1	\$	8,700.00	\$	8,700.00	\$	19,000.00	\$	19,000.00	\$	25,000.00	\$	25,000.00	\$	25,000.00
2	Remove & Replace Existing 2,600 GPM Sewage Pump (Nos. 1 and 2) with Vertical Driven, Centrifugal, Single Stage Non-Clog Sewage Pump rated at 2,600 GPM, 79.8% Efficiency Rating 100' TDH, 100 HP, 480 V, 3 Phase 1,200 RPM Vertical Solid Shaft complete with TEFC Enclosure, 1.15 Service Factor Motor, Including Concrete Pump Base	EA.	2	\$	76,000.00	\$	152,000.00	\$	87,000.00	\$	174,000.00	\$	93,500.00	\$	187,000.00	\$	239,400.00
3	Remove & Replace Existing 1,000 GPM Sewage Pump (Nos. 3 and 4) with Vertical Driven, Centrifugal, Single Stage Non-Clog Sewage Pump rated at 1,200 GPM, 76.0% Efficiency Rating 100' TDH, 50 HP, 480 V, 3 Phase 1,200 RPM Vertical Solid Shaft complete with TEFC Enclosure, 1.15 Service Factor Motor, Including Concrete Pump Base	EA.	2	\$	64,000.00	\$	128,000.00	\$	70,000.00	\$	140,000.00	\$	75,000.00	\$	150,000.00	\$	210,000.00
4	Remove & Replace Suction and Discharge Fittings as required and as shown on the Plans, including Replacement of Existing Pump Piping Support & Coatings & Painting of New & Reused Fittings & Piping	L.S.	1	\$	38,000.00	\$	38,000.00	\$	40,000.00	\$	40,000.00	\$	52,200.00	\$	52,200.00	\$	36,800.00
5	Perform all Electrical work required for proper function of the Four (4) New Pumps & Motors, including reconnecting Existing Power & Motor Space Heater Wiring to New Motors	L.S.	1	\$	13,900.00	\$	13,900.00	\$	20,000.00	\$	20,000.00	\$	4,000.00	\$	4,000.00	\$	13,000.00
6	Stabilized Construction Entrance	EA.	1	\$	1,500.00	\$	1,500.00	\$	5,000.00	\$	5,000.00	\$	1,800.00	\$	1,800.00	\$	2,100.00
BID TAB DETAIL								Page 1 of 3									

<div>S.D. KALLMAN, L.P.-- ENGINEERS AND ENVIRONMENTAL CONSULTANTS 1106 South Mays, Suite 101 Round Rock, Texas 78664 Phone: (512) 218-4404 Fax: (512) 218-1668</div>				<div>BID TABULATION CITY OF TEMPLE HICKORY LIFT STATION IMPROVEMENTS</div>				<div>Bid Date: October 21, 2014 Bid Time: 2:00 p.m. SDK Job: 682-1556</div>			
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	Austin Engineering Co., Inc. 3317 Ranch Road 620 North P.O. Box 342349 Austin, TX 78734-2349		Associated Construction Partners 215 W. Bandera Rd., Ste. 114-461 Boerne, TX 78006		Matous Construction, Ltd. 8602 North Highway 317 Belton, TX 76513		Bell Contractors, Inc. 3082 W. Hwy. 190 Belton, TX 76513	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
TOTAL BASE BID					\$ 342,100.00		\$ 398,000.00		\$ 420,000.00		\$ 526,300.00
MATERIALS					\$ 200,000.00		\$ 139,600.00		\$ 220,000.00		\$ 219,802.49
EQUIPMENT					\$ 10,000.00		\$ 139,000.00		\$ 150,000.00		\$ 64,653.46
LABOR AND OTHER CHARGES					\$ 132,100.00		\$ 119,400.00		\$ 50,000.00		\$ 241,844.05
TOTAL					\$ 342,100.00		\$ 398,000.00		\$ 420,000.00		\$ 526,300.00
ADDITIVE ALTERNATE BID ITEMS											
A-1	Remove & Replace the 2 EA. Existing 8" Pump Suction Plug Valves as shown on Plan Sheet No. 3, including Final Painting and Coatings	EA.	2	\$ 4,100.00	\$ 8,200.00	\$ 4,000.00	\$ 8,000.00	\$ 6,000.00	\$ 12,000.00	\$ 12,700.00	\$ 25,400.00
A-2	Remove & Replace the 2 EA. Existing 10" Pump Suction Plug Valves as shown on Plan Sheet No. 3, including Final Painting and Coatings	EA.	2	\$ 4,600.00	\$ 9,200.00	\$ 5,000.00	\$ 10,000.00	\$ 7,000.00	\$ 14,000.00	\$ 13,200.00	\$ 26,400.00
A-3	Remove & Replace 2 EA. Existing 8" Plug Valves, located on the Discharge Header of the Existing "Small" Pumps, including Final Painting and Coatings	EA.	2	\$ 4,100.00	\$ 8,200.00	\$ 4,000.00	\$ 8,000.00	\$ 6,000.00	\$ 12,000.00	\$ 12,700.00	\$ 25,400.00
A-4	Remove & Replace 2 EA. Existing 10" Plug Valves, located on the Discharge Header of the Existing "Large" Pumps, including Final Painting and Coatings	EA.	2	\$ 4,600.00	\$ 9,200.00	\$ 5,000.00	\$ 10,000.00	\$ 7,000.00	\$ 14,000.00	\$ 13,200.00	\$ 26,400.00

S.D. KALLMAN, L.P.~ ENGINEERS AND ENVIRONMENTAL CONSULTANTS 1106 South Mays, Suite 101 Round Rock, Texas 78664 Phone: (512) 218-4404 Fax: (512) 218-1668				BID TABULATION CITY OF TEMPLE HICKORY LIFT STATION IMPROVEMENTS						Bid Date: Bid Time: SDK Job: October 21, 2014 2:00 p.m. 682-1556			
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	Austin Engineering Co., Inc. 3317 Ranch Road 620 North P.O. Box 342349 Austin, TX 78734-2349		Associated Construction Partners 215 W. Bandera Rd., Ste. 114-461 Boerne, TX 78006		Matous Construction, Ltd. 8602 North Highway 317 Belton, TX 76513		Bell Contractors, Inc. 3082 W. Hwy. 190 Belton, TX 76513			
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT		
A-5	Remove & Replace 2 EA. Existing 8" Check Valves, located on the Discharge Header of the Existing "Small" Pumps, including Final Painting and Coatings	EA.	2	\$ 6,500.00	\$ 13,000.00	\$ 7,000.00	\$ 14,000.00	\$ 6,000.00	\$ 12,000.00	\$ 15,300.00	\$ 30,600.00		
A-6	Remove & Replace 2 EA. Existing 10" Check Valves, located on the Discharge Header of the Existing "Large" Pumps, including Final Painting and Coatings	EA.	2	\$ 6,600.00	\$ 13,200.00	\$ 6,000.00	\$ 12,000.00	\$ 14,000.00	\$ 28,000.00	\$ 15,300.00	\$ 30,600.00		
TOTAL BASE BID PLUS ALTERNATE ADDITIVE BID ITEMS A-1 THRU A-6				\$	403,100.00	\$	460,000.00	\$	512,000.00	\$	691,100.00		



LOCATION MAP

CITY OF TEMPLE, TEXAS
HICKORY
WASTEWATER LIFT STATION

S. D. KALLMAN, L.P.

Engineers and Environmental Consultants

TBPE Firm Registration No. F-518
1106 South Moya, Suite 101
Round Rock, TX. 78664
Phone: (512) 218-4404
Fax: (512) 218-1668
www.sdkallman.com

RESOLUTION NO. 2014-7527-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH AUSTIN ENGINEERING COMPANY, OF AUSTIN, TEXAS, FOR THE BASE BID AND BID ALTERNATES NUMBER 1-6, FOR THE REHABILITATION OF THE HICKORY LIFT STATION, IN AN AMOUNT NOT TO EXCEED \$403,100; DECLARING AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Hickory Lift Station, located in the Bird Creek drainage basin, is an important part of the wastewater collection system and over the past several years, the station has experienced numerous pump failures/stoppages due to the inability to pass debris, long run times, and not being able to keep up during increased flows, sometimes causing overflows at the station;

Whereas, after preliminary evaluation, it has been determined the pumps are not adequately sized to meet the needs of the service area and need to be replaced;

Whereas, on October 21, 2014, four (4) bids were received and Austin Engineering submitted the low bid with a base bid in the amount of \$342,100, which addressed primary lift station components;

Whereas, six add alternates were also accepted to remove and replace various valves that are beginning to fail - the engineer checked references and recommends awarding construction contract to Austin Engineering Company of Austin, Texas in the amount of \$403,100;

Whereas, this project will be funded with the proposed 2015 Utility Revenue Bonds to be issued in the Spring of 2015;

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

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

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

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

Whereas, funding for this construction contract is available in Account No. 561-5400-535-6905, Project No. 100991; and

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

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

Part 1: The City Council authorizes the City Manager to execute a construction contract with Austin Engineering Company of Austin, Texas, after approval as to form by the City Attorney, for the base bid and bid alternates number 1-6, for the rehabilitation of the Hickory Lift Station, in an amount not to exceed \$403,100.

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

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

PASSED AND APPROVED this the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(E)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, for engineering services required for bid, construction phase and onsite representation services for the Outer Loop (Phase 3) from Adams to the channel in an amount not to exceed \$96,700.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: West Temple is rapidly growing along the West Adams corridor (see attached Map). Roadway improvements to the Outer Loop (Old Waco Rd) south of West Adams are needed to support continued development.

The engineering services authorized by Council on February 20, 2014, consisted of design and revisions of the Phase 3 roadway design to current City standards in the amount of \$198,640. The infrastructure designed with this project includes approximately one fifth of a mile of arterial thoroughfare and sidewalks and approximately two fifths of a mile of associated utility adjustments. The design is complete and staff is prepared to proceed to the bid and construction phases.

The proposed timeline for construction is 210 calendar days (see attached Proposal) from the Notice to Proceed. Per the attachment the engineering services are as follows:

Bidding	\$ 6,500
Construction Administration	\$ 48,600
<u>Onsite Representation</u>	<u>\$ 41,600</u>
Total	<u>\$ 96,700</u>

The engineer's opinion of probable cost for construction of the project is \$2,430,000. Advertising and bidding is expected to occur within the next month.

FISCAL IMPACT: Currently, funding in the amount of \$841,700 is available in account 365-3400-531-6813, project 101121, to fund the contract amendment of professional services Kasberg, Patrick & Associates, LP in an amount not to exceed \$96,700.

ATTACHMENTS:

[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

October 24, 2014

Mr. Richard Wilson, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple
Outer Loop Phase III FM 2305 to Drainage Channel

Dear Mr. Wilson:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. The project consists of bidding, construction administration and on-site services for the Outer Loop from FM 2305 South to the Drainage Channel. The project will assist and coordinate the required rights-of-way, bid and provide construction phase services for the project. Our opinion of probable construction cost for this project is \$2,430,000.

The work to be performed by KPA under this contract consists of providing engineering services for, bidding and construction phase services. The estimated timeline for construction is eight (8) months from the notice to proceed to the contractor.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

I. Bidding

- A. Provide a signed and sealed Opinion of Probable Cost the City of Temple Project Manager.
- B. After the project publically advertises, solicit contractors to bid the project.
- C. Chair the Pre-Bid Conference and develop notes for the project based on questions asked by potential bidders.
- D. Develop the addenda for the project. The addenda will be sent to the City of Temple Project Manager for distribution to the City of Temple Purchasing Department.
- E. Attend the bid opening for the project. Tabulate all bids received and certify the bids. After a low bidder is determined, research of the apparent low bidder will be conducted to make a recommendation of award.
- F. Attend the City Council for award of the project.

II. Construction Administration

- A. Chair the Pre-Construction Conference.
- B. Review and approve all submittals for the project.
- C. Perform construction administration to include site visits, meeting with the contractor and answer questions and holding progress meetings as required.
- D. Perform a monthly evaluation of the contractor's performance on the City of Temple form and submit to the City of Temple Project Manager.
- E. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- F. Submit a recommendation for acceptance of infrastructure to the City of Temple Project Manager.
- G. Develop record drawings based on information supplied by the contractor.

III. On-Site Representation

- A. Perform daily on-site representation an average of 3 hours per day.
- B. Prepare and submit weekly logs of construction activities.

The following scope of work for the Outer Loop from FM 2305 South to the Drainage Channel can be completed for the lump sum price of \$96,700. Below is a breakdown of project costs by individual item. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

Outer Loop Phase III FM 2305 to Drainage Channel

Bidding	\$ 6,500.00
Construction Administration	\$ 48,600.00
On-Site Representation	\$ 41,600.00
TOTAL	\$ 96,700.00

Sincerely,



R. David Patrick, P.E., CFM

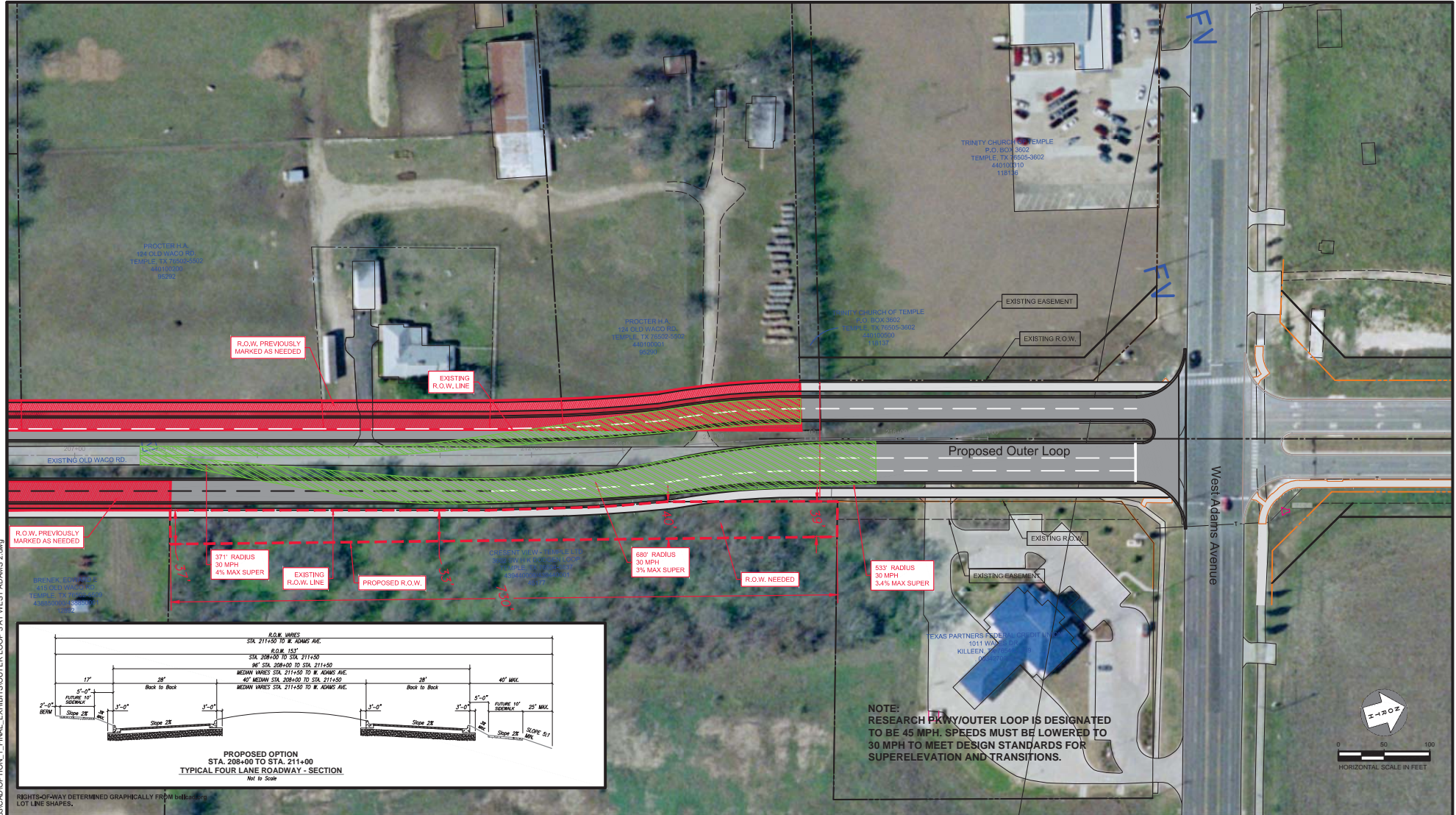
xc: File

ATTACHMENT "C"

Charges for Additional Services

**City of Temple
Outer Loop Phase III FM 2305 to Drainage Channel**

<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



This document is released for the purpose of interim review under the authority of R. David Patrick, P.E. 82738 on Feb 13, 2014. It is not to be used for construction, bidding or permit purposes.

PROJECT NO.	06-133
DESIGNED BY	X
APPROVED BY	
DATE	
Plotted: Feb 13, 2014 - 12:03pm By: JDM	
© 2014 Kasberg, Patrick & Assoc. LP	

RESOLUTION NO. 2014-7528-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR ENGINEERING SERVICES RELATED TO THE EXPANSION OF THE OUTER LOOP (PHASE 3), IN AN AMOUNT NOT TO EXCEED \$96,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, West Temple is rapidly growing along the West Adams corridor and roadway improvements to the Outer Loop (Old Waco Rd) south of West Adams are needed to support continued development;

Whereas, on February 20, 2014, Council authorized a contract with Kasberg, Patrick, & Associates, LP for engineering services related to this road expansion project which consisted of design of and revisions to the Phase 3 roadway design to current City standards – the additional services associated with this amendment includes bid, construction phase, and onsite representation services;

Whereas, funding is available in Account No. 365-3400-531-6813, Project No. 101121, to fund this contract amendment; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for engineering services required for bid, construction phase and onsite representation services for the expansion of the Outer Loop (Phase 3) from Adams to the channel, in an amount not to exceed \$96,700.

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

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

11/06/14
Item #4(F)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Walker Partners, LLC, of Killeen for engineering services including design, surveying, bidding and construction administration required to replace" water mains along East Adams Avenue and North 3rd Street in an amount not to exceed \$175,660; as well as declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The water lines in these areas are at least 50 years old and consist of cast-iron pipe with lead-poured joints. They're deteriorating and experience frequent leaks. To continue service to these areas and improve fire protection in the North 3rd Street area, this project was identified in the recently updated Capital Improvement Project list. The project replaces nearly 3,500 feet of 6" water main and 5,500 feet of 2" water main (total replacement of 9,000 feet).

As identified in the attached proposal letter the proposed timeline for design of the project is 220 calendar days. Per the attachment, the engineering services are as follows:

Boundary Survey/ROW Verification	\$ 15,000
Topographic Survey	\$ 43,470
Preliminary Design	\$ 34,000
Final Design	\$ 50,000
Bidding	\$ 4,000
Construction Administration	\$ 16,000
Construction Staking	\$ 11,190
Reimbursables	\$ 2,000

TOTAL **\$175,660**

FISCAL IMPACT: Council authorized these projects as part of the Capital Improvement Plan in the FY 2015 Budget. Both projects will be funded with the proposed 2015 Utility Revenue Bonds to be issued Spring 2015. Funds in the amount of \$1,150,000 will be made available in the following accounts:

Project Description	Account #	Project #	Amount
Water Line Replacement – along 3 rd between Irvin & Nugent	561-5400-535-6952	101200	\$650,000
Water Line Replacement – along East Adams	561-5400-535-6953	101205	\$500,000
Total Funded			\$1,150,000

ATTACHMENTS:

[Engineer's Proposal](#)
[Project Map \(N 3rd\)](#)
[Project Map \(E Adams\)](#)
[Resolution](#)



PROPOSAL

To: City of Temple Department Public Works
Attn: Richard Wilson, P.E., Project Manager
From: Otto E. Wiederhold, P.E.
Project Name: City of Temple Water Main Replacement CIP – N. 3rd Street & E. Adams Ave.
Project No.: 2-01521
Re: Proposal for Professional Services
Date: October 16, 2014
Xc: Jed Walker, P.E.

CITY OF TEMPLE WATER MAIN REPLACEMENT CIP – NORTH 3RD STREET &
EAST ADAMS AVENUE

Walker Partners, LLC (Engineer) appreciates this opportunity to submit this Proposal to provide professional surveying and civil engineering services to the City of Temple (City) in connection with Water Main Replacement CIP – N. 3rd Street & E. Adams Avenue (Project). Based upon our initial meetings, we understand that (City) intends to replace the existing water main in the north R.O.W. of E Adams Avenue from 16th Street to 36th Street, replace the existing water mains along both the east and west R.O.W. of N. 3rd Street from W. Irvin Ave. to Nugent Ave. and replace the existing water main in the alley between N. 3rd Street and N. 1st Street from W. Elm Ave. to W. Irvin Ave for this Project.

The scope of services and associated fees that Walker Partners proposes to provide for this Project are outlined below:

1.00 SCOPE OF SERVICES

1.01 SURVEYOR'S SERVICES

A. Boundary Survey/R.O.W. Verification (Phase 11)

1. Perform Deed Research and acquire R.O.W. strip maps if available to identify the existing limits of the R.O.W for E. Adams Ave, N. 3rd Street and the Alley between N 3rd Street and N. 1st Street within the limits of the project area.
2. Prepare a drawing of the R.O.W. of the streets and alley described in 1 above based upon the existing survey monuments found in the field; new survey monuments placed; the adjoining property record information; and the descriptions of the subject R.O.W..

B. Topographic Survey (Phase 12)

1. Perform an on-the-ground field survey to obtain the topography (terrain data) and other visible and apparent surface features (manmade or natural) such as ditches, swales, channels, embankments, drainage structures, catch basins and inlets, manholes, above-grade utility appurtenances, pavements, significant trees (hardwoods greater than 8 inches in diameter), fences, building structures, water's edge, etc.

The Engineer shall provide traffic control for the survey crew as required by TXDOT while the survey crew is gathering design topographic information for design purposes within the TXDOT R.O.W. This field survey work will require single lane closures for at least six days the cost of such is included within the fees for Topographic Survey (Phase 12)

2. Establish vertical control at the site and place benchmarks based upon North American Vertical Datum of 1988 (NAVD88), unless otherwise specified by client.
3. Prepare a topographic map from the topographic survey depicting the physical features as described above and with elevation contours at a 1-foot interval.

1.02 ENGINEER'S BASIC SERVICES

A. Preliminary Design Phase (Phase 30)

1. Consult with Owner to define and clarify Owner's requirements for the Project and available data.
2. Request copies of the City of Temple Water Master Plan & Water Model as well as the City of Temple Hike & Bike Trail Master Plan. Research the documents to recommend proper sizing of the replacement waterline sizes and sidewalk/trail width when replacing existing sidewalks within the project limits.
3. Identify, consult with, and analyze requirements of governmental authorities having jurisdiction to approve the portions of the Project designed or specified by Engineer.
4. Identify and evaluate alternate solutions available to Owner and, after consultation with Owner, recommend to Owner those solutions which in Engineer's judgment meet Owner's requirements for the Project.
5. Prepare a report which will, as appropriate, contain schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved, and those alternate solutions available to Owner which Engineer recommends. For each recommended solution Engineer will provide the following, which will be separately itemized: opinion of probable Construction Cost & Design Report.
6. Attend preliminary conferences with the Owner and other interested parties regarding the Project.
7. Establish the scope of any soil and foundation investigations or any special surveys and tests which, in the opinion of the Engineer, may be required; assist the Owner in arranging for such work to be done, for the Owner's account.
8. Prepare preliminary design documents on the Project in sufficient detail to indicate clearly the problems involved and the alternate solutions available to the Owner, including final design criteria, preliminary drawings, an outline of specifications, and setting forth clearly the Engineer's recommendations.
9. Prepare a preliminary Engineer's Opinion of Probable Cost.
10. Furnish the Owner the required number of copies of the preliminary plan, including preliminary layouts and cost estimates.

B. Final Design Phase (Phase 40)

1. Prepare final Drawings and Specifications indicating the scope, extent, and character of the Work to be performed and furnished by Contractor. The

Drawings to be prepared with this Phase of the Work, in general, will include the following:

- a. General Condition Drawings – these Drawings shall be for informational, permitting, and bidding purposes and shall, in general, consist of the following:
 - i) General Notes and Project Specific Notes
 - ii) Legends, Abbreviations, and Symbols
 - iii) Survey Control Plan
 - iv) Topographic Survey
 - v) Sedimentation and Erosion Control Plan - prepare a Sedimentation and Erosion Control Plan for the project site including recommendations of “best management practices” for controlling sedimentation and erosion on the site during construction activities.
 - b. Water Distribution System Plans – prepare drawings for the water improvements including fire hydrants, meters, mains and service(s) to serve the proposed project.
 - c. Wastewater Collection System Plans and Profiles – prepare drawings for the proposed sanitary sewer system including the sewer pipes and appurtenances, manholes, clean-outs, trenching details, and other details necessary for bidding and construction if such wastewater lines are required to be relocated as a result of installing waterlines within the project limits.
 - d. Details – provide project-specific details, municipality standard details, and state agency (TxDOT) standard details as required for permitting, bidding, and construction purposes.
2. Provide technical criteria, written descriptions, and design data for Owner’s use in filing applications for permits from or approvals of governmental authorities having jurisdiction to review or approve the final design of the Project; assist Owner in consultations with such authorities; and revise the Drawings and Specifications in response to directives from such authorities.
 3. Advise Owner of any adjustments to the opinion of probable Construction Cost known to Engineer.
 4. Prepare and furnish Bidding Documents for review by Owner, its legal counsel, and other advisors, and assist Owner in the preparation of other related documents. Owner shall submit to Engineer any comments.
 5. Revise the Bidding Documents in accordance with comments and instructions from the Owner, as appropriate, and submit 5 final copies of the Bidding Documents, a revised opinion of probable Construction Cost, and any other deliverables to Owner as per the agreed to project schedule.
 6. The number of prime contracts for Work designed or specified by Engineer upon which the Engineer’s compensation has been established under this Agreement is one. If more prime contracts are awarded, Engineer shall be entitled to an equitable increase in its compensation under this Agreement.

C. Bidding or Negotiating Phase (Phase 50)

1. Assist Owner in advertising for and obtaining bids or proposals for the Work and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, conduct pre-Bid conferences, if any,

and receive and process contractor deposits or charges for the Bidding Documents.

2. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.
3. Provide information or assistance needed by Owner in the course of any negotiations with prospective contractors.
4. Consult with Owner as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by prospective contractors for those portions of the Work as to which such acceptability is required by the Bidding Documents.
5. Attend the Bid opening, prepare Bid tabulation sheets, and assist Owner in evaluating Bids or proposals and in assembling and awarding contracts for the Work.

D. Construction Administration Phase (Phase 60)

1. Assist in the preparation of formal Contract Documents.
2. *Pre-Construction Conference.* Conduct a Pre-Construction Conference prior to commencement of Work at the Site.
3. *Schedules.* Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
4. Make periodic visits to the site (as distinguished from the continuous services of a resident Project Representative) to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents.

In performing these services, the Engineer will endeavor to protect the Owner against defects and deficiencies in the work of the contractor, but he cannot guarantee the performance of the contractor, nor be responsible for the actual supervision of construction operations or for the safety measures that the contractor takes or should take.

5. Consult and advise with the Owner; issue all instructions to the contractor requested by the Owner; and prepare and issue routine change orders with Owner's approval.
6. Review samples, catalog data, schedules, shop drawings, laboratory, shop and mill tests of material and equipment and other data which the contractor submits. This review is for the benefit of the Owner and covers only general conformance with the information given by the Contract Documents. The contractor is to review and stamp his approval on submittals prior to submitting to Engineer, and review by the Engineer does not relieve the contractor of any responsibility such as dimensions to be confirmed and correlated at the job site, appropriate safety measures to protect workers and the public, or the necessity to construct a complete and workable facility in accordance with Contract Documents.
7. Obtain and review monthly and final estimates for payments to contractors, and furnish to the Owner any recommended payments to contractors and suppliers; assemble written guarantees which are required by the Contract Documents.
8. Conduct, in company with the Owner, a final inspection of the Project for compliance with the Contract Documents, and submit recommendations concerning project status, as it may affect Owner's final payment to the contractors. The Engineer shall provide to the City the "Record Drawings" in both mylar and electronic format.

E. Construction Staking (Phase 65)

The Engineer shall provide line and grade staking for the street, drainage, water and wastewater improvements, one-time, on behalf of the Owner, for the following construction items:

- Storm sewer and inlets if relocation is required
- Sanitary sewer collection system if relocation is required
- Water distribution system
- Curb and gutter as required

F. Additional Services

The Engineer, if requested by the City in writing, shall furnish a Resident Project Representative at the Site during the Construction Phase. The Resident Project Representative will be Engineer's agent or employee and under Engineer's supervision. As used herein, the term Resident Project Representative includes any assistants of Resident Project Representative agreed to by Owner. The proposed fees for furnishing the Resident Project Representative is \$40,000.00

The Engineer shall, if requested by the City in writing, contract with a sub-surface engineering firm specializing in the locating of underground utilities such that the existing utilities (water, wastewater, fiber optic, natural gas, etc) can be located both horizontally and vertically within the R.O.W. & alleys without damage to said utilities. The Engineer has secured a proposal for these services by Cardno, Inc., in the amount of \$75,875.00

G. Reimbursables (Phase 199)

This phase shall include the cost of postage, shipping, additional copies of reports, bidding documents and construction documents above the agreed to number as well as other incidental items.

2.00 SCHEDULE FOR SERVICES

Walker Partners acknowledges the importance to the Owner of the project schedule and agrees to put forth its best professional efforts to perform its services under this proposal in a manner consistent with that schedule. Walker Partners' performance shall be governed by sound professional practices. Walker Partners has developed a project schedule outlining each of the items included previously described in the scope of services. This schedule is attached. Walker Partners acknowledges that this is a conservative schedule. Changes in the scope, fee, or schedule shall be addressed in the Contract Amendment Process.

3.00 FEES

For the ENGINEERING SERVICES, outlined above, the City agrees to pay Walker Partners a lump sum fee of no more than One hundred and seventy-five thousand, six hundred and sixty dollars (\$175,660.00) as outlined in the itemized breakdown of fees to be invoiced monthly at a percentage of the work completed. It is acknowledged that fees for Additional Services Phase 80 (\$115,875.00) must be authorized by the City in writing before the Engineer is authorized to perform the work as defined in Section 1.00. Additional Services in whole or in part can only be

added to the Contract for Services by a Contract Amendment executed by both Walker Partners, LLC, and the City of Temple.

Below is an itemized breakdown of the proposed fees:

Phase No.	Description	Lump Sum Fee
09	Boundary Survey/R.O.W. verification*	\$15,000.00
12	Topographic Survey	\$43,470.00
30	Preliminary Design Phase	\$34,000.00
40	Final Design Phase	\$50,000.00
50	Bidding or Negotiating Phase	\$4,000.00
60	Construction Administration Phase	\$16,000.00
65	Construction Staking	\$11,190.00
199	Reimbursables	\$2,000.00
	TOTAL LUMP SUM FEE	\$175,660.00

*** This phase will be taxed unless proof of tax exemption is provided**

4.00 EXCLUSIONS

The following items are excluded from this proposal. If there are questions about any other services not listed here, they shall be clarified prior to approval and acceptance of this proposal.

4.01 The proposed engineering services do not include the following:

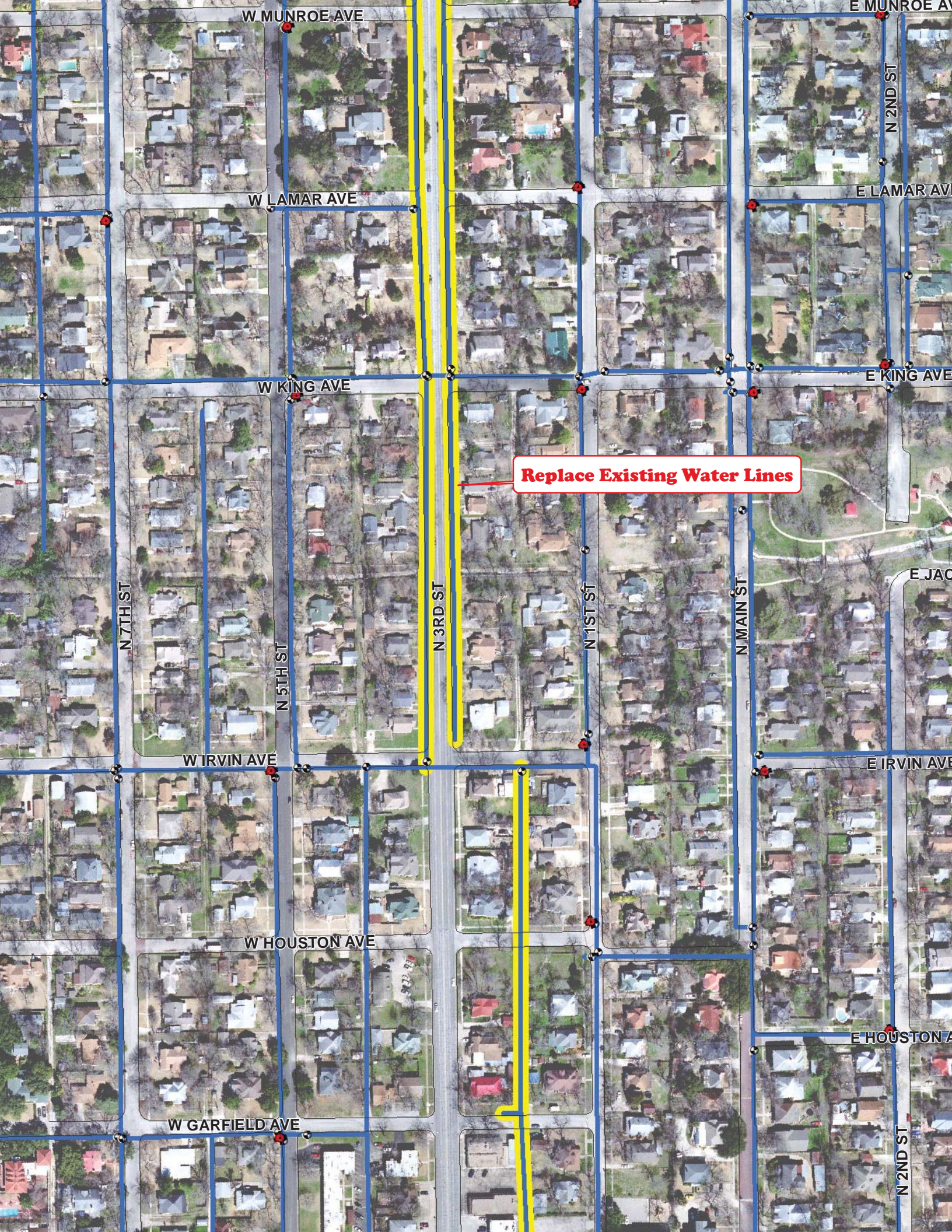
- Wastewater lift station design and drawings
- Off-site water and wastewater design and drawings
- Off-site street and drainage design and drawings
- Design work related to LEEDS certification(s)
- Landscape architectural services
- Geotechnical Investigation
- Environmental Investigation
- Wetlands determination and permitting
- Determination of any listed endangered or threatened species
- Determination of any designated critical habitats in the Project area
- Design of screening walls, light pole bases, transformer or generator pads, hardscape features, pavers and/or site signage
- Design of any underfloor drainage systems or grading
- Design of French drain systems around the building perimeters
- Landscape plan and irrigation plans
- Site lighting plans
- Preparation of "as-built" drawings
- Construction staking (except as noted)
- Abstracting fee title, easements, restrictions or other encumbrances
- Abandonment of private or public easements
- Assistance to the Owner and/or the Contractor in filing the Notice of Intent (NOI) for the proposed construction activities

- Design of any “dry” utility facilities (i.e. gas, electric, phone, cable TV, etc.)

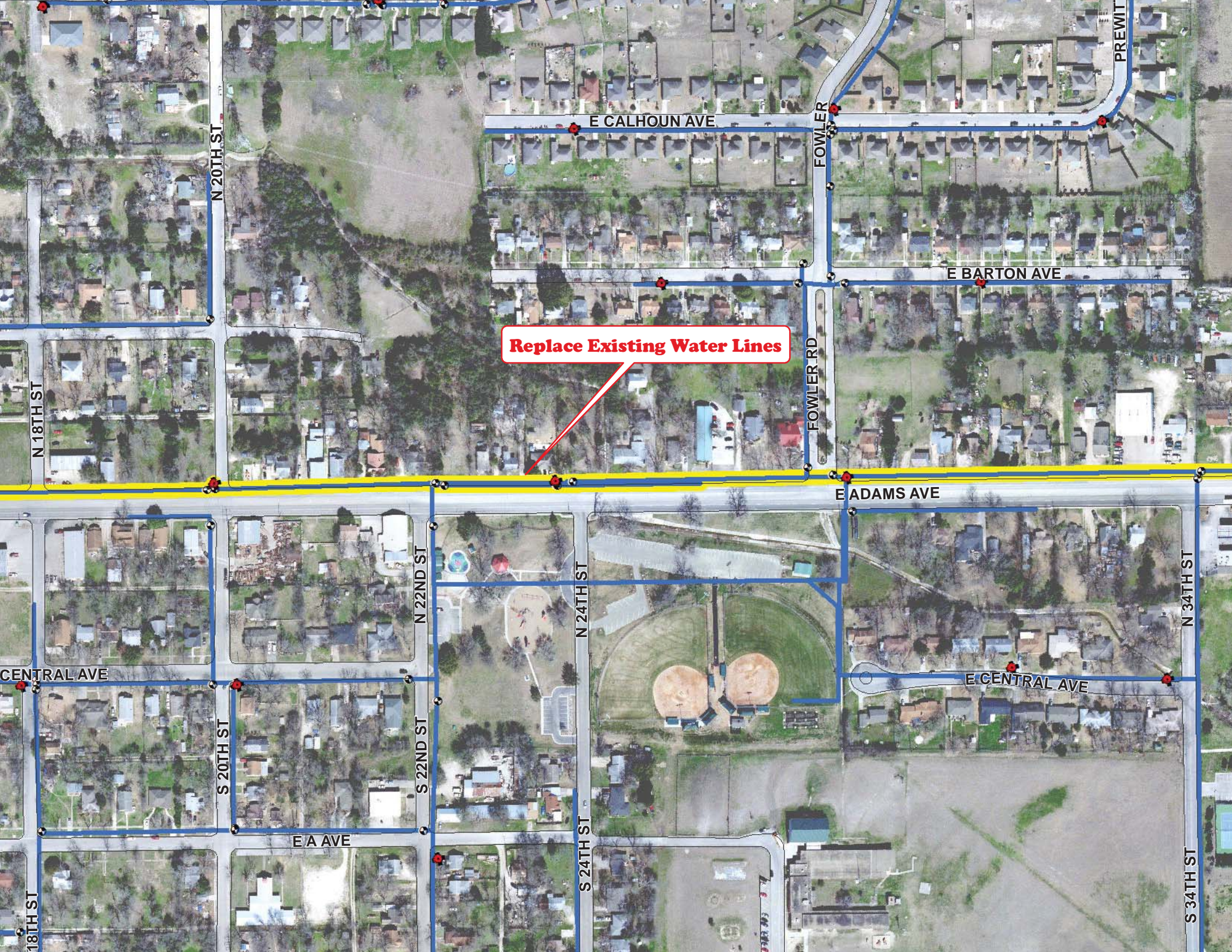
4.02 Any major changes involved after Construction Documents have been completed and approved will be charged on a time basis per hourly rates attached herewith.

5.00 ACCEPTANCE OF PROPOSAL

If the Scope of Services, Schedule, and Fees outlined herein are acceptable to the City of Temple, the City will prepare a “Standard Form of Agreement for Professional Services” for review, approval, and execution.



Replace Existing Water Lines



Replace Existing Water Lines

N 20TH ST

E CALHOUN AVE

E BARTON AVE

FOWLER RD

E ADAMS AVE

N 18TH ST

N 22ND ST

N 24TH ST

N 34TH ST

CENTRAL AVE

S 20TH ST

S 22ND ST

S 24TH ST

S 34TH ST

E A AVE

E CENTRAL AVE

18TH ST

PREWITT

RESOLUTION NO. 2014-7529-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WALKER PARTNERS, LLC, OF KILLEEN, TEXAS, FOR ENGINEERING SERVICES INCLUDING DESIGN, SURVEYING, BIDDING AND CONSTRUCTION ADMINISTRATION REQUIRED TO REPLACE WATER MAINS ALONG EAST ADAMS AVENUE AND NORTH 3RD STREET, IN AN AMOUNT NOT TO EXCEED \$175,660, DECLARING AN OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the water lines along East Adams Avenue and North 3rd Street are at least 50 years old and consist of cast-iron pipe with lead-poured joints which are deteriorating - to continue service to these areas and improve fire protection in the North 3rd Street area, this project was identified in the recently updated Capital Improvement Project list;

Whereas, this project will replace nearly 3,500 feet of 6-inch water main and 5,500 feet of 2-inch water main, for a total replacement of approximately 9,000 feet and will be funded with the proposed 2015 Utility Revenue Bonds to be issued in the Spring of 2015;

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

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

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

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

Whereas, Council authorized these projects as part of the Capital Improvement Plan in the fiscal year 2015 budget and both projects will be funded with the proposed 2015 Utility Revenue Bonds to be issued Spring 2015; 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 Walker Partners, LLC, of Killeen, Texas, after approval as to form by the City Attorney, for engineering services including design, surveying, bidding and construction administration required to replace water mains along East Adams Avenue and North 3rd Street in an amount not to exceed \$175,660.

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

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

PASSED AND APPROVED this the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(G)
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 Clark & Fuller, PLLC, of Temple for professional services required to design and survey work for the 2015 Utility Replacement program in an amount not to exceed \$213,791.59.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Public Works Utility Services Division has experienced numerous water and wastewater issues in southeast Temple. These lines, mostly vitrified clay pipe, are aging and beginning to fail. Lines targeted for wastewater replacement include South 18th Street from Avenue H to its dead end, South 20th Street from Avenue H to its dead end, and South 24th Street from Avenue H to Avenue North. Lines targeted for water replacement include South 22nd Street from Avenue H to Avenue I, and South 24th Street from Avenue J to Avenue North. These projects will replace 6,712 linear feet of wastewater lines with PVC pipe ranging in diameter from 8" to 27", replace 2,105 linear feet of water lines with 8" PVC pipe, and provide new water and wastewater services. This work is also being performed in advance of significant overlay improvements scheduled to occur in the near future within this region of the City.

The proposed timeline for the design is 120 calendar days. Per the attachment, the professional engineering services are as follows:

Professional Services

Surveying	\$ 35,465.00
Civil Engineering Design	\$ 149,158.59
Bidding	\$ 990.00
Construction Administration	\$ 3,750.00
Inspection	<u>\$ 24,428.00</u>

Total	<u>\$ 213,791.59</u>
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FISCAL IMPACT: Council authorized these projects as part of the Water/Wastewater Capital Improvement Program for FY 2014. Projects are detailed below.

Project Description	Account #	Project #	Amount
WWL Rplc – S 18 th St from Ave H to Dead End	520-5900-535-6361	101195	\$280,000
WWL Rplc – S 20 th St from Ave H to Dead End	520-5900-535-6361	101196	\$415,000
WL Impr – S 22 nd St from Ave H to Ave I	520-5900-535-6357	101194	\$325,000
Total Projects			\$1,020,000

ATTACHMENTS:

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

October 24, 2014

City of Temple
Director of Public Works
Nicole Torralva, P.E.
3210 E. Ave. H, Bldg. A
Temple, TX 76501

Re: Revised Professional Services Proposal for the 2015 City of Temple Water and Wastewater Line Replacement Projects:

- 18th Street Wastewater Replacement – Ave. H to Dead End
- 20th Street Wastewater Replacement – Ave. H to Dead End
- 22nd Street Water Replacement – Ave. H to Ave. I
- 24th Street Water Replacement – Ave. J to Ave. N
- 24th Street Wastewater Replacement – Ave. H to Ave. N

Dear Mrs. Torralva,

We would like to thank the City of Temple for the opportunity to submit a preliminary opinion of probable cost and engineering fee proposal for the 2015 City of Temple Water and Wastewater Line Replacement Projects. (Please refer to attached maps and documents for further information).

These projects will consist of approximately 1,010 linear feet of new 27" PVC, 890 linear feet of new 21" PVC, 20 linear feet of new 12" PVC, and 2,867 linear feet of new 8" PVC Sanitary Sewer Mains, and 2,105 linear feet of 8" PVC Water Mains are to be constructed via "open trench" construction. In addition, 1,925 linear feet of new 8" HDPE Sanitary Sewer Main shall be constructed via trenchless pipe bursting methods. These new utility mains are being constructed, within an existing residential subdivision, to replace existing utility mains that are aging and beginning to fail.

Clark & Fuller, PLLC will complete design topography surveys, new sanitary sewer main designs, construction document preparation, provide construction administration, daily on-site project representation and inspection services, and post construction record drawings.

The proposed timeline for the project design phase is 120 calendar days from the authorization of notice to proceed. Furthermore we estimate the contractor's time to construct to be 195 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Inspection, and Surveying Services for a Lump Sum Amount not to exceed \$213,791.59. We estimate the total cost of construction to be \$1,754,806.90 and we estimate the total cost of construction including professional services and contingencies to be \$1,968,598.49. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

Please contact us if you require additional information or have further questions regarding this proposal.

Sincerely,



Monty L. Clark, P.E., CPESC

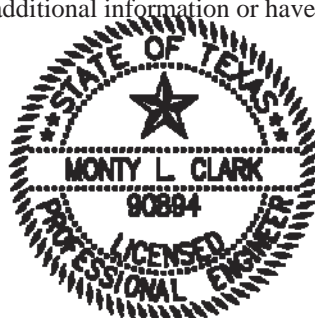


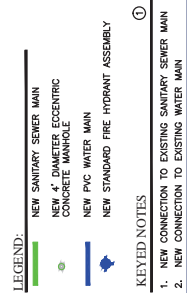
EXHIBIT “A”
Professional Services Proposal for
2015 City of Temple Water and Wastewater Line Replacement Projects

Scope of Professional Services

Surveying Services:	\$ 35,465.00
<ul style="list-style-type: none"> • Provide Project Elevation Benchmark • Locate Existing Rights of Ways and Property Boundaries • Prepare Design Topography Surveys • Provide Construction Staking <ul style="list-style-type: none"> ○ Final Manhole Locations 	
Civil Engineering Design Phase:	\$ 149,158.59
<ul style="list-style-type: none"> • Research Existing Utilities • Prepare Final Design Construction Documents • Technical Specifications • Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction • Attend and Facilitate Project Coordination with the City Staff • Attendance at Property Owner/Neighborhood Meetings (If required) • Provide Miscellaneous Maps and Exhibit Drawings 	
Project Bidding Phase:	\$ 990.00
Construction Phase:	\$ 3,750.00
<ul style="list-style-type: none"> • Attend and facilitate a Pre-Construction Meeting • Review all Contractor Submittals • Provide Construction Administration and Project “Site” Visits to assist contractor with field construction questions • Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI’s) • Review Contractor Applications for Payment and insure conformance with percentage of construction complete • Execute Necessary Change Orders • Attend Final Project Inspection • Provide Final Inspection Punch List • Prepare Record Drawings 	
Daily Onsite Construction Inspection Services	\$ 24,428.00
<ul style="list-style-type: none"> • Provide Daily On-Site Project Representation and Inspection Services 	

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 110.00/hr.
Licensed Professional Architect	\$ 125.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 40.00/hr.
Landscape Designer	\$ 80.00/hr.



CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING
215 North Main Street, Temple, TX 76781
254.892.0899
www.clarkfuller.com f-10384

8-26-14





RESOLUTION NO. 2014-7530-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC, OF TEMPLE, TEXAS, FOR THE DESIGN AND SURVEYING OF THE 2015 UTILITY REPLACEMENT PROGRAM, IN AN AMOUNT NOT TO EXCEED \$179,614.92; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Public Works Utility Services Division has experienced numerous water and wastewater issues in southeast Temple and these lines, mostly vitrified clay pipe, are aging and beginning to fail;

Whereas, lines targeted for wastewater replacement include South 18th Street from Avenue H to the dead end and South 20th Street from Avenue H to the dead end;

Whereas, lines targeted for water replacement include South 22nd Street from Avenue H to Avenue I - these projects will replace pipes ranging in diameter from 8-inches to 27-inches and will provide new water and wastewater services;

Whereas, Council authorized these projects as part of the Water/Wastewater Capital Improvement Program for fiscal year 2014 and funds are available in Account No: 520-5900-535-6361, Project No. 101195, Account No: 520-5900-535-6361, Project No. 101196 and Account No: 520-5900-535-6357, Project No. 101194;

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 Clark & Fuller, PLLC of Temple, Texas, after approval as to form by the City Attorney, for the design and surveying of the 2015 Utility Replacement Program, in an amount not to exceed \$179,614.92.

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

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

11/06/14
Item #4(H)
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 contract amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple (KPA) for services required to provide design, bidding, and right-of-way support services for the Prairie View Road Widening in an amount not to exceed \$697,400.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On August 15, 2013, Council adopted a resolution authorizing professional services with KPA for preliminary and final design services required for improvements to Prairie View Road from Research Pkwy to SH 317. As proposed, Prairie View Road would end at a signalized intersection at SH 317.

In a separate project, a signal was proposed at the intersection of FM 2483 and SH 317, creating two three-way signalized intersections on SH 317 approximately 1,100 feet apart.

Prairie View Road Ph. II includes rerouting Prairie View Road to FM 2483 and creates one four-way signalized intersection rather than the two intersections originally proposed (Map attached). The realignment enables a single intersection located between the existing Prairie View Road and FM 2483 intersections with SH 317. TXDOT's Waco District Engineer signed the attached Letter of Agreement on April 4, 2014, indicating concurrence with the proposed realignment. The Letter also documents that per the proposed plan FM 2483 would remain a TXDOT facility. This proposed alignment is phased for construction in two stages: Ph. 1 from Research Pkwy to North Pea Ridge Road and Ph. 2 from North Pea Ridge Road to FM 2483.

The proposed Ph. 1 right-of-way support services include exhibits, estimates, and metes & bounds. Per the attached engineering proposal, specific tasks for both phases are as follows:

Prairie View Road Ph. I: Research Pkwy - North Pea Ridge Road

Bidding	\$ 6,500
SIC ROW Survey/Exhibit (2 Each)	\$ 3,800

Partial Taking Survey/Detailed Exhibits (5 Each)	\$ 21,610
Subtotal	<u>\$ 31,910</u>

Prairie View Road Ph. II: N. Pea Ridge Road - FM 2483

Preliminary Engineering Design	\$150,000
SIC ROW Survey/Exhibit (7 Each)	\$ 13,300
Partial Taking Survey/Detailed Exhibits (12 Each)	\$ 38,180
Final Engineering Design	\$300,000
Land Surveying	
Field Data Collection	\$ 7,950
ROW Parcels	\$ 20,800
Easements	\$ 17,600
Structures in Conflict	\$ 18,000
Environmental Site Assessment Phase 1	\$ 2,800
Archeological Investigation	\$ 9,450
Geotechnical Investigation	\$ 2,500
Bidding	\$ 6,500
TIA & Traffic Signal	\$ 55,000
KPA Sub-consultant Coordination	\$ 13,410
KPA TxDOT Coordination	<u>\$ 10,000</u>
Subtotal	<u>\$665,490</u>

TOTAL	<u>\$697,400</u>
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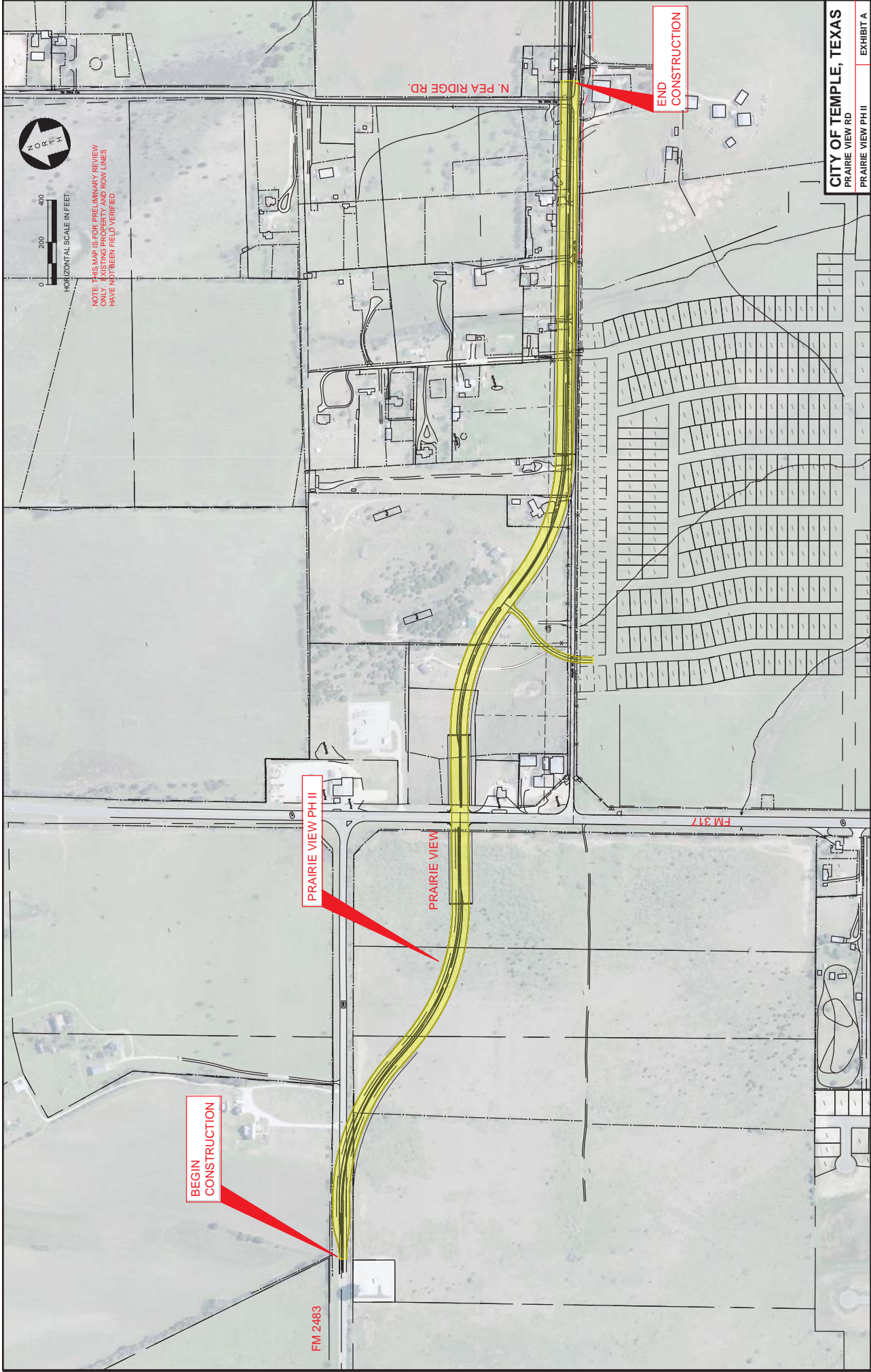
Design (not including bidding or right-of-way support services) is proposed to be complete within 240 calendar days.

FISCAL IMPACT: In reference to the portion of the contract amendment related to Prairie View Road Phase I (Research Parkway to North Pea Ridge Road), funding in the amount of \$31,910 is available in account 365-3400-531-6862, project 100984.

In reference to the portion of the contract amendment related to Prairie View Road Phase II (North Pea Ride Road – FM 2483), will be funded with Combination Tax and Revenue Certificates of Obligation that were sold October 16, 2014. Funding in the amount of \$7,145,000 will be made available in account 365-3400-531-6862, project 101257.

ATTACHMENTS:

Map
TXDOT Letter of Agreement
Proposal
Resolution



RECEIVED
MAR 10 2014
TEXAS DEPT. OF TRANS.
WACO DISTRICT



March 6, 2014

Mr. Bobby Littlefield, P.E.
Waco District Engineer
Texas Department of Transportation
100 S. Loop Drive
Waco, Texas 76704-2858

Re: FM 2483 Realignment

Dear Mr. Littlefield, *Bobby*

Please accept this as a letter of agreement between the City of Temple (City) and TXDOT for a proposed realignment of FM 2483 immediately west of Hwy 317 in west Temple.

The realignment would also require a realignment of Prairie View Rd. The City proposes this realignment to achieve the following benefits for Temple citizens and the traveling public:

1. Align Prairie View Rd and FM 2483 at a common intersection.
2. Reduce the proposed number of new traffic signals on Hwy 317 from two to one.

This realignment would locate the common intersection south of the FM 2483/Hwy 317 intersection and north of the Prairie View Rd/Hwy 317 intersection. The attached map depicts two preliminary alignments based on 45-mph and 60-mph design speeds.

The largest land area conveyance from a common property owner for the realigned portion of FM 2483 would be required from Belton ISD. The school district has previewed the conceptual 45-mph design speed alignment and indicated general concurrence. Determination of an acceptable speed to govern design is of primary importance in determining feasibility of the project.

We understand the following from preliminary discussions:

1. FM 2483 would remain a TXDOT facility.
2. The City's plans for the realignment will be designed according to applicable TXDOT criteria and standards.
3. The City will acquire right-of-way for the new roadway portion.
4. The project may be let by the City.

5. The new roadway and acquired right-of-way will be transferred from the City to TXDOT subsequent to completion of construction and acceptance of the constructed improvements.

The City is confident that such a realignment would be of significant mutual benefit to our municipality and TXDOT. Please indicate your concurrence with the concept and willingness to begin joint pre-design meetings with the City by providing your signature below. Thank you for your consideration, and we look forward to working with you on the project.

Sincerely,



D. Blackburn,
City Manager

Signed:  P.E.

Date: 4-24-14

Bobby Littlefield, P.E., Waco District Engineer

Attachment/ map of proposed realignment

Cc: Larry Colclasure, P.E.
Waco District Transportation Operations Director

Cc: Public Works Director

Cc: City Attorney



0 150 300
HORIZONTAL SCALE IN FEET

NOTE: THIS MAP IS FOR
PRELIMINARY REVIEW ONLY.
EXISTING PROPERTY AND
ROW LINES HAVE NOT BEEN
FIELD VERIFIED.

ROW Take and Remainder Tract Size					
Speed	CL Radius	Pea Ridge LP Remainder	Pea Ridge LP ROW Take	BSD ROW Remainder Tract	Jeck Acres Remainder
North Alignment 45 mph	1050	5.52 +/- Ac.	1.39 +/- Ac.	4.16 +/- Ac.	0.0 Ac.
South Alignment 60 mph	3390	11.24 +/- Ac.	1.39 +/- Ac.	21.57 +/- Ac.	1.17 +/- Ac.

45 mph LOW SPEED URBAN
Rmin=900'

PEA RIDGE LP & JACK
CAESAR EQUIVALENT
TRUST TRACT

BELTON
ISD TRACT

BELTON ISD TRACT

JEKAB ACRES & JACK CAESAR
EQUIVALENT TRUST

60 mph, 4% SUPERELEVATION
Rmin=3390'

CITY OF TEMPLE, TEXAS
PRAIRIE VIEW RD
SCHOOL DRIVEWAY

EXHIBIT A-3



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

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

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

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

July 11, 2014

Mr. Richard Wilson, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Prairie View Road Improvements
Amendment No. 1 to Contract Agreement Dated August 19, 2013

Dear Mr. Wilson:

At the request of the City of Temple, we are submitting this contract amendment proposal for the above referenced project. The contract amendment proposal will include the following:

AMENDMENT NO. 1 SERVICES

PRAIRIE VIEW ROAD PH.1 RESEARCH PARKWAY TO N. PEA RIDGE
Bidding

PRAIRIE VIEW ROAD PH. 2 N. PEA RIDGE TO FM 2483 (REALIGNMENT)

Preliminary Engineering Design
ROW Maps and Exhibits
Final Engineering Design
Land Surveying

- Field Data Collection
- ROW parcels
- Easements
- Structures in Conflict

Environmental Site Assessment Ph.1
Archeological Investigation
Geotechnical Investigation
TIA & Signal Design
Bidding
KPA Sub-Consultant Coordination

The contract amendment proposal includes professional services for Prairie View Road upgrading the road from a two lane rural road to an arterial with center median from Research Parkway to FM 2483. The construction includes realigning and combining the intersection of FM 2483 and Prairie View Road into a single intersection at SH 317, which will provide a more efficient east-west transportation corridor. The new SH 317 intersection will be signalized. The design will include 30%, 60% and 90% construction plan submittals. The plan sets will include geometric design, utility identification, rights-of-way & easement requirements and SH 317 intersection layout.

A phase one environmental analysis, geotechnical investigations and archaeological investigations will be performed. The final design phase will produce bid ready plans, specifications and estimates (PS&E). Our preliminary opinion of probable construction cost for Prairie View project is approximately \$7,225,000 for Ph. 1 and 5,200,000 for Ph. 2; estimating a total of \$12,425,000 in roadway construction from Research Parkway to FM 2483.

The contract dated August 19, 2013 included preliminary and final engineering design for the Prairie View Road Ph. 1 (Research to N. Pea Ridge) Improvements Project and the 100% design and preparation of plans, specification and estimates (PS&E). The current contract also included a phase one environmental investigation, archaeological investigations, geotechnical investigations, design surveys and metes and bounds for rights-of-way and easements required to construct Prairie View Road Ph. 1 (Research to N. Pea Ridge).

Prairie View Road Ph. 1 (Research to N. Pea Ridge) additional engineering work proposed to be performed by KPA under this contract amendment consists of Bidding, Structure In Conflict (SIC) survey/exhibits and Partial Taking survey/detailed exhibits. Construction Administration and On-site Representation are not included.

The Prairie View Road Ph. 2 (N. Pea Ridge to FM 2483 Realignment) work performed by KPA under this contract amendment consists of providing preliminary engineering services for the Prairie View Road Improvements Project and the 100% design and preparation of plans, specifications and estimates (PS&E). The project will also include a phase one environmental investigation, archaeological investigations, geotechnical investigations, design surveys and metes and bounds for rights-of-way and easements required to construct the project. Traffic Impact Analysis (TIA) is part of this proposal to recommend lane configurations at the proposed FM 2483/Prairie View intersection with SH 317. Under this proposal the design surveys, metes and bounds for rights-of-way and easements, phase one environmental investigations, geotechnical investigations and archaeological investigations will be accomplished during the Preliminary Design Phase. Construction Administration and On-site Representation are not included.

KPA will perform all work and prepare all deliverables in accordance with City of Temple design guidelines. All communications will be through the designated City of Temple Project Manager, unless otherwise directed by the City. KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD). KPA will address review

comments from Texas Department of Transportation staff at the 30%, 60% and 90% construction plan stages.

The following services will be performed:

PRAIRIE VIEW ROAD PH. 1 RESEARCH PARKWAY TO N. PEA RIDGE

Bidding: Prepare bid documents, coordinate/conduct/document Pre-Bid meeting, compile and distribute meeting minutes, issue Addenda, attend City Council and be available for questions regarding project during Contract Award.

Structure In Conflict Survey & ROW Exhibit: Conduct detailed land survey of structures in proposed street ROW, tie down structure corners, locate septic tanks and drain fields, prepare individual exhibits. Work will be invoiced per each. Any additional properties will be billed per each at \$1900 (includes All County Surveying and KPA expenses).

Partial Taking Survey & Detailed Exhibits: Conduct boundary survey for required ROW and develop remainder tract survey documentation, prepare detailed individualized property exhibits with color designation, dimensions, property boundary descriptions, aerial background, and legend. Work will be invoiced per each. Any additional properties will be billed per each at \$2760 (0-5 acres), \$3200 (5-20 acres), \$4300 (20-50 acres) and \$5950 (50-100 acres).

PRAIRIE VIEW ROAD PH. 2 N. PEA RIDGE TO FM 2483 (REALIGNMENT)

Preliminary Engineering Design: 30% complete design, collect project related data, coordinate/conduct/document design progress meetings, design roadway geometrics (horizontal & vertical), preliminary size cross drainage facilities, prepare typical street cross section, prepare preliminary plan & profile, and prepare adjacent land owner information.

Structure In Conflict Survey & ROW Exhibit: Conduct detailed land survey of structures in proposed street ROW, tie down structure corners, locate septic tanks and drain fields, prepare individual exhibits. Work will be invoiced per each. Any additional properties will be billed per each at \$1900 (includes All County Surveying and KPA expenses).

Partial Taking Survey & Detailed Exhibits: Conduct boundary survey for required ROW and develop remainder tract survey documentation, prepare detailed individualized property exhibits with color designation, dimensions, property boundary descriptions, aerial background, and legend. Work will be invoiced per each. Any additional properties will be billed per each at \$2760 (0-5 acres), \$3200 (5-20 acres), \$4300 (20-50 acres) and \$5950 (50-100 acres).

Final Engineering Design: 60% complete design, collect existing utility data, coordinate/conduct/document design progress meetings, design roadway cut/fill cross sections, assess proposed ROW limits and recommend alternatives if roadway slopes exceed planned ROW

due to topography, refine internal storm drain and drainage conveyance systems, design water plan/profile, general notes and construction details.

90% complete design, drainage calculations and drainage map, complete drainage facilities and connection to receiving constructed channels or natural streams, coordinate/ conduct/document design progress meetings, complete public utilities, traffic controls plans, driveway tie-ins, erosion control plans, coordinate utility conflicts and relocations, develop Storm Water Pollution Prevention Plans, prepare specific notes, prepare specific construction details, conduits for street lights/traffic, pedestrian facilities, landscape/irrigation, detour sequence of construction, prepare removal layouts and other final miscellaneous design elements as required. Prepare quantity takeoffs and opinion of probable cost for budget and bidding purposes.

100% complete design, final drainage easement requirements, prepare global drainage map, prepare hydraulic data sheets, coordinate utility conflicts and relocations, traffic control plans, detour sequence of construction, pedestrian facilities, develop cost estimates, signage and striping plans consistent with TMUTCD, construction time estimate, title sheet, index of sheets, and project layout.

Land Surveying: field data collection, verify and compare previously located utility data, contact One-Call System in advance of field data collection, obtain topographic surveys for engineering design and hydraulic analysis. Note: unless previously obtained, the City of Temple shall obtain right-of-entry agreements (ROE) with property owners for all required activities. Prepare survey documents for ROW, easements and structures in conflict.

Environmental Site Assessment Ph. 1: on-site reconnaissance, endangered species review, historical site information, recognized environmental condition assessment, and detailed report.

Archeological Investigation: on-site reconnaissance, historical site information, archeological investigation, and detailed report.

Geotechnical Investigation: on-site subsurface investigation and analysis, prepare pavement design recommendations, provide roadway embankment construction recommendations, and detailed report.

TIA & Signal Design: conduct traffic impact analysis, assess potential traffic generators (existing or planned residential and non-residential developments), provide lane configuration recommendations, and detailed report.

Bidding: Prepare bid documents, coordinate/conduct/document Pre-Bid meeting, compile and distribute meeting minutes, and issue Addenda, attend City Council and be available for questions regarding project during Contract Award.

KPA Sub-Consultant Coordination: monitor progress, review deliverable schedule, review deliverable documents, review and pay invoices.

KPA TxDOT Coordination: attend TxDOT meetings, review and provide response to TxDOT review of 30 %, 60 % and 90 % complete construction plans.

The above scope of work can be performed for the lump sum price of \$31,910 for Ph. 1 completing Bidding phase services plus ROW enhancement services (SIC and Partial Taking) and \$665,490 for Ph. 2 to include Preliminary Engineering Design, ROW enhancement services, Final Engineering Design, Land Surveying, ESA Phase 1, Archeological Investigation, Geotechnical Investigation, Bidding, TIA & Signal Design, KPA Sub-Consultant Coordination, and KPA TxDOT Coordination for a total of \$697,400. The preliminary opinion of probable cost for the roadway improvements construction from FM 2483 to Research Parkway is approximately \$12,425,000. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

AMENDMENT NO. 1 SERVICES

PRAIRIE VIEW ROAD PH. 1 RESEARCH PARKWAY TO N. PEA RIDGE

Bidding	\$	6,500
SIC ROW Survey/Exhibit (2 each)	\$	3,800
Partial Taking Survey/Detailed Exhibits (5 each)	\$	21,610
Subtotal	\$	31,910

PRAIRIE VIEW ROAD PH. 2 N. PEA RIDGE TO FM 2483 (REALIGNMENT)

Preliminary Engineering Design	\$	150,000
SIC ROW Survey/Exhibit (7 each)	\$	13,300
Partial Taking Survey/Detailed Exhibit (12 each)	\$	38,180
Final Engineering Design	\$	300,000
Land Surveying (All County Surveying)		
Field Data Collection	\$	7,950
ROW Parcels	\$	20,800
Easements	\$	17,600
Structures in Conflict	\$	18,000
Environmental Site Assessment Ph.1 (Terracon)	\$	2,800
Archeological Investigation (Terracon)	\$	9,450
Geotechnical Investigation (Terracon)	\$	2,500
Bidding	\$	6,500
TIA & Signal (Alliance Transportation)	\$	55,000
KPA Sub-consultant Coord. (10%)	\$	13,410
KPA TxDOT Coord.	\$	10,000
Subtotal	\$	665,490
Total	\$	697,400

Mr. Richard Wilson, PE
July 11, 2014
Page 6

Additional cost may be required if additional survey work is required. The plan preparation anticipates providing sets of construction record documents that follow City of Temple formats as previously agreed by TxDOT. A record drawing set of construction plans will be provided to TxDOT upon completion and acceptance of FM 2483. Record drawings will be provided to the City of Temple for Prairie View Road.

We will invoice monthly for our services based on a percent completion basis. We look forward to working with you and to the completed project benefiting the City of Temple.

Sincerely,

A handwritten signature in black ink, appearing to read "R. David Patrick", written in a cursive style.

R. David Patrick, P.E., CFM

MCN/crc

xc: 2013-128-10

EXHIBIT C

Charges for Additional Services

City of Temple

Prairie View Road Ph. 1 and Ph. 2

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

RESOLUTION NO. 2014-7531-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, FOR SERVICES REQUIRED TO PROVIDE DESIGN, BIDDING AND RIGHT-OF-WAY SUPPORT SERVICES FOR THE PRAIRIE VIEW ROAD WIDENING, IN AN AMOUNT NOT TO EXCEED \$697,400; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2013, Council adopted a resolution authorizing professional services with Kasberg, Patrick & Associates, LP ('KPA') for preliminary and final design services required for improvements to Prairie View Road from Research Parkway to SH 317 - as proposed, Prairie View Road will end at a signalized intersection at SH 317;

Whereas, the project was broken into two phases and the design for Phase I is almost complete – the proposed amendment covers certain right-of-way support services for Phase I, as well as design, bidding and right-of-way support services for Phase II;

Whereas, Prairie View Road, Phase II includes rerouting Prairie View Road to FM 2483 and creates one four-way signalized intersection rather than the two intersections originally proposed - this realignment enables a single intersection located between the existing Prairie View Road and FM 2483 intersections with SH 317;

Whereas, funding is available for this professional services agreement amendment in Account No. 365-3400-531-6862, Project No. 100984 and 101257; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, for services required to provide design, bidding and right-of-way support services for the Prairie View Road widening, in an amount not to exceed \$697,400.

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

PASSED AND APPROVED this the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
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Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Agreement with Temple Economic Development Corporation (TEDC) for conveyance to TEDC of an approximately 39 acre parcel of City-owned land located off of Range Road.

STAFF RECOMMENDATION: Adopt resolution presented in item description.

ITEM SUMMARY: The Temple Economic Development Corporation has requested that the City convey to it approximately 39 acres of City-owned land located off of Range Road. The property is to be used for business development purposes, which will include job creation and additional tax value. The prospective economic development on the site will be an industrial development. The conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC.

FISCAL IMPACT: At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for a commercial purpose it will be added back to the property tax rolls.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7532-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 AGREEMENT WITH TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF AN APPROXIMATELY 39 ACRE PARCEL OF CITY-OWNED LAND LOCATED OFF OF RANGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Temple Economic Development Corporation has requested that the City convey to it approximately 39 acres of City-owned land located off of Range Road and depicted in the attached Exhibit A;

Whereas, the property is to be used for business development purposes, which will include job creation and additional tax value - the prospective economic development on the site will be an industrial development;

Whereas, this conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC;

Whereas, this property is exempt from property taxes and it will remain so under the ownership of TEDC – when the property is conveyed for a commercial purpose, the property will be then added to the property tax rolls; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a Chapter 380 agreement with Temple Economic Development Corporation for conveyance of an approximately 39 acre parcel of City-owned land located off of Range Road.

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

PASSED AND APPROVED this the **6th** day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
Deputy City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(J)
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 the following with respect to the procurement of natural gas for the compressed natural gas (CNG) fueling station:

1. A renewal to the memorandum of agreement with Choice! Energy Services of Houston for consulting services related to natural gas procurement; and
2. The City Manager or the Director of Finance to enter into a contract commencing January 1, 2015, with the lowest responsible bidder for a period of 12 to 36 months for the commodity cost of natural gas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In December, 2013, the City started utilizing 14 CNG-fueled refuse trucks and now utilizes 16 CNG trucks. The CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 E. Avenue H. Natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee for; however the natural gas commodity is procured through the open market.

Staff desires to continue to use Choice! Energy Services of Houston to assist in the procurement of natural gas service to the CNG fueling station. Choice! Energy Services was established in 1994 and has experience in procuring natural gas specifically for CNG fueling stations. Choice! provides comprehensive risk assessment and long-term energy knowledge. Under this agreement Choice! Energy Services will continue to complete the following tasks:

1. Collect data, analyze and distribute to third party natural gas suppliers;
2. Review prices and contracts / negotiate contract terms and conditions;
3. Provide results of pricing effort and make recommendations to the City; and
4. Assist in contract execution and contract management.

Choice! Energy Services proposed fee is \$0.15 per MMBtu (approximately \$0.02 per gallon). This fee is paid by the retail provider to Choice!.

The City is currently under contract with Constellation NewEnergy-Gas Division, LLC for the purchase of a fixed quantity of 833 MMBtu's per month at a rate of market plus 25¢ per MMBtu to cover Constellation's overhead and profit. Quantities needed above the 833 MMBtu's are purchased at the then-current spot market price. For the first nine (9) months of 2014, the City has used on average 907 MMBtu's per month at an average cost of \$4.64 per MMBtu (\$0.636 per gallon).

With guidance from Choice!, staff is requesting that Council authorize a procurement process to secure pricing for the City for a contract commencing on January 1, 2015. Pricing will be requested for periods ranging from as low as 12 and up to 36 months.

The pricing of this commodity is typically only valid for a few days after the bids close. Accordingly, it is necessary to obtain pre-authorization from Council to enter into a contract with a vendor. Based on the bidding results, staff is requesting that Council give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City.

FISCAL IMPACT: Choice! Energy Services consulting fee will be paid by the contract retail provider directly to Choice!. Based on an expected annual natural gas usage 1,100 MMBtu's (8,030 gallons) per month, this calculates out to an annual embedded fee of approximately \$1,980.

The consulting fee and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's FY 2015 fuel budget, account 110-2330-540-2115, account 110-2350-540-2115, account 110-2360-540-2115, and account 110-2370-540-2115.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7533-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A RENEWAL TO THE MEMORANDUM OF AGREEMENT WITH CHOICE! ENERGY SERVICES OF HOUSTON, TEXAS AND AUTHORIZING THE CITY MANAGER OR DIRECTOR OF FINANCE TO ENTER INTO A CONTRACT FOR THE PURCHASE OF NATURAL GAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in December 2013, the City started utilizing CNG-fueled refuse trucks which are fueled using the CNG fueling center located at 2625 East Avenue H which is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee;

Whereas, Choice! Energy Services' proposed fee is \$0.15 per MMBtu (approximately \$0.02 per gallon) and is paid by the retail provider to Choice! - the City is currently under contract with Constellation NewEnergy-Gas Division, LLC for the purchase of a fixed quantity of 833 MMBtu's per month at a rate of market plus 25¢ per MMBtu to cover Constellation's overhead and profit;

Whereas, quantities needed above the 833 MMBtu's are purchased at the then current spot market price - for the first nine months of 2014, the City used an average of 907 MMBtu's per month at an average cost of \$4.64 per MMBtu (\$0.636 per gallon);

Whereas, staff recommends that Council authorize a procurement process to secure pricing for the City commencing January 1, 2015 – because the pricing of this commodity is typically only valid for a few days after the bids close, staff is requesting that Council give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City;

Whereas, the consulting fee for Choice! Energy Services will be paid by the contract provider directly to Choice! And based on an expected annual natural gas usage of 1,100 MMBtu's (8,030 gallons) per month, this fee calculates out to be an annual embedded fee of approximately \$1,983;

Whereas, the consulting fee and the commodity of natural gas are considered part of the cost components that are factored into the fiscal year budget for Solid Waste and are available in Account No. 110-2330-540-2115, Account No. 110-2350-540-2115, Account No. 110-2360-540-2115, and Account No. 110-2370-540-2115; 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 Memorandum of Agreement with Choice! Energy Services of Houston, Texas, after approval as to form by the City Attorney, for consulting services related to the natural gas procurement.

Part 2: The City Council authorizes the City Manager or the Director of Finance to enter into a contract commencing January 1, 2015, with the lowest responsible bidder for a period of 12 to 36 months for the commodity cost of natural gas.

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

PASSED AND APPROVED this the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director

ITEM DESCRIPTION: Consider authorizing payment of the Consolidated Water Quality (CWQ) Assessment Fee to the Texas Commission on Environmental Quality (TCEQ) for operations of Temple's wastewater treatment plants, in the cumulative amount of \$94,722.

STAFF RECOMMENDATION: Recommend payment of TCEQ fees as presented in item discussion.

ITEM SUMMARY: The Texas Commission on Environmental Quality (TCEQ) requires wastewater permit holders within the State of Texas to pay a Consolidated Water Quality (CWQ) Fee annually. This fee provides for general revenue in support of TCEQ's existing water-program activities.

This year, the TCEQ CWQ fee associated with permitted operations of the Doshier WWTP and Temple-Belton WWTP is \$41,586.00 and \$53,136.00, respectively. Payment of these fees are due within 30 days of receipt of the invoice, and must be paid promptly.

FISCAL IMPACT: Funding is available in accounts 520-5521-535-2616 and 520-5522-535-2616 to fund the Consolidated Water Quality fee in the amount of \$94,722.

The City of Belton will be billed for their pro rata share of the TCEQ CWQ fee for the Temple-Belton WWTP in the amount of \$11,245.70 based on flow at the plant which is currently 21.164%.---

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7534-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF THE CONSOLIDATED WATER QUALITY (CWQ) ASSESSMENT FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR OPERATIONS OF TEMPLE'S WASTEWATER TREATMENT PLANTS, IN THE CUMULATIVE AMOUNT OF \$94,722; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Commission on Environmental Quality (TCEQ) requires wastewater permit holders within the State of Texas to pay a Consolidated Water Quality (CWQ) fee annually – this fee provides for general revenue in support of TCEQ's existing water program activities;

Whereas, this year, the Texas Commission on Environmental Quality Consolidated Water Quality fee is associated with permitted operations of the Doshier Wastewater Treatment Plant and the Temple-Belton Wastewater Treatment Plant in the amount of \$41,586 and \$53,136, respectively;

Whereas, payment of these fees are due within 30 days of receipt of the invoice and must be paid promptly;

Whereas, funding is available in Account No. 520-5521-535-2616 and 520-5522-535-2616 to fund the Consolidated Water Quality fee; and

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

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

Part 1: The City Council authorizes payment of the Consolidated Water Quality Assessment Fee to the Texas Commission on Environmental Quality (TCEQ) for operations of Temple's wastewater treatment plants, in the cumulative amount of \$94,722.

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

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

11/06/14
Item #4(L)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager
Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the application for grant funds to Oncor's City Matching Grant Program, to complete lighting upgrades at the AMCOM hangar building at the Airport in the amount of \$23,358 with up to \$11,679 reimbursed to the City.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Oncor offers a matching grant program entitled "City Matching Grant Program." The program provides cost-shared funding for municipalities to conduct lighting upgrade projects.

The project scope involves upgrading 65 lighting fixtures at the AMOCOM hangar to replace 400 watt metal halide fixtures with 197 watt LED fixtures, a more efficient lighting option. This project will also increase light output, improving the working conditions within the facility, bringing the working areas in compliance with OSHA standards.

The total estimated cost for materials is \$23,358, of which up to \$11,679 will be reimbursed by the Oncor program. Airport staff will install the lights.

FISCAL IMPACT: Funding program guidelines provide for a 50/50 match. It is anticipated that the City will provide an \$11,679 cash match. The cash match will be funded from the Airport operating budget Buildings & Grounds account 110-3633-560-23-11.

SUSTAINABILITY IMPACT: With this investment, the simple payback period of the entire project is estimated to be less than 2.5 years, with a first year savings of approximately \$9,225. Assuming an average life-cycle of ten-years, over the course of the upgrades the total avoided costs due to more efficient lighting use is approximately \$92,250, based on operation costs alone.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7535-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO ONCOR'S CITY MATCHING GRANT PROGRAM, TO COMPLETE LIGHTING UPGRADES AT THE AMCOM HANGAR BUILDING AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT, IN THE AMOUNT OF \$23,358 WITH UP TO \$11,679 BEING REIMBURSED TO THE CITY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Oncor offers a matching grant program entitled "City Matching Grant Program" which provides cost-shared funding for municipalities to conduct lighting upgrade projects;

Whereas, this project involves upgrading 65 lighting fixtures at the AMOCOM hangar building at the Draughon-Miller Central Texas Regional Airport to replace 400 watt metal halide fixtures with 197 watt LED fixtures, a more efficient lighting option – this will increase light output, improving the working conditions within the facility, and bring the working areas in compliance with OSHA standards;

Whereas, staff recommends authorizing a grant application to Oncor's City Matching Grant Program, to complete lighting upgrades at the AMCOM hangar building at the Draughon-Miller Central Texas Regional Airport, in the amount of \$23,358 with up to \$11,679 reimbursed to the City;

Whereas, funding program guidelines provide for a 50/50 match and it is anticipated that the City will provide an \$11,679 cash match for this grant - the cash match will be funded from the Airport operating budget Buildings & Grounds Account #: 110-3633-560-2311; and

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

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

Part 1: The City Council authorizes the submission of a grant application to Oncor's City Matching Grant Program, to complete lighting upgrades at the AMCOM hangar building at the Draughon-Miller Central Texas Regional Airport, in the amount of \$23,358 with up to \$11,679 reimbursed to the City.

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

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

PASSED AND APPROVED this the **6th** day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(M)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Leigh Gardner, Interim Library Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage costs associated with the Interlibrary Loan program for an amount up to \$7,992.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This is a grant application for reimbursement of costs associated with the interlibrary loan program. Reimbursement is determined based on total lends and on net total lends (lends to other libraries in excess of what the Temple Public Library borrowed from other libraries). The majority of the cost to participate in the program is postage. The Texas State Library and Archives Commission has given notice to the Temple Public Library that the Temple Public Library may be eligible for reimbursement in the amount of \$7,992.00.

Approval of the resolution will allow the Library to make any actions necessary to receive the reimbursement amount as determined by the Texas State Library and Archives Commission.

FISCAL IMPACT: This grant a 100% reimbursement program with no City match required. If awarded, the grant the City will receive reimbursement in the amount of \$7,992.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2014-7536-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION, GRANTS TO STATES PROGRAM FOR REIMBURSEMENT OF POSTAGE COSTS ASSOCIATED WITH THE INTERLIBRARY LOAN PROGRAM, IN AN AMOUNT NOT TO EXCEED \$7,992; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas State Library and Archives Commission has given notice to the Temple Public Library that the library may be eligible for reimbursement of costs associated with the interlibrary loan program;

Whereas, this grant application is determined based on total lends and on net total lends to other libraries and the majority of the costs to participate in this program is postage;

Whereas, staff recommends authorizing a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage costs associated with the Interlibrary Loan program in an amount not to exceed \$7,992;

Whereas, this is a 100% grant reimbursement program with no City match required – if awarded, the City will receive reimbursement in the amount of \$7,992; and

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

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

Part 1: The City Council authorizes the submission of a grant application to the Texas State Library and Archives Commission, Grants to States Program from the Institute of Museum and Library Services for reimbursement of postage costs associated with the Interlibrary Loan program in an amount not to exceed \$7,992.

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

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

PASSED AND APPROVED this the **6th** day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #4(N)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2014-2015 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$467,633.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
November 6, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-XXXX-5XX-1XXX		General Fund - Longevity	\$ 316,000	
110-1500-515-6536		Contingency - Longevity		\$ 316,000
Allocate funds for Longevity program enhancements budgeted in FY 2015 Operating and Capital Budgets.				
110-1300-515-1115		Skilled	\$ 34,224	
110-1300-515-1126		Longevity	\$ 409	
110-1300-515-1220		Retirement	\$ 5,577	
110-1300-515-1221		Medicare	\$ 509	
110-1300-515-1222		Health Insurance	\$ 4,547	
110-1300-515-1223		Worker Compensation	\$ 98	
110-1300-515-1224		Unemployment Insurance	\$ 270	
110-1300-515-1225		Dental Insurance	\$ 89	
110-1300-515-1226		Basic Life Insurance	\$ 51	
110-1300-515-1227		AD&D Insurance	\$ 11	
110-1300-515-1228		Long Term Disability	\$ 82	
110-6010-513-1110		Administrative		\$ 34,224
110-6010-513-1126		Longevity		\$ 409
110-6010-513-1220		Retirement		\$ 5,577
110-6010-513-1221		Medicare		\$ 509
110-6010-513-1222		Health Insurance		\$ 4,547
110-6010-513-1223		Worker Compensation		\$ 98
110-6010-513-1224		Unemployment Insurance		\$ 270
110-6010-513-1225		Dental Insurance		\$ 89
110-6010-513-1226		Basic Life Insurance		\$ 51
110-6010-513-1227		AD&D Insurance		\$ 11
110-6010-513-1228		Long Term Disability		\$ 82
Reallocation of funding for personnel changes approved by the City Manager with an effective date of September 26, 2014.				
110-2032-521-2333		Repair & Maintenance / Auto & Equipment	\$ 4,793	
110-0000-461-0554		Insurance Claims		\$ 4,793
Insurance proceeds to be allocated for repairs that were made to a motorcycle that was damaged during an accident.				
110-2011-521-2611		Contracted Services / Insurance & Bonds	\$ 37,557	
110-6010-513-2611		Contracted Services / Insurance & Bonds	\$ 196	
110-2210-522-2611		Contracted Services / Insurance & Bonds		\$ 10,000
110-2320-540-2611		Contracted Services / Insurance & Bonds		\$ 4,000
110-2330-540-2611		Contracted Services / Insurance & Bonds		\$ 3,500
110-2350-540-2611		Contracted Services / Insurance & Bonds		\$ 6,953
110-2360-540-2611		Contracted Services / Insurance & Bonds		\$ 8,400
110-2370-540-2611		Contracted Services / Insurance & Bonds		\$ 4,900
To correct budgeted TML insurance allocation after final invoice was received. The major allocation correction being made is due to an error of PD vehicles being estimated.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
November 6, 2014

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-3500-552-2623		Contracted Services	\$ 2,720	
110-0000-461-0554		Insurance Claims		\$ 2,720
Insurance proceeds to be allocated to repair damaged railing at 3rd and Central				
110-3500-552-6332	101245	Park Fees - Walker Park	\$ 9,148	
110-0000-461-0830		Developer Fees		\$ 9,148
Allocate funds from the escrowed developer fees from Prairie Crossing Subdivision for the addition of swings at Walker Park				
260-2000-521-2113		Clothing & Uniform	\$ 5,594	
260-2000-521-2211		Capital < \$5,000 / Instruments/Special Equipment	\$ 12,258	
260-0000-431-0163		Federal Grants		\$ 17,852
Allocate funds from the FY 2013 Edward Byrne Justice Assistance Grant (JAG) for the purchase of Riot Helmets and Body Worn Video Cameras.				
292-29XX-534-1xxx		Drainage Fund - Longevity	\$ 5,500	
292-2910-534-6536		Contingency - Longevity		\$ 5,500
Allocate funds for Longevity program enhancements budgeted in FY 2015 Operating and Capital Budgets.				
520-XXXX-535-1xxx		Water Fund - Longevity	\$ 28,000	
520-5000-535-6536		Contingency - Longevity		\$ 28,000
Allocate funds for Longevity program enhancements budgeted in FY 2015 Operating and Capital Budgets.				
TOTAL AMENDMENTS			\$ 467,633	\$ 467,633
GENERAL FUND				
Beginning Contingency Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning Judgments & Damages Contingency			\$ 40,070	
Added to Contingency Judgments & Damages from Council Contingency			-	
Taken From Judgments & Damages			-	
Net Balance of Judgments & Damages Contingency Account			\$ 40,070	
Beginning Compensation Contingency			\$ 988,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(316,000)	
Net Balance of Compensation Contingency Account			\$ 672,000	
Net Balance Council Contingency			\$ 712,070	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
November 6, 2014

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	28,902
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	28,902
		Beginning Compensation Contingency	\$	168,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(28,000)
		Net Balance of Compensation Contingency Account	\$	140,000
		Net Balance Water & Sewer Fund Contingency	\$	168,902
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	26,720
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	26,720
		Beginning Compensation Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	36,000
		Net Balance Hotel/Motel Tax Fund Contingency	\$	62,720
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(5,500)
		Net Balance of Compensation Contingency Account	\$	20,500
		Net Balance Drainage Fund Contingency	\$	20,500
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. 2014-7537-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2014-2015 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on the 28th day of August, 2014, the City Council approved a budget for the 2014-2015 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2014-2015 City Budget.

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

Part 1: The City Council approves amending the 2014-2015 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

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

11/06/14
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

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

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

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

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Agreement of Franchisee

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

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

SIGNED this _____ day of _____, 2014.

SERENITY EMS, LLC D/B/A AMERISTAT
AMBULANCE

By:



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #5
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: FIRST READING & PUBLIC HEARING: Consider adopting an ordinance establishing the City's participation in the Texas Enterprise Zone Program pursuant to Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Artco-Bell Corporation to the office of the Governor Economic Development & Tourism through the Economic Development Bank as a qualified enterprise project.

STAFF RECOMMENDATION: Adopt ordinance as presented in item description, on first reading.

ITEM SUMMARY: The City of Temple desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises and to provide employment to residents from an enterprise zone. Certain local incentives are available to Artco-Bell Corporation as a qualified business that will create a higher level of employment, economic activity and stability.

Artco-Bell estimates approximately \$9 million will be invested in the expansion, mostly for the remodeling and upgrading of the facility. There are approximately 310 employees currently employed with Artco-Bell, with an additional 35-75 workers being considered.

Pursuant to Chapter 2303, Subchapter F of the Act, Artco-Bell Corporation has applied to the City for designation as an enterprise project. Artco-Bell Corporation is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals.

The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on September 2, 2019.

FISCAL IMPACT: If approved, Artco-Bell Corporation expansion project is expected to result in a \$9 million capital investment with job retention of 310 full-time employees with an additional 35-75 workers being considered.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. 2014-4691

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ARTCO-BELL CORPORATION TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council of the City of Temple, Texas desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises and to provide employment to residents from an enterprise zone;

Whereas, the project or activity is not located in an area designated as an enterprise zone;
and

Whereas, pursuant to Chapter 2303, Subchapter F of the Act, Artco-Bell Corporation has applied to the City for designation as an enterprise project;

Whereas, at the election of City Council, certain local incentives are available to Artco-Bell Corporation as a qualified business that will create a higher level of employment, economic activity and stability; and

Whereas, a public hearing to consider this ordinance was held by the City Council on November 6, 2014.

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

Part 1: The City Council nominates Artco-Bell Corporation for enterprise project status.

Part 2: That the following local incentives, at the election of the City Council, are or will be made available to the nominated project or activity of the qualified business:

- a) The City may establish a reinvestment zone and abate taxes on the increase in value of real property improvements and eligible personal property for up to 10 years for qualifying projects under the requirements of the City's Tax Abatement Policy. The level of abatement shall be based upon capital investment, and the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the Tax Abatement Policy and with qualified employee being defined by the Act.
- b) The City may provide business and industrial development services, including:
 - 1) Grants to eligible companies through the City's Economic Development Corporation;

- 2) Local sales tax refund;
 - 3) Chapter 380 tax rebates for qualifying projects that significantly enhance the City's tax base as provided in the City's policy;
 - 4) Establishment of a Tax Increment Reinvestment Zone;
 - 5) Creation of stream-lined permitting and problem resolution centers or ombudsmen;
 - 6) Promotion and marketing services;
 - 7) Other tax deferrals, tax refunds or tax incentives;
 - 8) Low-interest loans for business;
 - 9) Use of surplus school buildings or other underutilized publicly owned facilities as small-business incubators; or
 - 10) Provision of publicly owned land for development purposes.
- c) The City may provide regulatory relief to businesses, including:
- 1) Zoning changes or variances;
 - 2) Exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) Streamlined permitting.
- d) The City may provide enhanced municipal services to businesses, including:
- 1) Improved police and fire protection; or
 - 2) Institution of community crime prevention programs; or
 - 3) Special public transportation routes or reduced fares.
- e) The City may provide improvements in community facilities, including:
- 1) Capital improvements in water and sewer facilities;
 - 2) Road repair;
 - 3) Creation or improvement of parks; or
 - 4) Creation of other venues, such as museums, conference centers, etc.
- f) The City may provide improvements to housing, including:
- 1) Low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) Transfer of abandoned housing to individuals or community groups.
- g) The City, in partnership with other regional entities, may provide job training and employment services to businesses, including:
- 1) Job training and employment services;
 - 2) Retraining programs;
 - 3) Literacy and employment skills programs;
 - 4) Vocational education; or
 - 5) Customized job training.

Part 3: That any enterprise zone areas created within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Part 4: That it directs and designates the Temple Economic Development Corporation's President as the City's liaison to communicate and negotiate with the Governor of Economic Development and Tourism (EDT) through the Economic Development Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Part 5: That it finds that Artco-Bell Corporation meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a) Artco-Bell Corporation is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
- b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- c) The designation of Artco-Bell Corporation as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Part 6: The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on September 2, 2019.

Part 7: That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

Part 8: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED on Second Reading on the **20th** 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



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #6
Regular Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

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

UPDATE: At its October 2, 2014 meeting, at the request of the applicant, the City Council voted unanimously to table the public hearing for the above referenced project to November 6, 2014. The requested tabling was to accommodate the preparation of a Traffic Impact Analysis (TIA) which is anticipated to be completed prior to that date. It will be forwarded to City Council members as soon as it is received and reviewed by City staff.

Since Charter Oak Drive (FM 817), is TxDot right-of-way, the TIA was initially requested by State. However, there was considerable discussion at the September 15, 2014, Planning & Zoning Commission meeting regarding traffic impacts on Charter Oak Drive.

As a result of that discussion, staff suggested to the applicant that the TIA should be undertaken sooner than later. The TIA would address projected traffic volumes as a result of the proposed 184 lots. The analysis would also include discussion and recommendations for turning lanes as well as for potential signalization of intersections. It was suggested that the analysis discuss, compare and contrast the potential densities resulting from the existing Urban Estate (UE) with the proposed Single-Family-1 (SF-1) zoning districts. The time needed to prepare a TIA would also allow the applicant an opportunity to meet with area residents. Postponing the October 2nd public hearing to November 6th would allow time for this to be accomplished.

On October 29, 2014, City Planning staff received a draft copy of the completed TIA. While the technical preparation of the TIA has been completed, it is understood by staff that the draft watermark indicates that outside reviewing agencies such as TxDot have not completed their individual reviews. Public Works staff & TxDot will require a signed and sealed un-watermarked final version of the TIA in order to complete their review. Planning staff has talked with TxDot and their final review will not be completed by the November 6, 2014 meeting.

The TIA was prepared by Alliance Transportation Group of Austin, Texas with the following conclusion as follows:

“The proposed Olde Towne Development located along Charter Oak Drive in Temple, Texas and its interaction with the surrounding roadway network have been analyzed for build-out (2015) conditions. The intersection analysis performed in this study indicate that background and site traffic will be accommodated within the existing roadway network and meet acceptable Levels of Service.

According to the Roadway Design Manual, a left-turn lane may be considered for the development. However, Charter Oaks Drive is listed in the 2040 KTMPO MTP as a four-lane roadway. Due to the plan for future expansion and existing geometric constraints, we recommend a left-turn lane not be constructed at this time.”

As a courtesy, staff has notified, both by phone and/or email, the original listing of neighbors and neighborhood contacts regarding the rescheduling of the public hearing to the November 6, 2014 City Council meeting.

Staff has received, two additional returned property owner notices, a neighborhood petition along with some neighborhood history as well as the draft TIA which have been attached as “NEW”. All other attachments and documentation were distributed with the initial City Council staff report for the October 2, 2014 City Council meeting.

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

Per UDC Section 2.4.4 – “A minimum 75 percent vote of all the members of the City Council is required to overrule a recommendation by the Planning & Zoning Commission that a proposed Zoning District Map Amendment be denied.”

During the Planning & Zoning Commission meeting, public discussion centered on the following:

1. Increased traffic,
2. Quality of life,
3. Impacts to historic resources (e.g. cemetery, structures),
4. Traffic enforcement,
5. Public safety and,
6. Density

STAFF RECOMMENDATION: While the proposed SF-1 zoning is not consistent with current FLUP designation of Agriculture / Rural, based on the following discussion, staff still recommends approval for a rezone from UE to SF-1 for the following reasons:

1. The requested rezone is consistent with the anticipated growth of the area which would support higher density residential development of the surrounding area which is consistent with the Suburban Ranch designation of the FLUP;
2. The request is consistent with SF-1 zoning established in the immediate area, across from Charter Oak Drive;
3. The request is in partial compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 61.137 +/- acres (Exhibit A), is within the Agricultural/Rural designation. In August 1999, per Ordinance 1999-2651, a City initiated rezoning occurred from General Retail (GR) to the current Urban Estate (UE).

Although the subject property as SF-1 is anticipated to be developed with detached single-family residences, there are a number of uses that are permitted by right. Those uses include but are not limited to:

Residential uses

Family or Group Home
Industrialized Housing
Child Care – Family Home

Nonresidential uses

Farm or Ranch
Place of Worship
Fire Station

Prohibited uses include HUD-Code manufactured homes and land lease communities, duplexes and apartments. All commercial and industrial uses are prohibited, except these uses allowed by an approved conditional use permit (temporary asphalt concrete batching plants, a petroleum or gas well or a cemetery, crematory or mausoleum).

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Agriculture/ Rural &	UE	Undeveloped
North	Suburban Residential	GR, UE, SF-1 & MH	Scattered SF Uses
South	Suburban Commercial	LI, GR	BNSF Railroad, I-35, scattered Commercial & Industrial Uses
East	Agriculture/Rural	UE, GR	Scattered SF Uses on Acreage
West	Agriculture/Rural	GR, ETJ	Undeveloped

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The applicant proposes 61.137 +/- acres for single-family residential development. According to the Comprehensive Plan, "The Agricultural/Rural designation is intended for those areas within the City limits that do not yet have adequate public facilities and services and therefore, may have on-site utilities. This designation is also meant to protect areas in active farm and/or ranch use." For additional discussion, see availability of Public Facilities section of this report. The proposed rezone to SF-1 is not consistent with the Agricultural/Rural designation. While staff analysis places a significant weight on consistency to the FLUP, surrounding uses, existing zoning and anticipated development of the subject property is significantly considered during the analysis. In this case, while the proposed rezone from UE to SF-1 proposes a higher density of residential development, it is consistent with the anticipated growth of the surrounding area which would be supported by the Suburban Residential FLUP designation. The Suburban Residential designation is established immediately to the north across Charter Oak Drive and it would be expected the Suburban Residential FLUP designation would be expanded to accommodate future growth.

Initially, the area north of Charter Oak was platted as the Riverside Park Addition subdivision in 1952 while in unincorporated Bell County. This area was later part of land acquisition for the water treatment plant in the City in 1999. The remaining platted lots represent the only SF-1 zoned lots in the immediate area. Staff has identified that these lots range from 8,364 square feet to over one acre in size.

Under the current UE zoning, with a minimum 22,500 square footage per lot, staff has estimated that approximately 90 to 100 homes can be constructed under the current "UE" zoning. The number of homes takes into account includes a deduction of land area for right-of-way but does not include land deducted for parkland or other tracts for drainage.

On the other hand, under the proposed SF-1, lots are required to have a minimum 7,500 square feet. In anticipation of the SF-1 zoning by the property owner, staff has met on a preliminary basis with the applicant and been provided with a draft of the Preliminary Master Plat (attached) containing 184 lots. The lots range from 8,866 square feet to 32,585 square feet in area. The plat has not been formally submitted for review or has been evaluated by the Design Review Committee. At some point in the

future, it can be anticipated that the plat will be submitted and brought forward to the Planning & Zoning Commission for review and consideration.

In conclusion, while the proposed rezone is not consistent with the FLUP, the proposal is consistent with adjacent FLUP designation and the anticipated growth and development of the area. If the City Council approves the rezone, the FLUP will need to be updated.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along Charter Oak Drive. The Thoroughfare Plan (see attached) identifies Charter Oak Drive as a proposed minor arterial.

Based on a factor of 9.52 total trips per day per residential dwelling, it can be anticipated that an additional 1,752 trips per day will be introduced to Charter Oak Drive.

The factor is based on an industry-accepted factor and modified by calculations derived from the Institute of Traffic Engineers Trip Generation Manual 9th Edition for detached single-family homes. The resulting projected figure is meant to provide general insight to the traffic volume and is not meant to be construed as part of a traffic impact analysis by staff. While a detailed traffic impact analysis is not required, staff understands from the applicant that an analysis will be prepared for this development.

According to the Comprehensive Plan, Functional Classification Criteria – Table 5A.1, a resulting traffic volume per day (VPD) of 5,000 to 30,000 receives a roadway classification of minor arterial. The resulting VPD is consistent with the roadway classification of Charter Oak Drive

It should be further noted that while the traffic counts shown are for Charter Oak Drive, the counts were taken approximately 1.6 miles northeast of the site at Charter Oak Drive and Profit Place. Furthermore the counts were taken in a direction leading away from the project site. There is no data available on Charter Oak Drive and the immediate project site.

Additional right-of-way dedications and improvements can be anticipated and triggered with the platting process. No Transportation Capital Improvement Plan (TCIP) projects are listed within the immediate area funded through 2019. Per UDC Sec. 8.5.1(Perimeter Streets), the developer will be responsible at the platting stage for right-of-way dedication for adjacent street improvements.

In the following Infrastructure Adequacy Table, the existing and UDC required right-of-way conditions for Charter Oak Drive as well as existing traffic count information collected by the City at a site closest to the project site are shown.

Infrastructure Adequacy Table	
5,000 - 30,000 Vehicles Per Day (T-Fare Sec. 5A-1)	Minor Arterial
Current ROW Width / Pavement Width	54' +/- ROW Width 32' +/- Pavement Width
UDC Required ROW Width / Pavement Width	70' ROW Width 49' Pavement Width
Dedication Anticipated (1/2 Street Balance)	8 Feet
Daily Traffic Count 2013 (3300 Blk of Charter Oak)	7742 Daily Trips
Daily Traffic Count 2014 (3300 Blk of Charter Oak)	7723 Daily Trips
Projected Daily Traffic Volume (184 Lots) (*)	1752 Daily Trips
(*) Projected daily traffic generated is based on an average of 9.52 daily trips per residence & is based on factors from the Institute of Traffic Engineers Trip Generation Manual 9th Ed.	

Based on this discussion and the above table, it can be understood that the proposed development regardless of the current or proposed density is anticipated to increase traffic. It should be noted that according to the accident records from the City of Temple Police Department, there were 21 reported auto accidents alone between January 1, 2010 and Sept 16, 2014 in the 4500 to the 5800 block of Charter Oak Drive. This is in the immediate area of the project site frontage and equates approximately 0.37 accidents per month or about 1 accident per every 3 months (quarter of a year).

In conclusion, While Charter Oak Drive is in-place; it is substandard to meet the 184 anticipated residential lots and the additional traffic generation. Improvements to Charter Oak Drive will result from future platting however measures should be taken as early as possible to address the anticipated impacts. There are no TCIP projects listed for the foreseeable future.

Availability of Public Facilities (CP Goal 4.1)

While water is available through an 18" waterline that crosses the property and an 8" water line in Charter Oak Drive, currently there is no sewer line immediately available to the subject property. The nearest line is approximately 6,000 feet to the north east. Due to the size of the proposed lots, septic systems would not be permitted and sewer line extension will be necessary. While there are several agreements to extend the sewer line in process between the property owner and the City of Temple and the extension is currently listed on the CIP project list, the agreement(s) however, have not been finalized. Issues related to the sewer line extension and the corresponding agreements will be addressed during the preliminary plat process.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, a City-Wide Spine Trail has been identified along Charter Oak Drive. Charter Oak Drive as a minor arterial requires minimum 6' sidewalks. Trails and sidewalks will be addressed at the platting stage of review.

DEVELOPMENT REGULATIONS: Standard residential setbacks in the SF-1 district are:

Min Lot Size	7,500 S.F
Min Lot Width	60'
Min Lot Depth	100'
Front	25'
Side	6' Min (10% of lot width)

Side (corner) 15'
Rear 10'

Per UDC Section 8.2.3, sidewalks are required on both sides of the road for arterial streets. The sidewalk will be installed at the time of development, and will be noted on the future plat.

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

PUBLIC NOTICE: Thirteen notices, for the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday October 28, 2014 at 12:00 PM, four notices for disapproval and four notices for approval have been received. In addition, a petition, containing approximately 86 signatures from area residents and background information about the Charter Oak and history of the immediate area have been received. Staff has also received several phone calls from residents outside of the notification area with concerns about increased traffic on Charter Oak Drive and overall changes to quality of life.

The newspaper printed notice of the public hearing on September 4, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

NEW - Draft Traffic Impact Analysis (dated as received October 29, 2014)
NEW - Returned Property Owner Notice (Booker Properties - Received after October 2, 2014)
NEW - Returned Property Owner Notice (Knucklehead Properties – Received prior to Oct 2, 2014)
NEW - Petition & Historical Information of the Charter Oak & Neighborhood - Received prior to Oct 2, 2014
Table Request (email dated 09-24-2014)
Site and Surrounding Property Photos
Land Title Survey (Exhibit A)
Aerial Map
Zoning and Location Map
Future Land Use and Character Map
Localized area of the Thoroughfare Plan
Localized area of the Trails Plan
Utility Map
Draft Preliminary Master Plat
Notification Map
Returned Adjacent Property Notices (Provided prior to October 2, 2014)
Ordinance



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Olde Towne

Traffic Impact Analysis

October 2014

Prepared for:
Best Construction Services, Inc.

RECEIVED

OCT 29 2014

City of Temple
Planning & Development

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INTRODUCTION

The Olde Towne development is a proposed single family housing development to be located on Charter Oaks Drive (FM 817), across from the intersection with Cryer Lane in Temple, Texas. The development is proposed to have one hundred eighty four (184) units.

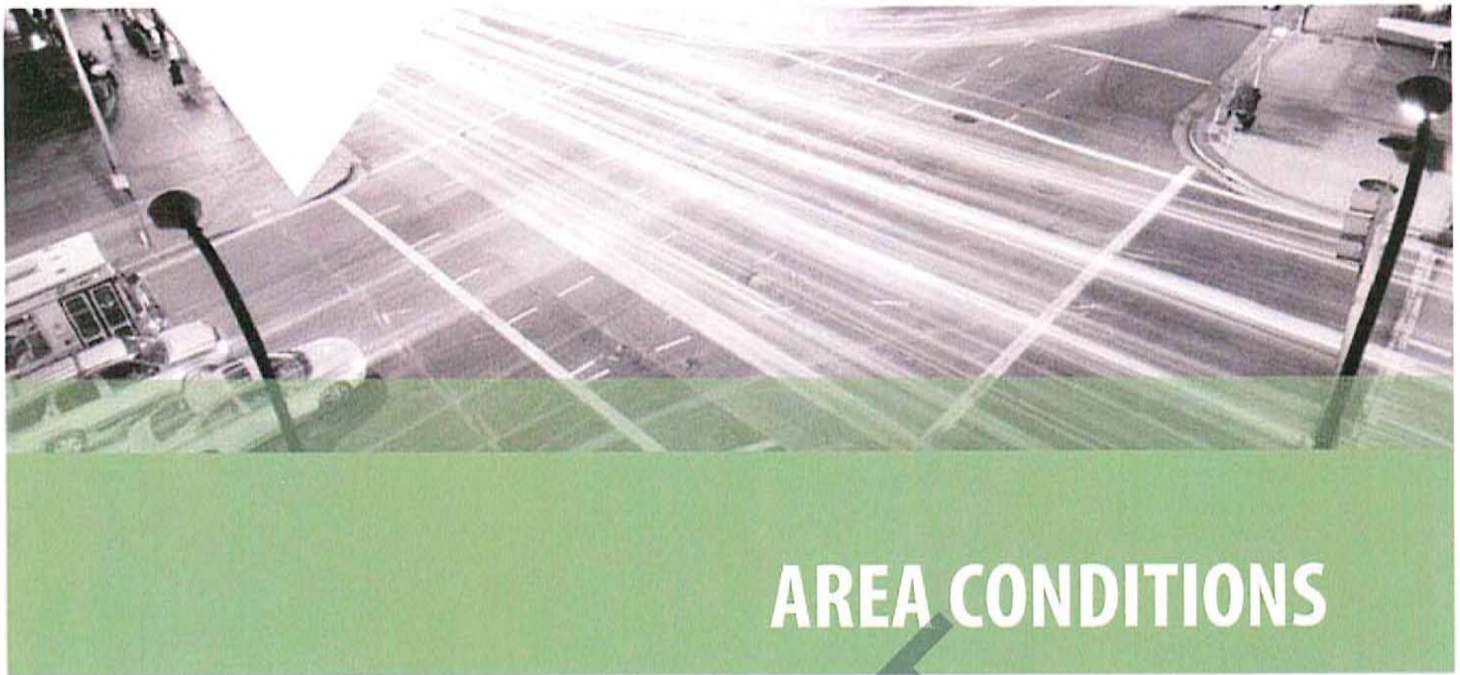
PURPOSE

The purpose of this study is to evaluate the traffic impacts of the site on the adjacent roadway network. This Traffic Impact Analysis (TIA) includes an evaluation of future build-out conditions (2015). Based on analysis results, recommendations will be identified to ensure that the intersections within the study area operate at an adequate level of service (LOS).

METHODOLOGY

The following information provides a summary of the technical analysis used for this Traffic Impact Analysis. The methodology is based upon a thorough analysis of existing and projected site generated traffic on area roadways. The study methodology is as follows:

- 1) Collect 24-hour tube counts on the following facility (counts must be performed on Tuesday, Wednesday, or Thursday:
 - a. Charter Oaks Drive (FM 817), South of Cryer Lane
- 2) Consult with the City of Temple and/or TxDOT to research any additional planned projects to be included in the background traffic for the future year analysis.
- 3) Using the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*⁽¹⁾ estimate site trip generation for the AM and PM Peak traffic periods.
- 4) Develop trip distribution percentage factors for the development based on proposed site access points and roadway geometry.
- 5) Distribute traffic generated by the development during the AM and PM Peak hours onto area roadways using the above noted trip distribution factors for the build-out year.
- 6) Analyze the Charter Oaks Drive (FM 817) and proposed site driveway under full development conditions using methodology found in the Transportation Research Board's Highway Capacity Manual, 2010 Edition⁽²⁾.
- 7) For each proposed roadway, assess the following:
 - a. Need for acceleration or deceleration lanes
 - b. Spacing between driveways
- 8) Formulate improvement recommendations, if required, for access to the site.
- 9) Determine probable cost of anticipated improvements from Step 8.



EXISTING AND PROPOSED LAND USES

The Olde Towne development is proposed to be built on the south side of Charter Oaks Drive (FM 817), across from the Cryer Lane intersection with Charter Oaks Drive. All access will be taken from Charter Oaks Drive. The development is anticipated to be completed by 2015. The location of the proposed development with respect to the area roadway network is shown in **Figure 1**, and the current proposed site plan for the development is shown in **Figure 2**.

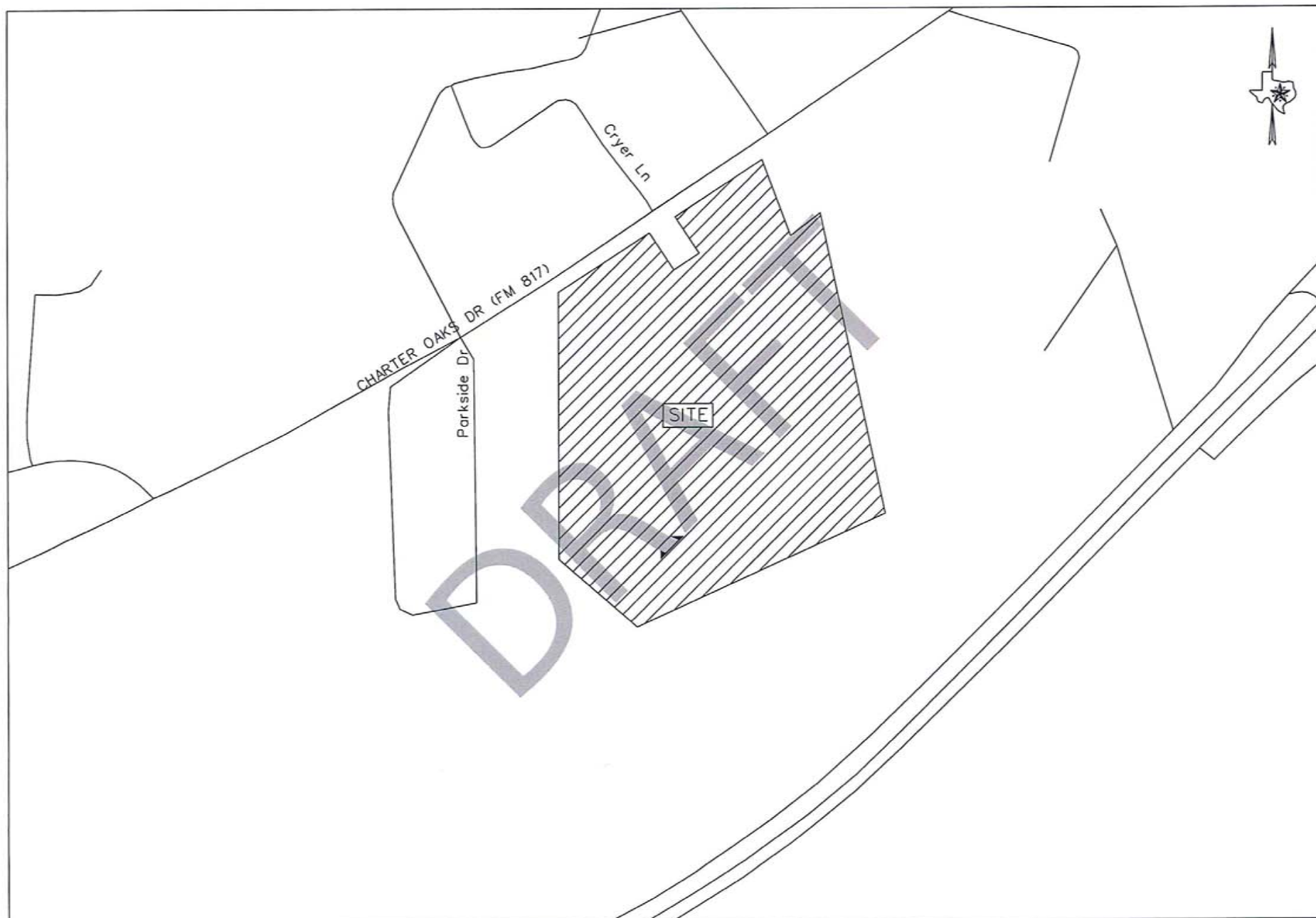
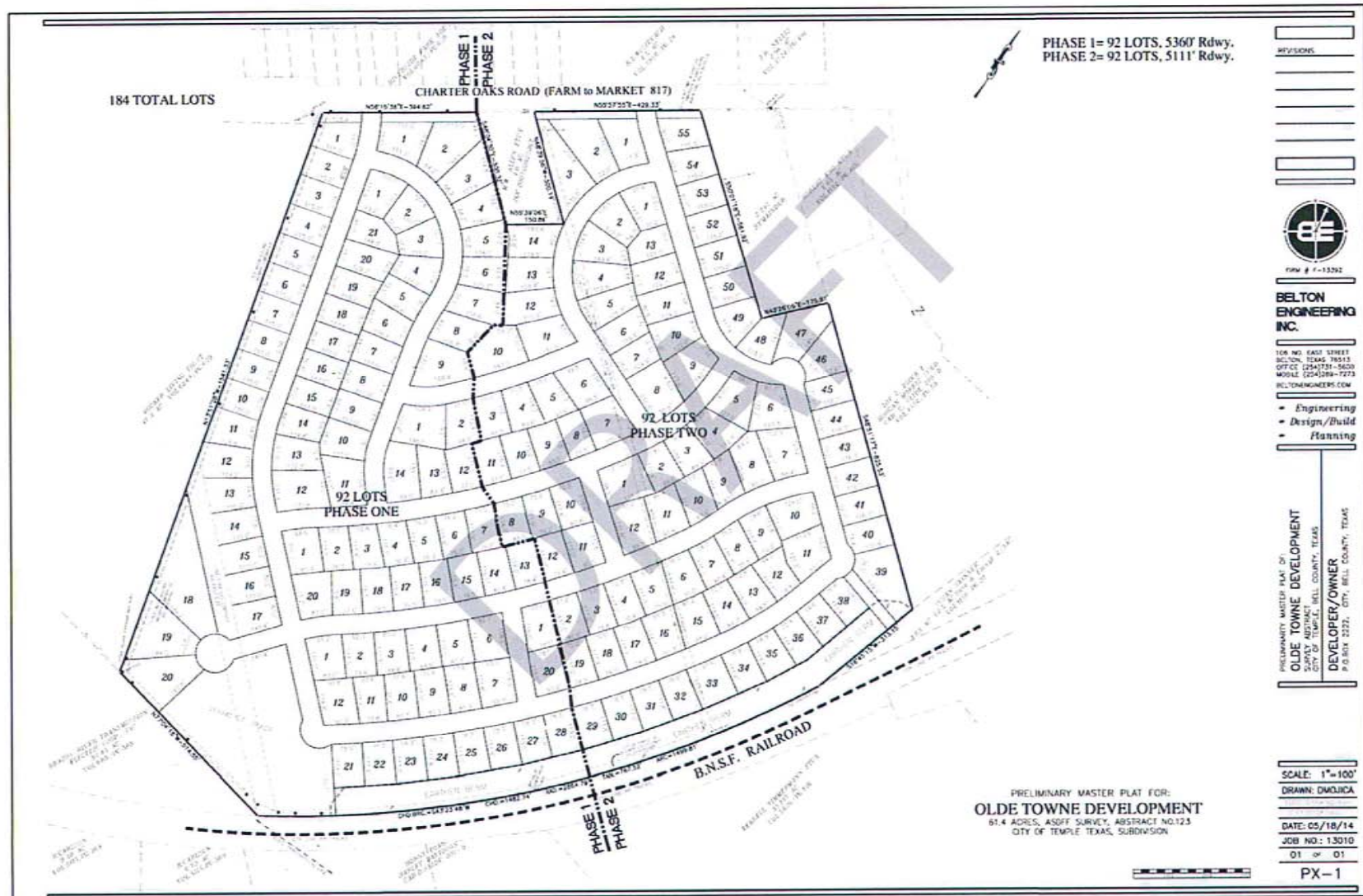


Figure 1. Study Area

Figure 2: Site Plan



STUDY AREA ROADWAY NETWORK

Existing and Future Thoroughfare System

The following provides a description of the major roadways within the study area:

Charter Oaks Drive (FM 817)

Charter Oaks Drive is a northeast/southwest roadway. For the purposes of this study, Charter Oaks Drive is considered the north/south roadway. Within the study area, the cross section of Charter Oaks Drive is a two-lane, undivided roadway. The posted speed limit on Charter Oaks Drive is 45 mph. Charter Oaks Drive is listed in the Killeen-Temple Metropolitan Planning Organization's⁽³⁾ (KTMPPO) 2040 Metropolitan Transportation Plan (MTP) as a four-lane, undivided roadway. However, no time table is given for this improvement.

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LEVEL OF SERVICE

The 2010 Highway Capacity Manual⁽²⁾ uses Level of Service (LOS) as the method by which the quality of traffic flow is described. LOS describes operational conditions in six levels based upon speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. These six levels are given the letters "A" through "F" and are given different descriptions and defining criteria depending on the roadway element analyzed.

LOS criteria for traffic signals are based on the average control delay per vehicle. Control delay includes deceleration and acceleration delay, queue move-up time, and stopped delay. These criteria are shown in **Table 1**. Thus, if the average control delay for vehicles at an intersection is fifty-five seconds or less, the intersection is defined as operating at a LOS "D" or better. Control delay of fifty-five through eighty seconds represents LOS "E", and values greater than eighty seconds define LOS "F".

For signalized intersection operation, LOS "A" represents very low delay; most vehicles do not stop at all. With LOS "B", more vehicles stop than LOS "A", increasing the average delay. Under LOS "C", the number of vehicles stopping is significant; however, many still pass through the intersection without stopping. LOS "D" describes conditions where congestion is readily apparent with many vehicles stopping and individual cycle failures are noticeable. LOS "E" generally describes operations with poor progression, long cycle lengths and frequent cycle failures. LOS "F" describes unacceptable operations which include many cycle failures caused by arrival flow rates exceeding intersection capacity.

Stop controlled intersections are analyzed in a similar manner; however, LOS is based on total delay per vehicle. The values that define LOS for stop controlled intersections are more restrictive than those for signalized intersections because it is assumed that drivers stopped at signalized intersections are able to relax while drivers waiting at stop signs must remain alert and continue to move ahead in the queue. Total delay includes both stopped delay and

time spent in the queue waiting to enter the intersection. Two-way stop controlled intersections with the minor street average total delay greater than thirty-five seconds identifies LOS "E" or worse.

Table 1: LOS Criteria for Signalized and Stop Controlled Intersections

LOS	Average Control Delay Signalized Intersections (sec/veh)	Average Total Delay Stop Control (sec/veh)
A	≤ 10	≤ 10
B	>10 and ≤ 20	>10 and ≤ 15
C	>20 and ≤ 35	>15 and ≤ 25
D	>35 and ≤ 55	>25 and ≤ 35
E	>55 and ≤ 80	>35 and ≤ 50
F	>80	>50

For this study, the criterion for minimum acceptable LOS for future conditions is a LOS "D" or better.



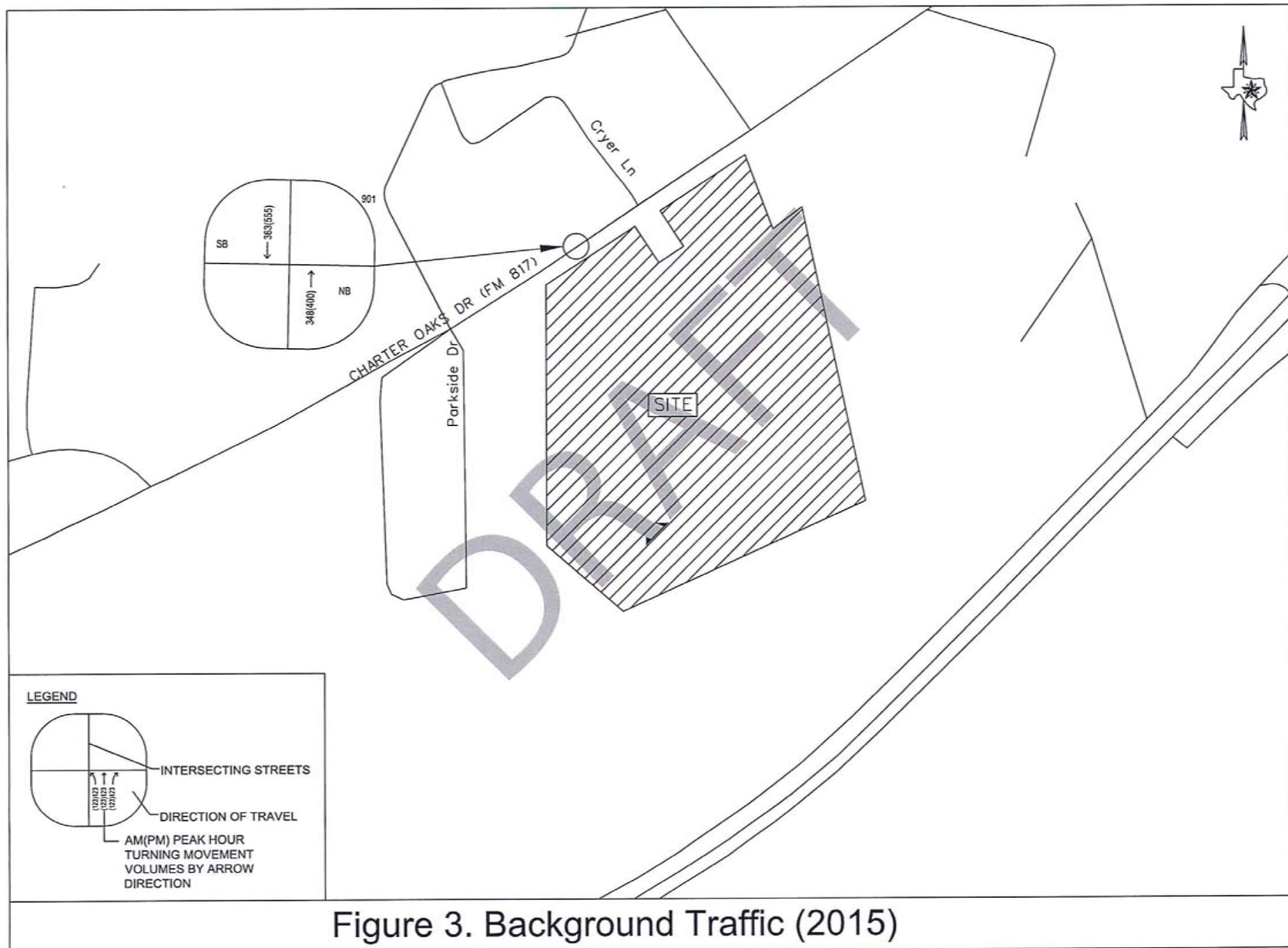
ANALYSIS OF FUTURE CONDITIONS

The intersection analysis performed for this study are based on the Highway Capacity Manual⁽²⁾ Chapter Nineteen (19) as described in the LOS section above. SynchroTM Version 8.0⁽⁴⁾ was used to evaluate future conditions. A technical approach for estimating future travel demand was utilized in evaluating the roadway system near the proposed development. Information used to develop the projection for future traffic for this area is documented in the following sections of the report.

BACKGROUND TRAFFIC

Existing and projected traffic volumes using the roadway system without the proposed project are commonly called background traffic. For the proposed Olde Towne development, background traffic is based upon traffic counts collected in October 2014. A 2.0% growth rate was then applied to existing traffic. The anticipated build out year is 2015. Thus, existing traffic is grown over a one-year period.

When computing background traffic, consideration must be taken to include projected traffic from sites that have not yet been completed but are estimated to be completed by the build-out date. For this project it was determined that there were no additional projects that needed to be included in this analysis. Background traffic volumes are illustrated in **Figure 3**.



SITE TRAFFIC

Proposed Site Trip Generation

Entering and exiting volumes were calculated using information from ITE's Trip Generation Manual, 9th Edition⁽¹⁾ and are shown in **Table 2**. The reported trips are for the site trip generation during the AM and PM peak hour.

Table 2: Unadjusted ITE Trip Generation

Phase	ITE Code	Description	Quantity	AM Peak			PM Peak		
				Total	Enter	Exit	Total	Enter	Exit
1	210	Single Family Housing	184 Units	150	38	112	194	122	72

Pass-by, internal and diverted linked trips can account for a portion of a site's generated traffic. Pass-by trips are attracted to the site from traffic passing on an adjacent street. Internal trips are trips that use only internal roadways within the site traveling from one land use to another. No adjustments for pass-by trips were applicable for this land use, and therefore, the unadjusted trip generation rates were used in this analysis.

Trip Distribution and Traffic Assignment

The task of trip distribution takes into account where the vehicles generated by the site are going to or coming from based on the roadway network. Primary site trips are those trips which leave an origin, travel to the site, and then return to the origin. Primary site trips were distributed based on probable origin/destination of the trips which, for this site, are based on the distribution of the traffic counts on Charter Oaks Drive. The trip distribution percentages shown in **Figure 4** were applied to the site generated traffic for the year 2015.

Site Access

Based on the current site plan schematic shown in **Figure 2**, there will be two access points to the Olde Towne development. Driveway 1 will be located on Charter Oaks Drive just north of Parkside Drive. Driveway 1 will have a shared left-right turn lane. Driveway 2 will be located on Charter Oaks Drive just south of Cryer Lane. Driveway 2 will have a shared left-right lane.

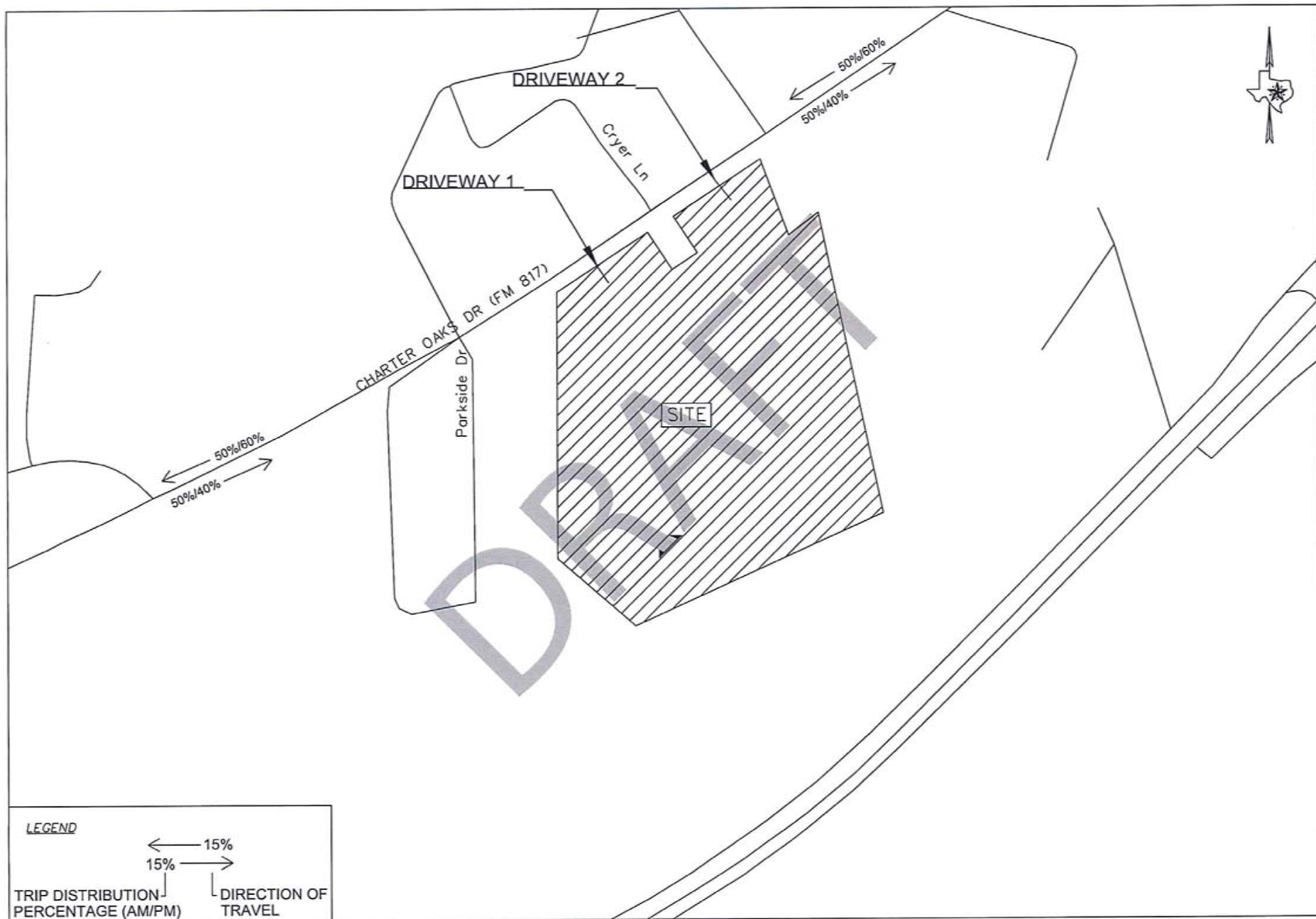


Figure 4. Trip Distribution

NO-BUILD AND BUILD CONDITIONS

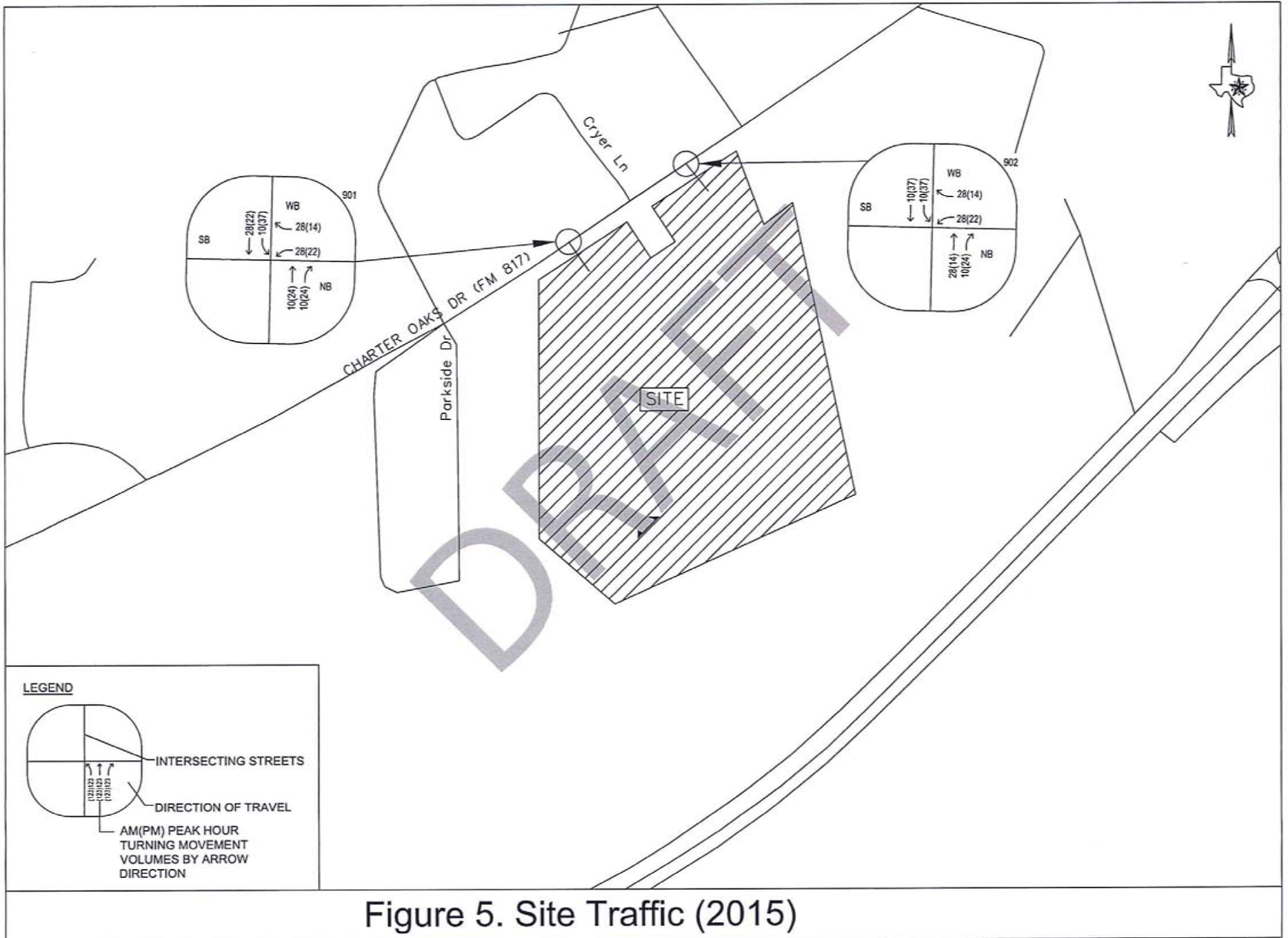
The projected background traffic was combined with the proposed site generated traffic to perform the intersection analyses for the build-out conditions (2015).

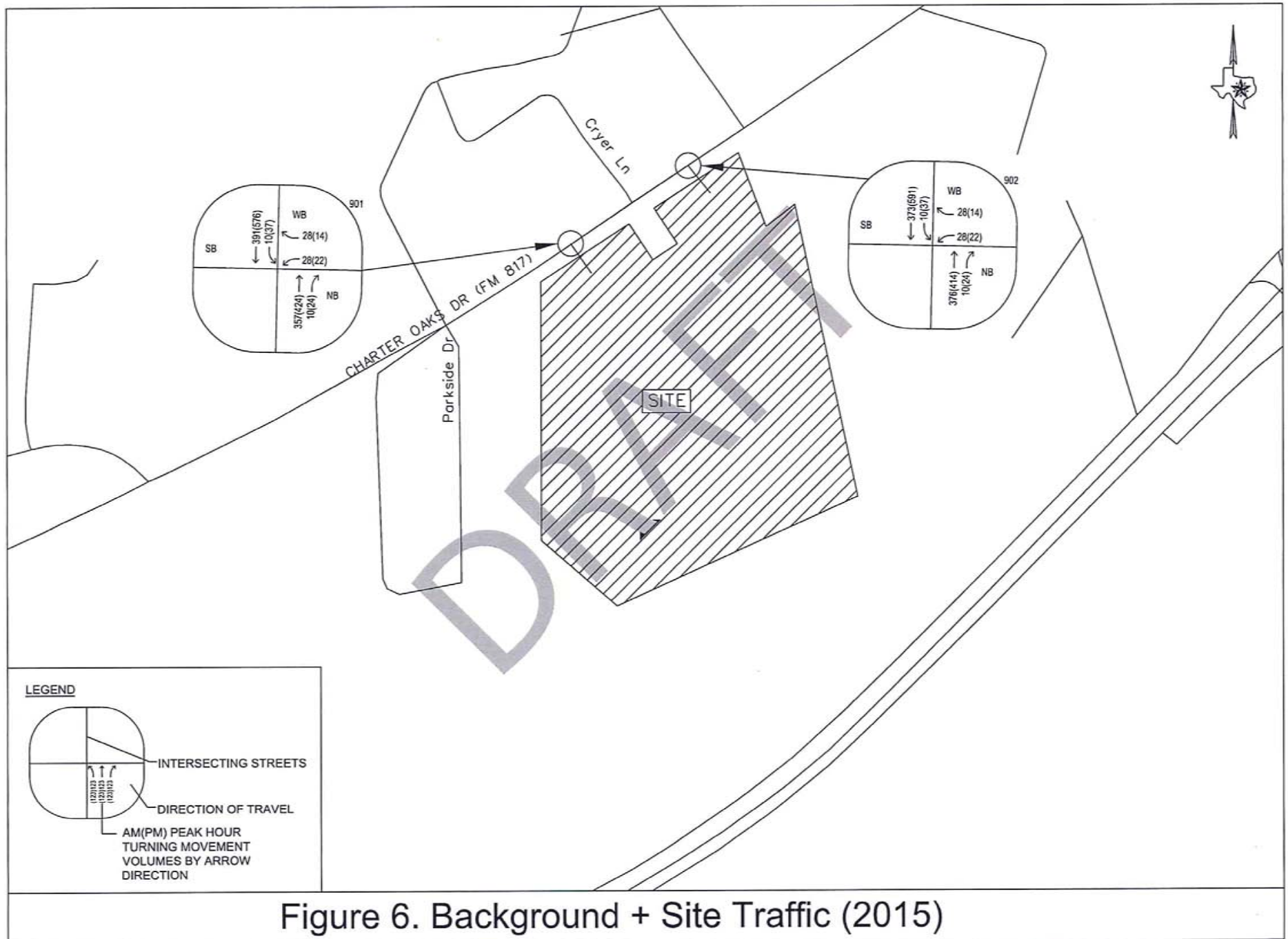
The results of this analysis are presented in **Table 3**. The worksheets from this analysis are included in **Appendix B**. Projected intersection volumes for site and background plus site traffic are illustrated in **Figure 5** and **Figure 6**.

Table 3: 2015 Projected Levels of Service

ID	Intersection	Type of Control	Approach	LOS (Delay)	
				Background + Site	
				AM Peak	PM Peak
901	Charter Oaks Drive & Driveway #1	Un-Signalized	Northbound	A (0.0)	A (0.0)
			Southbound	A(0.2)	A (0.5)
			Westbound	B (14.5)	C (20.8)
			Overall	A (1.1)	A (1.0)
902	Charter Oaks Drive & Driveway #2	Un-Signalized	Northbound	A (0.0)	A (0.0)
			Southbound	A (0.2)	A (0.5)
			Westbound	B (14.6)	C (20.9)
			Overall	A (1.1)	A (1.0)

According to **Table 3**, both of the study intersections are projected to operate with an acceptable LOS.





The projected peak period right turning volumes from and into the Site Driveways were evaluated using Table 2-3 in the TxDOT Access Management Manual⁽⁵⁾ which contains thresholds for when auxiliary right turn lanes should be considered. The criteria and projected volumes are tabulated in **Table 4**.

Table 4: Auxiliary Lane Threshold Evaluation

Intersection	TxDOT Criteria		Projected Volumes (vph)			
	Acceleration	Deceleration	AM Peak		PM Peak	
			Egress	Ingress	Egress	Ingress
Driveway #1 & Charter Oaks Drive	Right turn egress > 200vph	>45 mph: Right turn volume > 50 vph ≤45 mph: Right turn volume > 60 vph	28	10	14	24
Driveway #2 & Charter Oaks Drive	Right turn egress > 200vph	>45 mph: Right turn volume > 50 vph ≤45 mph: Right turn volume > 60 vph	28	10	14	24

As indicated in **Table 4**, the Site Driveways are below the thresholds that might require a deceleration or acceleration lane under full build-out conditions.

The Site Driveways were also evaluated using the criteria contained in the TxDOT Roadway Design Manual⁽⁶⁾ for left-turn lanes. The Site Driveways meet the criteria for consideration of a left-turn lane along Charter Oaks Drive. However, the addition of a left-turn lane is not geometrically feasible based on the proposed conditions. Also, Charter Oaks Drive is listed in the 2040 KTMPO MTP⁽³⁾ as a four-lane roadway, thus the inside lanes will function as left-turn lanes when the four-lane section is constructed.

The TxDOT Access Management Manual⁽⁵⁾ has criteria for evaluating spacing between driveways. The criterion for a 45 mph roadway is 360 feet between driveways. **Figure 7** shows the spacing between the proposed and existing driveways. As indicated in **Figure 7**, three out of four spacings between the proposed site driveways and the existing single-home driveways are below the 360 foot criterion. Although these spacings are near but do not exceed the recommended criteria, the intermediate driveways are for single residential homes and would only be expected to generate approximately 10 trips per day.



Figure 7. Driveway Spacing



The proposed Olde Towne development, located along Charter Oaks Drive in Temple, Texas and its interaction with the surrounding roadway network have been analyzed for build-out (2015) conditions. The intersection analyses performed in this study indicate that background and site traffic will be accommodated within the existing roadway network and meet acceptable Levels of Service.

According to the Roadway Design Manual⁽⁶⁾, a left-turn lane may be considered for the development. However, Charter Oaks Drive is listed in the 2040 KTMPO MTP⁽³⁾ as a four-lane roadway. Due to the plan for future expansion and existing geometric constraints, we recommend a left-turn lane not be constructed at this time.

We recommend the Olde Towne development be approved as planned.



CERTIFICATION STATEMENT

I hereby certify that this report complies with applicable technical requirements of the City of Temple, Texas and Texas Department of Transportation and is complete and accurate to the best of my knowledge.

Alliance Transportation Group, Inc.

Samuel Higgins, P.E.

Project Engineer



REFERENCES

1. *Trip Generation Manual* (9th ed.). Washington, DC: Institute of Transportation Engineers, 2012.
2. *Highway Capacity Manual 2010*. Washington, DC: Transportation Research Board, 2010.
3. *KTMPO 2040 Metropolitan Transportation Plan*. Killeen, TX: Killeen-Temple Metropolitan Planning Organization, 2014.
4. *Synchro Studio 8 User Guide*. Sugarland, TX: Trafficware, Ltd., 2011
5. *Access Management Manual*. Austin, TX: Texas Department of Transportation, 2009.
6. *Roadway Design Manual*. Austin, TX: Department of Transportation, 2010.

APPENDIX A | Existing Traffic Counts

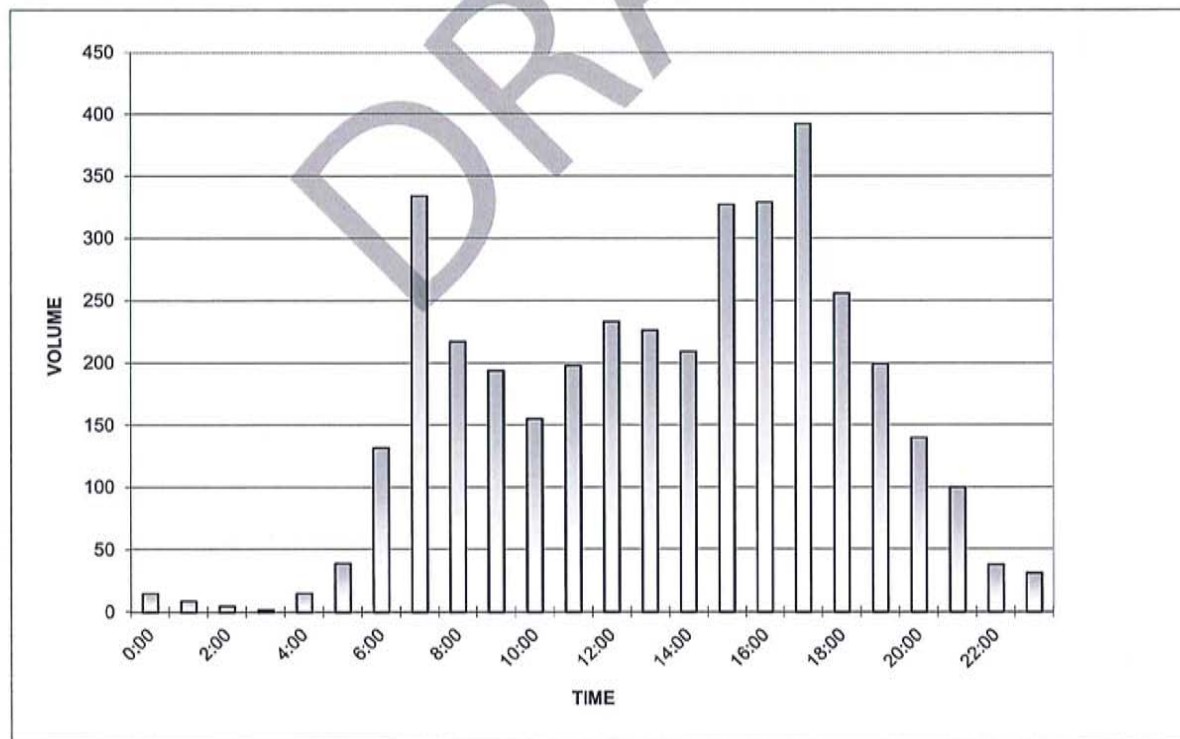
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Date Began:
10/8/2014

Northbound FM 817 south of Cyer Lane

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	5	4	3	3	15
1:00	3	4	0	2	9
2:00	1	1	2	1	5
3:00	1	0	0	1	2
4:00	1	3	6	5	15
5:00	6	7	6	20	39
6:00	13	28	45	46	132
7:00	66	80	104	84	334
8:00	73	61	44	39	217
9:00	48	50	50	46	194
10:00	37	36	40	42	155
11:00	50	45	39	64	198
12:00	66	50	46	71	233
13:00	54	59	56	57	226
14:00	48	47	48	66	209
15:00	78	60	92	97	327
16:00	75	72	101	81	329
17:00	102	105	101	84	392
18:00	66	68	74	48	256
19:00	51	52	48	48	199
20:00	41	25	36	38	140
21:00	28	25	24	23	100
22:00	8	13	10	7	38
23:00	13	8	7	3	31
TOTAL:					3795

The A.M. peak hour from 7:15 to 8:15 is 341
The P.M. peak hour from 17:00 to 18:00 is 392



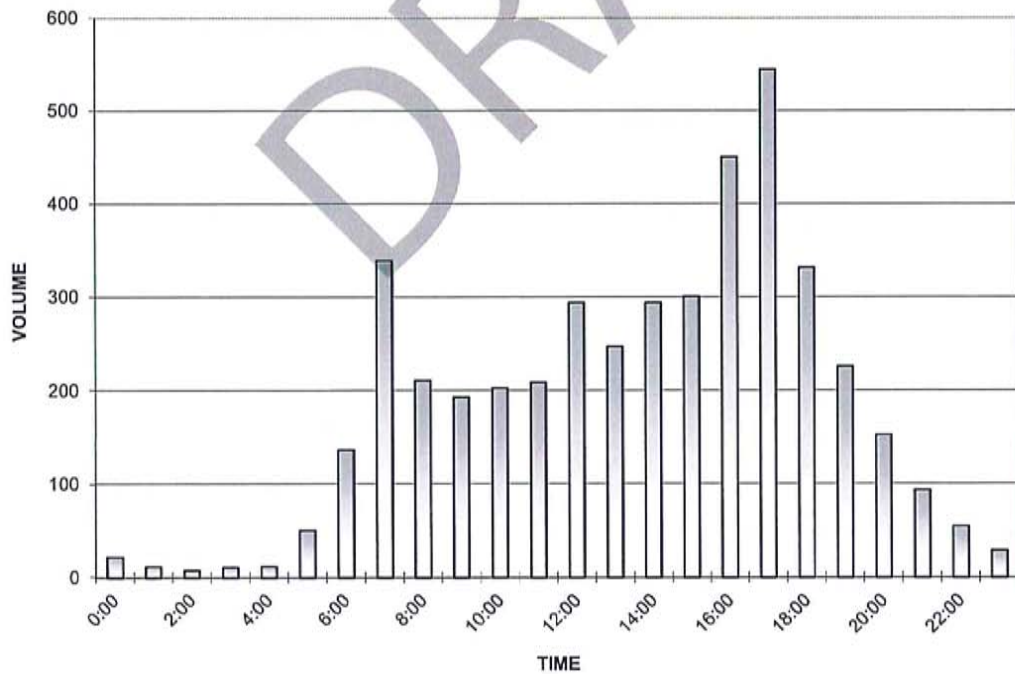
Southbound FM 817 south of Cyer Lane

Date Began:
10/8/2014

TIME	0:00	0:15	0:30	0:45	TOTAL
0:00	8	7	6	1	22
1:00	2	5	3	2	12
2:00	2	6	0	0	8
3:00	0	3	6	2	11
4:00	3	4	1	4	12
5:00	5	10	12	24	51
6:00	20	25	39	53	137
7:00	61	88	85	105	339
8:00	78	35	45	53	211
9:00	38	60	52	43	193
10:00	45	36	53	69	203
11:00	50	49	47	63	209
12:00	63	82	77	72	294
13:00	66	55	61	65	247
14:00	74	71	70	79	294
15:00	54	78	69	100	301
16:00	103	124	112	111	450
17:00	112	163	147	122	544
18:00	81	109	83	59	332
19:00	75	52	61	38	226
20:00	41	37	32	43	153
21:00	19	38	21	16	94
22:00	17	13	10	15	55
23:00	7	11	6	5	29
TOTAL:					4427

The A.M. peak hour from 7:15 to 8:15 is 356

The P.M. peak hour from 17:00 to 18:00 is 544












APPENDIX B | LOS Analysis – Future Conditions (2015) – Background + Site

DRAFT

Lanes, Volumes, Timings
901: Charter Oaks Dr & Driveway 1

Old Towne TIA
AM Background + Site (2015)

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	28	28	357	10	10	391
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.932		0.996			
Flt Protected	0.976					0.999
Satd. Flow (prot)	1694	0	1855	0	0	1861
Flt Permitted	0.976					0.999
Satd. Flow (perm)	1694	0	1855	0	0	1861
Lane Group Flow (vph)	60	0	399	0	0	436
Sign Control	Stop		Free			Free

Intersection Summary

Control Type: Unsignalized

Intersection Capacity Utilization 38.6%

ICU Level of Service A

Analysis Period (min) 15

DRAFT

Intersection

Int Delay, s/veh 1.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	28	28	357	10	10	391
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	30	30	388	11	11	425





Major/Minor	Minor1	Major1	Major2
Conflicting Flow All	840	393	0 0 399 0
Stage 1	393	-	- - - -
Stage 2	447	-	- - - -
Critical Hdwy	6.42	6.22	- - 4.12 -
Critical Hdwy Stg 1	5.42	-	- - - -
Critical Hdwy Stg 2	5.42	-	- - - -
Follow-up Hdwy	3.518	3.318	- - 2.218 -
Pot Cap-1 Maneuver	335	656	- - 1160 -
Stage 1	682	-	- - - -
Stage 2	644	-	- - - -
Platoon blocked, %	-	-	- - - -
Mov Cap-1 Maneuver	331	656	- - 1160 -
Mov Cap-2 Maneuver	331	-	- - - -
Stage 1	682	-	- - - -
Stage 2	636	-	- - - -

Approach	WB	NB	SB
HCM Control Delay, s	14.5	0	0.2
HCM LOS	B		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	- 440	1160	-
HCM Lane V/C Ratio	-	- 0.138	0.009	-
HCM Control Delay (s)	-	- 14.5	8.1	0
HCM Lane LOS	-	- B	A	A
HCM 95th %tile Q(veh)	-	- 0.5	0	-

Lanes, Volumes, Timings
902: Driveway 2 & Charter Oaks Dr

Old Towne TIA
AM Background + Site (2015)

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	28	28	376	10	10	373
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.932		0.996			
Flt Protected	0.976					0.999
Satd. Flow (prot)	1694	0	1855	0	0	1861
Flt Permitted	0.976					0.999
Satd. Flow (perm)	1694	0	1855	0	0	1861
Lane Group Flow (vph)	60	0	420	0	0	416
Sign Control	Stop		Free			Free

Intersection Summary

Control Type: Unsignalized

Intersection Capacity Utilization 37.7%

ICU Level of Service A










Analysis Period (min) 15

DRAFT

Intersection						
Int Delay, s/veh	1.1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	28	28	376	10	10	373
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	30	30	409	11	11	405
Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	841	414	0	0	420	0
Stage 1	414	-	-	-	-	-
Stage 2	427	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	335	638	-	-	1139	-
Stage 1	667	-	-	-	-	-
Stage 2	658	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	331	638	-	-	1139	-
Mov Cap-2 Maneuver	331	-	-	-	-	-
Stage 1	667	-	-	-	-	-
Stage 2	650	-	-	-	-	-
Approach	WB		NB		SB	
HCM Control Delay, s	14.6		0		0.2	
HCM LOS	B					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	-	436	1139	-	-
HCM Lane V/C Ratio	-	-	0.14	0.01	-	-
HCM Control Delay (s)	-	-	14.6	8.2	0	-
HCM Lane LOS	-	-	B	A	A	-
HCM 95th %tile Q(veh)	-	-	0.5	0	-	-

Lanes, Volumes, Timings
901: Charter Oaks Dr & Driveway 1

Old Towne TIA
PM Background + Site (2015)

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	22	14	424	24	37	576
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.948		0.993			
Flt Protected	0.970					0.997
Satd. Flow (prot)	1713	0	1850	0	0	1857
Flt Permitted	0.970					0.997
Satd. Flow (perm)	1713	0	1850	0	0	1857
Lane Group Flow (vph)	39	0	487	0	0	666
Sign Control	Stop		Free			Free

Intersection Summary

Control Type: Unsignalized

Intersection Capacity Utilization 69.5%

ICU Level of Service C










Analysis Period (min) 15

DRAFT

Intersection						
Int Delay, s/veh	1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	22	14	424	24	37	576
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	24	15	461	26	40	626
Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1181	474	0	0	487	0
Stage 1	474	-	-	-	-	-
Stage 2	707	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	210	590	-	-	1076	-
Stage 1	626	-	-	-	-	-
Stage 2	489	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	198	590	-	-	1076	-
Mov Cap-2 Maneuver	198	-	-	-	-	-
Stage 1	626	-	-	-	-	-
Stage 2	461	-	-	-	-	-
Approach	WB		NB		SB	
HCM Control Delay, s	20.8		0		0.5	
HCM LOS	C					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	- 267	1076	-		
HCM Lane V/C Ratio	-	- 0.147	0.037	-		
HCM Control Delay (s)	-	- 20.8	8.5	0		
HCM Lane LOS	-	- C	A	A		
HCM 95th %tile Q(veh)	-	- 0.5	0.1	-		

Lanes, Volumes, Timings
902: Driveway 2 & Charter Oaks Dr

Old Towne TIA
PM Background + Site (2015)

						
Lane Group	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Volume (vph)	22	14	414	24	37	591
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.948		0.993			
Flt Protected	0.970					0.997
Satd. Flow (prot)	1713	0	1850	0	0	1857
Flt Permitted	0.970					0.997
Satd. Flow (perm)	1713	0	1850	0	0	1857
Lane Group Flow (vph)	39	0	476	0	0	682
Sign Control	Stop		Free			Free

Intersection Summary

Control Type: Unsignalized

Intersection Capacity Utilization 69.7%

ICU Level of Service C

Analysis Period (min) 15

DRAFT

Intersection						
Int Delay, s/veh	1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Vol, veh/h	22	14	414	24	37	591
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	24	15	450	26	40	642
Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1186	463	0	0	476	0
Stage 1	463	-	-	-	-	-
Stage 2	723	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	208	599	-	-	1086	-
Stage 1	634	-	-	-	-	-
Stage 2	481	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	196	599	-	-	1086	-
Mov Cap-2 Maneuver	196	-	-	-	-	-
Stage 1	634	-	-	-	-	-
Stage 2	454	-	-	-	-	-
Approach	WB		NB		SB	
HCM Control Delay, s	20.9		0		0.5	
HCM LOS	C					
Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT		
Capacity (veh/h)	-	- 265	1086	-		
HCM Lane V/C Ratio	-	- 0.148	0.037	-		
HCM Control Delay (s)	-	- 20.9	8.4	0		
HCM Lane LOS	-	- C	A	A		
HCM 95th %tile Q(veh)	-	- 0.5	0.1	-		



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

Booker Living Trust
c/o Aaron & Mary Booker Trustees
15961 Big Horn Trail
Frisco, TX 75035

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

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

Comments:

Aaron Booker
Signature

Aaron Booker
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

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

RECEIVED

OCT 14 2014

City of Temple
Planning & Development

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Knucklehead Properties LLC
7454 South General Bruce Drive
Temple, TX 76502

RECEIVED
SEP 30 2014
City of Temple
Planning & Development

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

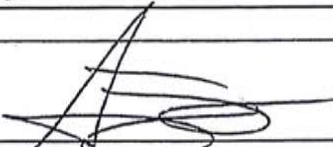
The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice,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

I recommend () approval

(☒) denial of this request.

Comments:

In reviewing what I currently
am aware of, I would not be in
favor of a zoning change.


Signature

George Lee
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014

Save Our Community!!

No More Housing!!

Our community is about to have a single family sub-division built in it, but it would not be viable for the following reasons:

- 1) The main objective would be the addition of traffic to a road that already has a high volume of traffic and is over crowded
- 2) The infrastructure is not available to support additional homes in our community
- 3) City services would be bogged down
- 4) Schools are already over crowded
- 5) Fire department would be needed
- 6) This project will increase noise and crime
- 7) There are historical features in our community that have already been vandalized

RECEIVED

OCT 01 2014

City of Temple
Planning & Development

We the undersigned, oppose the building of a single family sub-division that will be built by contractor, ^{Sam Jack} Best at 5105 Charter Oak Drive. ^{Kly 9-20-14}

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-21-14	LINDA WALKER	Linda Walker	4915 Parkside Dr Temple, TX 76502
9/21/14	L.W. Walker	L.W. Walker	4915 Parkside Dr Temple, TX 76502
9-21-14	Juanita G. Pate	Juanita Pate	4911 Parkside Dr Temple, TX 76502
9-21-14	Edward Pate	Edward Pate	Temple, TX 76502
9-21-14	Carolyn Fulton	Carolyn Fulton	4907 Parkside Dr. Temple, TX 76502
9-21-14	Roger Brown	Roger Brown	Temple, TX - 4825 Parkside Dr
9-21-14	Bobby Brown	Bobby Brown	4825 Parkside Dr Temple, TX
9-21-14	Johnny Brown	Johnny Brown	4825 Parkside side dr
9-21-14	GILEN E. GUTHRIE	Glen E. Guthrie	7215 CHARTER OAK LOOP TEMPLE, TX 76502

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-21-14	MARILYN SEALS	Marilyn Seal	7322 Charter Oak Lp.
9-21-14	Hershall Seals	Hershall Seal	7322 Charter Oak Loop
9/21/14	Bobbie Moore Sr	Bobbie Moore Sr	4521 PARKSIDE DRIVE, TEMPLE
9/21/14	RAMONA MOORE	Ramona Moore	4521 PARKSIDE DRIVE TEMPLE
9/21	Cindy Moore	Cindy Moore	4515 Parkside Temple, TX
9/21	Dennis Moore	Dennis Moore	4515 Parkside Dr. Temple, TX.
9/21/14	Paul (Bethesda Ministries) Sharon Gray	Sharon Gray	4412 Pea Ridge Dr Temple, Texas 76502
9-21-14	Jennifer Gray	Jennifer Gray	4512 Parkside Dr. Temple, TX 76502
9-21-14	Paul R Gray	Paul R. Gray	4512 Parkside Drive Temple TX 76502
9-21-14	Teresa Gaines	Teresa Gaines	4602 S. Pea Ridge Rd Temple, TX 76502
9-21-14	Garland Gaines	Garland Gaines	SAME
9-21-14	Ashley Gaines	Ashley Gaines	SAME.
9-21-14	Lowell Murph	Lowell Murph	4612 S. Pea Ridge Rd
9/21/14	Lorrie Zizzo	Lorrie Zizzo	4780 S. Pea Ridge Rd Temple
9.21.14	Christina Matulik	Christina Matulik	4912 S. Pea Ridge Rd Temple
9.21.14	David Cotton	David Cotton	5010 S. Pea Ridge Rd Temple TX 76502
9.21.14	TRAVIS W. Mc Cormick	Travis W. McCormick	4919 So. Pea Ridge Rd. Temple, TX 76502

DATE	PRINTED NAME	SIGNATURE	ADDRESS
8-21-14	Oleta McCormick	Oleta McCormick	4919 So. Oak Ridge Ln
8-21-14	Brian Trammell	Brian Trammell	5020 Charter Oak Tr
8-21-14	Danielle Cutler	Danielle Cutler	5024 Charter Oak
8-21-14	Thomas Montgomery	Thomas Montgomery	5024 Charter Oak
8-21-14	Jimmy Byers	Jimmy Byers	5024 Charter Oak
8-21-14	Kimarie Funder	Kimarie Funder	5024 Charter Oak Dr
8-21-14	Michael Barker	Michael Barker	5024 Charter Oak Dr
8-21-14	Shanna Wilson	Shanna Wilson	5024 Charter Oak Dr
8-21-14	Carrie Barker	Carrie Barker	5024 Charter Oak Dr.
9-21-14	Edward Miller	Edward Miller	5024 Charter Oaks Dr
9-21-14	Phyllis Wolfenbach	Phyllis Wolfenbach	5110 Charter Oak Dr
9-21-14	R. Wolfenbach	Ron Wolfenbach	5110 Charter Oak Dr.
9-21-14	Christie Humphrey	Christie Humphrey	5024 Charter Oak Dr.
9-21-14	David Hernandez	David Hernandez	5024 Charter Oak Dr.
9-21-14	Yvonne Morgan	Yvonne Morgan	5009 Charter Oak Dr.
9-21-14	Elizabeth Morgan	Elizabeth Morgan	5001 Elizabeth Morgan
9-22-14	Betty Charlene Okun	Betty Charlene Okun	4809 Charter Oak Dr.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-22-14	Loie Sanford	Loie Sanford	4809 Charter Oak Dr.
9-22-14	JAMES E. OKUN	James E. Okun	4809 Charter Oak Dr.
9-22-14	Eric Sanford	ERIC SANFORD	4809 CHARTER OAK DR.
9-22-14	Zenaida ^{Castillo} Rodriguez	Zenaida ^{Rodriguez} Castillo	5012 So Pen Ridge Rd
9-22-14	THOMAS F. RODRIGUEZ SR.	THOMAS F. RODRIGUEZ SR.	5012 S. PEN RIDGE RD
9-22-14	MATILDE CASTILLO	M.C.	4708 Charter Oak Dr.
9-22-14	Jimmy Okun	Jimmy Okun	4804 Charter Oaks
9-22-14	Terri Okun	Terri Okun	4804 Charter Oaks
9-22-14	Carni Gossett	C. Gossett	4720 Charter Oaks
9-22-14	Carni Gossett	C. Gossett	4720 Charter Oaks
9-22-14	Tyler Skinner	Tyler Skinner	4916 Charter Oaks
9-22-14	Frediera Emerson	Frediera Emerson	5006 Charter Oak Dr.
9-22-14	JAMES DODD	James Dodd	5002 CHARTER OAK DR
9-22-14	Patricia Dodd	Patricia Dodd	5002 Charter Oak Dr
9-22-14	Brandy Alley	Brandy Alley	5018 Charter Oak Dr.
9-22-14	Francisco Vazquez	Francisco Vazquez	5016 Charter Oak
9-22-14	Sofia Aguilar V	Sofia Aguilar	5016 Charter Oak

DATE	PRINTED NAME	SIGNATURE	ADDRESS
9-22-14	MARION W ALLEN	Marion Allen	5301 Charter Oak
9-22-14	MARIA I ALLEN	Maria I Allen	5301 Charter Oak
9-24-2014	David Hernandez	DAVID Hernandez	5024 Charter Oak
9-25-2014	Ruby Gandy	Robert D. Gandy	5005 CHARTER OAK DR.
9-25-14	Ruby Gandy	Ruby Gandy	5005 Charter Oak Dr.
9-25-2014	Beatrice Y. Duncan	Beatrice Y. Duncan	4917 Charter Oak Dr.
9/25/14	Olivia Reynolds	Olivia Reynolds	7312 Cypress Lane
9/25/14	Skylar Reynolds (POA)	Skylar Reynolds	7312 Cypress Lane
9/26/14	Mayra Velez	Mayra Velez	7318 Cypress Ln.
9/26/14	William T SHELTON	William T. Shelton Jr	4603 Parkside Dr.
9/26/14	Sarah Carrell	Sarah Carrell	4520 Parkside Dr.
9/26/14	Debbie Mendenhall	Debbie D. Mendenhall	4504 S. Pea Ridge Rd.
9/26/14	Tony Mendenhall	Tony Mendenhall	4504 S. Pea Ridge Rd.
9/28/14	Alberta Eno	Alberta Eno	5019 Charter Oak Dr.
9/28/14	Robert Eno	Robert Eno	5019 Charter Oak
9/28/14	Kay Haynes	Kay Haynes	6815 Dusty Ln
9/28/14	DAVID HAYNES	David Haynes	6815 Dusty Ln

[illegible]

[illegible]

FAMOUS TREES OF TEXAS

Famous Facts

- Which tree's pecans were featured in Ripley's 'Believe it or Not'?
- Which Tree is the tombstone of one of the most feared outlaws in Texas?
- Which Texas Famous Tree is not from Texas?



[ABOUT US](#) [EXPLORE OUR TREES](#) [NOMINATE A TREE](#) [NEWS & EVENTS](#) [CONTACT US](#)

[TREE NAME](#) [HISTORICAL PERIOD](#) [HISTORICAL TOPIC](#) [SPECIES](#) [COUNTY](#) [TOURS](#)

Bell County Charter Oak

Historical Period: Early Statehood (1845-1861)

Historical Topic: County Courthouses, Frontier Settlements

Species: Texas Live Oak (*Quercus fusiformis*)

County: Bell

Public Access: Yes

The spot chosen for the first election in Bell County was beneath a magnificent live oak. It was located about 50 yards east of the log cabin home of William F. Hill and about 200 yards south of where the Old Military Road crossed the Leon River. Although Hill's was the only house near the crossing, the site was centrally located and most convenient to the few voters in the county.

On that historic day in April or May 1850, three men were appointed judges and each of the 30 or 40 men present orally voted for five special commissioners. These commissioners were given the specific task of organizing the new county, a task which included surveying it, locating a county seat, laying off the townsite, selling the lots at auction and erecting public buildings.

Organization of the county was completed August 1, 1850, and the county seat was located on Nolan Creek, west of the Charter Oak, and was named Nolanville. However, on December 16 of the following year, the seat was moved to Belton. The county was named in honor of Texas' third governor, Peter Hansbrough Bell.

Many years have passed since Hill's cabin was claimed by the river. But the Charter Oak still serves as a living reminder of the first election ever held in Bell County.

This historic oak stands along the east bank of the Leon River, near the city of Belton. Please respect private property by viewing the tree from the road.

[HISTORIC](#) [TODAY](#) [GALLERY](#)



Map It!

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Accessibility, Site Policies & Public Notices

THE
TEXAS A&M
UNIVERSITY
SYSTEM

From: Seals, Hershall <hseals@umhb.edu>
To: kayhaynes <kayhaynes@aol.com>
Subject: FW: History of Moss Home
Date: Tue, Sep 23, 2014 10:47 am

Moss Home History

Dred R. Hill

Sept 13, 1815 - Aug 7, 1870

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Born in Georgia and came to Bell Co. in about 1847 or 48. He lived at first with his brother William and his wife Martha in a little log cabin on the east bank of the Leon River near what is now known as the "Charter Oak" tree. The cabin eventually tumbled into the Leon River when the bank caved in, caused by the swirling of the waters from the low dam installed in later years.

He was one of 30 or 40 men who met in the spring of 1850 under the Charter Oak Tree which was located on his place, and took part in the special election of 5 commissioners to organize Bell Co. As the county became organized it was necessary to address the problem of lack of roads. They began by organizing road precincts and appointing overseers. He was appointed as overseer for a road to what is now Bastrop. His brother William was appointed reviewer for a road to the Waco Village. This responsibility for roads makes the old family story of how Grandpa Hill with a slave known as Dave laid off the first road to Waco by plowing a furrow with a walking plow from Belton to Waco.

During the first regular meeting of the commissioners court on Nov. 18, 1850, one of the first pieces of business was to grant Dred R. Hill a license to maintain a ferry on the Leon River at the crossing of the Military road where the old low dam now is near the Brazos Electric Plant. It seems highly possible that, quite by accident, the road that he laid out just happened to end up at this ferry. The following is quoted from Tyler's History of Bell Co.; "The main highway was that crossing the County from north to south from the Waco Village to Georgetown, via Belton, and passing the later villages of Old Troy, Howard, Salado, Prairie Dell and Corn Hill (Williamson county). From about Howard this highway followed the Military Road. This road was a part of the great highway from St. Louis, Memphis and the East to Austin, San Antonio and Mexico, over which the overland mail stages and other travel passed."

Dred R. Hill was married to Mary Jane Beene on Dec. 16, 1851. She was born Oct. 22, 1831 in Tennessee. She was the daughter of Jesse and Mary Kuykendall Beene who had evidently moved here in 1850 or 51 because they were not listed in the 1850 census. Dred and Mary had 7 children;

Mary Jane (married Wm. N. Moore)

Frank Hill

Jep Hill (Joseph or Jeffrey in 1860 & 1870 census ?)

Dealie (married Oscar Miller)

Sallie (married S.E. Branham)

Mrs. E.E. (Matt Graves) (Martha?)

Frannie Speaks (Francis in 1860 census?)

They built a large two story rock home near the present Temple Water Treatment Plant that is still being used today. It must have been built in the 1850's or early 60's. Family verbal history was that it was built with slave labor, therefore before the Civil War. He accumulated a sizable amount of land in what is now called the Midway area, and was then called the Peppers Creek region. Most of the river bottom land east of the Leon River east of Belton was owned at one time by him. F.M. Cross in his history of Central Texas had the following to say about land in the early days of Bell Co.; "A man with a family could preempt 640 acres, while a single man could take up 320 acres . . . I have seen as good a land as there is in Bell Co. sell for one dollar per acre . . . A number of men purchased land while it was so cheap, that in 15 years it made them independent. Dr. Embry, Ramsey Cox, Dred Hill, O.G. Tyler and many others I could name bought land while it was so cheap and the advance on the value of land has made some of their posterity independently rich."

He operated a ferry across the Leon River as has been noted at the old Military road crossing. Besides farming some of the land that he owned, he had other business interest as is noted in Tyler's history of Bell Co. "Just before the Civil War, Mr. Dred R. Hill erected an old time cotton gin, with a tall wooden screw press, on his farm across the Leon, just east of Belton. And the writer, then a small boy, used to regard that old wooden screw press, sticking up in the air, as the most gigantic and wonder piece of machinery on earth."

Besides having civic responsibilities as road overseer he took on other obligations as is noted by Tyler in a May 22, 1855 Commissioners Court meeting; "It is ordered by the court that all territory included in School District no. 15 in said Bell Co., shall be known as the Belton Patrol District, and is further ordered that Dred R. Hill, . . . are hereby appointed a patrol detachment for said Patrol District and that the said D.R. Hill be hereby appointed Captain of the said Detachment." During the Civil War there was also the Home Guard whose responsibility was increased because most of the men were off fighting the war. The following is as told by Tyler in his book: ". . . a squad of Texas Home Guards, having in charge three prisoners, deserters from the Confederate Army, whom they had captured in the cedar brakes in Bell and Coryell Counties, and they were camped for the night at or near Reed's Lake. During the night the prisoners were taken away from the guard and hanged to a pecan tree near Reed's Lake. These prisoners, it appears, had influential friends in the North, who after the close of the war and the resulting investment in the South by the United States military forces, undertook to procure the punishment, by court martial, of those concerned in the hanging. Somehow their suspicions fell upon a number of the oldest and most substantial citizens of the country and soldiers were sent here from Austin to arrest them in the winter of 1865-66 . . . Others were suspected, but, being warned, escaped arrest by hiding or fleeing the country for a time." This, I think, must be what happened to Dred Hill, because family history has always told of the time after the war that Grandpa Hill was forced to flee to Louisiana to escape the law as it was enforced by the Union troops. It has also been wondered if this is the reason that there doesn't seem to be any pictures of him.

He did not live long after the Civil War and died Aug. 7, 1870, and was buried in the Hill Cemetery located on part of his property. Many others of the community of the early days were also buried there. One of the oldest was buried in 1853. Jesse Beene, his father-in-law, was buried here in 1854 at the age of 79. Probably making him the oldest, as far as early date of birth, to be buried here. At least he is one that was born, under British rule, before the Declaration of Independence. His mother-in-law, Mary Beene, was buried there in 1862. In the Hill Cemetery are a number of graves where slaves, and blacks that had been freed, were buried. Most are just marked with two rocks. An exception is Dave Hill, who was previously mentioned as the slave who opened the furrow to mark the first road to Waco, and his wife Jane Hill who have nice small marble markers. They are inscribed; David Hill born 1816 Died Aug. 3, 1908, and her's is marked Jane Hill born May 2, 1844, died May 29, 1909, "She died as she lived - trusting God,"

Dred Hill died young enough that he left undone a lot of things which he had started, notably was 7 children, one of which was my grandmother who was three years old.

Another item of interest is his association with the church and school. This was called the "Old Rock Church" which was organized as the first Methodist church in Bell Co. on March 12, 1859. In an article in the Temple Daily Telegram in 1940 D.R. Hill is listed as one of the trustees of the new church. It so states that "all settlers

in the community were men of considerable wealth and influence. Among these were Ramsey Cox, Dred Hill, and E. Embree Sr." Another article written by Madie Smith in the same paper on June 1, 1952 states that "The little church, 24 X 90 feet in size, was put together by people of the community and by slaves of Ramsey Cox, Elisha Embree, and Dred Hill. "It served as church until a new Methodist church was built in 1895, but Hill children and grand children went to school in this old rock building until it was closed about 1918.

References can be found in Tyler's History of Bell Co. on the following pages: 82, 111, 126, 151, 167, 168, 196, 227.

Compiled by great grandson Alfred L. Moore

Further Information

French Moss and his wife Mabel Sawberger Moss purchased the home in 1931 from the Fulwiler family. They raised three children, Robert, Clayton, and Lillian in this home. Also French Moss' father Jessie James Moss lived for a time with the family. French owned a grocery store in Temple and ran a farm at the home site providing dairy products and vegetables for the store.

In 1984, Marilyn McCord Seals and husband Hershall LaForge Seals purchased the home from the estate of French Moss. Marilyn is the daughter of Lillian Moss McCord. The Seals raised two children, Kirkpatrick McCord Seals, b. October 25, 1983 and Katherine LaForge Seals, b. July 19, 1985.

HILL (MIDWAY) CEMETERY

Location: North of Belton on Dusty Lane. From Midway Road & FM 817 Intersection in Temple, go south on FM 817 1.3 miles to Dusty Lane Turn left (east) .3 miles to cemetery.

Submitted by: Mary L Duke (mld71124@dukenet.us)
Inventory taken: July 2005

There are many unmarked graves in this cemetery.

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OCT 01 2014

City of Temple
Planning & Development

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NAME	BIRTH	DEATH	MEMO
ADAMS, Lizzie	Feb 15, 1871	June 17, 1916	
ADAMS, Lizzie Pearl	June 15, 1893	June 8, 1894	
BAKER, J.B.			
BARKER, Gennie	1885	1956	
BARKER, John Allen	1887	1956	
BEENE, Jessy		March 22, 1854	
BEENE, Mary		Dec 14, 1862	
BRANAM, Emma E.	July 1, 1857	Dec 13, 1884	
BREEDLOVE, J.W.R.			
BREEDLOVE, Wm. F.	June 6, 1830	Feb 15, 1897	
BRISTON, Bonnie I.	Sept 8, 1906	Nov 7, 1906	
BRISTON, Oeda M.	Oct 21, 1907	June 5, 1908	
BROWN, Alma	1890	1978	
BROWN, Earnest	1900	1968	
BROWN, Oalther	1925	1927	
BROWN, Robert B	July 11, 1903	March 16, 1968	
BROWN, Rubin	1880	1945	
BROWN, Violet	June 28, 1908	June 26, 1996	
CHILTON, Mary	Feb 2, 1837	July 10, 1924	
CULP, Hazel Darlene	Oct 21, 1946	Feb 17, 1949	
CULP, Hazel Lee	Aug 24, 1919	June 8, 1950	
CULP, John		1956	
DeARMAN, L B	Jan 19, 1918	Nov 7, 1972	Texas Pvt US Army
DeARMAN, Lloyd B.	1884	1956	
DeARMAN, Mary Elizabeth	1893	1933	
DeARMAN, Robert Ray	1928	1940	
EMBREE, Dr. A.J		1872	Aged 57 years
FULLER, Martin	Oct 23, 1903	May 12, 1906	
GRAVES, B.W.	Feb 5, 1849	March 1, 1904	
GRAVES, B.W.		1853	
GRAVES, Margaret	April 27, 1817	July 18, 1902	w/o B W Graves
GRAVES, Marvin		1890	
HASTON, I.P.	Mar 18, 1848	Mar 27, 1893	
HATLEY, Dock Willie	July 16, 1914	July 11, 1954	
HATLEY, Ida E.	Aug 18, 1880	July 23, 1948	

HATLEY, J.S.	Dec 17, 1863	May 18, 1945	
HILL, Mary			
HILL, D.R.	1815	1870	
HILL, David	1816	Aug 3, 1908	
HILL, Fanny A"			
HILL, Jane	Mar 2, 1844	May 29, 1909	
HOMESLEY, Harold B.	Sept 25, 1892	Nov 25, 1892	
HOMESLEY, Louella	1858	June 8, 1886	
HOMESLEY, Paul	1911	1912	
INGRAM, Jim David	Jan 16, 1872	Oct 29, 1931	
INGRAM, Sarah E.	Nov 5, 1876	Jan 25, 1952	
JOHNSON, Roger D		May 24, 1944	
JOHNSON, Wanda F	Feb 8, 1944	July 29, 1986	
KELLY, James	Feb 1840	Mar 13, 1927	
KELLY, Katherine (O'Conner)	Mar 1850	Jan 6, 1917	
KELLY, Mayme	Aug 1883	Nov 19, 1906	
KELLY, P.A.	Apr 22, 1833	Mar 13, 1891	Co. C 12 Tex Cav C.S.A.
KELLY, W.R.		1858	
KNOTTS, Laura K.	Aug 9, 1858	Mar 8, 1890	w/o R Knotts
LUSK, Ella	Aug 10, 1899	Sept 29, 1908	d/o J J Lusk
MABRY, E. K.	Aug 9, 1828	Dec 23, 1911	
MILLER, Pat	May 24, 1874	Feb 18, 1916	
MILLER, Ruby	Jan 13, 1904	Oct 2, 1904	
MOORE, Mary J.	July 23, 1867	Sept 9, 1897	
MOORE, Mary W.	May 27, 1830	Mar 9, 1905	
MOORE, W. N.	Oct 17, 1858	Feb 14, 1932	
NICOLSON, L.L.			
NIXON, B.F.	May 12, 1847	Dec 1, 1875	
PETTIT, Giles Dow	March 1875	Jan 10, 1952	
PETTIT, Hershel N.		1967	
PETTIT, Mrs. Rosey	March 10, ??	1966	
PRICE, Joseph C.	1820	Feb 18, 1890	
PUETT, Infant	1852	1852	
PUETT, Nancy J.	1827	1861	
PUETT, Ramsey M.	Mar 16, 1859	May 17, 1961	
PUETT, Warren	Dec 25, 1825	Apr 5, 1868	
QUINN, John Lawson	1881	1963	
QUINN, Udell Melvina	1887	1930	
RATLIFF, Lizzie	1869	1939	
RATLIFF, Lula Mae Shaw	1874	1933	
RATLIFF, Monroe	1868	1947	
RATLIFF, Mrs. Mary	1870	1939	
RATLIFF, William H. (Bill)	1887	1937	
RATLIFF, William Henry	Feb 29, 1870	Apr 10, 1947	
ROSE, Alma Mozelle	June 7, 1893	June 15, 1911	d/o J H & S F Rose
ROSE, Annie L.	May 13, 1894	Sept 1, 1932	
ROSE, Brooxy Nell	Jan 21, 1917	Jan 21, 1917	
ROSE, Charlie E.	1889	1938	
ROSE, Eva	July 16, 1889	Jan 22, 1917	
ROSE, J.H.	Nov 30, 1846	July 9, 1921	
ROSE, James H.	Apr 25, 1887	May 8, 1942	
ROSE, Kenneth L.	Apr 3, 1929	Jun 10, 1990	US Air Force
ROSE, Maggie N.	1892	1929	
ROSE, Mozelle	1893	1911	
ROSE, Sallie S.	Nov 25, 1850	Mar 6, 1916	
ROSE, Wilma A.	1931	1931	
SHOOK, F.M.	Dec 6, 1872	April 1891	
SMITH, C	Infant		
SPEAR, Fanny A.	1852	1871	
TAYLOR, Margaret	March 3, 1857	Aged 56 years	
THOMAS, Bertie Lea	Sept 6, 1893	Aug 12, 1894	d/o J A & J E Thomas
TURNER, C.C.			
WALKER, Baskin Cooter	1914	1961	
WALKER, Bertie Lee	June 9, 1885	Nov 27, 1918	

WALKER, Bertie Lee	1919	1936	
WALKER, Billie L.	1936	1954	
WALKER, Charlie	1912	1922	
WALKER, Jackie Jo	Oct 16, 1941	July 22, 1974	
WALKER, Leon Clyde	Jan 20, 1940	Sept 7, 1982	
WALKER, Willie L.	1905	1953	
WARREN, Annie	Sep 17, 1817	Apr 20, 1891	
WASHBURN, Peggy	1955	1955	
WHITE, Ernest Willie	Oct 22, 1890	May 16, 1903	s/o W H & Fannie White

Mark Baker

From: David Mojica <dmojica@beltonengineers.com>
Sent: Wednesday, September 24, 2014 4:59 PM
To: Mark Baker; 'Samuel W. Best'
Cc: Brian Chandler
Subject: Property at Charter Oaks, Item Z-FY-14-37

Belton Engineering, by this email, as representative of Samuel Best, applicant for File Item no. Z-FY-14-37, hereby request that this item be tabled until the city council meeting of November 6th 2014. Reason being that the applicant would like to have the completed Traffic study report (TIA study) complete for reference and discussion with City council at the meeting.

DAVID N. MOJICA, Project Manager
dmojica@beltonengineers.com
106 North "East" Street
Belton, Texas 76513

Site & Surrounding Property Photos



Site: Undeveloped (UE)



Site: Undeveloped (Looking Across Charter Oak & Charter Oak Loop (UE)



East: Scattered SF Uses on Acreage (UE & GR)



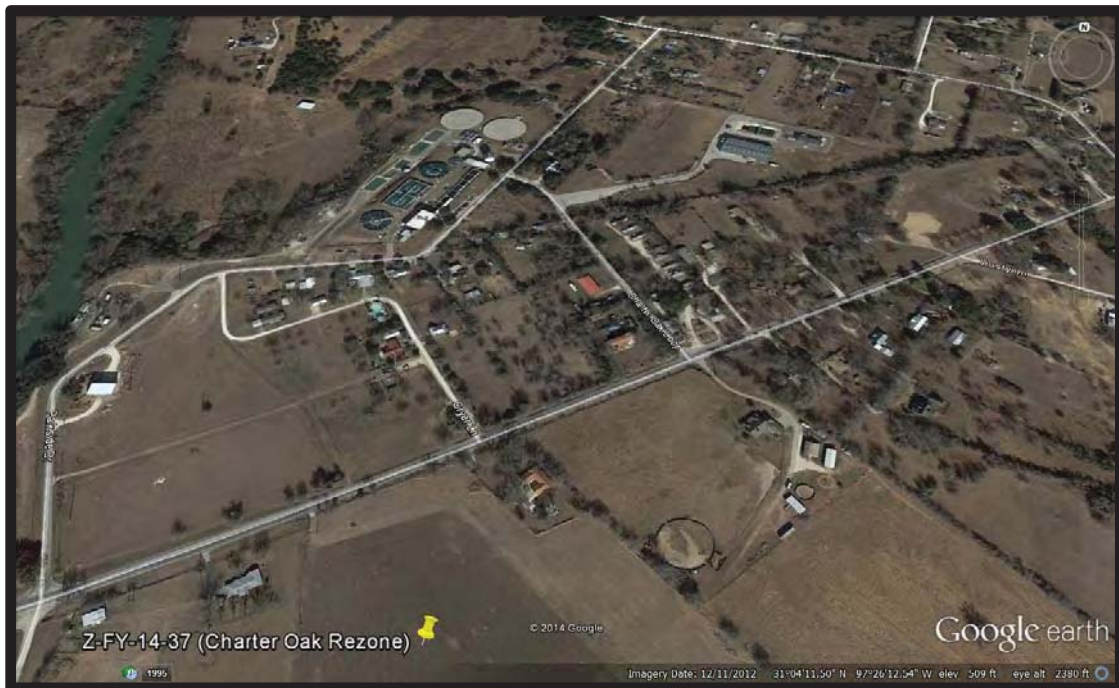
West: Undeveloped (Google Earth Image)(GR & ETJ)



North: Scattered SF Residences on Acreage (UE, GR, SF-1 & MH)



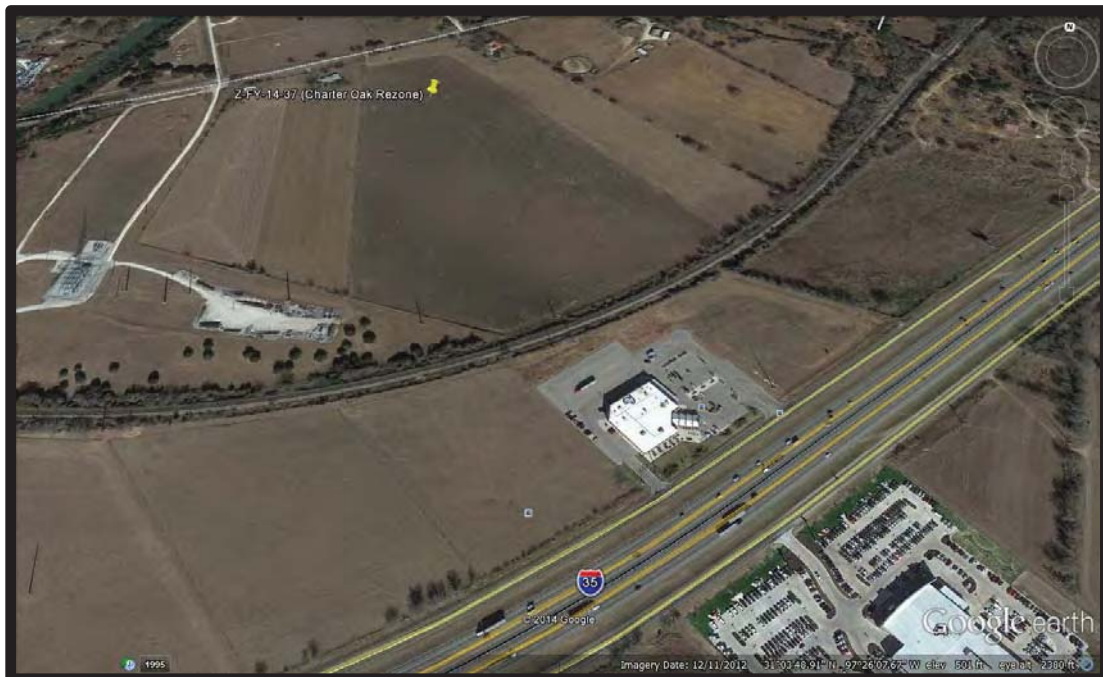
**North: (Looking from Charter Oak Loop) Scattered SF Uses
(UE, GR, SF-1 & MH)**



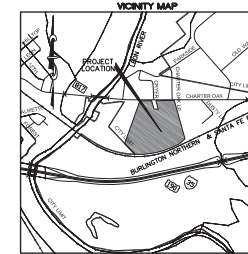
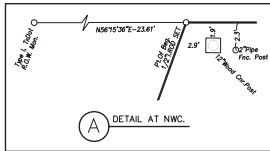
North: (Aerial) Scattered SF Uses (GR, UE, SF-1 & MH)



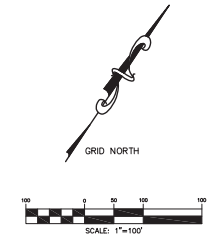
South: (Looking across Site) BNSF Railroad, I-35 & Scattered Commercial & Industrial Uses (LI, GR)



**South: (Aerial) BNSF Railroad, I-35 & Scattered Commercial and Industrial Uses
(LI, GR)**



- SURVEYOR'S NOTES:
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
 2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETED TITLE REPORT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.
 3. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANELS NO.48027-C0330E, and NO.48027-C0335E, EFFECTIVE DATE SEPTEMBER 26, 2008, LOCATED IN ZONE "X" (UNSHADED).
 4. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.
 5. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SVC".
 6. THERE IS A METES AND BOUNDS DESCRIPTION WHICH ACCOMPANIES THIS SURVEY.
 7. THIS TRACT LIES WITHIN THE CITY OF TEMPLE, TEXAS.
 8. DISTANCE/AREA ARE GRID VALUES



WIRE FENCE = — x — x —
OVERHEAD LINE = — — — — —

NANCY CHANCE SURVEY
ABSTRACT NO. 5
TEMPLE, BELL CO. TEXAS

61.137 ACRES

R. CARLSON
5.38 AC.
VOL. 5116, PG. 369

R. CARLSON
6.72 AC.
VOL. 5116, PG. 369

WORTH ROAD
HARLEY DAVIDSON
CAR. D. SLIDE 207-D

FERRILL TIMBERMAN PTUX
15.177 AC.
VOL. 4286, PG. 126



TO: CENTRALAND TITLE COMPANY/SA

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B, CONDITION IV SURVEY AND THE CURRENT MINIMUM REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYING ACT.

01-07-14
DATE
BRUCE L. BRYAN, R.P.L.S.
TEXAS REGISTRATION NO. 4249

LAND TITLE SURVEY
5105 CHARTER OAK ROAD

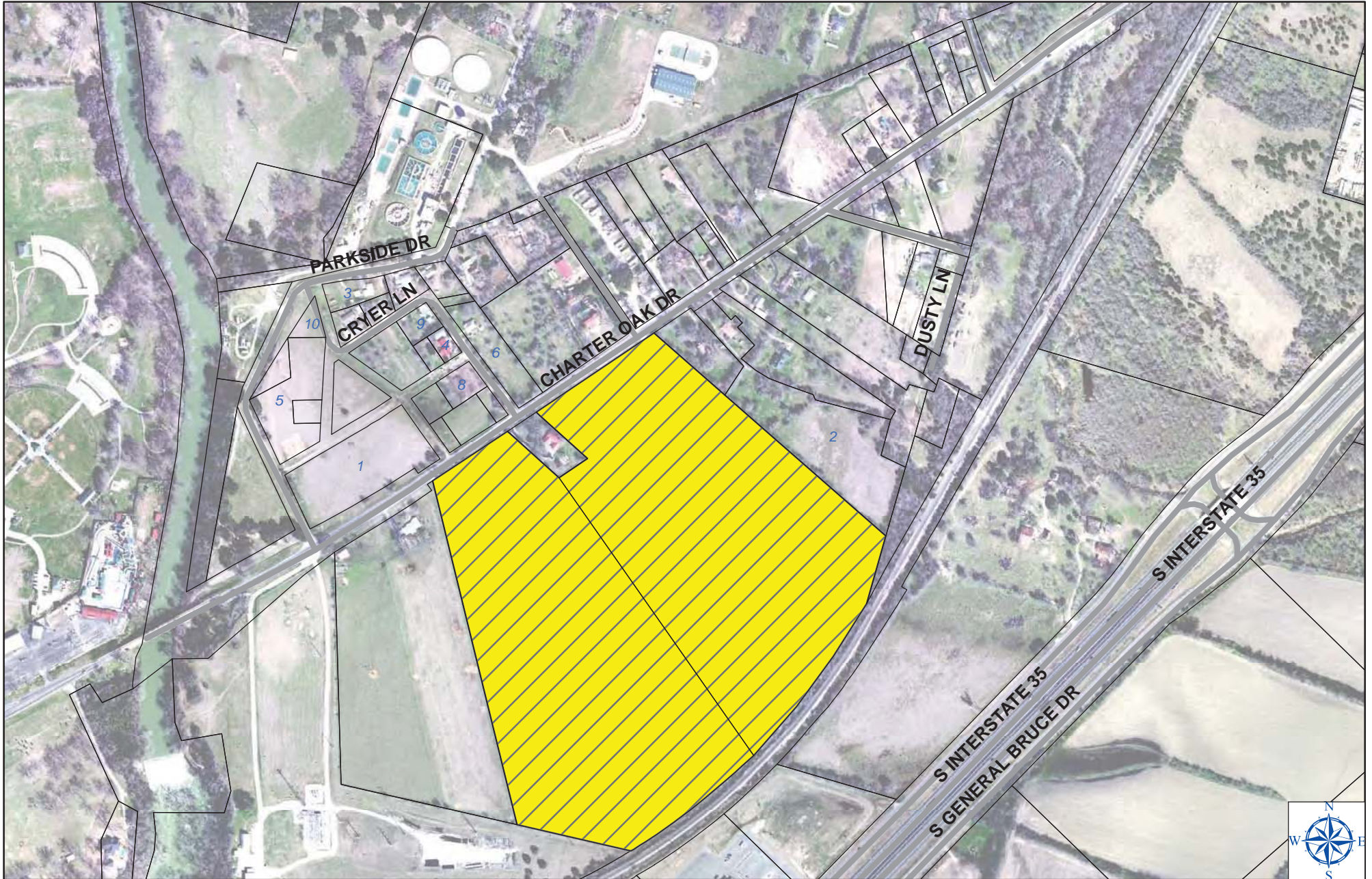
61.137 ACRE TRACT OUT
OF THE NANCY CHANCE
SURVEY
ABSTRACT NO. 5
BELL COUNTY, TEXAS

BRYAN TECHNICAL SERVICES, INC.



911 NORTH MAIN
FAYETTE, TX 77484
FIRM NO. 10128500
FAX: (817) 353-6669
SURVEYING@BRYAN-TECH.COM

NO.	DATE	REVISIONS	BY
1	1-8-13	LIMITED HOUSE TRACT AT NORTHERLY COR. L.C.	L.C.
DRAWN BY: LCHTAY			
CHECKED BY: BLB			
SCALE: 1" = 100'			
APPROVED BY: BLB			
PROJECT NO. 13-578			
DATE: JANUARY 05, 2014			



Case

Lot Number

1234-A

1234

①

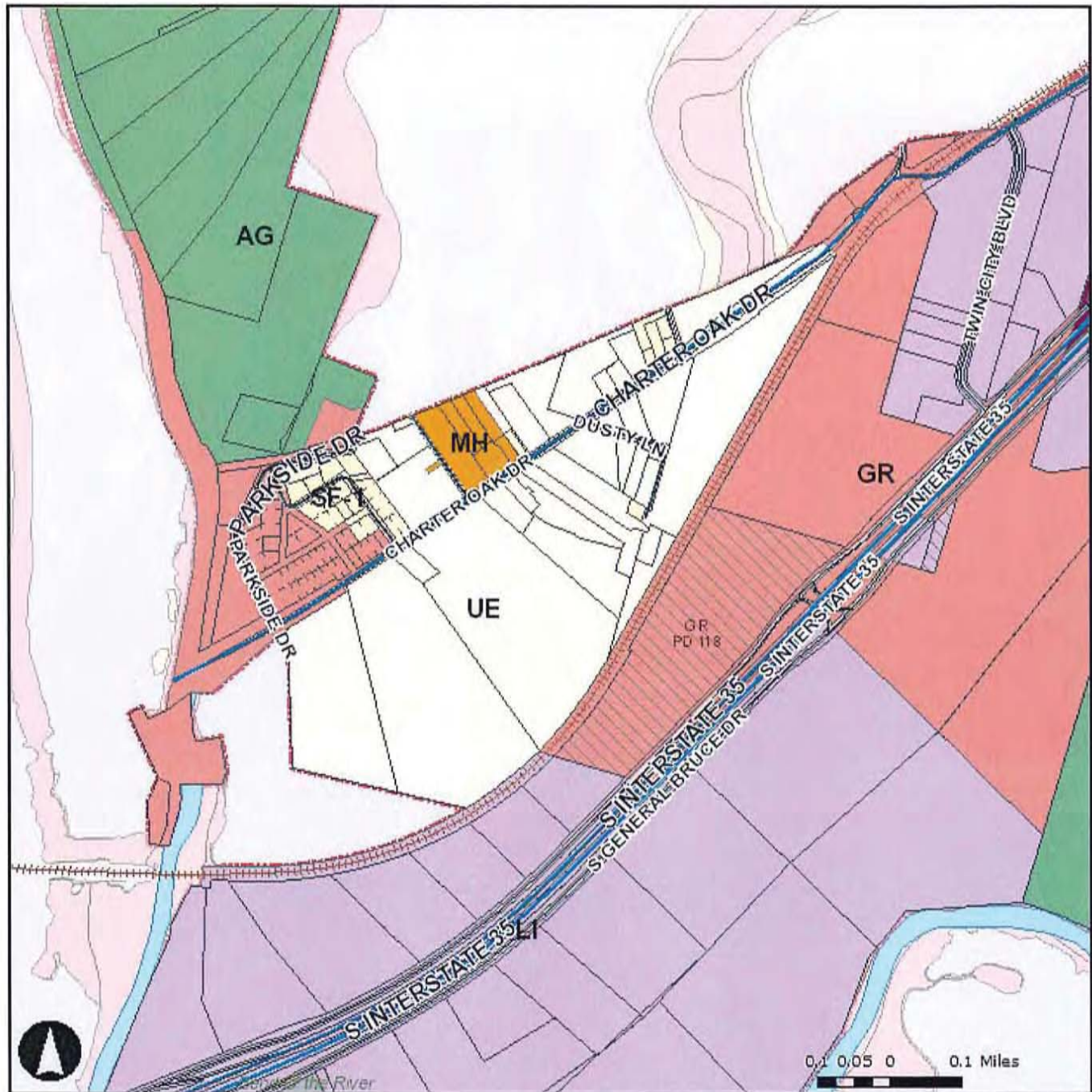
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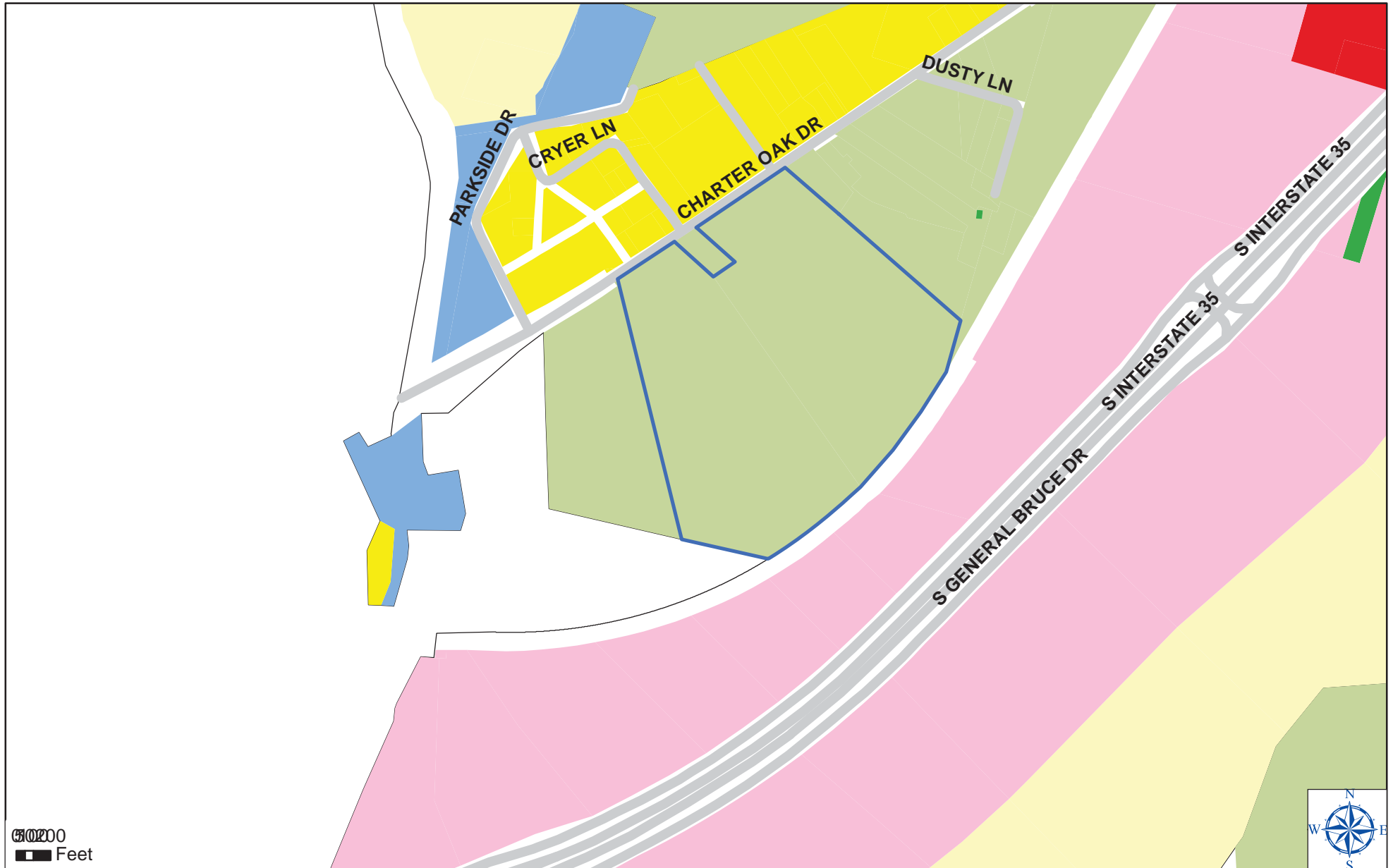


9/5/2014
City of Temple GIS
mbaker

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Map





Future Land Use

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

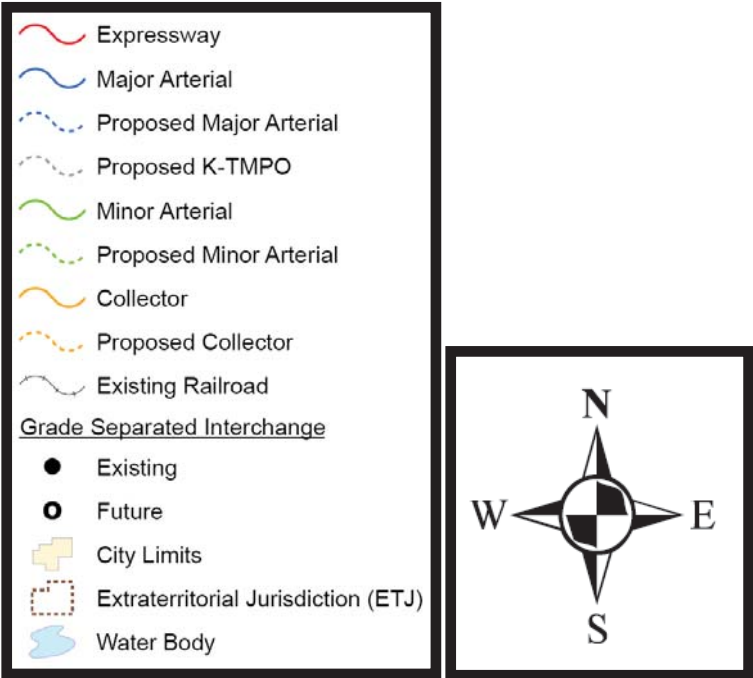
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

8/18/2014
City of Temple GIS

Localized Area of the Thoroughfare Plan



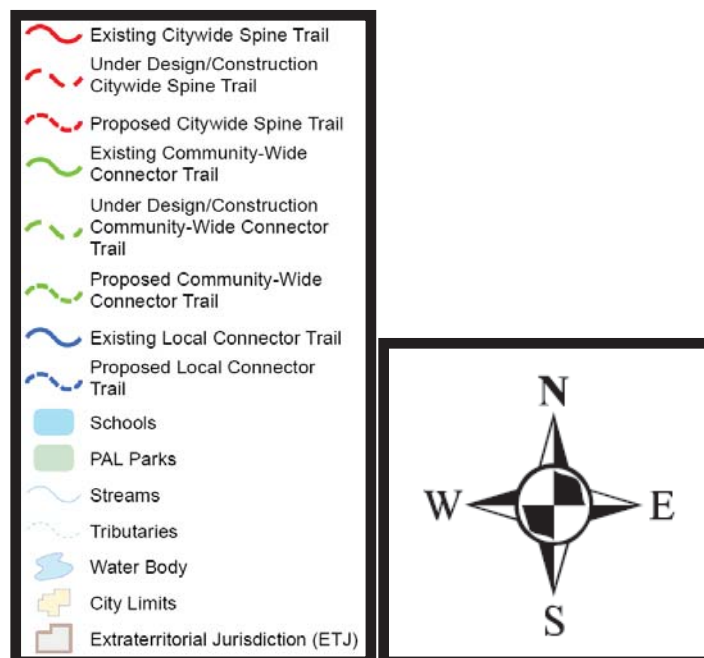
Map Legend (Map not to scale)

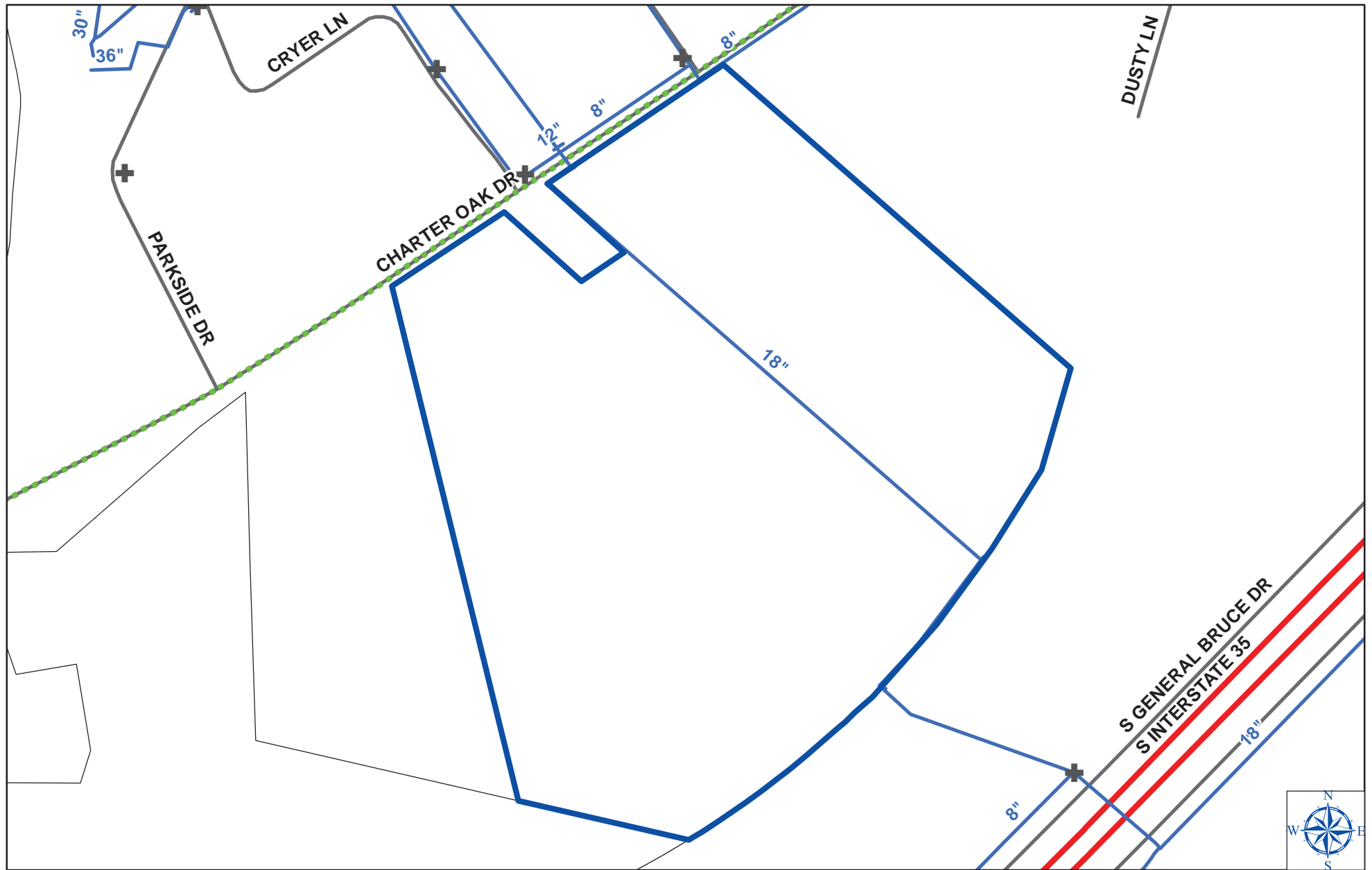


Localized Area of the Trails Plan



Map Legend (Map not to scale)





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

0 150 300 600
Feet

8/18/2014
City of Temple GIS

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.

PHASE 1= 92 LOTS, 5360' Rdwy.
PHASE 2= 92 LOTS, 5111' Rdwy.

184 TOTAL LOTS

CHARTER OAKS ROAD (FARM TO MARKET 817)



PRELIMINARY MASTER PLAT FOR:
OLDE TOWNE DEVELOPMENT
61.4 ACRES, ASOFF SURVEY, ABSTRACT NO.123
CITY OF TEMPLE, TEXAS, SUBDIVISION



REVISIONS



FIRM # F-13392

BELTON ENGINEERING INC.

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5800
MOBILE (254)289-7273
BELTONEENGINEERS.COM

- Engineering
- Design/Build
- Planning

PRELIMINARY MASTER PLAT OF:
OLDE TOWNE DEVELOPMENT
SURVEY ABSTRACT
CITY OF TEMPLE, TEXAS
DEVELOPER/OWNER
P.O. BOX 2222, CITY, BELL COUNTY, TEXAS

SCALE: 1"=100'
DRAWN: DMOJICA
ELEC. DRAWING FILE
C:\13010\DWG
DATE: 05/18/14
JOB NO.: 13010
01 OF 01

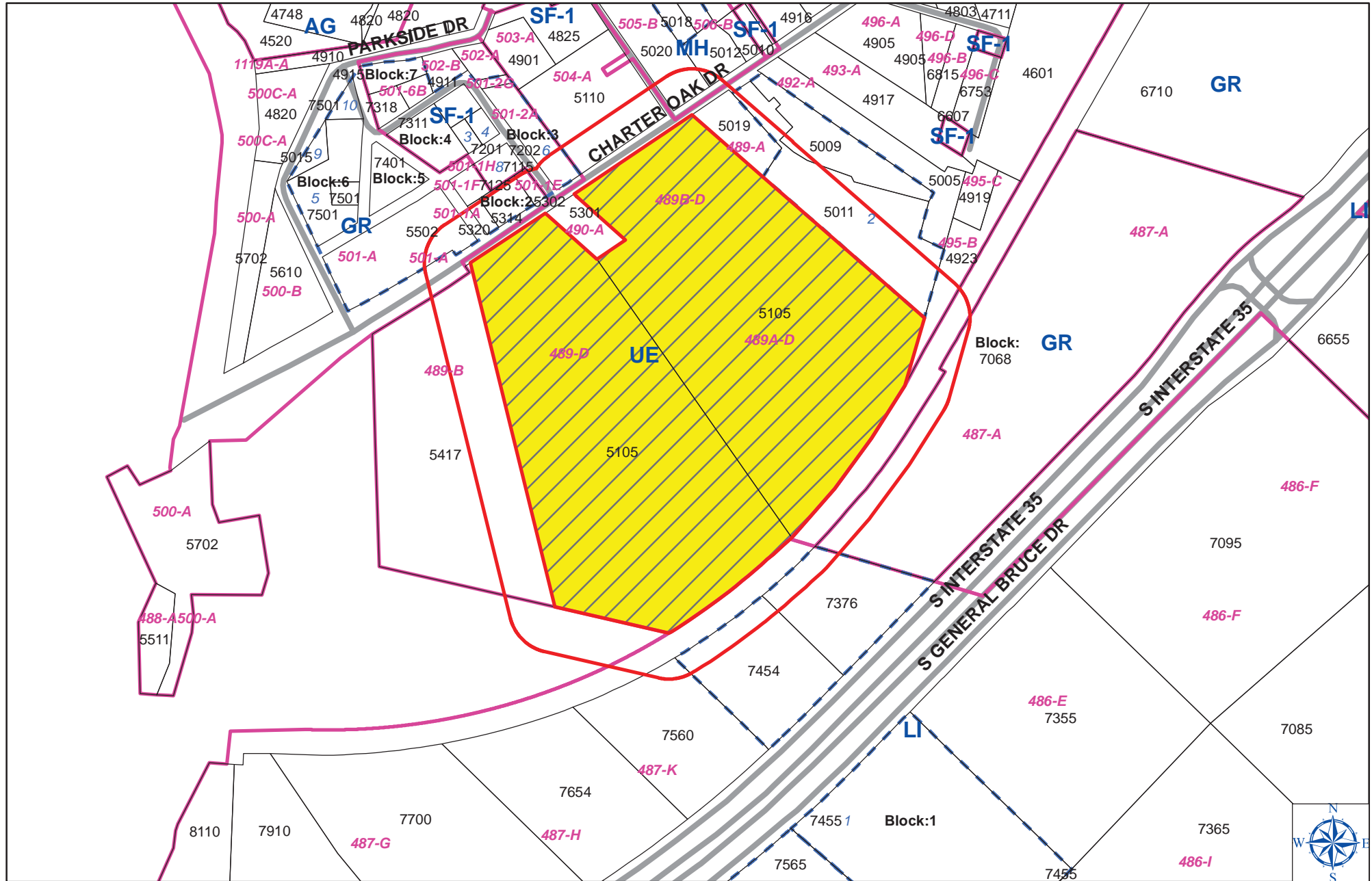
PX-1



Z-FY-14-37

Notification Map UE to SF-1

5105 Charter Oak Dr.



- Case
- Zoning
- 200' Buffer
- Subdivision

Outblock Number

Block Number

Lot Number



9/5/2014
City of Temple GIS
mbaker

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RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Marion Etux Maria Allen
5301 Charter Oak Drive
Temple, TX 76502

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend () approval ☒ denial of this request.

Comments:

We believe this will over load the use of
Charter Oak Drive. The cars are never ending
Now from New construction on North west side
of town.
Most all homes here are on one acre or more
lots are these?
We are concerned about street run off being
greater than now causing flooding

Signature

Marion W Allen

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 10 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Susan G. Skinner
350 Bluebonnet Circle
McGregor, TX 76657

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend ☒ approval () denial of this request.

Comments:

*The property I own (4923) (495-B)
which connects through to Rusty Lane
is for sale!*

Susan Skinner
Signature

Susan Skinner
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 11 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Eddie Hunt
902 Pecos Drive
Temple, TX 76504

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Signature

EDDIE HUNT

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED
SEP 15 2014
City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Robert Eno
5010 Charter Oak Drive
Temple, TX 76502

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

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

Comments:

We are concerned about the fact he is planning on doing with the land. If he is going to put in more than a few houses, we are concerned about the extra traffic and also septic

Robert Eno
Signature

Robert Eno
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

RECEIVED

SEP 15 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 13

Date Mailed: September 4, 2014



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Yvonne & Keith Morgan
5011 Charter Oak Drive
Temple, TX 76502

RECEIVED

SEP 15 2014

City of Temple
Planning & Development

Zoning Application Number: Z-FY-14-37

Project Manager: Mark Baker

Location: 5105 Charter Oak Drive

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

I recommend () approval

☒ denial of this request.

Comments:

① THIS PROJECT WILL INCREASE TRAFFIC ON CHARTER OAKS TO AN OBJECTIONABLE LEVEL! MOST OF THIS NEIGHBORHOOD IS COMMITTED TO THE "COUNTRY-LIKE" ENVIRONMENT. I INVESTED IN ~~HOME BUILDING~~ BUILDING MY HOUSE HERE BECAUSE IT WAS AWAY FROM HOUSING PROJECTS, TRAFFIC & THE ILLS THAT FOLLOW THIS TYPE OF CONGESTION. WE ARE CONCERNED AT THE NEGATIVE ENVIRONMENTAL IMPACT ON THE AREA. THIS AREA IS HOME - AS IS!! BUILDING HOMES WILL DIMINISH THE VALUE OF OUR PROPERTY BOTH IN HEART AND IN DOLLARS - THE LATER IS OF LESS IMPORT. DON'T DESTROY OUR NEIGHBORHOOD!

R. Keith Morris

Signature

R. Keith Morris

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 15, 2014

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

ORDINANCE NO. 2014-4688

(PLANNING NO. Z-FY-14-37)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM URBAN ESTATE DISTRICT (UE) TO SINGLE FAMILY-ONE DISTRICT (SF-1) ON APPROXIMATELY 61.137 ACRES, BEING A TRACT OF LAND IN THE NANCY CHANCE SURVEY, ABSTRACT NUMBER 5, BELL COUNTY, TEXAS, AND LOCATED AT 5105 CHARTER OAK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Urban Estate District (UE) to Single Family-One District (SF-1) on approximately 61.137 acres, being a tract of land in the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, and located at 5105 Charter Oak Drive, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

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

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

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

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

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

PASSED AND APPROVED on Second Reading on the **20th** 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



COUNCIL AGENDA ITEM MEMORANDUM

11/06/14
Item #7
Regular Agenda
Page 1 of 2

DEPT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: **O-FY-15-01** – Consider adopting a resolution authorizing an Appeal of Standards in Section 6.8. of the Unified Development Code for the 1st and 3rd Overlay District related to landscaping, sidewalks and impervious cover for the expansion of an existing car dealership at 1001 and 1003 S. 1st Street.

The applicant has requested an appeal to the following 1st and 3rd Overlay standards:

1. Sec. 6.8.4.A.1. Impervious Cover:
 - 70 percent for non-residential uses
 - Applicant is proposing 92 percent for the existing car lot and its expansion
2. Sec. 6.8.6.C. Public Frontage Landscape Standards (Type A public frontage):
 - Location of trees and planting strip
 - Trees to be located in planting strip between back-of-curb and sidewalk
 - One-gallon container shrubs from the approved list are required every 3 feet along S. 1st Street
 - Applicant would plant approved shrubs every 5 feet along Avenue J
 - River rock is required within planting strip
 - Applicant prefers to keep existing grass
3. Sec. 6.8.6.E. Public Frontage Sidewalk Standards
 - 8-foot sidewalk required from back-of-curb
 - Replace existing 4-foot sidewalk in current location to allow for preservation of 2 existing 18-inch pecan trees between sidewalk and curb
4. Sec. 6.8.8.C. Private Property Landscape Standards
 - Minimum of 30% landscape area at 1 tree and 4 shrubs per 600 sq ft
 - Applicant proposes a 690 square foot (8% of lot) landscape bed consisting of a 3-inch red oak, mulch and river rock
5. Sec. 6.8.9.F.6. Landscape Maintenance
 - Permanent irrigation is required
 - Applicant proposes to hand water trees and shrubs
6. Sec. 6.8.12.E.4. Fence and Wall Standards
 - Fences and walls on the primary and secondary frontage may have a maximum height of 4 feet
 - Applicant proposes a 5-foot tall wrought-iron fence on the west and north sides

PLANNING & ZONING COMMISSION RECOMMENDATION: This case will be presented at the November 3, 2014 P&Z meeting to accommodate the applicant's timeline for closing on the property. Their recommendation will be presented to City Council by staff at the November 6, 2014 meeting.
STAFF RECOMMENDATION: Staff recommends approval of the appeal per the submitted plans and attachments.

ITEM SUMMARY: The 1st and 3rd Overlay District was adopted in 2012 to primarily improve the streetscape, fencing and landscaping within these commercial corridors. However, this is the first appeal requested from the standards since their adoption. The applicant owns the existing "First Street Auto Tex" used car dealership at the southeast corner of S. 1st Street and Avenue J. The 1st and 3rd Street standards were triggered by a paving permit submitted to expand the existing car dealership to the vacant lot to the south. Staff has been working with the applicant to provide the following improvements that would 1) address the intent of the Overlay by improving the Avenue J and S. 1st Street frontage, while 2) still allowing the applicant to maximize his 75-foot x 100-foot lot space as a car lot:

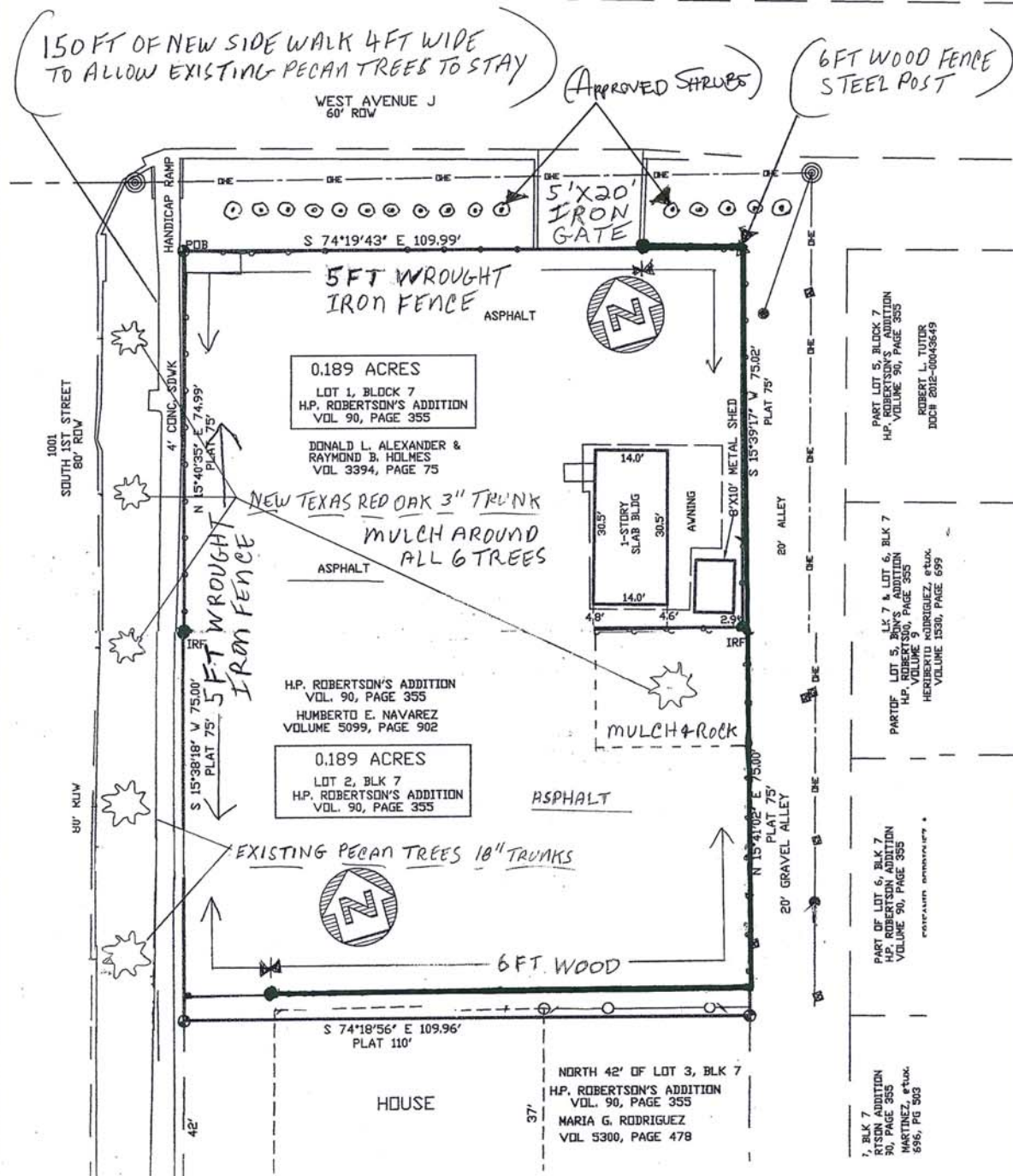
1. Remove existing chain-link fence and replace with a 5-foot wrought-iron along the Avenue J and the S. 1st Street sides of the existing car lot while also extending the new fence along the S. 1st Street frontage of the new addition to the car dealership
 - a. The existing chain-link fence could remain by Code, but the applicant has agreed to replace it with fencing that complies with the Overlay standards
2. Replace the existing 4-foot sidewalk that is in complete disrepair, which would also allow for the preservation of two 18-inch pecan trees
3. Plant three new 3-inch red oak trees along S. 1st Street and one near the existing office
 - a. The existing broken sidewalk could remain by Code, but the applicant has agreed to replace it
4. Install a new 6-foot wood privacy fence with steel posts along the rear of the property and adjacent to the existing house immediately to the south
 - a. A wood privacy fence currently exists at that location but is in disrepair, therefore, the applicant would like to replace it
5. Plant estimated 18 drought-tolerant shrubs on the approved 1st and 3rd Overlay list every five feet along Avenue J
6. Provide a new 690 square foot planting bed adjacent to the office for a new 3-inch red oak tree, mulch and river rock

Considering that a new 8-foot sidewalk and landscaping was recently installed on the west side of S. 1st Street, staff believes that the 4-foot sidewalk and all of the improvements proposed for the project would significantly enhance this section of the S. 1st Street corridor. The property is zoned GR (General Retail), which allows a car lot by right.

FISCAL IMPACT: N/A

ATTACHMENTS:

[Proposed Site Plan](#)
[Photos](#)
[Zoning Map](#)
[1st and 3rd Overlay Map](#)
[Resolution](#)



BEARING BASIS FOR THIS SURVEY IS GRID NORTH, NAD 83, ZONE 4203, CONVERGENCE 1 DEG 32' 18", BASED ON CITY OF TEMPLE MONUMENT #12 LOCATED AT SE COR OF AVE M & 1ST STREET.

KNOW ALL MEN BY THESE PRESENTS, Registered Professional Land Surveyor in the State of Texas, do hereby certify that I did cause to be surveyed on the ground on July 18, 2014, Lot 1, Block 7, of the H.P. Robertson's Addition to the City of Temple, Bell County, Texas, according to the Plat of Record in Volume 90, Page 355, of the Deed Records of Bell County, Texas. I further certify that this plat is a true and accurate representation of said survey.

IN WITNESS THEREOF, my hand and seal this the 18th day of July, 2014

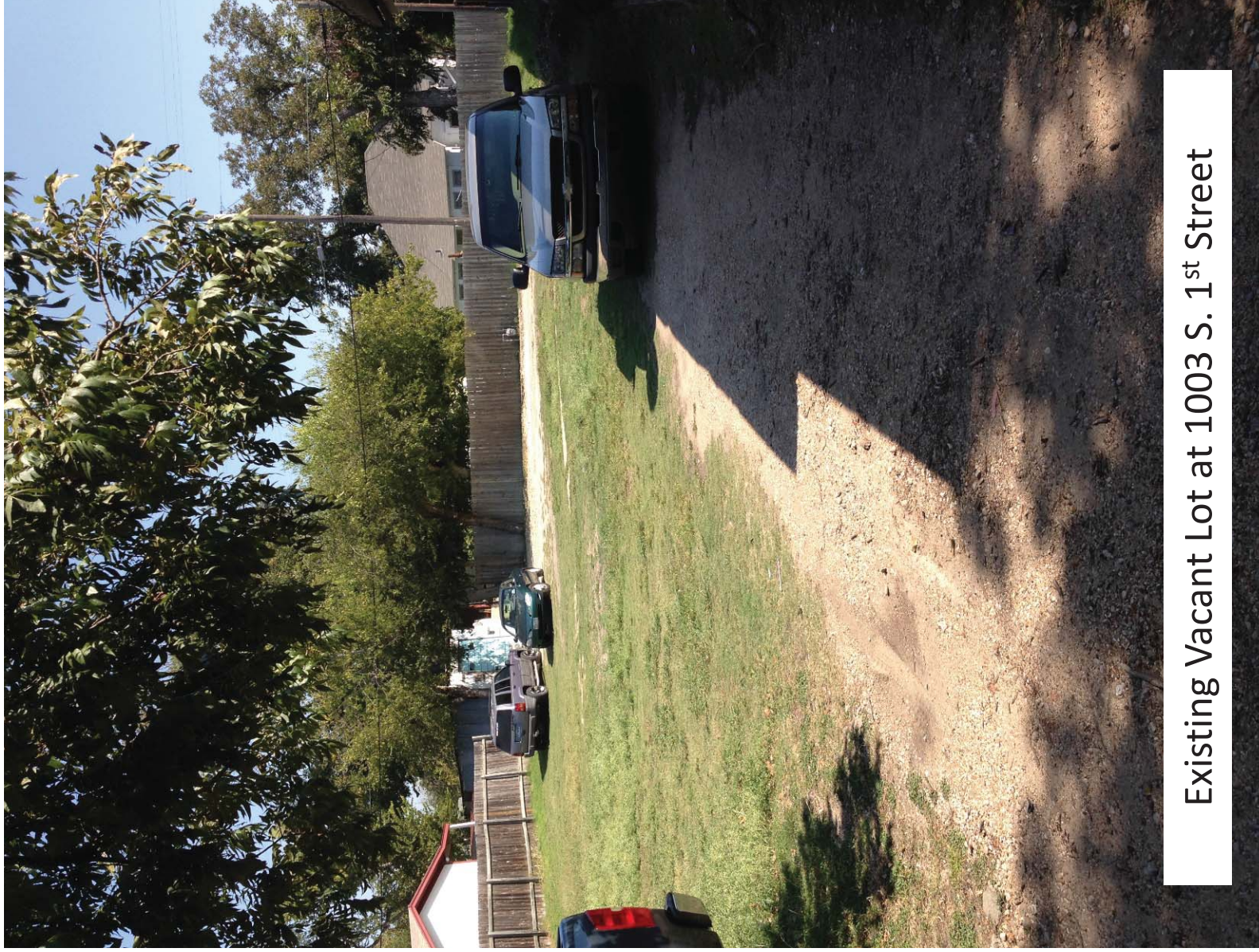


PART ONE-PLAT
PART TWO-FIELD NOTES
A-8662





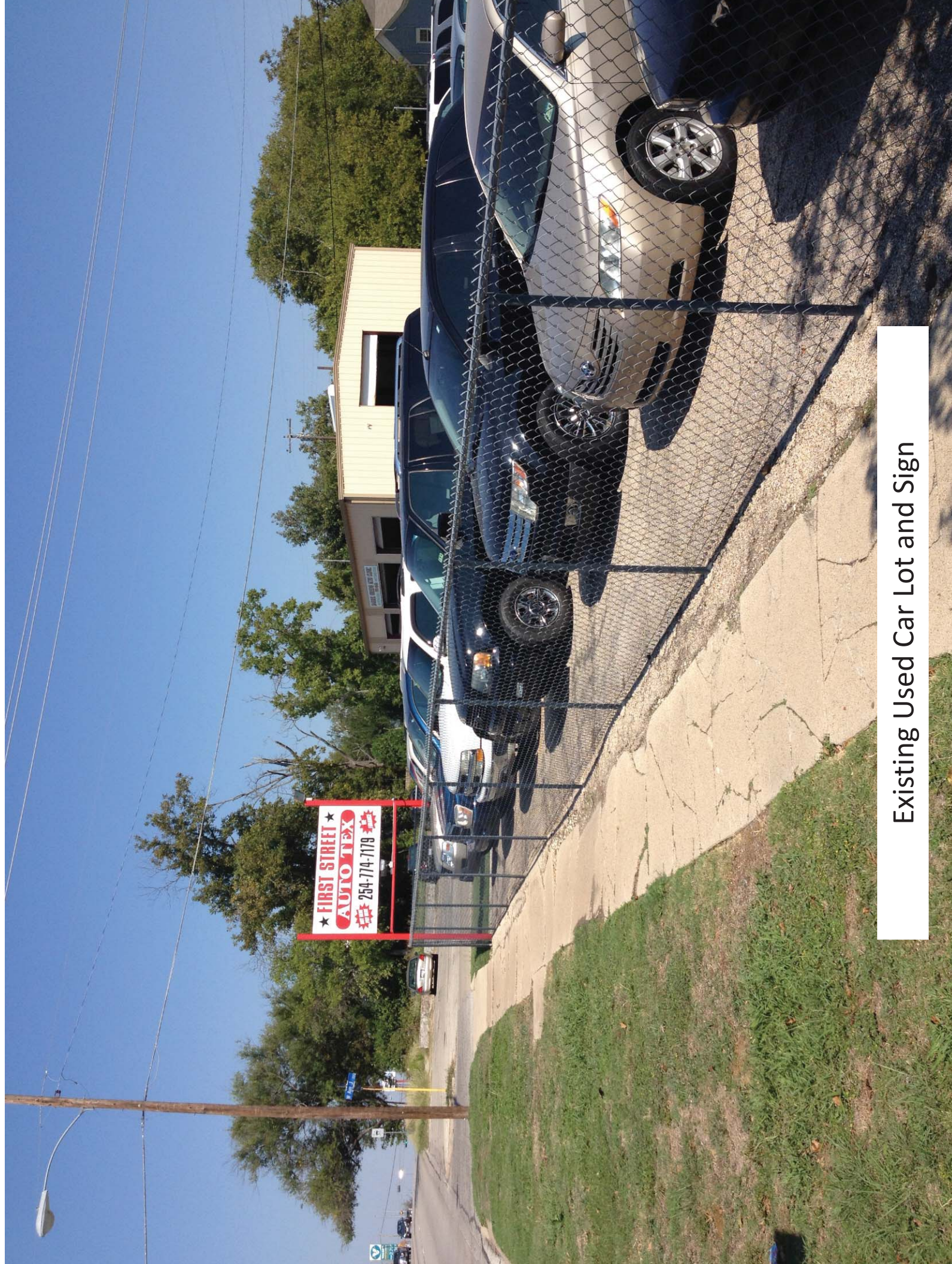
Looking North: Existing Sidewalk and Pecan
Trees



Existing Vacant Lot at 1003 S. 1st Street



Looking North: Existing Sidewalk



Existing Used Car Lot and Sign



Proposed Wrought-Iron Fence



Existing Chain Link Fence



Looking North: Existing Sidewalk



Looking South: Existing Sidewalk



Looking East: Avenue J



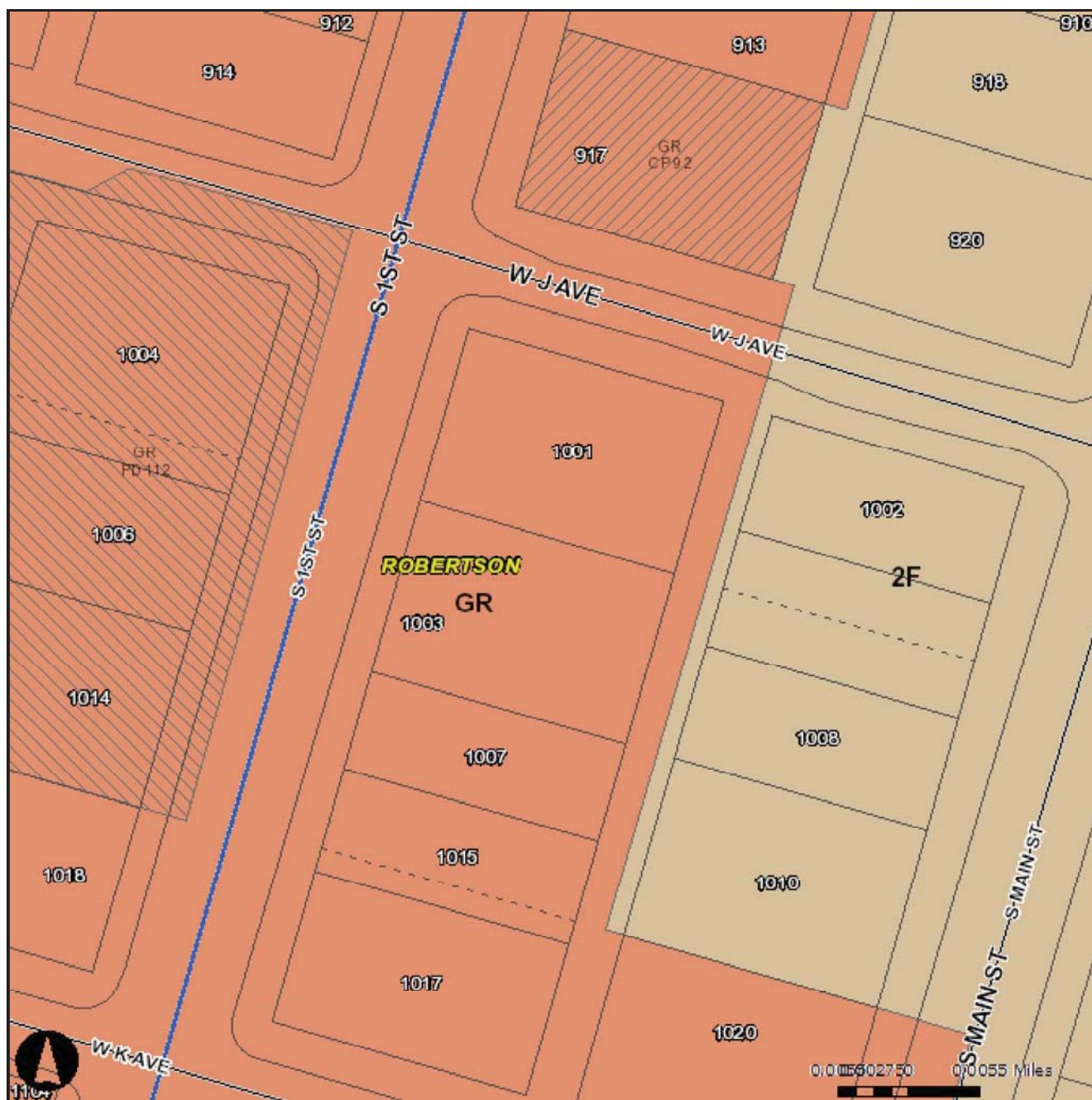
Existing Sign

Subject Property



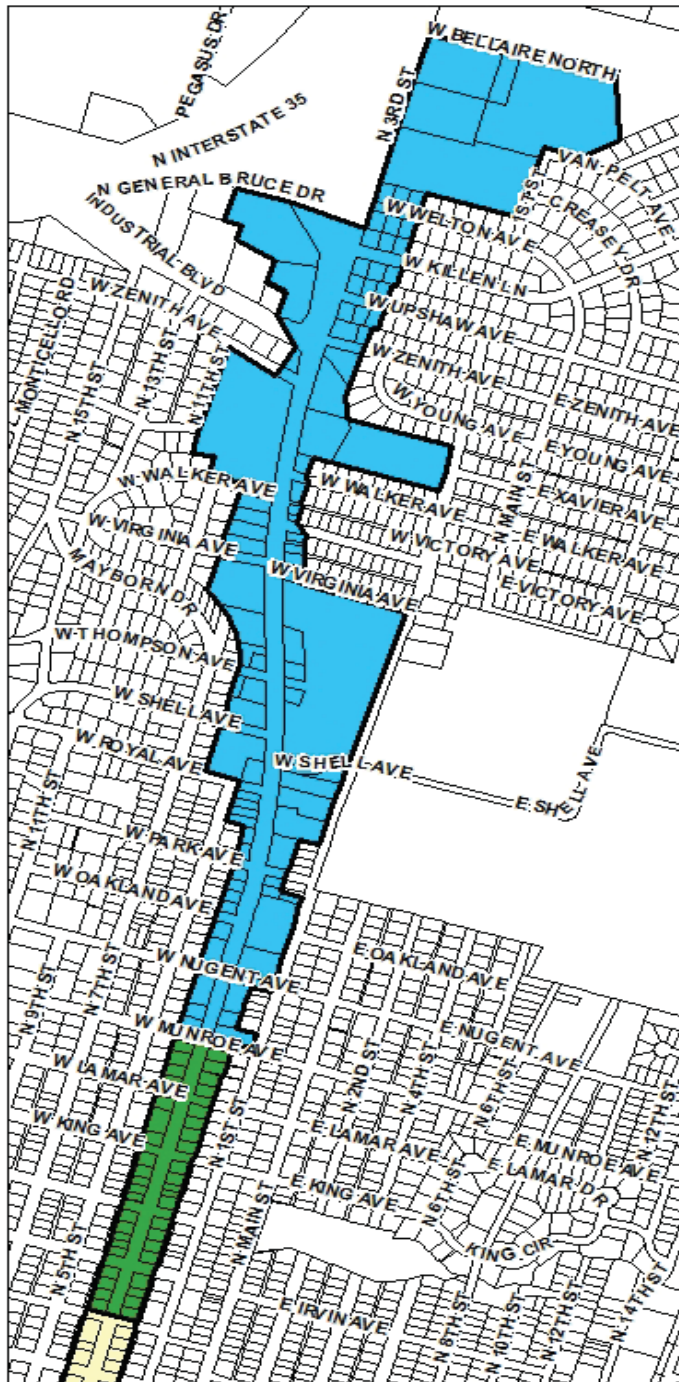
Looking North: Alley to the Rear

1001-1003 S. 1st Street Zoning

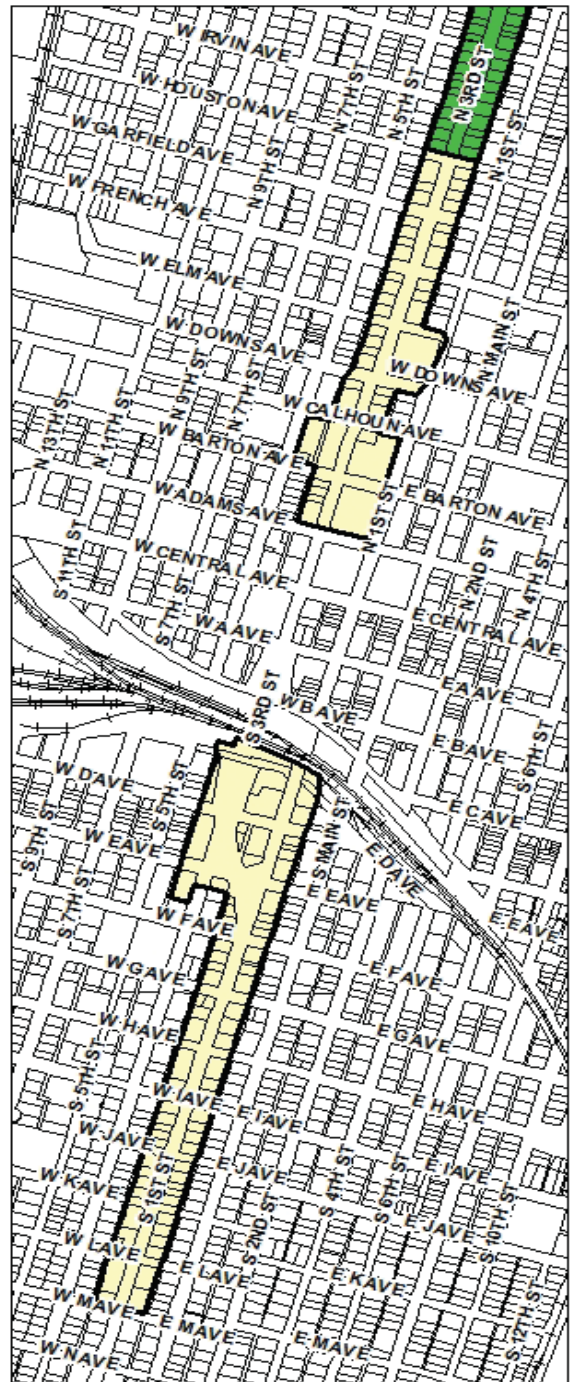



Sec. 6.8. 1st and 3rd Overlay District

North Section:



South Section



 Frontage Type A  Frontage Type B  Frontage Type C

[Ord. No. 2014-4631]

RESOLUTION NO. 2014-7538-R

[PLANNING NO. O-FY-15-01]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN APPEAL OF STANDARDS IN SECTION 6.8 OF THE UNIFIED DEVELOPMENT CODE RELATED TO THE 1ST AND 3RD OVERLAY DISTRICT RELATED TO LANDSCAPING, SIDEWALKS AND IMPERVIOUS COVER FOR THE EXPANSION OF AN EXISTING CAR DEALERSHIP AT 1001 AND 1003 SOUTH 1ST STREET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the 1st and 3rd Overlay District was adopted in 2012 to primarily improve the streetscape, fencing and landscaping within these commercial corridors - this is the first appeal requested from the standards since their adoption;

Whereas, the applicant owns the existing “First Street Auto Tex” used car dealership at the southeast corner of South 1st Street and Avenue J and the 1st and 3rd Street standards were triggered by a paving permit submitted to expand the existing car dealership to the vacant lot to the south;

Whereas, at their November 3, 2014 meeting, the Planning and Zoning Commission recommended the appeal of standards of Section 6.8 of the Unified Development Code related to the 1st and 3rd Overlay District related to landscaping, sidewalks and impervious cover for the expansion of an existing car dealership at 1001 and 1003 South 1st Street;

Whereas, staff recommends approval of the appeals shown on Exhibit ‘A’ - Site Plan located at 1001 and 1003 South 1st Street; and

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

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

Part 1: The City Council authorizes an appeal of standards of Section 6.8 of the Unified Development Code related to the following 1st and 3rd Overlay District requirements:

1. Sec. 6.8.4.A.1. Impervious Cover:
 - 70 percent for non-residential uses
 - Applicant is proposing 92 percent for the existing car lot and its expansion
2. Sec. 6.8.6.C. Public Frontage Landscape Standards (Type A public frontage):
 - Location of trees and planting strip
 - Trees to be located in planting strip between back-of-curb and sidewalk
 - One-gallon container shrubs from the approved list are required every 3 feet along S. 1st Street
 - Applicant would plant approved shrubs every 5 feet along Avenue J

- River rock is required within planting strip
 - Applicant prefers to keep existing grass
- 3. Sec. 6.8.6.E. Public Frontage Sidewalk Standards
 - 8-foot sidewalk required from back-of-curb
 - Replace existing 4-foot sidewalk in current location to allow for preservation of 2 existing 18-inch pecan trees between sidewalk and curb
- 4. Sec. 6.8.8.C. Private Property Landscape Standards
 - Minimum of 30% landscape area at 1 tree and 4 shrubs per 600 sq ft
 - Applicant proposes a 690 square foot (8% of lot) landscape bed consisting of a 3-inch red oak, mulch and river rock
- 5. Sec. 6.8.9.F.6. Landscape Maintenance
 - Permanent irrigation is required
 - Applicant proposes to hand water trees and shrubs
- 6. Sec. 6.8.12.E.4. Fence and Wall Standards
 - Fences and walls on the primary and secondary frontage may have a maximum height of 4 feet
 - Applicant proposes a 5-foot tall wrought-iron fence on the west and north sides

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

PASSED AND APPROVED this the 6th day of **November**, 2014.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney