



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, FEBRUARY 5, 2015

3:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 5, 2015.
2. Receive presentation by Picerne Development on a proposed tax credit housing project.
3. Receive a briefing on the possible donation of 58.76 acres of land near Bend of the River.
4. Meet with the City Attorney to discuss the City of Temple's legal rights under the Economic Development Agreement and First Amendment between the City of Temple, Temple Economic Development Foundation, Gulf States Toyota, Inc., and GST Realty – Temple, L.P.

Pursuant to Chapter 551 of the Texas Government Code, specifically § 551.071 – Consultation with Attorney – The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.

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. 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.

III. PUBLIC APPEARANCE

3. [Receive comments from James Zeptner](#) regarding trees, chipper crew and signs in trees located at East Central & South 8th Street.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Recognize Mark Erskine for his years of service to the Railroad & Heritage Museum Board.

V. REPORTS

5. Receive the Temple Economic Development Committee Annual Report.

VI. CONSENT AGENDA

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

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

Minutes

- (A) [January 5, 2015 Special Called and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2015-7605-R](#): Consider adopting a resolution authorizing deductive change order #4 to the construction contract with Bruce Flanigan Construction, Inc. (Flanigan), of Belton, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$68,718.
- (C) [2015-7606-R](#): Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority which covers the availability of 9,453 acre-feet of water to the City for FY 2015 in the amount of \$126,859.26.
- (D) [2015-7607-R](#): Consider adopting a resolution rejecting all bids received on December 4, 2014, for a ground power unit (GPU) and authorizing the purchase of a GPU from Mark C. Pope Associates, Inc. of Smyrna, GA, based on bids received on January 13, 2015, in the amount of \$36,500.
- (E) [2015-7608-R](#): Consider adopting a resolution authorizing the purchase of fourteen (14) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative, H-GAC contract # EF04-13 in the amount of \$76,442.40.
- (F) [2015-7609-R](#): Consider adopting a resolution authorizing the purchase of one (1) Dump Truck, from Houston Freightliner, Inc. of Houston, in the amount of \$98,094.
- (G) [2015-7610-R](#): Consider adopting a resolution authorizing the emergency purchase of a 1997 E-One 95' platform fire truck from Brindlee Mountain Fire Apparatus, LLC of Union Grove, Alabama, in an amount not to exceed \$195,000.
- (H) [2015-7611-R](#): Consider adopting a resolution authorizing the purchase of 150 300-gallon plastic refuse containers for the Solid Waste Division from Snyder Industries, Inc. Lincoln, NE, through the H-GAC Contract (#GC01-13) in the amount of \$43,150.
- (I) [2015-7612-R](#): Consider adopting a resolution authorizing the purchase of 70 metal refuse containers, 12 metal recycling containers, and 4 roll-off containers for the Solid Waste Division from Wastequip, LLC., Beeville, TX, through the H-GAC Contract (#RH08-12) in the amount of \$82,373.67.

- (J) [2015-7613-R](#): Consider adopting a resolution authorizing the purchase of two tracts of land located along Prairie View Road in the total estimated amount of \$484,489 and the payment of closing costs in the estimated amount of \$7,500.
- (K) [2015-7614-R](#): (1) Consider adopting a resolution authorizing the purchase of one Solid Waste Collection compressed natural gas powered truck from various vendors at total cost not to exceed \$227,376.
 - (a) One cab chassis from Houston Freightliner, Inc., of Houston, in the amount of \$144,790, and
 - (b) One knuckle boom loader from Industrial Disposal Supply Company of Plano, in the amount of \$82,586
- (2) Consider adopting a resolution authorizing the City Manager to execute necessary documents associated with the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program, upon solicitation of the grant and award.

Ordinances – Second & Final Reading

- (L) [2015-4700](#): SECOND & FINAL READING – Z-FY-15-01: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 +/- acres, out of the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, located at 108 & 124 Old Waco Road.

Misc.

- (M) [2015-7615-R](#): Consider adopting a resolution authorizing an amendment to Section 3.2 of the Temple Economic Development Corporation's ("TEDC") Amended and Restated Bylaws to provide that officers of TEDC serve two year terms.
- (N) [2015-7616-R](#): Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.
- (O) [2015-7617-R](#): Consider adopting a resolution authorizing a five year marketing agreement with the Temple Economic Development Corporation (TEDC) to market the Tax Increment Financing Reinvestment Zone Number One (Zone) in the amount of \$200,000 per year.
- (P) [2015-7618-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (Q) [2015-7619-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

V. REGULAR AGENDA

ORDINANCES

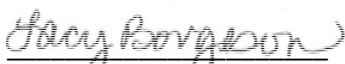
7. **2015-4699:** SECOND READING – PUBLIC HEARING - Z-FY-15-04: Consider adopting an ordinance authorizing a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) on 3.519 +/- acres known as Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive.
8. **2015-4701:** SECOND & FINAL READING - Z-FY-15-03: Consider adopting an ordinance amending Articles 2, 5, 7 and 11 of the Unified Development Code to identify permitted temporary uses and establish regulations, definitions and procedures for such uses.

RESOLUTIONS

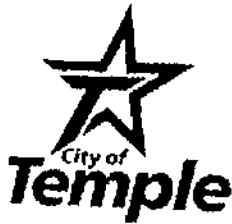
9. **2015-7620-R:** Consider adopting a resolution establishing a permit fee for temporary uses and setting the fee at thirty dollars.
10. **2015-7621-R:** Consider adopting a resolution authorizing a construction contract with Gary W. Purser Construction, Ltd. (Purser), of Killeen for the base bid, add alternate A and add alternate B for the McLane Parkway to Research Parkway Connector and the base bid and add alternate C for the Pepper Creek Regional Detention Pond in the northwest Industrial Park for a lump sum price totaling \$4,447,586.50.
11. **2015-7622-R:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to provide bidding, construction administration and on-site representation required to construct the Pepper Creek Regional Detention Pond in the northwest Industrial Park for the lump sum price of \$38,575.
12. **2015-7623-R:** Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to provide bidding, construction administration and on-site representation required to construct the connection from McLane Parkway to Research Parkway in northwest Temple for the lump sum price of \$130,000.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:30 AM, on January 30, 2015.


Lacy Borgeson, TRMC
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at _____ on the _____ day of _____ 2015.



CITY OF TEMPLE, TEXAS
CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: J. De Zepner

ADDRESS: 402 S 26th St Temple 76401

TELEPHONE NO: (254) 541-7889

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) Feb 5, 2015

SUBJECT TO BE PRESENTED: (Your description must identify the subject matter of your appearance in sufficient detail to alert the public what topic you will discuss and what action you are requesting by the Council.) Tree's - Chipper - Signs

Tree Chipper Crew

E. Central & S 8th (MLK)

Tree in Signs

Note: Separate requests must be completed for each subject presented.

I, the above identified presenter, have read the procedures for public appearances before the City Council of the City of Temple, Texas, and will abide by these procedures.

[Signature]
SIGNATURE OF PRESENTER

1-22-15
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

02/05/15
Item #6(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) January 15, 2015 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:

[January 15, 2015 Special Called & Regular Meeting](#)

TEMPLE CITY COUNCIL

JANUARY 15, 2015

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, January 15, 2015 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor conference Room.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Mayor Pro-Tem Russell Schneider
Councilmember Judy Morales
Mayor Daniel A. Dunn

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 15, 2015.**
- 2. Receive the 2013-2014 Annual Risk Management Report.**

Gloria Elder, Risk Manager for the City presented this report to the Council. She discussed the City's loss from October 1, 2013 through September 30, 2014. Other topics discussed were rates and experience modifiers; vehicle, property and Workers' Compensation Insurance Premiums; fleet accidents; and employee workplace injuries. Ms. Elder noted that the City's annual insurance premiums are based on a three-year rolling average of claims and loss history. She also noted that of the 62 fleet accidents for fiscal year 2013-2014, 20 of the accidents were ruled chargeable/ preventable or preventable by the Vehicle Accident Review Board. Those 20 accidents cost the City approximately \$80,399.23.

- 3. Discuss a potential Parks Bond Election.**

Mr. Kevin Beavers, Director of Parks and Leisure Services presented this item to the Council. He noted the Master Plan identifies \$66 million in recommended projects; of which have been divided into timeframes. Staff is recommending a GO Bond for May 2015; with a base bond package to include 13 projects that will enhance and maintain the City's existing park system and will respond to and prepare for the growth of the community. The estimated cost for this package is \$18,050,000. This package includes (1) Blackland Prairie Park; (2) Future Community Park (SW Temple); (3) Athletic park in West Temple; (4) Mercer Field improvements; (5) Northam Complex improvements; (6) S&W Park Ball Field improvements; (7) Wilson South improvements; (8) Jefferson Park improvements; (9) Optimist Park improvements; (10) Carver Park improvements; (11) Oak Creek Park improvements; (12) Western Hills Park improvements; (13) Sammons

Community Center improvements.

Mr. Beavers provided an overview for each site and cost associated with the projects. He also provided a Bond Package Alternative A totaling \$20,450,000; as well as a Bond Package Alternative B totaling \$22,840,000.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, January 15, 2015 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Mayor Pro-Tem Russell Schneider
Councilmember Judy Morales
Mayor Daniel A. Dunn

I. CALL TO ORDER

1. Invocation

Pastor Ronny Marriott, First Baptist Church of Temple voiced the Invocation.

2. Pledge of Allegiance

Gloria Elder Risk Manager for City of Temple led the Pledge of Allegiance.

II. PUBLIC COMMENTS

JD Zeptner, 402 South 26th Street voiced his concerns with regards to police body cameras. Mr. Zeptner also inquired as to when the new Charter would be effective.

III. PUBLIC APPEARANCE:

3. Receive comments from Frank Reidy regarding property located at 704 South 18th Street.

Mayor Dunn announced that Mr. Frank Reidy was not able to attend the meeting.

IV. CONSENT AGENDA

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

(A) December 4, 2014 Special Called and Regular Meeting

(B) December 18, 2014 Special Called and Regular Meeting

(C) 2015-7592-R: Adopt a resolution authorizing the purchase of Network switches and firewall with Solid IT Networks, of Houston in the amount of \$71,454.30.

(D) 2015-7593-R: Consider adopting a resolution authorizing the purchase of computer hardware during FY 2015 from Dell Marketing, LP of Round Rock, in the estimated annual amount of \$109,100.

(E) 2015-7594-R: Consider adopting a resolution authorizing the City Manager to adjust charges for various services and products offered at the City's wastewater treatment plants to reflect market conditions.

(F) 2015-7595-R: Consider adopting a resolution authorizing a construction contract with Sewer Services of Texas, Inc., for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin in the amount of \$160,815.

(G) 2015-7596-R: Consider adopting a resolution authorizing the City Manager to enter into a Texas Emergency Medical Task Force Resource Memorandum of Agreement with the Department of State Health Services to allow the City to provide emergency medical resources and assets throughout the State in the event of an emergency or disaster.

(H) 2015-7597-R: Consider adopting a resolution authorizing a 24 month lease agreement with Edward Brenek for lease of approximately 18.76 acres of City-owned land located near the City of Temple's landfill.

(I) 2015-7598-R: Consider adopting a resolution authorizing a lease renewal with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

(J) 2015-7599-R: Consider adopting a resolution ratifying a Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP for the construction of a sanitary sewer line in the Bird Creek Crossing shopping center in an amount not to exceed \$20,430.

(K) 2015-7600-R: Consider adopting a resolution authorizing the City Manager to execute an Advance Funding Agreement with TXDOT related to landscaping costs for the proposed gateway to the Temple Medical Education District along Spur 290 at Loop 363 and associated frontage road improvements.

(L) 2015-4699: FIRST READING - Z-FY-15-04 - Consider adopting an Ordinance authorizing a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) on 3.519 +/- acres known as Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive.

(M) 2014-4698: SECOND & FINAL READING - Consider adopting an ordinance adopting The Temple Youth Standards of Care.

(N) 2015-7601-R: Consider adopting a resolution confirming the appointment of Charla Thomas as a Deputy City Attorney and setting compensation for the position.

(O) 2015-7602-R: Consider adopting a resolution confirming the appointment of Megan Davis as a Deputy City Attorney and setting compensation for the position.

(P) 2015-7603-R: Consider adopting a resolution accepting the FY2013-2014 Risk Management Report.

(Q) 2015-7604-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

Motion by Councilmember Judy Morales adopt Consent Agenda as presented. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

(J) 2015-7599-R: Consider adopting a resolution ratifying a Chapter 380 Development Agreement with Primus/Bird Creek Partners, LP for the construction of a sanitary sewer line in the Bird Creek Crossing shopping center in an amount not to exceed \$20,430.

Motion by Councilmember Timothy Davis adopt resolution as presented seconded by Mayor Pro-Tem Russell Schneider.

Councilmember Perry Cloud abstained. The other Councilmembers voted aye. The motion passed.

V. REGULAR AGENDA

ORDINANCES

5. **2015-4700: FIRST READING - PUBLIC HEARING - Z-FY-15-01: Consider adopting an Ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 +/- acres, out of the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, located at 108 & 124 Old Waco Road.**

Mark Baker, Planner, presented this item to Council. The subject property, is within the Suburban Commercial District according to the Future Land Use Plan (FLUP). The Suburban-Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations.

The Suburban Commercial district typically supports the Office (O-1 & O-2) and Neighborhood Service (NS) zoning districts. However, in the past, staff has supported General Retail (GR) within the Suburban Commercial district on a case by case basis. The applicant has indicated that the GR is being requested since the GR designation gives a broader variety of possible businesses that can be established. The adjacent Extreme Cheer gymnastic facility was rezoned as GR and it is anticipated that the remainder of possible development in the area would be zoned the same. Staff agrees and has found that specifically, along the Old Waco Road / "Outer Loop" corridor, GR is being established and staff supports the GR zoning due to the nature of the anticipated development along the "Outer Loop".

Mr. Baker noted that additionally, GR was recently established to the north of the subject property by Ordinance 2013-4597 and subsequent plat, which resulted with the proposed Extreme Cheer gymnastics studio. Directly to the east of the subject property and within the Crescent View Commercial subdivision by Ordinance 2013-4620, with GR which alone encompassed over 29 acres. The Crescent View Commercial subdivision is the location of the approved Walmart Supercenter, which is currently under construction.

Therefore, while the requested rezoning to GR may not be appropriate for all areas with the Suburban Commercial designation, this request is still in full compliance with the FLUP and is consistent with surrounding zoning and the anticipated

type of development within the “Outer Loop” corridor.

While it is anticipated the property will be developed with a retail and service uses, which include a chiropractic office, there are a number of residential and non-residential uses that are permitted by right.

The requested property has frontage along Old Waco Road, the “Outer Loop”. The “Outer Loop” has been identified as a major arterial with an anticipated 163-foot wide ROW. While the City is actively acquiring right-of-way (ROW) along this corridor to meet this requirement, the requested rezone boundary takes into account the necessary ROW. No additional ROW along this property frontage is anticipated. In addition, since the “Outer Loop” is a major arterial, sidewalk improvements are required. Sidewalks will be addressed during the platting stage of review.

Development of the “Outer-Loop” is on-going with right-of-way acquisition and expected to be accomplished in multiple phases. Phase III from its intersection with FM 2305 (W. Adams Ave) southward to Jupiter is currently underway with project bidding and final design, which is expected to be complete by January 2015. The anticipated construction period is 8 months and it is estimated that Phase III will be completed around October 2015. A detailed portion of Phase III improvements has been attached.

There were eight notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday, January 6, 2015 at 9:00AM, 2 undeliverable notices and 1 notice for approval have been received.

Based on the following, staff recommends approval for a zoning change from AG to GR for the following reasons:

1. The proposed rezone complies with the Future Land Use Plan (FLUP) and is consistent with the anticipated type of growth within the Old Waco Road corridor;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 5 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance as presented, with second and final reading set for February 5, 2015. seconded by Councilmember Judy Morales.

Motion passed unanimously.

6. 2015-4701: FIRST READING - PUBLIC HEARING - Z-FY-15-03: Consider adopting an Ordinance amending Articles 2, 5, 7 and 11 of the Unified Development Code to identify permitted temporary uses and establish regulations, definitions and procedures for such uses.

Beverly Zendt, Assistant Planning Director, presented this item to Council. In evaluating needed regulations, staff has identified existing regulated and unregulated temporary uses. The attached recommended amendments reflect the most common temporary uses found in the community providing general standards for all such uses and specific conditional standards for certain uses - where additional regulation might be necessary to ensure the use is conducted in a manner that does not negatively affect the public health, safety and welfare. The following temporary uses have been addressed in the proposed UDC code revisions, (1) Seasonal Product Sales; (2) Temporary Field or Construction Office; (3) Real Estate Sales Office; (4) Farmers' Market; (5) Temporary Asphalt or Concrete Batching Plant; (6) Other comparable temporary uses.

Staff is proposing amending section 5.1, which currently prohibits temporary sales that are unrelated and accessory to the primary use of the property. This section would now provide an exception to that rule for temporary uses as provided for in Section 5.6 (proposed new section).

Ms. Zendt reviewed the proposed process for the the Temp Use Permit; as well as the general requirements for all temp use permits. She also noted that Section 7.7.7- Outdoor Retail Display has been amended to permit outdoor retail display for seasonal product sales and Farmers' Markets per proposed Section 5.6. Other amendments were to **Article 11 Definitions** to add a definitions for Farmers' Market and Temporary Use; and **Article 2 Development Review Bodies** to grant the Planning Director the administrative authority to determine comparable temporary uses.

Ms. Zendt noted that the at its December 15, 2014 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed amendments (Chair Rhoads and Commissioner Sears absent) to the Unified Development Code with the following change (1)That temporary use permits for

seasonal product sales are valid for a period of three months rather than six months; (2) That temporary use permits for seasonal product sales can be renewed once annually for an additional three consecutive or non-consecutive months.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Mayor Pro-Tem Russell Schneider adopt Ordinance as presented, with second and final reading set for February 5, 2015. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

ATTEST:

Daniel A. Dunn, Mayor

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

02/05/15
Item #6(B)
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 deductive change order #4 to the construction contract with Bruce Flanigan Construction, Inc. (Flanigan), of Belton, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24" effluent pipeline in an amount not to exceed \$68,718.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City agreed to provide the Panda Temple Power Plant (Panda) with reclaimed water from the Temple-Belton Wastewater Treatment Plant (TBP). Delivery of this water requires a pump station and approximately 45,000 linear feet of pipeline. This project comprises three phases: Phase I – pump station at TBP, Phase II – pipeline from Little River Rd to Panda, Phase III – pipeline from TBP to Little River Rd (Map attached).

On September 5, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) for Phase II design and bidding services in an amount not to exceed \$579,100. On January 16, Council authorized a construction contract with Flanigan for Phase II construction in an amount not to exceed \$2,111,111.20. On January 16, Council also authorized amending KPA's contract with \$221,400 for surveys, construction administration, and inspection.

The attached deductive change order includes the following items:

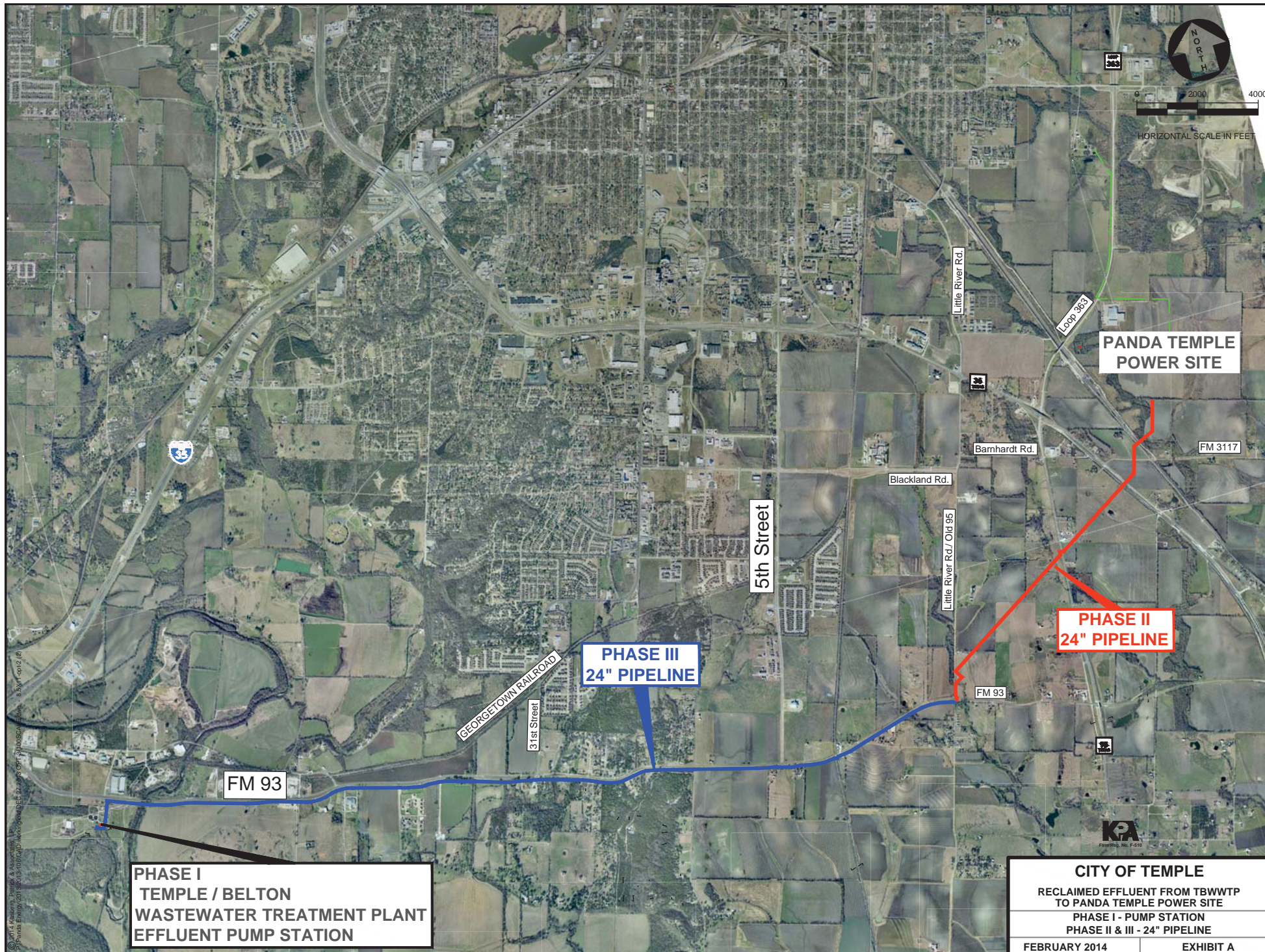
- An addition of 21 linear feet of 36" Steel Encasement by bore is recommended.
- An addition of one 24" diameter 11.25° bend is recommended.
- An addition of one 24" diameter 22.5° bend is recommended.
- An addition of one 24" diameter 45° bend is recommended.
- A deletion of 500 linear feet of concrete encasement is recommended.
- A deletion of 2 access gates is recommended.
- A deletion of 13,000 linear feet of silt fence is recommended.
- A deletion of 1,000 linear feet of rock berm is recommended.

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

FISCAL IMPACT: The savings from the deductive change order in the amount of \$68,718 will be realized in account 562-5200-535-6947, project #101097. Panda is reimbursing the City for all costs related to the effluent pipeline. Per the agreement with Panda, any savings from the project will be used to pay down the debt issued for the project.

ATTACHMENTS:

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





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

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RICK N. KASBERG, P.E.
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GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

January 23, 2014

Mrs. Nicole Torralva, P.E.
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Temple-Belton Wastewater Treatment Plant
Reclaimed Effluent Project (Phases I - III)
Summary of Contract Modifications

Dear Ms. Torralva:

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

1. Phase I

- a. **Previously Approved Net Change in Phase I Contract Amount = \$35,000.00**
- b. **Recommended Total Net Change in Phase I Contract Amount = \$0.00**
- c. **Total Net Change in Phase I Contract Amount = \$35,000.00**
- d. No current changes to Phase I Contract are recommended.

2. Phase II

- a. **Previously Approved Net Change in Phase II Contract Amount = \$35,461.00**
- b. **Recommended Total Net Change in Phase II Contract Amount = (\$68,718.00)**
- c. **Total Net Change in Phase II Contract Amount = (\$33,257.00)**
- d. **The following changes are recommended in order to accurately reflect the actual quantities installed on the TBWWTP Phase II Project and to allow for final project closeout.**

i. Additions to the Phase II Contract \$12,276.00

- 1. Bid Item 14 (36" Steel Encasement by Bore) \$8,715.00. This increase accounts for an additional 21 LF of Steel Encasement.
- 2. Bid Item 19 (24" Diameter 11.25° Bends) \$878.00. This increase accounts for 1 additional 11.25° bend.
- 3. Bid Item 20 (24" Diameter 22.5° Bends) \$1,287.00. This increase accounts for 1 additional 22.5° bend.
- 4. Bid Item 21 (24" Diameter 45° Bends) \$1,396.00. This increase accounts for 1 additional 45° bend.

ii. Deletions from the Phase II Contract (\$80,994.00)

1. Bid Item 16 (Concrete Encasement) (\$35,000.00). 500 LF of Concrete Encasement was not required.
2. Bid Item 33 (Access Gates) (\$1,794.00). This deduction accounts for 2 Access Gates that were not required due to property owner requests and use of existing adjacent gates.
3. Bid Item 35 (Silt Fence) (\$24,700.00). 13,000 LF of Silt Fence was not required.
4. Bid Item 37 (Rock Berm) (\$19,000.00). 1,000 LF of Rock Berm was not required.

3. Phase III

- a. **Previously Approved Net Change in Phase III Contract Amount = \$377,374.60**
- b. **Recommended Total Net Change in Phase III Contract Amount = \$0.00**
- c. **Total Net Change in Phase III Contract Amount = \$377,374.60**
- d. No current changes to Phase III Contract are recommended.

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

Table 1
Summary of TBWWTP Reclaimed Effluent Construction Contracts

Construction Contract	Contractor	Contract Amount	Total Net Change in Contract Amount	% Change in Contract	*Contingency
Phase I (Pump Station)	Austin Engineering	\$ 1,246,000.00	\$ 35,000.00	2.81%	\$ 124,600.00
Phase II (Old Hwy 95 to Panda)	Flanigan Construction	\$ 2,111,111.20	\$ (33,257.00)	(1.57%)	\$ 211,111.00
Phase III (TBWWTP to Old 95)	McLean Construction	\$ 5,505,505.10	\$ 377,374.60	6.85%	\$ 550,550.00
Total TBWWTP Reclaimed Effluent Contracts		\$ 8,862,616.30	\$ 379,117.60	4.28%	\$ 886,261.00

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

Mrs. Nicole Torralva, P.E.
January 23, 2015
Page Three

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

Sincerely,

A handwritten signature in blue ink that reads "Thomas D. Valle". The signature is stylized with a large, looped 'T' and a cursive 'V'.

Thomas D. Valle, P.E.

TDV/

xc: Ms. Sharon Carlos, EIT, City of Temple
Mr. James Billeck, PE, City of Temple
2013-134-40
2013-135-40
2013-147-40

CHANGE ORDER

PROJECT: Temple-Belton WWTP 24" Reclaimed Effluent Pipeline – Phase II
OWNER: City of Temple
CONTRACTOR: Bruce Flanigan Construction, Inc.
ENGINEER: Kusberg, Patrick & Associates
CHANGE ORDER #: Final

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

Add:

Item	Description	Quantity	Unit	Cost	Total
14	Additional Length of 36" Bore	21	LF	\$ 415.00	\$ 8,715.00
19	24" Diameter 11.25° Bends	1	EA	\$ 878.00	\$ 878.00
20	24" Diameter 22.5° Bends	1	EA	\$ 1,287.00	\$ 1,287.00
21	24" Diameter 45° Bends	1	EA	\$ 1,396.00	\$ 1,396.00
				Total Add	\$ 12,276.00

Delete:

Item	Description	Quantity	Unit	Cost	Total
16	Concrete Encasement	-500	LF	\$ 71.00	\$ (35,500.00)
33	Access Gates	-2	EA	\$ 897.00	\$ (1,794.00)
35	Silt Fence	-13,000	LF	\$ 1.90	\$ (24,700.00)
37	Rock Berm	-1000	LF	\$ 19.00	\$ (19,000.00)
				Total Delete	\$ (80,994.00)

Change Order Total	\$	(68,718.00)
--------------------	----	-------------

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

Original Contract Amount	\$ 2,111,111.20
Previous Net Change in Contract Amount	\$ 35,461.00
Net Change in Contract Amount	\$ (68,718.00)
Revised Contract Amount	\$ 2,077,854.20
Original Contract Time	210 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	210 days
Original Final Completion Date	September 3, 2014
Revised Final Completion Date	September 3, 2014

Recommended By Engineer:

Approved By Contractor:

By Sam D. Wall 1-5-15
Date

By: Bruce Flanigan 1/5/15
Bruce Flanigan
President


Approved by City of Temple:

Approved as to Form:

By: Jonathan Graham, City Manager Date: _____

By: _____
City Attorney's Office Date: _____

Approved by Finance Department



 Project Manager (City Staff) Date

By: _____ Date: _____

RESOLUTION NO. 2015-7605-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CHANGE ORDER NO. 4 TO THE CONSTRUCTION CONTRACT WITH BRUCE FLANIGAN CONSTRUCTION, INC. OF BELTON, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO BUILD THE TEMPLE-BELTON WASTEWATER TREATMENT PLANT 24-INCH EFFLUENT PIPELINE, IN THE AMOUNT OF \$68,718; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Whereas, the project is comprised of three phases: Phase 1 – pump station at TBP, Phase 2 – pipeline from Little River Road to Panda, and Phase 3 – pipeline from TBP to Little River Road;

Whereas, on September 5, 2013, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), for Phase 2 of the design and bidding services of the project;

Whereas, on January 16, 2014, Council authorized a construction contract with Bruce Flanigan Construction, Inc., (Flanigan) of Belton, Texas for Phase 2 construction and also authorized KPA's contract for surveys, construction administration and inspection;

Whereas, this proposed deductive change order to the construction contract with Flanigan includes the following items:

- Addition of 21 linear feet of 36" Steel Encasement by bore;
- Addition of one 24" diameter 11.25° bend;
- Addition of one 24" diameter 22.5° bend;
- Addition of one 24" diameter 45° bend;
- Deletion of 500 linear feet of concrete encasement;
- Deletion of 2 access gates;
- Deletion of 13,000 linear feet of silt fence; and
- Deletion of 1,000 linear feet of rock berm

Whereas, staff recommends Council authorize deductive change order number 4 to the construction contract with Bruce Flanigan Construction, Inc., of Belton, Texas for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in the amount of \$68,718;

Whereas, the savings from the deductive change order will be realized in Account No. 562-5200-535-6947, Project No. 101097 – Panda is reimbursing the City for all costs related to the effluent pipeline and per the agreement with Panda, any savings from the project will be used to pay down the debt issued for the project; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute change order number 4 to the construction contract with Bruce Flanigan Construction, Inc. of Belton, Texas, after approval as to form by the City Attorney, for construction activities required to build the Temple-Belton Wastewater Treatment Plant 24-inch effluent pipeline, in the amount of \$68,718.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Damon B. Boniface, Utility Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority which covers the availability of 9,453 acre-feet of water to the City for FY 2015 in the amount of \$126,859.26.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Pursuant to the Replacement Water Supply Agreement 7801-01 between the Brazos River Authority ("BRA") and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year. The City is required to make an annual payment to BRA for this water. BRA has requested payment in the amount of \$126,859.26 for fiscal year 2015. Staff is seeking authorization to make this payment to BRA.

FISCAL IMPACT: Funding in the amount of \$ \$130,000 is available in the FY 2015 Operating Budget, account 520-5110-535-2651 to fund payment of the invoice to Brazos River Authority in the amount of \$126,859.26.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7606-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PAYMENT TO BRAZOS RIVER AUTHORITY IN THE AMOUNT OF \$126,859.26, TO RESERVE THE AVAILABILITY OF 9,453 ACRE-FEET OF WATER FOR USE BY THE CITY FOR FISCAL YEAR 2015; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, pursuant to the Replacement Water Supply Agreement 7801-01 between the Brazos River Authority ("BRA") and the City dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year;

Whereas, the City is required to make an annual payment to BRA for this water and BRA has requested payment in the amount of \$126,859.26 for fiscal year 2015;

Whereas, staff recommends payment to BRA in the amount of \$126,859.26 to reserve the availability of 9,453 acre-feet of water for use by the City for fiscal year 2015;

Whereas, funds are available, in the fiscal year 2015 Operating Budget in Account No. 520-5110-535-2651; and

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

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

Part 1: The City Council authorizes payment to Brazos River Authority in the amount of \$126,859.26 to reserve the availability of 9,453 acre-feet of water to the City for fiscal year 2015.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution rejecting all bids received on December 4, 2014, for a ground power unit (GPU) and authorizing the purchase of a GPU from Mark C. Pope Associates, Inc. of Smyrna, GA, based on bids received on January 13, 2015, in the amount of \$36,500.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: As part of the FY 2015 adopted CIP budget, \$30,000 was designated for the purchase of a ground power unit (GPU) for the purpose of providing jet aircraft power starts at the Draughon-Miller Central Texas Regional Airport. The availability of a GPU unit at the airport is a standard aviation industry requirement in order to respond to pilot needs as it relates to starting jet engines, cooling down aircraft for passengers, etc.

As shown on the attached bid tabulation dated December 4, 2014, two (2) bids were received for a Hobart JetEx6D, or approved equal GPU unit. The low bidder, BatesField GPU, had multiple exceptions for the GPU specified. The second low bidder, Aviation Ground Equipment Corporation, submitted a bid in the amount of \$41,260, which was substantially over budget. As such, staff proceeded with bidding a smaller GPU unit and is recommending Council's rejection of all bids received on December 4, 2014 for the Hobart JetEx6D, or approval equal GPU unit.

As shown on the attached bid tabulation dated January 13, 2015, four (4) bids were received for a Hobart JetEx7D, or approved equal GPU unit. The low bidder, BatesField GPU, had multiple exceptions for the GPU specified, and as such was not deemed an approved equal to the Hobart JetEx7D. The second low bidder, AERO Specialties, Inc. submitted a bid for a JetGo 550 MTI-RJ unit. Upon comparison of the two units by Airport and Fleet Services staff, it was determined that the JetGo unit was also not deemed to be an approved equal to the Hobart unit due to the JetGo unit's overall construction as an all-weather machine (1,367 pounds for the JetGo GPU versus 2,667 pounds for the Hobart GPU) and the JetGo's smaller capacity continuous duty rating of the generator. The third lowest bid was received from Mark C. Pope Associates, Inc. for the specified Hobart JetEx7D GPU as a 2014 model, versus 2015. Staff is willing to accept the 2014 model as an approved equal, and accordingly, staff is recommending Council reject the bids from Batesfield GPU and AERO Specialties, Inc., and is requesting authorization to purchase a Hobart JetEx7D GPU from Mark C. Pope Associates, Inc. in the amount of \$36,500.

The City has not done business with Mark C. Pope Associate, Inc. previously. As such, references were checked and feedback received indicates that they should be a responsive and responsible vendor.

FISCAL IMPACT: Funding in the amount of \$36,500 is available for the purchase of a 2014 Hobart JetEx7D trailer mounted aircraft ground power unit.

Project Description	Account #	Project #	Funding
Aircraft Auxiliary Power Cart	110-5900-560-6222	101137	\$29,841
Aircraft Auxiliary Power Cart	110-3622-560-6222	101137	\$6,659
Total Available Funding			\$36,500

ATTACHMENTS:

[Bid Tabulation dated December 4, 2014](#)

[Bid Tabulation dated January 13, 2015](#)

[Resolution](#)

Tabulation of Bids Received
 on December 4, 2014 at 2:00 p.m.
 Ground Power Unit (GPU)
 Bid # 36-01-15

	Bidders	
	Bates Field GPU Wellston, OK	Aviation Ground Equipment Corp Freeport, NY
Description		
Total Unit Price for Ground Power Unit (GPU)	\$35,638.00	\$41,260.00
Exceptions	Yes-specifications & pre-payment	No
Local Preference	No	No
Credit Check Authorization	Yes	Yes

Tabulation of Bids Received
 on January 13, 2015 at 2:00 p.m.
 Ground Power Unit (Re-Bid)
 Bid # 36-02-15

Description	Bidders			
	Mark C. Pope Associates Inc. Smyrna, GA	Aviation Ground Equipment Corp Freeport, NY	AERO Specialties Inc. Boise, ID	Batesfield GPU Wellston, OK
Total Unit Price for Ground Power Unit (GPU)	\$36,500.00	\$39,950.00	\$32,950.00	\$24,668.00
Exceptions	Yes (2014 Model, instead of 2015)	Yes (to delivery only)	(Make/Model Substitution)	Yes (Make /Model Substitution & Pre-payment Required)
Local Preference	No	No	No	No
Credit Check Authorization	Yes	Yes	Yes	Yes
Proposed Unit	Hobart JetEx7D, 2014 Model	Hobart JetEx6D, 2015 Model	JetGo 550 Mti-RJ, 2015 Model	Batesfield GPU 2500 Gasoline, 2015 Model

Staff recommendation for award

Staff recommendation for rejection

RESOLUTION NO. 2015-7607-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REJECTING ALL BIDS RECEIVED FOR A GROUND POWER UNIT ON DECEMBER 4, 2014, REJECTING BIDS RECEIVED FOR A GROUND POWER UNIT ON JANUARY 13, 2015 FROM BATESFIELD GPU AND AERO SPECIALITIES, INC., AND AUTHORIZING THE PURCHASE OF A GROUND POWER UNIT FROM MARK C. POPE ASSOCIATES, INC. OF SMYRNA, GEORGIA, IN THE AMOUNT OF \$36,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, as part of the fiscal year 2015 adopted CIP budget, the purchase of a ground power unit (“GPU”) for the purpose of providing jet aircraft power starts at the Draughon-Miller Central Texas Regional Airport was authorized;

Whereas, the availability of a GPU at the airport is a standard aviation industry requirement in order to respond to pilot needs as it relates to starting jet engines, cooling down aircraft for passengers, etc.;

Whereas, on December 4, 2014, two bids were received for a Hobart JetEx6D GPU, or approved equal GPU unit - the low bidder, BatesField GPU, had multiple exceptions for the GPU specified and the second low bidder, Aviation Ground Equipment Corporation, submitted a bid which was substantially over budget;

Whereas, on January 13, 2015, four bids were received for a Hobart JetEx7D GPU, or approved equal GPU unit - the low bidder, BatesField GPU, again had multiple exceptions for the GPU specified, and as such was not deemed equal to the Hobart JetEx7D GPU;

Whereas, the second low bidder, AERO Specialties, Inc. submitted a bid for a JetGo 550 MTI-RJ unit and upon comparison of the two units by staff, it was determined that the JetGo unit was not deemed to be equal to the Hobart unit;

Whereas, the third lowest bidder was Mark C. Pope Associates, Inc. for the specified Hobart JetEx7D GPU as a 2014 model, versus 2015 - staff is willing to accept the 2014 model as an approved equal, and accordingly, staff is recommending Council reject the bids from BatesField GPU and AERO Specialties, Inc., and requests authorization to purchase a Hobart JetEx7D GPU from Mark C. Pope Associates, Inc. in the amount of \$36,500;

Whereas, the City has not done business with Mark C. Pope Associate, Inc. previously so staff checked references and feedback received indicates that the company should be a responsive and responsible vendor;

Whereas, funds are available for this purchase in Account No. 110-5900-560-6222, Project No. 101137 and Account No. 110-3622-560-6222, Project No. 101137; 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 rejects two bids received on December 4, 2014 for a Hobart JetEx6D GPU ground power unit, or approved equal GPU unit, from BatesField GPU and AERO Specialties, Inc, rejects bids received for a Hobart JetEx7D or approved equal GPU unit on January 13, 2015 from BatesField GPU and AERO Specialties, Inc., and authorizes the purchase of a GPU from Mark C. Pope Associates, Inc. of Smyrna, GA, in the amount of \$36,500.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Gary O. Smith, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of fourteen (14) mobile digital video systems for the new police vehicles from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative, H-GAC contract # EF04-13 in the amount of \$76,442.40.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase mobile digital video systems to be installed in the ten (10) replacement vehicles and four (4) new marked units. The digital video system being considered is the same system we are now using. This system wirelessly downloads videos to a server which reduces the time that officers and employees must handle cassettes and DVDs, as well as reducing the costs associated with purchasing these recording media. The system also provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system.

This purchase is being recommended utilizing a Houston-Galveston Area Council (H-GAC) Cooperative contract. All contracts available through the H-GAC Cooperative have been awarded by virtue of a public competitive procurement process compliant with state statutes.

FISCAL IMPACT: The mobile digital video systems were included as accessories in the original budgeted amount for each vehicle. Purchase of the units was approved in the FY 2015 Budget, and funding for those units that includes funding for all accessories for 14 vehicles is identified below.

Description	Account	Project #	Funding
Replace (10) Marked Units	110-2031-521-6213	101153	\$ 460,000
Purchase (2) Marked Units for (2) FY14 Officers	110-2031-521-6213	101155	\$ 61,600
Purchase (1) Marked Unit for FY14 School Resource Officer	110-2031-521-6213	101155	\$ 30,800
Purchase (1) Marked Unit for FY15 Officer	110-2031-521-6213	101156	\$ 46,200
Total Available Funding			\$ 598,600

We have not purchased the vehicles yet, but L3 Mobile Vision will be giving us 14 Body Cameras (value of \$499 ea.) free if we provide a purchase order before March 31, 2015.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7608-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 14 MOBILE DIGITAL VIDEO SYSTEMS FROM L-3 MOBILE VISION UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL INTERLOCAL COOPERATIVE CONTRACT, IN THE AMOUNT OF \$76,442.40; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department seeks to purchase mobile digital video systems to be installed in the ten (10) replacement vehicles and four (4) new marked units - the digital video system being considered is the same system Temple Police Department is presently using;

Whereas, the digital video systems wirelessly download videos to a server which reduces the time that officers and employees must handle cassettes and DVDs, as well as reduces the costs associated with purchasing recording media;

Whereas, the mobile digital video system also provides for much quicker access to the recordings by officers, supervisors, and prosecutors, saving considerable time when incidents need to be reviewed, or are moving through the criminal justice system;

Whereas, staff recommends purchase of 14 mobile digital video systems from L-3 Mobile Vision, in the amount of \$76,442.40 utilizing a Houston-Galveston Area Council Interlocal Cooperative (H-GAC) contract (contract # EF04-13) for this purchase – all contracts available through the H-GAC contract have been awarded by virtue of a public competitive procurement process compliant with state statutes;

Whereas, funding was approved in the fiscal year 2015 budget for the purchase of these 14 units and funds are available in Account No. 110-2031-521-6213, Project No. 101153 to fund 10 of the mobile digital systems, Account No. 110-2031-521-6213, Project No. 101155 to fund 3 of the systems and Account No. 110-2031-521-6213, Project No. 101156 to fund the final system; and

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

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

Part 1: The City Council authorizes the purchase of 14 mobile digital video systems from L-3 Mobile Vision utilizing the Houston-Galveston Area Council Interlocal Cooperative contract (contract # EF04-13), in the amount of \$76,442.40.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Sam Weed, Director of Fleet Services

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of one (1) Dump Truck, from Houston Freightliner, Inc. of Houston, in the amount of \$98,094.

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

ITEM SUMMARY: Currently the Public Works Drainage Division has one (1) dump truck in their fleet of three (3) that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review. This dump truck is used daily in the repair and maintenance of the drainage channels and detention ponds. The dump truck that will be purchased will replace an existing 16 year old truck.

Staff is recommending the purchase of the truck using a competitively procured H-GAC contract. All purchases through H-GAC meet the Texas governmental competitive bid requirements.

The City has done business with Houston Freightliner, Inc. in the past and finds them to be a responsible vendor.

FISCAL IMPACT: The purchase of one (1) Dump Truck was approved in the FY 2015 Budget. Funding totaling \$105,000 is currently available as follows:

Account Number	Project Number	Funding
292-2922-534-6213	101171	\$52,500
292-2923-534-6213	101171	\$52,500

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7609-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE DUMP TRUCK FROM HOUSTON FREIGHTLINER, INC. OF HOUSTON, TEXAS, UTILIZING THE HOUSTON-GALVESTON AREA COOPERATIVE CONTRACT IN THE AMOUNT OF \$98,094; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, currently the Public Works Drainage Division has one dump truck in its fleet of three that has been identified for routine replacement in the annual vehicle replacement review by the Director of Fleet Services;

Whereas, this dump truck is used daily in the repair and maintenance of the City's drainage channels and detention ponds – this dump truck purchase will replace an existing 16 year old truck;

Whereas, staff recommends the purchase of one dump truck using a competitively procured Houston-Galveston Area Cooperative Contract ("GAC") - all purchases through H-GAC meet the Texas governmental competitive bid requirements;

Whereas, the City has done business with Houston Freightliner, Inc. in the past and finds them to be a responsible vendor;

Whereas, funding for this purchase was approved in the fiscal year 2015 budget in Account No: 292-2922-534-6213, Project No: 101171; and

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

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

Part 1: The City Council authorizes the purchase of one dump truck, from Houston Freightliner, Inc. of Houston, TX, utilizing the Houston-Galveston Area Cooperative Contract in the amount of \$98,094.

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

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

PASSED AND APPROVED this the 5th day of **February**, 2015.

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

02/05/15
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DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the emergency purchase of a 1997 E-One 95' platform fire truck from Brindlee Mountain Fire Apparatus, LLC of Union Grove, Alabama, in an amount not to exceed \$195,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Temple Fire & Rescue currently has a 1995 aerial ladder fire truck (Truck #1) that is at the end of its service life, and based on damage to the 75-foot aerial ladder device in 2014, the truck has been determined to be structurally unsound. The ladder can be fixed at a cost of approximately \$75,000. However, based on other issues with the truck, staff is recommending the immediate replacement of the truck with a used 1997 E-One 95-foot platform fire truck at a cost not to exceed \$195,000.

The International Standards Organization (ISO) requires that fire departments have aerial trucks that are capable of reaching the top of the tallest building in their city or a minimum of 100 feet, which the current Truck #1 cannot do. In addition, the current Truck #1 is not capable of fighting a fire without the assistance of a second vehicle as it has no pump, no water tank, and no hose load.

The proposed purchase of the 1997 E-One 95' platform truck will overcome many of the shortcomings of Truck #1: 95-foot platform ladder, a 1500 GM pump, a 500-gallon water tank, and an 8.5 KW hydraulic generator. The proposed truck has 6,279 engine hours and 64,660 miles versus 7,052 engine hours and 61,551 miles on Truck #1.

Representatives from Fire and Fleet evaluated the proposed truck on January 29, 2015, and deem it to be in good condition that will provide at least 2 years of reliable front-line service, and additional years of reserve service. The truck will arrive completely refurbished, including painting and lettering to the City's specifications, new LED

FISCAL IMPACT: Council is being presented a budget adjustment allocating funding in the amount of \$140,997 from the 2009 General Obligation Bonds to partially fund the purchase of the 1997 E-One 95' platform fire truck. In addition, the budget adjustment will allocate the remaining funding needed, which includes insurance proceeds received for the damaged truck in the amount of \$41,744 and Designated Capital Project-Unallocated General Fund Balance for \$12,259. Upon approval of budget adjustment, funding is identified below.

Account Number	Project Number	Amount
363-2200-522-6852	101278	\$ 195,000
Total Cost		\$195,000

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2015****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
363-2200-522-68-52	101278	97 E-ONE 95' Platform Truck	\$ 140,997	
363-2200-522-61-10	100120	Capital Land / Bank of America		25,895
363-0000-358-11-10		Undesignated Fund Balance		115,102
363-2200-522-68-52	101278	97 E-ONE 95' Platform Truck	54,003	
363-0000-461-05-54		Insurance Claims	41,744	
363-0000-490-25-82		Transfer In - General Fund	12,259	
110-0000-352-13-45		Designated for Capital Projects		12,259
110-9100-591-81-63		Transfer Out - 2009 GO Bonds	12,259	
		DO NOT POST		
TOTAL.....			\$ 261,262	\$ 153,256

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

To appropriate funding to purchase a 1997 E-One 95' Platform Truck to replace the T1 Aerial Ladder truck that was damaged and put out of service at time of annual inspection; and, to appropriate revenue from proceeds received as a result of the claim reimbursement in the amount of \$41,744 from TML.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

2/5/2015

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2015-7610-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EMERGENCY PURCHASE OF A 1997 E-ONE 95-FOOT PLATFORM FIRE TRUCK FROM BRINDLEE MOUNTAIN FIRE APPARATUS, LLC OF UNION GROVE, ALABAMA, IN AN AMOUNT NOT TO EXCEED \$195,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Temple Fire & Rescue currently has a 1995 aerial ladder fire truck (“Truck #1”) that is at the end of its service life, and based on damage to the 75-foot aerial ladder device in 2014, the truck has been determined to be structurally unsound;

Whereas, the International Standards Organization (ISO) requires that fire departments have aerial trucks that are capable of reaching the top of the tallest building in their city or a minimum of 100 feet, which the current Truck #1 cannot do - the current Truck #1 is also not capable of fighting a fire without the assistance of a second vehicle as it has no pump, no water tank, and no hose load;

Whereas, the purchase of the 1997 E-One 95-foot platform truck will overcome many of the shortcomings of Truck #1 – staff has evaluated the proposed truck and finds it to be in good condition and believes the truck will provide at least 2 years of reliable front-line service, and additional years of reserve service;

Whereas, the new truck will arrive completely refurbished, including painting and lettering to the City’s specifications, new LED emergency lighting, and a 1-year major component warranty;

Whereas, based on the fact that Truck #1 is currently out of service, staff recommends the purchase of this truck without going through a competitive bidding process based on the necessity to protect the public safety of our residents (Texas Local Government Code 252.022);

Whereas, funding is available for this purchase, but an amendment allocating funding from the 2009 General Obligation Bonds to partially fund this purchase will need to be approved to transfer the funds to Account No. 363-2200-522-6852, Project No. 101278; 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 emergency purchase of a 1997 E-One 95’ platform fire truck from Brindlee Mountain Fire Apparatus, LLC of Union Grove, Alabama, in an amount not to exceed \$195,000.

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

Part 3: The City Council authorizes an amendment to the fiscal year 2015 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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

02/05/15
Item #6(H)
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Lisa Sebek, Solid Waste Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 150 300-gallon plastic refuse containers for the Solid Waste Division from Snyder Industries, Inc. Lincoln, NE, through the H-GAC Contract (#GC01-13) in the amount of \$43,150.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Replacement containers are needed in the residential and small commercial collections system. This purchase provides for 150 replacement containers.

Current pricing on the H-GAC bid contract has been confirmed by Purchasing. The city has done business with Snyder Industries and finds them to be a responsible vendor. Utilizing this contract through the H-GAC satisfies the requirement for competitive bids.

FISCAL IMPACT: Funding is available in the account listed below.

Description	Account #	Budget	Proposed Expenditure
Instruments/Special Equipment	110-2330-540-22-11	\$43,150	\$43,150

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7611-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 150 300-GALLON PLASTIC REFUSE CONTAINERS FROM SNYDER INDUSTRIES, INC., OF LINCOLN, NEBRASKA, UTILIZING THE HOUSTON-GALVESTON AREA COOPERATIVE CONTRACT, IN THE AMOUNT OF \$43,150; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, replacement containers are needed in the residential and small commercial collections system;

Whereas, staff recommends purchasing 150 300-gallon plastic refuse containers for the Solid Waste Division, utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract (#GC01-13), in the amount of \$43,150 – utilizing the H-GAC contract satisfies the requirement for competitive bids;

Whereas, the City has done business with Snyder Industries, Inc. in the past and finds the company to be a responsible vendor;

Whereas, funds are available in Account No. 110-2330-540-2211 for this purchase; and

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

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

Part 1: The City Council authorizes the purchase of 150 300-gallon plastic refuse containers for the Solid Waste Division, utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract (#GC01-13), in the amount of \$43,150.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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

02/05/15
Item #6(I)
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DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Lisa Sebek, Solid Waste Services Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 70 metal refuse containers, 12 metal recycling containers, and 4 roll-off containers for the Solid Waste Division from Wastequip, LLC., Beeville, through the H-GAC Contract (#RH08-12) in the amount of \$82,373.67.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Replacement containers are needed in the side load, front load and roll-off metal collections systems along with commercial cardboard recycling. This purchase provides for 30 – 3cyd side load containers, 10 – 4cyd side load containers, 18 – 8cyd front load containers, 12 – 6cyd front load containers, 12 – 8cyd recycling containers and 4 – 40cyd roll-off containers.

Current pricing on the H-GAC bid contract has been confirmed by Purchasing. The city has done business with Wastequip and finds them to be a responsible vendor. Utilizing this contract through the H-GAC satisfies the requirement for competitive bids.

FISCAL IMPACT: Funding in the amount of \$82,373.67 has been appropriated in the account listed below.

Description	Account #	Budget	Proposed Expenditure
Sideload Metal Containers	110-2360-540-22-11	\$22,857	\$22,857.00
Frontload Metal Containers	110-2350-540-22-11	\$26,811	\$26,810.07
Roll-off Metal Containers	110-2370-540-22-11	\$21,739	\$21,738.60
Recycle Metal Containers	110-2380-540-22-11	\$10,968	\$10,968.00
Total		\$82,375	\$82,373.67

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7612-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 70 METAL REFUSE CONTAINERS, 12 METAL RECYCLING CONTAINERS, AND 4 ROLL-OFF CONTAINERS FOR THE SOLID WASTE DIVISION FROM WASTEQUIP, LLC., OF BEESVILLE, TEXAS, UTILITIZING THE HOUSTON-GALVESTON AREA COOPERATIVE CONTRACT, IN THE AMOUNT OF \$82,373.67; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, replacement containers are needed in the side load, front load, roll-off metal, and commercial cardboard recycling collection systems;

Whereas, staff recommends purchasing 30 – 3cyd side load containers, 10 – 4cyd side load containers, 18 – 8cyd front load containers, 12 – 6cyd front load containers, 12 – 8cyd recycling containers and 4 – 40cyd roll-off containers for the Solid Waste Division utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract (#RH08-12), in the amount of \$82,373.67;

Whereas, staff has done business with Wastequip, LLC in the past and finds the company to be a responsible vendor - utilizing the H-GAC contract satisfies the requirement for competitive bids;

Whereas, funds are available for these purchases in Account Nos. 110-2360-540-2211 (Side load Containers), 110-2350-540-2211 (Front load Containers), Account No. 110-2370-540-2211 (Roll-off Containers), and Account No. 110-2380-540-2211 (Recycle Metal Containers); and

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

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

Part 1: The City Council authorizes the purchase of 30 – 3cyd side load containers, 10 – 4cyd side load containers, 18 – 8cyd front load containers, 12 – 6cyd front load containers, 12 – 8cyd recycling containers and 4 – 40cyd roll-off containers for the Solid Waste Division utilizing the Houston-Galveston Area Council Interlocal Cooperative Contract (#RH08-12), in the amount of \$82,373.67.

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

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was 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 **5th** day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of two tracts of land located along Prairie View Road in the total estimated amount of \$484,489 and the payment of closing costs in the estimated amount of \$7,500.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff is interested in purchasing two tracts of land located along Prairie View Road. The land will be used as right of way for the expansion of Prairie View Road and for potential park land. The two tracts are illustrated on the attached map which also shows the corresponding property identification numbers from the Bell County Appraisal District. The larger tract is approximately 31.87 acres. Approximately 4.383 acres of the property is needed for right of way for the Prairie View Road expansion and .138 acre is needed for a drainage easement related to those improvements. The remainder of the property will be used as a potential site for West Temple Park. The second tract is approximately .242 acre and a portion of the property will also be used for right of way along Prairie View Road.

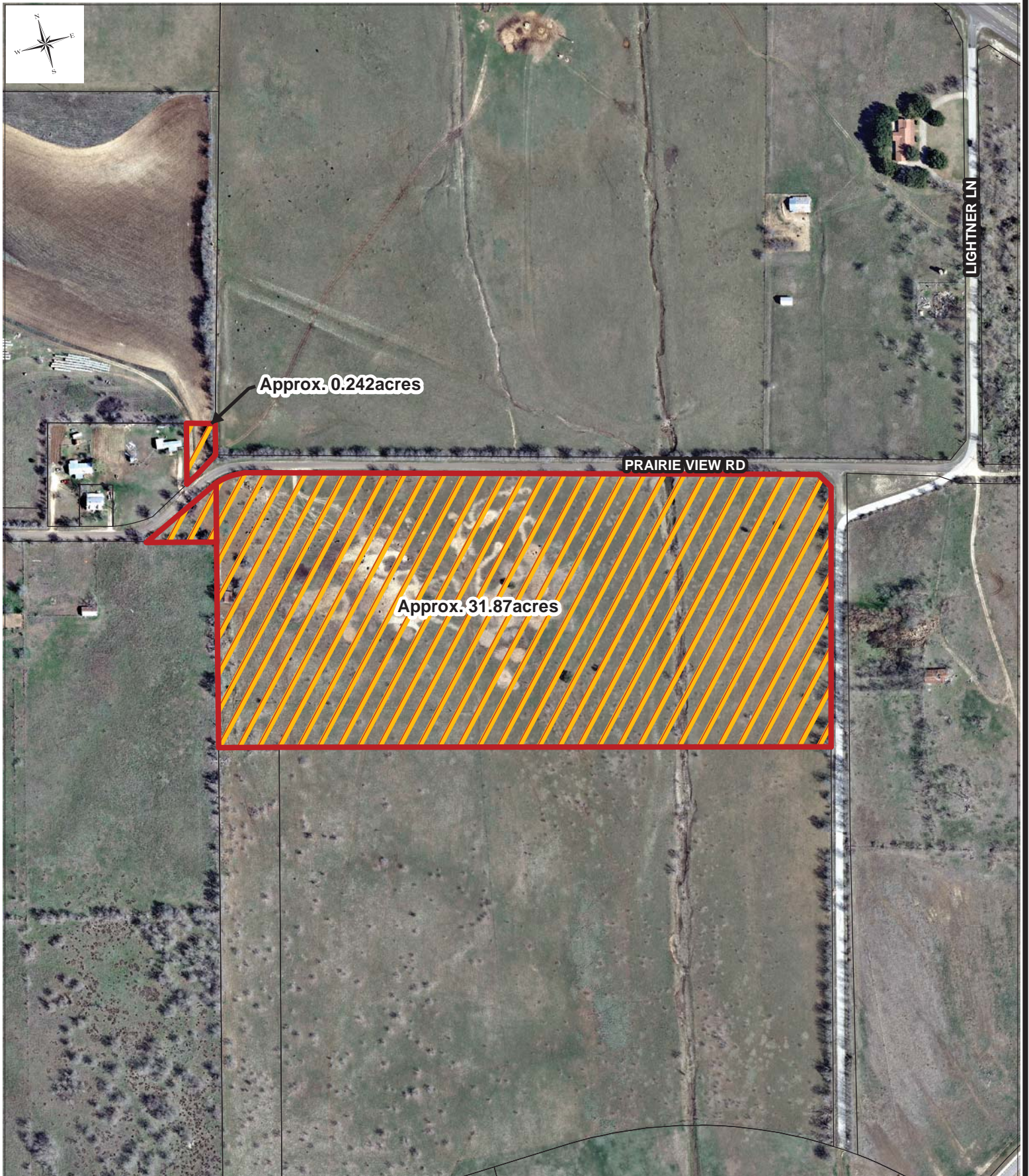
Staff and the current owners of the property have agreed to a price of \$14,700/acre for the larger tract which comes to a total purchase price of \$468,489. A lump sum price of \$16,000 has been agreed to for the small tract. Closing costs are estimated to be approximately \$7,500. All offers that have been conveyed to the current owners are subject to Council approval. Staff recommends approval of this item so that needed right of way and potential park land may be acquired.

FISCAL IMPACT: A budget adjustment is being presented to Council for authorization to appropriate funding for purchase of two tracts of land located along Prairie View Road for an estimated amount of \$491,989. Of that amount 18.15% is allocated for the purchase of ROW/drainage easements related to Prairie View Road Improvements-Phase I project and 81.85% is allocated towards the land purchase for potential site of West Temple Park. Funding is identified below.

<i>Prairie View Rd Improvements – Phase I</i>			
	Account Number	Project #	Amount
ROW – 4.383 acres ROW Tract 2 - .003 acre Drainage Easement – .138 acre Total - 4.524 acres	365-3400-531-6862	100984	\$ 87,912
Closing Costs	365-3400-531-6862	100984	\$ 1,361
Prairie View Rd Improvements – Phase I Subtotal			\$ 89,273
<i>West Temple Park</i>			
Tract 1 – 38.87 acres Tract 2 - .287 acre Total – 39.157 acres	351-3500-552-6110	101279	\$396,577
Closing Costs	351-3500-552-6110	101279	\$ 6,139
West Temple Park Subtotal			\$402,716
Total Costs			\$491,989

ATTACHMENTS:

[Maps](#)
[Budget Adjustment](#)
[Resolution](#)



Property ID: 123747 & 458504
Approx. 31.87 Acres & 0.242 Acres of land located
along PrairieView Rd.

DISCLAIMER:

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.

FY 2015

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

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[illegible]

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

To appropriate additional funding in the amount of \$89,273 for purchase of ROW and drainage easements related to the Prairie View Road Improvements-Phase I, project 100984. This budget adjustment also appropriates funding in the amount of \$402,716 for the purchase of 39.157 acres related to potential site for West Temple Park, project 101279.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

2/5/2015

WITH AGENDA ITEM?

☒ Yes

☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

☐ Approved
☐ Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2015-7613-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO TRACTS OF LAND LOCATED ALONG PRAIRIE VIEW ROAD, IN THE TOTAL ESTIMATED AMOUNT OF \$484,489 AND THE PAYMENT OF CLOSING COSTS IN THE ESTIMATED AMOUNT OF \$7,500; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, staff is interested in purchasing two tracts of land located along Prairie View Road to be used as right of way for the expansion of Prairie View Road and for potential park land;

Whereas, the larger of the two tracts is approximately 31.87 acres and approximately 4.383 acres of that property is needed for right of way for the Prairie View Road expansion and .138 acres is needed for a drainage easement related to those improvements;

Whereas, the remainder of the property will be used as a potential site for West Temple Park - the second tract is approximately .242 acre and a portion of the property will also be used for right of way along Prairie View Road;

Whereas, staff and the current owners of the property have agreed to a price of \$14,700/acre for the larger tract which comes to a total purchase price of \$468,489 and a lump sum price of \$16,000 has been agreed to for the smaller tract - closing costs are estimated to be approximately \$7,500;

Whereas, all offers that have been conveyed to the current owners are subject to Council approval and staff recommends approval of this item so that needed right of way and potential park land may be acquired;

Whereas, funding is available for this purchase and the closing costs, but an amendment to the fiscal year 2015 budget needs to be approved to transfer the funds to Account No. 365-3400-531-6862, Project No. 100984 and Account No. 351-3500-552-6110, Project No. 101279; and

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

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

Part 1: The City Council authorizes the purchase of two tracts of land located along Prairie View Road, as shown in the attached Exhibit A, in the total estimated amount of \$484,489 and the payment of closing costs in the estimated amount of \$7,500 - this land is needed for right of way for the Prairie View Road expansion, for a drainage easement related to those improvements and the remainder of the property will be used as a potential site for West Temple Park.

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

Part 3: The City Council authorizes an amendment to the fiscal year 2014 budget, substantially in the form of the copy attached hereto as Exhibit 'B.'

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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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Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Sam Weed, Director of Fleet Services

ITEM DESCRIPTION: **ITEM DESCRIPTION:** (1) Consider adopting a resolution authorizing the purchase of one Solid Waste Collection compressed natural gas powered truck from various vendors at total cost not to exceed \$227,376.

- (a) One cab chassis from Houston Freightliner, Inc., of Houston, in the amount of \$144,790, and
- (b) One knuckle boom loader from Industrial Disposal Supply Company of Plano, in the amount of \$82,586
- (2) Consider adopting a resolution authorizing the City Manager to execute necessary documents associated with the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program, upon solicitation of the grant and award.

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

ITEM SUMMARY: Currently the Public Works Solid Waste Division has one (1) brush truck in their fleet of seven (7) that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review. This truck is used daily in the pickup and disposal of brush on a routine basis throughout the city. The brush truck that will be purchased will replace an existing 11 year old truck.

Staff is recommending the purchase of the cab and chassis using a competitively procured H-GAC contract. All purchases through H-GAC meet the Texas governmental competitive bid requirements. Staff is recommending the purchase of the knuckle boom loader be purchase as a single source due to the familiarity to the operators and the technicians that repair them. A comparable quote was obtained to verify that pricing received would be a good value to the City. The savings between the two (2) quotes is approximately \$10,365.

The City has done business with both Houston Freightliner, Inc. and Industrial Disposal Supply Company in the past and finds them both to be a responsible vendors.

City staff has been informed about a grant opportunity from the Texas Commission on Environmental Quality (TCEQ), Texas Natural Gas Vehicle Grant Program. The grant application is on a first-come, first-serve basis, the purchase must be approved by City Council and the vehicles must be ordered prior to application submission. The company the City orders the trucks from must be approved by TCEQ and submits the grant application on behalf of the City, to ensure the appropriate vehicles are purchased and accurate funding for incremental costs (between diesel and CNG powered vehicles) is assessed appropriately. The City has previously received funds through this grant process and if an application for this vehicle is submitted in a timely manner the City anticipates receiving funds to cover the incremental costs of upgrading vehicles to run on CNG.

SUSTAINABILITY IMPACT: The vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department is being purchased. The evaluation for this vehicle focused on fuel type. If current operations continue, the anticipated payback period is between four to five years, well within the expected operational life.

FISCAL IMPACT: The purchase of one (1) Brush Truck was approved in the FY 2015 Budget. Funding in the amount of \$197,376 is available in account 110-5900-540-6222, project 101160. Council is being presented a budget adjustment in the amount of \$30,000 to appropriate the grant revenue the City will be seeking through TCEQ to cover the incremental cost of purchasing a CNG vehicle as opposed to a diesel vehicle.

Description	Account	Project #	Funding
FY 2015 Operating Budget Funding	110-5900-540-6222	101160	\$ 197,376
TCEQ Grant Funding	110-5900-540-6222	101160	\$ 30,000
Total Available Funding			\$ 227,376

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

FY **2015****BUDGET ADJUSTMENT FORM**

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

Adjustments should be rounded to the nearest \$1.

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-5900-540-62-22	101160	Capital Equip / Machinery & Equipment	\$ 30,000	
110-0000-431-02-61		State Grant Revenue	30,000	
TOTAL.....			\$ 60,000	\$ -

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

This budget adjustment appropriates grant revenue in the amount of \$30,000 that is expected through the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program that will assist in funding the purchase of (1) brush truck in the amount of \$227,376.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

2/5/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director_____
Date☐
☐

Approved

Disapproved

Finance_____
Date☐
☐

Approved

Disapproved

City Manager_____
Date☐
☐

Approved

Disapproved

RESOLUTION NO. 2015-7614-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF ONE SOLID WASTE COLLECTION COMPRESSED NATURAL GAS POWERED TRUCK, AND ONE KNUCKLE BOOM LOADER FROM VARIOUS VENDORS IN A TOTAL COMBINED COST NOT TO EXCEED \$227,376, AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS ASSOCIATED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, TEXAS NATURAL GAS VEHICLE GRANT PROGRAM; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, currently the Public Works Solid Waste Division has one brush truck in its fleet of seven that has been identified in the annual vehicle replacement review by the Director of Fleet Services that is due for routine replacement - this truck is used daily in the pickup and disposal of brush throughout the city;

Whereas, staff is recommending the purchase of the cab and chassis for this vehicle from Houston Freightliner, Inc., of Houston, Texas, in the amount of \$144,790 and utilizing the Houston-Galveston Area Cooperative Contract ("H-GAC");

Whereas, staff is also recommending the purchase of a knuckle boom loader for this vehicle from Industrial Disposal Supply Company of Plant, Texas, in the amount of \$82,586, as a single source purchase due to the familiarity to the operators and the technicians that repair them - a comparable quote was obtained to verify that pricing received would be a good value to the City;

Whereas, the City has done business with both Houston Freightliner, Inc. and Industrial Disposal Supply Company in the past and finds both vendors to be responsible vendors;

Whereas, all purchases through the H-GAC meet the Texas governmental competitive bid requirements;

Whereas, staff has been informed about a grant opportunity from the Texas Commission on Environmental Quality (TCEQ), Texas Natural Gas Vehicle Grant Program - the grant application is on a first-come, first-serve basis, the purchase must be approved by City Council and the vehicles must be ordered prior to application submission;

Whereas, as part of the Grant program, the company the City orders the trucks from must be approved by TCEQ and submits the grant application on behalf of the City, to ensure the appropriate vehicles are purchased and accurate funding for incremental costs (between diesel and CNG powered vehicles) is assessed appropriately - the City has previously received funds through this grant process and if an application for this vehicle is submitted in a timely manner, the City anticipates receiving funds to cover the incremental costs of upgrading vehicles to run on CNG;

Whereas, the vehicle scheduled for replacement has been evaluated to ensure the most sustainable and fuel efficient vehicle that will meet the needs of the department is being purchased;

Whereas, the purchase of the brush truck was approved in the fiscal year 2015 budget and those funds are located in Account No. 110-5900-540-6222, Project No. 101160 – a budget amendment needs to be approved to appropriate the grant revenue the City will be seeking through TCEQ to cover the incremental cost of purchasing a CNG vehicle as opposed to a diesel vehicle; and

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

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

Part 1: The City Council authorizes the purchase of one Solid Waste Collection compressed natural gas powered truck from various vendors at a total cost not to exceed \$227,376.

Part 2: The City Council authorizes the purchase of a knuckle boom loader from Industrial Disposal Supply Company of Plano, TX as a single source purchase, in the amount of \$82,586.

Part 3: The City Council authorizes the City Manager, or his designee, to execute any documents, after approval as to form by the City Attorney, that may be necessary for these purchases or associated with the Texas Commission on Environmental Quality, Texas Natural Gas Vehicle Grant Program.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

Lacy Borgeson
City Secretary

APPROVED AS TO FORM:

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

02/05/15
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Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND & FINAL READING - Z-FY-15-01: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to General Retail District (GR) on 1.00 +/- acres, out of the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, located at 108 & 124 Old Waco Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its December 2, 2014 meeting, the Planning & Zoning Commission voted 9 to 0 to recommend approval of the requested rezone from AG to GR.

STAFF RECOMMENDATION: Based on the following, staff recommends approval of second and final reading for a zoning change from AG to GR for the following reasons:

1. The proposed rezone complies with the Future Land Use Plan (FLUP) and is consistent with the anticipated type of growth within the Old Waco Road corridor;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: The subject property, see Exhibit A, is within the Suburban Commercial District according to the Future Land Use Plan (FLUP).

The Suburban-Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations.

The Suburban Commercial district typically supports the Office (O-1 & O-2) and Neighborhood Service (NS) zoning districts. However, in the past, staff has supported General Retail (GR) within the Suburban Commercial district on a case by case basis. The applicant has indicated that the GR is being requested since the GR designation gives a broader variety of possible businesses that can be established. The adjacent Extreme Cheer gymnastic facility was rezoned as GR and it is anticipated that the remainder of possible development in the area would be zoned the same. Staff agrees and has found that specifically, along the Old Waco Road / "Outer Loop" corridor, GR is being established and staff supports the GR zoning due to the nature of the anticipated development along the "Outer Loop".

Additionally, GR was recently established to the north of the subject property by ordinance 2013-4597 and subsequent plat, which resulted with the proposed Extreme Cheer gymnastics studio. Directly to the east of the subject property and within the Crescent View Commercial subdivision by Ordinance 2013-4620, with GR which alone encompassed over 29 acres. The Crescent View Commercial subdivision is the location of the approved Walmart Supercenter, which is currently under construction.

Therefore, while the requested rezoning to GR may not be appropriate for all areas with the Suburban Commercial designation, this request is still in full compliance with the FLUP and is consistent with surrounding zoning and the anticipated type of development within the “Outer Loop” corridor.

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

Residential uses

Detached/Attached SF Homes
Duplex homes
Home for the aged
Industrialized housing

Nonresidential uses

Beer & Wine Sales only - off-site consumption
Restaurant
Car Wash
Fuel sales

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

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Existing Agriculture Uses
North	Suburban Commercial	AG / GR	Extreme Cheer Gymnastic Facility & Undeveloped
South	Suburban Commercial	AG	SF Residence on Acreage & Agricultural Uses
East	Suburban Commercial	GR	Proposed Retail & Service Uses (Walmart)
West	Suburban Commercial	AG / SF-3	Undeveloped & SF Uses (Meadows I subdivision)

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

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

Thoroughfare Plan (CP Map 5.2)

The requested property has frontage along Old Waco Road, the "Outer Loop". The "Outer Loop" has been identified as a major arterial with an anticipated 163-foot wide ROW. While the City is actively acquiring right-of-way (ROW) along this corridor to meet this requirement, the requested rezone boundary takes into account the necessary ROW. No additional ROW along this property frontage is anticipated. In addition, since the "Outer Loop" is a major arterial, sidewalk improvements are required. Sidewalks will be addressed during the platting stage of review.

Development of the "Outer-Loop" is on-going with right-of-way acquisition and expected to be accomplished in multiple phases. Phase III from its intersection with FM 2305 (W. Adams Ave) southward to Jupiter is currently underway with project bidding and final design, which is expected to be complete by January 2015. The anticipated construction period is 8 months and it is estimated that Phase III will be completed around October 2015. A detailed portion of Phase III improvements has been attached.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 10" sewer line on the east side of Old Waco Road. Water is available through an existing 4" water line on the west side of Old Waco Road and a 24" waterline on the east side of Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does identify a proposed City-Wide Spine Trail along the "Outer-Loop". The exact location and size will be determined during the plat process. It should be noted that the attached exhibit represents the proposed city-wide spine trail as going through the middle of the subject property. This representation is not exact and while the final location will be determined later in the platting process, it is anticipated that the alignment will be within the western ROW of Old Waco Road.

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

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	10' (0' when adjacent to a non-residential use or zoning district)
Maximum Height:	3 Stories

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

- * A minimum 10' rear setback is required on the western and southern property boundary (UDC Section 4.4.4.F3).

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

- * On the southern and western property boundaries, adjacent to agricultural uses, evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),
- * Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- * Outdoor storage is permitted in the GR zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one foot higher than the stored material (UDC Section 7.7.8.B1).

PUBLIC NOTICE: Eight notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Tuesday January 6, 2015 at 9:00 AM, 2 undeliverable notices and 1 notice for approval have been received.

The newspaper printed notice of the public hearing on November 21, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Surveyor's Sketch (Exhibit A)
Vicinity Map
Zoning & Location Map
Future Land Use and Character Map
Localized area of the Thoroughfare & Trails Plan (combined)
Utility Map
Outer-Loop Improvements – Phase III (Portion) Notification
Map
Returned Adjacent Property Owner Notice
Ordinance

Site & Surrounding Property Photos



Site: Existing Agricultural Uses (AG)



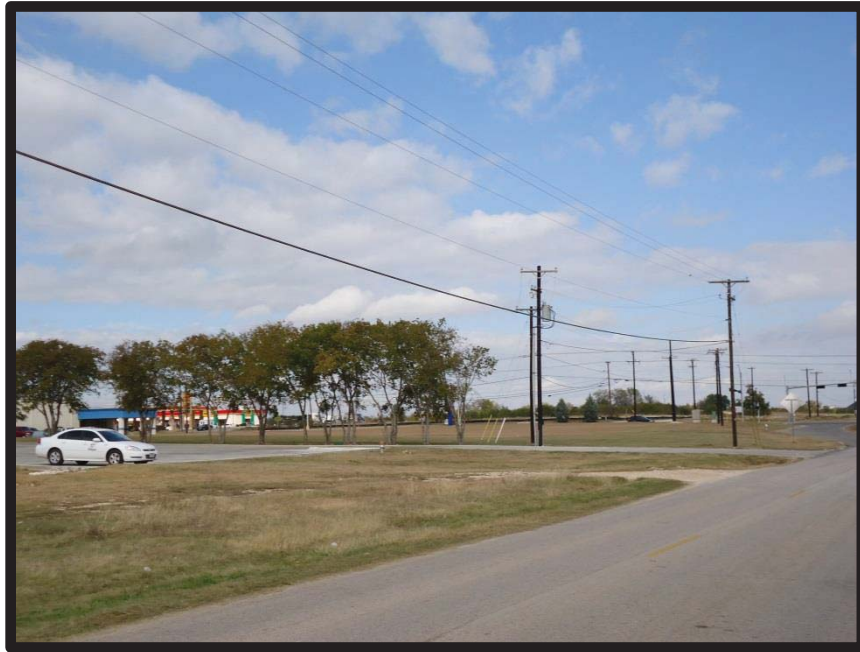
East: Retail Use & Walmart Super Center under Construction (GR)



West: Undeveloped & Agriculture Uses (AG)
Further west is Meadows I subdivision not visible in photo (SF-3)



North: Extreme Cheer Gymnastic Facility (GR)

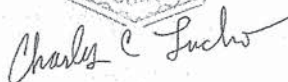
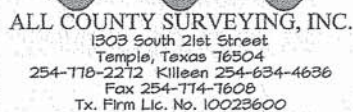
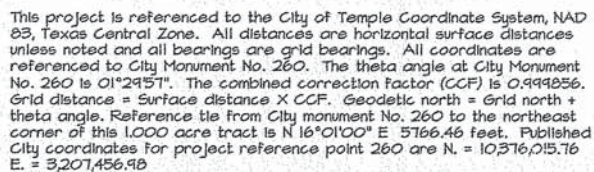


North: Extreme Cheer & Undeveloped (GR & AG)



South: SF Residence on Acreage & Agriculture Uses (AG)

This sketch to accompany a metes and bounds description of the hereon shown 1.000 Acre.



Copyright 2014 All County Surveying, Inc.

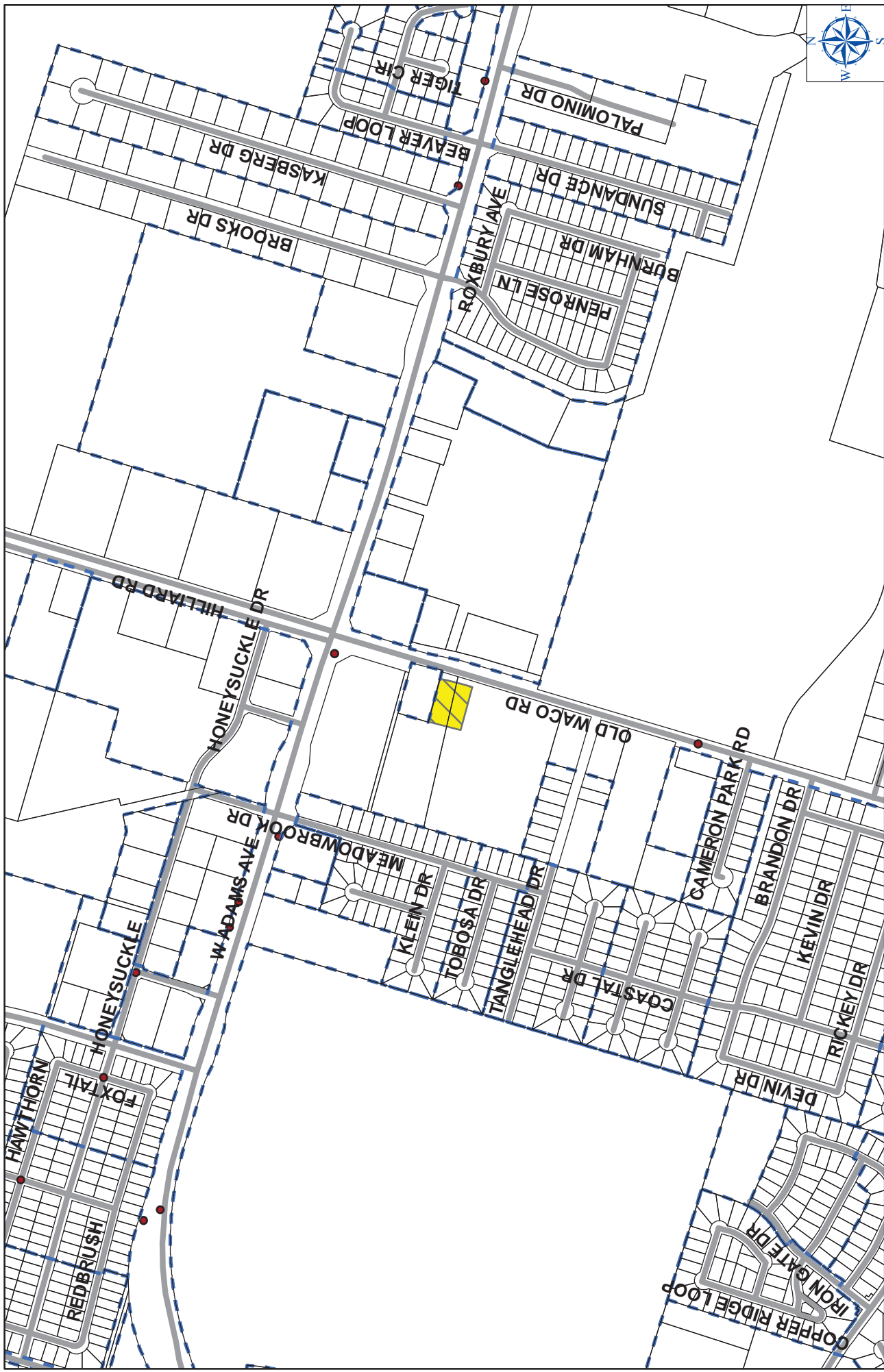
Plot Date: 10-29-2014



Z-FY-15-01

Vicinity Map
AG to GR

108 & 124 Old Waco Road



Case

Subdivision



11/13/2014
City of Temple GIS
mbaker

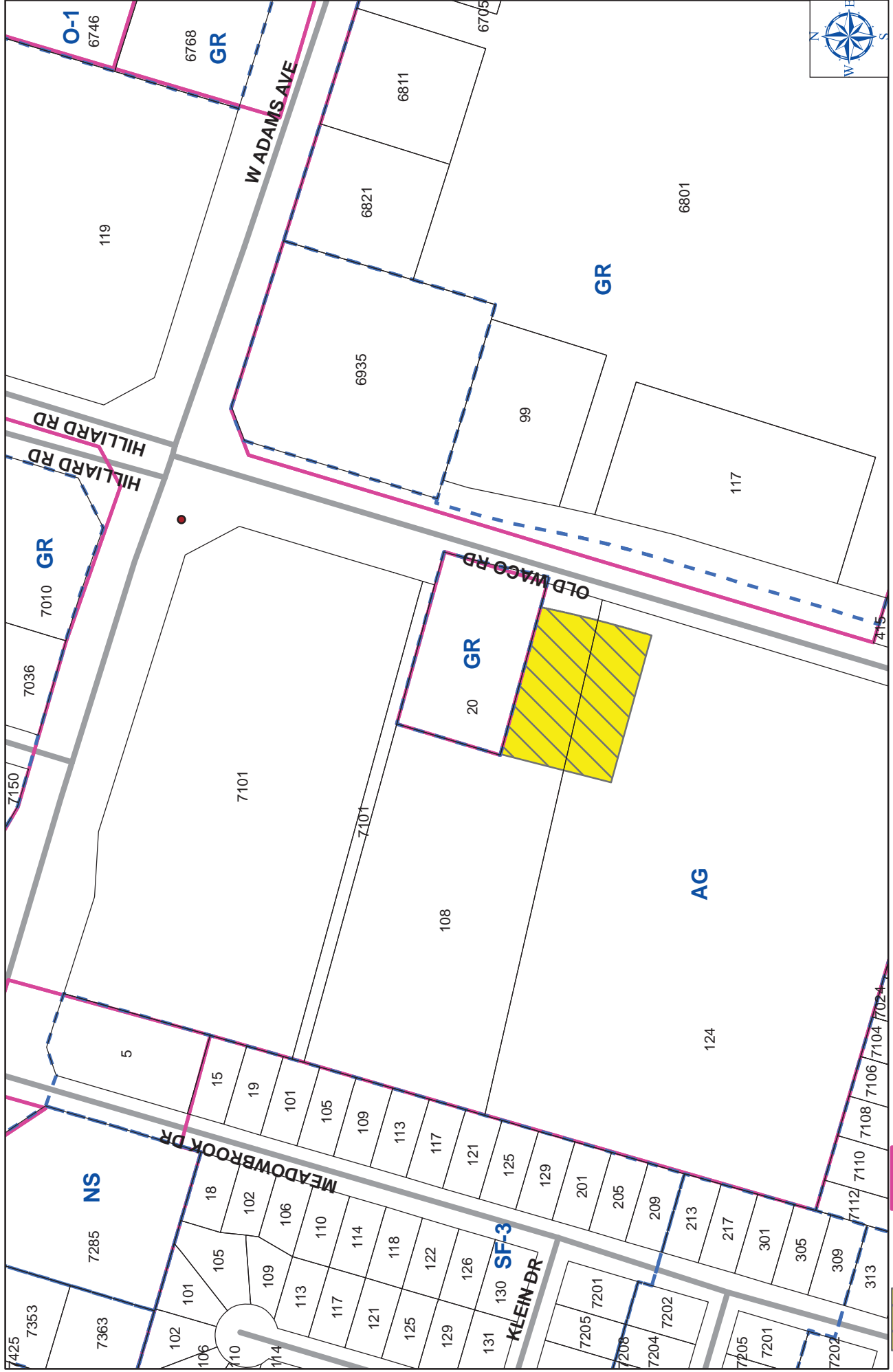
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.




Z-FY-15-01

Zoning & Location Map AG to GR


108 & 124 Old Waco Road



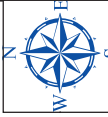
**Case**

**Zoning**

**Subdivision**



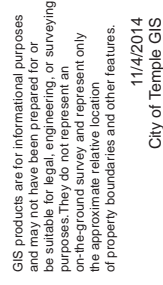
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GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property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

11/21/2014
City of Temple GIS
mbaker



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

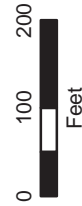


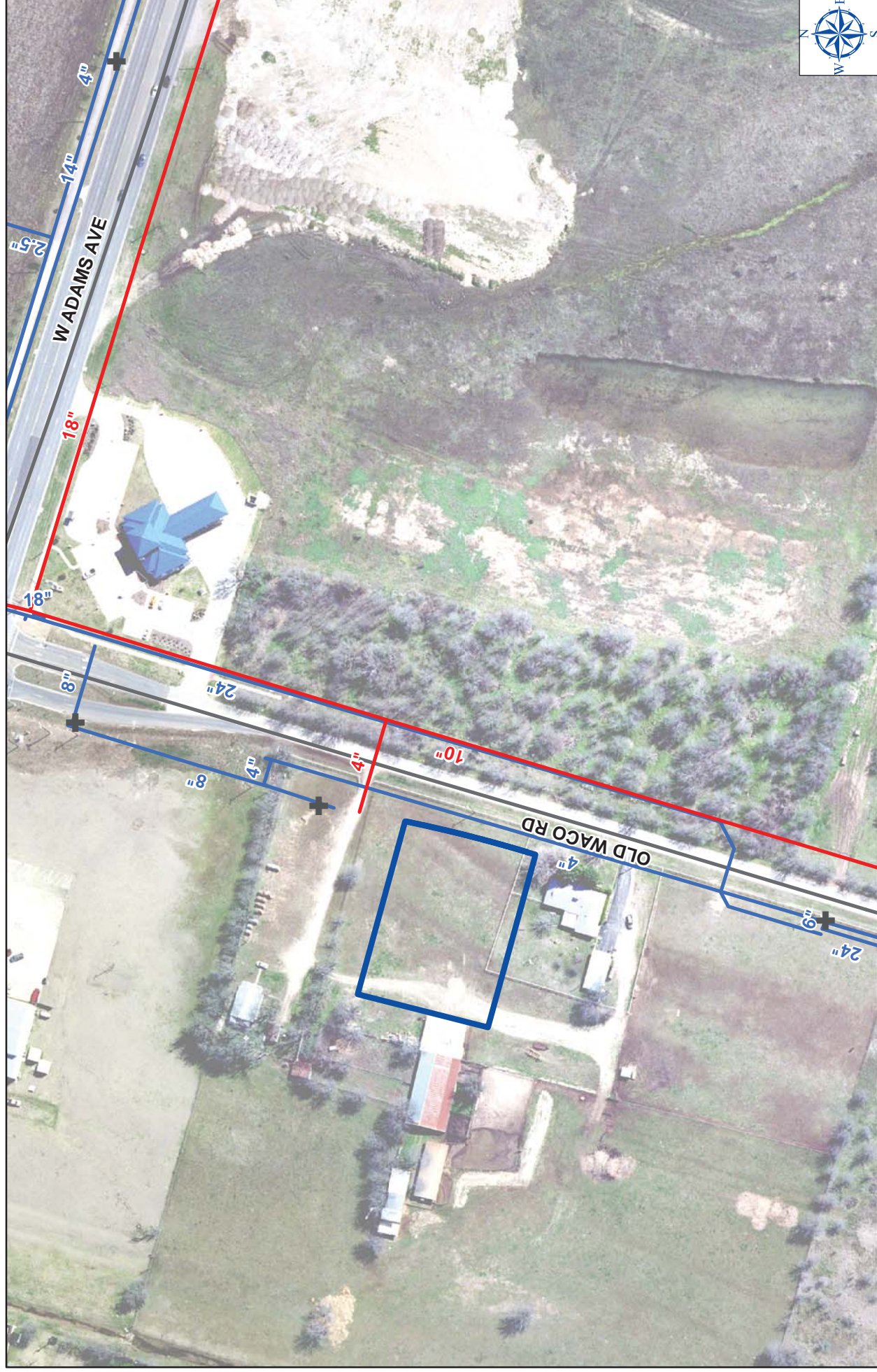
Trails

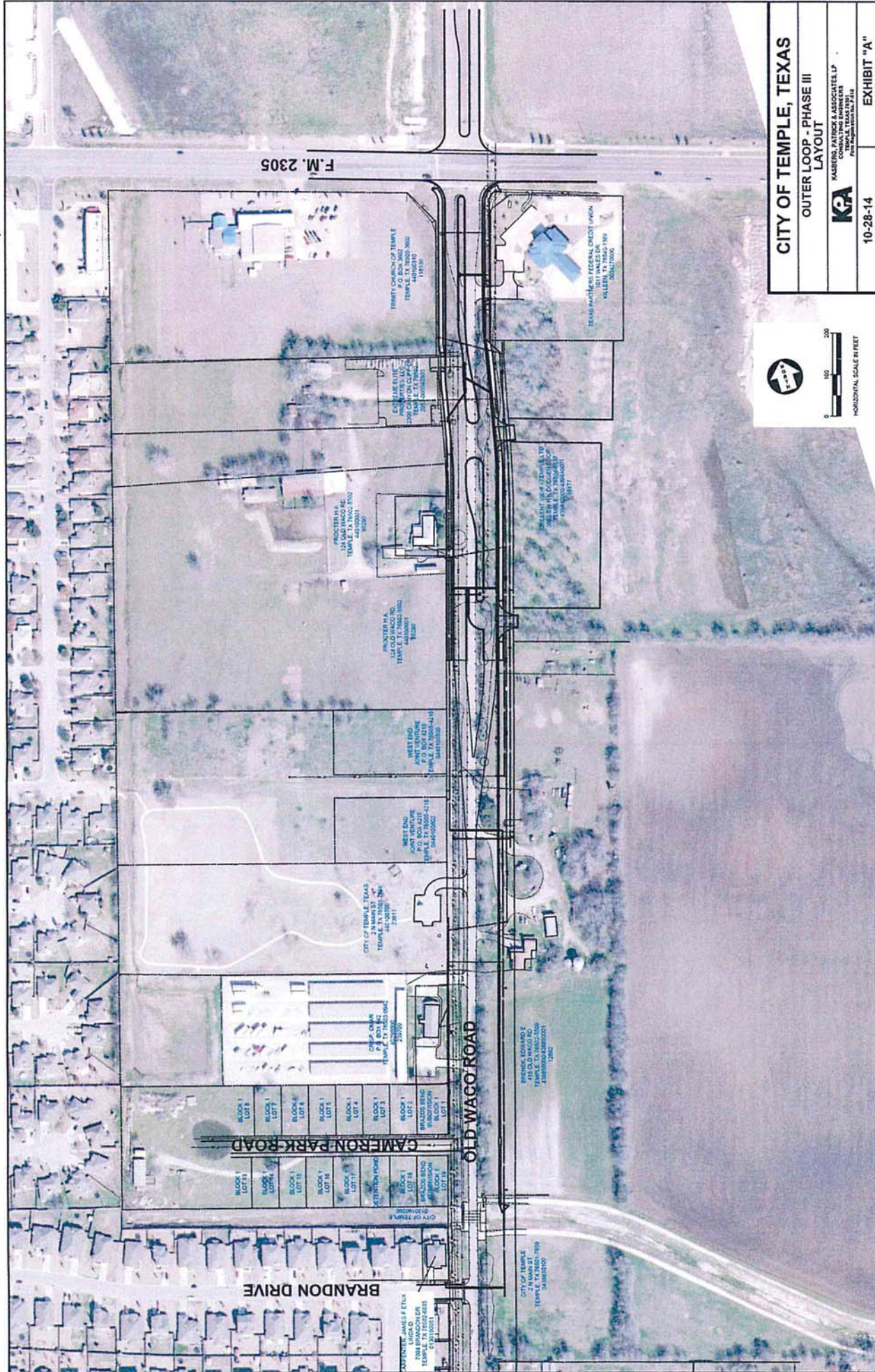
- Existing Citywide Spine Trail
- Under Design/Construction Citywide Spine Trail
- Proposed Citywide Spine Trail
- Existing Community-Wide Connector Trail

- Under Design/Construction Community-Wide Connector Trail
- Proposed Community-Wide Connector Trail
- Existing Local Connector Trail
- Proposed Local Connector Trail

- Thoroughfare
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Thoroughfare
- Expressway
- Proposed Collector







WORKING CAPITAL

CITY OF TEMPLE, TEXAS

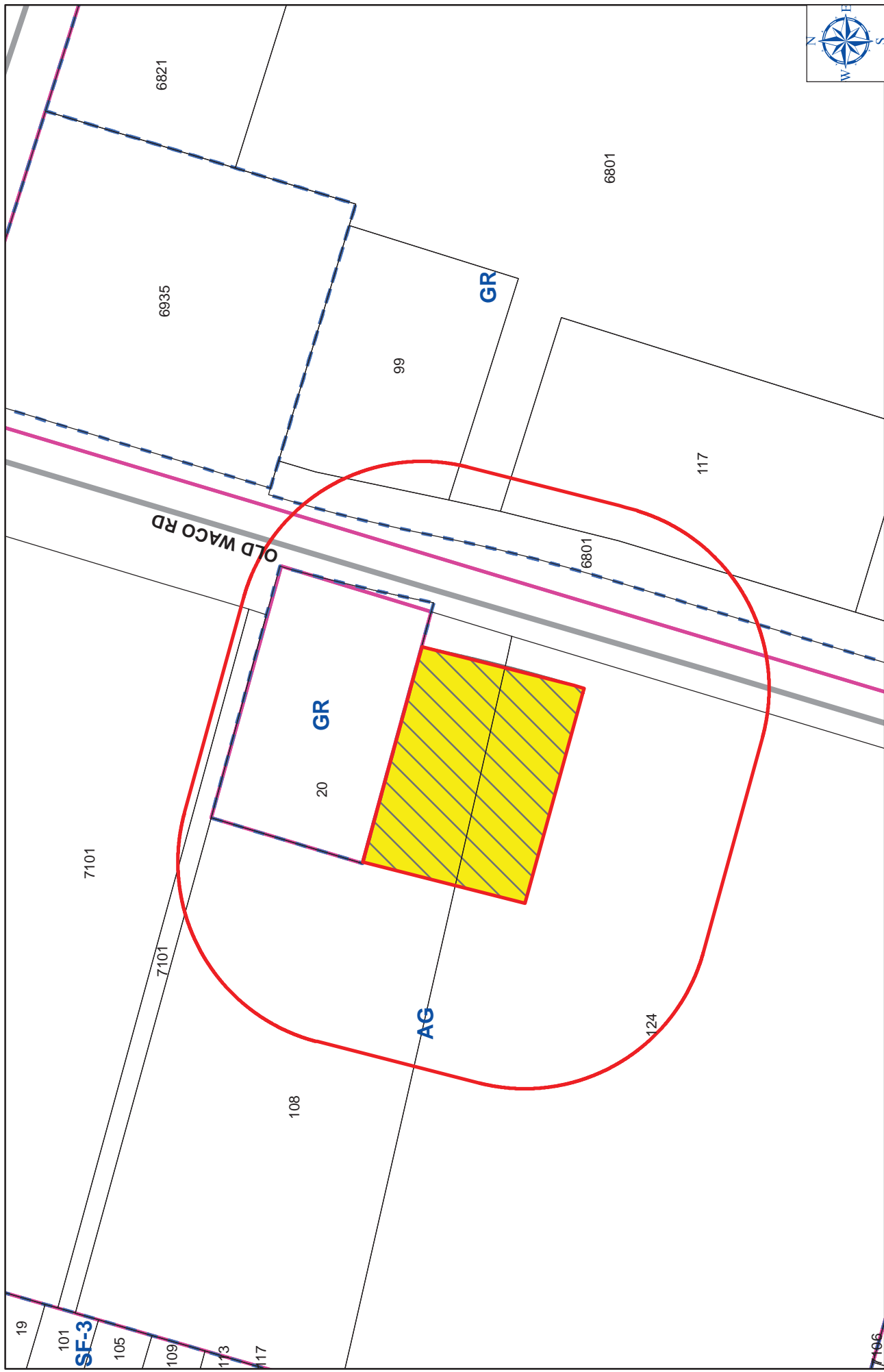
OUTER LOOP - PHASE III LAYOUT



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
TEMPLE, TEXAS 76781

10-28-14

EXHIBIT "A"



- Case
- 200' Buffer
- Zoning
- Subdivision



11/6/2014
City of Temple GIS
mbaker

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



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

Extreme Elite Properties LLC
1402 East Stan Schlueter Loop
Killeen, Texas 76542

Zoning Application Number: Z-FY-15-01

Project Manager: Mark Baker

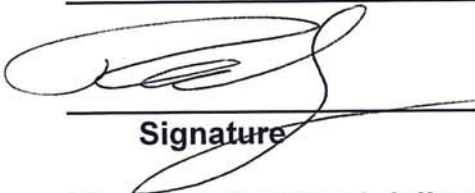
Location: 108 and 124 Old Waco Road, west side of Old Waco Road, south of West Adams Avenue, north of Tanglehead Drive

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:

IT will be a great Addition to temple.


Signature


Print Name

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

RECEIVED

DEC. 01 2014

City of Temple
Planning & Development

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

Number of Notices Mailed: 8

Date Mailed: November 20, 2014

ORDINANCE NO. 2015-4700

(PLANNING NO. Z-FY-15-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR) ON APPROXIMATELY 1.00 ACRE OUT OF THE NANCY CHANCE SURVEY, ABSTRACT NUMBER 5, BELL COUNTY, TEXAS, AND LOCATED AT 108 & 124 OLD WACO ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Agricultural District (AG) to General Retail District (GR) on approximately 1.00 acre, being a tract of land in the Nancy Chance Survey, Abstract Number 5, Bell County, Texas, and located at 108 & 124 Old Waco Road, 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.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **January**, 2015.

PASSED AND APPROVED on Second Reading on the 5th day of **February**, 2015.

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

02/05/15
Item #6(M)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to Section 3.2 of the Temple Economic Development Corporation's ("TEDC") Amended and Restated Bylaws to provide that officers of TEDC serve two year terms.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Section 3.2 of TEDC's current Amended and Restated Bylaws provides that officers of the Corporation, including with Chairman, Vice Chairman, Secretary, and Treasurer, shall be elected annually. In the interest of fostering and preserving continuity and efficiency among the Board's governance, the TEDC Board has requested that the City Council approve an amendment to Section 3.2 which would allow the Chairman, Vice Chairman, Secretary, and Treasurer to serve two year terms. The current Section 3.2 is provided below, followed by the proposed amendment:

Current Section 3.2 "Election and Term of Office": The officers of the Corporation shall be elected annually by the Board of Directors at a meeting of the Board of Directors to be held in October of each year or the meeting following appointment of new Directors, whichever is later. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his or her successor shall have been duly elected and shall have qualified.

Proposed amendment to Section 3.2 "Election and Term of Office": The officers of the Corporation shall be elected by the Board of Directors at the annual meeting of the Board of Directors held in October of each year, or the meeting following appointment of new Directors, whichever is later. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New

offices may be created and filled at any meeting of the Board of Directors. **The Chairman, Vice Chairman, Treasurer and Secretary of the Corporation shall each hold such office for a term of two (2) years, or until his or her successor shall have been duly elected and shall have qualified.** All other officers of the Corporation shall hold such office for a term of one (1) year, or until his or her successor shall have been duly elected and shall have qualified.

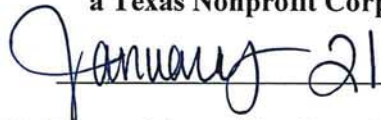
On January 21, 2015, the TEDC Board of Directors approved a resolution for submission of the proposed amendment to the City Council.

FISCAL IMPACT: NA

ATTACHMENTS:

Certificate of Resolutions of the Board of Directors of Temple Economic Development Corporation,
dated January 21, 2015
Resolution

**CERTIFICATE OF RESOLUTIONS OF THE
BOARD OF DIRECTORS
OF
TEMPLE ECONOMIC DEVELOPMENT CORPORATION,
a Texas Nonprofit Corporation**

 , 2015

Pursuant to the applicable provisions of the Texas Business Organizations Code, the Board of Directors of **TEMPLE ECONOMIC DEVELOPMENT CORPORATION**, a Texas nonprofit corporation (the "Corporation"), approved the following proposed amendment for submission to the City Council of the City of Temple, Texas, together with a request for approval:

Proposed Amendment of Bylaws, Section 3.2:

WHEREAS, Article III, Section 3.2 of the Amended and Restated Bylaws of the Corporation provide that the officers of the Corporation shall be elected annually, with said officers serving until his or her successor has been duly elected and has qualified to serve in such capacity;

WHEREAS, in the interest of fostering and preserving continuity and efficiency in the Board's governance of the Corporation, the Board deems it appropriate to extend the terms of the Chairman, the Vice Chairman, the Secretary and the Treasurer to two (years); and

WHEREAS, the Corporation desires to amend its bylaws to provide for the extension of the terms of the above-referenced officers as described;

NOW, THEREFORE, BE IT RESOLVED, that the following proposed amendment to Article III, Section 3.2, of the Amended and Restated Bylaws of the Corporation be presented to the City Council of the City of Temple for approval, said amendment resulting in the deletion of the said Article III, Section 3.2, in its entirety, and its replacement with the following:

Election and Term of Office. The officers of the Corporation shall be elected by the Board of Directors at the annual meeting of the Board of Directors held in October of each year, or the meeting following appointment of new Directors, whichever is later. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board of Directors. The Chairman, Vice Chairman, Treasurer and Secretary of the Corporation shall each hold such office for a term of two (2) years, or until his or her successor shall have been duly elected and shall have qualified. All other officers of the Corporation shall hold such office for a term of one (1) year, or until his or her successor shall have been duly elected and shall have qualified.

STATE OF TEXAS

§
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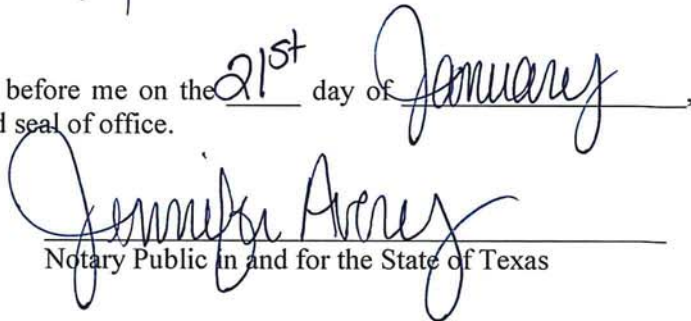
COUNTY OF BELL

I, **KENNY MCCARTY**, do hereby certify that I am the duly qualified and acting Secretary/Treasurer of **TEMPLE ECONOMIC DEVELOPMENT CORPORATION**, a Texas Non-Profit Corporation, that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Directors of said Corporation in accordance with law and the governing documents of the Corporation, which resolution remains in full force and effect.



KENNY MCCARTY, Secretary/Treasurer

SUBSCRIBED AND SWORN to before me on the 21st day of January, 2015, to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas

RESOLUTION NO. 2015-7615-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO SECTION 3.2 OF THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION'S AMENDED AND RESTATED BYLAWS TO PROVIDE THAT OFFICERS SERVE TWO YEAR TERMS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Section 3.2 of the Temple Economic Development Corporation's ("TEDC") current Amended and Restated Bylaws provides that officers of the Corporation, including the Chairman, Vice Chairman, Secretary, and Treasurer, shall be elected annually;

Whereas, in the interest of fostering and preserving continuity and efficiency among the Board's governance, the TEDC Board has requested that the City Council approve an amendment to Section 3.2 which would allow the Chairman, Vice Chairman, Secretary, and Treasurer to each serve two year terms;

Whereas, the current Section 3.2 "Election and Term of Office" allows that the officers of the Corporation be elected annually by the Board of Directors and that each officer shall hold their office until his or her successor has been duly elected and has qualified;

Whereas, the proposed amendment to Section 3.2 "Election and Term of Office" allows that the officers of the Corporation be elected by the Board of Directors at the annual meeting of the Board of Directors held in October of each year, or the meeting following appointment of new Directors, whichever is later, and that the Chairman, Vice Chairman, Treasurer and Secretary of the Corporation shall each hold such office for a term of two (2) years, or until his or her successor has been duly elected and has qualified - all other officers of the Corporation shall hold such office for a term of one (1) year, or until his or her successor has been duly elected and has qualified;

Whereas, on January 21, 2015, the TEDC Board of Directors approved a resolution for submission of the proposed amendment to the City Council; and

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

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

Part 1: The City Council approves an amendment to Section 3.2 of the Temple Economic Development Corporation's Amended and Restated Bylaws to provide that officers of TEDC serve two year terms.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 **5th** day of **February**, 2015.

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

02/05/15
Item #6(N)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Trudi Dill, Deputy City Attorney
Jonathan Graham, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: HEB Grocery Company, LP ("HEB") desires to expand its existing distribution facility within the city limits of Temple. HEB anticipates making at least a \$6,000,000 investment in the expansion and creating 100 new jobs. HEB's expansion will benefit Temple's economy by creating new jobs and increasing tax revenue for the City. In order to induce HEB to make the improvements, TEDC and the City have offered certain economic incentives that are discussed below.

Staff seeks approval of a Chapter 380 Economic Development Agreement between the City, TEDC, and HEB which includes the following material terms:

- **HEB's Obligations:**
 - HEB agrees to make a capital investment of at least \$6,000,000 within six years of the execution of the Economic Development Agreement;
 - HEB agrees to create at least 100 new jobs;
 - HEB agrees to tender to the City 19.2% of the cost of constructing the regional detention pond discussed below (approximately \$199,703); and
 - HEB agrees to convey to the City, at no cost, a 1.071 acre tract of land to be used in the construction of a new public road near HEB's facility.

- **City's Obligations:**

- City agrees to construct a regional detention pond with an estimated cost of \$1,040,120.00; and
- City agrees to construct water and wastewater lines to serve HEB's expanded facility and the surrounding area.

- **TEDC's Obligations:**

- TEDC agrees to convey to HEB an 8.14 acre tract of land.

FISCAL IMPACT: Funding for the regional detention pond has been included in the Reinvestment Zone No. 1 Financing Plan. The Zone will fund \$900,817 of the construction costs of the regional detention pond and will recognize revenue to be from HEB in the amount of \$199,703 as outlined in the agreement.

Funding for the construction of the water lines is included in the Reinvestment Zone No. 1 Financing Plan as part of the McLane Parkway/Research Parkway Connector project. The portion of the project related to the water lines is approximately \$650,000. Funding for the construction of wastewater lines is included in the Water and Sewer FY 2015 CIP in the amount of \$800,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7616-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TEMPLE, TEMPLE ECONOMIC DEVELOPMENT CORPORATION AND HEB GROCERY COMPANY, LP; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, HEB Grocery Company, LP (“HEB”) desires to expand its existing distribution facility within the city limits of Temple - HEB anticipates making at least a \$6,000,000 investment in the expansion and creating approximately 100 new jobs;

Whereas, HEB’s expansion will benefit Temple’s economy by creating new jobs and increasing tax revenue for the City - in order to entice HEB to make the improvements, TEDC and the City have offered certain economic incentives which includes the construction of a regional detention pond and utilities that will serve HEB’s property;

Whereas, staff recommends approval of a Chapter 380 Development Agreement between the City, TEDC and HEB;

Whereas, funding for the regional detention pond has been included in the Reinvestment Zone No. 1 Financing Plan, funding for the construction of the water lines is included in the Reinvestment Zone No. 1 Financing Plan as part of the McLane Parkway/Research Parkway Connector project and the portion of the project related to the wastewater lines is included in the Water and Sewer fiscal year 2015 CIP; 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 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP which includes the following economic incentives:

- **HEB’s Obligations:**

- HEB shall make a capital investment of at least \$6,000,000 within six years of the execution of the Economic Development Agreement;
- HEB shall create at least 100 new jobs;
- HEB shall tender to the City 19.2% of the cost of constructing the regional detention pond discussed below (approximately \$199,703); and
- HEB shall convey to the City, at no cost, a 1.071 acre tract of land to be used in the construction of a new public road near HEB’s facility.

- **City's Obligations:**

- City shall construct a regional detention pond with an estimated cost of \$1,040,120.00; and
- City shall construct water and wastewater lines to serve HEB's expanded facility and the surrounding area.

- **TEDC's Obligations:**

- TEDC shall convey to HEB an 8.14 acre tract of land.

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 5th day of **February**, 2015.

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

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DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a five year marketing agreement with the Temple Economic Development Corporation (TEDC) to market the Tax Increment Financing Reinvestment Zone Number One (Zone) in the amount of \$200,000 per year.

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

ITEM SUMMARY: This item is to consider adopting a resolution authorizing a five year marketing agreement with TEDC. Pursuant to the agreement, TEDC will use its best efforts to promote economic development within the Zone. The Zone Board and staff recommend authorization of this agreement.

The term of the agreement will be five years and TEDC will be paid \$200,000 annually.

FISCAL IMPACT: Funding for the agreement in the amount of \$200,000 per year is included in the Zone's Financing Plan for FY 2015 through FY 2019.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-7617-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIVE-YEAR MARKETING AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION TO MARKET THE TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, IN THE AMOUNT OF \$200,000 PER YEAR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, staff recommends Council authorize a five-year marketing agreement with the Temple Economic Development Corporation (“TEDC”);

Whereas, pursuant to the agreement, TEDC will use its best efforts to promote economic development within the Tax Increment Financing Reinvestment Zone Number One (“Zone”) - the Zone Board also recommends authorization of this agreement;

Whereas, funding is included in the Zone’s Financing Plan for fiscal year 2015 through fiscal year 2019; 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 five-year marketing agreement with the Temple Economic Development Corporation, after approval as to form by the City Attorney, to market the Tax Increment Financing Reinvestment Zone Number One, in the amount of \$200,000 per year.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to add the authority for Rhonda Scally, Senior Accountant, to conduct financial transactions for the City. This item also designates certain City employees as authorized signatories and certain City employees as Investment Officers.

A new resolution is required any time a change occurs in any of the positions authorized to conduct financial transactions. Approval of this item will add authorization for Rhonda Scally, Senior Accountant.

The following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Jonathan Graham – City Manager
Lacy Borgeson – City Secretary

The following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City

Traci L. Barnard – Director of Finance
Melissa Przybylski – Assistant Director of Finance
Stacey Reisner – Treasury/Grants Manager
Stacey Hawkins – Senior Accountant
Rhonda Scally – Senior Accountant

This added authorization will allow additional cross training within the Finance Department as we prepare for software updates and a review of depository contract services.

FISCAL IMPACT: No fiscal impact.

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2015-7618-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CERTAIN CITY EMPLOYEES THE AUTHORITY TO CONDUCT INVESTMENT TRANSACTIONS, TRANSFER FUNDS, AND REPRESENT THE CITY IN OTHER FINANCIAL TRANSACTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City Council desires to authorize certain employees to have authority to conduct investment transactions, transfer funds and represent the City in other financial transactions, as outlined below;

Whereas, the following employees will have authorization to conduct cash management functions and be designated as authorized signatories for the City:

Jonathan Graham – City Manager
Lacy Borgeson – City Secretary

Whereas, the following employees will have authorization to conduct cash management and investment functions, and be designated as authorized signatories and Investment Officers for the City:

Traci L. Barnard – Director of Finance
Melissa Przybylski – Assistant Director of Finance
Stacey Reisner – Treasury/Grants Manager
Stacey Hawkins – Senior Accountant
Rhonda Scally – Senior Accountant

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 Traci L. Barnard, Director of Finance, Melissa Przybylski, Assistant Director of Finance, Stacey Reisner, Treasury/Grants Manager, Stacey Hawkins, Senior Accountant, and Rhonda Scally, Senior Accountant full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations and designates them as Investment Officers for the City of Temple.

Part 2: The City Council authorizes the named individuals in Part 1, Jonathan Graham, City Manager, and Lacy Borgeson, City Secretary, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money; to endorse any checks, notes, bills, or other instruments

owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawal, orders for payment or transfer of funds whether oral, by telephone or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the Charter and ordinances of the City of Temple. Their true signatures appear below:

Traci L. Barnard
Director of Finance

Jonathan Graham
City Manager

Melissa Przybylski
Assistant Director of Finance

Stacey Reisner
Treasury/Grants Manager

Stacey Hawkins
Senior Accountant

Rhonda Scally
Senior Accountant

Lacy Borgeson
City Secretary

Part 3: Controls will remain in place to assure compliance with the City of Temple Fiscal and Budgetary Policies and Investment Policies to assure that assets are safeguarded against loss from unauthorized use or disposition; and that transactions are executed in accordance with management authorization and recorded properly to permit the preparation of general purpose financial statements in accordance with generally accepted accounting principles.

Part 4: This authority shall remain in full force and effect until written notice revoking or modifying same has been given by the City Council and received by all other parties to this transaction

Part 5: The authorized individuals shall have an official bond in the sum adequate to protect the City, but of not less than Five Hundred Thousand (\$500,000) Dollars, each which fully meets the bonding requirements of Article 4, Section 4.25 of the City Charter.

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

Part 7: It is hereby officially found and determined that the meeting at which this Resolution was 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 **5th** day of **January**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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 \$350,754.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
February 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
363-2200-522-6851	101212	Props for Drill Tower	\$ 64,283	
363-0000-358-1110		Undesignated Fund Balance		\$ 64,283
To appropriate funding for change order # 1 with Fireblast 451, Inc. in the amount of \$64,282.12. Change order was approved by Council on 12/04/14 but a budget adjustment was not presented to appropriate funding to the specific project.				
260-3600-560-2616		Airport Master Plan	\$ 200,000	
260-0000-490-2588		Transfer In - Airport Grant Match		\$ 20,000
260-0000-431-0261		State Grants		\$ 180,000
110-9100-591-8160		Transfer Out - Grant Fund	\$ 20,000	
110-0000-352-1345		Designated Cap Project - Airport Runway Rehab		\$ 20,000
To appropriate grant funds and the City's 10% match for the Airport Master Plan Grant through TxDOT Aviation Division. Council approved the acceptance of grant fund on 06/05/2014.				
110-2011-521-2516		Other Service / Judgment & Damages	\$ 5,387	
110-0000-461-0554		Insurance Claims		\$ 5,387
To appropriate insurance check received from TML for officer's accident.				
110-2830-532-2334		Repair & Maintenance / Traffic Signal/Sign	\$ 5,500	
110-0000-461-0554		Insurance Claims		\$ 5,500
To appropriate insurance proceeds received from State Farm for the damaged flashing beacon sign that occurred on 11/18/14.				
365-3400-531-6859	100970	Capital - Bonds / Westfield Blvd Improvements	\$ 21,711	
365-3400-531-6532		Capital - Bonds / Special Projects/Contingency		\$ 21,711
To reallocate funds from contingency to fund change order # 4 with R.T. Schneider Construction Company in the amount of \$21,711.				
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 1,500	
110-0000-314-1917		Reserve for MacGregor Trust Funds		\$ 1,500
To appropriate funding from the MacGregor Trust Funds to purchase history books.				
110-2033-521-2120		Supplies / Education/Recreation	\$ 100	
110-0000-442-0720		Police Revenue		\$ 100
To appropriate a donation received from Edward Jones for community project thru POPS Unit.				
110-2020-521-2533		Other Services / DARE CJD Expense	\$ 1,000	
110-0000-442-0723		Police Revenue / DARE Donations - Unrestricted		\$ 1,000
Revenue received from Boosters Calendar Company for 2015 Posters.				
110-1800-525-2221		Capital < \$5,000 / Computer Equipment	\$ 10,000	
110-0000-317-0000		Fund Balance Reserved / Municipal Court Restricted Fees - Technology Funds		\$ 10,000
To appropriate funding for the purchase of PC replacements at Municipal Court				
110-2057-521-2313		Repair & Maintenance / General Maint/Repair	\$ 1,298	
110-0000-442-0720		Police Revenue		\$ 1,298
Revenue received from Temple Iron and Metal for sale of brass and steel from the firing range.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
February 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
240-7000-551-2616	100915	Depot Repairs	\$ 19,975	
240-4400-551-6532		Capital - Special Projects / Contingency/Fund Balance		\$ 19,975
To appropriate funding for services related to monthly monitoring of movement (cracks) at the Depot. Services will be performed by Hayward Baker.				
TOTAL AMENDMENTS			\$ 350,754	\$ 350,754
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			(516,339)	
Net Balance of Compensation Contingency Account			\$ 471,661	
Net Balance Council Contingency			\$ 511,731	
Beginning Balance Budget Sweep Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	
WATER & SEWER FUND				
Beginning Contingency Balance			\$ 50,000	
Added to Contingency Sweep Account			-	
Taken From Contingency			(21,098)	
Net Balance of Contingency Account			\$ 28,902	
Beginning Compensation Contingency			\$ 168,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(73,119)	
Net Balance of Compensation Contingency Account			\$ 94,881	
Net Balance Water & Sewer Fund Contingency			\$ 123,783	
HOTEL/MOTEL TAX FUND				
Beginning Contingency Balance			\$ 27,903	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			(21,158)	
Net Balance of Contingency Account			\$ 6,745	
Beginning Compensation Contingency			\$ 36,000	
Added to Compensation Contingency			-	
Taken From Compensation Contingency			(9,550)	
Net Balance of Compensation Contingency Account			\$ 26,450	
Net Balance Hotel/Motel Tax Fund Contingency			\$ 33,195	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
February 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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		(11,266)
		Net Balance of Compensation Contingency Account	\$	14,734
		Net Balance Drainage Fund Contingency	\$	14,734
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(74,763)
		Net Balance of Contingency Account	\$	14,277

RESOLUTION NO. 2015-7619-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 was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Planner

ITEM DESCRIPTION: SECOND READING – PUBLIC HEARING - Z-FY-15-04: Consider adopting an ordinance authorizing a zoning change from Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) on 3.519 +/- acres known as Waterford Professional Park, located on the north side of South 31st Street, east of Warwick Drive.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its January 5, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested rezone from PD-O-1 to O-2 for Lots “A” through “H” with the stipulation that the applicant can provide rezone authorization from the owners of Lots “D” & “F”.

Planning and Zoning Commission discussion included clarification that some of the allowed uses in the Office 2 (O-2) district included restaurants with and without drive-thru facilities.

Additionally, staff clarified that while the applicant, John Kiella, is requesting all eight lots to be rezoned to O-2, the two developed lots (Lots “D” & “F”) are no longer owned by the applicant. The applicant has been working with the other lot owners within the Waterford Professional Park but as of the Planning & Zoning Commission meeting had not secured authorization. Discussion and the motion for recommendation directed the applicant to provide the remaining authorizations in a timely manner for City Council consideration. The applicant is in agreement with the recommendation. If the applicant is unable to obtain authorized signatures from the other two property owners by City Council, he has indicated that he may want to request scaling back his rezoning request to include fewer lots.

To date, the applicant has decided to scale-back the request from Lots “A” through “H” to just include the four fronting lots of “A”, “B”, “C” and “D”. Lot “D” is no longer owned by the applicant and a separate authorization from the owner of Lot “D” has been received by staff as well as a written request from the applicant modifying the original application. Staff concurs and recommends approval of the modification of the request for Lots “A”, “B”, “C” and “D” to be rezoned based on the following staff recommendation.

STAFF RECOMMENDATION: Based on the following, staff recommends approval of second and final reading for a zoning change from Planned Development Office1 (PD-O-1) to Office 2 (O-2) for the following reasons:

1. Although the proposed rezone is in partial compliance with the Future Land Use Plan (FLUP), it meets the intent of the FLUP's Suburban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: In 2004, the property, see Exhibit A, was platted as the Waterford Professional Park consisting of 8-lots and identified as Lots "A"-"H". The property has been developing ever since however, there is a current Construction Plan permit for a finish-out being reviewed for a Barber Shop/Beauty Salon. This proposed use is prohibited in the underlying O-1 base-zoning district of the Planned Development. As a result, the rezone is being triggered by the proposed use as well as the applicant's overall desire for additional land-use flexibility for the entire Waterford Professional Park.

The subject property is located within both the Suburban Commercial and the Neighborhood Conservation Districts according to the Future Land Use Plan (FLUP).

The Suburban-Commercial district is appropriate for office, retail and services uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as at "gateways" and high-profile corridor locations. The Suburban Commercial district typically supports the Office 1 & Office 2 (O-1 & O-2) and Neighborhood Service (NS) zoning districts. Lots "B" through "H" of the platted Waterford Professional Park are within the Suburban Commercial District and are consistent with the FLUP.

In contrast, Lot "A" of the platted Waterford Professional Park is within the Neighborhood Conservation District. The Neighborhood Conservation District is related to existing residential neighborhoods with a corresponding description as to the prevailing lot size or mixture of uses in each case. The purpose of this district is to establish consistent standards (such as lot size and setbacks) with those established at the time of development. The Neighborhood Conservation District may include non-residential properties and may include delineation as to whether such uses contribute to the local character and should be maintained (and possibly allowed to occur on other vacant or redeveloping properties) or whether such uses should be curtailed in the area overtime. Lot "A" is the only portion of the subject property that is not consistent with the requested rezone. The inconsistency may have inadvertently occurred at the time the Neighborhood Conservation FLUP District boundary was created in 2008. The scale and design of the existing buildings within the development are compatible with single-family uses.

The current Planned Development Office-1 (PD-O-1) zoning was approved by City Council in 2003 (Ord. 2003-3929). As a Planned Development an exception to the buffering and screening standards was approved specifically for the northern boundary. Under the O-2 zoning, the western property boundary adjacent to the Waterford Village I subdivision, zoned Single Family 2 (SF-2), would also be subject to the buffer and screening standards. The exception did not include the western boundary. Compliance to those standards, discussed later in this report, would be confirmed during Construction Plan review. However, it appears that the buffer and screening requirements have already been met.

In addition, although not developed, the more intensive General Retail (GR) has been established immediately to the east of the subject property as well as to the south east of the property. Further east and northeast along South 31st, GR is been established and developed entirely along the eastern side of the roadway.

Therefore, while the requested rezoning to O-2 is only partially consistent with the FLUP, staff supports the requested rezone to O-2, since the request is consistent with surrounding zoning and uses, and the intent of the Commercial Suburban District. The Neighborhood Conservation portion of this request however, will need to be updated to Suburban Commercial, if City Council approves the requested rezone.

While it is anticipated the property will be developed with retail & service uses, which include the beauty salon, there are a number of residential and non-residential uses that are permitted by right in the O-2 zoning district. The chief difference between the O-1 and O-2 are between the non-residential uses. Overall, the uses allowed in the O-2, include but are not limited to:

Residential uses

Detached/Attached SF Homes
Duplex homes
Home for the aged
Industrialized housing

Nonresidential uses

Hotel / Motel
Barber / Beauty Shop
Drug Store
Gift or Apparel Shop (Retail)
Office Supply Store
Laundry or Cleaning (Self Service)
Bakery or Confectionary
Restaurant (with & without drive-thru)

Prohibited uses include HUD-Code manufactured homes and land lease communities, apartments, commercial and industrial uses. A number of uses are allowed by an approved conditional use permit. The conditional uses include but are not limited to: temporary asphalt concrete batching plants, sewage treatment plant or wrecking or salvage yard. Additionally, the sale of all alcoholic beverages with on-site consumption, where revenue from the sale of such beverages ranges from 100% or less, requires a conditional use permit.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial & Neighborhood Conservation	PD-O-1	Dental Office & Undeveloped Platted Lots
North	Suburban Commercial & Park / Open Space	SFA-2	Undeveloped Parkland (Waterford Park)
South	Suburban Commercial	AG	SF Residence on Acreage & Agricultural Uses

East	Suburban Commercial	GR	Undeveloped & Scattered Service Uses
West	Neighborhood Conservation	SF-2	SF Residential Uses (Waterford Village I)

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Suburban Commercial and the Neighborhood Conservation land use district. While the requested Office-2 (O-2) zoning district is in full compliance, Lot "A" is within with the Neighborhood Conservation District and is not in compliance with the FLUP district of Suburban Commercial. The FLUP will need to be updated for Lot "A", if the O-2 district is approved by City Council.

Thoroughfare Plan (CP Map 5.2)

The requested property has frontage along South 31st Street, which has been identified as a major arterial. As a major arterial, a 6-foot minimum sidewalk is required and would normally be addressed through the platting process. This request however, does not have a subsequent plat anticipated since platting was accomplished in 2004 per case file Number P-2004-08. As a result, building permits are still being requested under the 2004 plat configuration. A concrete sidewalk is currently in-place and any additional sidewalk improvements will be addressed at the review of Construction Documents of the applicable lot(s).

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 6" sewer line in South 31st Street. Water is available through an existing 12" water line in South 31st Street.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed local connector trail running north to south through the property. In addition, to the east of the property, the Master Trails Map identifies, a proposed Community-Wide Connector Trail. The proposed Community-Wide Connector Trail however, is not

within the project's boundary and would not be impacted by development of the Waterford Professional Park. Similar to sidewalk improvements, for this project, applicable trail improvements for the local connector trail would be addressed during the Construction Plan review.

DEVELOPMENT REGULATIONS: Standard non-residential setbacks for buildings under forty feet in height in the O-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	25'
Side	5' (Additional setbacks apply if building is higher than forty feet.)
Side (corner)	10' (Additional setbacks apply if adjacent to a residential district)
Rear	0' (10' adjacent to or abutting residential use or zoning district)
Max Height	Any legal height not prohibited by other laws.

Since the proposed O-2 zoning is adjacent to a residential use, additional Development Regulations include but not limited to:

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

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

- * Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4),
- * Refuse containers are to be located in the side or rear of the property and screened from view per UDC Section 7.7.6, and
- * Outdoor storage is permitted in the O-2 zoning district, where the storage area is situated behind the principal building in the rear half of the property and where a solid wood or masonry fence screens the outdoor storage from public view. Such wood or masonry fence must be at least one-foot higher than the stored material (UDC Section 7.7.8.B1).

It should be noted that compliance to additional setbacks are being addressed with the review of the current as well as any subsequent Construction Permits.

PUBLIC NOTICE: Twenty-three notices, representing eighteen property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. While staff has received a couple of phone calls about O-2 uses and the impact to assessed property

value and taxes. As of Thursday January 8, 2015 at 9:00 AM, ten notices for approval and one notice for denial have been received. A twelfth notice from the property owner of Lot F of the Waterford Professional Park, provides a response indicating that he believes that rezoning the entire eight lots would have a negative impact on his future property value.

The newspaper printed notice of the public hearing on December 25, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Recorded Final Plat for Waterford Professional Park (Exhibit A)
Vicinity Map
Zoning & Location Map
Future Land Use and Character Map
Thoroughfare Plan
Trails Master Plan
Utility Map
Notification Map
Returned Property Notices
Ordinance

Site & Surrounding Property Photos



Site: Dental Office & Undeveloped Platted Lots (PD-O-1)



Site: View of Front Entry (PD-O-1)



Site: Existing Fencing along Western Boundary (Buffer & Screening)(PD-O-1)



East: Undeveloped & Scattered Service Uses (GR)



East: Undeveloped (GR)



West: SF Residential Uses (Waterford Village 1 Subdivision (SF-2))



North: Undeveloped Parkland – Waterford Park (SFA-2)



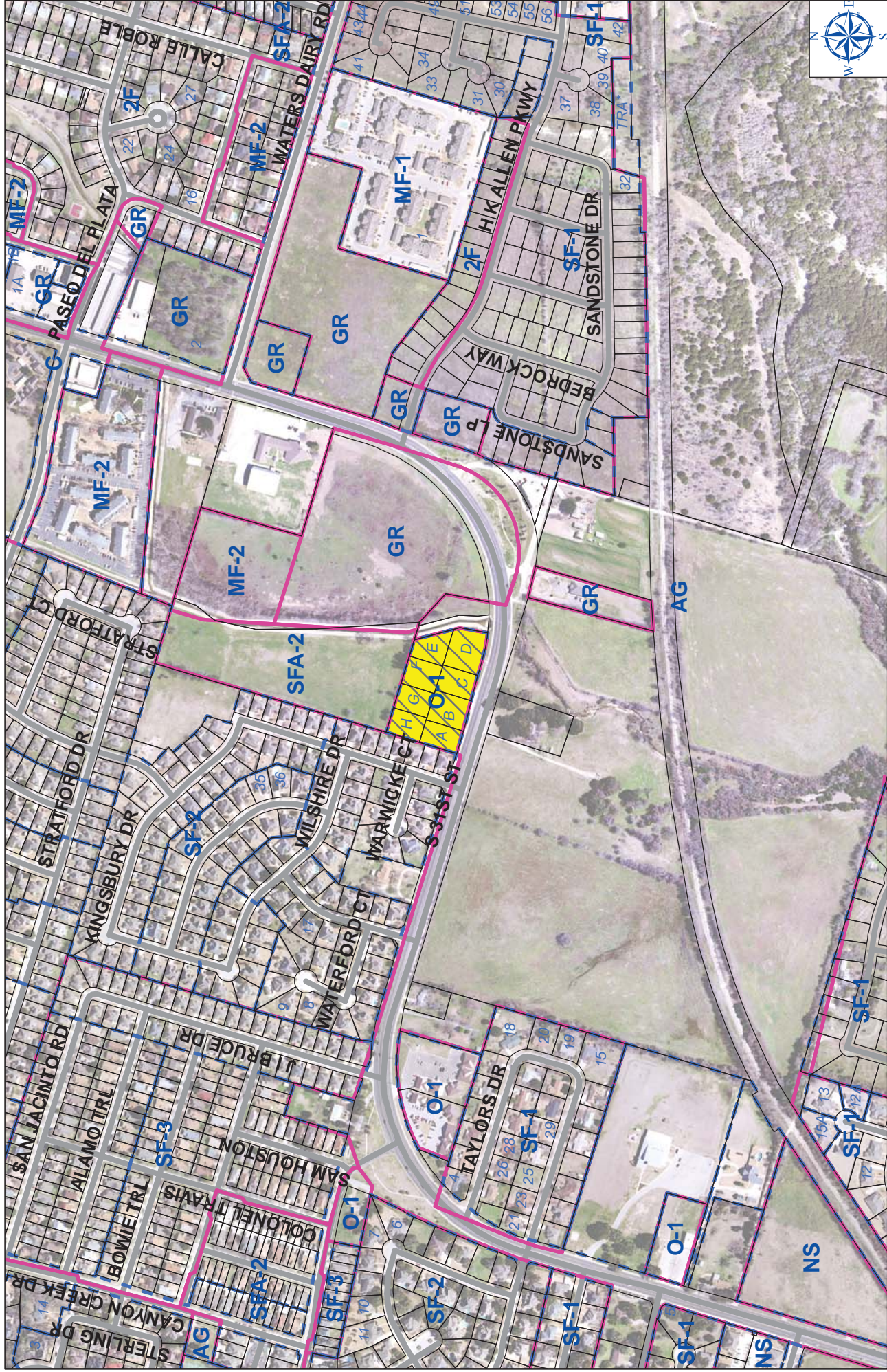
South: SF Residential on Acreage & Agricultural Uses (AG)



Z-FY-15-04

Waterford Professional Park Lots A-H

Vicinity Map



Case



Zoning



Subdivision

Lot Number



12/5/2014
City of Temple GIS
mbaker

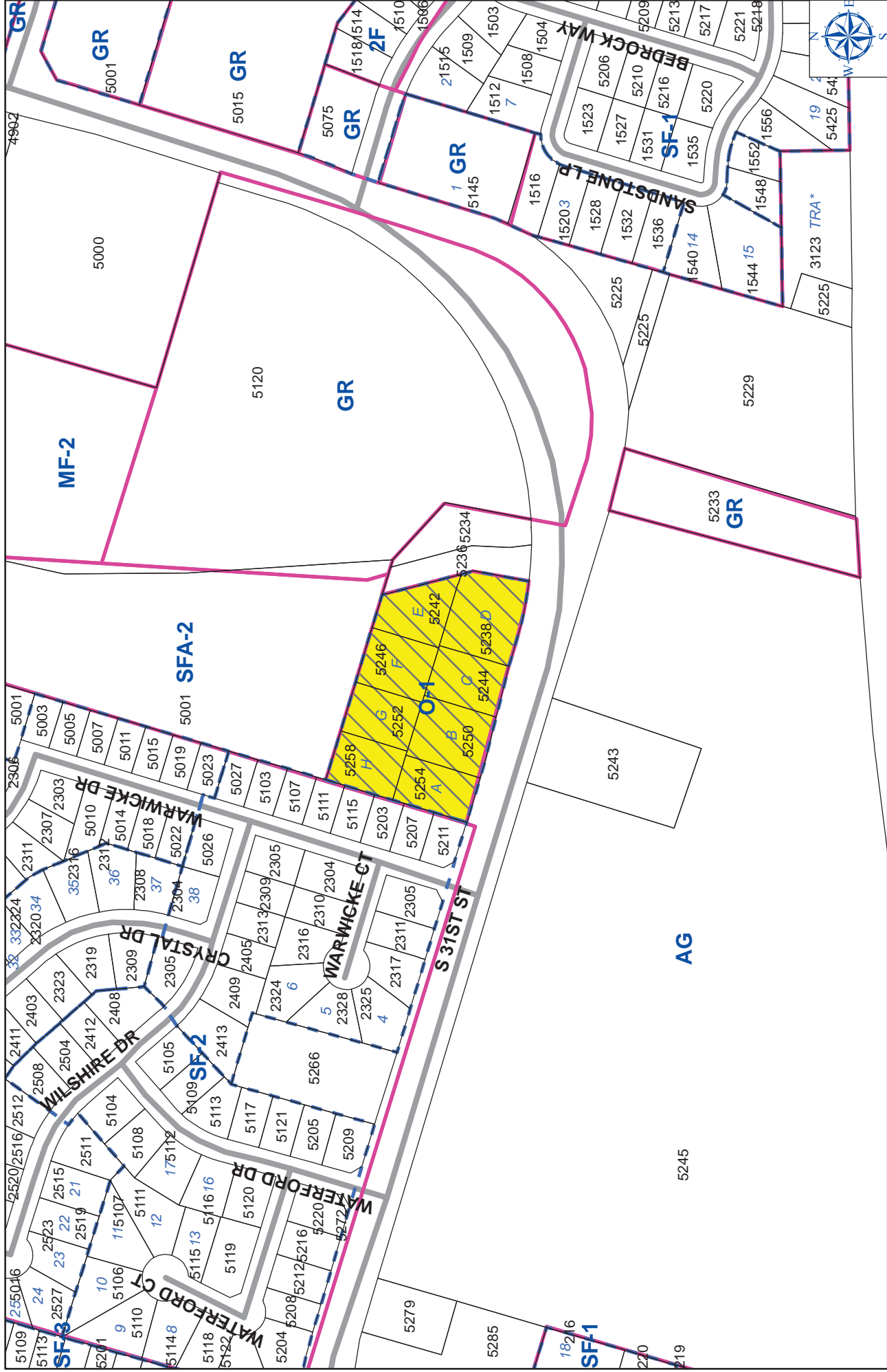
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-15-04

Waterford Professional Park
Lots A-H

Zoning & Location Map



Case



Zoning



Subdivision

Lot Number

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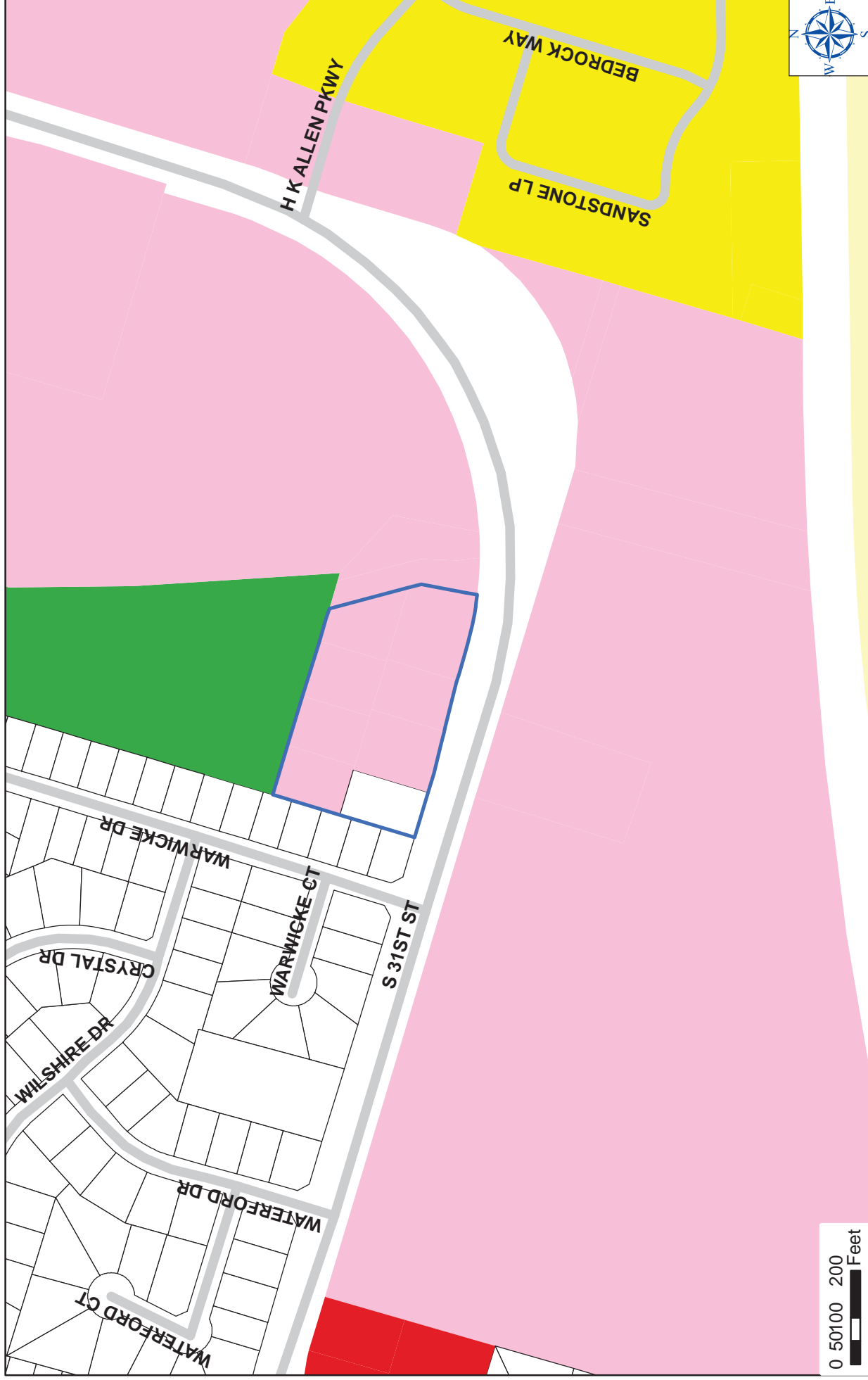
12/5/2014
City of Temple GIS
mbaker



Z-FY-15-04

Future Land Use Plan

Waterford Professional Park
Lots A-H

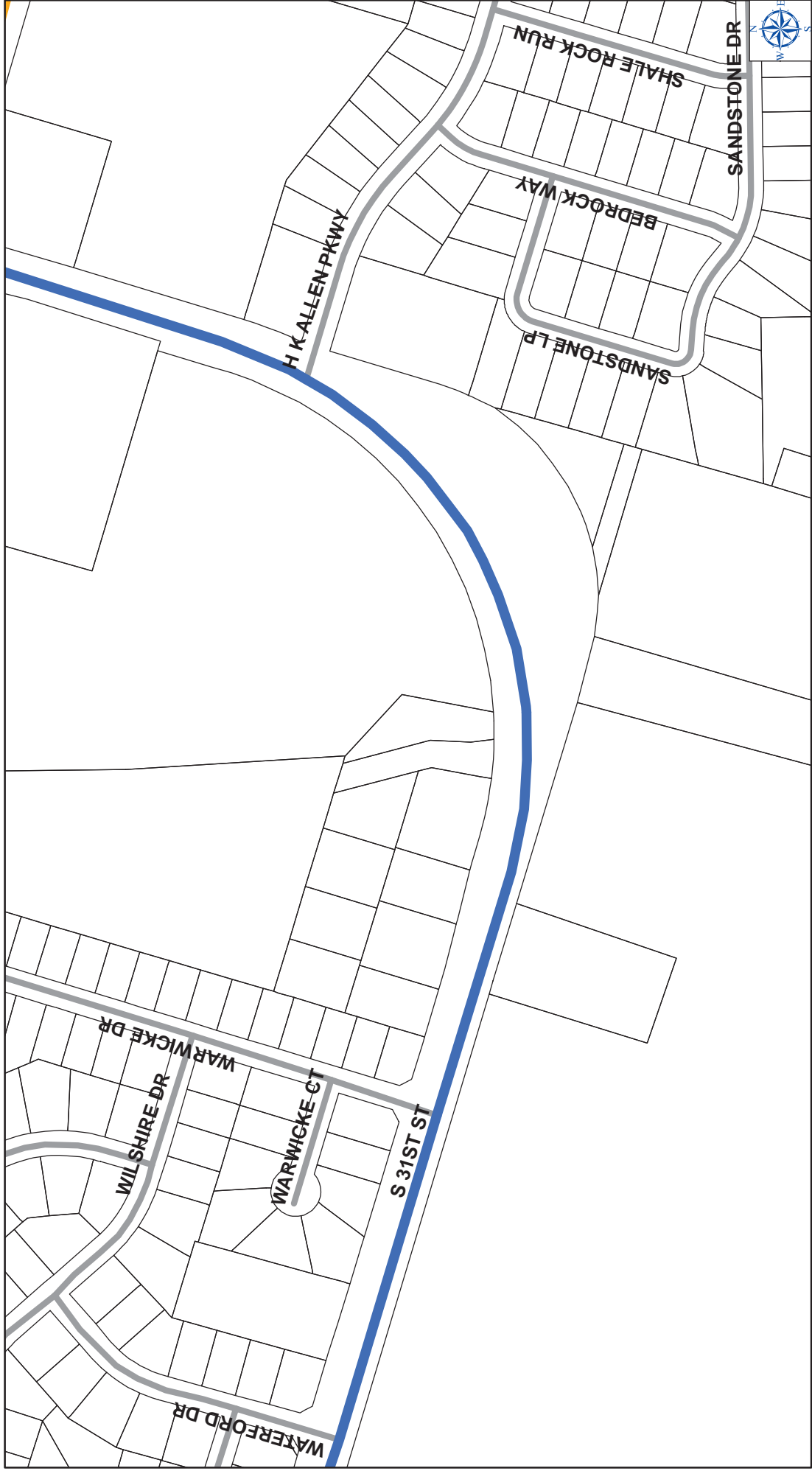


Future Land Use

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

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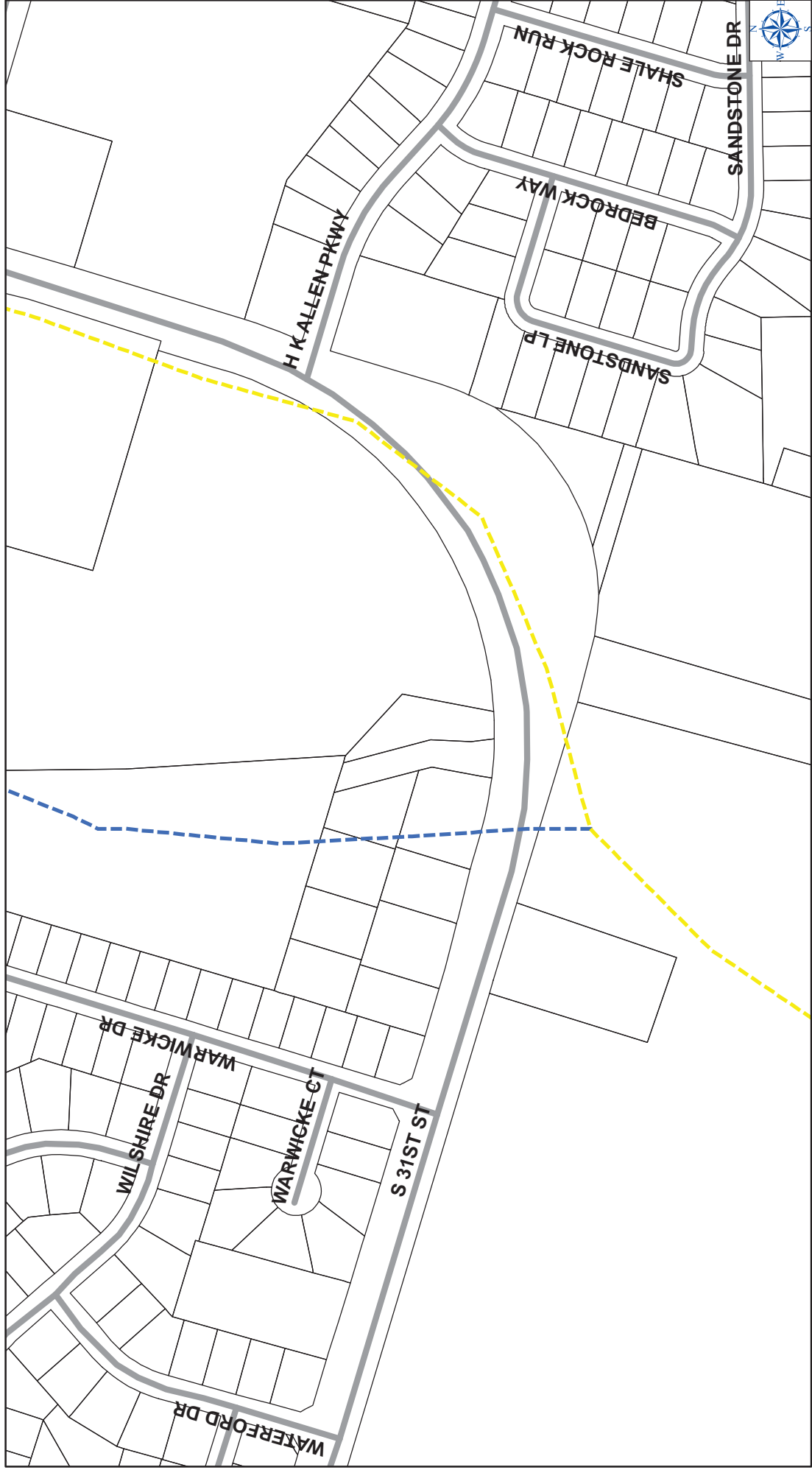
12/5/2014
City of Temple GIS



- Thoroughfare
- Major Arterial
- Proposed Major Arterial
- Proposed K-TUTS
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Thoroughfare
- Expressway
- Proposed Collector



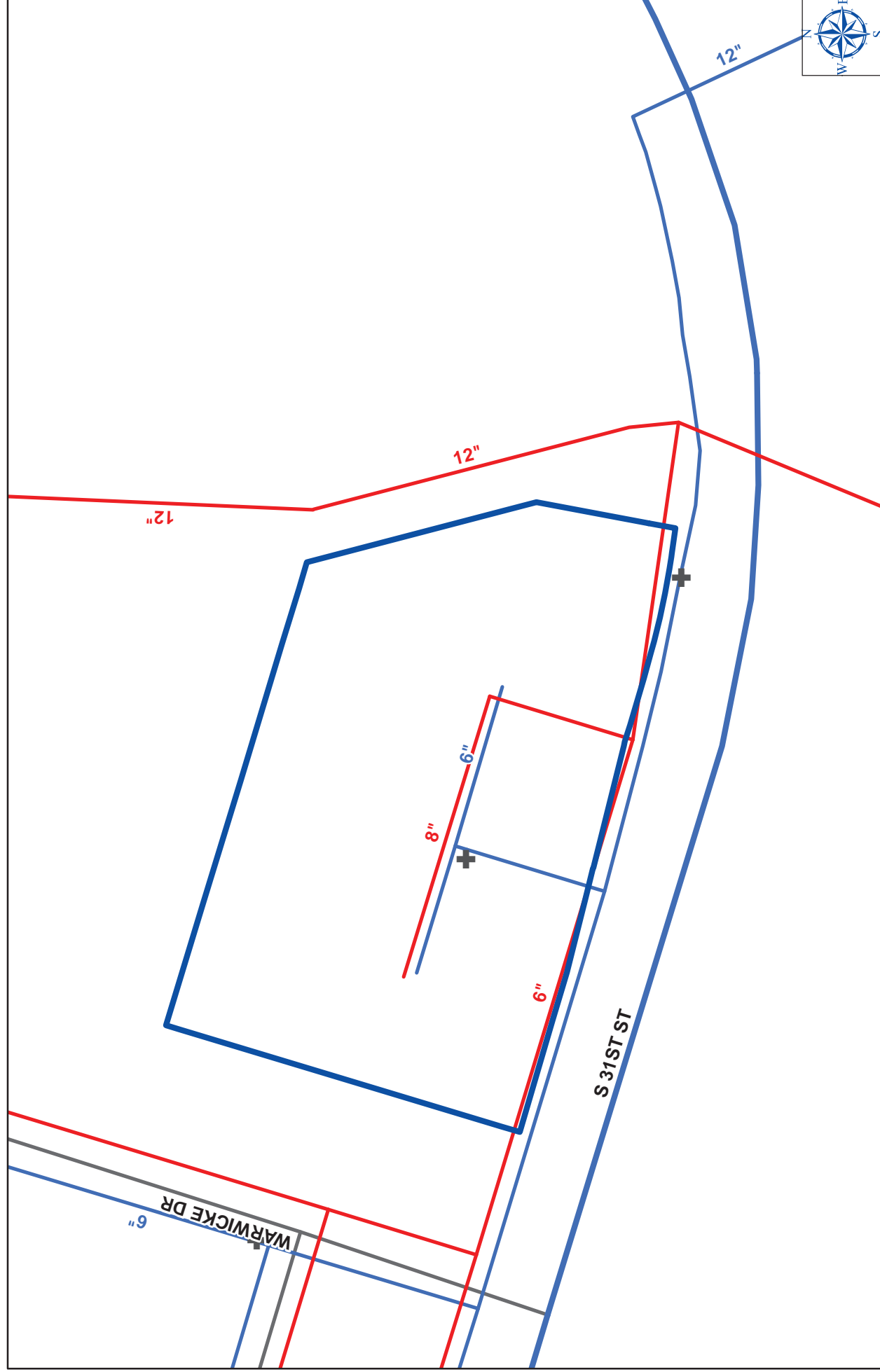
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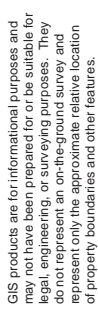


Trails

- Existing Citywide Spine Trail
 - Under Design/Construction Citywide Spine Trail
 - Proposed Citywide Spine Trail
 - Existing Community-Wide Connector Trail
 - Under Design/Construction Community-Wide Connector Trail
 - Proposed Community-Wide Connector Trail
 - Existing Local Connector Trail
 - Proposed Local Connector Trail
- 0 500 1,000
Feet

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







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

Lavern Etux Sun Kil Laws
2305 Wilshire Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwicke 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

LAVERN LAWS
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

RECEIVED

JAN 02 2015

City of Temple
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

South Thirty-First Ltd
c/o Barge Properties
2005 Birdcreek Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-04


Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwicke 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


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

RECEIVED
JAN 02 2015
City of Temple
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

V W Barge III
2005 Birdcreek Drive, Suite 211
Temple, Texas 76502

Zoning Application Number: Z-FY-15-04

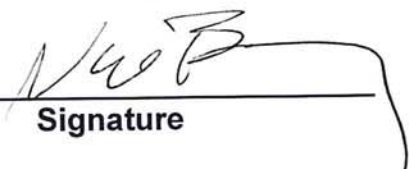
Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick Drive

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I recommend ☒ approval ☐ denial of this request.

Comments:


Signature

V W BARGE III
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

RECEIVED

JAN 02 2015

City of Temple
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

R. Randolph Duff Revocable Trust
5107 Warwicke Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwicke Drive

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

Comments:

R. Randolph Duff

Signature

R. RANDOLPH DUFF

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

RECEIVED

JAN 05 2015

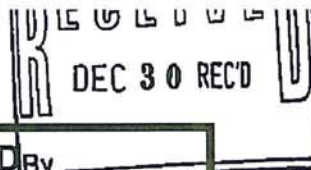
City of Temple
Planning & Development

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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



Tem-Tex Investments Ltd
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick 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

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

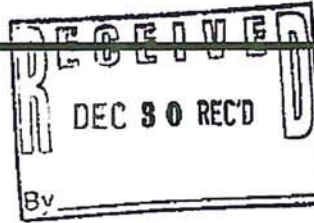
RECEIVED

JAN 05 2015

City of Temple
Planning & Development



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



Kiella Family Ltd
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick 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

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

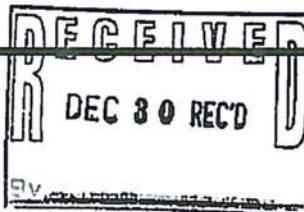
RECEIVED

JAN 05 2015

City of Temple
Planning & Development



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



Kiella Family Ltd
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick Drive

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I recommend ☒ approval () denial of this request.

Comments:


Signature

Print Name

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

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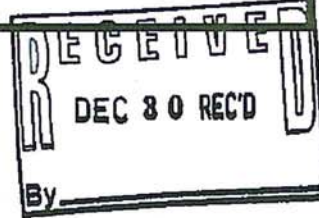
RECEIVED

JAN 05 2015

City of Temple
Planning & Development



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



Kiella Family Ltd
P.O. Box 1344
Temple, Texas 76503-1344

Zoning Application Number: Z-FY-15-04


Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick Drive

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I recommend ☒ approval () denial of this request.

Comments:


Signature

Print Name

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

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Date Mailed: December 26, 2014

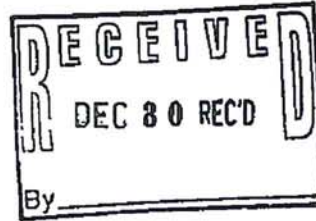
JAN 05 2015

City of Temple
Planning & Development



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

Kiella Family Ltd
P.O. Box 1344
Temple, Texas 76503-1344



Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick Drive

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I recommend ☒ approval () denial of this request.

Comments:


Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

RECEIVED

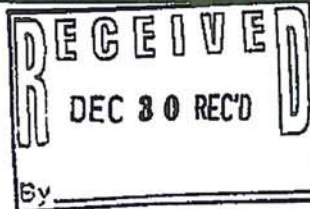
JAN 05 2015

City of Temple
Planning & Development



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

Kiella Family Ltd
P.O. Box 1344
Temple, Texas 76503-1344



Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwicke 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

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

RECEIVED
JAN 05 2015
City of Temple
Planning & Development



RESPONSE TO PROPOSED
ZONE CHANGE REQUEST
CITY OF TEMPLE

Jimmie Etux Carolyn Coufal
1001 Salac Lane
Temple, Texas 76501

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwick 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:

I think it should stay residential since it is a nice neighborhood and I always get top dollar rent in that area. I don't want someone who would live in the house - they wouldn't be able to homestead. Please let it stay residential because the Temple schools show poor performance and these neighborhoods need to stay nice in order to keep Carolyn Coufal

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

RECEIVED

JAN 06 2015

City of Temple

Planning & Development

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014



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

Waterford Dental Specialists PLLC
5246 South 31st Street
Temple, Texas 76502

Zoning Application Number: Z-FY-15-04

Project Manager: Mark Baker

Location: Waterford Professional Park, North side of South 31st Street, East of Warwicke 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:

Would prefer modification of single lot zone change only. As land owner of property, I would prefer input of abpr changes on a case by case basis. Changing the zoning for the entire park could have negative impact on my future property value.

Todd Evans
Signature

TDDD EVANS
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 5, 2015

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

Number of Notices Mailed: 23

Date Mailed: December 26, 2014

RECEIVED
JAN 06 2015
City of Temple
Planning & Development



JON A. HOWELL, DDS

creating beautiful smiles in a beautiful atmosphere.

5238 South 31st Street • Temple, Texas 76502 • p. 254.778.4402 • f. 254.778.4402 • yourtempldentist.com • jhoweldds@aol.com

January 7, 2015

To Whom It May Concern:

We are okay with the rezoning of the land to zone 0-2.

Thank you,

M. Elizabeth & Jon Howell

Waterford Professional Park

Lot D

RECEIVED

JAN 07 2015

City of Temple
Planning & Development



ORDINANCE NO. 2015-4699

(PLANNING NO. Z-FY-15-04)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT OFFICE 1 DISTRICT (PD-O-1) TO OFFICE 2 DISTRICT (O-2) FOR LOTS A, B, C & D, CONSISTING OF APPROXIMATELY 1.933 ACRES WITHIN THE WATERFORD PROFESSIONAL PARK, LOCATED ON THE NORTH SIDE OF SOUTH 31ST STREET, EAST OF WARWICK 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 Planned Development Office 1 District (PD-O-1) to Office 2 District (O-2) for Lots A, B, C & D, consisting of approximately 1.933 +/- acres within the Waterford Professional Park, located on the north side of South 31st Street, east of Warwick 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.

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **January**, 2015.

PASSED AND APPROVED on Second Reading on the **5th** day of **February**, 2015.

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

02/05/15
Item #8
Regular Agenda
Page 1 of 4

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING - Z-FY-15-03: Consider adopting an ordinance amending Articles 2, 5, 7 and 11 of the Unified Development Code to identify permitted temporary uses and establish regulations, definitions and procedures for such uses.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its December 15, 2014 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed amendments (Chair Rhoads and Commissioner Sears absent) to the Unified Development Code with the following change:

- That temporary use permits for seasonal product sales are valid for a period of three months rather than six months.
- That temporary use permits for seasonal product sales can be renewed once annually for an additional three consecutive or non-consecutive months.

STAFF RECOMMENDATION: Adopt ordinance on second and final reading.

ITEM SUMMARY: Staff has prepared the following text amendments to define and establish standards for certain temporary uses. In evaluating needed regulations, staff has identified existing regulated and unregulated temporary uses. The attached recommended amendments reflect the most common temporary uses found in the community providing general standards for all such uses and specific conditional standards for certain uses - where additional regulation might be necessary to ensure the use is conducted in a manner that does not negatively affect the public health, safety and welfare. The following temporary uses have been addressed in the proposed UDC code revisions.

- Seasonal Product Sales
- Temporary Field or Construction Office
- Real Estate Sales Office
- Farmers' Market
- Temporary Asphalt or Concrete Batching Plant
- Other comparable temporary uses

Staff is proposing amending the following articles of the UDC.

Article 5 Use Standards

Staff is proposing amending section 5.1.1, which currently prohibits temporary sales that are unrelated and accessory to the primary use of the property. This section would now provide an exception to that rule for temporary uses as provided for in Section 5.6 (proposed new section). Additionally, in response to City Council comments concerning temporary sales related to fundraising events and similar activities, staff proposes that an additional exception to the prohibition of temporary sales (unrelated to the primary use of the property) be considered. Staff is proposing that the following options be considered as exceptions to section 5.1.1.

Option 1: Temporary display for a sidewalk sale in accordance with Section 7.7.7B-10.

Option 2: Temporary sales associated with fundraising campaigns sponsored by non-profit organizations subject to the general conditions identified in Section 5.6.2.

Staff recommends Option 2 as it allows fundraising events to occur anywhere on the property provided that the temporary sales conform to the general requirements identified in Section 5.6.2. Mobile food vendors would still be subject to Chapter 14: Food and Food Establishments in the City Code of Ordinances and would be required to obtain a mobile food vender permit in accordance with those procedures and regulations. This ordinance proposes no change to those regulations and procedures.

Cross References

Two existing uses are already addressed in the UDC: Temporary Asphalt or Concrete Batching Plans and Temporary Field or Construction Offices. These uses will now be addressed in the proposed Section 5.6 - Temporary Uses, to provide a consistent location for all temporary uses. Cross references have been added to Articles 5 and 6, wherever Asphalt or Concrete Batching Plant or Temporary Field or Construction Offices are referenced – directing the reader to applicable standards in Section 5.6. Both uses would be subject to general requirements proposed in Section 5.6.

New Proposed Section 5.6: Temporary Uses

The most significant change is the proposed addition of Section 5.6 – Temporary Uses. This section provides the following new temporary use table which identifies new temporary uses, identifies the districts in which they are permitted and references specific required conditions.

P= Permitted by Right L = Permitted by Right Subject to Limitations
[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Seasonal Product Sales	P													L	L	L	L	L	L	L	L	5.6.4
Temporary Field or Construction Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.5
Real Estate Sales Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.6
Farmers' Market	L																L	L	L	L	L	5.6.7

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Temporary Asphalt or Concrete Batching Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
All Other Comparable Temporary Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.2

Section 5.6 also establishes a new temporary use permit requirement for the following uses:

- Seasonal Product Sales
- Farmer's Market

In summary, all uses will be subject to new general requirements that address:

- Site specific requirements related to access, parking availability, traffic movements and landscape protection;
- A prohibition of any permanent changes to the site;
- A requirement that signs comply with the provisions of Article 7;
- Requirements related to the location and placement of merchandise, seasonal products, tents, and other temporary structures; and
- A prohibition of temporary uses in the floodway.

The following summarizes specific requirements per use:

Seasonal Product Sales – specific use standards address the following:

- Inventory location ensuring it is not in the right-of-way or within 10 ft. of property line;
- A requirement for written permission from the property owner;
- A provision identifying type of produce/products permitted (agricultural and horticultural only);
- A limitation allowing two permits per site per year (valid for three months each); and
- A provision that the permit is limited to one vendor.

Temporary Field or Construction Office – specific use standards require that this use be limited to on premise construction purposes associated with the properties within the same subdivision or construction site. No other changes are proposed for this use.

Real Estate Sales Office – specific use standards require that this use be located within the subdivision or development where the lots are being sold.

Farmers' Market – specific use standards address the following:

- A requirement for written permission from the property owner;
- A requirement that all temporary structures must be removed when the event is finished;
- A requirement that all trash and debris must be removed from site when the event is finished;

- A provision allowing the use in TMED and I-35 Corridor Overlay Districts; and
- A provision that the permit is valid for one year.

Temporary Asphalt or Concrete Batching Plant – no new standards except for general standards. These are primarily regulated by TCEQ.

Other Comparable Uses – the addition of this language would permit the Planning Director to evaluate other comparable uses and determine if they meet the general requirements provided.

[Article 7 General Development Standards](#)

Section 7.7.7- Outdoor Retail Display has been amended to permit outdoor retail display for seasonal product sales and Farmers' Markets per proposed Section 5.6.

[Article 11 Definitions](#) has been amended to add a definitions for Farmers' Market and Temporary Use.

[Article 2 Development Review Bodies](#) has been amended to grant the Planning Director the administrative authority to determine comparable temporary uses.

PUBLIC NOTICE: The newspaper printed notice of the Planning and Zoning Commission public hearing on December 4, 2014, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[UDC Proposed Amendments](#)
[Temple Area Builders Association Correspondence](#)
[Ordinance](#)

Article 5 Use Standards

Sec. 5.1. Use Table

5.1.1 Prohibited Uses

The following uses are prohibited in the City:

- A. Mobile home;
- B. Temporary sales that are unrelated and accessory to the primary use of the property except as provided for in Sec. 5.6; and
- C. Tattoo parlor

5.1.2 Legend for Interpreting Use Table

5.1.3 Use Table

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
INDUSTRIAL USES																						
Animal feedlot	C																				C	
Asphalt or concrete batching plant (permanent)																				C	P	
<u>Asphalt or concrete batching plant (temporary)</u>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
<u>Asphalt or concrete batching plant (temporary)</u>	<u>See Section 5.6 Temporary Uses</u>																					
Brick kiln or tile plant																					C	
Cement or hydrated lime plant																					C	
Compost operations																				C	C	5.3.13
Distribution Center																				P	P	
Laboratory Manufacturing																		P		P	P	
Laboratory Medical, dental, scientific or research	C													C	P	C	P	P	P	P	P	
Landfill																				C	C	
Light Manufacturing																				P	P	
Industrial uses other than listed																					C	

Sec. 5.2. Classification of New and Unlisted Uses

Sec. 5.3. Specific Use Standards

Sec. 5.4. Personal and Wireless Service Facilities

Sec. 5.5. Accessory Uses and Structures

5.5.1 Use Table for Accessory Uses

A. Residential Accessory Uses

B. Nonresidential Accessory Uses

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Accessory building (nonresidential)											P	P		P	P	P	P	P	P	P	P	
Maintenance and repair service for building																		P	P	P	P	
Off-street parking as an expansion of a nonresidential use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	Sec. 7.5
Temporary field or construction office	Subject to temporary permit issued by Chief Building Official See Section 5.6 Temporary Uses																					

Sec. 5.6 Temporary Uses

5.6.1 Permit Required

- A. The following temporary uses require a Temporary Use Permit.
 - 1. Seasonal Product Sales
 - 2. Farmers' market
- B. The following temporary uses require a Commercial Building Permit.
 - 1. Asphalt or concrete batching plant (temporary).
 - 2. Temporary field or construction office
- C. The following uses or features are exempt from regulation under this section and do not require a Temporary Use Permit or a Commercial Building Permit but must comply with the general requirements set forth in Sec. 5.6.2 and any specific limitations or conditions referenced in Sec. 5.6.3.
 - 1. Temporary Real estate sales offices or model homes
 - 2. Seasonal product sales in accordance with Sec. 7.7.7
- D. The Chief Building Official may suspend or revoke a Temporary Use Permit immediately upon determination that general and specific conditions set forth in Sec. 5.6 have been violated.

5.6.2. General Requirements

- A. If the property is developed, the temporary use must be located in an area that is not actively used by an existing principal use and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, landscaping, traffic movements, pedestrian circulation, emergency access, or required parking space availability.
- B. The temporary use must not endanger or be materially detrimental to the public health, safety, or welfare or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.
- C. The height and placement of any merchandise/seasonal products, tents, or temporary structures must not encroach upon the intersection visibility triangle.
- D. Off street parking must be adequate to accommodate the proposed temporary use. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- E. The temporary use must not cause undue traffic congestion increase accident potential.
- F. Permanent changes to the site are prohibited. This requirement does not apply to Temporary Real Estate Sales Offices or Model Homes.
- G. No signs in connection with a temporary use are permitted except in accordance with the provisions of Article 6 and Article 7 of this UDC.
- H. No temporary uses may be located in the floodway.

5.6.3 Use Table for Temporary Uses

- A. Unless otherwise stated, permitted temporary uses for Special Purpose and Overlay Zoning Districts will comply with applicable use standards provided in Article 5.
- B. The following temporary uses are permitted by right, permitted subject to limitations, permitted subject to limitations -or require a Conditional Use Permit issued in accordance with Sec. 3.5.

P= Permitted by Right L = Permitted by Right Subject to Limitations

[blank cell] = Prohibited C= Conditional Use Permit

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI	Standards
Seasonal Product Sales	P													L	L	L	L	L	L	L	L	5.6.4
Temporary Field or Construction Office	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.5
Temporary Real Estate Sales Office or Model Home	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.6
Farmers' Market	L																L	L	L	L	L	5.6.7
Temporary Asphalt or Concrete Batching Plant	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
All Other Comparable Temporary Uses as Determined by the Director	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.6.2

5.6.4 Seasonal Product Sales

- A. Seasonal product sales must be limited to agricultural or horticultural products including but not limited to pumpkins, Christmas trees, nursery stock or produce sales.
- B. Seasonal product inventory must be located a minimum of 10 feet from the property line.
- C. Seasonal product sales may not be located in the public right-of-way.
- D. Temporary use permits for a season product sales are limited to a single vendor.
- E. Temporary use permits for seasonal product sales are valid for up to three consecutive months.
- F. Temporary use permits may be renewed once annually.
- G. Applicants are limited to two temporary use permits per site per year.
- H. A seasonal product vendor must obtain the written permission of the property owner.

5.6.5 Temporary Field Office or Construction Office

This use is limited to field or construction offices associated with ongoing construction located within the same subdivision or construction site.

5.6.6 Temporary Real Estate Sales Office or Model Home

A temporary residential sales office or model home may be located within the subdivision or development where the lots are being sold.

5.6.7 Farmers' Market

- A. A farmers' market sponsor or organizer must obtain the written permission of the property owner.
- B. All tents, booths, tables, and other temporary structures used in the operation of an outdoor farmers' market must be removed from the farmers' market site at the conclusion of each day the market is in operation.
- C. All trash, fruit or produce remnants, debris, and general litter must be removed from the farmers' market site at the conclusion of each day the market is in operation. The sponsoring committee or organization is responsible for ensuring the general cleanup of the farmers' market area at the conclusion of each day of operation.
- D. A farmers' market is permitted use in the TMED zoning district and the I-35 Corridor Overlay zoning district subject to all the general and specific requirements identified in Sec. 5.6.
- E. Temporary Use Permits for Farmers' Markets are valid for a period of one year.

Article 7 General Development Standards

Sec. 7.7. Screening and Buffering

7.7.1 **Applicability**

7.7.2 **Site Plan and Landscaping**

7.7.3 **Fence and Wall Regulations for Single- and Two-Family Dwellings**

7.7.4 **Buffering**

7.7.5 **Materials for Fences, Walls, Screens and Enclosures**

7.7.6 **Refuse Containers**

7.7.7 **Outdoor Retail Display**

A. Display Consistent with Classification

Commodities, materials or equipment may not be displayed for sale or lease in a zoning district where such sale or lease is not an allowed land use.

B. Commercial Districts

Commodities, materials or equipment may not be displayed for sale or lease outside a building in the Mixed Use, Office, Neighborhood Service, General Retail, Central Area or Commercial zoning district, except as exempted below:

1. Auto sales, new or used or auto leasing or rental;
2. Boat sales or rental;
3. Motorcycle or scooter sales or rental,
4. Recreational vehicle sales or rental;
- 4.5. Agricultural and horticultural temporary seasonal product sales in accordance with the general and specific conditions set forth in Sec. 5.6.
- 5.6. Farmers' markets in accordance with the general and specific conditions set forth in Sec. 5.6.
- 6.7. Greenhouse or nursery (retail) or produce stand;
- 7.8. Farm and garden equipment sales or rental;
- 8.9. Outdoor patio and garden furniture sales or rental;
- 9.10. In the O-1, O-2, NS, C and GR zoning districts, temporary display for a sidewalk sale that does not extend more than 10 feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use;
- 10.11. In the CA zoning district, temporary display for a sidewalk sale that does not extend more than five feet from front façade and reserves at least five feet of sidewalk or walkway for pedestrian use; or
- 11.12. Other uses not listed above where the display for sale or lease area is situated behind the principal structure and does not exceed a maximum of 10 percent of the gross floor area of the business.

Article 11 Definitions

Farmers' Market. An open-air market with the primary purpose is to provide retail sales and demonstrations of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products and homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey. Farmers' markets may also provide retail sales of handmade arts, crafts, and unique local goods. Such sales and demonstrations must be conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

Temporary Use. A non-permanent use permitted in a particular zoning district only upon showing that such use in a specified location can comply with all the conditions and standards for the location, duration, or operation of such a temporary use as specified in this UDC.

Article 2 Development Review Bodies

Sec. 2.1. General

Sec. 2.2. City Council

Sec. 2.3. Zoning Board of Adjustment

Sec. 2.4. Planning and Zoning Commission

Sec. 2.5. Development Review Committee

Sec. 2.6. TMED Review Committee

Sec. 2.7. Chief Building Official

Sec. 2.8. Director of Planning

2.8.1 Powers and Duties

A. Review and Recommendation

B. Final Action

Unless otherwise provided in this Article, the Director of Planning must take final action on the following development review procedures:

1. Minor or Amending Plat; and
2. Administrative Adjustment.
3. Sidewalk Waiver requests or may refer the request to the Planning and Zoning Commission and the City Council.

3.4. Determination of Comparable Temporary Uses

Sections identified for cross referencing:

Asphalt or Concrete Batching Plant

- Section 5.1.3 – Use Table – Asphalt or Concrete Batching Plant (temporary) – now states: See Section 5.6 Temporary Uses
- Section 6.1.1 – Manufactured Home – Use Table – Standard added: 5.62
- Section 6.2.1 – Mixed Use – Use Table- Standard added: 5.62

Temporary field or Construction Office

- Section 5.5.1 Use Table for Nonresidential Accessory Uses – now amended to read: See Section 5.6 Temporary Uses
- Section 6.1.1 – Manufactured Home – Use Table – Standard added: 5.62 & 5.6.5
- Section 6.2.1 – Mixed Use – Use Table- Standard added: 5.62 & 5.6.5

Beverly Zendt

From: Brad Wyrick <Brad@tahb.org>
Sent: Wednesday, December 10, 2014 3:17 PM
To: Beverly Zendt
Subject: RE: Revised
Attachments: Text Amendment 12-08-14 - Temporary Uses.pdf

Good afternoon Beverly

Thank you for sending the revised language and for taking the time to discuss them with me yesterday and today. I have no other suggestions at this time and see no reason why these shouldn't be incorporated as updates to the UDC.

Thanks again

v/r

Brad Wyrick
brad@tahb.org
254.913.9000

From: Beverly Zendt [mailto:bzendt@templetx.gov]
Sent: Wednesday, December 10, 2014 3:11 PM
To: Brad Wyrick
Subject: RE: Revised

I think we have it now.

Regards,

Beverly Mesa-Zendt AICP

From: Brad Wyrick [mailto:Brad@tahb.org]
Sent: Wednesday, December 10, 2014 3:01 PM
To: Beverly Zendt
Subject: RE: Revised

Good afternoon Beverly

Thank you for sending the revised language and for taking the time to discuss them yesterday afternoon. I have no other changes or suggestions at this time to 5.6.5 or 5.6.6 and see no reason why these shouldn't be incorporated as updates to the UDC.

After talking with you I went back and read the attachment and had a few quick questions for clarification in the attached.

Thanks again

v/r

ORDINANCE NO. 2015-4701

[Z-FY-15-03]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AMENDMENTS TO ARTICLES 2, 5, 7 AND 11 OF THE UNIFIED DEVELOPMENT CODE TO IDENTIFY PERMITTED TEMPORARY USES AND ESTABLISH REGULATIONS, DEFINITIONS AND PROCEDURES FOR SUCH USES; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 16, 2010, the City of Temple adopted Ordinance No. 2010-4413, the Unified Development Code (“UDC”), which is a consolidated set of land development regulations related to zoning, platting and site design;

Whereas, at its December 15, 2014 meeting, the Planning and Zoning Commission voted to recommend approval of proposed amendments to Articles 2, 5, 7 and 11 of the UDC;

Whereas, the recommended changes are as follows:

- **ARTICLE 2: DEVELOPMENT REVIEW BODIES:** The proposed amendment will grant the Planning Director the administrative authority to determine comparable temporary uses.
- **ARTICLE 5: USE STANDARDS:** The proposed amendment provides exceptions to the prohibition of temporary uses as provided for in Section 5.1. The proposed amendment establishes Section 5.6 requiring a permit for certain temporary uses; establishing standards for all identified temporary uses; and identifying zoning districts where temporary uses are permitted. Wherever Asphalt or Concrete Batching Plant or Temporary Field or Construction Offices are referenced, the reader is directed to applicable standards in Section 5.6.
- **ARTICLE 7: GENERAL DEVELOPMENT STANDARDS:** The proposed amendment permits outdoor retail display for agricultural and horticultural seasonal product sales and Farmers’ Markets per Section 5.6.
- **ARTICLE 11: DEFINITIONS:** The proposed amendment adds definitions for Farmers’ Market and Temporary Use; and.

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

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

Part 1: The City Council approves amendments to Ordinance No. 2010-4413, the Unified Development Code, by amending Articles 2, 5, 7 and 11 being more fully described in Exhibits A, B, C and D attached to this ordinance

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **15th** day of **January**, 2015.

PASSED AND APPROVED on Second Reading on the **5th** day of **February** 2015.

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

02/05/15
Item #9
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Beverly Zendt, Assistant Planning Director

ITEM DESCRIPTION: Consider adopting a resolution establishing a permit fee for temporary uses and setting the fee at thirty dollars.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff has prepared an update to the Unified Development Code which will establish Section 5.6: Temporary Uses. Per Section 5.6.1A:

Sec. 5.6 Temporary Uses

5.6.1 Permit Required

- A. *The following temporary uses require a Temporary Use Permit.*
1. *Seasonal Product Sales*
 2. *Farmers' market*

Farmers' Market

Staff has proposed that a temporary use permit for a Farmer's Market be valid for a period of twelve months and that such permit would be issued for multiple vendors and in accordance with the following definition for Farmers' Market.

Farmers' Market. An open-air market with the primary purpose of providing retail sales and demonstrations of home-grown products, including produce, ornamental crops, meat, eggs and other agricultural products and homemade value added products, including baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey. Farmers' markets may also provide retail sales of handmade arts, crafts, and unique local goods. Such sales and demonstrations must be conducted by the vendor engaged in the production of such products. The term does not include the sale or demonstration of mass produced items, used clothing, appliances, and other similar products.

Seasonal Product Sales

Staff has proposed that a temporary use permit for a Seasonal Product Sales be valid for a period of three months, renewable once annually. A Seasonal Product Sales permit would be issued for a single vendor with no more than two permits allowed per site annually. Seasonal product sales would be limited to agricultural or horticultural products including, but not limited to pumpkins, Christmas trees, nursery stock or produce sales.

FISCAL IMPACT: This will be the first year implementing this new permit. Staff is proposing a reasonably low fee and does not anticipate a large number of permits.

ATTACHMENTS:

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

City of Temple Temporary Use Application

(Incomplete applications will not be accepted)

☐ Farmer's Market (1 year) ☐ Seasonal Product (3 months)

PROJECT/SITE INFORMATION: *PLACE N/A FOR ALL ITEMS THAT DO NOT APPLY*

Address of sale (Location): _____

Description of Sale: _____

Day(s) of Operation: _____ Hour(s) of Operation: _____

Primary Use/Structure on Site? (if applicable) _____ Please provide square footage of primary structure: _____

PROPERTY OWNER INFORMATION:

Is applicant the owner of the property? ☐ Yes ☐ No

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____

FARMER'S MARKET/SEASONALPRODUCT BUSINESS INFORMATION:

Name (applicant): _____

Business Name or Sponsoring Organization: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

Seasonal Product Sales and Farmer's Markets are permitted in the following districts.

P= Permitted by Right L= Permitted by Right Subject to Limitations (Blank Cell) = Not Permitted

Specific Use	A	UE	SF-1	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	C	CA	LI	HI
Seasonal Product Sales	P													L	L	L	L	L	L	L	L
Farmers' Market	L																L	L	L	L	L

APPLICATION AGREEMENT AND SIGNATURE

I hereby acknowledge that I have read this application and state the above is correct and agree to comply with the City of Temple Ordinances and State Laws regulating zoning and temporary sales.

No temporary sales may be conducted before the permit application has been approved and you have received a copy of the approved permit. Office personnel will contact you when the permit application has been approved. **False or incorrect information will be grounds for permit to be revoked or denied.**

APPLICANT SIGNATURE: _____

Print or Type Name: _____

(property owner authorization required below if applicant is not the property owner)

I (property owner) hereby authorize _____ of _____
(name) (company) to conduct temporary sales on my property.

Property owner's signature: _____

Property owner's name (print): _____

City of Temple Temporary Use Application

(Incomplete applications will not be accepted)

Please attach the following information to your application and initial each line. *Incomplete applications will not be accepted or processed.*

_____ **Site Plan.** A site plan must be provided for the proposed location. A sketch drawn on an aerial/satellite photo from Google Earth, Google Maps, Bing, survey, or GIS map from the City's web site may be used. **No temporary use may be located in the floodway or the public right-of-way.**

Farmers' Market site plan must depict the following

- Location of vendors and merchandise sales areas:
 - ✓ Vendors and merchandise cannot be located in the landscaping, public right of way, travel aisles, or required parking.
 - ✓ Height and placement of any merchandise, tents or temporary structures - must not encroach upon the intersection visibility.
- Proposed parking area.
- Farmers' Markets must demonstrate that arrangements have been made for proper disposal of refuse and litter. Show location on site and note provider.

Seasonal Product Sales (only agricultural and horticultural products)

- Location of vendors and sales areas:
 - ✓ Vendors and merchandise cannot be located in the landscaping, public right of way, travel aisles, or required parking.
 - ✓ Height and placement of any merchandise, tents or temporary structures - must not encroach upon the intersection visibility.
 - ✓ Seasonal product inventory must be located a minimum of 10 feet from the property line.
- Proposed parking area.

_____ **Proposed signage.** Signage must comply with the city's sign ordinance.

Staff Review and Approval:

_____ Approved* / Disapproved _____
Planning Department (circle one) Date

Effective Period:

Farmers' Market – Valid for one year – Permit Expiration Date _____

Seasonal Product Sales* – Valid for three months (renewable once yearly)
Permit Expiration Date _____

RESOLUTION NO. 2015-7620-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING A PERMIT FEE FOR TEMPORARY USES AND SETTING THE FEE AT THIRTY DOLLARS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Staff has prepared an update to the Unified Development Code which will establish Section 5.6: Temporary Uses - Per Section 5.6.1A:

Sec. 5.6 Temporary Uses

5.6.1 Permit Required

A. The following temporary uses require a Temporary Use Permit.

- 1. Seasonal Product Sales***
- 2. Farmers' market***

Whereas, staff has proposed that a temporary use permit for a Farmer's Market be valid for a period of twelve months and that such permit be issued for multiple vendors in accordance with the City's definition of a Farmers' Market;

Whereas, staff has proposed that a temporary use permit for Seasonal Product Sales be valid for a period of three months and renewable once annually – a Seasonal Product Sales permit would be issued for a single vendor with no more than two permits allowed per site annually;

Whereas, Seasonal Product Sales would be limited to agricultural or horticultural products including, but not limited to pumpkins, Christmas trees, nursery stock or produce sales;

Whereas, this will be the first year implementing this new permit and fee - staff is proposing a reasonably low fee and does not anticipate a large number of permits; 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 establishes a permit fee for temporary uses as outlined in Section 5.6 of the Unified Development Code, and sets the fee for such permit at thirty (\$30) dollars.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 **5th** day of **February**, 2015.

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

02/05/15
Item #10
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Gary W. Purser Construction, Ltd. (Purser), of Killeen for the base bid, add alternate A and add alternate B for the McLane Parkway to Research Parkway Connector and the base bid and add alternate C for the Pepper Creek Regional Detention Pond in the northwest Industrial Park for a lump sum price totaling \$4,447,586.50.

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

ITEM SUMMARY: A detention pond, utilities and roadway connection from McLane Parkway to Research Parkway are required to serve properties within the Industrial Park (maps attached). The 2022 TRZ Master Plan identified development of a regional detention pond for the drainage area of the Pepper Creek Main Stem upstream of McLane Parkway as a priority project. The existing dam structure will be increased and stabilized, with construction of a control outlet achieving the desired detention for ultimate buildout of the developable area. The roadway connection and pond abut one another within the drainage area of Pepper Creek north of McLane Parkway and adjacent to the existing and proposed HEB distribution centers. Since the projects are adjacent and involve similar construction tasks, they were bid together for a cost advantage with economy of scale.

Per the economic development agreement with HEB, they have agreed to participate in the cost of the base bid for the Pepper Creek Regional Detention Pond. Their share is 19.2% of the construction cost. The amount to be received from HEB is \$199,703.

On January 20, 2015, three bids were received for construction of the combined project. Per the attached Bid Tab, bids ranged from a low bid of \$4,447,586.50 to a high bid of \$4,602,909.84 for the base bids plus alternates, with Purser submitting the low bid. The following is breakdown of the low bid recommended for award in the attached letter:

Part A – Road Option 4

Base Bid	\$ 3,260,633.50
Add Alternate A	\$ 47,814.00
Add Alternate B	\$ 38,619.00
	<u>\$ 3,347,066.50</u>

Part B – Pond Option 2

Base Bid	\$ 1,040,120.00
Add Alternate C	\$ 60,400.00
	<u>\$ 1,100,520.00</u>

Total \$ 4,447,586.50

On January 28, 2015, the Temple Redevelopment Zone #1 Board voted to recommend that Council Authorize a construction contract for \$4,447,586.50. KPA and Public Works agree that Purser is qualified to complete this project and recommend award of the construction contract.

The estimated timeline for construction is nine (9) months from the date of the notice to proceed to the contractor.

FISCAL IMPACT: Funding for the construction contract for the two projects is shown below.

Description	Financing/ Project Plan Line #	Account #	Project #	Funding Available	Construction Contract Award	Variance
Temple Industrial Park:						
Pepper Creek Main Stem Regional Detention Pond *	103	795-9500-531-6562	100994	\$ 811,319	\$ (1,100,520)	\$ (289,201)
Corporate Campus Park:						
McLane Parkway/Research Parkway Connection	156	795-9500-531-6866	101003	3,800,000	(3,347,067)	452,933
Total				<u>\$ 4,611,319</u>	<u>\$ (4,447,587)</u>	<u>\$ 163,732</u>

*Funding is available within the total "Temple Industrial Park" funding level (Line 150) in the current Reinvestment Zone No. 1 Financing Plan. A future Financing Plan amendment will be presented to allocate funds from Line 156, McLane Parkway/Research Parkway Connection to Line 103, Pepper Creek Main Stem Regional Detention Pond.

ATTACHMENTS:

Connector Map
Pond Map
Bid Tab
Recommendation Letter
Resolution



BID TABULATION
CITY OF TEMPLE
MCLANE PARKWAY TO RESEARCH PARKWAY CONNECTOR AND
PEPPER CREEK MAIN STEM REGIONAL DETENTION POND NORTH OF MCLANE PARKWAY
3210 E. Ave H; Bldg C; Temple, TX
January 20, 2015; 2:00 PM

2013-129-40

				BIDDER INFORMATION					
				Gary W Purser Construction Ltd 2901 E Stan Schluter Loop Killeen TX 76542		TTG Utilities LP PO Box 299 Gatesville TX 76528		Champion Site Prep Inc 455-A Hwy 195 Georgetown TX 78633	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - ROAD									
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 145,787.00	\$ 145,787.00	\$ 140,200.00	\$ 140,200.00	\$ 171,674.64	\$ 171,674.64
2	100%	LS	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-Way	87,215.00	87,215.00	3,500.00	3,500.00	20,365.27	20,365.27
3	100%	LS	Submit Trench Safety Plan Prepared & Signed by P.E., in Conformance with State Law & OSHA	900.00	900.00	1,400.00	1,400.00	4,432.13	4,432.13
4	6,000	SF	Implement & Follow Trench Safety Plan (Structures)	1.00	6,000.00	0.80	4,800.00	0.58	3,480.00
5	10,300	LF	Implement & Follow Trench Safety Plan (Pipe)	1.25	12,875.00	1.05	10,815.00	0.58	5,974.00
6	18,500	CY	Unclassified Excavation	4.90	90,650.00	3.50	64,750.00	4.68	86,580.00
7	24,600	CY	Unclassified Fill	4.00	98,400.00	5.00	123,000.00	3.16	77,736.00
8	18,390	SY	Furnish & Install 8-inch Lime Treated Subgrade (6%)	5.50	101,145.00	5.00	91,950.00	6.13	112,730.70
9	18,390	SY	Furnish & Install 12" CLBM	12.90	237,231.00	12.75	234,472.50	9.63	177,095.70
10	13,620	SY	Furnish & Install 4 5/8" Type B HMA	19.30	262,866.00	23.00	313,260.00	23.57	321,023.40
11	13,620	SY	Furnish & Install 2" Type C HMA	10.35	140,967.00	11.50	156,630.00	11.78	160,443.60
12	7,760	LF	Furnish & Install Concrete Curb & Gutter	10.00	77,600.00	12.00	93,120.00	12.63	98,008.80
13	44	SY	Furnish & Install Concrete Valley Gutter	55.00	2,420.00	59.00	2,596.00	66.87	2,942.28
14	4	EA	Furnish & Install 50' Concrete Radius Unit	3,492.00	13,968.00	3,375.00	13,500.00	6,110.90	24,443.60
15	100%	LS	Submitting Erosion Control plan	1,500.00	1,500.00	1,360.00	1,360.00	1,153.00	1,153.00
16	2	EA	Furnish & Install Stabilized Construction Entrance	1,200.00	2,400.00	1,450.00	2,900.00	2,017.75	4,035.50
17	3,305	LF	Furnish & Install Silt Fence	2.05	6,775.25	1.95	6,444.75	2.42	7,998.10
18	1,515	LF	Furnish & Install Silt Fence with J Hooks	2.05	3,105.75	2.05	3,105.75	2.42	3,666.30
19	350	LF	Furnish, Install, Maintain & Remove Rock Berm	24.00	8,400.00	37.00	12,950.00	28.83	10,090.50
20	100%	LS	Provide & Install Signage & Striping	7,200.00	7,200.00	7,795.79	7,795.79	2,248.35	2,248.35
21	100%	LS	Implementation of Traffic Control	5,650.00	5,650.00	2,500.00	2,500.00	7,494.50	7,494.50
22	20	EA	Furnish & Install 10"x3' Curb Inlet	4,250.00	85,000.00	2,675.00	53,500.00	5,007.48	100,149.60
23	3	EA	Furnish & Install 10"x3' Curb Inlet Directly connected to culvert	3,825.00	11,475.00	2,750.00	8,250.00	4,209.60	12,628.80
24	6	EA	Furnish & Install 10"x4' Curb Inlet	6,600.00	39,600.00	4,910.00	29,460.00	9,212.47	55,274.82
25	1	EA	Furnish & Install 3'x3' Jet Box	1,600.00	1,600.00	1,985.00	1,985.00	2,649.59	2,649.59
26	1	EA	Furnish & Install 4'x4' Jet Box	2,675.00	2,675.00	2,110.00	2,110.00	3,869.47	3,869.47
27	1,610	LF	Furnish & Install 18" Class III RCP	49.40	79,534.00	54.00	86,940.00	52.35	84,283.50
28	350	LF	Furnish & Install 24" Class III RCP	59.00	20,650.00	73.00	25,550.00	68.95	24,132.50
29	920	LF	Furnish & Install 30" Class III RCP	79.50	73,140.00	94.00	86,480.00	73.91	67,997.20
30	2	EA	Furnish & Install 18" RCP Plug	150.00	300.00	290.00	580.00	208.70	417.40
31	65	LF	Furnish & Install 3'-6"x3' RCB	770.00	50,050.00	893.00	58,045.00	1,357.26	88,221.90
32	75	LF	Furnish & Install 7' - 12"x4' RCB	5,085.00	381,375.00	4,755.00	356,625.00	3,908.13	293,109.75
33	350	SY	Furnish & Install 6" Concrete Riprap	54.00	18,900.00	61.00	21,350.00	148.64	52,024.00
34	5,000	SY	Furnish & Install 18" Rock Riprap	25.00	125,000.00	58.00	290,000.00	31.57	157,850.00
35	2	EA	Furnish & Install Concrete Wing walls Type FW-0 for 3'-6"x3' RCB including concrete apron	14,650.00	29,300.00	8,600.00	17,200.00	42,483.97	84,967.94
36	2	EA	Furnish & Install Concrete Wing walls Type FW-0 for 7'-12"x4' RCB including concrete apron	28,750.00	57,500.00	12,950.00	25,900.00	67,450.50	134,901.00
37	1	EA	Furnish & Install Handicap Ramp	1,500.00	1,500.00	650.00	650.00	2,190.70	2,190.70
38	1,250	SY	Furnish & Install Concrete Sidewalk with all Grading, Sand Cushion etc	54.00	67,500.00	38.50	48,125.00	47.38	59,225.00
39	300	CY	Furnish & Install Class A Concrete	250.00	75,000.00	305.00	91,500.00	518.85	155,655.00
40	2,800	LF	Furnish & Install 18" Class 250 Ductile Iron Water Line	75.50	211,400.00	68.15	190,820.00	84.17	235,676.00
41	5	EA	Furnish & Install 18" Gate Valve	8,800.00	44,000.00	9,175.00	45,875.00	10,359.71	51,798.55
42	4	EA	Furnish & Install 18" 11.25 Degree Bend	2,200.00	8,800.00	965.00	3,860.00	1,052.69	4,210.76
43	1	EA	Furnish & Install 18" 22.5 Degree Bend	1,100.00	1,100.00	985.00	985.00	929.32	929.32
44	1	EA	Furnish & Install 18" 45 Degree Bend	1,200.00	1,200.00	1,000.00	1,000.00	1,026.17	1,026.17
45	4	EA	Furnish & Install 18" x 12" Tee	1,500.00	6,000.00	1,445.00	5,780.00	1,487.37	5,949.48
46	3,870	LF	Furnish & Install 12" PVC C900 Water Line	34.00	131,580.00	36.60	141,642.00	52.69	203,910.30
47	9	EA	Furnish & Install 12" Gate Valve	2,550.00	22,950.00	2,285.00	20,565.00	2,744.14	24,697.26
48	8	EA	Furnish & Install 12" 11.25 Degree Bend	650.00	5,200.00	440.00	3,520.00	460.05	3,680.40
49	2	EA	Furnish & Install 22.5 Degree Bend	700.00	1,400.00	470.00	940.00	352.82	705.64
50	1	EA	Furnish & Install 12" 90 Degree Bend	800.00	800.00	500.00	500.00	618.01	618.01
51	4	EA	Furnish & Install 12" x 12" Tee	650.00	2,600.00	840.00	3,360.00	767.90	3,071.60
52	2	EA	Connect to Existing 12" Water Line	3,500.00	7,000.00	1,575.00	3,150.00	1,276.37	2,552.74
53	4	EA	Furnish & Install 12" Cap	200.00	800.00	225.00	900.00	318.23	1,272.92
54	63	LF	Furnish & Install 6" PVC C900 Water Line	23.00	1,449.00	23.00	1,449.00	31.82	2,004.66
55	9	EA	Furnish & Install Standard Fire Hydrant Assembly	4,500.00	40,500.00	4,370.00	39,330.00	5,443.31	48,989.79
56	2	EA	Furnish & Install Standard Air & Vacuum Release Valve Assembly	7,234.00	14,468.00	6,750.00	13,500.00	8,158.63	16,317.26

BID TABULATION
CITY OF TEMPLE
MCLANE PARKWAY TO RESEARCH PARKWAY CONNECTOR AND
PEPPER CREEK MAIN STEM REGIONAL DETENTION POND NORTH OF MCLANE PARKWAY
3210 E. Ave H; Bldg C; Temple, TX
January 20, 2015; 2:00 PM

BIDDER INFORMATION									
			Gary W Purser Construction Ltd 2901 E Stan Schluter Loop Killeen TX 76542		TTG Utilities LP PO Box 299 Gatesville TX 76528		Champion Site Prep Inc 455-A Hwy 195 Georgetown TX 78633		
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
57	1	EA	Furnish & Install Permanent Flush Assembly	10,100.00	10,100.00	11,600.00	11,600.00	3,878.69	3,878.69
58	208	LF	Furnish & Install 30" Steel Encasement Pipe by Open Cut	175.00	36,400.00	160.00	33,280.00	172.95	35,973.60
59	475	LF	Furnish & Install 24" Steel Encasement Pipe by Open Cut	98.50	46,787.50	109.00	51,775.00	95.70	45,457.50
60	43	LF	Furnish & Install 12" Steel Encasement Pipe by Open Cut	65.00	2,795.00	82.00	3,526.00	64.57	2,776.51
61	2	EA	Connecting to Existing 12" Water Line	3,500.00	7,000.00	1,575.00	3,150.00	784.04	1,568.08
62	100%	LS	For Furnishing All Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	5,500.00	5,500.00	9,280.00	9,280.00	3,135.01	3,135.01
63	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	6,650.00	6,650.00	6,865.00	6,865.00	8,233.57	8,233.57
64	100%	LS	Furnish & Install Temporary Flush Assembly(ies) as necessary for testing	6,000.00	6,000.00	7,390.00	7,390.00	1,432.03	1,432.03
65	100%	LS	Clean up & Final Grading of the Project	25,000.00	25,000.00	11,555.00	11,555.00	14,487.25	14,487.25
66	80,000	SY	Furnish & Install Bermuda seeding with fertilizer with Flexible growth medium including watering & mowing to promote & sustain growth throughout the project	2.25	180,000.00	3.35	268,000.00	1.68	134,400.00
PART A - ROAD AMOUNT - (Items 1 - 66)					\$ 3,260,633.50		\$ 3,378,896.79		\$ 3,541,917.64
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - ADD ALTERNATE A									
1	18,390	SY	Furnish & Install Type II Geogrid	\$ 1.00	\$ 18,390.00	\$ 2.00	\$ 36,780.00	\$ 2.87	\$ 52,779.30
2	18,390	SY	Furnish & Install 6-inch Moisture Conditioned Subgrade	1.60	29,424.00	1.20	22,068.00	1.89	34,757.10
PART A - ADD ALTERNATE A AMOUNT - (Items 1 - 2)					\$ 47,814.00		\$ 58,848.00		\$ 87,536.40
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART A - ADD ALTERNATE B									
1	18,390	SY	Furnish & Install One Course Surface Treatment	\$ 2.10	\$ 38,619.00	\$ 3.00	\$ 55,170.00	\$ 2.99	\$ 54,986.10
PART A - ADD ALTERNATE B AMOUNT - (Item 1)					\$ 38,619.00		\$ 55,170.00		\$ 54,986.10
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B - DETENTION POND									
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 20,000.00	\$ 20,000.00	\$ 41,000.00	\$ 41,000.00	\$ 31,116.43	\$ 31,116.43
2	10.0	AC	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Right-of-way For	15,100.00	151,000.00	1,015.00	10,150.00	441.44	4,414.40
3	100%	LS	Submit Trench Safety Plan prepared & signed by a P.E., in Conformance with State Law & OSHA	1,200.00	1,200.00	860.00	860.00	4,432.13	4,432.13
4	222	LF	Implement & Follow Trench Safety Plan (Pipe)	10.00	2,220.00	1.45	321.90	2.31	512.82
5	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	1,000.00	1,000.00	1,360.00	1,360.00	5,765.00	5,765.00
6	1	EA	Furnish, Install, Maintain & Remove Stabilized Construction Entrance	1,500.00	1,500.00	1,700.00	1,700.00	2,017.75	2,017.75
7	390	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.00	1,170.00	1.95	760.50	2.42	943.80
8	125	LF	Furnish, Install, Maintain & Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	25.00	3,125.00	37.00	4,625.00	28.83	3,603.75
9	1,190	LF	Furnish, Install, Maintain & Remove Tree Protection in Areas Shown on Sheet G-04	15.00	17,850.00	3.05	3,629.50	3.40	4,046.00
10	900	CY	Unclassified Channel Excavation	7.50	6,750.00	10.00	9,000.00	32.27	29,043.00
11	715	CY	Place & Compact Unclassified Fill (Channel)	5.00	3,575.00	5.50	3,932.50	14.31	10,231.65
12	10,000	CY	Placing & Compacting Select Fill (Pond)	25.00	250,000.00	16.00	160,000.00	18.46	184,600.00
13	950	CY	Placing & Compacting 12" Thick Clay Liner (Pond)	52.00	49,400.00	15.50	14,725.00	11.55	10,972.50
14	6,010	SY	Furnishing & Placing 12" Diameter Rock Rip Rap Including Filter Fabric	35.00	210,350.00	50.00	300,500.00	23.64	142,076.40
15	2,300	SY	Furnishing & Placing 6" Flexbase Access Road	6.60	15,180.00	8.01	18,423.00	7.99	18,377.00
16	140	LF	Furnishing & Installing 36" Reinforced Concrete Pipe (RCP) Culverts	145.00	20,300.00	135.00	18,900.00	155.66	21,792.40
17	5,840	SY	Furnishing & Installing 18" Diameter Rock Riprap Including Filter Fabric	30.00	175,200.00	60.00	350,400.00	34.83	203,407.20
18	1	EA	Furnishing & Installing Concrete Headwall, Type CH-FW-0, for Two-36" Reinforced Concrete Pipe (RCP) Culverts, Including Trash Racks as Shown on Sheet PP-05	9,500.00	9,500.00	3,500.00	3,500.00	10,011.79	10,011.79
19	1	EA	Furnishing & Installing Concrete Headwall, Type CH-FW-0, for Two - 36" Reinforced Concrete Pipe (RCP) Culverts, with Energy Dissipators	14,800.00	14,800.00	3,100.00	3,100.00	11,685.68	11,685.68
20	250	CY	Furnishing & Placing Class "A", 3,000 psi Concrete for Overflow Weir, Emergency Weir, Channel Bend, & Channel Drop	285.00	71,250.00	305.00	76,250.00	502.66	125,665.00
21	5,900	SY	Furnish & Install Bermuda seeding with fertilizer with Flexible growth medium Capable of Establishing 3:1 Slope Including Watering &	2.50	14,750.00	3.60	21,240.00	2.65	15,635.00
PART B - DETENTION POND AMOUNT - (Items 1 - 21)					\$ 1,040,120.00		\$ 1,044,377.40		\$ 840,349.70

BID TABULATION
CITY OF TEMPLE
MCLANE PARKWAY TO RESEARCH PARKWAY CONNECTOR AND
PEPPER CREEK MAIN STEM REGIONAL DETENTION POND NORTH OF MCLANE PARKWAY
3210 E. Ave H; Bldg C; Temple, TX
January 20, 2015; 2:00 PM

				BIDDER INFORMATION					
				Gary W Purser Construction Ltd 2901 E Stan Schlueter Loop Killeen TX 76542		TTG Utilities LP PO Box 299 Gatesville TX 76528		Champion Site Prep Inc 455-A Hwy 195 Georgetown TX 78633	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
PART B - ADD ALTERNATE C									
1	100%	LS	Furnishing & Installing Water Fountains, Including but not limited to Three (3) Water Fountains, Controls, Electrical Wiring, Meter Rack, Anchoring System & all other Components required for installation & operation	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00	\$ 25,000.00	\$ 63,415.00	\$ 63,415.00
2	850	LF	Furnish & Install 2-2-inch Underground Electrical Conduit, Trenching, Embedment & Backfill	24.00	20,400.00	21.00	17,850.00	17.30	14,705.00
PART B - ADD ALTERNATE C AMOUNT - (Items 1 - 2)					\$ 60,400.00		\$ 42,850.00		\$ 78,120.00

BID SUMMARY							
PART A - ROAD (Items 1 - 66)	\$	3,260,633.50	\$	3,378,896.79	\$	3,541,917.64	
PART A - ADD ALTERNATE A (Items 1 - 2)	\$	47,814.00	\$	58,848.00	\$	87,536.40	
PART A - ADD ALTERNATE B (Item 1)	\$	38,619.00	\$	55,170.00	\$	54,986.10	
PART B - DETENTION POND (Items 1 - 21)	\$	1,040,120.00	\$	1,044,377.40	\$	840,349.70	
PART B - ADD ALTERNATE C (Items 1 - 2)	\$	60,400.00	\$	42,850.00	\$	78,120.00	
TOTAL PART A + ADD ALTERNATE A + ADD ALTERNATE B + PART B + ADD ALTERNATE C		\$	4,447,586.50	\$	4,580,142.19	\$	4,602,909.84

ROAD OPTION 1

PART A - ROAD	\$	3,260,633.50	\$	3,378,896.79	\$	3,541,917.64
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ROAD OPTION 2

PART A - ROAD	\$	3,260,633.50	\$	3,378,896.79	\$	3,541,917.64
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PART A - ADD ALTERNATE A	\$	47,814.00	\$	58,848.00	\$	87,536.40
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	\$	3,308,447.50	\$	3,437,744.79	\$	3,629,454.04
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ROAD OPTION 3

PART A - ROAD	\$	3,260,633.50	\$	3,378,896.79	\$	3,541,917.64
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PART A - ADD ALTERNATE B	\$	38,619.00	\$	55,170.00	\$	54,986.10
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	\$	3,299,252.50	\$	3,434,066.79	\$	3,596,903.74
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ROAD OPTION 4

PART A - ROAD	\$	3,260,633.50	\$	3,378,896.79	\$	3,541,917.64
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PART A - ADD ALTERNATE A	\$	47,814.00	\$	58,848.00	\$	87,536.40
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PART A - ADD ALTERNATE B	\$	38,619.00	\$	55,170.00	\$	54,986.10
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	\$	3,347,066.50	\$	3,492,914.79	\$	3,684,440.14
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POND OPTION 1

PART B - DETENTION POND	\$	1,040,120.00	\$	1,044,377.40	\$	840,349.70
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POND OPTION 2

PART B - DETENTION POND	\$	1,040,120.00	\$	1,044,377.40	\$	840,349.70
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PART B - ADD ALTERNATE C	\$	60,400.00	\$	42,850.00	\$	78,120.00
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	\$	1,100,520.00	\$	1,087,227.40	\$	918,469.70
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Did Bidder Acknowledge Addendum No. 17	YES	YES	YES
Did Bidder Acknowledge Addendum No. 27	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES

I hereby certify that this is a correct & true tabulation of all bids received


R. David Patrick, PE, CFM
Kasberg, Patrick & Associates, LP

1/21/15
Date





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.
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Georgetown
1008 South Main Street
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(512) 819-9478

January 21, 2015

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

Re: City of Temple, Texas
McLane Parkway to Research Parkway Connector and Pepper Creek Main Stem
Regional Detention Pond North of McLane Parkway

Dear Mr. Billeck:

Bids were received by the City of Temple at 2:00 P.M. on Tuesday, January 20, 2015 for the above referenced project. There were three (3) sealed bids received and a detailed bid tabulation of these bids is attached for your use. The Base Bids for received for the project ranged from \$4,300,753.50 to \$4,382,267.34. Our opinion of probable construction was \$4,300,000. A Bid Tabulation is provided for your reference.

The project was bid with two add alternates for the roadway portion and one add alternate for the pond portion of the project. We recommend acceptance of the base bids and all add alternates for the project. The attached Bid Tabulation shows Gary W. Purser Construction, Ltd as the low bidder with a bid of \$3,347,066.50 for Road Option 4 and \$1,100,520.00 for Pond Option 2, for a project total of \$4,447,586.50.

Gary W. Purser Construction, Ltd has completed several projects of similar scope and has the experience necessary to complete this work. Therefore, we recommend that a contract be awarded to Gary W. Purser Construction, Ltd for the McLane Parkway to Research Parkway Connector and Pepper Creek Main Stem Regional Detention Pond North of McLane Parkway Project in the amount of \$4,447,586.50.

Please call if you should have any further questions.

Sincerely,

R. David Patrick, P.E., CFM
Kasberg, Patrick & Associates, LP

RESOLUTION NO. 2015-7621-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH GARY W. PURSER CONSTRUCTION, LTD, OF KILLEEN, TEXAS FOR THE BASE BID, ADD ALTERNATE A AND ADD ALTERNATE B FOR THE MCLANE PARKWAY TO RESEARCH PARKWAY CONNECTOR, AND THE BASE BID AND ADD ALTERNATE C FOR THE PEPPER CREEK REGIONAL DETENTION POND IN THE NORTHWEST INDUSTRIAL PARK, FOR A LUMP SUM PRICE OF \$4,447,586.50; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, a detention pond, utilities and roadway connection from McLane Parkway to Research Parkway are required to serve properties within the Industrial Park - the 2022 Tax Reinvestment Zone Master Plan identified development of a regional detention pond for the drainage area of the Pepper Creek Main Stem upstream of McLane Parkway as a priority project;

Whereas, the existing dam structure will be increased and stabilized, with construction of a control outlet - the roadway connection and pond abut one another within the drainage area of Pepper Creek north of McLane Parkway and adjacent to the existing and proposed HEB distribution centers;

Whereas, per the economic development agreement with HEB, they have agreed to participate in the cost of the base bid for the Pepper Creek Regional Detention Pond – HEB's share is 19.2% of the construction cost or \$199,703;

Whereas, on January 20, 2015, three bids were received for construction of the combined project with Gary W. Purser Construction, Ltd. submitting the low bid; and

Whereas, funds are available for this construction contract in Account No. 795-9500-531-6562, Project No. 100994 and Account No. 795-9500-531-6866, Project No. 101003; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute a construction contract with Gary W. Purser Construction, Ltd. of Killeen, Texas, after approval as to form by the City Attorney, for the base bid, add alternate A and add alternate B for the McLane Parkway to Research Parkway Connector and the base bid and add alternate C for the Pepper Creek Regional Detention Pond in the northwest Industrial Park for a lump sum price totaling \$4,447,586.50.

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 **5th** day of **February**, 2015.

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

02/05/15
Item #11
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to provide bidding, construction administration and on-site representation required to construct the Pepper Creek Regional Detention Pond in the northwest Industrial Park for the lump sum price of \$38,575.

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

ITEM SUMMARY: On November 3, 2011, Council adopted a resolution authorizing an agreement with KPA to provide professional services required to design a regional detention pond within the northwest portion of the industrial park and obtain the necessary TCEQ approval for modifications to the dam in an amount not to exceed \$63,600.

On January 28, 2015, the Temple Redevelopment Zone #1 Board approved to recommend to Council this amendment to the professional services agreement in an amount not to exceed \$38,575.

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

Bidding	\$ 4,000
Construction Administration	\$ 20,375
	<u>\$ 24,375</u>
On-Site Representation	\$ 14,200
Total	<u>\$ 38,575</u>

The OPC for the project is \$900,000 and the estimated timeline for construction is nine (9) months from the date of the notice to proceed to the contractor.

FISCAL IMPACT: Funding for the amendment to the professional services agreement in the amount of \$38,575 is available in the Reinvestment Zone Financing/Project Plan, Line 103, account 795-9500-531-6562, Project #100994.

ATTACHMENTS:

[Pond Proposal
Resolution](#)



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

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

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

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

December 31, 2014

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

Re: Temple Reinvestment Zone
Pepper Creek Regional Detention Pond at McLane Parkway Construction Phase Services

Dear Mr. Billeck:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. The project consists of bidding, construction administration and on-site services for the Pepper Creek Regional Detention Pond at McLane Parkway Project. The project will bid and provide construction phase services. Our preliminary opinion of probable construction cost for this project is \$900,000.

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 nine (9) months from the date of 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 1 hour per day.
- B. Prepare and submit weekly logs of construction activities.

The following scope of work for the Pepper Creek Regional Detention Pond at McLane Parkway Construction Phase Services Project can be completed for the lump sum price of \$38,575.00. 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.

**Pepper Creek Regional Detention Pond at
McLane Parkway Construction Phase Services**

Bidding	\$ 4,000.00
Construction Administration	\$ 20,375.00
On-Site Representation	\$ 14,200.00
TOTAL	\$ 38,575.00

Sincerely,



R. David Patrick, P.E., CFM
xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple

Pepper Creek Regional Detention Pond at McLane Parkway Construction Phase Services

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

RESOLUTION NO. 2015-7622-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, TO PROVIDE BIDDING, CONSTRUCTION ADMINISTRATION AND ON-SITE REPRESENTATION REQUIRED TO CONSTRUCT THE PEPPER CREEK REGIONAL DETENTION POND IN THE NORTHWEST INDUSTRIAL PARK, IN THE LUMP SUM PRICE OF \$38,575; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on November 3, 2011, Council adopted a resolution authorizing an agreement with Kasberg, Patrick & Associates, LP ('KPA') to provide professional services to design a regional detention pond within the northwest portion of the industrial park and obtain the necessary TCEQ approval for modifications to the dam;

Whereas, on January 28, 2015, the Temple Reinvestment Zone No. 1 Board recommended approval of the amendment to the professional services agreement with KPA to provide bidding, construction administration and on-site representation required to construct the Pepper Creek Regional Detention Pond in the Northwest Industrial Park in the lump sum price of \$38,575;

Whereas, funding for the amendment to the professional services agreement is available in the Reinvestment Zone Financing/Project Plan, Line 103, Account No. 795-9500-531-6562, Project No. 100994;and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, to provide bidding, construction administration and on-site representation required to construct the Pepper Creek Regional Detention Pond in the Northwest Industrial Park in the lump sum price of \$38,575.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

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

02/05/15
Item #12
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP (KPA), to provide bidding, construction administration and on-site representation required to construct the connection from McLane Parkway to Research Parkway in northwest Temple for the lump sum price of \$130,000.

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

ITEM SUMMARY: On August 15, 2013, Council adopted a resolution authorizing an agreement with KPA to provide professional services required to design the roadway connection and utilities from McLane Parkway to Research Parkway in the northwest Industrial Park in an amount not to exceed \$366,935.

On January 28, 2015, the Temple Redevelopment Zone #1 Board approved to recommend to Council this amendment to the professional services agreement in an amount not to exceed \$130,000.

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

Bidding	\$ 4,500
Construction Administration	<u>\$ 81,500</u>
	\$ 86,000
On-Site Representation	<u>\$ 44,000</u>
Total	<u>\$ 130,000</u>

The OPC for the project is \$3,400,000 and the estimated timeline for construction is nine (9) months from the date of the notice to proceed to the contractor.

FISCAL IMPACT: Funding for the amendment to the professional services agreement in the amount of \$130,000 is available in the Reinvestment Zone Financing/Project Plans, Line 156, account 795-9800-531-6866, Project #101003.

ATTACHMENTS:

[Connector Proposal
Resolution](#)



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

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One South Main Street
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ALVIN R. "TRAE" SUTTON, III, P.E., CFM

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

December 31, 2014

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

Re: Temple Reinvestment Zone
McLane Parkway to Research Parkway Connector Construction Phase Services

Dear Mr. Billeck:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. The project consists of bidding, construction administration and on-site services for the McLane Parkway to Research Parkway Connector Project. The project will bid and provide construction phase services. Our preliminary opinion of probable construction cost for this project is \$3,400,000.

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 nine (9) months from the date of 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 2 hours per day.
- B. Prepare and submit weekly logs of construction activities.

The following scope of work for the McLane Parkway to Research Parkway Connector Construction Phase Services Project can be completed for the lump sum price of \$130,000.00. 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.

**McLane Parkway to Research Parkway Connector
Construction Phase Services**

Bidding (McLane to Research)	\$ 4,500.00
Construction Administration (McLane to Research)	\$ 81,500.00
On-Site Representation (McLane to Research)	\$ 44,000.00
TOTAL	<u>\$ 130,000.00</u>

Sincerely,



R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

Charges for Additional Services

City of Temple

McLane Parkway to Research Parkway Connector Construction Phase Services

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

RESOLUTION NO. 2015-7623-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP, OF TEMPLE, TEXAS, TO PROVIDE BIDDING, CONSTRUCTION ADMINISTRATION AND ON-SITE REPRESENTATION REQUIRED TO CONSTRUCT THE CONNECTION FROM MCLANE PARKWAY TO RESEARCH PARKWAY IN NORTHWEST TEMPLE, IN THE LUMP SUM PRICE OF \$130,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 15, 2013, Council adopted a resolution authorizing an agreement with Kasberg, Patrick & Associates, LP ('KPA') to provide professional services to design the roadway connection and utilities from McLane Parkway to Research Parkway in the northwest Industrial Park;

Whereas, on January 28, 2015, the Temple Reinvestment Zone No. 1 Board recommended approval of the amendment to the professional services agreement with KPA to provide bidding, construction administration and on-site representation required to construct the connection from McLane Parkway to Research Parkway in Northwest Temple in the lump sum price of \$130,000;

Whereas, funding for the amendment to the professional services agreement is available in the Reinvestment Zone Financing/Project Plan, Line 156, Account No. 795-9800-531-6866, Project No. 101003;and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to execute an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, of Temple, Texas, after approval as to form by the City Attorney, to provide bidding, construction administration and on-site representation required to construct the connection from McLane Parkway to Research Parkway in Northwest Temple in the lump sum price of \$130,000.

Part 2: It is hereby officially found and determined that the meeting at which this Resolution was 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 5th day of **February**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney