



**MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, MARCH 19, 2015

3:00 P.M.

WORKSHOP AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, March 19, 2015.
2. Discuss proposed amendments to the Unified Development Code.
3. Discuss the purchase of property, payment of closing costs, and payment of relocation expenses related to projects along Avenue U, Prairie View Road, Old Waco Road, SW H.K. Dodgen Loop, and Moores Mill Road.

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.

4. Discuss a proposed Settlement Agreement and Mutual Release between the City, Gulf States Toyota, Inc., FR-VPC II, L.P., and the Temple Economic Development Corporation.

Executive Session – Pursuant to Chapter 551, Government Code § 551.071 – Consultation with Attorney – The City Council may enter into executive session to seek the advice of its attorney about a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

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 presentation from [Frank Reidy](#) with regards to storing material at 1114 East Avenue B.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. Recognize Keep Temple Beautiful, CTLC and the NAACP regarding the Great American Cleanup Temple, Neighborhood Pride project.

V. CONSENT AGENDA

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

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

Minutes

- (A) [March 5, 2015 Special Called & Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2015-7655-R](#): Consider adopting a resolution authorizing a construction contract for interior renovations to Fire Station No. 2 with Camden Enterprises, LLC of Belton in the amount of \$59,408.40.
- (C) [2015-7656-R](#): Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP (TTG) of Gatesville, Texas for construction of 2014 Waterline Replacements, which include South 26th Street and East Avenue B, North 21st Street from West Adams Avenue to West French Avenue, and Dunbar Road and East Avenue N, in an amount not to exceed \$865,000.
- (D) [2015-7657-R](#): Consider adopting a resolution authorizing a Settlement Agreement and Mutual Release between the City of Temple, Temple Economic Development Corporation, Gulf States Toyota, Inc., and FR-VPC II, L.P.
- (E) [2015-7658-R](#): Consider adopting a resolution amending Resolution No. 2006-4806-R to expand the definition of “professional services.”
- (F) [2015-7659-R](#): Consider adopting a resolution authorizing the purchase of 13 tracts of land along Avenue U, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.
- (G) [2015-7660-R](#): Consider adopting a resolution authorizing the purchase of right of way along the southeast corner of SW H.K. Dodgen Loop and South 5th Street and authorizing closing costs associated with the purchase.
- (H) [2015-7661-R](#): Consider adopting a resolution authorizing the purchase of four tracts of land located on Moores Mill Road, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.

Ordinances – Second & Final Reading

- (I) [2015-4704](#): SECOND & FINAL READING – Z-FY-15-05: Consider adopting an ordinance authorizing a zoning change from Two Family Dwelling (2F) to General Retail (GR) on Lot 4, Block 3 of the Moore’s Knight Addition located at 111 South 33rd Street.

Misc.

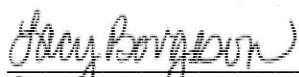
- (J) [2015-7662-R](#): Consider adopting a resolution ratifying an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to vital records databases and authorizing an amendment to the contract related to the City’s use of confidential information obtained through the vital records databases.
- (K) [2015-7663-R](#): Consider adopting a resolution authorizing the extension of the City’s Bank Depository Contract with Bank of America Merrill Lynch for an additional three month period, through August 31, 2015.
- (L) [2015-7664-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

RESOLUTIONS

6. [2015-7665-R](#): Consider adopting a resolution authorizing an Advance Funding Agreement with the Texas Department of Transportation for increasing the width of a 6 foot wide sidewalk to a 10 foot wide sidewalk on Texas State Highway 317 in the amount of \$200,000.

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 2:30 PM, on Friday, March 13, 2015.



City Secretary, TRMC
City of Temple



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Daniel A. Dunn, Mayor

ITEM DESCRIPTION: Receive comments from Frank Reidy regarding to storing materials at 1114 East Avenue B.

STAFF RECOMMENDATION: Receive comments as presented in item description.

ITEM SUMMARY: Mr. Ready submitted a Request for Placement on the City Council Agenda, please see attached the forms.

FISCAL IMPACT: None

ATTACHMENTS:

[Request for placement on agenda](#)



CITY OF TEMPLE, TEXAS

CITY COUNCIL MEETINGS

REQUEST FOR PLACEMENT ON AGENDA

__Priority

NAME OF PRESENTER: FRANK REIDY

ADDRESS: 1114 E Ave B

TELEPHONE NO. 281-931-6848

DATE REQUESTED TO APPEAR BEFORE THE COUNCIL: (Note - The City Council meets the first and third Thursdays of each month.) MARCH 14, 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.)

COMPLAINTS ABOUT STORING MATERIALS ON ABOVE
PROPERTY FOR WHICH I HAVE A PERMIT

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.

Frank Reidy
SIGNATURE OF PRESENTER

2-26-14
DATE

For Office Use:



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #5(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) March 5, 2015 Special Called & 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:

March 5, 2015 Special Called & Regular Meeting- to be provided



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #5(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Purchasing Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract for interior renovations to Fire Station No. 2 with Camden Enterprises, LLC of Belton in the amount of \$59,408.40.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Fire Station No. 2 was originally constructed in 1998. Approval of this item will enable the construction of interior improvements to the facility based on the wear and tear of the facility over the last 16 years. A summary of the improvements as designed by Architectural Edge, Inc. is as follows: reconfiguration and update of the kitchen space, installation of new floating vinyl plank flooring, installation of new rubber flooring in the workout room, painting, and the construction of new lockers in the bedroom area.

As shown on the attached bid tabulation, on March 3, 2015, three (3) bids were received for the construction work. Staff is recommending award of the construction contract to Camden Enterprises, LLC of Belton in the amount of \$59,408.40, including both Add Alternate bids. The City has done business with Fine Line Design Build, which has the same staffing as Camden Enterprises, and staff has found them to be a responsive and responsible contractor. Construction time allotted for this project is 90 days.

FISCAL IMPACT: Currently, total funding in the amount of \$70,404 is available in account 110-5900-522-6310, project 101142, for award of the construction contract with Camden Enterprises, LLC in the amount of \$59,408.40.

ATTACHMENTS:

[Bid Tabulation](#)
[Resolution](#)

Tabulation of Bids Received
 on March 3, 2015 at 2:30 p.m.
 Fire Station No. 2 Interior Renovations
 Bid# 22-01-15

	Bidders		
	Camden Enterprises, LLC Belton, TX	Ingenium Construction Company, LLC Austin, TX	Vanguard Contractors, LP Temple, TX
Description			
Total Base Bid	\$51,542.40	\$77,900.00	\$55,800.00
Alternate #1-locker replacements	\$5,980.00	\$20,300.00	\$15,100.00
Alternate #2-stainless steel countertops in kitchen in lieu of laminated	\$1,886.00	\$3,500.00	\$3,700.00
TOTAL	\$59,408.40	\$101,700.00	\$74,600.00
Acknowledge Addendum	Yes	Yes	Yes
Local Preference	No	No	Yes
Bid Bond	5%	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CAMDEN ENTERPRISES, LLC OF BELTON, TEXAS FOR INTERIOR RENOVATIONS TO FIRE STATION NO. 2, IN THE AMOUNT OF \$59,408.40; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, fire station number 2 was originally constructed in 1998, and based on the wear and tear of the facility over the last 16 years, interior renovations are necessary;

Whereas, interior renovations will include reconfiguration and update of kitchen space, installation of new floating vinyl plank flooring, installation of new rubber flooring in the workout room, painting, and construction of new lockers in the bedroom area;

Whereas, on March 3, 2015, three bids were received for the renovations and staff recommends award of the construction contract to Camden Enterprises, LLC of Belton, Texas in the amount of \$59,408.40, including both add alternate bids;

Whereas, the City has done business with Fine Line Design Build, which has the same staffing as Camden Enterprises, LLC, and staff has found them to be a responsive and responsible contractor;

Whereas, funding is available for this construction contract in Account No. 110-5900-522-6310, Project No. 101142; 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 Camden Enterprises, LLC of Belton, Texas, after approval as to form by the City Attorney, for interior renovations to fire station number 2, in the amount of \$59,408.40.

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 **19th** day of **March**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #5(C)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with TTG Utilities, LP (TTG) of Gatesville, Texas for construction of 2014 Waterline Replacements, which include South 26th Street and East Avenue B, North 21st Street from West Adams Avenue to West French Avenue, and Dunbar Road and East Avenue N, in an amount not to exceed \$865,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years the Public Works Utility Services Division has experienced numerous operational issues in several water lines. These include South 26th Street and East Avenue B, North 21st from West Adams Avenue to West French Avenue, and Dunbar Road and East Avenue N. A map is attached for reference. These areas contain undersized cast-iron lines with lead-poured joints (6" in size or less). The project will provide larger distribution lines and installation of valves and hydrants, substantially upgrading the water and fire protection services in these areas.

On March 6, four bids were received. Per the attached Bid Tab, TTG submitted the low bid on the project in the amount of \$865,000, comprising the base bid of \$327,953.50 for 26th Street and Avenue B, Add Alternate 1 of \$293,992 for North 21st Street, and Add Alternate 2 of \$243,054.50 for Dunbar & Avenue N. The opinion of probable construction cost was \$905,000. BSP Engineers checked references and recommend awarding construction to the low bidder, TTG, in their attached letter. Construction time allotted for the project is 210 days.

FISCAL IMPACT: Currently, total funding in the amount of \$969,660.57 is available in account 520-5260-535-6357, project 101090, to award the construction contract to TTG Utilities, LP in an amount not to exceed \$865,000.

ATTACHMENTS:

[Map](#)
[Bid Tab](#)
[Recommendation Letter](#)
[Resolution](#)

City of Temple 2014 Water Main Improvements

26th and Avenue B

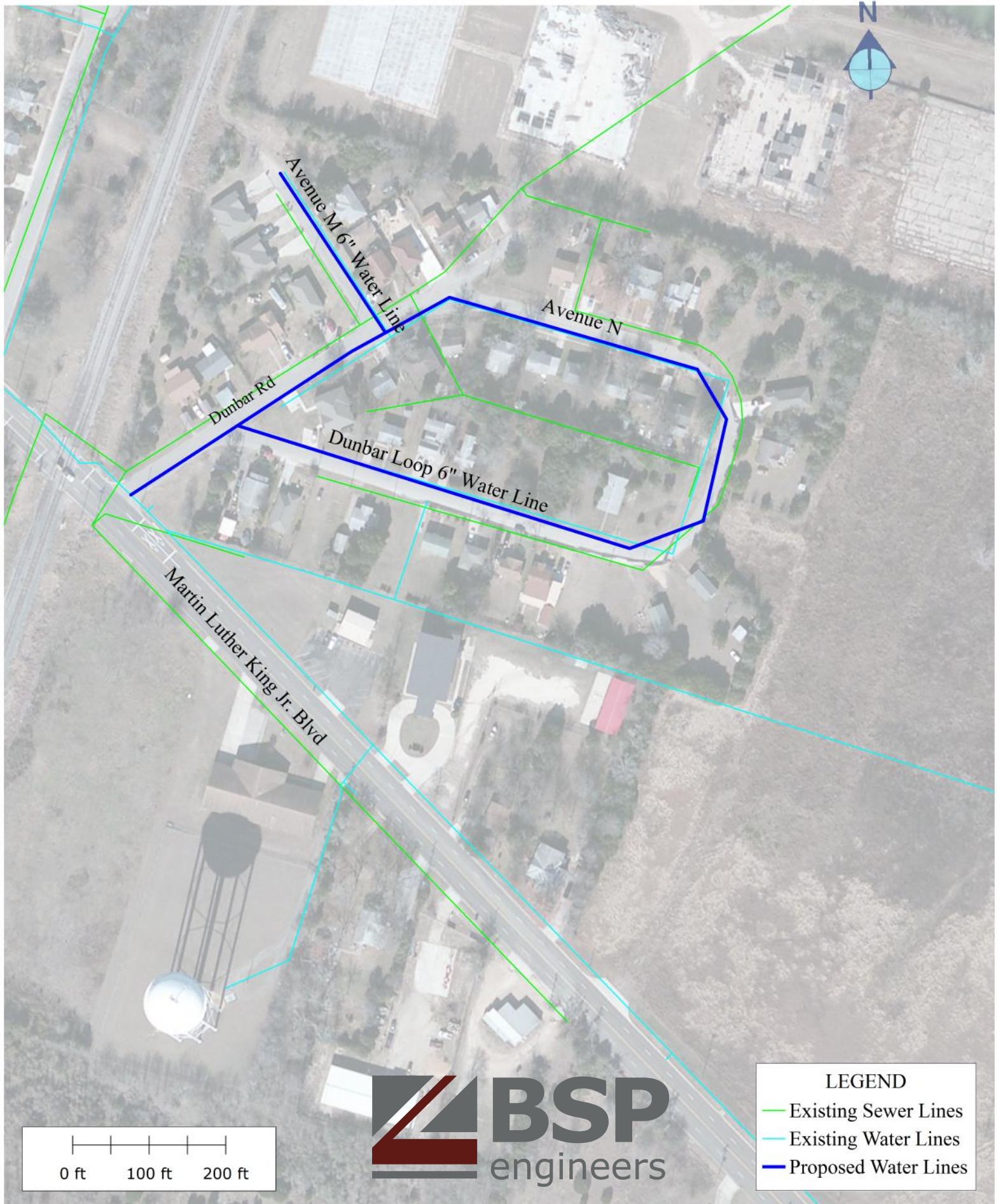


City of Temple 2014 Water Main Improvements

N 21st Street



City of Temple 2014 Water Main Improvements Dunbar and Avenue N



Engineer: BSP Engineers, Inc.

BSP PROJECT NO: 142178.00

BID DATE: March 6, 2015

BID TABULATION REPORT

CLIENT: City of Temple

DESCRIPTION: 2014 Water Main Improvements

BIDDERS											
BASE BID				TTG Utilities, LP		Bell Contractors, Inc.		Bruce Flanigan Construction, Inc.		Skyblue Utilities, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Mobilization, Bonds, Permits, Insurance	100%	LS	\$ 9,400.00	\$ 9,400.00	\$ 23,600.00	\$ 23,600.00	\$ 15,440.00	\$ 15,440.00	\$ 18,000.00	\$ 18,000.00
2	Prep of ROW and Site Clearing	21	STA	\$ 750.00	\$ 15,750.00	\$ 800.00	\$ 16,800.00	\$ 494.00	\$ 10,374.00	\$ 480.00	\$ 10,080.00
3	Trench Safety Plan	100%	LS	\$ 1,400.00	\$ 1,400.00	\$ 3,400.00	\$ 3,400.00	\$ 1,893.00	\$ 1,893.00	\$ 1,800.00	\$ 1,800.00
4	Locate Existing Utilities	100%	LS	\$ 11,100.00	\$ 11,100.00	\$ 8,900.00	\$ 8,900.00	\$ 14,078.00	\$ 14,078.00	\$ 9,600.00	\$ 9,600.00
5	1.5" Pavement Mill	6875	SY	\$ 3.90	\$ 26,812.50	\$ 3.90	\$ 26,812.50	\$ 4.30	\$ 29,562.50	\$ 3.00	\$ 20,625.00
6	1.5" type D HMAc pavement, TxDOT item 340	6,875	SY	\$ 10.60	\$ 72,875.00	\$ 11.00	\$ 75,625.00	\$ 10.30	\$ 70,812.50	\$ 16.80	\$ 115,500.00
7	Connect to Existing 6" Main	2	EA	\$ 2,300.00	\$ 4,600.00	\$ 2,500.00	\$ 5,000.00	\$ 8,629.00	\$ 17,258.00	\$ 5,099.88	\$ 10,199.76
8	Connect to Existing 2" Main	1	EA	\$ 1,350.00	\$ 1,350.00	\$ 1,700.00	\$ 1,700.00	\$ 8,304.00	\$ 8,304.00	\$ 1,964.32	\$ 1,964.32
9	New 6" PVC Class 150 C900 Water Main	2,096	LF	\$ 36.00	\$ 75,456.00	\$ 62.30	\$ 130,580.80	\$ 69.10	\$ 144,833.60	\$ 31.40	\$ 65,814.40
10	6" MJ gate valve	22	EA	\$ 905.00	\$ 19,910.00	\$ 890.00	\$ 19,580.00	\$ 906.00	\$ 19,932.00	\$ 1,164.44	\$ 25,617.68
11	6"x6" MJ Tees	7	EA	\$ 540.00	\$ 3,780.00	\$ 460.00	\$ 3,220.00	\$ 421.00	\$ 2,947.00	\$ 684.84	\$ 4,793.88
12	6" MJ 45 degree bends	6	EA	\$ 350.00	\$ 2,100.00	\$ 370.00	\$ 2,220.00	\$ 306.00	\$ 1,836.00	\$ 515.63	\$ 3,093.78
13	6" MJ 22.5 degree bends	3	EA	\$ 340.00	\$ 1,020.00	\$ 320.00	\$ 960.00	\$ 300.00	\$ 900.00	\$ 510.86	\$ 1,532.58
14	6"x4" reducer	2	EA	\$ 300.00	\$ 600.00	\$ 230.00	\$ 460.00	\$ 261.00	\$ 522.00	\$ 489.88	\$ 979.76
15	4"x2" reducer	1	EA	\$ 290.00	\$ 290.00	\$ 240.00	\$ 240.00	\$ 250.00	\$ 250.00	\$ 439.63	\$ 439.63
16	Misc MJ fittings	1500	LBS	\$ 4.50	\$ 6,750.00	\$ 9.70	\$ 14,550.00	\$ 16.00	\$ 24,000.00	\$ 2.40	\$ 3,600.00
17	Fire Hydrant assembly	5	EA	\$ 3,450.00	\$ 17,250.00	\$ 3,800.00	\$ 19,000.00	\$ 4,020.00	\$ 20,100.00	\$ 4,435.99	\$ 22,179.95
18	1" Short Side Single water service connection	21	EA	\$ 900.00	\$ 18,900.00	\$ 2,200.00	\$ 46,200.00	\$ 1,072.00	\$ 22,512.00	\$ 1,093.93	\$ 22,972.53
19	1" Long Side Single water service connection	22	EA	\$ 1,180.00	\$ 25,960.00	\$ 2,600.00	\$ 57,200.00	\$ 1,839.00	\$ 40,458.00	\$ 1,462.75	\$ 32,180.50
20	1" Long Side Bullhead water service connection	1	EA	\$ 1,450.00	\$ 1,450.00	\$ 3,300.00	\$ 3,300.00	\$ 2,732.00	\$ 2,732.00	\$ 1,966.91	\$ 1,966.91
21	All Testing	100%	LS	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 5,531.00	\$ 5,531.00	\$ 5,400.00	\$ 5,400.00
22		100%	LS	\$ 6,200.00	\$ 6,200.00	\$ 15,700.00	\$ 15,700.00	\$ 2,181.00	\$ 2,181.00	\$ 8,400.00	\$ 8,400.00
TOTAL BASE BID AMOUNT:				\$ 327,953.50		\$ 478,048.30		\$ 456,456.60		\$ 386,740.68	

BID ADDITIVE ALTERNATE 1											
BID ADDITIVE ALTERNATE 1				TTG Utilities, LP		Bell Contractors, Inc.		Bruce Flanigan Construction, Inc.		Skyblue Utilities, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Mobilization, Bonds, Permits, Insurance	100%	LS	\$ 8,500.00	\$ 8,500.00	\$ 20,800.00	\$ 20,800.00	\$ 11,722.00	\$ 11,722.00	\$ 9,600.00	\$ 9,600.00
2	Prep of ROW and Site Clearing	18	STA	\$ 805.00	\$ 14,490.00	\$ 920.00	\$ 16,560.00	\$ 494.00	\$ 8,892.00	\$ 360.00	\$ 6,480.00
3	Trench Safety Plan	100%	LS	\$ 1,325.00	\$ 1,325.00	\$ 2,900.00	\$ 2,900.00	\$ 894.00	\$ 894.00	\$ 1,800.00	\$ 1,800.00
4	Locate Existing Utilities	100%	LS	\$ 10,400.00	\$ 10,400.00	\$ 11,300.00	\$ 11,300.00	\$ 11,395.00	\$ 11,395.00	\$ 4,800.00	\$ 4,800.00
5	1.5" Pavement Mill	5430	SY	\$ 4.00	\$ 21,720.00	\$ 4.10	\$ 22,263.00	\$ 4.50	\$ 24,435.00	\$ 3.00	\$ 16,290.00
6	1.5" type D HMAc pavement, TxDOT item 340	5430	SY	\$ 10.80	\$ 58,644.00	\$ 11.00	\$ 59,730.00	\$ 10.40	\$ 56,472.00	\$ 16.80	\$ 91,224.00
7	Connect to Existing 8" Main	1	EA	\$ 2,475.00	\$ 2,475.00	\$ 3,900.00	\$ 3,900.00	\$ 8,629.00	\$ 8,629.00	\$ 5,876.44	\$ 5,876.44
8	Connect to Existing 6" Main	1	EA	\$ 3,900.00	\$ 3,900.00	\$ 2,900.00	\$ 2,900.00	\$ 4,767.00	\$ 4,767.00	\$ 5,255.50	\$ 5,255.50
9	Connect to Existing 4" Main	2	EA	\$ 2,460.00	\$ 4,920.00	\$ 2,100.00	\$ 4,200.00	\$ 1,910.00	\$ 3,820.00	\$ 4,470.16	\$ 8,940.32
10	Connect to Existing 2" Main	2	EA	\$ 1,350.00	\$ 2,700.00	\$ 1,500.00	\$ 3,000.00	\$ 1,577.00	\$ 3,154.00	\$ 1,363.15	\$ 2,726.30
11	Connect to Existing Hanson 20" RCCP Water Main	1	EA	\$ 9,829.00	\$ 9,829.00	\$ 9,300.00	\$ 9,300.00	\$ 18,348.00	\$ 18,348.00	\$ 7,763.38	\$ 7,763.38
12	New 6" PVC Class 150 C900 Water Main	1755	LF	\$ 36.00	\$ 63,180.00	\$ 71.30	\$ 125,131.50	\$ 69.10	\$ 121,270.50	\$ 31.15	\$ 54,668.25
13	6" MJ gate valve	23	EA	\$ 905.00	\$ 20,815.00	\$ 890.00	\$ 20,470.00	\$ 906.00	\$ 20,838.00	\$ 1,228.13	\$ 28,246.99
14	10" SDR 26 encasement	18	LF	\$ 53.00	\$ 954.00	\$ 45.80	\$ 824.40	\$ 108.00	\$ 1,944.00	\$ 54.72	\$ 984.96
15	6"x6" MJ Tees	4	EA	\$ 540.00	\$ 2,160.00	\$ 460.00	\$ 1,840.00	\$ 421.00	\$ 1,684.00	\$ 672.13	\$ 2,688.52
16	6" MJ 45 degree bends	8	EA	\$ 350.00	\$ 2,800.00	\$ 370.00	\$ 2,960.00	\$ 306.00	\$ 2,448.00	\$ 526.74	\$ 4,213.92
17	6"x4" reducer	3	EA	\$ 300.00	\$ 900.00	\$ 240.00	\$ 720.00	\$ 234.00	\$ 702.00	\$ 489.88	\$ 1,469.64
18	4"x2" reducer	2	EA	\$ 290.00	\$ 580.00	\$ 230.00	\$ 460.00	\$ 195.00	\$ 390.00	\$ 409.63	\$ 819.26
19	Misc MJ fittings	1500	LBS	\$ 4.50	\$ 6,750.00	\$ 11.00	\$ 16,500.00	\$ 16.00	\$ 24,000.00	\$ 2.40	\$ 3,600.00
20	Automatic Flush Valve assembly	1	EA	\$ 5,700.00	\$ 5,700.00	\$ 5,500.00	\$ 5,500.00	\$ 6,336.00	\$ 6,336.00	\$ 6,912.90	\$ 6,912.90
21	Fire Hydrant assembly	5	EA	\$ 3,450.00	\$ 17,250.00	\$ 3,400.00	\$ 17,000.00	\$ 4,020.00	\$ 20,100.00	\$ 4,452.79	\$ 22,263.95
22	1" Short Side Single water service connection	14	EA	\$ 900.00	\$ 12,600.00	\$ 2,200.00	\$ 30,800.00	\$ 1,072.00	\$ 15,008.00	\$ 1,083.70	\$ 15,171.80
23	1" Long Side Single water service connection	9	EA	\$ 1,180.00	\$ 10,620.00	\$ 2,500.00	\$ 22,500.00	\$ 1,839.00	\$ 16,551.00	\$ 1,452.59	\$ 13,073.31
24	1" Short Side Bullhead water service connection	1	EA	\$ 1,180.00	\$ 1,180.00	\$ 2,500.00	\$ 2,500.00	\$ 1,554.00	\$ 1,554.00	\$ 1,080.00	\$ 1,080.00
25	1" Long Side Bullhead water service connection	1	EA	\$ 1,450.00	\$ 1,450.00	\$ 3,000.00	\$ 3,000.00	\$ 2,732.00	\$ 2,732.00	\$ 1,965.02	\$ 1,965.02
26	All Testing	100%	LS	\$ 3,550.00	\$ 3,550.00	\$ 2,300.00	\$ 2,300.00	\$ 5,420.00	\$ 5,420.00	\$ 5,330.88	\$ 5,330.88
27	Grass Sod	100%	LS	\$ 4,600.00	\$ 4,600.00	\$ 12,200.00	\$ 12,200.00	\$ 2,891.00	\$ 2,891.00	\$ 6,000.00	\$ 6,000.00
TOTAL BID ADD. ALT 1 AMT:				\$ 293,992.00		\$ 421,558.90		\$ 396,396.50		\$ 329,245.34	

	BID ADDITIVE ALTERNATE 2			TTG Utilities, LP		Bell Contractors, Inc.		Bruce Flanigan Construction, Inc.		Skyblue Utilities, Inc.	
Item No.	Item Description	Quantity	Unit	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Mobilization, Bonds, Permits, Insurance	100%	LS	\$ 8,300.00	\$ 8,300.00	\$ 19,600.00	\$ 19,600.00	\$ 11,692.00	\$ 11,692.00	\$ 9,600.00	\$ 9,600.00
2	Prep of ROW and Site Clearing	21	STA	\$ 750.00	\$ 15,750.00	\$ 670.00	\$ 14,070.00	\$ 494.00	\$ 10,374.00	\$ 360.00	\$ 7,560.00
3	Trench Safety Plan	100%	LS	\$ 1,400.00	\$ 1,400.00	\$ 2,800.00	\$ 2,800.00	\$ 894.00	\$ 894.00	\$ 1,800.00	\$ 1,800.00
4	Locate Existing Utilities	100%	LS	\$ 10,700.00	\$ 10,700.00	\$ 7,100.00	\$ 7,100.00	\$ 11,562.00	\$ 11,562.00	\$ 7,200.00	\$ 7,200.00
5	Erosion Control	793	SY	\$ 27.50	\$ 21,807.50	\$ 36.00	\$ 28,548.00	\$ 47.00	\$ 37,271.00	\$ 40.80	\$ 32,354.40
6	Connect to Existing 12" Main	1	EA	\$ 4,275.00	\$ 4,275.00	\$ 3,700.00	\$ 3,700.00	\$ 6,309.00	\$ 6,309.00	\$ 10,006.54	\$ 10,006.54
7	New 6" PVC Class 150 C900 Water Main	2,023	LF	\$ 36.00	\$ 72,828.00	\$ 62.30	\$ 126,032.90	\$ 69.10	\$ 139,789.30	\$ 31.19	\$ 63,097.37
8	6" MJ gate valve	6	EA	\$ 905.00	\$ 5,430.00	\$ 890.00	\$ 5,340.00	\$ 906.00	\$ 5,436.00	\$ 1,235.22	\$ 7,411.32
9	10" SDR 26 encasement	18	LF	\$ 53.00	\$ 954.00	\$ 45.80	\$ 824.40	\$ 108.00	\$ 1,944.00	\$ 54.72	\$ 984.96
10	6"x6" MJ Tees	3	EA	\$ 540.00	\$ 1,620.00	\$ 460.00	\$ 1,380.00	\$ 421.00	\$ 1,263.00	\$ 732.13	\$ 2,196.39
11	6" MJ 45 degree bends	6	EA	\$ 350.00	\$ 2,100.00	\$ 370.00	\$ 2,220.00	\$ 306.00	\$ 1,836.00	\$ 515.62	\$ 3,093.72
12	Misc MJ fittings	1,500	LBS	\$ 4.50	\$ 6,750.00	\$ 13.00	\$ 19,500.00	\$ 16.00	\$ 24,000.00	\$ 2.40	\$ 3,600.00
13	Automatic Flush Valve assembly	2	EA	\$ 5,700.00	\$ 11,400.00	\$ 5,500.00	\$ 11,000.00	\$ 6,336.00	\$ 12,672.00	\$ 6,912.90	\$ 13,825.80
14	Fire Hydrant assembly	4	EA	\$ 3,450.00	\$ 13,800.00	\$ 3,600.00	\$ 14,400.00	\$ 4,020.00	\$ 16,080.00	\$ 4,452.79	\$ 17,811.16
15	1" Short Side Single water service connection	20	EA	\$ 900.00	\$ 18,000.00	\$ 2,300.00	\$ 46,000.00	\$ 1,072.00	\$ 21,440.00	\$ 1,083.77	\$ 21,675.40
16	1" Long Side Single water service connection	27	EA	\$ 1,180.00	\$ 31,860.00	\$ 2,600.00	\$ 70,200.00	\$ 1,839.00	\$ 49,653.00	\$ 1,452.59	\$ 39,219.93
17	1" Short Side Bullhead water service connection	1	EA	\$ 1,180.00	\$ 1,180.00	\$ 2,800.00	\$ 2,800.00	\$ 2,732.00	\$ 2,732.00	\$ 1,605.02	\$ 1,605.02
18	1" Short Side Bullhead water service connection	2	EA	\$ 1,450.00	\$ 2,900.00	\$ 3,000.00	\$ 6,000.00	\$ 1,554.00	\$ 3,108.00	\$ 1,970.90	\$ 3,941.80
19	All Testing	100%	LS	\$ 4,700.00	\$ 4,700.00	\$ 3,300.00	\$ 3,300.00	\$ 5,420.00	\$ 5,420.00	\$ 4,800.00	\$ 4,800.00
20	Grass Sod	100%	LS	\$ 7,300.00	\$ 7,300.00	\$ 14,600.00	\$ 14,600.00	\$ 2,891.00	\$ 2,891.00	\$ 8,400.00	\$ 8,400.00
				TOTAL BID ADD. ALT 2 AMT:	\$ 243,054.50		\$ 399,415.30		\$ 366,366.30		\$ 260,183.81

**City of Temple, Texas
2014 Water Main Improvements
Summary of BID**

	BASE BID	BID ADD. ALT #1	BID ADD. ALT. #2	TOTAL BASE BID + BID ALT. 1 + BID ALT. 2
TTG Utilities, LP	\$327,953.50	\$293,992.00	\$243,054.50	\$865,000.00
Bell Contractors, Inc.	\$478,048.30	\$421,558.90	\$399,415.30	\$1,299,022.50
Bruce Flanigan Construction, Inc.	\$456,456.60	\$396,396.50	\$366,366.30	\$1,219,219.40
Skyblue Utilities, Inc.	\$386,740.68	\$329,245.34	\$260,183.81	\$976,169.83

Temple
15 West Central Avenue
Temple, Texas 76501
V: (254) 774.9611

Waco
4800 Lakewood Dr., Ste. 4
Waco, Texas 76710
V: (254) 756.1610

Hutto
210 Hwy. 79, Ste. 101
Hutto, Texas 78634
V: (512) 759.2500



www.bspengineers.com

March 9, 2015

City of Temple, Engineering
Attn.: Don Bond
3210 East Ave. H, Bldg. A
Temple, Texas 76501

Re: City of Temple, 2014 Water Main Improvements

Dear Mr. Bond,

We have reviewed the bids for the above referenced project. TTG Utilities, LP submitted a base bid of \$327,953.50, an additive alternate 1 bid of \$293,992.00, an additive alternative 2 bid of \$243,054.50, with a total bid of \$865,000.00. Please see the enclosed Bid Tabulation Sheet for detailed information. We are recommending that you award the contract to TTG Utilities, LP. We believe, through personal experience, that TTG Utilities, LP is qualified and is capable of providing the water main improvements as required in this project.

TTG Utilities, LP is a proven company with many successfully completed projects and we look forward to working with them on this project.

Please advise us as to which contractor you select.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Kirkpatrick', with a stylized flourish at the end.

Steven Kirkpatrick, P.E.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP OF GATESVILLE, TEXAS, FOR CONSTRUCTION OF THE 2014 WATERLINE REPLACEMENTS IN AN AMOUNT NOT TO EXCEED \$865,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several years, the Public Works Utility Services Division has experienced numerous operational issues in several water lines throughout the City;

Whereas, these water lines include South 26th Street and East Avenue B, North 21st Street from West Adams Avenue to West French Avenue, and Dunbar Road and East Avenue N - these areas contain undersized cast-iron lines with lead-poured joints (6" in size or less);

Whereas, this project will provide larger distribution lines and installation of valves and hydrants, substantially upgrading the water and fire protection services in these areas;

Whereas, on March 6, 2015, four bids were received with TTG Utilities, LP submitting the lowest bid for the project in the amount of \$865,000 – references were checked and both the engineer and City staff recommend awarding construction to TTG Utilities, LP;

Whereas, funding is available for this construction contract in Account No. 520-5260-535-6357, Project No. 101090; 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 TTG Utilities, LP (TTG) of Gatesville, Texas, after approval as to form by the City Attorney, for the construction of 2014 Waterline Replacements which includes South 26th Street and East Avenue B, North 21st Street from West Adams Avenue to West French Avenue, and Dunbar Road and East Avenue N, in the amount of \$865,000.

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 19th day of **March**, 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 a Settlement Agreement and Mutual Release between the City of Temple, Temple Economic Development Corporation, Gulf States Toyota, Inc., and FR-VPC II, L.P.

Executive Session – Pursuant to Chapter 551, Government Code § 551.071 – Consultation with Attorney – The City Council may enter into executive session to seek the advice of its attorney about a settlement offer or a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 2008, the City of Temple (“City”), Temple Economic Development Corporation (“TEDC”), Gulf States Toyota, Inc. (“Gulf States”), and FR-VPC II, L.P. (“Owner”) executed the “Economic Development Agreement Between City of Temple, Temple Economic Development Corporation, Gulf States Toyota, Inc. and GST Realty – Temple, L.P.” (now FR – VPC II, L.P.) (the “2008 EDA”). The 2008 EDA obligated Gulf States and Owner to develop certain property (approximately 305 acres) as a vehicle processing center by December 31, 2011, and the City and TEDC committed to convey the property to Gulf States and Owner and to construct certain infrastructure to serve the proposed vehicle processing center. The City and TEDC conveyed the Property to Owner and Gulf States and the City constructed the Infrastructure Improvements.

In 2010, Owner and Gulf States requested an extension to the time allowed to complete the vehicle processing center and City and TEDC agreed to an extension. The City, TEDC, Owner and Gulf States executed the First Amendment (“2010 Amendment”) to the 2008 EDA which provided Owner and Gulf States additional time to commence and complete construction of their vehicle processing center and required Owner and Gulf States to make “payments in lieu of taxes” to the City as compensation for the delay.

Owner and Gulf States have now informed City and TEDC that they will not be constructing the vehicle processing center in Temple and they have asked City and TEDC for a release of all remaining obligations they may have under the 2008 EDA and 2010 First Amendment.

FISCAL IMPACT: In exchange for the release, Owner and Gulf States will convey the approximately 305 acres back to the City and pay to the City \$1,100,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN THE CITY OF TEMPLE, TEMPLE ECONOMIC DEVELOPMENT CORPORATION, GULF STATES TOYOTA, INC., AND FR-VPC II, L.P.; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2008, the City of Temple (“City”), Temple Economic Development Corporation (“TEDC”), Gulf States Toyota, Inc. (“Gulf States”), and FR-VPC II, L.P. (“Owner”) executed the “Economic Development Agreement Between City of Temple, Temple Economic Development Corporation, Gulf States Toyota, Inc. and GST Realty – Temple, L.P.” (now FR – VPC II, L.P.) (the “2008 EDA”);

Whereas, the 2008 EDA obligated Gulf States and Owner to develop certain property (approximately 305 acres) as a vehicle processing center by December 31, 2011 - the City and TEDC committed to convey the property to Gulf States and Owner and to construct certain infrastructure to serve the proposed vehicle processing center;

Whereas, the City and TEDC conveyed the property to Owner and Gulf States and the City constructed the infrastructure improvements;

Whereas, in 2010, Owner and Gulf States requested an extension to the time allowed to complete the vehicle processing center and the City and TEDC agreed to an extension - the City, TEDC, Owner and Gulf States executed the First Amendment (“2010 Amendment”) to the 2008 EDA;

Whereas, the First Amendment provided Owner and Gulf States additional time to commence and complete construction of their vehicle processing center and required Owner and Gulf States to make “payments in lieu of taxes” to the City as compensation for the delay;

Whereas, Owner and Gulf States have informed the City and TEDC that they will not be constructing the vehicle processing center in Temple and have asked the City and TEDC for a release of all remaining obligations they may have under the 2008 EDA and 2010 First Amendment;

Whereas, in exchange for the release, Owner and Gulf States will convey the approximately 305 acres back to the City and pay \$1,100,000 to the City; and

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

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

Part 1: The City Council authorizes the City Manager to execute, after approval as to form by the City Attorney, a Settlement Agreement and Mutual Release between the City of Temple, Temple Economic Development Corporation, Gulf States Toyota, Inc., and FR-VPC II, L.P. which will release Gulf States Toyota, Inc. and FR-VPC II, L.P. of all remaining obligations under the 2008 Economic Development Agreement and the 2010 First Amendment.

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 **19th** day of **March**, 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:

Belinda Mattke, Purchasing Director
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution amending Resolution No. 2006-4806-R to expand the definition of “professional services.”

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Resolution No. 2006-4806-R sets forth the City’s purchasing guidelines and includes, for example, the number of bids that must be received for purchases of goods and services under certain dollar amounts, as well as the City’s policy regarding the procurement of “professional services.” Part 3, section (e) of Resolution No. 2006-4806-R currently states:

(e) Professional services. The acquisition of engineering, architectural, surveying and other professional services are subject to the requirements of Tex. Gov. Code, Sec. 2254 et seq, as it now exists and as subsequently amended.

Texas Government Code Chapter 2254 requires that “professional services” be procured based on demonstrated competence and qualifications to perform the services at a fair and reasonable price, and they cannot be procured based on competitive bids. Section 2254.002 specifically defines professional services as the following: accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing.

The City can find that other services qualify as “professional services” and choose not to go through the competitive procurement process. The City can instead procure those services based on demonstrated competence and qualifications. In fact, several professional services that are not included in the Government Code’s definition of professional services are routinely needed by departments. Accordingly, staff is recommending the expansion of the definition of professional services and an amendment to Part 3, section (e) as follows:

(e) Professional Services. Professional services will be acquired in accordance with Texas Government Code Chapter 2254. Professional services includes any service listed in the definition of “professional services” found in §2254.002 **and other services**

rendered by a person or firm that requires years of education and service for one to attain competence and which calls for a high order of intelligence, skill, and learning as determined by the City Attorney or her designee.

FISCAL IMPACT: None

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE,
TEXAS, AMENDING RESOLUTION NO. 2006-4806-R TO EXPAND THE
DEFINITION OF “PROFESSIONAL SERVICES”; AND PROVIDING AN
OPEN MEETINGS CLAUSE.

Whereas, Resolution No. 2006-4806-R sets forth the City’s purchasing guidelines and includes, for example, the number of bids that must be received for purchases of goods and services under certain dollar amounts, as well as the City’s policy regarding the procurement of “professional services”;

Whereas, part 3, section (e) of Resolution No. 2006-4806-R currently states:

(e) Professional services. The acquisition of engineering, architectural, surveying and other professional services are subject to the requirements of Tex. Gov. Code, Sec. 2254 et seq, as it now exists and as subsequently amended.

Whereas, Texas Government Code Chapter 2254 requires that “professional services” be procured based on demonstrated competence and qualifications to perform the services at a fair and reasonable price, and they cannot be procured based on competitive bids;

Whereas, Section 2254.002 specifically defines professional services as the following: accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;

Whereas, if the City finds that other services qualify as “professional services” and chooses not to go through the competitive procurement process, the City can instead procure those services based on demonstrated competence and qualifications - several professional services that are not included in the Government Code’s definition of professional services are routinely needed by departments;

Whereas, staff is recommending the expansion of the definition of professional services and an amendment to part 3, section (e) as follows:

(e) Professional Services. Professional services will be acquired in accordance with Texas Government Code Chapter 2254. Professional services include any service listed in the definition of “professional services” found in §2254.002 and other services rendered by a person or firm that requires years of education and service for one to attain competence and which calls for a high order of intelligence, skill, and learning as determined by the City Attorney or her designee; 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 amendment to Resolution No. 2006-4806-R to expand the definition of “professional services”, as follows:

(e) Professional Services. Professional services will be acquired in accordance with Texas Government Code Chapter 2254. Professional services include any service listed in the definition of “professional services” found in §2254.002 and other services rendered by a person or firm that requires years of education and service for one to attain competence and which calls for a high order of intelligence, skill, and learning as determined by the City Attorney or her designee

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 **19th** day of **March**, 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
Bill D'Amico, ROW Project Coordinator

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 13 tracts of land along Avenue U, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for expansion of Avenue U from First Street to the future intersection of Avenue U and the 13th to 17th connector street. The design requires the acquisition of right of way from 13 parcels. Appraisals have been performed on each parcel and the City is in the process of performing relocation studies on the parcels that require a study. Staff is asking for authorization to purchase the 13 parcels, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$2,266,910.

FISCAL IMPACT: Funding for the purchase of the 13 tracts of land along Avenue U is available in the Reinvestment Zone No. 1 Financing Plan, Line 500.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF THIRTEEN TRACTS OF LAND LOCATED ALONG AVENUE U, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THOSE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for expansion of Avenue U from First Street to the future intersection of Avenue U and the 13th to 17th Avenue connector streets;

Whereas, the design requires the acquisition of right of way from 13 parcels - appraisals have been performed on each parcel and the City is in the process of performing relocation studies on those parcels that require a study;

Whereas, staff recommends the purchase of the 13 parcels located along Avenue U and paying closing costs and relocation expenses that may be required by law, in an amount not to exceed \$2,266,910.00;

Whereas, funding for the purchase of the 13 tracts of land along Avenue U is available in the Reinvestment Zone No. 1 Financing Plan, Line 500; 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 13 tracts of land along Avenue U, authorizes closing costs associated with those purchases, and authorizes the payment of relocation expenses, in an amount not to exceed \$2,266,910.00.

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 to purchase the properties.

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 19th day of March, 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
Bill D'Amico, ROW Project Coordinator

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of right of way along the southeast corner of SW H.K. Dodgen Loop and South 5th Street and authorizing closing costs associated with the purchase.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for construction of a gateway to the Temple Medical Education District along Spur 290 at Loop 363. The project will include an at-grade interchange and improvements to the eastbound Loop 363 frontage road. In accordance with the Advanced Funding Agreement between the City and TXDOT for this project, TXDOT will handle bidding and construction. The City is responsible for acquiring the needed right of way. Staff is asking for authorization to purchase right of way along the southeast corner of SW H.K. Dodgen Loop and South 5th Street and the payment of closing costs, in an amount not to exceed \$160,000.

FISCAL IMPACT: Funding for the purchase of right of way along the southeast corner of SW H.K. Dodgen Loop and South 5th Street is available in the Reinvestment Zone No. 1 Financing Plan, account 795-9800-531-6872, project 101010.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE PURCHASE OF RIGHT OF WAY ALONG THE
SOUTHEAST CORNER OF SOUTHWEST H.K. DODGEN LOOP AND SOUTH
5TH STREET, AND AUTHORIZING CLOSING COSTS ASSOCIATED WITH
THE PURCHASE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for construction of a gateway to the Temple Medical Education District along Spur 290 at Loop 363 - the project will include an at-grade interchange and improvements to the eastbound Loop 363 frontage road;

Whereas, in accordance with the Advance Funding Agreement between the City and TXDOT for this project, TXDOT will handle bidding and construction and the City will be responsible for acquiring the needed right of way;

Whereas, staff recommends purchasing right of way along the southeast corner of Southwest H.K. Dodgen Loop and South 5th Street and the payment of closing costs, in an amount not to exceed \$160,000;

Whereas, funding for the purchase of right of way along the southeast corner of Southwest H.K. Dodgen Loop and South 5th Street is available in the Reinvestment Zone No. 1 Financing Plan, Account No. 795-9800-531-6872, Project No.101010; 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 right of way along the southeast corner of Southwest H.K. Dodgen Loop and South 5th Street and authorizes closing costs associated with the purchase.

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 to purchase the property.

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 **19th** day of **March**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of four tracts of land located on Moores Mill Road, authorizing closing costs associated with those purchases, and authorizing the payment of relocation expenses.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City is currently in the design phase for expansion of Moore's Mill Road from Wendland Road to I-35. The design requires the acquisition of right of way from several properties, four of which have been appraised and are ready for acquisition. A relocation study was also required for the property in question and that study is complete. Staff is asking for authorization to purchase the four tracts, pay closing costs, and pay relocation expenses, in an amount not to exceed \$525,000.00.

FISCAL IMPACT: Funding for the purchase of four tracts of land is available in the Reinvestment Zone No. 1 Financing Plan, account 795-9800-531-6863, project 101000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FOUR TRACTS OF LAND LOCATED ON MOORES MILL ROAD, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THOSE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for the expansion of Moores Mill Road from Wendland Road to I-35 - the design requires the acquisition of right of way from several properties, four of which have been appraised and are ready for acquisition;

Whereas, a relocation study was required for the properties in question and that study has been completed;

Whereas, staff recommends the purchase of four tracts of land located on Moores Mill Road, paying the closing costs and relocation expenses associated with those purchases, in an amount not to exceed \$525,000.00;

Whereas, funding for this is available in the Reinvestment Zone No. 1 Financing Plan, Account No. 795-9800-531-6863, Project No. 101000; 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 four tracts of land located on Moores Mill Road, paying the closing costs and relocation expenses associated with those purchases, in an amount not to exceed \$525,000.00.

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 to purchase the properties.

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 **19th** day of **March**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler Planning Director,
Beverly Zendt Assistant Planning Director

ITEM DESCRIPTION: SECOND & FINAL READING – Z-FY-15-05: Consider adopting an ordinance authorizing a zoning change from Two Family Dwelling (2F) to General Retail (GR) on Lot 4, Block 3 of the Moore's Knight Addition located at 111 South 33rd Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its February 2, 2015 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the requested zoning from 2F to GR.

STAFF RECOMMENDATION: Adopt ordinance as presented, staff recommends approval of second and final reading of the rezoning from 2F to GR. The proposed zoning demonstrates the following:

1. Compliance with the Future Land Use Map;
2. Compatibility with surrounding zoning and land uses; and
3. Compliance with the Thoroughfare Plan and Master Trails Plan.

Additionally, public facilities are available to serve the subject property.

ITEM SUMMARY:

Synopsis.

Approval of this item will result in a rezoning of one lot from 2F to GR providing a consistent zoning for three abutting lots that currently serve as a single development site.

Background.

The applicant has requested a zoning change of a 2F lot to GR. The subject property, although not zoned consistently with the abutting tracts to the south, is part of three lots upon which a home for the aged was historically operated but is now discontinued. The applicant originally indicated that the property would be reopened as a home for the aged (residential use) but has since informed staff that the property will likely (if approved) be repurposed as a substance abuse treatment facility. A substance abuse treatment facility is permitted in GR with a Conditional Use Permit (CUP). A CUP would have to be considered by means of a separate zoning application and would be subject to City Council approval.

The subject property and surrounding area has been identified Auto-Urban Commercial character district according to the Comprehensive Plan / Future Land Use Plan (FLUP). The Auto- Urban Commercial character type is described in the Choices '08 City of Temple Comprehensive Plan as the dominant character pattern in the city of Temple. The Auto- Urban character type is most commonly associated with automobile-oriented strip centers and smaller commercial sites located along major roadways. Fast food restaurants, gas stations, shopping centers of various sizes, and big box retailers are the dominant commercial images of the auto-urban commercial character. According the Comprehensive Plan, Auto-Urban Commercial development should be generally concentrated at intersections and should be accompanied by the use of a higher landscape surface area, better landscaping along frontages and around and within parking areas, a build-to line (rather than a large front yard setback), and other signage and design standards would significantly enhance the appearance of these areas, especially as sites redevelop over time. The proposed GR zoning designation would be compatible with the future land use designation. General Retail is the standard retail zoning district and allows most retail uses including retail sales, restaurants, grocery stores, offices, and residential uses.

Because of the general proximity of the subject property to Interstate-35 and the age of development in the area, the surrounding land uses are a mixture of residential, commercial, and retail uses. The subject property is predominantly surrounded by General Retail zoned areas to include the abutting tract to the south.

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:

Direction	FLUP	Zoning	Current Land Use
Subject Property	Auto-Urban Commercial	2F	Vacant Structure
North	Auto-Urban Commercial	2F	Residential
South	Auto-Urban Commercial	GR	Vacant (O'Reilly Auto platted in 10/2014)
East	Auto-Urban Commercial	GR	Pet Groomers (Doggie Styles)
West	Auto-Urban Commercial	GR	Storage Area

There are a number of residential, institutional, recreational/entertainment uses that are permitted with a GR zoning designation. Additionally, some commercial uses are permitted and most retail uses will be allowed in the GR district. Permitted uses include but are not limited to:

Residential Uses	Nonresidential Uses
Boarding House	Indoor Flea Market
Industrialized Housing	Print, Plumbing or Upholstery Shop
Single Family Attached/Detached Housing	Halfway House
Duplex	Off- Premise Alcohol sales (beer and wine)
Fraternity or Sorority House	Laundry and Cleaning Service
Home for the Aged	Pawn Shop
Family or Group Home (CUP)	Substance Abuse Treatment Facility (CUP)

Prohibited uses include HUD-Code manufactured homes, manufactured home land lease communities and most commercial uses. A number of uses are allowed by an approved conditional use permit. These include but are not limited to: temporary asphalt concrete batching plants, sewage treatment plant and off-premise alcohol sales (package store).

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Auto-Urban Commercial character district. The requested General Retail (GR) zoning district is an appropriate zoning designation for the Auto-Urban Commercial FLUP district.

Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance

The subject property is located on a local street (S. 33rd St.) between an expressway (I-35) and a major arterial (S 31st Street). South 33rd is not identified as a future collector or arterial in the City's Thoroughfare Plan nor are there any proposed trails or sidewalks required along this street. Currently there are no sidewalks located on S 33rd. St.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 6" sewer line on the east side of S. 33rd St. The subject property appears to be served by means of an adjoining lot to the south. Water is available through an existing 6" water line on the east side of S. 33rd St.

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)

Parking

Historically this site has been operated as a home for the aged with parking provided off street on an adjacent tract. Off-street parking may be provided on the lot, an immediately adjacent lot, or on a lot within 150 feet of the building or structure, in accordance to the required parking ratios and design standards. When the property is redeveloped/repurposed the applicant will be required to provide off-street parking in accordance with Section 7.5 Off- Street Parking and Loading.

Screening and Signage

Additionally, the following standards will be applicable.

- Refuse containers storage areas must be located in a rear or side service are, or alley where available, for all uses other than single-family and two- family dwellings.
- New proposed signage must comply with Section 7.6: Signs of the UDC.
- If the property is utilized for a non-residential use, continuous buffering will be required along the boundary with the residential property to the north in accordance with Section 7.7.4 of the UDC.

PUBLIC NOTICE: Twenty 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 Friday February 20, 2015, 1 notice was received in favor of the proposed rezoning and no notices were received in opposition to the proposed rezoning. One undeliverable notice was received. The newspaper printed notice of the public hearing on January 22, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Surveyor's Sketch
Zoning & Location Map
Future Land Use and Character Map
Thoroughfare & Trails Plan (combined)
Utility Map
Notification Map
Excerpts from P&Z Meeting
Ordinance

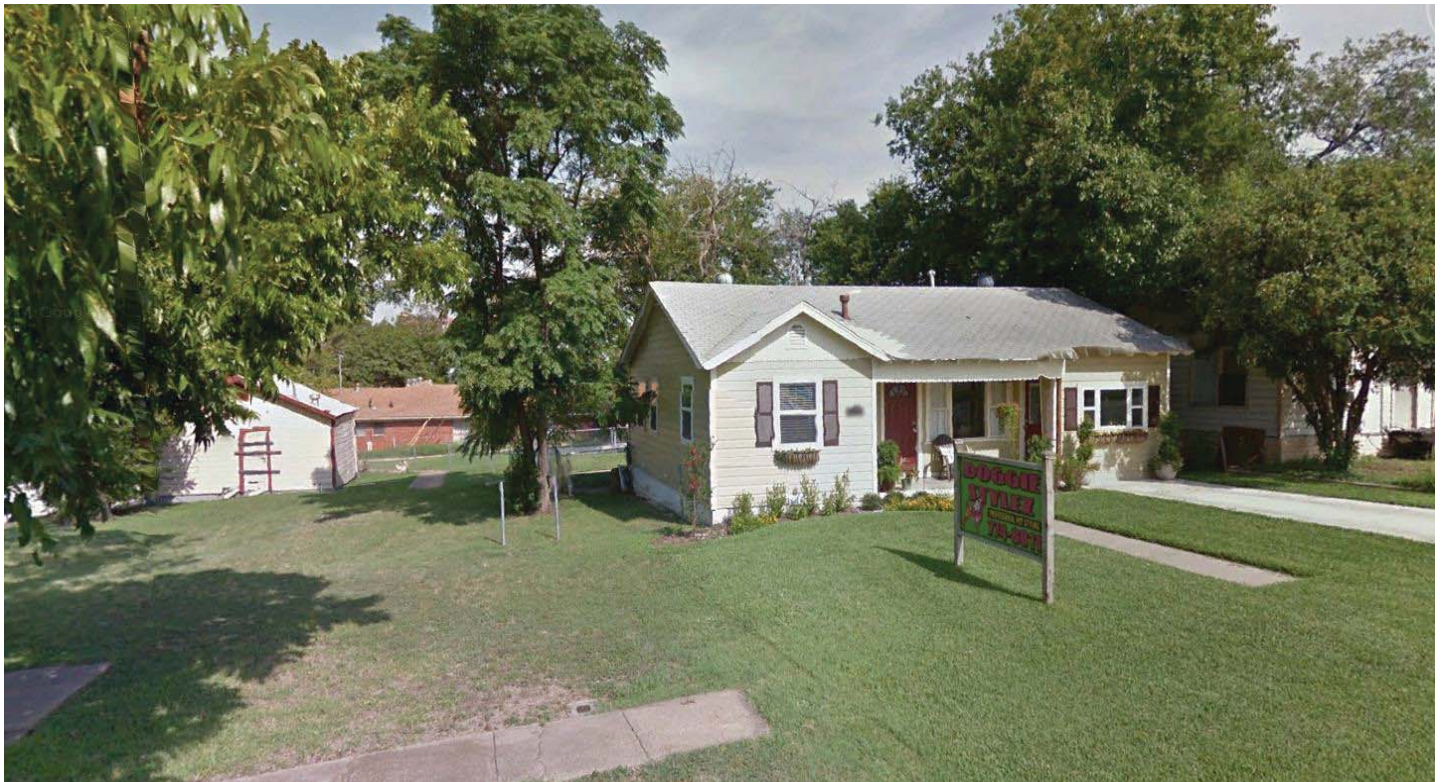
Subject Property: 111 S. 33rd St.



Property to the North



Property to the East



Property to the West



Property to the South

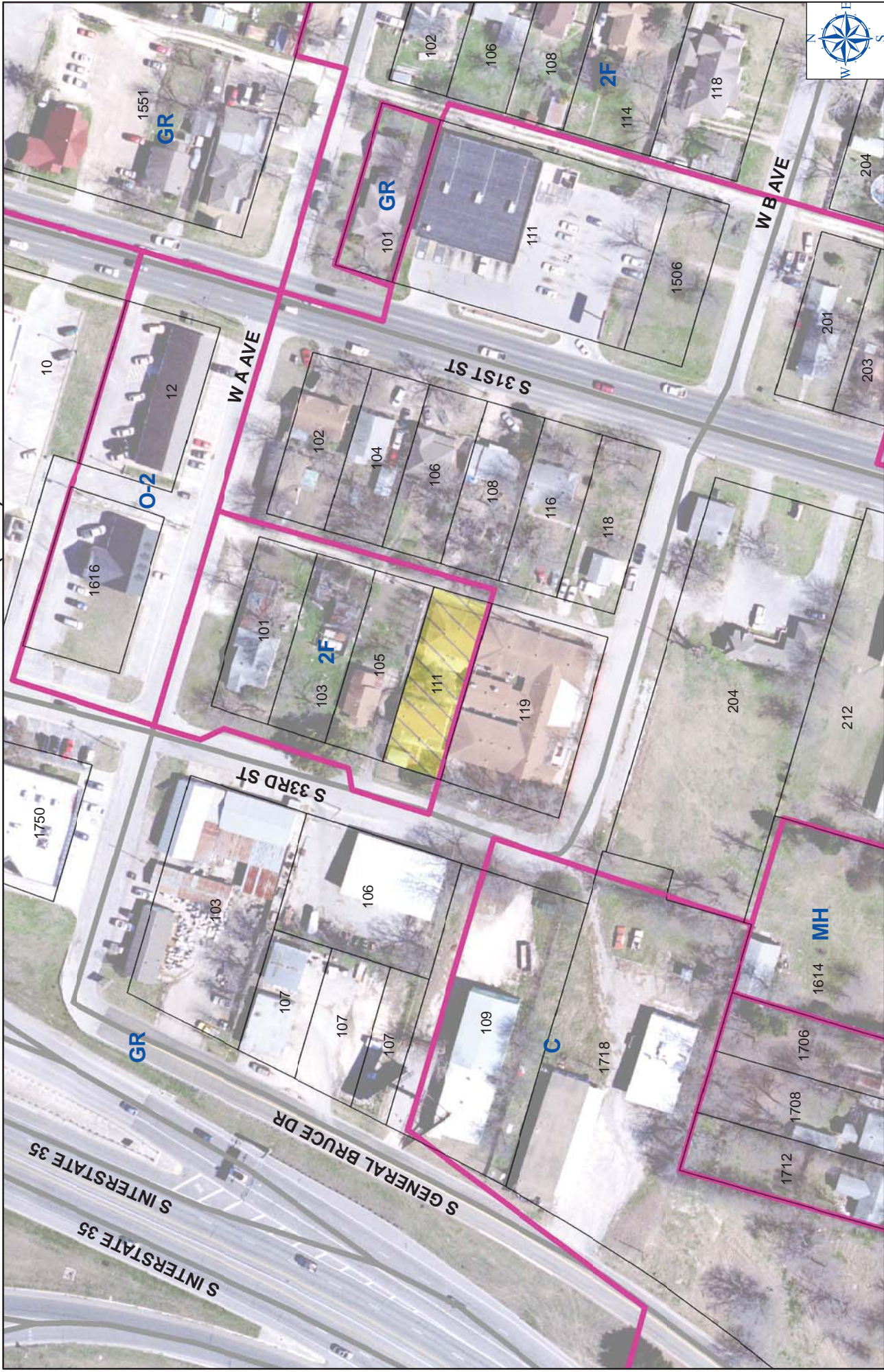




Z-FY-15-05

**Change of Zoning from Two-Family Dwelling (2F)
to General Retail (GR)**

111 S 33rd Street



Case



Zoning

1234 Addresses



1/27/2015
City of Temple GIS
bzndt

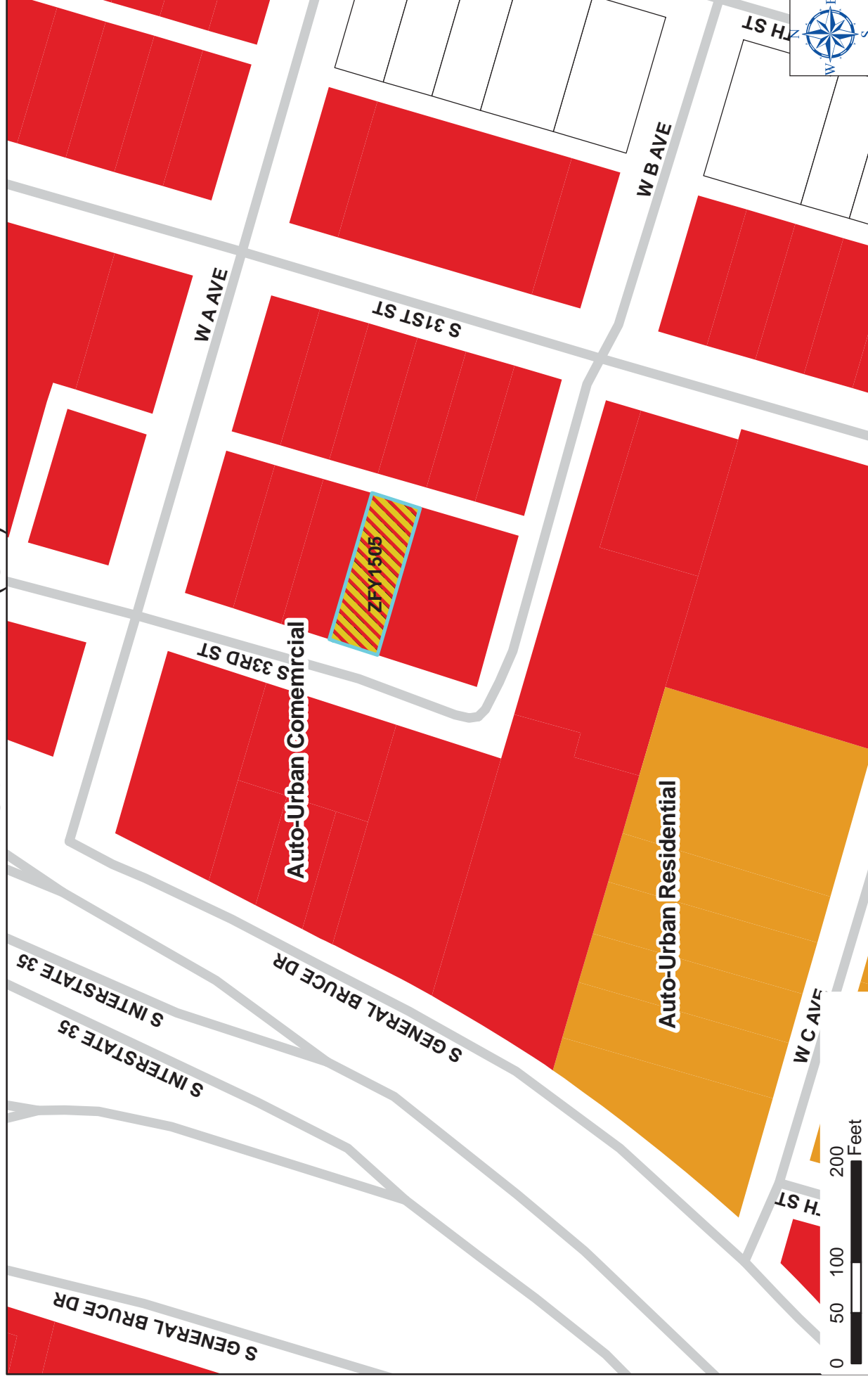
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Z-FY-15-05

**Rezoning from Two-Family Dwelling (2F)
to General Retail (GR)**

111 S 33rd St.



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
- Public Institutional
- Temple Medical Education District
- Industrial
- Business Park
- Parks & Open Space
- Agricultural/Rural

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1/27/2015
City of Temple GIS

Z-FY-15-05

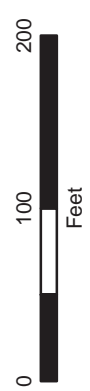
Rezoning from Two-Fmally Dwelling (2F)
to General Retail (GR)

111 S. 33rd St.



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



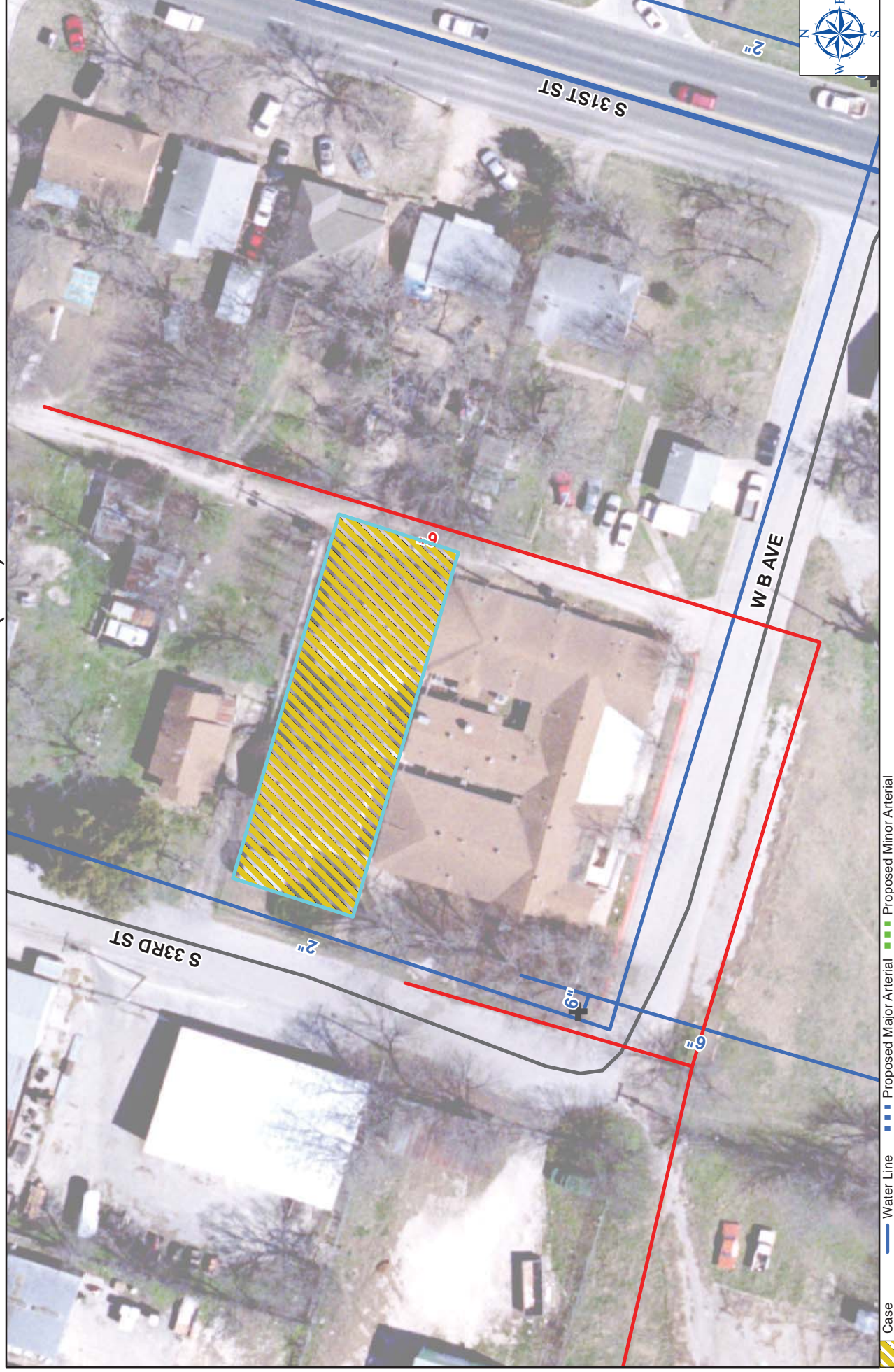
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Z-FY-15-05

**Rezoning from Two-Family Dwelling (2F)
to General Retail (GR)**

111 S. 33rd St.



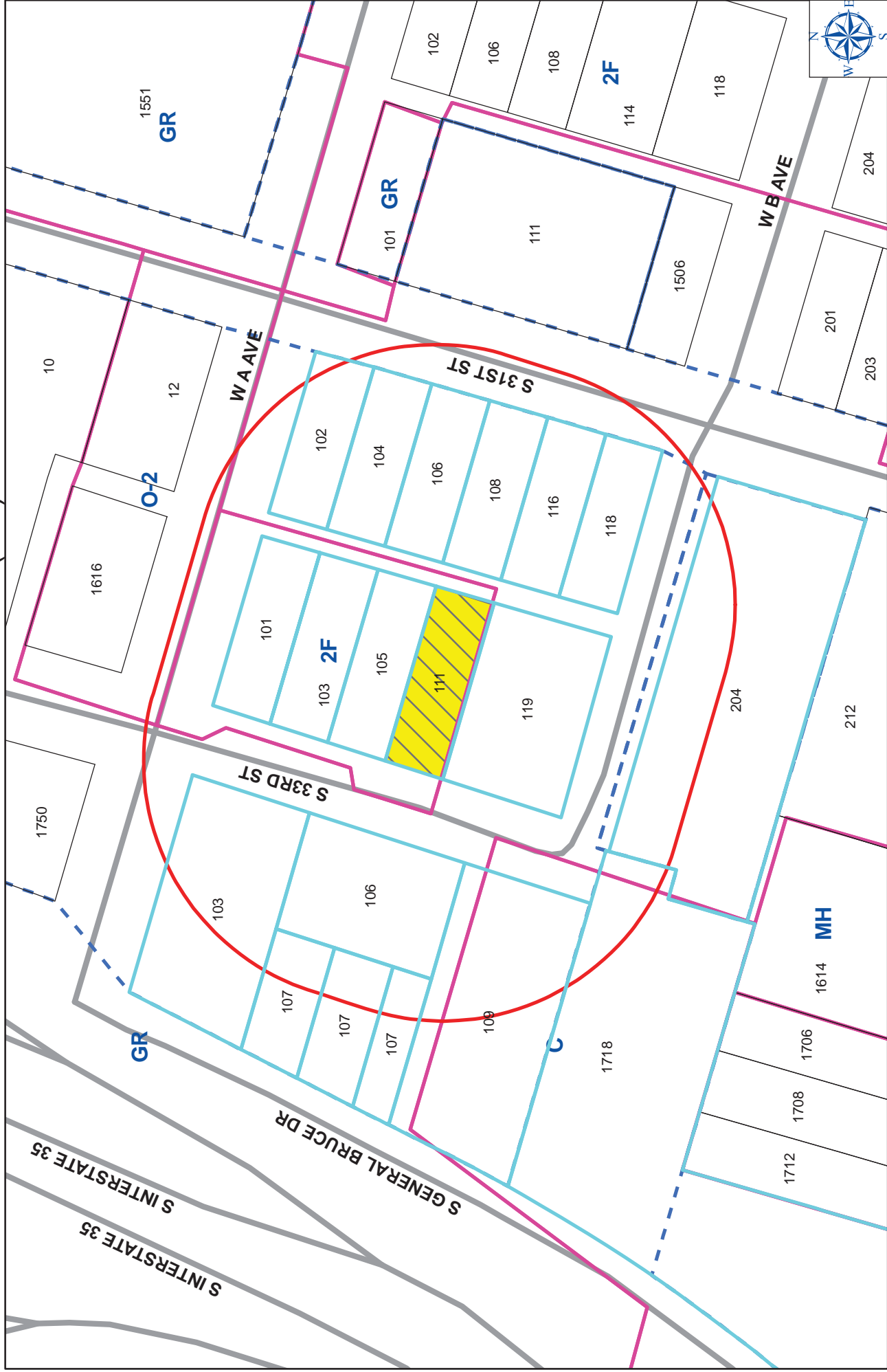
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Z-FY-15-05

Change of Zoning from Two-Family Dwelling (2F) to General Retail (GR)

111 S 33rd Street



Case



Zoning

1234

Addresses



1/27/2015
City of Temple GIS
bzend

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.

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, FEBRUARY 2, 2015**

ACTION ITEMS

Item 2: Z-FY-15-05 – Hold a public hearing to discuss and recommend action on a rezoning from Two Family Dwelling District (2F) to General Retail District (GR) on Lot 4, Block 3, Moore's Knight Addition, located at 111 South 33rd Street.

Ms. Beverly Zendt, Assistant Director of Planning, stated the applicant was Blaine Dunlap on behalf of JTREO, Inc. This item is scheduled to go before City Council for first reading on March 5, 2015, and second reading on March 19, 2015.

This lot is approximately 7,565 square feet and located at 111 South 33rd Street. The current zoning is Two-Family Dwelling (2F) and the applicant is requesting a rezoning to General Retail (GR). This lot is one of three lots upon which a Home for the Aged was previously operated and the building straddles all three lots. The other two lots are zoned GR.

The applicant has indicated an interest in reestablishing a Home for the Aged at this location and the use is allowed by right in GR.

The Future Land Use and Character Map designate this area as Auto-Urban Commercial and the property is surrounded by mostly Auto-Urban Commercial.

General facts about Auto-Urban Commercial and the Future Land Use and Character Map:

The Comprehensive Plan identifies this as the dominant character pattern of the city;

Most commonly associated with auto-oriented strip centers and smaller commercial sites;

Located along major roadways;

Fast-food restaurants, gas stations, big boxes, and shopping centers of various sizes are the most common;

Should be accompanied by higher landscape surface area, better landscaping along frontages, and parking;

Build to line rather than large setbacks; and

General retail is compatible with this land use character area.

The subject property is located between I-35 and a major arterial (South 31st Street) and there are no plans for a new roadway in the general area. Thirty-Third Street is considered a local street.

A proposed community wide connector trail is planned east of South 31st Street but not in the general area. There are no sidewalks in this area.

The subject property is served by existing water and sewer. A six-inch sewer line and six-inch water line serve the area.

Surrounding properties include Two Family (2F) to the north, vacant property to the south (recently platted for O'Reilly Addition) zoned GR, storage use to the west zoned GR, and a pet service to the east zoned GR.

GR allowed and prohibited uses and dimensional standards are given.

Additional development standards (minimum) would include:

- Parking required per UDC Section 7.5: Off Street Parking and Loading

- Off Street – on site or

- Off Street - within 150 of the building or structure

- Screening and Signage

- Refuse containers – located to rear or side service area (UDC Section 7.7.6)

- New signage must comply with UDC Section 7.6: Signs

No grandfathering of any signage would be allowed for the property.

The request complies with the Future Land Use and Character Map, surrounding uses and zoning, availability of public services, and the Thoroughfare Plan / Trails Master Plan.

Twenty notices were mailed out with one returned in agreement and zero in opposition.

Staff recommends Approval of the request for a rezoning from Two-Family Dwelling (2F) to General Retail (GR).

Ms. Zendt explained to the Commission that this use is what the applicant has indicated he would like to do. If the applicant proceeds with reestablishing the facility, parking would have to be provided for off-site (one parking space per every six beds or rooms). Staff would need to wait for the use and permits to come in and at that point compliance would need to be met. The applicant has been made aware of this matter.

Home for Aged is considered a residential facility.

Chair Rhoads opened the public hearing.

Ms. Roswitha Johnson Thorn, 105 S. 33rd Street, Temple, Texas, asked if she was going to lose her house. Ms. Zendt replied no, this was just a rezoning for the lots of the old home for the aged. Ms. Zendt informed Ms. Thorn that this was her opportunity to express either her support or opposition to the rezoning.

Ms. Thorn stated she did not think she would want the facility there. The building is very old and in very bad shape.

There being no further questions, the public hearing was closed.

Ms. Zendt added that the property is in a state of disrepair. Before any occupancy certificate or license could be obtained, the property would need to be brought up to all current codes.

Mr. Brian Chandler, Director of Planning, added that the residential use (Ms. Thorn) would be adjacent to what would become a GR property. Since a Home for the Aged is considered a residential use as well it would not trigger buffering and screening requirements. However, if a traditional GR use were put in, buffering and screening requirements would be triggered adjacent to Ms. Thorn's property (or other residential properties).

Commissioner Fettig made a motion to approve Item 2, and Commissioner Crisp made a second.

Motion passed: (7:0)

Commissioners Mikeska-Reed and Sears absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-15-05)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TWO FAMILY DWELLING (2F) TO GENERAL RETAIL DISTRICT (GR) ON LOT 4, BLOCK 3 OF THE MOORE'S KNIGHT ADDITION LOCATED AT 111 SOUTH 33RD STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from Two Family Dwelling (2F) to General Retail District (GR) on lot 4, block 3 of Moore's Night Addition, located at 111 South 33rd Street, 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 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 5th day of **March**, 2015.

PASSED AND APPROVED on Second Reading on the **19th** day of **March**, 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

03/19/15
Item #5(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution ratifying an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to vital records databases and authorizing an amendment to the contract related to the City's use of confidential information obtained through the vital records databases.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: For several years, the City Secretary's Office has been utilizing certain online services provided by the Texas Department of State Health Services ("DSHS"). DSHS provides vital records information, including access to birth certificates for births outside of the City. The current agreement between the City and DSHS regarding these services was signed in September, 2013, and will expire in August, 2015. DSHS recently informed the City that it will need to amend the agreement to add a "Data Use Agreement" through which the City must agree to follow certain procedures when handling confidential information obtained through DSHS.

FISCAL IMPACT: In FY 2014, a total of \$5,061.78 was spent for this service. Funding in the amount of \$8,000 is available in account 110-1400-511-2623 for FY 2015.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE PROVISION OF ON-LINE COMPUTER SERVICES INCLUDING ACCESS TO VITAL RECORDS DATABASES AND AUTHORIZING AN AMENDMENT TO THE CONTRACT RELATED TO THE CITY'S USE OF CONFIDENTIAL INFORMATION OBTAINED THROUGH VITAL RECORDS DATABASES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, for several years, the City Secretary's Office has been utilizing certain online services provided by the Texas Department of State Health Services ("DSHS") which provides vital records information, including access to birth certificates for births outside of the City;

Whereas, the current agreement between the City and DSHS regarding these services was signed in September, 2013, and will expire in August, 2015;

Whereas, DSHS recently informed the City that it will need to amend the agreement to add a "Data Use Agreement" through which the City must agree to follow certain procedures when handling confidential information obtained through DSHS;

Whereas, staff recommends ratification of an interlocal agreement with the Texas Department of State Health Services for the provision of on-line computer services including access to vital records databases and authorizing an amendment to the contract related to the City's use of confidential information obtained through the vital records databases;

Whereas, funding for this agreement is available in Account No. 110-1400-511-2623; and

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

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

Part 1: The City Council ratifies the interlocal agreement with the Texas Department of State Health Services and authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to the agreement titled "Data Use Agreement."

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 19th day of March, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #5(K)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing the extension of the City's Bank Depository Contract with Bank of America Merrill Lynch for an additional three month period, through August 31, 2015.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The original depository contract with Bank of America was for a three year term, with the option to renew for an additional two year period. The initial three year period of the depository contract expires May 31, 2015. The City is in the process of conducting a bank depository solicitation process. This item, if approved, would extend the City of Temple's current Bank Depository contract for an additional three month period at the current rates for service. This extension will allow the City additional time to complete the bank depository solicitation process.

We incur average banking costs per year in the amount of \$36,000.

FISCAL IMPACT: Estimated \$9,000 in banking costs for the three month extension period.

ATTACHMENTS:

Letter signed by Bank of America
Resolution



February 18, 2015

Mr. Delwynn Sherrill, Senior Vice President
Bank of America Merrill Lynch
Mail Station TX1-497-02-04
500 W. 7th Street, #36
Fort Worth, TX 76102

VIA Certified Mail # 7011-3550-0000-6003-8983

Dear Mr. Sherrill:

The current term of the City's Bank Depository Services Contract with Bank of America Merrill Lynch terminates on May 31, 2015, with the option to extend the contract for one (1) two-year term. Please be advised that the City does not intend to exercise this two-year extension option. Rather, the City will conduct a bank depository solicitation process and requests an extension of the current contract, under the same terms and conditions, through August 31, 2015.

Please acknowledge and confirm the Bank's acceptance of this three (3) month extension request by signing below and returning a copy of this letter to me at your earliest convenience.

Should you have any questions or need additional information or explanation, please contact me at 254-298-5631.

Sincerely,

CITY OF TEMPLE, TEXAS

Traci Barnard
Finance Director

BANK OF AMERICA MERRILL LYNCH:

Accepted By: Date: 2/26/15

Title: SR. VICE PRESIDENT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CITY'S BANK DEPOSITORY CONTRACT WITH BANK OF AMERICA MERRILL LYNCH; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City's original bank depository contract with Bank of America Merrill Lynch was for a three year term, with the option to renew for an additional two year period - the initial three year term expires May 31, 2015;

Whereas, the City is currently in the process of conducting a solicitation for a bank depository and recommends the extension of the current bank depository contract for an additional three month period at the current rates for service - this three month extension will allow the City additional time to complete the solicitation process;

Whereas, it is estimated that the City will incur approximately \$9,000 in banking costs associated with the three month extension; and

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

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

Part 1: The City Council authorizes the City Manager to execute an extension of the City's Bank Depository Contract with Bank of America Merrill Lynch, after approval as to form by the City Attorney, for an additional three month period at the current rates for service.

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 **19th** day of **March**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

03/19/15
Item #5(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

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

FISCAL IMPACT: The total amount of budget amendments is \$17,821.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
March 19, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2032-521-2113		Supplies / Clothing & Uniforms	\$ 2,596	
110-2032-521-2333		Repair & Maintenance / Auto & Equip	\$ 75	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 2,671
To appropriate insurance proceeds from Nationwide Insurance for officer's accident.				
110-2700-515-2112		Supplies / Food Items/Supplies	\$ 12,000	
110-1022-511-2616		Contracted Services / Professional		\$ 12,000
To reallocate funds originally budgeted for Citizen Survey Project within City Council's budget to cover employee engagement programs and events budgeted in Human Resources for FY 2015.				
110-2033-521-2112		Supplies / Food Items/Supplies	\$ 97	
110-2012-521-2313		Repair & Maintenance / General Maint/Repair	\$ 18	
110-0000-442-0720		Police Revenue		\$ 115
110-2041-521-2538		Other Services / Crime Victim Expenditures	\$ 65	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 65
To appropriate donations received and revenue earned for expenditures related to the Citizen Police Academy class (food and drinks) and the Crime Victim's expenditures.				
110-2100-529-2111		Supplies / Computer Supplies	\$ 2,031	
110-2100-529-2210		Capital < \$5,000 / Furniture & Fixtures	\$ 100	
110-2100-529-2615		Contracted Services / Equipment-Rent/Lease	\$ 422	
110-2100-529-2625		Contracted Services / Advertising/Legals	\$ 417	
110-0000-461-0841		Other / Donations/Gifts		\$ 2,970
To appropriate donations received and expenditures for operational costs that have exceeded the original budgeted amounts.				
TOTAL AMENDMENTS			\$ 17,821	\$ 17,821
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			\$ -	

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2015 BUDGET
March 19, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		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
		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. _____

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 19th day of **March**, 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

03/19/15
Item #6
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing an Advance Funding Agreement with the Texas Department of Transportation for increasing the width of a 6 foot wide sidewalk to a 10 foot wide sidewalk on Texas State Highway 317 in the amount of \$200,000.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: The Texas Department of Transportation (TxDOT) plans to widen Texas State Highway 317 from the existing two lanes to four lanes with raised medians and construct a six foot wide sidewalk within the City limits of Temple from FM 2305 south to the Leon River Bridge.

This agreement will allow the funding of the sidewalk to increase from 6 to 10 feet wide on the east side of Highway 317 which will take place during the widening of Highway 317. This sidewalk has been identified as a “spine trail” on the City of Temple Trails Master Plan and will connect with the existing trail on FM 2305 and will be approximately 1.75 miles long.

The City of Temple will be responsible for contributing a fixed amount of \$200,000 for the construction of this sidewalk. This contribution will be paid 60 days prior to the letting of the construction contract.

TxDOT will be responsible for the construction of this sidewalk and the maintenance once constructed.

FISCAL IMPACT: Funding is available in account number 365-3400-531-6315, project # 101285, for the Advance Funding Agreement with the Texas Department of Transportation in the amount of \$200,000.

ATTACHMENTS:

[Agreement](#)
[Resolution](#)

ORIGINAL

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT FOR VOLUNTARY
LOCAL GOVERNMENT CONTRIBUTIONS
TO TRANSPORTATION IMPROVEMENT
PROJECTS WITH NO REQUIRED MATCH**

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Temple, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads, and highways that comprise the State Highway System; and,

WHEREAS, Government Code, Chapter 791, and Transportation Code, §201.209 and Chapter 221, authorize the State to contract with municipalities and political subdivisions; and,

WHEREAS, Commission Minute Order Number 114125 authorizes the State to undertake and complete a highway improvement generally described as reconstructing and widening the roadway from two to four lanes with raised medians; and,

WHEREAS, the Local Government has requested that the State allow the Local Government to participate in said improvement by funding that portion of the improvement described as constructing ten (10) ft. sidewalks on the east side of SH317 from FM 2305 to the Leon River, called the "Project"; and,

WHEREAS, the State has determined that such participation is in the best interest of the citizens of the State;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the State and the Local Government do agree as follows:

AGREEMENT

1. Time Period Covered

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed, and the State and the Local Government will consider it to be in full force and effect until the Project described in this agreement has been completed and accepted by all parties or unless terminated, as provided for by this agreement.

2. Project Funding and Work Responsibilities

- A.** The State will authorize the performance of only those Project items of work which the Local Government has requested and has agreed to pay for as described in Attachment A, Payment Provision and Work Responsibilities which is attached to and made a part of this contract. In addition to identifying those items of work paid for by payments to the State, Attachment A, Payment Provision and Work Responsibilities, also specifies those Project items of work that are the responsibility of the Local Government and will be carried out and completed by the Local Government, at no cost to the State.
- B.** At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- C.** In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification. **NOT APPLICABLE**
- D.** Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied by the State to the Project. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

3. Right of Access

If the Local Government is the owner of any part of the Project site, the Local Government shall permit the State or its authorized representative access to the site to perform any activities required to execute the work.

4. Adjustments Outside the Project Site

The Local Government will provide for all necessary right of way and utility adjustments needed for performance of the work on sites not owned or to be acquired by the State.

5. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

6. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the local government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local

Government shall submit any information required by the State in the format directed by the State.

7. Interest

The State will not pay interest on funds provided by the Local Government. Funds provided by the Local Government will be deposited into, and retained in, the State Treasury.

8. Inspection and Conduct of Work

Unless otherwise specifically stated in Attachment A, Payment Provision and Work Responsibilities, to this contract, the State will supervise and inspect all work performed hereunder and provide such engineering inspection and testing services as may be required to ensure that the Project is accomplished in accordance with the approved plans and specifications. All correspondence and instructions to the contractor performing the work will be the sole responsibility of the State. Unless otherwise specifically stated in Attachment A to this contract, all work will be performed in accordance with the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges adopted by the State and incorporated in this agreement by reference, or special specifications approved by the State.

9. Increased Costs

- A.** If the Local Government's financial responsibility is a specified percentage as reflected in Attachment A, Payment Provision and Work Responsibilities, and changed site conditions are discovered that result in the Local Government's funding being insufficient to cover the State's cost for performance of the Local Government's requested work, the Local Government will pay to the State the additional funds necessary to cover the additional cost. The State shall send the Local Government a written notification stating the amount of additional funding needed and stating the reasons for the additional funds. The Local Government shall pay the funds to the State within thirty (30) days of the written notification, unless otherwise agreed to by the parties to this agreement. Should the Local Government fail to pay the additional funds, this agreement shall be mutually terminated in accordance with Article 11 – Termination.
- B.** If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased cost to the department for a highway improvement project, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

10. Maintenance

Upon completion of the Project, the State will assume responsibility for the maintenance of the completed Project unless otherwise specified in Attachment A to this agreement.

11. Termination

- A. This agreement may be terminated in the following manner:
1. By mutual written agreement and consent of both parties;
 2. By either party upon the failure of the other party to fulfill the obligations set forth in this agreement; or
 3. By the State if it determines that the performance of the Project is not in the best interest of the State.
- B. If the agreement is terminated in accordance with the above provisions, the Local Government will be responsible for the payment of Project costs incurred by the State on behalf of the Local Government up to the time of termination.
- C. Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due to the Local Government, the State, or the Federal Government will be promptly paid by the owing party.

12. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

Local Government:	State:
City Manager	Director of Contract Services Office
City of Temple	Texas Department of Transportation
2 North Main Street	125 E. 11 th Street
Temple, Texas 76501	Austin, Texas 78701

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided in this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

13. Sole Agreement

In the event the terms of the agreement are in conflict with the provisions of any other existing agreements between the Local Government and the State, the latest agreement shall take precedence over the other agreements in matters related to the Project.

14. Successors and Assigns

The State and the Local Government each binds itself, its successors, executors, assigns, and administrators to the other party to this agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

15. Amendments

By mutual written consent of the parties, this agreement may be amended prior to its expiration.

16. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

17. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.

18. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

District Engineer

Date

Approved As To Form

City Attorney's Office

ATTACHMENT A

PAYMENT PROVISION AND WORK RESPONSIBILITIES

Description of the Work Items

The basis of this Agreement shall offer a means to construct ten (10) ft. wide sidewalks on the east side of SH317 from FM 2305 to the Leon River. The Local Government has agreed to provide a fixed amount towards the construction of the Project. The State will be responsible for coordinating all work associated with constructing the sidewalks funded by the Local Government.

Fixed Price Agreement

The Local Government will be responsible for paying a fixed amount of \$200,000.

Schedule of Payments

The Local Government will submit a single payment in the amount of \$200,000 to the State for its participation in the overall development and construction of the sidewalks. This payment will be paid to the State sixty (60) days prior to the letting of the construction contract.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR INCREASING THE WIDTH OF SIDEWALKS ON A PORTION OF TEXAS STATE HIGHWAY 317, IN THE AMOUNT OF \$200,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Texas Department of Transportation (“TxDOT”) plans to widen Texas State Highway 317 from the existing two lanes to four lanes with raised medians and construct a six foot wide sidewalk within the City limits of Temple from FM 2305 south to the Leon River Bridge;

Whereas, this agreement will authorize funding to increase the sidewalks from 6 feet wide to 10 feet wide on the east side of Highway 317 - this sidewalk has been identified as a “spine trail” on the City of Temple Trails Master Plan and will connect with the existing trail on FM 2305, which will be approximately 1.75 miles long;

Whereas, the City of Temple will be responsible for contributing a fixed amount of \$200,000 for the construction of this sidewalk - this contribution will be paid 60 days prior to the letting of the construction contract;

Whereas, TxDOT will be responsible for the construction and maintenance of this sidewalk;

Whereas, funding for this Advance Funding Agreement is available in Account No, 365-3400-531-6315, Project No. 101285; 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 enter into an Advance Funding Agreement with the Texas Department of Transportation, after approval as to form by the City Attorney, for increasing the width of a 6 foot wide sidewalk to a 10 foot wide sidewalk on Texas State Highway 317, in the amount of \$200,000.

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 **19th** day of **March**, 2015.

THE CITY OF TEMPLE, TEXAS

DANNY A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney