



**JOINT MEETING OF THE  
TEMPLE CITY COUNCIL  
&  
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

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

**THURSDAY, AUGUST 6, 2015**

**4:30 P.M.**

**(Revised)**

**AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, August 6, 2015.
2. Discuss potential amendments to the Code of Ordinances, Chapter 6, "Animals and Fowl", Sec 6-13, Additional Regulations, regarding the keeping of chickens."
3. Discuss the proposed FY 2015-2016 budget, to include the various strategic and budget related policy issues.

**ADJOURN THE WORKSHOP OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.**

**CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

1. [2015-7748-R](#): Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:
  - A) Metropolitan Life Insurance Company for Dental Insurance FY 2016 - FY 2017;
  - B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2016;
  - C) Metropolitan Life Insurance Company for Long Term Disability insurance for FY 2016;
  - D) Scott and White Health Plan for Medical and Prescription Insurance for FY 2016; and

E) Avesis for Voluntary Vision for FY 2016 - FY 2019.

**ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST AND  
RECONVENE THE WORKSHOP OF THE TEMPLE CITY COUNCIL.**

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> 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. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Recognition of the City of the Temple Employee of the Quarter and Employee of the Quarter finalists for the third quarter of 2015.

**IV. PUBLIC HEARING**

4. [2015-7749-R](#): PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant 2015/19 Consolidated Plan and 2015/16 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 19 – July 18, 2015.

**V. BUDGET ITEMS**

5. (A) [PUBLIC HEARING](#) - Receive presentation by the City Manager and conduct a public hearing on the proposed 2015-2016 operating budget; and  
  
(B) [2015-7750-R](#): Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 27, 2015.

## **VI. BOND ITEMS**

6. [2015-4722](#): FIRST & FINAL READING - PUBLIC HEARING- Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas General Obligation Bonds; Authorizing the levy of an ad valorem tax in support of the bonds; Approving an Official Statement, Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the bonds; Establishing the procedures for selling and delivering one or more series of the bonds; and authorizing other matters related to the issuance of the bonds.

## **VII. 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.

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

### **Minutes**

- (A) [July 16, 2015 Special Called & Regular Meeting](#)

### **Contracts, Leases, & Bids**

- (B) [2015-7751-R](#): Consider adopting a resolution authorizing a contract with Sierra Contracting Corporation of Round Rock, in an amount not to exceed \$32,850, for the demolition of three (3) city-owned structures.
- (C) [2015-7752-R](#): Consider adopting a resolution authorizing a construction contract in the amount of \$170,541 with Quality Pipe Services of Denver, CO, for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin.
- (D) [2015-7753-R](#): Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.
- (E) [2015-7754-R](#): Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, in the amount of \$28,750.96, utilizing a National IPA cooperative contract.
- (F) [2015-7755-R](#): Consider adopting a resolution authorizing the purchase of video detection equipment at the signalized intersections of South 9<sup>th</sup> Street and West Adams Avenue, North 25<sup>th</sup> Street and West Adams Avenue, and South 25<sup>th</sup> Street and West Central Avenue from Texas Highway Products of Round Rock in the amount of \$49,112.00.

### **Misc.**



- (G) [2015-7756-R](#): Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$2,250 for training tuition.
- (H) [2015-7757-R](#): Consider adopting a resolution authorizing the Solid Waste & Recycling Services Division of the Public Works Department to apply for a grant in the amount of \$10,000 through an interlocal agreement with the Central Texas Council of Governments to perform a household hazardous waste collection event in Temple for October 2015 and October 2016.
- (I) [2015-7758-R](#): Consider adopting a resolution authorizing the acceptance of a \$20,000 grant from the 2015 Lowe's/Keep America Beautiful Community Improvement Grants to assist with outdoor learning centers and environmental education.
- (J) [2015-7759-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

## **VIII. REGULAR AGENDA**

### **ORDINANCES – FIRST READING / PUBLIC HEARING**

- 8. [2015-4723](#): FIRST READING – PUBLIC HEARING - Z-FY-15-22– Consider adopting an ordinance authorizing a rezoning of +/- 12.999 acres from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on Lot 4, Block 3, The Groves at Lakewood Ranch Phase 1, located at 301 Clinite Grove Boulevard.
- 9. [2015-4724](#): FIRST READING – PUBLIC HEARING – Z-FY-15-23: Consider adopting an ordinance authorizing a Conditional Use Permit for Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, allowing a Substance Abuse Treatment Facility.

### **RESOLUTIONS**

- 10. [2015-7760-R](#): Consider adopting a resolution authorizing change order #2 to the Outer Loop Phase III (Adams Ave to Channel) construction contract with R.T. Schneider Construction Company, Ltd., in the amount of \$11,804.25, for construction services required for utility relocations, driveway removal, driveway construction, and elimination of the proposed temporary roadway section.
- 11. Consider adopting resolutions authorizing two change orders to the Prairie View Road Phase 1 (Research Blvd to North Pea Ridge Rd) construction contract with R.T. Schneider Construction Company, Ltd. for:
  - (A) [2015-7761-R](#): construction services required for street and water utility extensions in the amount of \$61,556.05, as well as, declare an official intent to reimburse the expenditures related to the utility portion of the change order with the issuance of 2015 Utility Revenue Bonds; and
  - (B) [2015-7762-R](#): construction of street extensions in the amount of \$157,460.78.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on Monday, August 3, 2015.



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City Secretary, TRMC  
City of Temple



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

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08/06/15  
Item #1  
Trust Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Sandra Esqueda, Director of Human Resources

**ITEM DESCRIPTION:** Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:

- (A) Metropolitan Life Insurance Company for Dental Insurance FY 2016 - FY 2017;
- (B) Metropolitan Life Insurance Company for Basic Life, AD&D, Voluntary Life, and Voluntary AD&D Insurance for FY 2016;
- (C) Metropolitan Life Insurance Company for Long Term Disability insurance for FY 2016;
- (D) Scott and White Health Plan for Medical and Prescription Insurance for FY 2016; and
- (E) Avesis for Voluntary Vision for FY 2016 - FY 2019.

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

**ITEM SUMMARY:** Dental- On June 3, 2014, the City received seven (7) proposals for dental insurance for active and retired employees. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. MetLife provides a greater benefit with more dental providers than the other proposers. Staff recommends that for plan year 2015-2016, the City continue to contribute at the same level as FY2014-2015. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. MetLife agreed to a rate pass for the FY 2016 year, or 3% increase each year for two years. Staff recommends that the Trustees authorize a two (2) year contract extension with MetLife for dental benefits at the fixed rate representing a 3% increase for FY 2016 and a 3% increase for FY 2017.

### **Basic Life, AD&D, Voluntary Life**

On June 3, 2014, the City received seven (7) proposals for life insurance. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. Staff recommends that the Trustees authorize a one (1) year extension to the current contract with MetLife for Basic Life, AD&D and Voluntary Life. The option for three (3) additional 1-year extensions will remain.

Long Term Disability

On June 3, 2014, the City received five (5) proposals for Long Term Disability. The proposals were reviewed by the City's consultant, Burke Sunday of Gallagher Benefits Services. The proposal from Metropolitan Life Insurance Company (MetLife) was selected as providing the best value to the city. Staff recommends that the Trustees authorize a one (1) year extension to the current contract with MetLife for Long Term Disability. The option for three (3) additional 1-year extensions will remain.

Medical and Prescription Insurance

On May 9, 2013, the City received five (5) proposals for providing City employees with medical and prescription insurance for fully-insured and self-funded plans to replicate the employees' current medical benefits. The City's insurance and consultant and staff reviewed the proposals and recommended that the Trustees authorize a two (2) year contract with the Scott and White Health Plan for a fully-insured medical and prescription plan. As an element of the agreement, Scott & White Health Plan agreed to implement an onsite VitalityCare program, which provides for preventative care services to employees. The contract with Scott and White allowed for yearly extensions if proposed rates were acceptable to both the City and SWHP. The City and Scott and White agreed to a +4.5% increase to current rates for the FY 2016. Staff recommends that the Trustees authorize a one year extension with Scott and White Health Plan

Voluntary Vision

In the summer of 2011, the trustees of the Employee Benefits Trust awarded a contract to Avesis for voluntary vision insurance. Avesis has performed well, and staff desires to extend the contract through September 30, 2019, with no change in rates. Staff recommends that the Trustees authorize a four year extension with Avesis.

**ACTION REQUIRED:** The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmember's) will conduct the business of the Trust as shown on the Trust Agenda, including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

**FISCAL IMPACT:** Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in August when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

<b>Proposed FY 16 Budgeted Amount</b>	<b>Insurance Type</b>
<b><i>Employees:</i></b>	
\$ 3,281,327	Medical/Prescription
63,100	Dental
50,122	Basic Life
10,577	AD&D
69,692	Long Term Disability
<b><i>Retirees:</i></b>	
\$ 95,110	Medical/Prescription for retirees < age 65
3,800	Dental for retirees < age 65
<b>\$ 3,573,728</b>	<b>TOTAL</b>



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #4  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct a final public hearing and consider adopting a resolution approving the Community Development Block Grant 2015/19 Consolidated Plan and 2015/16 Annual Action Plan and Budget, including the funding recommendations and notice of thirty day public comment period June 19 – July 18, 2015.

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

### **ITEM SUMMARY: *2015–2019 Consolidated Plan and Budget***

The Consolidated Plan outlines how the City of Temple will meet the National Objectives of the Community Development Block Grant (CDBG) requirements from 2015/19. Five public meetings/hearing were held in 2015 at various locations. Survey forms were handed out at the meetings and made available online to collect citizen input. Based on survey results and public meetings, the consolidated plan provides a framework for the next five-years of the program, as associated with involvement pertaining to infrastructure, housing, public facilities, demolitions, and public service agencies.

### ***2015–2016 Annual Action Plan and Budget***

The Annual Action Plan reflects the City of Temple's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG program. The City of Temple anticipates we will receive \$357,357 for our 2015/16 CDBG allocation. These funds enhance the City's community development programs, supporting safe, well-planned residential and business districts. Over 70% of the funding allocated to CDBG activities must benefit low to moderate income persons.

The City of Temple also plans to reallocate \$60,030 from the 2014 Action Plan in order to assist us with meeting the goals identified in the 2015/19 Consolidated Plan.

<i>2015-16 CDBG Funding</i>	<i>Program Income Received</i>	<i>Prior Funding Reallocation</i>	<i>Total</i>
\$357,357	\$0	\$60,030	\$417,387

The proposed allocation of funds is as follows:

Public Services	\$50,000
Infrastructure Improvements	\$100,000
Housing Improvements	\$114,387
Demolition	\$70,000
Administration	\$83,000
<b>Total</b>	<b>\$417,387</b>

***Public Services - \$50,000***

The City received nine applications requesting a total of \$177,737 in CDBG Public Service Agency (PSA) funding. A total of \$50,000 will be awarded to qualifying programs and to those that address objectives outlined in the five-year Consolidated Plan, as follows:

1. United Way of Central Texas - \$10,000
2. Families in Crisis - \$20,000
3. Hill Country Community Action Association - \$20,000

***Infrastructure Improvements - \$100,000***

Infrastructure improvements will focus on sidewalk/transportation enhancements. Projects will address objectives outlined in the five-year Consolidated Plan.

***Housing Improvements - \$114,387***

Housing improvements will focus on accessibility, emergency home repair, pre-weatherization and maintenance classes to improve and encourage continued maintenance of homes needing attention and repair. Projects will address objectives in the five-year Consolidated Plan.

***Demolition - \$70,000***

Demolition of vacant and dilapidated structures will be conducted to address blighted conditions on a spot basis in locations to be determined based on code violations. This is an on-going program and has recently been moved in-house through the City's Code Enforcement division.

***Administration - \$83,000***

It is recommended that \$83,000 be allocated for the City's administration of the CDBG Program.

This presentation and public hearing for the proposed 2015/19 Consolidated Plan, 2015/16 Annual Action Plan and Budget was preceded by a 30-day public comment period.

**FISCAL IMPACT:** The allocation amount of \$357,357 in FY 2015/16 CDBG funds along with the reprogramming of \$60,030 in additional funds available for a total of \$417,387 are to be allocated as recommended.

**ATTACHMENTS:**

None





## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #5(A-B)  
Regular Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Jonathan Graham, City Manager  
Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** (A) PUBLIC HEARING - Receive presentation by the City Manager and conduct a public hearing on the proposed 2015-2016 operating budget; and

(B) Discuss proposed tax rate and consider adopting a resolution scheduling the adoption of the proposed tax rate for August 27, 2015.

**STAFF RECOMMENDATION:** (A) Receive presentation and conduct public hearing. Final action is to be taken by the Council at the August 27<sup>th</sup> meeting; and

(B) Adopt resolution as presented in item description.

**ITEM SUMMARY:** (A) **Budget- Public Hearing** - The City Manager's recommended budget was filed in accordance with the City Charter on June 26, 2015. Council has met for budget related work sessions on July 2<sup>nd</sup>, 16<sup>th</sup>, and 30<sup>th</sup>.

This is the initial public hearing on the proposed 2015-2016 budget, and complies with the State and Charter requirements that must be met before the budget can be adopted by the Council. A supplemental second public hearing on the budget will be conducted at the August 27<sup>th</sup> Special Council meeting, prior to budget adoption.

**(B) Proposed Tax Rate – Resolution setting date for adoption** - The proposed tax rate will be presented and discussed at the 3:30 pm meeting, prior to adoption of a resolution scheduling the adoption of the proposed tax rate for August 27<sup>th</sup>.

These proposed meeting dates and publication schedules comply with the Truth-In-Taxation requirements set forth by State Law and the City Charter.

**FISCAL IMPACT:**

(A) Budget: The proposed FY 2016 budget as filed on June 26, 2015:

	Adopted Budget FY 2015	Filed Budget FY 2016	% Increase/ (Decrease)
<b>Revenues/Other Sources</b>			
General Fund	\$ 62,749,012	\$ 66,246,836	5.57%
Water & Wastewater Fund	32,996,802	33,466,378	1.42%
Debt Service Fund	9,846,470	13,062,098	32.66%
Hotel/Motel Tax Fund	1,840,500	1,936,720	5.23%
Federal/State Grant Fund	390,268	357,357	-8.43%
Drainage Fund	1,117,803	1,138,650	1.86%
Reinvestment Zone No. 1 Fund	4,920,938	21,762,204	342.24%
<b>Total Revenues/Other Sources</b>	<b>\$ 113,861,793</b>	<b>\$ 137,970,243</b>	<b>21.17%</b>

	Adopted Budget FY 2015	Filed Budget FY 2016	% Increase/ (Decrease)
<b>Expenditures/Transfers</b>			
General Fund	\$ 65,466,921 <sup>(1)</sup>	\$ 69,042,358 <sup>(2)</sup>	5.46%
Water & Wastewater Fund	32,996,802	33,466,378	1.42%
Debt Service Fund	10,348,690	13,614,332	31.56%
Hotel/Motel Tax Fund	1,840,500	2,356,118	28.02%
Federal/State Grant Fund	390,268	357,357	-8.43%
Drainage Fund	1,264,803	1,648,150	30.31%
Reinvestment Zone No. 1 Fund	5,639,739	20,630,776	265.81%
<b>Total Expenditures/Transfers</b>	<b>\$ 117,947,723</b>	<b>\$ 141,115,469</b>	<b>19.64%</b>

<sup>(1)</sup> Includes the use of \$2,717,909 in Undesignated Fund Balance - Capital Projects to fund Capital of \$1,737,909, TEDC Matrix allocation of \$880,000, and Strategic Investment Zone of \$100,000.

<sup>(2)</sup> Includes the use of \$2,795,522 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,095,522 and TEDC Matrix allocation of \$700,000.

Changes from the preliminary budget filed on June 26, 2015 to the proposed budget as presented August 6, 2015, with a proposed tax rate of 62.98¢. Adjustments are as indicated on the attached documents.

<b>Revenues/Other Sources</b>	<b>Adopted Budget FY 2015</b>	<b>Proposed Budget FY 2016</b>	<b>% Increase/ (Decrease)</b>
General Fund	\$ 62,749,012	\$ 65,934,694	5.08%
Water & Wastewater Fund	32,996,802	33,466,378	1.42%
Debt Service Fund	9,846,470	12,767,675	29.67%
Hotel/Motel Tax Fund	1,840,500	1,936,720	5.23%
Federal/State Grant Fund	390,268	357,357	-8.43%
Drainage Fund	1,117,803	1,138,650	1.86%
Reinvestment Zone No. 1 Fund	4,920,938	21,762,204	342.24%
<b>Total Revenues/Other Sources</b>	<b>\$ 113,861,793</b>	<b>\$ 137,363,678</b>	<b>20.64%</b>

<b>Expenditures/Transfers</b>	<b>Adopted Budget FY 2015</b>	<b>Proposed Budget FY 2016</b>	<b>% Increase/ (Decrease)</b>
General Fund	\$ 65,466,921 <sup>(1)</sup>	\$ 68,730,216 <sup>(2)</sup>	4.98%
Water & Wastewater Fund	32,996,802	33,466,378	1.42%
Debt Service Fund	10,348,690	13,319,332	28.71%
Hotel/Motel Tax Fund	1,840,500	2,356,118	28.02%
Federal/State Grant Fund	390,268	357,357	-8.43%
Drainage Fund	1,264,803	1,648,150	30.31%
Reinvestment Zone No. 1 Fund	5,639,739	20,630,776	265.81%
<b>Total Expenditures/Transfers</b>	<b>\$ 117,947,723</b>	<b>\$ 140,508,327</b>	<b>19.13%</b>

<sup>(1)</sup> Includes the use of \$2,717,909 in Undesignated Fund Balance - Capital Projects to fund Capital of \$1,737,909, TEDC Matrix allocation of \$880,000, and Strategic Investment Zone of \$100,000.

<sup>(2)</sup> Includes the use of \$2,795,522 in Undesignated Fund Balance - Capital Projects to fund Capital of \$2,095,522 and TEDC Matrix allocation of \$700,000.

(B) Tax Rate: The proposed tax rate for FY 2016 is 62.98¢. This rate is comprised of two components, maintenance and operations (M&O) of 32.34¢ and the interest & sinking (I&S) rate of 30.64¢. The current FY 2015 tax rate is 58.64¢.

	FY 15 Adopted vs FY 16 Filed +/-			FY 16 Filed vs FY 16 Proposed +/-	
	Adopted 2015	Filed 2016		Certified Roll 2016	
I&S Rate	\$ 0.2564	\$ 0.3064	\$ 0.0500	\$ 0.3064	\$ -
M&O Rate	0.3300	0.3300	-	0.3234	(0.0066)
Total Rate	0.5864	0.6364	0.0500	0.6298	(0.0066)

Note: The tax rate proposed in the budget document filed on June 26, 2015 was 63.64¢. The rate was developed based on estimates. Subsequent to the budget filing, staff received the Certified Roll and the Effective Tax Rate calculations.

**ATTACHMENTS:**

[FY 2015-2016 Budget Message](#)  
[Schedule of Adjustments](#)  
[Resolution](#)

June 26, 2015

Honorable Mayor and City Council,

I am pleased to present the Fiscal Year 2015-2016 Preliminary Budget (FY 2016 Budget) for the City of Temple totaling \$141,115,469 for all funds.

The emphasis and focus of this FY 2016 Budget, as with previous budgets, is on providing and delivering services that our residents request. Whether it is improving our streets and roads, enhancing public safety, providing a place where residents can check out books, providing places where residents can swim or walk along a trail or play ball, or picking up the trash, the City continues to provide multiple services to our residents. That is what we do and who we are, a service delivery organization that is responsive to the needs and desires of the community we serve.

*"Temple Tomorrow,"* our strategic plan, has four strategic focus areas:

1. Serving Our Community
2. Improving Our Infrastructure
3. Expanding the Tax Base
4. Growing the Health and Biosciences Industries

The four (4) focus areas provide the foundation for our planning, budgeting, and work plans. Accordingly, the FY 2016 Budget, as with past budgets, continues to allocate resources with all four of these strategic focus areas in mind.

### **Budget Development & Background**

**Budget Process**—Developing a budget is now a year round process and the framework for the development of this budget began in late 2014 with the City Manager working on timelines and issue identification. Through late 2014 and early

2015, I worked with Finance to develop the budget calendar and process for the FY 2016 Budget.

In January, I held a planning retreat with department and division heads to identify and discuss issues for the upcoming budget. In February, the Finance staff and I met with Departments to conduct a status review of current year budget and performance indicators and provide initial direction regarding issues identified in the planning retreat.

Also in February, the City Council held a budget retreat to discuss various strategic issues and to review and, as might be needed, update the City's Strategic Plan. The Strategic Plan establishes the mission and vision of the City, identifies four (4) major areas of focus, and establishes the specific goals and objectives. The areas of focus identified in the Plan are: (1) Expand the Tax Base, (2) Grow Health and Bioscience, (3) Improve Our Infrastructure, and (4) Serve our Community. These focus areas and their associated goals and objectives guided the development of the FY 2016 Budget. During the retreat, Council also received information regarding potential budget issues identified by staff.

From February through the delivery of the FY 2016 Budget, staff has worked on preparing, reviewing, researching and responding to questions from Finance and me relating to the programs and services this Preliminary Budget recommends.

**Budget Approach**—The FY 2016 Budget continues the "activity-based" perspective that began in FY 2010. Each Department was asked to identify each and every activity that they provide. They were also asked to identify the cost for providing each activity. This "activity-based" approach allows for better identification of the services and service levels that we provide.

This year's budget, has been developed within the framework of the strategic plan priorities adopted by the City Council and the budget parameters ("the Rules of Engagement") that I briefed the Council on at the February 12 budget retreat and May 21, 2015 budget work session. Those Rules are:

1. Maintain current services and service levels;
2. Preserve, protect, and develop our workforce;
3. Grow our tax base & economy; and
4. Preserve and enhance our facilities and infrastructure.

All within a framework of fiscal restraint and responsibility.

**Financial Highlights**—The FY 2016 Budget appropriates a total of \$141,115,469 for the upcoming fiscal year. Of this amount, \$120,050,696 is allocated for the operations and maintenance budget which includes debt service and transfers and \$21,064,773 is allocated for routine capital for the general operating budget which includes equipment and public infrastructure projects. Included in this amount is \$15,381,353 of Reinvestment Zone infrastructure improvements. In accordance with current fiscal and financial policies, \$2,874,450 of the routine capital is funded with fund balance or retained earnings. The breakdown of this amount is as follows:

\$ 2,095,552 – General Fund  
 \$ 509,500 – Drainage Fund  
 \$ 269,398 – Hotel/Motel Tax Fund

As in previous years, the FY 2016 Budget is a balanced budget under the policies and parameters discussed in earlier planning sessions with the City Council.

In addition, \$40,280,000 is included for capital improvements programs (CIP), broken down as follows:

- Multi-year Non-Routine Capital Recommended for Utility Revenue Bond Funding (UR CIP) - \$17,360,000
- Multi-year Non-Routine Capital Recommended for Certificate of Obligation Bond Funding (CO CIP) - \$21,000,000
- Multi-year Non-Routine Capital Recommended for Limited Tax Notes (LTN CIP) - \$1,920,000

### **City Manager's Highlights**

With the above in mind, I will highlight a few areas of general priority and significance in the FY 2016 Budget.

**Public Safety**—The FY 2016 Budget recommends several initiatives designed to enhance public safety services. The Budget recommends funding three firefighter overhire positions, establishing an in-house regional fire training academy, the addition of two outdoor warning sirens, and the replacement of Quint 6, Engine 7, and the Fire Command Vehicle.

Additionally, the Budget recommends funding an additional Police Evidence and Property Technician position, the replacement of public safety laptops, the replacement of 11 marked and 2 unmarked police vehicles, the replacement of 1 pickup truck for training, the addition of 3 marked police vehicles, the purchase of several police body cameras, and the replacement of ballistic vests.

**Parks and Recreation**—In May of 2015, voters approved a \$27,675,000 Parks bond package that includes 24 projects ranging from neighborhood park improvements, new

community parks, new and upgraded athletic facilities, facility upgrades, water recreation projects, and linkage trails. The five cent annual tax rate impact included as part of the bond package is reflected in my proposed budget.

The FY 2016 Budget also includes operating and maintenance expenses associated with bond improvements anticipated to come online during FY 2016 including Jaycee, Carver, Western Hills, Oak Creek, Optimist, and Jefferson neighborhood parks improvements, Wilson football field, Scott & White baseball complex, and Lion's Junction deep water pool.

The FY 2016 Preliminary Budget also recommends the addition of a pavilion at Little Bluestem Park, the replacement of a dugout at Bakers Field, the first phase of exterior improvements at the Mayborn Center, and a funding for the development of a master plan for a future botanic garden at Bend of the River.

The Department's two fee-supported facilities, Summit Recreation Center and the Sammons Golf Course, are presented in the FY 2016 Preliminary Budget at a recovery rate of 82% and 83%, respectively.

**Community Development**—The FY 2016 Budget recommends leveraging our Community Development Block Grant (CDBG) funds to establish a Community Development program tasked with assisting with the implementation of the East Temple Redevelopment Plan.

The Budget recommends establishing a Community Development Manager position to spearhead the program. Programs proposed for funding include a housing improvement program, infrastructure improvements, a demolition program, and a neighborhood clean-up program, including pro-active code enforcement.

**Downtown Redevelopment**—The FY 2016 Budget sees the first full year funding of the Transformation Team in partnership with the City's Reinvestment Zone.

The Transformation Team is a City crew dedicated to revitalization efforts in targeted areas of the City, with an initial focus on our downtown. The Team will have a very visible, distinctive appearance. They will perform clean-up and improvement projects in targeted areas of the community, called "transformation zones." The Team will work with property owners to improve the appearance and safety of the targeted areas. The Team Coordinator serves as a liaison with other City departments and partner agencies for projects within the targeted areas.

Additionally, the FY 2016 Budget recommends the addition of a Downtown Development Coordinator position to assist with retail development, infrastructure improvements and event coordination in Downtown Temple. This is part of an ongoing effort with the Chamber of Commerce to revitalize the Downtown physically, but also from a livability standpoint.

**Solid Waste**—The FY 2016 Budget recommends the addition of a residential solid waste route which includes an additional Automated Route Operator position and an additional solid waste truck. We currently have 10 residential solid waste routes serving approximately 23,300 customers. The last residential route was added in 2010 by shifting resources from a roll-off route. Since that time, there has been a 22% increase in customers and our residential routes now average 2,330 customers per route, well exceeding industry standards. The addition of a solid waste route will assist in reducing the average customers per route back to a manageable level. The good news is that we are a growing city, and that impact is reflected in the need to add equipment and a route to our residential collection.



Additionally, the FY 2016 Budget recommends the replacement of four solid waste trucks. An approximate 5% adjustment to commercial solid waste rates is also proposed. The last adjustment to commercial solid waste rates occurred in FY 2009.

**Transportation Infrastructure**—The FY 2016 Budget includes the fourth year of a multi-year transportation capital improvement program. The Transportation CIP (TCIP) is a ten-year, \$126,700,000 effort to expand and maintain our major transportation infrastructure. The TCIP is a result of our recent assessments and reports on both the condition of our transportation infrastructure and the need to improve our mobility.

The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity. The TCIP is a dynamic program that has, and will continue to, evolve and change in response to community needs.

A key element in the TCIP is a recognition that, in addition to building new roads to increase capacity and connectivity, we also need to take care of the streets and roads that we have built. What we refer to as the “Legacy Pavement Preservation Program.” Taking care of existing infrastructure is the most cost effective way to manage and maintain the system, as the more infrastructure deteriorates, the more costly it is to restore serviceability. The Legacy Pavement Preservation Program enhances pavement performance, extends pavement life, decreases lifetime roadway costs, reduces user delays, and provides improved safety and mobility.

The implementation and financing plan recommended for the TCIP is a phased approach which groups projects in three-year packages with design and right-of-way acquisition funded

first and, in most cases, construction funded in the following package. Each three-year package also includes \$9,000,000 for the Legacy Pavement Preservation Program – an average of \$3,000,000 each year.

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

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

Additionally, the FY 2016 Budget recommends an additional Streets Foreman position to help oversee supervising the street maintenance and reconstruction crew. The Budget also includes funding for the first year of a three year plan to implement detection technology at 100% of the City’s signalized intersections. Detection allows the signal to operate more efficiently, which improves coordination and timing.

**Utility Infrastructure**—The City has invested almost \$107,716,000 over the past 9 years in improving and extending our water and sewer infrastructure. The FY 2016 Budget includes an additional \$17,360,000 to continue this work. Our utility infrastructure, no less so than our transportation infrastructure, is extremely important to our ability to deliver services in one of our core mission areas. I believe our strategic plan, our strategic focus areas, and our community expectations relative to the services we provide, should reflect this.



**Other Highlights**—In addition to the programs and positions detailed above, the FY 2016 Budget also recommends the addition of a Public Records Administrator position in the City Secretary's Office to assist in managing the City's public information program, an Administrative Assistant I position at the Airport to provide support for necessary administrative functions, a Troubleshooter in the Facility Services division to reduce contracted preventative maintenance and repair costs for heating, ventilation, and air conditioning and other major facility systems, a part-time Museum Development Assistant at the Railroad and Heritage Museum to assist in the coordination and growth of the Museum's membership program, a Human Resources Generalist position to administer the City's safety and training program, and an Environmental Compliance Technician position to administer the City's fats, oils, and grease reduction program.

The FY 2016 Budget also provides \$790,000 for a partial year implementation of Civil Service pay plan adjustments based on the 2015 Civil Service market study.

The FY 2016 Budget also recommends continued funding for a group health insurance plan, employee retirement plan, and employee longevity program. The Budget also recommends funding for an enhanced performance pay program for general government employees and an enhanced employee engagement program.

One of the strategic focus areas identified in our Strategic Plan is to "expand the tax base." In order for us to continue to meet the demands for current service, and in order for us to meet the needs of projected growth and development, it is critical that this objective be met. As Council will recall, the FY 2008 Budget included a funding commitment to a "matrix incentive pool" at \$800,000. This "matrix incentive pool" was intended to provide funding for economic development incentives relating to economic

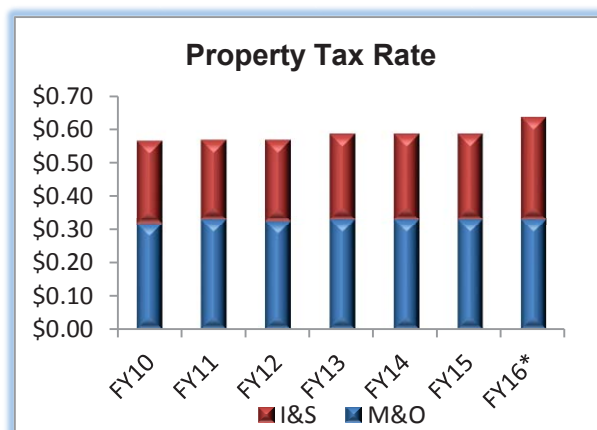
development agreements with new and/or expanding businesses. The FY 2016 Budget continues that commitment and includes a \$700,000 "placeholder" investment to maintain and replenish the matrix funding level.

### **Financial Highlights by Fund**

**General Fund Revenues**—Total revenues for the FY 2016 General Fund Budget are presented at \$66,246,836, an increase of 5.57% compared to the FY 2015 Adopted Budget. The three largest sources of revenue for the General Fund are sales tax, property tax, and solid waste charges.

**Property Tax**—In the FY 2016 Budget, property tax accounts for 20.04% of the General Fund budgeted revenues and is the second largest revenue source of the General Fund. The preliminary tax rate for FY 2016 is proposed at 63.64¢ per \$100 valuation, which includes the 5¢ tax rate adjustment for the 2015 Parks Bond program approved by voters in May 2015.

This rate is based on preliminary appraisal of \$3,902,505,382 (net taxable value not adjusted for frozen values). The tax rate is comprised of two components, the Maintenance and Operations rate (M&O) and the Interest Sinking rate (I&S). This year's proposed tax rate is 33.00¢ for the M&O rate and 30.64¢ for the I&S rate.

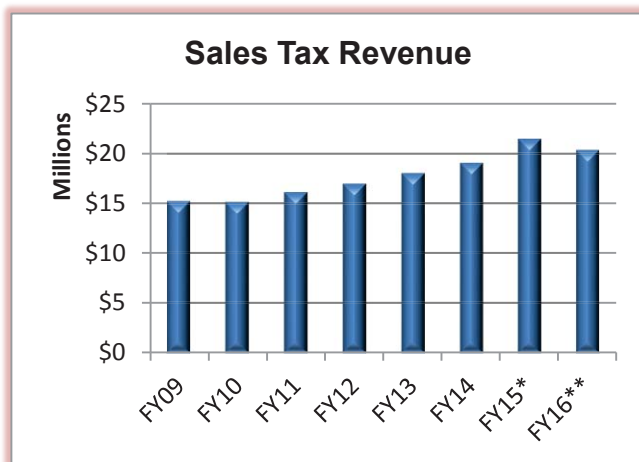


\*FY 2016 Proposed Tax Rate

The certified appraisal roll for Ad Valorem taxes will not be available from the Appraisal District of Bell County until late July. Therefore, the proposed tax rate is based on assumptions and *may* require adjustments prior to the final adoption of the budget to reflect the current parameters set forth by Council.

**Sales Tax**—While much attention is focused on the property tax rate number, our single largest source of revenue for the General Fund continues to be sales tax revenue. In the FY 2016 Budget, sales tax is projected to account for 30.70% of the General Fund budgeted revenues.

The FY 2016 Budget estimates \$20,335,000 in sales tax revenue, a 6.47% increase in sales tax revenue over budgeted FY 2015 sales tax revenue.



\*Forecasted for FY 2015 – includes a \$1,798,088 prior period audit adjustment

\*\*Proposed for FY 2016

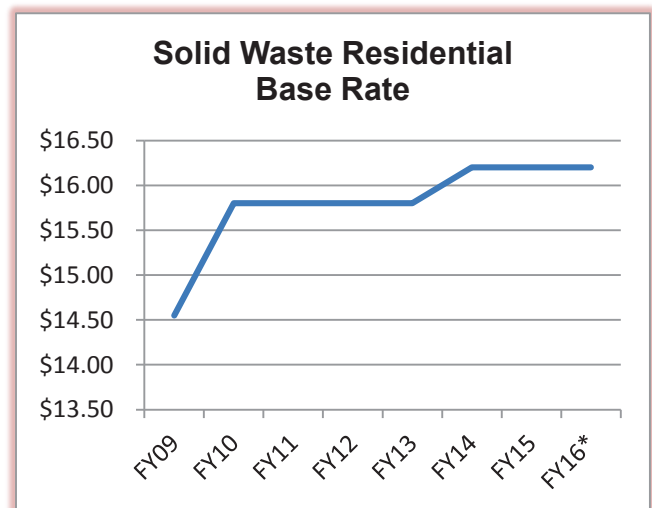
**Solid Waste Rates**—Charges associated with solid waste services represent the third largest source of revenue for the General Fund and are projected to account for 14.27% of total General Fund revenues. \$9,451,996 in solid waste revenue is projected for FY 2016, representing a 5.10% increase from the FY 2015 solid waste revenue adopted budget of \$8,993,691. The FY

2016 Budget recommends an approximate 5% adjustment to commercial solid waste rates. The last adjustment to commercial solid waste rates occurred in FY 2009. The rate adjustment supports the continuation of investment in capital replacement.



\*Forecasted for FY 2015

\*\*Proposed for FY 2016



\*FY 2016 Proposed Residential Base Rate

**General Fund Expenditures**—Total expenditures for the FY 2016 General Fund Budget are presented at \$69,042,358, an increase of 5.46% compared to the FY 2015

Adopted Budget. As noted above, significant programs in the FY 2016 Budget that have contributed to this increase include the following:

- Additional solid waste route;
- Firefighter overhire positions
- Civil service compensation study implementation; and
- Parks and Recreation operation/maintenance cost for Park Bond projects coming online in FY 2016.

**Capital Improvement Programs**—The City Staff continues to manage the largest capital improvement programs in the history of the community. As of March 31, 2015, a total of \$203,742,809 has been allocated for various capital projects including such improvements as water and sewer infrastructure, transportation infrastructure, parks improvements, and public safety infrastructure.

Funding sources for these projects can be identified in eight major areas:

- Utility Revenue Bonds
- General Obligation Bonds
- Certificates of Obligation
- General Operating Budget Funding
- Limited Tax Notes
- TxDOT Pass Through Finance Agreement
- Grants
- Reinvestment Zone No. 1

Within the Capital Improvement Projects section of this document, the specific projects recommended are listed within three categories. The categories are routine capital, multi-year non-routine capital, and projects identified for future funding.

**Water and Wastewater Fund**—Total revenues for the FY 2016 Water and Wastewater Fund Budget are presented at \$33,466,378, an

increase of 1.42% compared to the FY 2015 Adopted Budget.

Expenses, capital improvements, and debt service for the FY 2016 Water and Wastewater Fund Budget are presented at \$33,466,378, an increase of 1.42% compared with prior year. The capital improvements include the allocation of \$17,360,000 to continue the long-term replacement program of water and sewer infrastructures and equipment needs. A 6.39% rate increase was approved in the FY 2013 Budget to support these operational and capital programs.

**Hotel/Motel Tax Fund**—Total revenues for the Hotel/Motel Fund Budget are presented at \$1,936,720, an increase of 5.23% compared to the FY 2015 Adopted Budget. 25% of the Hotel/Motel revenues are from the operations of the Frank Mayborn Center. Expenditures for the Hotel/Motel Fund Budget are presented at \$2,356,118, an increase of 28.02% compared to the FY 2015 Adopted Budget. Funding for the Frank Mayborn Center, Tourism/Marketing, and Railroad & Heritage Museum are funded through the Hotel/Motel Tax Fund. Agencies seeking community enhancement grants whose services are eligible for funding by hotel/motel tax revenues are also funded through the Hotel/Motel Tax Fund.

As noted above, significant programs in the FY 2016 Budget that have contributed to this increase include the following:

- Phase 1 of exterior improvements at the Frank Mayborn Center; and
- Development of a Master plan for the Bend of the River property.

**Federal and State Grant Fund**—Total revenues and expenditures for Federal and State Grant Fund Budget are presented at \$357,357, a decrease of 8.43% compared to the FY 2015

Adopted Budget. Total revenues include the award of the Community Development Block Grant (CDBG) at \$357,357. The proposed allocation of CDBG funds are as follows:

- Public service agencies - \$50,000
- Demolition - \$70,000
- Housing improvements - \$90,886
- Infrastructure improvements- \$75,000
- General administration - \$71,471

**Drainage Fund**—Total revenues are presented at \$1,138,650, a 1.86% increase from prior year. Expenditures are presented at \$1,648,150, an increase of 30.31% compared to the FY 2015 Adopted Budget. The expenditures of the drainage fund represent personnel and operational cost related to maintenance of existing drainage systems. In addition, there is \$606,000 in significant capital equipment of which \$509,500 will be funded with Fund Balance.

### **Conclusion**

This is only a brief synopsis of the Preliminary Budget for FY 2016. Developing the budget is a team effort that requires participation and input by citizens, City Council and City staff. My thanks to all of the Department and Division Heads who contributed to the development of this Preliminary Budget. Their ability to respond, many times on short notice, to my inquiries and requests for additional information was appreciated and helpful.

Some of our continuing efforts are not reflected in individual line items in the budget: our focus on developing a world-class engaged team of employees and our efforts to engage the community. We anticipate rolling out programs to educate our City workforce, and train the next generation of leaders. In partnership with the Temple Economic Development Corporation, the Reinvestment Zone, the Chamber, our school districts and other strategic partners, we're

committed to making Temple *the* place where businesses and residents want to live, work and play.

Finally, I want to extend a special word of appreciation to Director of Finance Traci Barnard and her staff for their many hours of work and effort. Of special note is the work done by Assistant Director of Finance Melissa Przybylski, Budget Coordinator Jennifer Emerson, Senior Accountant Stacey Hawkins, and Senior Accountant Rhonda Scally. I also need to recognize Assistant City Manager Brynn Myers for her work, insight, and input into the development of this Preliminary FY 2016 Budget. Quite simply, this document could not have been produced without them.

I look forward to the coming weeks of discussion, review, and direction by Council.

Respectfully submitted,



Jonathan Graham | City Manager

FY 2016

GENERAL FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 66,246,836	\$ 65,934,694	\$ (312,142) <sup>A</sup>
Proposed Budget Expenditures	67,996,088	67,788,946	(207,142) <sup>B</sup>
Excess Revenues Over (Under) Expenditures	<u>(1,749,252)</u>	<u>(1,854,252)</u>	<u>(105,000)</u>
Transfers In (Out):			
Less: Transfer Out To Debt Service Fund -			
Solid Waste/CNG	(753,300)	(753,300)	-
FY 2016 Bldg Improvements/Garbage Trucks	(105,000)	-	105,000
Landfill CO's	(187,970)	(187,970)	-
Total Transfer In (Out)	<u>(1,046,270)</u>	<u>(941,270)</u>	<u>105,000</u>
Excess Revenues Over (Under) Expenditures for FY 2015	<u>\$ (2,795,522)</u>	<u>\$ (2,795,522)</u>	<u>\$ -</u>
Recommended Use of Undesignated Fund Balance - Capital Projects			
- TEDC Matrix Funding	\$ 700,000	\$ 700,000	\$ -
- Capital Equipment Funding	2,095,522	2,095,522	-
	<u>\$ 2,795,522</u>	<u>\$ 2,795,522</u>	<u>\$ -</u>

Explanation of Changes from Filed Budget to Proposed Budget @ 08/06/2015:

<sup>A</sup> **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (427,491)
Adjusted discount for current taxes	61,279
Adjusted revenue estimates	54,070
<b>Total Revenue Changes</b>	<u>\$ (312,142)</u>

<sup>B</sup> **Expenditure Changes:**

Decreased transfer outs	\$ (105,000)
Various operational adjustments	(98,729)
Adjusted allocation estimated for Public Service Agencies	(50,000)
Adjusted allocation estimated for Civil Service Compensation Study	(25,000)
Adjusted electric utility estimates	(24,325)
Decreased operations & maintenance component with TEDC	(9,808)
Adjusted contingency for adjustment from preliminary to certified tax roll	720
<b>Total Expenditures Changes</b>	<u>\$ (312,142)</u>

**Net Revenue Over (Under) Expenditures**

\$ -

FY 2016

WATER & WASTEWATER FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 33,466,378	\$ 33,466,378	\$ -
Proposed Budget Expenses	33,466,378	33,466,378	-
Net Revenues	\$ -	\$ -	\$ -
Transfers In (Out):			
Less: Transfer Out To	-	-	-
Total Transfer In (Out)	-	-	-
Net Revenues for FY 2016	\$ -	\$ -	\$ -

FY 2016

DEBT SERVICE FUND PROPOSED BUDGET

SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 12,015,828	\$ 11,826,405	\$ (189,423) <sup>A</sup>
Proposed Budget Expenditures	13,614,332	13,319,332	(295,000) <sup>B</sup>
Excess Revenues Over (Under) Expenditures	<u>\$ (1,598,504)</u>	<u>\$ (1,492,927)</u>	<u>105,577</u>
Transfers In (Out):			
Plus: Transfer In From General Fund -			
Solid Waste/CNG	753,300	753,300	-
FY 2016 Bldg Improvements/Garbage Trucks	105,000	-	(105,000)
Landfill CO's	187,970	187,970	-
Total Transfer In (Out)	<u>1,046,270</u>	<u>941,270</u>	<u>(105,000)</u>
Excess Revenues Over (Under) Expenditures for FY 2016	<u>\$ (552,234)</u>	<u>\$ (551,657)</u>	<u>\$ 577</u>
Recommended Use of Undesignated Fund Balance	552,234	551,657	(577) <sup>A</sup>
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

**Explanation of Changes from Filed Budget to Proposed Budget @ 08/06/2015:**

<sup>A</sup> **Revenue Changes:**

Required adjustment from preliminary to certified tax roll	\$ (189,423)
Decreased transfer ins	(105,000)
Decreased recommended use of Undesignated Fund Balance	(577)
<b>Total Revenue Changes</b>	<u>\$ (295,000)</u>

<sup>B</sup> **Expenditure Changes:**

Decreased principal to be paid on G.O., Series 2015	\$ (120,000)
Decreased principal to be paid on LTN, Series 2016	(85,000)
Decreased interest to be paid on C.O., Series 2015	(70,000)
Decreased interest to be paid on LTN, Series 2016	(20,000)
<b>Total Expenditures Changes</b>	<u>\$ (295,000)</u>
<b>Net Revenue Over (Under) Expenditures</b>	<u>\$ -</u>



**FY 2016**

**HOTEL/MOTEL TAX FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 1,936,720	\$ 1,936,720	\$ -
Proposed Budget Expenditures	2,356,118	2,356,118	-
Excess Revenues Over (Under) Expenditures	<u>\$ (419,398)</u>	<u>\$ (419,398)</u>	<u>-</u>
Transfers In (Out):			
Less: Transfer Out To	-	-	-
Total Transfer In (Out)	<u>-</u>	<u>-</u>	<u>-</u>
Excess Revenues Over (Under) Expenditures for FY 2016	<u><u>\$ (419,398)</u></u>	<u><u>\$ (419,398)</u></u>	<u><u>\$ -</u></u>
Recommended Use of Undesignated Fund Balance - Capital Projects			
- Capital Equipment Funding	<u>\$ 419,398</u>	<u>\$ 419,398</u>	<u>\$ -</u>
	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>



**FY 2016**

**FEDERAL/STATE GRANT FUND PROPOSED BUDGET  
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 357,357	\$ 357,357	\$ -
Proposed Budget Expenditures	357,357	357,357	-
Excess Revenues Over (Under) Expenditures for FY 2016	\$ -	\$ -	\$ -

**FY 2016**

**DRAINAGE FUND PROPOSED BUDGET**

**SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 1,138,650	\$ 1,138,650	\$ -
Proposed Budget Expenditures	1,648,150	1,648,150	-
Excess Revenues Over (Under) Expenditures	<u>\$ (509,500)</u>	<u>\$ (509,500)</u>	<u>-</u>
Transfers In (Out):			
Less: Transfer Out To	<u>-</u>	<u>-</u>	<u>-</u>
Total Transfer In (Out)	<u>-</u>	<u>-</u>	<u>-</u>
Excess Revenues Over (Under) Expenditures for FY 2016	<u><u>\$ (509,500)</u></u>	<u><u>\$ (509,500)</u></u>	<u><u>\$ -</u></u>
Recommended Use of Undesignated Fund Balance - Capital Projects			
- Capital Equipment Funding	<u>\$ 509,500</u>	<u>\$ 509,500</u>	<u>\$ -</u>
	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>

**FY 2016**

**REINVESTMENT ZONE NO. 1 FUND PROPOSED BUDGET  
SCHEDULE OF ADJUSTMENTS AFTER FILING PROPOSED BUDGET**

	Proposed Budget <sup>1</sup>		Increase (Decrease)
	Filed Copy as of 06-26-15	Current as of 08-06-15	
Projected Revenues	\$ 21,762,204	\$ 21,762,204	\$ -
Proposed Budget Expenditures	20,630,776	20,630,776	-
Excess Revenues Over (Under) Expenditures for FY 2016	<u>\$ 1,131,428</u>	<u>\$ 1,131,428</u>	<u>\$ -</u>

<sup>1</sup> - As amended in Financing Plan approved by Council on April 16, 2015

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SCHEDULING THE ADOPTION OF THE PROPOSED TAX RATE FOR AUGUST 27, 2015; DECLARING FINDINGS OF FACTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Chapter 26 of the Property Tax Code requires all taxing entities to comply with truth-in-taxation laws in adopting their tax rates in an effort to make taxpayers aware of tax rate proposals and, in certain cases, to roll back or limit a tax increase;

**Whereas**, the City Manager's recommended budget was filed in accordance with the City Charter on June 26, 2015 and City Council has met for budget related work session on July 2<sup>nd</sup>, 2015, July 16, 2015 and July 30, 2015;

**Whereas**, the proposed tax rate for fiscal year 2016 is 62.98¢ and is comprised of two components – maintenance and operations of 32.34¢ and the interest and sinking rate of 30.64¢, the current fiscal year tax rate is 58.64¢;

**Whereas**, the City Council has determined that it is in the public interest to schedule the adoption of the proposed tax rate for August 27, 2015.

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

**Part 1:** The City Council sets the proposed tax rate at 62.98¢ per \$100 of assessed property valuation, and schedules the adoption of the proposed tax rate for 8:30 a.m. on August 27, 2015, in the City Council Chambers on the second floor of the Municipal Building located at Main and Central in Temple, Texas.

**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 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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08/06/15  
Item #6  
Regular Agenda  
Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** FIRST & FINAL READING-PUBLIC HEARING- Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas General Obligation Bonds; Authorizing the levy of an ad valorem tax in support of the bonds; Approving an Official Statement, Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the bonds; Establishing the procedures for selling and delivering one or more series of the bonds; and authorizing other matters related to the issuance of the bonds.

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

**ITEM SUMMARY:** This item is to delegate authority to the Director of Finance or in her absence, the City Manager to issue bonds and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed **\$27,675,000**. This delegation of authority will allow the City to obtain the most advantageous borrowing costs in order to achieve maximum debt service savings.

The proceeds of the bonds will be used for constructing, acquiring, improving, renovating, expanding, developing and equipping land and buildings for park and recreational purposes including the acquisition of any necessary sites, infrastructure and other related costs. The general obligation bonds were approved by voters on May 9, 2015.

The bonds are scheduled for pricing the week of September 10<sup>th</sup> and delivery of the funds on September 29, 2015.

Ratings for the bonds will be applied for with Standard & Poors. The ratings will be published prior to the pricing and sale of the bonds. The date and method by which the bonds will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City.

The City's Financial Advisor, Specialized Public Finance Inc., and bond council, McCall, Parkhurst & Horton, L.L.P, will be present at the meeting to review the parameters and details of the ordinance with Council.

Specialized Public Finance Inc, will return at a date to be determined to brief City Council on the sales results.

**FISCAL IMPACT:** The following projects were approved by the voters on May 9, 2015:

West Temple Athletic Park	\$ 11,260,000
Existing Athletic Facility Improvements	3,535,000
Southwest Temple Community Park	3,380,000
Existing Park Improvements	2,845,000
Lions Junction Pool Addition	1,800,000
Sammons Community Center Improvements	1,775,000
Wilson Park Recreation Center Improvements	1,320,000
Trail System Expansion	1,310,000
Blackland Prairie Park	450,000
<b>Total General Obligation Bond Parks Projects</b>	<b><u>\$ 27,675,000</u></b>

The estimated tax rate impact for the GO Bonds is 5 cents. The interest and sinking (I&S) component of the tax rate includes the additional 5 cents in the Proposed FY 2016 budget.

**ATTACHMENTS:**

[Ordinance](#)

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE  
SERIES OF CITY OF TEMPLE, TEXAS GENERAL OBLIGATION BONDS;  
AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE  
BONDS; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR  
AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND  
ISSUANCE OF THE BONDS; ESTABLISHING PROCEDURES FOR SELLING AND  
DELIVERING ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING  
OTHER MATTERS RELATED TO THE ISSUANCE OF THE BONDS**

**Adopted August 6, 2015**

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE  
SERIES OF CITY OF TEMPLE, TEXAS GENERAL OBLIGATION BONDS;  
AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE  
BONDS; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR  
AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND  
ISSUANCE OF THE BONDS; ESTABLISHING PROCEDURES FOR SELLING AND  
DELIVERING ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING  
OTHER MATTERS RELATED TO THE ISSUANCE OF THE BONDS**

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Exhibit A - Definitions

Exhibit B - Description of Annual Financial Information

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE  
SERIES OF CITY OF TEMPLE, TEXAS GENERAL OBLIGATION BONDS;  
AUTHORIZING THE LEVY OF AN AD VALOREM TAX IN SUPPORT OF THE  
BONDS; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR  
AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND  
ISSUANCE OF THE BONDS; ESTABLISHING PROCEDURES FOR SELLING AND  
DELIVERING ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING  
OTHER MATTERS RELATED TO THE ISSUANCE OF THE BONDS**

---

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

**WHEREAS**, at an election held within the City of Temple, Texas (the "City") on May 9, 2015 the voters of the City authorized the City Council of the City to issue in one or more series the bonds set forth in the proposition set forth below:

Proposition

Shall the City Council of the City of Temple, Texas, be authorized to issue the bonds of the City, in one or more series or issues, in the aggregate principal amount of \$27,675,000 with the bonds of each such series or issues, respectively, to mature serially within not to exceed thirty years from their date, and to be sold at such prices and bear interest at such rates, as shall be determined within the discretion of the City Council, in accordance with law at the time of issuance, for the purpose of constructing, acquiring, improving, renovating, expanding, developing and equipping land and buildings for park and recreational purposes including the acquisition of any necessary sites, infrastructure and other related costs; and shall said City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient to pay the annual interest on said bonds and provide a sinking fund to pay the bonds at maturity?

**WHEREAS**, the City Council deems it to be in the best interest of the City to issue one or more series of the Bonds in an amount not to exceed \$27,675,000 pursuant to the Proposition; and

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

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

**Section 1. RECITALS.** The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this Section.

**Section 2. DEFINITIONS.** For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit "A" to this Ordinance have the meanings assigned to them in Exhibit "A".

**Section 3. AMOUNT AND PURPOSE OF THE BONDS.** The bonds of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in one or more series in the maximum aggregate principal amount not to exceed \$27,675,000 (the "Bonds") for the purpose of: (1) constructing, acquiring, improving, renovating, expanding, developing and equipping land and buildings for park and recreational purposes including the acquisition of any necessary sites, infrastructure and other related costs and (2) the costs of issuing the Bonds.

**Section 4. DATE, DENOMINATIONS, NUMBERS, MATURITIES AND TERMS OF BONDS.** (a) Terms of Bonds. There initially shall be issued, sold and delivered under this Ordinance fully registered bonds, without interest coupons, in one or more series, numbered consecutively from R-1 upward (except the Initial Bond (as defined in Sections 4 and 5 hereof) delivered to the Attorney General of the State of Texas which shall be numbered T-1) payable to the initial registered owner(s) (as designated in subsection (c) of this Section), or to the registered assignee or assignees of said Bonds or any portion or portions thereof (in each case, the "Registered Owner" or the "Owner"), in the denomination of \$5,000 or any integral multiple thereof, maturing not later than thirty years from their date, serially or otherwise on the dates, in the years and in the principal amounts, respectively, and dated, all as set forth in the Pricing Certificate to be executed and delivered by the Pricing Officer pursuant to Subsection (b) of this Section. The Pricing Certificate is hereby incorporated in and made a part of this Ordinance. The Bonds shall be designated by the year in which they are awarded. The authority of the Pricing Officer to execute a Pricing Certificate shall expire at 5:00 p.m. C.S.T. on August 6, 2016. Bonds priced on or before August 6, 2016 may be delivered to the initial purchaser after such date.

(b) Selling and Delivering the Bonds. As authorized by Chapter 1371, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering one or more series of the Bonds and carrying out the other procedures specified in this Ordinance, including determining the date of the Bonds, any additional or different designation or title by which a series of the Bonds shall be known, the price at which each series of the Bonds will be sold, the years in which the Bonds will mature, the principal amount to mature in each of such years, the aggregate principal amount of the Bonds, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for each series of the Bonds shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery and (ii) none of the Bonds

of a series shall bear interest at a rate greater than the maximum authorized by law. In establishing the aggregate principal amount of the Bonds, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 4 thereof, which shall be sufficient to provide for the purposes for which the Bonds are authorized and to pay the costs of issuing the Bonds.

(c) To achieve advantageous borrowing costs for the City, the Bonds shall be sold on a negotiated, placement or competitive basis as determined by the Pricing Officer in the Pricing Certificate. In determining whether to sell the Bonds by negotiated, placement or competitive sale, the Pricing Officer shall take into account any material disclosure issues which might exist at the time, the market conditions expected at the time of the sale and any other matters which, in the judgment of the Pricing Officer, might affect the net borrowing costs on the Bonds.

If the Pricing Officer determines that a series of the Bonds should be sold at a competitive sale, the Pricing Officer shall cause to be prepared a notice of sale and official statement in such manner as the Pricing Officer deems appropriate, to make the notice of sale and official statement available to those institutions and firms wishing to submit a bid for the Bonds, to receive such bids, and to award the sale of the Bonds to the bidder submitting the best bid in accordance with the provisions of the notice of sale.

If the Pricing Officer determines that a series of the Bonds should be sold by a negotiated sale or placement, the Pricing Officer shall designate the placement purchaser or the senior managing underwriter for the Bonds and such additional investment banking firms as the Pricing Officer deems appropriate to assure that the Bonds are sold on the most advantageous terms to the City. The Pricing Officer, acting for and on behalf of the City, is authorized to enter into and carry out a Bond Purchase Agreement or other agreement for the Bonds to be sold by negotiated sale or placement, with the underwriters or placement purchasers at such price, with and subject to such terms as determined by the Pricing Officer pursuant to subsection (b) above. Each Bond Purchase Agreement or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of debt with such changes as are acceptable to the Pricing Officer.

In satisfaction of Section 1201.022(a)(3), Texas Government Code, the City hereby determines that the delegation of the authority to the Pricing Officer to approve the final terms and conditions of each series of the Bonds as set forth in this Ordinance and the decisions made by the Pricing Officer pursuant to such delegated authority and incorporated in each Pricing Certificate will be, in the best interests and shall have the same force and effect as if such determination were made by the Pricing Officer and the Pricing Officer is hereby authorized to make and include in each Pricing Certificate an appropriate finding to that effect.

(d) The Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum set forth in the Pricing Certificate.

**Section 5. INTEREST.** The Bonds shall bear interest from the dates specified in the FORM OF BOND set forth in this Ordinance to their respective dates of maturity or redemption at the rates per annum as set forth in the Pricing Certificate. Interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Ordinance and the Pricing Certificate.

**Section 6. CHARACTERISTICS OF THE BONDS.** (a) Registration, Transfer and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, National Association, (the "Paying Agent/Registrar") books or records for the registration of the transfer and exchange of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

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

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

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Bonds, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Bonds shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance and with such changes and additions as required to be consistent with the provisions contained in the Pricing Certificate relating to the Bonds. The Bonds initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION BOND, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar

designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

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

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bonds, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

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

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

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

**Section 7. FORM OF BOND.** The form of the Bond, including the form of Paying Agent/Registrar's Authentication Bond, the form of Assignment and the form of Registration Bond of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance and the Pricing Certificate.

#### **FORM OF BOND**

<b>R-</b>	<b>UNITED STATES OF AMERICA</b>	<b>PRINCIPAL</b>
	<b>STATE OF TEXAS</b>	<b>AMOUNT</b>



**CITY OF TEMPLE, TEXAS  
GENERAL OBLIGATION BOND,  
SERIES 201\_\***

\$ \_\_\_\_\_

**INTEREST  
RATE**

**DATE OF  
BONDS**

**MATURITY  
DATE**

**CUSIP NO.**

**REGISTERED OWNER:**

**PRINCIPAL AMOUNT:**

**DOLLARS**

**ON THE MATURITY DATE** specified above, the CITY OF TEMPLE, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the Date of Bonds set forth above, on \_\_\_\_\_\*, and semiannually on each \_\_\_\_\_\* and \_\_\_\_\_\* thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged or converted from is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

**THE PRINCIPAL OF AND INTEREST ON** this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at The Bank of New York Mellon Trust Company, National Association, which is the "Paying Agent/Registrar" for this Bond at their office in Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing

\* As determined in the Pricing Certificate.

the issuance of this Bond (the "Bond Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the \_\_\_\_\_\* day of the month preceding such interest payment date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

**DURING ANY PERIOD** in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

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

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

**THIS BOND** is one of a Series of Bonds dated \_\_\_\_\_\*, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$\_\_\_\_\_\* (the "Bonds") for the purpose of: (1) constructing, acquiring, improving, renovating, expanding, developing and equipping land and buildings for park and recreational purposes including the acquisition of any necessary sites, infrastructure and other related costs and (2) the costs of issuing the Bonds.

[Redemption provisions as provided in the Pricing Certificate.\*]

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

**DURING ANY PERIOD** in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

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

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\* As determined in the Pricing Certificate.

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

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

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

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

**IT IS HEREBY** certified, recited and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law.

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

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

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

\_\_\_\_\_  
Mayor

(SEAL)

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

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

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

It is hereby certified that this Bond has been issued under the provisions of the Bond Ordinance described in the text of this Bond; and that this Bond has been issued in replacement of, or in exchange for, a bond, bonds, or a portion of a bond or bonds of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

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

**THE BANK OF NEW YORK MELLON  
TRUST COMPANY, NATIONAL ASSOCIATION**  
Paying Agent/Registrar

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

**FORM OF ASSIGNMENT**

**ASSIGNMENT**

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

\_\_\_\_\_  
Please insert Social Security or Taxpayer  
Identification Number of Transferee

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

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

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

Signature Guaranteed:

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

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

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

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

I hereby certify that this Bond has been approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

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

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

(COMPTROLLER'S SEAL)

**INSERTIONS FOR THE INITIAL BOND**

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

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

B. the first paragraph shall be deleted and the following will be inserted (with all blanks to be completed with information contained in the Pricing Certificate.

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

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
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(Information from the Pricing Certificate to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from \_\_\_\_\_\* at the respective Interest Rate per annum specified above. Interest is payable on \_\_\_\_\_\* and semiannually on each \_\_\_\_\_\* and \_\_\_\_\_\* thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment

\_\_\_\_\_  
\*As determined in the Pricing Certificate.

date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

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

**Section 8. INTEREST AND SINKING FUND.** A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Bonds. All ad valorem taxes levied and collected for and on account of said Bonds shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Bonds are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Bonds as such principal matures (but never less than 2% of the original principal amount of said Bonds as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Bonds are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Any accrued interest on the Bonds shall be deposited in the Interest and Sinking Fund and used to pay interest on the Bonds.

**Section 9. DEFEASANCE OF BONDS.** (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money



or Defeasance Securities and thereafter the City will have no further responsibility with respect to amounts available to such Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Bonds, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by law) to receive payment when due on the Defeasance Securities.

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

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

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

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

**Section 10. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS.** (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a

new bond of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

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

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

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

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

**Section 11. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED.** The Mayor of the City is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's

Registration Bond attached to such Bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Bond. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Bonds. In addition, if bond insurance is obtained, the Bonds may bear an appropriate legend as provided by the insurer.

**Section 12. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS.** (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 3.01(a) of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

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

**Section 13. BOND PROCEEDS ALLOCATION.** The proceeds of the Bonds, including the par amount of the Bonds and any net premium derived from the sale of the Bonds, shall be allocated as set forth in the Pricing Certificate.

**Section 14. DEFAULT AND REMEDIES.** (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

- (i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or
- (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to

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

(b) Remedies for Default.

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

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

(c) Remedies Not Exclusive.

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

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

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

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

**Section 15. INTEREST EARNINGS ON BOND PROCEEDS.** Interest earnings derived from the investment of proceeds from the sale of the Bonds shall be used along with other bond proceeds for the purpose for which the Bonds are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest

earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Bonds from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

**Section 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT.** The Paying Agent/Registrar Agreement is hereby approved in substantially the form previously used by the City on other financings. Each the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete or modify the Paying Agent/Registrar Agreement as necessary and are further authorized to execute such agreement and the City Secretary or the Deputy City Secretary is hereby authorized to attest such agreement.

The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Bonds.

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

**Section 17. CONTINUING DISCLOSURE UNDERTAKING.** (a) Annual Reports. The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City ending in or after 2015, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 16 of this Ordinance as set forth in the Pricing Certificate by the Pricing Officer, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the official statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

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

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

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

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



course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and

N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

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

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

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

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

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

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

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

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

**Section 18. ADDITIONAL BOND INSURANCE PROVISIONS.** The Pricing Officers and Bond Counsel are authorized to insert any necessary provisions required by the bond insurer and agreed to by the Pricing Officers in the Pricing Certificate.

**Section 19. NO PERSONAL LIABILITY.** No covenant or agreement contained in the Bonds, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Bonds shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Bonds.

**Section 20. FURTHER ACTIONS.** The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are

hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Bonds by the Texas Attorney General's office.

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

**Section 21. INTERPRETATIONS.** All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Bonds.

**Section 22. INCONSISTENT PROVISIONS.** All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

**Section 23. INTERESTED PARTIES.** Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Bonds.

**Section 24. INCORPORATION OF RECITALS.** The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

**Section 25. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 26. REPEALER.** All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 27. EFFECTIVE DATE.** This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

**Section 28. PERFECTION.** Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

**Section 29. PAYMENT OF ATTORNEY GENERAL FEE.** The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Pricing Officer is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds.

**IN ACCORDANCE WITH SECTION 1201.028**, Texas Government Code, finally passed, approved and effective on this 6th day of August, 2015.

**THE CITY OF TEMPLE, TEXAS**

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By: Mayor  
City of Temple, Texas

**ATTEST:**

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City Secretary  
City of Temple, Texas

**APPROVED AS TO FORM:**

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City Attorney  
City of Temple, Texas

*Signature Page*

## **EXHIBIT "A"**

### **DEFINITIONS**

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Accountant*" means an independent certified public accountant or accountants or a firm of an independent certified public accountants, in either case, with demonstrated expertise and competence in public accountancy.

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Bonds.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Bonds as determined by the Pricing Officer in the Pricing Certificate or any other entity that insures or guarantees the payment of principal and interest on any Bonds.

"*Bonds*" means one or more Series of the "City of Temple, Texas General Obligation Bonds."

"*Book-Entry-Only System*" means the book-entry system of bond registration provided in Section 6, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"*City*" and "*Issuer*" mean the City of Temple, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Bonds.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the

funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Bonds.

"*Depository*" means one or more official depository banks of the City.

"*DTC*" means The Depository Trust Company, New York, New York and its successors and assigns.

"*DTC Participant*" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"*Federal Securities*" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

"*Fiscal Year*" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"*Holder*," "*Holders*," "*Owners*" or "*Registered Owners*" means any person or entity in whose name a Bond is registered in the Security Register, for any Parity Obligation.

"*Initial Bonds*" means the Bonds authorized, issued, and initially delivered as provided in Section 4 of this Ordinance.

"*Insurance Policy*" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Bonds when due.

"*Interest and Sinking Fund*" means the special fund maintained by the provisions of Section 8 of this Ordinance.

"*Interest Payment Date*" means a date on which interest on the Bonds is due and payable.

"*Issuance Date*" means the date of delivery of the Bonds.

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

"*Ordinance*" means this ordinance finally adopted by the City Council on August 6, 2015.

"*Outstanding*", when used with respect to Bonds, means, as of the date of determination, all Bonds theretofore delivered under this Ordinance, except:

- (1) Bonds theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;
- (2) Bonds deemed paid pursuant to the provisions of Section 9 of this Ordinance;
- (3) Bonds upon transfer of or in exchange for and in lieu of which other Bonds have been authenticated and delivered pursuant to this Ordinance
- (4) Bonds under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Permitted Investments*" means any security or obligation or combination thereof permitted under the Public Funds Investments Act, Chapter 2256, Texas Government Code, as amended or other applicable law.

"*Pricing Certificate*" means the Pricing Certificate of the City's Pricing Officer to be executed and delivered pursuant to Section 4 hereof in connection with the issuance of the Bonds.

"*Pricing Officer*" means the Director of Finance of the City, acting as the designated pricing officer of the City to execute the Pricing Certificate but in her absence, the City Manager may act as the designated pricing officer of the City to execute the Pricing Certificate.

"*Rating Agency*" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Bonds.

"*Record Date*" means Record Date as defined in Section 7 the Form of Bonds.

"*Redemption Date*" means a date fixed for redemption of any Bond pursuant to the terms of this Ordinance.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Bonds registered in the name of each Registered Owner.

"*Replacement Bonds*" means the Bonds authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Bonds as provided in Section 10 of this Ordinance.

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

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



"*Series*" means a separate series of Bonds as specified by or pursuant to the terms of this Ordinance.

## **EXHIBIT "B"**

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

The following information is referred to in Section 17 of this Ordinance.

#### **Accounting Principles**

The accounting principles referred to in such Section are the accounting principles described in the current notes to the financial statements used in the Official Statement.



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(A)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

(A) [July 16, 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:**

[July 16, 2015 Special Called & Regular Meeting](#)

## TEMPLE CITY COUNCIL

**JULY 16, 2015**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, July 16, 2015 at 4:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

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

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, July 16, 2015.**

Mayor Dunn noted that he would abstain from discussion on Item 5 on the Regular Agenda.

- 2. Discuss the City's strategic plan, to include the FY 2015-2016 budget process to include the various strategic and budget related policy issues to include, but not limited to, receiving an overview briefing of the FY2016 Preliminary Budget.**

Mr. Graham gave a brief presentation . He reviewed the FY 16 preliminary budget calendar; East Temple Redevelopment Highlights; as well as other future items.

The FY 16 Proposed Budget includes approximately \$3M in direct expenditures related to the The East Temple Redevelopment such as the Community Development program; Transformation Temple Program; Greenfield Development program; In-House Demolition program; Legacy Pavement Preservation Program; and the Neighborhood Clean-Up program including proactive code enforcement. There are other programs and in-kind services in support of East Temple redevelopment and services for low-moderate income residents such as Jeff Hamilton Park Redevelopment Pilot Project; Strategic Investment Zone Incentive program; Down Payment Assistance program (through Temple Housing Authority); the HOP (through HCTC); Meals on Wheels program (through HCCAA); and Next Steps Workforce Preparation program (through TC Foundation).

Mr. Graham reminded the Council of the upcoming meetings for July 30th; August 14th; and August 27.

### **3. Receive Legislative Update briefing.**

Ms. Landeros reviewed some of the recent bills from the 84th Legislative Session. Some of the bills discussed was SB 11 which goes into effect August 1, 2016; HB 910 which allows a person with a concealed handgun license, or a person who obtains the new "license to carry a handgun" to carry a handgun in a concealed manner or openly in a belt or shoulder holster. Also discussed was that on January 1, 2016 licensed handgun owners will be allowed to openly carry in this manner.

Ms. Landeros also noted that the Local Government Code Section 140.008 - Annual Report of Certain Financial Information; and that the information must be posted on the City's website. Contracting Report (Government Code Section 2252.908), now before the City can execute a contract with a business entity, the entity must submit a "disclosure of interested parties" to the City; this goes in to effect January 1, 2016.

Body Cameras - a law enforcement agency that provide body cameras to its officers much adopt a policy for the use of the camera. The policy must ensure that the cameras are activated only for a law enforcement purpose; and will require training before use.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, July 16, 2015 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

#### **Present:**

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

### **I. CALL TO ORDER**

#### **1. Invocation**

Thomas Pechal with Temple Fire & Rescue voiced the Invocation.

#### **2. Pledge of Allegiance**

2015 Junior Fire Cadets led the Pledge of Allegiance.

### **II. PUBLIC COMMENTS**

Dr. Sonjanette Crossley, 5102 Sturbridge Drive, thanked the City for their efforts with regards to the FY 16 budget and allowing the opportunity to provide input throughout the process.

JD Zeptner, 402 South 26th Street, addressed the council with regards to the case P-FY-15-22. Will dove hunting still be allowed on this property? Who enforces the game hunting laws within the city limits of Temple?

### **III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

#### **3. Recognition of the 2015 Junior Fire Cadet Program**

Thomas Pechal recognized the 17th annual Jr. Fire cadet program and provide a brief video. He first noted there were 80 kids participate this year between 9 and 13 years of age. Mr. Pechal thanked the Council for their continued support for this program.

### **IV. CONSENT AGENDA**

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

##### **(A) July 2, 2015 Special Called & Regular Meeting**

**(B) 2015-7737-R: Consider adopting a resolution rejecting all bids received on March 4, 2015, for the renovation of the restrooms at the Draughon Miller Airport.**

**(C) 2015-7738-R: Consider adopting a resolution authorizing a 15-year extension to the lease agreement with McLane Company, Inc., for a 300 foot X 334.75 foot tract of land at the Draughon-Miller Central Texas Regional Airport.**

**(D) 2015-7739-R: Consider adopting a resolution authorizing a construction contract with Vanguard Contractors, LP of Temple for the construction of a new playscape and shade structure in Wilson Community Park including the base bid and alternates #1 and #2 the amount of \$258,300.**

**(E) 2015-7740-R: Consider adopting a resolution authorizing a construction contract with Ace Pipe Cleaning, Inc. of Kansas City, Missouri for construction required for the water and wastewater replacement between 2nd and 4th Streets from Barton to French Avenues in an amount not to exceed \$638,623, as well as, declare an official intent to reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.**

**(F) 2015-7741-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, (KPA) of Temple for professional services required for the Pepper Creek Wastewater Line Extension in northwest Temple in an amount not to exceed \$144,885 as well as, declare an official intent to**

**reimburse the expenditures with the issuance of 2015 Utility Revenue Bonds.**

**(G) 2015-7742-R: Consider adopting a resolution authorizing an agreement with MuniServices, LLC of Fresno, California to conduct lodging auditing services.**

**(H) 2015-7743-R: Consider adopting a resolution authorizing a renewal to the Services Agreement with James Construction Group, LLC to provide Temple police officers for traffic control services and use of police vehicles on the I-35 Reconstruction Project.**

**(I) 2015-4720: SECOND READING - Z-FY-15-20: Consider adopting an ordinance to rezone property located at 7425 West Adams Avenue from Neighborhood Service District (NS) to Planned Development-Neighborhood Service District (PD-NS) with a development plan to allow drive-in restaurants, and a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption in establishments where between 50% and 75% of the total gross revenue may be from the sale of alcoholic beverages.**

**(J) 2015-7744-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.**

Motion by Councilmember Judy Morales adopt Consent agenda. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2015-4721: FIRST READING - PUBLIC HEARING - Z-FY-15-21: Consider adopting an ordinance authorizing a rezoning of approximately 64.09 acres located at 4767, 4849, and 5141 North General Bruce Drive from Agriculture District (AG) to Light Industrial District (LI) with a Conditional Use Permit for a Distribution Center.**

Mayor Pro Tem Schneider read this item into the record.

Brian Chandler, Director of Planning, presented this item to Council. The applicant has requested a rezoning of approximately 64.09 acres from AG to LI with a Conditional Use

Permit for a Distribution Center. The subject property includes three parcels located on North General Bruce Drive located (primarily) in the I-35 Corridor Overlay Industrial Sub-District. The subject site will be developed for the purpose of locating a distribution center for the Baylor Scott and White Health Care System. The I-35 Corridor Overlay Industrial Sub-District permits a distribution center with a Conditional Use Permit.

The proposed zoning is not compatible with the *Choice '08* Comprehensive Plan- Future Land Use Map. The subject property is located in the Suburban Commercial land use character area according to the Comprehensive Plan / Future Land Use Plan (FLUP). The Suburban Commercial land use character area is appropriate for office, retail and services abutting residential neighborhoods and in other areas where the community's image and aesthetic value should be promoted such as gateways and high profile corridor locations. The *Choices '08* Comprehensive Plan recommends specific design standards that promote a "residential in appearance" look in proposed construction - calling for an architectural style that contributes to the suburban character. Additionally, the comprehensive plan calls for extensive landscaping and/or open space in this character area.

As an industrial use, this project is not compatible with the Future Land Use map. Nevertheless, the property is surrounded by undeveloped commercial and agriculturally zoned land. Although the southernmost portion of the tract is in the I-35 Corridor Overlay Civic Entry Sub-District, most of the subject property is and proposed construction will be located in the Industrial Sub-District which was clearly envisioned for industrial uses. At the center of the subject property is the city owned Troy Sanitary Sewer Lift Station located on a ½ acre site. Additionally, future uses along the I-35 corridor Industrial Sub-District are likely to be more urban commercial than suburban commercial based on the proximity to the interstate, the character of the surrounding area and the highest and best use of property with that level of exposure. It is not anticipated that the city will see residential uses in this area. While the proposed project will not likely be designed to have a residential appearance – it will need to comply with the architectural and landscaping requirements for the I-35 Corridor Overlay District as applicable.

The I-35 Corridor Overlay district identifies permitted and prohibited uses for each sub-district. Uses in the Industrial Sub-district are more restrictive than uses allowed in the Light Industrial District although most uses allowed in LI are still permitted. The following table summarizes allowed uses and



uses that require a CUP in the I-35 Industrial Sub-District.

The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan. Future Land Use and Character Plan (FLUP) (CP Map 3.1) - The property is within the Suburban Commercial character district. The requested Light Industrial zoning (LI) is incompatible zoning for the character area. Nevertheless, the LI zoning district is an appropriate for this site based on the I-35 Overlay Industrial Sub-district location and standards, the surrounding zoning, the surrounding uses and the general location and character of the area – which lends itself to more intensive commercial and light industrial uses. The Thoroughfare Plan (CP Map 5.2) and Temple Trails Master Plan Map and Sidewalk Ordinance - The subject property is located on North General Bruce Drive. There are no new roads proposed in the general area on the Future Thoroughfare Plan. A citywide spine trail is proposed on the west side of the abutting property along the existing railroad. Finally, the Availability of Public Facilities (CP Goal 4.1) - Sewer is available to the subject property through an existing 12" sewer line on crossing the subject property on the south side to and from the existing sanitary sewer lift station. Water is being extended from an existing 12" water line currently located along Pegasus Drive to the west part of the Elm Creek Water Extension Project. The project is currently under design now with completion date anticipated within the next twelve months.

The applicant will have to meet all the special corridor standards or request an appeal per UDC Section 2.2.2.

Mr. Chandler noted there were eleven notices of the Planning and Zoning Commission public hearing sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Wednesday June 10, 2015 at 12:00 PM, no notices had been received either in favor or against the proposed rezoning. The newspaper printed notice of the public hearing on June 4, 2015, in accordance with state law and local ordinance.

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

Motion by Councilmember Perry Cloud adopt Ordinance as presented, with second and final reading set for August 6, 2015. seconded by Councilmember Timothy Davis.

Mayor Daniel A. Dunn abstained. The other Councilmembers  
voted aye. The motion passed.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
Page 1 of 2

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

Brynn Myers, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Sierra Contracting Corporation of Round Rock, in an amount not to exceed \$32,850, for the demolition of three (3) city-owned structures.

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

**ITEM SUMMARY:** The Avenue U project was requested by the City and the Temple Reinvestment Zone #1 (TRZ) and was developed in accordance with the TRZ 2022 Master Plan and TMED District design standards. On May 5, 2011, Council authorized a professional services agreement with Kasberg, Patrick, & Associates. LP (KPA) in the amount of \$347,450 to design the roadway and pedestrian facilities for Avenue U from Scott & White Boulevard to 1<sup>st</sup> Street and 13<sup>th</sup> to 17<sup>th</sup> Connector from Avenue R to Loop 363. As a part of the Ave U project, these demolitions are required for the street widening and pedestrian improvements along the south side of Avenue U.

On July 16, 2015, 4 competitive sealed bids were opened for the demolition of the following residential structures:

- 2103 South 9<sup>th</sup> Street
- 2104 South 11<sup>th</sup> Street
- 2109 South 15<sup>th</sup> Street

As shown on the attached bid tabulation and the cost breakdown below, the low bidder for this project is Sierra Contracting Corporation. Sierra Contracting has provided demolition services to the City previously and the City found them to be a responsible bidder. Accordingly, staff recommends award of these demolitions to Sierra Contracting.

#### **Demolition Services**

2103 S 9 <sup>th</sup> Street	\$ 6,750
2104 S 11 <sup>th</sup> Street	\$ 12,600
2109 S 15 <sup>th</sup> Street	<u>\$ 13,500</u>

**TOTAL**                      **\$ 32,850**

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 460, account 795-9800-531-6874, project #101121, for award of a demolition services contract with Sierra Contracting Corporation in an amount not to exceed \$32,850.

**ATTACHMENTS:**

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

Tabulation of Bids Received  
 on July 16, 2015 at 2:00 p.m.  
 Demolition of Three (3) Residential Structures (Ave U Project)  
 Bid # 95-06-15

	Bidders			
	Louie Minor Construction Belton, TX (254) 760-0426	Maynard Construction Services Burnet, TX (512) 489-2306	Sierra Contracting Corp. Round Rock, TX (512) 336-7665	Cody Stanley Construction LLC. Holland, TX (254) 721-2015
Description				
2103 S 9th Street	\$22,784.72	\$11,953.00	\$6,750.00	\$15,000.00
2104 S 11th Street	\$33,476.80	\$13,939.00	\$12,600.00	\$18,500.00
2109 S 15th Street	\$37,985.92	\$13,536.00	\$13,500.00	\$18,000.00
<b>Total Bid Price for Demolition of Three (3) Structures</b>	<b>\$94,247.44</b>	<b>\$39,428.00</b>	<b>\$32,850.00</b>	<b>\$51,500.00</b>
Exceptions	No	Yes	No	No
Bid Bond	5%	5%	5% not on city form	5%
Bond Requirement Affidavit	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes
List of five (5) demolitions performed in last 12 months	Yes	Yes	Yes	Not included

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEMOLITION CONTRACT WITH SIERRA CONTRACTING CORPORATION OF ROUND ROCK, TEXAS, IN AN AMOUNT NOT TO EXCEED \$32,850, FOR THE DEMOLITION OF THREE CITY-OWNED STRUCTURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Avenue U project was requested by the City and the Temple Reinvestment Zone #1 (TRZ) and was developed in accordance with the TRZ 2022 Master Plan and TMED District design standards;

**Whereas**, on May 5, 2011, Council authorized a professional services agreement with Kasberg, Patrick, & Associates, LP (KPA) for the roadway design and pedestrian facilities for Avenue U from Scott & White Boulevard to 1<sup>st</sup> Street and 13<sup>th</sup> to 17<sup>th</sup> Street Connector from Avenue R to Loop 363;

**Whereas**, as a part of the Avenue U project, three demolitions are required for street widening and pedestrian improvements along the south side of Avenue U;

**Whereas**, on July 16, 2015, four bids were received for the demolition of three city-owned structures, with Sierra Contracting of Round Rock, Texas being the low bid;

**Whereas**, Sierra Contracting has provided demolition services to the City previously and the City found them to be a responsible bidder;

**Whereas**, funding is available for this demolition contract in the Reinvestment Zone No. 1 Financing and Project Plan, Line 460, Account No. 795-9800-531-6874, Project No. 101121; 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 demolition contract with Sierra Contracting Corporation of Round Rock, Texas, in an amount not to exceed \$32,850 and after approval as to form by the City Attorney, for the demolition of three city-owned structures located at:

- 2103 South 9th Street
- 2104 South 11th Street
- 2109 South 15th Street

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(C)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract in the amount of \$170,541 with Quality Pipe Services Denver, CO, for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin.

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

**ITEM SUMMARY:** The Bird Creek Basin has seen a large number of wastewater overflows as a result of inflow and infiltration during rain events through the years. As sewer systems age, lines and manholes begin to develop cracks and holes that allow ground water to enter the system. This additional water then places a greater burden on the ensuing lift stations and treatment plants as it moves through the collection system.

The targeted area for the project is identified on the attached Project Area Map. Approximately 53,228 linear feet of sewer line and 167 manholes will be inspected and tested to identify infrastructure that should be targeted for future repair and rehabilitation. This work will also identify any major issues that may exist in the field which might not be known through routine daily work. In addition, the work will include the raising of approximately 20 manholes to ground level.

On June 30, 2015, six bids were received for the project. Per the attached Letter of Recommendation and Bid Tabulation, Quality Pipe Services of Denver, Colorado, submitted the low bid on the project in the amount of \$170,541. The opinion of probable cost for the work was \$190,528. The engineering consultant is familiar with Quality Pipe Services, and recommends contract award to this contractor.

**FISCAL IMPACT:** Currently, funding in the amount of \$200,000 is available in account 520-5440-535-26-23 to fund this contract with Quality Pipe Services., which was adopted in the FY '15 budget.

**ATTACHMENTS:**

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



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.

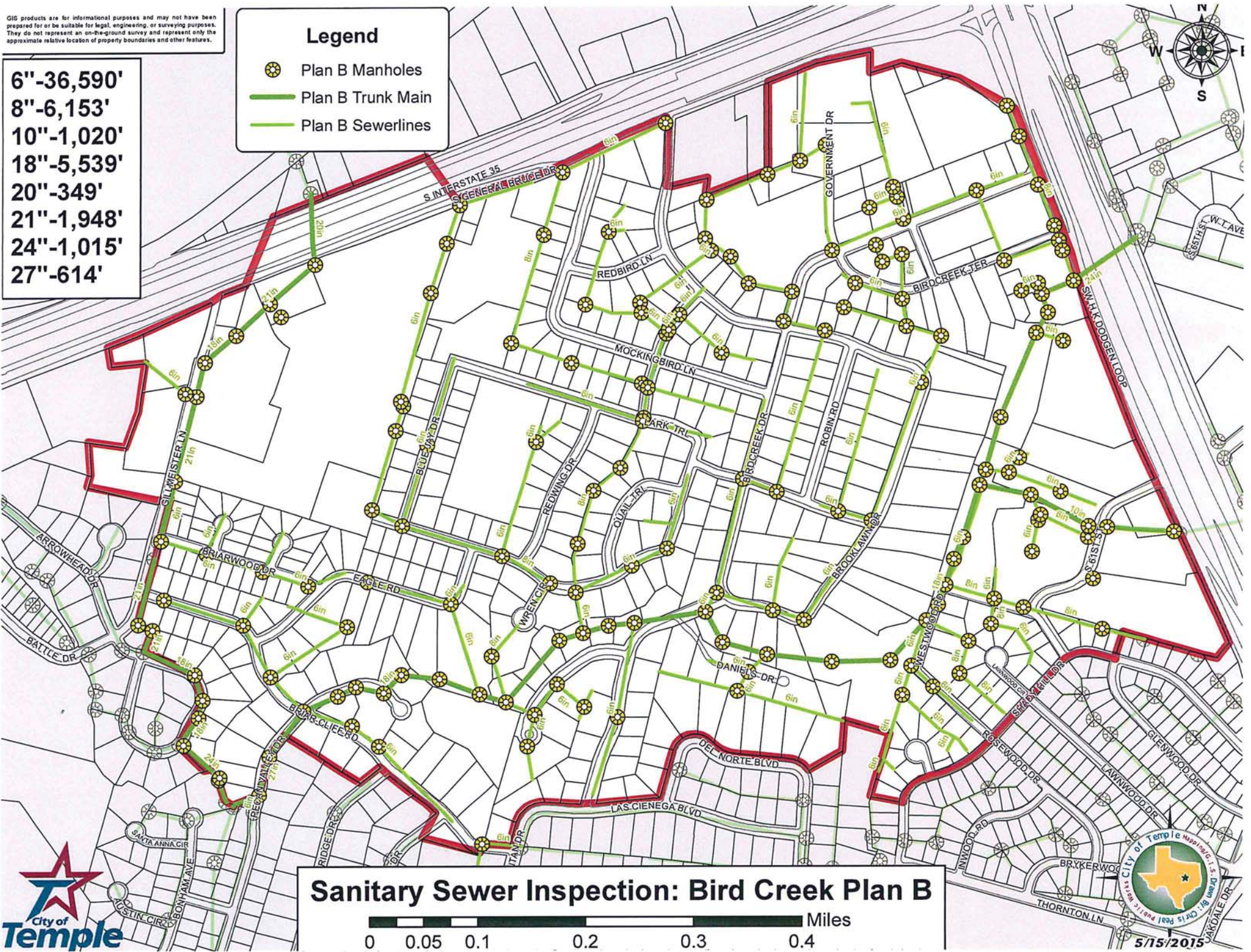
6"-36,590'  
8"-6,153'  
10"-1,020'  
18"-5,539'  
20"-349'  
21"-1,948'  
24"-1,015'  
27"-614'

**Legend**

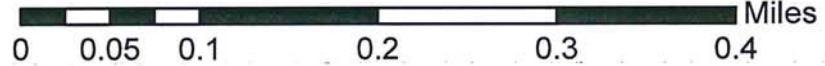
 Plan B Manholes

 Plan B Trunk Main

 Plan B Sewerlines



# Sanitary Sewer Inspection: Bird Creek Plan B



5/15/2015





**Lockwood, Andrews  
& Newnam, Inc.**  
A LEO A DALY COMPANY

July 16, 2015

Mr. Chris Peal  
City of Temple  
3210 East Avenue H  
Building A, Suite 101  
Temple, Texas 76501

Via email: [cpeal@templetx.gov](mailto:cpeal@templetx.gov)

**RE: Bird Creek Sanitary Sewer Inspection Part B – Recommendation of Award**

Mr. Peal:

On June 30, 2015, the City received six (6) sealed bids for the Bird Creek Sanitary Sewer Inspection Part B project. The project included a base bid for inspection services, along with two (2) Alternates of additional inspection work for consideration. LAN staff has discussed the Alternate inspection work with City staff, and further system evaluation is warranted before the Alternate work can be performed. Thus, LAN recommends that only the Base Bid contract be awarded at this time.

Per the bid tab reviewed and prepared by City staff and attached to this letter, the lowest responsive bidder for the Base Bid is Quality Pipe Services (QPS), headquartered in Denver, Colorado, with a local office in Selma, Texas. A list of references, company background, and proposed staff resumes were provided by the low bidder for review.

LAN has performed a due diligence review of the Base Bid low bidder, QPS. Based on information provided by references, the low bidder has successfully completed similar sewer inspection projects and appears to be capable of performing the Work. Therefore, we recommend that the contract for construction and inspection of the Bird Creek Sanitary Sewer Inspection Part B project be awarded to Quality Pipe Services. Please contact me at (512) 338-2722 or [trmmichel@lan-inc.com](mailto:trmmichel@lan-inc.com) should you have any further questions.

Sincerely,

A handwritten signature in blue ink that reads "Travis Michel". The signature is fluid and cursive.

Travis Michel, P.E., CPESC  
Infrastructure Manager

Enclosures

Cc: Tera Villaret (LAN)  
LAN Project file (160-10705-001)

Tabulation of Bids Received  
on June 30, 2015 at 2:15 p.m.  
Sanitary Sewer Inspection Bird Creek Part B  
Bid# 54-05-15

Description	Bidders		
	Sewer Services of Texas Inc. Conroe, TX	All Points Inspection Services, Inc. Austin, TX	Quality Pipe Services Denver, CO
Total Base Bid	\$145,761.00	\$174,075.10	\$170,541.00
Alternate 1	\$47,880.00	\$24,709.98	\$27,670.00
Base Bid + Alternate 1	\$193,641.00	\$198,785.08	\$198,211.00
Alternate 2	\$57,190.00	\$31,492.96	\$39,482.00
Base Bid + Alternates 1 & 2	\$250,831.00	\$230,278.04	\$237,693.00
Acknowledge Addendums (5)	2 Addenda Acknowledged	Yes	Yes
Bid Bond	No	5%	5%
Bond Requirement Affidavit	No	Yes	Yes
Credit Check Authorization	No	Yes	Yes

Description	Bidders		
	National Works Inc. Luling, TX	Ace Pipe Cleaning, Inc. Kansas City, MO	Excel Aircraft dba Excel Mulching & Trenching Carthage, TX
Total Base Bid	\$186,401.40	\$456,160.00	\$420,085.40
Alternate 1	\$32,042.50	\$103,675.00	\$65,262.50
Base Bid + Alternate 1	\$218,443.90	\$559,835.00	\$485,347.90
Alternate 2	\$45,638.00	\$131,045.00	\$92,058.00
Base Bid + Alternates 1 & 2	\$264,081.90	\$690,880.00	\$577,405.90
Acknowledge Addendums (5)	Yes	Yes	Yes
Bid Bond	Not on City form	5%	5%
Bond Requirement Affidavit	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	No

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH QUALITY PIPE SERVICES OF DENVER, COLORADO, IN THE AMOUNT OF \$170,541, FOR THE INSPECTION, TESTING, AND MANHOLE REPAIR OF A PORTION OF THE SEWER SYSTEM IN THE BIRD CREEK BASIN; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Bird Creek Basin has seen a large number of wastewater overflows as a result of inflow and infiltration during rain events through the years;

**Whereas**, as the City's sewer system ages, lines and manholes begin to develop cracks and holes that allow ground water to enter the system which then places a greater burden on the ensuing lift stations and treatment plants as it moves through the collection system;

**Whereas**, the targeted area is approximately 53,228 linear feet of sewer line and 167 manholes which will be inspected and tested to identify infrastructure that should be targeted for future repair and rehabilitation;

**Whereas**, this work will also identify any major issues that may exist in the field which might not be known through routine daily work and will include the raising of approximately 20 manholes to ground level;

**Whereas**, on June 30, 2015, six bids were received for this project with Quality Pipe Services of Denver, Colorado submitting the low bid in the amount of \$170,541;

**Whereas**, the engineering consultant is familiar with Quality Pipe Services, and both the engineering consultant and staff recommend award of this contract to Quality Pipe Services of Denver, Colorado;

**Whereas**, funding is available in Account No. 520-5440-535-2623 to fund this construction contract; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a construction contract with Quality Pipe Services of Denver, Colorado, in the amount of \$170,541 and after approval as to form by the City Attorney, for the inspection, testing, and manhole repair of a portion of the sewer system located in the Bird Creek Basin.

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Jim Tobin, Interim Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the renewal of an Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department.

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

**ITEM SUMMARY:** This agreement will allow Temple Police Officers assigned to investigate juvenile crimes to work with Bell County Juvenile Probation Officers in making home visits of children on court-ordered probation within the City of Temple. This program has been in place for a number of years. The program provides reimbursement for the overtime pay incurred by officers performing home visits after normal business hours.

The goal of this program is to team Juvenile Police Officers with Juvenile Probation Officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screening for juveniles on court ordered probation.

The term of this contract will commence on August 1, 2015 and will end on July 31, 2016.

**FISCAL IMPACT:** There is no requirement upon the City of Temple to provide any funding to this program. All expenditures with regard to the payment of Temple Police Officers will be reimbursed by Bell County.

Revenue and associated expenditures for the FY 2015 portion of this agreement were included in the FY 2015 budget. The revenue and associated expenditures for the FY 2016 portion of this agreement are included in the FY 2016 preliminary budget.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR RENEWAL TO THE INTERLOCAL AGREEMENT WITH BELL COUNTY FOR THE BELL COUNTY CRIME COALITION PROJECT THAT IS ADMINISTERED BY THE BELL COUNTY JUVENILE PROBATION DEPARTMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Bell County Crime Coalition project is administered by the Bell County Juvenile Probation Department which allows Temple Police Officers assigned to investigate juvenile crimes, to work with Bell County Juvenile Probation Officers in making home visits of children on court ordered probation within the City of Temple;

**Whereas,** the goal of this program is to team juvenile police officers with juvenile probation officers to monitor and reduce technical violations of court imposed sanctions through home visits, curfew checks, and drug screenings for juveniles on court ordered probation;

**Whereas,** this program has been in place for a number of years and staff recommends renewing the interlocal agreement for an additional one-year term;

**Whereas,** the City is required to enter into an interlocal agreement with Bell County to participate in this program – the term of this contract will be from August 1, 2015 to July 31, 2016;

**Whereas,** the City will not be required to provide any funding for the program and all expenditures with regard to the payment of Temple police officers will be reimbursed by Bell County; and

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

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

**Part 1:** The City Manager, or his designee, is authorized to execute a one-year extension to the Interlocal Agreement with Bell County for the Bell County Crime Coalition project that is administered by the Bell County Juvenile Probation Department, after approval as to form by the City Attorney.

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(E)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, Director of Public Works

Lisa Sebek, Director of Solid Waste Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 636 plastic 96-gallon recycling containers for the Solid Waste & Recycling Services Division of Public Works from Toter, Inc., Statesville, NC, in the amount of \$28,750.96, utilizing a National IPA cooperative contract.

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

**ITEM SUMMARY:** This item is for routine growth and container replacement purchase for 96-gallon residential recycling containers.

Current pricing is \$44.10 per container, plus \$703.36 for freight to Temple. We believe this to be a good cost per container.

The city has done business with Toter, Inc. and finds them to be a responsible vendor. Utilizing this contract through the National IPA cooperative purchasing organization satisfies competitive bid requirements.

**FISCAL IMPACT:** Currently, funding in the amount of \$28,751 is available in account 110-2330-540-2211 to fund the purchase of 636 plastic 96-gallon recycling containers from Toter, Inc. in the amount of \$28,750.96.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 636 PLASTIC 96-GALLON RECYCLING CONTAINERS FOR THE SOLID WASTE & RECYCLING SERVICES DIVISION OF PUBLIC WORKS, FROM TOTER, INC., OF STATESVILLE, NORTH CAROLINA, UTILIZING THE NATIONAL IPA COOPERATIVE CONTRACT, IN THE AMOUNT OF \$28,760.96; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Solid Waste & Recycling Services Division of Public Works routinely purchases containers for growth and replacement;

**Whereas,** current pricing provided by Toter, Inc is \$44.10 per container plus \$703.36 for freight – staff believes this to be a reasonable cost per container;

**Whereas,** the City has done business with Toter, Inc. in the past and finds them to be a responsible vendor – utilizing the National IPA Cooperative Purchasing Contract satisfies competitive bidding requirements;

**Whereas,** funding is available for this purchase in Account No. 110-2330-540-2211; 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 636 plastic 96-gallon recycling containers from Toter, Inc., of Statesville, North Carolina, utilizing the National IPA Cooperative Contract, in the amount of \$28,750.96.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item#7(F)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of video detection equipment at the signalized intersections of South 9<sup>th</sup> Street and West Adams Avenue, North 25<sup>th</sup> Street and West Adams Avenue, and South 25<sup>th</sup> Street and West Central Avenue from Texas Highway Products of Round Rock in the amount of \$49,112.00.

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

**ITEM SUMMARY:** Currently the intersections listed operate on fixed timing, meaning that it will cycle to all directions, even with no cars present. Adding video detection would vastly improve the functions of these intersections, as detection will allow for better coordination along Adams and Central Avenues. The City has done business with Texas Highway products and finds them to be a responsible bidder.

This purchase is being made utilizing a State of Texas TxSmartBuy contract. TxSmartBuy contracts are procured using procurement processes that comply with municipal competitive bidding requirements.

**FISCAL IMPACT:** Currently, total funding in the amount of \$55,000 is available in account 365-2800-532-6861, project #101166, to fund the purchase of the video detection equipment from Texas Highway Products of Round Rock, TX in the amount of \$49,112.

**ATTACHMENTS:**

[Location Map](#)  
[Resolution](#)



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.

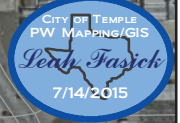


N 25th St and  
W Adams Ave

S 25th St and  
Central Ave

S 9th St and  
W Adams Ave

# Traffic Signal Upgrade Locations



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO DETECTION EQUIPMENT FROM TEXAS HIGHWAY PRODUCTS OF ROUND ROCK, TEXAS, IN THE AMOUNT OF \$49,112, FOR THE SIGNALIZED INTERSECTIONS OF SOUTH 9<sup>TH</sup> STREET AND WEST ADAMS AVENUE, NORTH 25<sup>TH</sup> STREET AND WEST ADAMS AVENUE, AND SOUTH 25<sup>TH</sup> STREET AND WEST CENTRAL AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** currently the intersections of South 9<sup>th</sup> Street and West Adams Avenue, North 25<sup>th</sup> Street and West Adams Avenue and South 25<sup>th</sup> Street and West Central Avenue operate on fixed timing, meaning that the traffic lights cycle to all directions, even with no cars present;

**Whereas,** adding video detection would vastly improve the functions of these intersections, as detection will allow for better coordination along Adams and Central Avenues;

**Whereas,** this purchase will be made utilizing a State of Texas TxSmartBuy Contract – contracts procured using this procurement process comply with municipal competitive bidding requirements;

**Whereas,** the City has done business with Texas Highway Products in the past and finds them to be a responsible vendor;

**Whereas,** funding is available in Account No. 365-2800-532-6861, Project No. 101166, to fund the purchase of the video detection equipment; 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 video detection equipment at the signalized intersections of South 9<sup>th</sup> Street and West Adams Avenue, North 25<sup>th</sup> Street and West Adams Avenue, and South 25<sup>th</sup> Street and West Central Avenue, through Texas Highway Products of Round Rock, Texas, utilizing a State of Texas TxSmartBuy Contract, in the amount of \$49,112.

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

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

PASSED AND APPROVED this the 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(G)  
Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Mitch Randles, Fire Chief  
Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the submission of a grant application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$2,250 for training tuition.

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

**ITEM SUMMARY:** Texas A&M Forest Services provides financial assistance to departments across the state, assisting in tuition for firefighters to attend initial and recurrent training. Eligible applicants include career fire departments that have no volunteer members and that are staffed with paid employees only. The reimbursement rate is 100% of the actual cost of tuition, not to exceed \$122 per day up to a maximum of \$610 per trainee. The maximum grant assistance per school per department is \$6,100. The annual maximum for all training tuition assistance per department is \$12,000.

The application is on a first-come, first-served basis. The grant solicitation will open since Sept 1, 2015.

The total amount of funds available is \$800,000.

Temple Fire & Rescue is requesting funding for one training course, for 15 trainees. The total costs for all courses is \$2,220.

Staff also asks that Council authorize the City Manager to execute necessary documents associated with the TIFMAS grant program, upon receiving a grant award.

**FISCAL IMPACT:** If awarded the grant, the City would receive \$2,220 in grant funds. The TIFMAS program is a 100% reimbursement program with no City match required.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS A&M FOREST SERVICES TIFMAS GRANT ASSISTANCE PROGRAM, IN THE AMOUNT OF \$2,250, FOR TRAINING TUITION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** Texas A&M Forest Services provides financial assistance to departments across the state, assisting with tuition for firefighters to attend initial and recurrent training - eligible applicants include career fire departments that have no volunteer members and that are staffed with paid employees only;

**Whereas,** the reimbursement rate is 100% of the actual cost of tuition, not to exceed \$122 per day up to a maximum of \$610 per trainee - the maximum grant assistance per school per department is \$6,100 and the annual maximum for all training tuition assistance per department is \$12,000;

**Whereas,** the application is on a first-come, first-served basis with the grant solicitation opening September 1, 2015 - the total amount of funds available is \$800,000;

**Whereas,** Temple Fire & Rescue is requesting funding for one training course, for 15 trainees which will result in \$2,250 in total costs for all courses;

**Whereas,** if awarded the grant, the City would receive \$2,250 in grant funds – the TIFMAS Grant Assistance Program is a 100% reimbursable program with no City match required; and

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

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

**Part 1:** The City Manager, or his designee, is authorized to submit an application for the Texas A&M Forest Services TIFMAS Grant Assistance Program, in the amount of \$2,250, for training tuition.

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

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(H)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, Public Works Director  
Lisa Sebek, Solid Waste Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the Solid Waste & Recycling Services Division of the Public Works Department to apply for a grant in the amount of \$10,000 through an interlocal agreement with the Central Texas Council of Governments to perform a household hazardous waste collection event in Temple for October 2015 and October 2016.

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

**ITEM SUMMARY:** Each year, grant monies are made available to the Central Texas Council of Governments (CTCOG) from the Texas Commission on Environmental Quality to support regional efforts to fund solid waste management activities and various local and regional projects that help implement solid waste management plans. The Solid Waste Advisory Committee (SWAC) of the CTCOG will be accepting applications from eligible applicants within our 7-county region. The focus of the SWAC is once again to support Household Hazardous Waste events. The City of Temple's application is a grant request for \$10,000 which will be split for two separate events in the COG's biennium period.

The SWAC will meet in August/September to review applications and vote on eligible applicants to host these HHW events.

In cooperation with the City's lease agreement with Waste Management (WM), WM has agreed to provide an HHW event (up to \$50,000) for the City on an annual basis. WM's understanding of this agreement is to provide the event for citizens residing in Temple city limits only. The City has hosted these events several times in the past with COG funds which included the COG 7-County region. The grant funds requested through the SWAC is for funds to assist and cover the expense for residents outside the City limits, but within our 7-county COG region.

The City will be coordinating workers for the events and will host the events at the Temple Public Works Service Center as in years past, scheduled for October 3, 2015 and October 1, 2016. With WM providing waste collection service in most of the COG area and most of the trash disposal coming in to the Temple Landfill from these areas, it is important to include the surrounding area through the grant funding, if awarded.

**FISCAL IMPACT:** Minimal and will be absorbed in operating budget. Major funding would be provided by Waste Management through the City's Temple Landfill Lease Agreement with some funding from the COG, if awarded, for residents outside the city limits of Temple. If grant funding is not awarded to the City of Temple application, it is possible that WM will not provide the service to anyone residing outside the city limits and the event will be for Temple residents only.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH AN INTERLOCAL AGREEMENT WITH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, IN THE AMOUNT OF \$10,000, TO PERFORM A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT IN TEMPLE IN OCTOBER 2015 AND OCTOBER 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, grant monies are made available each year to the Central Texas Council of Governments (CTCOG) from the Texas Commission on Environmental Quality to support regional efforts to fund solid waste management activities and various local and regional projects that help implement solid waste management plans;

**Whereas**, the Solid Waste Advisory Committee (SWAC) of the CTCOG will be accepting applications from eligible applicants within our 7-county region with the focus being to support Household Hazardous Waste (HHW) events;

**Whereas**, the City of Temple's application is a grant request for \$10,000 which will be split for two separate events in the CTCOG's biennium period;

**Whereas**, in cooperation with the City's lease agreement with Waste Management (WM), WM has agreed to provide a HHW event for the City on an annual basis for citizens residing in Temple city limits only – these grant funds through the CTCOG will include the CTCOG 7-county region and will assist and cover the expense for residents outside the City limits, and within the 7-county CTCOG region;

**Whereas**, the SWAC will meet in August/September to review applications and vote on eligible applicants to host these HHW events;

**Whereas**, there will be minimal financial impact to the City which will be absorbed in the operating budget - major funding would be provided by Waste Management through the City's Landfill Lease Agreement with some funding from the CTCOG, if awarded, for residents outside of the city limits of Temple;

**Whereas**, if grant funding is not awarded to the City of Temple, it is possible that WM will not provide the service to anyone residing outside the city limits and the event will be for Temple residents only; and

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

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

**Part 1:** The City Manager, or his designee, is authorized to submit an application for funding through an Interlocal Agreement with Central Texas Council of Governments, in the amount of \$10,000 to perform a household hazardous waste collection event in Temple in October 2015 and October 2016.

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

**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 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(I)  
Consent Agenda  
Page 1 of 2

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

Nicole Torralva, Public Works Director  
Lisa Sebek, Solid Waste Services Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the acceptance of a \$20,000 grant from the 2015 Lowe's/Keep America Beautiful Community Improvement Grants to assist with outdoor learning centers and environmental education.

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

**ITEM SUMMARY:** The City's Solid Waste and Recycling Services Division of the Public Works Department, as an affiliate of Keep Temple Beautiful, applied for a \$20,000 community improvement grant through Lowe's and Keep America Beautiful. The grant will assist the city with outdoor learning centers for the schools in our community and building partnerships between campuses and the City's recycling office for environmental education.

All supplies will be purchased from our local Lowe's partnering with a team member from Lowe's. The grant is set to provide recycled plastic benches, shade trees, composting materials, bedding for landscaping, seeds, potting soil and mulch.

The learning centers will be maintained with teacher support, school clubs and parent organizations. The City will partner with its own Parks & Recreation Department and work with Bell County Master Gardeners for assistance.

This program will help promote neighborhood pride and increase volunteerism in schools and neighborhoods. The program is set to begin September 2015 with the goal of providing an outdoor learning area, promoting nature and gardening and to assist in showing the importance of recycling while using some recycled materials in the centers.

This is the fourth year Lowe's has offered grants through Keep America Beautiful. There are 50 projects for this year in the amount of \$675,000. The Solid Waste & Recycling Services Division is pleased to be a part of such a nationwide program.

**FISCAL IMPACT:** The City has been awarded \$20,000 in program funding with no matching funds required. A budget adjustment is being presented for Council's approval appropriating the revenue and associated expenditure to fund the outdoor learning centers and environmental education.

**ATTACHMENTS:**  
[Budget Adjustment](#)  
[Resolution](#)

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

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

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

+

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
110-0000-461-08-30		Other / Other Revenues	\$ 20,000	
110-2380-540-21-19		Supplies / Botanical Supplies	20,000	
<b>TOTAL.....</b>			<b>\$ 40,000</b>	<b>\$ -</b>

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

Appropriate grant revenue and expenditures related to receipt of grant funds from 2015 Lowe's/Keep America Beautiful Improvement Grants to assist with outdoor learning centers and environmental education. All items are to be purchased at Lowe's.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

8/6/2015

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ACCEPTANCE OF FUNDS FROM THE 2015 LOWE'S/KEEP AMERICA BEAUTIFUL COMMUNITY IMPROVEMENTS GRANT IN THE AMOUNT OF \$20,000, TO ASSIST WITH OUTDOOR LEARNING CENTERS AND ENVIRONMENTAL EDUCATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City's Solid Waste and Recycling Services Division of the Public Works Department, as an affiliate of Keep Temple Beautiful, applied for a \$20,000 community improvement grant through Lowe's and Keep America Beautiful;

**Whereas**, the community improvement grant will assist the City of Temple with outdoor learning centers for the schools in our community and will build partnerships between campuses and the City's recycling office for environmental education;

**Whereas**, all supplies will be purchased from our local Lowe's store while partnering with a team member from Lowe's - the grant is set to provide recycled plastic benches, shade trees, composting materials, bedding for landscaping, seeds, potting soil and mulch;

**Whereas**, the learning centers will be maintained with teacher support, school clubs and parent organizations and the City will partner with its own Parks & Recreation Department and work with Bell County Master Gardeners for assistance;

**Whereas**, this program will help promote neighborhood pride and increase volunteerism in schools and neighborhoods - the program is set to begin in September 2015 with the goal of providing an outdoor learning area, promoting nature and gardening and to assist in showing the importance of recycling while using recycled materials in the centers;

**Whereas**, this is the fourth year Lowe's has offered grants through Keep America Beautiful and the Solid Waste & Recycling Services Division is pleased to be a part of such a nationwide program;

**Whereas**, the City has been awarded \$20,000 in program funding with no City matching funds required, however a budget amendment needs to be approved to appropriate the revenue and associated expenditures to fund the outdoor learning centers and environmental education; and

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

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

**Part 1:** The City Manager, or his designee, is authorized to accept grant funds received from the 2015 Lowe's/Keep America Beautiful Community Improvement Grant to assist with outdoor learning centers and environmental education, in the amount of \$20,000.

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

**Part 3:** The City Council authorizes an amendment to the fiscal year 2014-2015 budget, substantially in the form of the copy attached hereto as Exhibit A.

**Part 4:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #7(J)  
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 \$93,964.

**ATTACHMENTS:**

[Budget Amendments  
Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**August 6, 2015**

			APPROPRIATIONS	
ACCOUNT #	PROJECT #	DESCRIPTION	Debit	Credit
110-2057-521-2121		Supplies / Firearms/Munitions	\$ 10,935	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 10,935
To appropriate revenue transferred from Police escrow account for the purchase of new shotguns for Police.				
110-2840-532-6323	101165	Capital Building & Grounds / Traffic Signals	\$ 12,596	
110-3410-531-2636		Contracted Services / Electric Utilities		\$ 12,596
To appropriate additional funding needed to complete the Upgrade of School Zones on Westfield Blvd (Tarver Elementary School) and Cedar Lane (Lake Belton Middle School).				
110-1940-519-2338		Repair & Maintenance / Maintenance Contract	\$ 4,000	
110-0000-315-1900		Reserved for Public Education Channel		\$ 4,000
To appropriate funding for the maintenance of Rushworks TV recording system.				
110-2020-521-2533		Other Services / Dare CJD Expenses	\$ 155	
110-0000-461-0554		Police Revenue / Dare Donations		\$ 155
To appropriate revenues and expenditures related to GREAT Camp from registration fees collected, as well as, a \$5 donation.				
110-2011-521-2516		Other Services / Judgement & Damages	\$ 4,765	
110-0000-442-0723		Insurance Claims / Insurance Claims		\$ 4,765
To appropriate insurance proceeds received from State Farm Insurance Company related to an accident that occurred on June 5, 2015.				
110-1300-515-1111		Salaries / Supervisory	\$ 1,808	
110-1300-515-1126		Salaries / Longevity	\$ 911	
110-1300-515-1220		Personnel Benefits / Retirement/Pension	\$ 4,852	
110-1300-515-1221		Personnel Benefits / Social Security	\$ 416	
110-1300-515-1223		Personnel Benefits / Worker Compensation	\$ 72	
110-1300-515-1228		Personnel Benefits / Long Term Disability	\$ 13	
110-1300-515-1222		Personnel Benefits / Health Insurance		\$ 440
110-1300-515-1224		Personnel Benefits / Unemployment Insurance		\$ 252
110-1300-515-1225		Personnel Benefits / Dental Insurance		\$ 8
110-1300-515-1226		Personnel Benefits / Life Insurance		\$ 4
110-6020-513-1112		Salaries / Professional		\$ 2,000
110-6040-513-1112		Salaries / Professional		\$ 5,368
To reallocate funding from General Services for an overhire Assistant Director of Purchasing position that was approved by City Manager on 07/16/15.				
110-2231-522-2118		Supplies / Chemicals/Compressed Gas	\$ 3,437	
110-0000-442-1630		Fire Department Revenue / Fire Department Revenue		\$ 3,437
To appropriate revenue and expenditures related to the reimbursement of hazmat incidents.				

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
**August 6, 2015**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1700-519-1113		Salaries / Technical	\$ 37,486	
110-1700-519-1126		Salaries / Longevity	\$ 340	
110-1700-519-1220		Personnel Benefits / Retirement/Pension	\$ 6,481	
110-1700-519-1221		Personnel Benefits / Social Security	\$ 521	
110-1700-519-1222		Personnel Benefits / Health Insurance	\$ 4,546	
110-1700-519-1223		Personnel Benefits / Worker Compensation	\$ 111	
110-1700-519-1224		Personnel Benefits / Unemployment Insurance	\$ 270	
110-1700-519-1225		Personnel Benefits / Dental Insurance	\$ 88	
110-1700-519-1226		Personnel Benefits / Life Insurance	\$ 58	
110-1700-519-1227		Personnel Benefits / AD&D Insurance	\$ 12	
110-1700-519-1228		Personnel Benefits / Long Term Disability	\$ 91	
110-4800-519-1113		Salaries / Technical		\$ 37,486
110-4800-519-1226		Salaries / Longevity		\$ 340
110-4800-519-1220		Personnel Benefits / Retirement/Pension		\$ 6,481
110-4800-519-1221		Personnel Benefits / Social Security		\$ 521
110-4800-519-1222		Personnel Benefits / Health Insurance		\$ 4,546
110-4800-519-1223		Personnel Benefits / Worker Compensation		\$ 111
110-4800-519-1224		Personnel Benefits / Unemployment Insurance		\$ 270
110-4800-519-1225		Personnel Benefits / Dental Insurance		\$ 88
110-4800-519-1226		Personnel Benefits / Life Insurance		\$ 58
110-4800-519-1227		Personnel Benefits / AD&D Insurance		\$ 12
110-4800-519-1228		Personnel Benefits / Long Term Disability		\$ 91
To reallocate funding for Development Coordinator position. Position was budgeted in Permits and transferred to the Planning Department during FY 2015.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 93,964</b>	<b>\$ 93,964</b>
<b>GENERAL FUND</b>				
		Beginning <b>Contingency</b> Balance	\$ -	
		Added to Contingency Sweep Account	-	
		Carry forward from Prior Year	-	
		Taken From Contingency	-	
		Net Balance of Contingency Account	\$ -	
		Beginning <b>Judgments &amp; Damages</b> 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 <b>Compensation</b> Contingency	\$ 988,000	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	(979,440)	
		Net Balance of Compensation Contingency Account	\$ 8,560	
		<b>Net Balance Council Contingency</b>	<b>\$ 48,630</b>	
		Beginning Balance <b>Budget Sweep</b> Contingency	\$ -	
		Added to Budget Sweep Contingency	-	
		Taken From Budget Sweep	-	
		Net Balance of Budget Sweep Contingency Account	\$ -	
<b>WATER &amp; SEWER FUND</b>				
		Beginning <b>Contingency</b> Balance	\$ 50,000	
		Added to Contingency Sweep Account	-	
		Taken From Contingency	(21,098)	
		Net Balance of Contingency Account	\$ 28,902	
		Beginning <b>Compensation</b> Contingency	\$ 168,000	
		Added to Compensation Contingency	-	
		Taken From Compensation Contingency	(166,588)	
		Net Balance of Compensation Contingency Account	\$ 1,412	
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 30,314</b>	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2015 BUDGET**  
August 6, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> 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 <b>Compensation</b> Contingency	\$	36,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(35,330)
		Net Balance of Compensation Contingency Account	\$	670
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	<b>\$</b>	<b>7,415</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	26,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(26,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	<b>\$</b>	<b>-</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year		89,040
		Added to Contingency Sweep Account		-
		Taken From Contingency		(29,008)
		Net Balance of Contingency Account	\$	60,032

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.

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**Whereas**, on the 28<sup>th</sup> 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 6<sup>th</sup> day of **August**, 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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08/06/15  
Item #8  
Regular Agenda  
Page 1 of 4

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

Beverly Zendt Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-15-22– Consider adopting an ordinance authorizing a rezoning of +/- 12.999 acres from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on Lot 4, Block 3, The Groves at Lakewood Ranch Phase 1, located at 301 Clinite Grove Boulevard.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its July 20, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the requested rezoning from MF-2 to NS.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning from MF-2 to NS. The proposed rezoning demonstrates the following:

1. Compliance with the choices'08 Comprehensive Plan Land Use Policies;
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:** The applicant is seeking a rezoning of approximately 13 acres from MF-2 to NS. The Neighborhood Service zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as any residential use except apartments. The Neighborhood Service zoning district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

Although the proposed rezoning is not in compliance with the Future Land Use Plan which has identified this area as Suburban Residential, it does satisfy the general guiding land use principles put forth in



the Comprehensive Plan (this item is more fully discussed below). Permitted retail uses will be limited to those that are most compatible with residential development. Additionally, the proposed rezoning is compatible with surrounding NS and residentially zoned adjacent properties.

**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
<b>Subject Property</b>	<b>Suburban-Residential</b>	<b>MF-2</b>	<b>Undeveloped</b>
North	Suburban-Residential	SF-2	Residential
South	Suburban-Residential	NS	Undeveloped
East	Suburban-Residential	SF-2	Residential
West	Suburban-Residential	SF-1	Residential

The following uses (not inclusive list) are permitted by right, permitted subject to limitations, or permitted with a Conditional Use Permit in the Neighborhood Services District.

Use Categories	Permitted Uses	Prohibited Uses
<b>Residential Uses</b>	<ul style="list-style-type: none"> <li>Family or Group Home (CUP)</li> <li>Single Family Attached and Detached Dwelling</li> <li>Townhouse (L)</li> </ul>	Multiple-Family Dwelling (apartments)
<b>Commercial Uses</b>	<ul style="list-style-type: none"> <li>None allowed</li> </ul>	All
<b>Industrial Uses</b>	<ul style="list-style-type: none"> <li>Temporary Asphalt Batching Plant (CUP)</li> <li>Lab – medical, dental, scientific, or research (CUP)</li> </ul>	All Other Industrial Uses Prohibited
<b>Institutional Uses</b>	<ul style="list-style-type: none"> <li>Childcare: family home, group day care &amp; day care center (L)</li> <li>Community Center (CUP)</li> <li>Halfway House (CUP)</li> </ul>	Substance Abuse Treatment Facility
<b>Office Uses</b>	<ul style="list-style-type: none"> <li>Office</li> </ul>	Warehouse Office
<b>Recreational and Entertainment Uses</b>	<ul style="list-style-type: none"> <li>Alcoholic beverage sales for on-premise consumption &lt;75% (CUP)</li> <li>Playfield or Stadium (CUP)</li> </ul>	Alcoholic beverage sales for on-premise consumption >75%
<b>Restaurant Uses</b>	<ul style="list-style-type: none"> <li>Restaurant (not drive-in)</li> </ul>	Restaurant (drive-in)

<b>Retail and Service Uses</b>	<ul style="list-style-type: none"> <li>• Food or beverage sales (without fuel sales)</li> <li>• Fuel sales (CUP)</li> <li>• Cleaners, drug store, laundry and cleaning (self-service)</li> <li>• Fabric store, bakery, barber, or beauty shop</li> <li>• Greenhouse or Nursery (retail)</li> </ul>	Package stores
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**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The property is within the Suburban Residential character district. The *Choices '08* City of Temple Comprehensive Plan states that the Suburban Residential character district is suited for mid-sized single family lots, allowing for greater separation between dwellings and more emphasis on green spaces versus streets and driveways. Additionally, the *Choices '08* Comprehensive Plan provides a set of guiding principles it identifies as land use policy statements. One land use policy statement directly addresses the location of neighborhood service type retail uses.

*Smaller-scale neighborhood retail and service uses should be located at intersections of collector and arterial streets and at the edge of logical neighborhood areas – or within neighborhoods where suitable sites exist and conditions are appropriate to balance compatibility with convenience.*

Although the proposed zoning is not entirely compatible with the Suburban Residential character area, it does satisfy the land use policy statement and abuts other existing NS zoned property along West Adams, essentially extending an anticipated retail node.

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

The subject property is located on Clinite Grove Blvd. which was reclassified to a proposed Collector earlier this year. As a Collector, a minimum four foot sidewalk would need to be provided on one side. Clinite Grove Blvd., is constructed from West Adams to approximately 100' north of Windy Pointe Road. An eight ft. sidewalk has been constructed along the east side of the existing Clinite Grove Blvd. There is an existing Citywide Spine trail constructed along West Adams. No additional roads or trails are proposed adjacent to the existing lot.

#### Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through 8" sewer line provided along the east corner of the property boundary Water is provided by means of on an existing 6" water line located along Clinite Grove Blvd.

**DEVELOPMENT REGULATIONS:** Standard 1-2 story residential dimensions for the MF-2 district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15 ft.
Side	10 ft.
Side (Corner)	10 ft.
Rear	10 ft. since use abuts a residential zoning (single-family district)
Buffering	Continuous buffering required (fence, wall or vegetative) along north and east property lines (abutting single –family districts)
Landscape	5% of lot area

**PUBLIC NOTICE:** Forty-Seven (47) notices of the Planning and Zoning Commission 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 Thursday July 9, 2015, nineteen (19) notices have been received in favor of the proposed rezoning and two (2) notices have been returned in opposition to the proposed rezoning. The newspaper printed notice of the public hearing on July 27, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

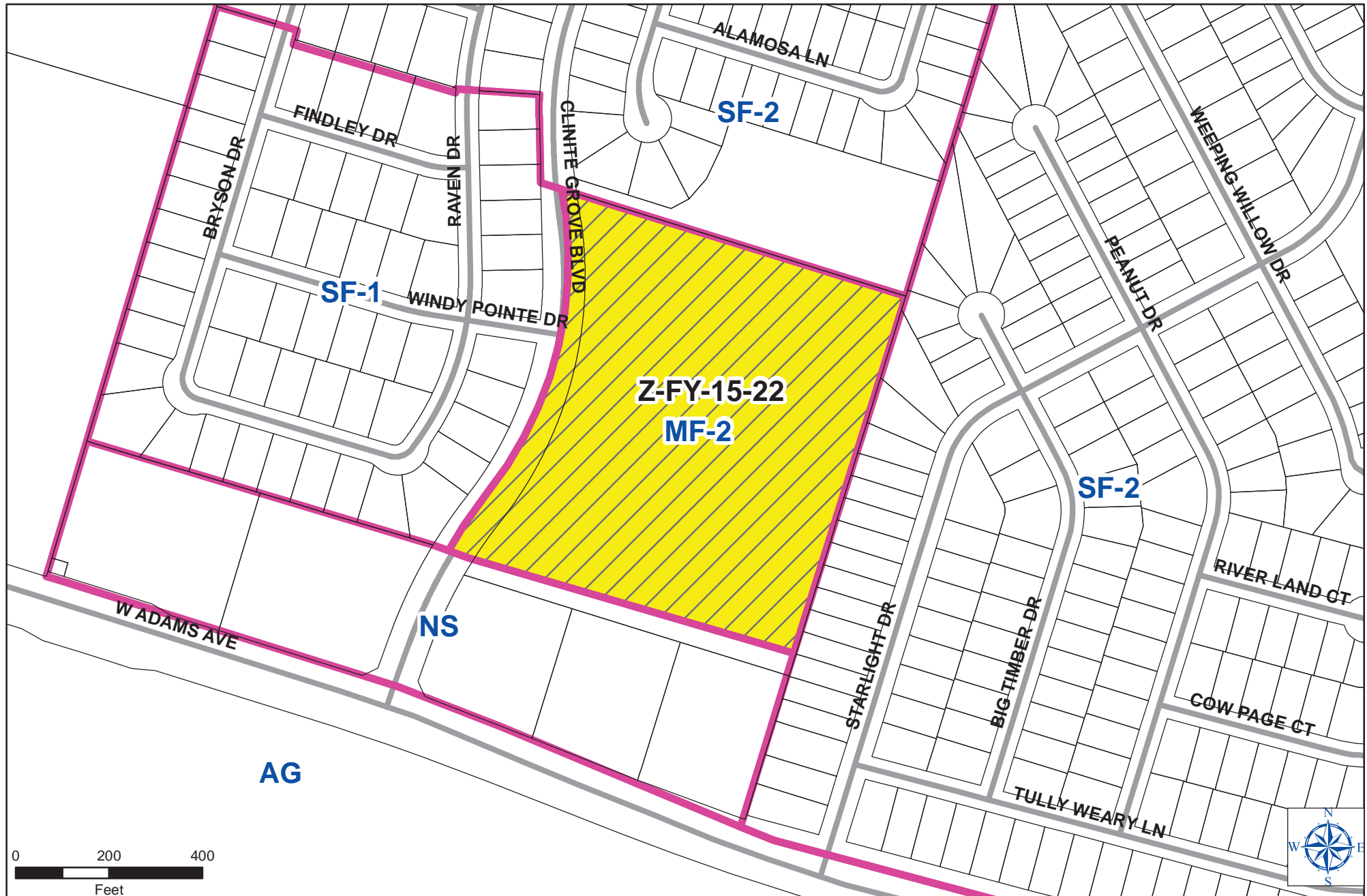
[Zoning & Location Map](#)  
[Location map with Aerial](#)  
[Site and Surrounding Property Photos](#)  
[Future Land Use and Character Map](#)  
[Localized area of the Thoroughfare & Trails Plan \(combined\)](#)  
[Utility Map](#)  
[Notification Map](#)  
[Property Owner Responses](#)  
[Ordinance](#)



**Z-FY-15-22**

Request for Rezoning from Multiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
Zoning and Location Map

301 Clinite Grove Blvd.



 Case  Zoning

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.

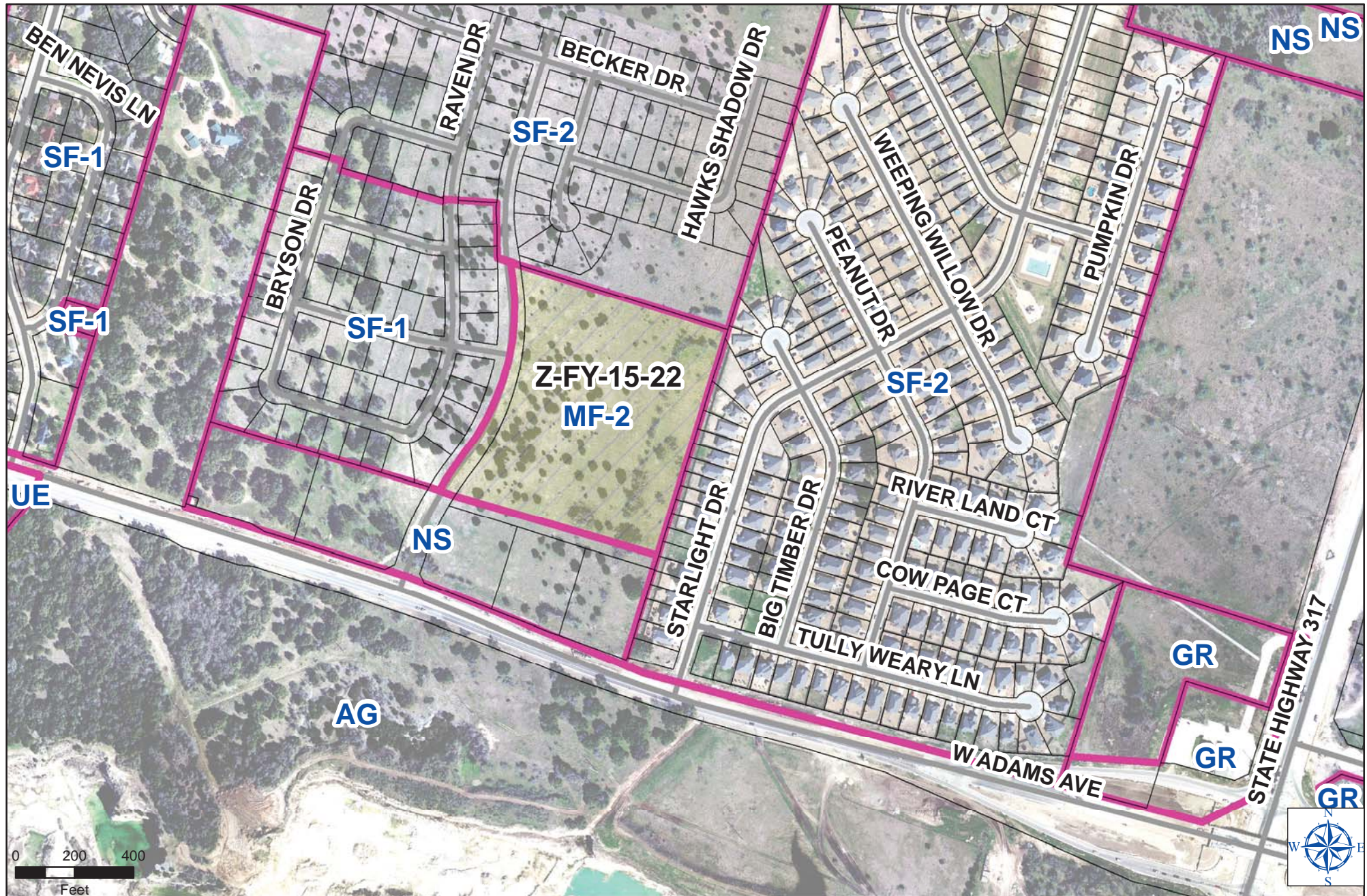




**Z-FY-15-22**

Request for Rezoning from Mutiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
Location Map with Aerial

301 Clinite Grove Blvd.



 Case  Zoning

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.



## Subject Property: 301 Clinite Grove Drive



## Property to the West



Property to the East



Property to the South



## Property to the North



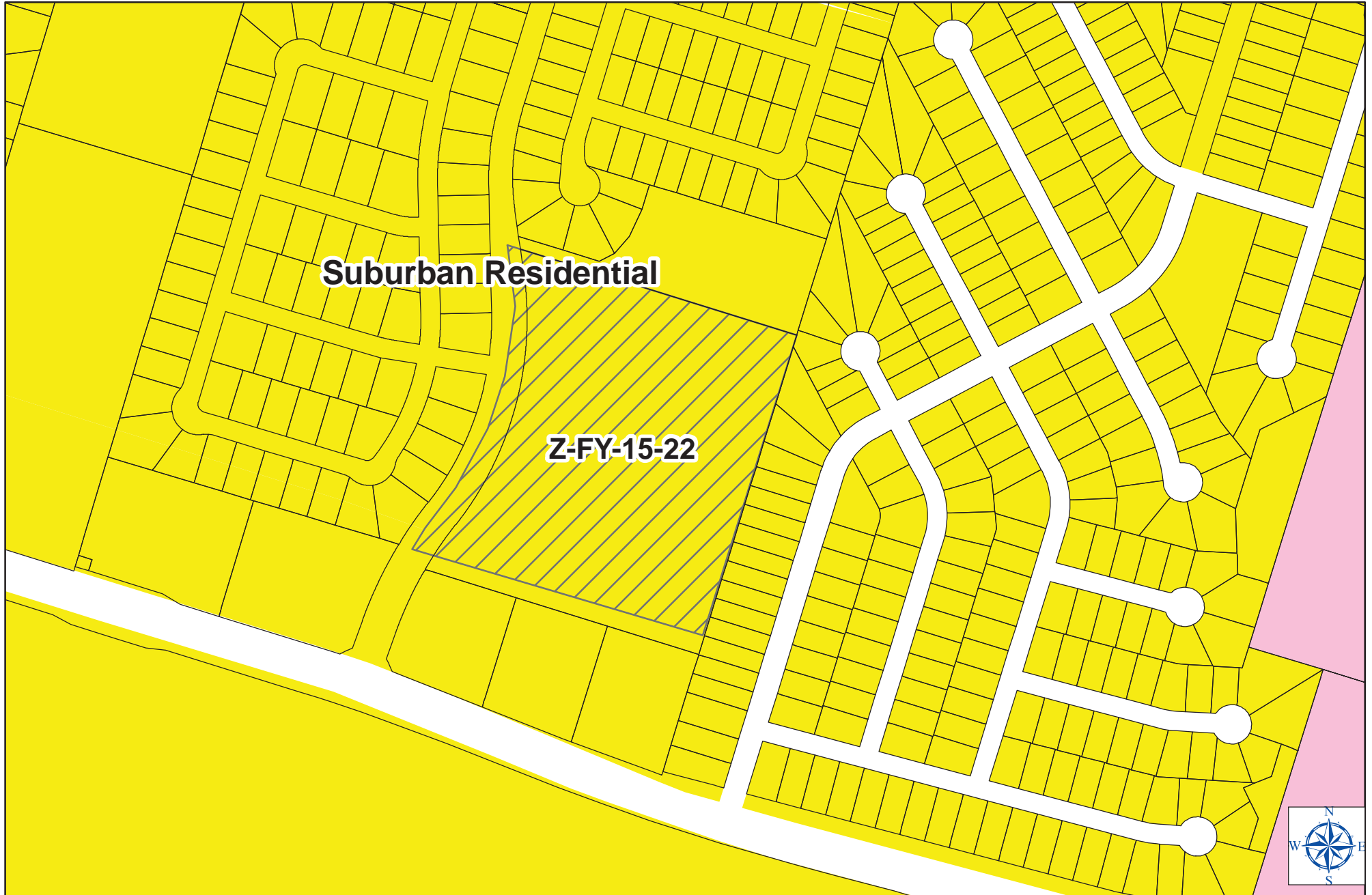




**Z-FY-15-22**

Request for Rezoning from Multiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
Future Land Use Map

301 Clinite Grove Blvd.



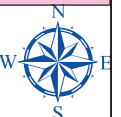
Case



Parcel



City of Temple Planning Department  
bzendt 7-9-2015



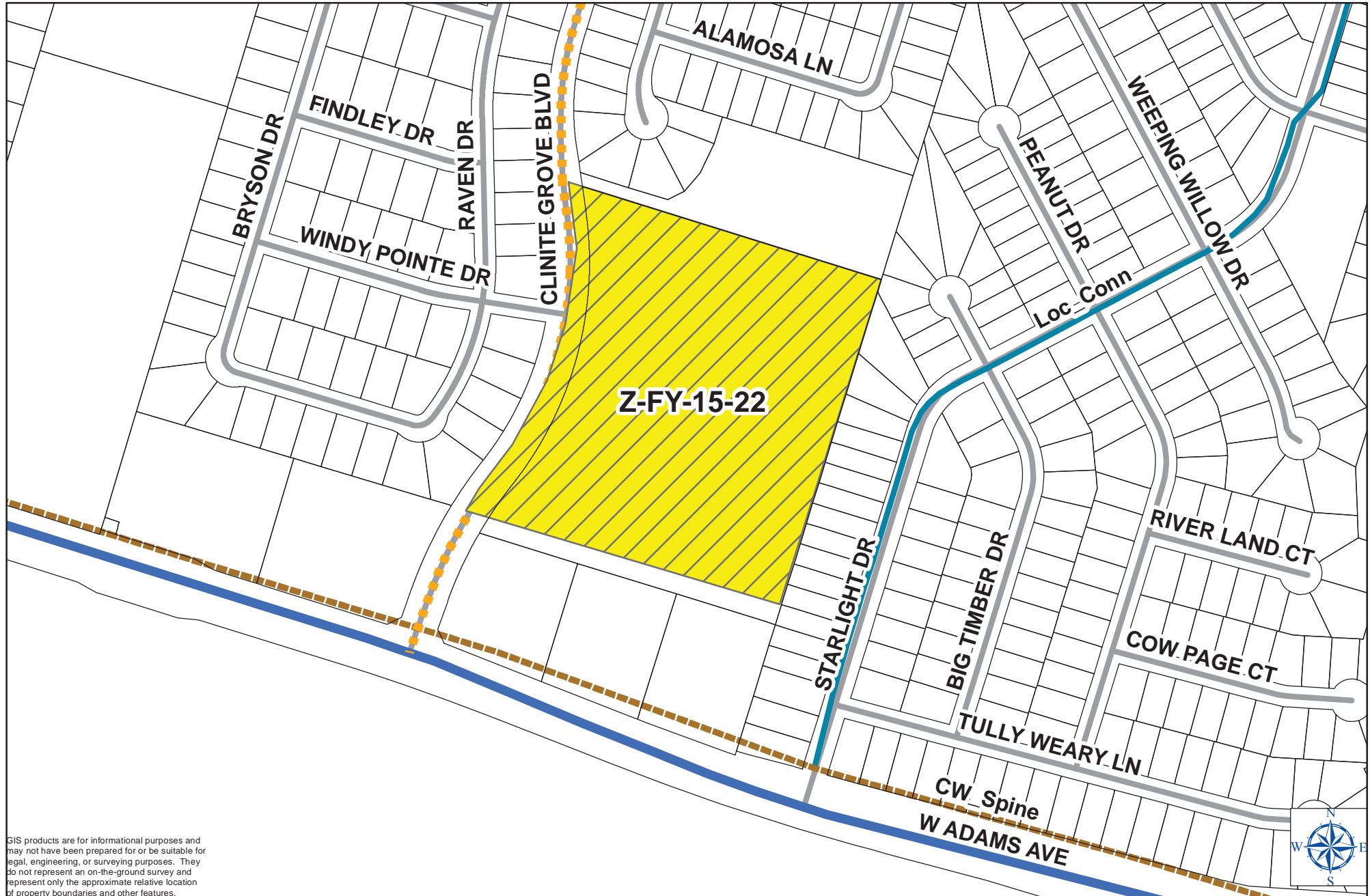
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**Z-FY-15-22**

Request for Rezoning from Multiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
Thoroughfare Plan and Master Trails Plan

301 Clinite Grove Blvd.



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

 Case  Citywide Spine Trail  Community Wide Connector Trail  Local Connector Trail

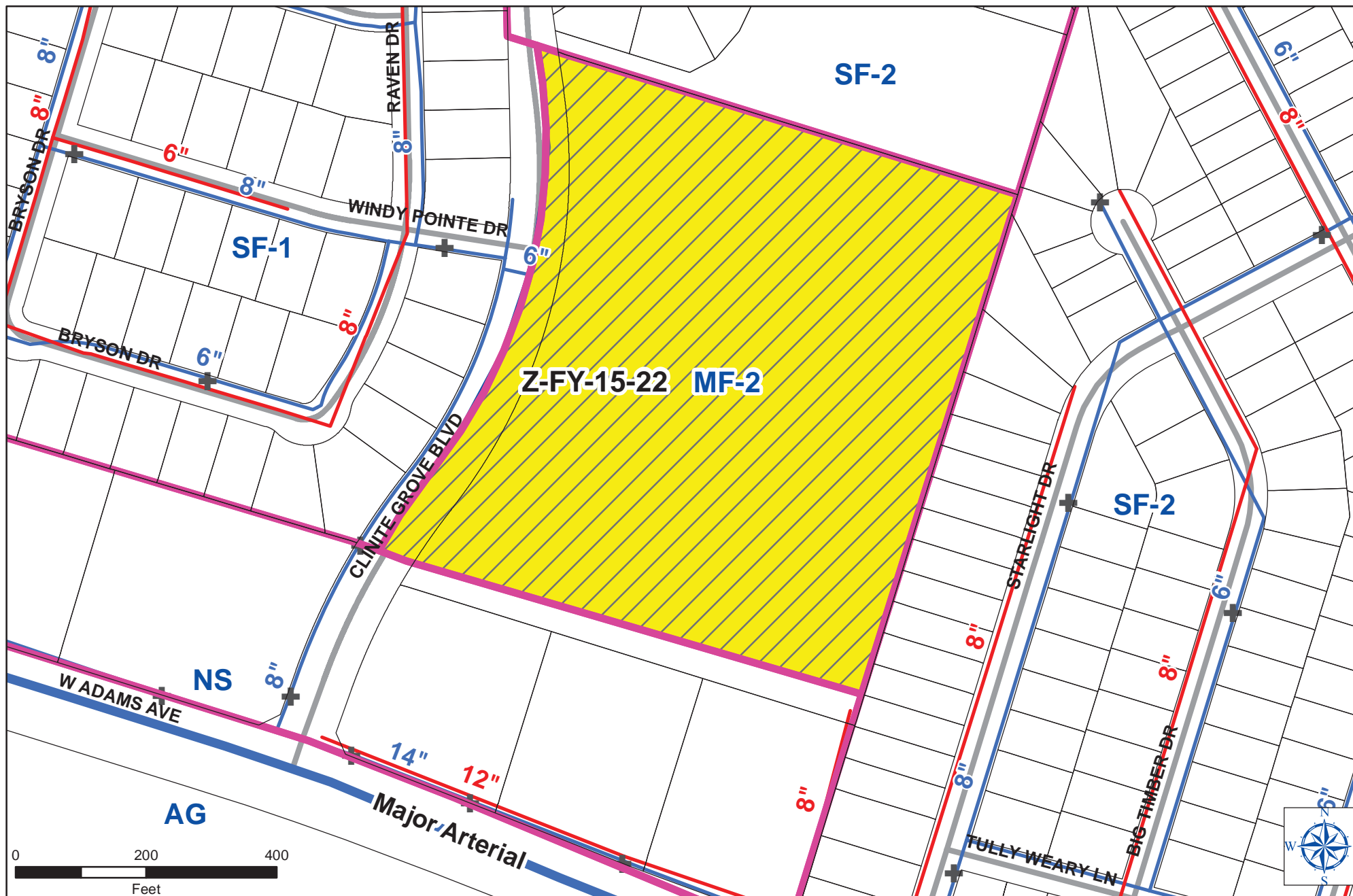




**Z-FY-15-22**

Request for Rezoning from Multiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
Utility Map

301 Clinite Grove Blvd.



Case Zoning Fire Hydrant Sewer Line Water Line

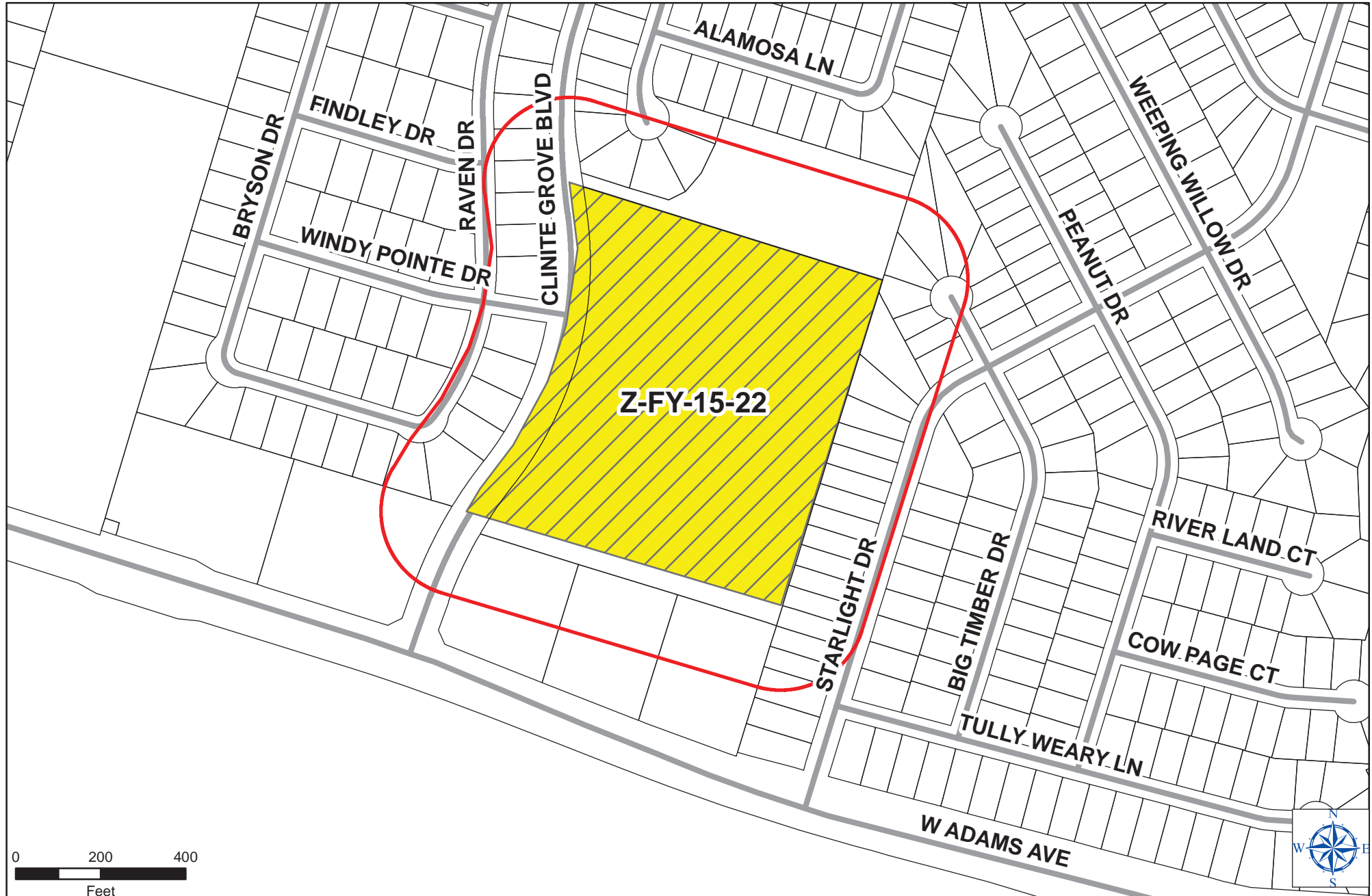
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**Z-FY-15-22**

Request for Rezoning from Multiple Family Dwelling-2  
(MF-2) to Neighborhood Service (NS)  
200' Notification Buffer

301 Clinite Grove Blvd.



Case



200' Buffer

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RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Justin Barth  
228 Starlight Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

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

I recommend ☒ approval ( ) denial of this request.

Comments:

I would welcome the development of Service/Commercial businesses in this developing area. New Urbanism Development ideas are wonderful. It creates and promotes smaller business, provides jobs and creates a neighborhood identification others outside the immediate area.

Please, please consider changing the zoning. We don't need more houses right here. We need more business and jobs.

Justin Barth  
Signature

Justin Barth  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

RECEIVED

AUG 03 2015

City of Temple

Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

Chandra & Rima Lamichhane  
412 Big Timber Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt

Location: 301 Clinite Boulevard

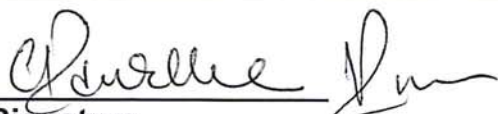
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I recommend ( ) approval

(X) denial of this request.

**Comments:**

- This will affect future house value and safety of the community.
- Negatively affect the family safety issue and health concern.

  
Signature

Chandra Lamichhane / Rima Lamichhane  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.

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

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

RECEIVED

JUL 20 2015

City of Temple  
Planning & Development



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Willie Etux Pamela Pierce  
224 Starlight Drive  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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

I recommend ( ) approval

(X) denial of this request.

**Comments:**

We really do not want a business directly behind our property. Our neighborhood is already experiencing an increase in crime. Placing businesses behind our houses could increase the unwanted "visitors" in our neighborhood. There are already convenience stores, dry cleaners, etc. less than a ten minute drive from our neighborhood.

  
Signature

Willie J. Pierce  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.**

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

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

**RECEIVED**  
JUL 20 2015  
City of Temple  
Planning & Development





**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

First Omega Partners Ltd  
7353 West Adams Avenue  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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

I recommend ☒ approval ☐ denial of this request.

**Comments:**

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Signature

JOHN C. HOWE  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.**

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

**RECEIVED**  
JUL 16 2015  
City of Temple  
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**





<b>Properties within the 200 Feet of Requested Rezoning</b>
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First Omega Partners LTD					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	1	2	209 Raven Drive	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase 1	2	2	205 Raven Drive	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase 1	3	2	201 Raven Drive	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Blackland Capital, Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.**

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

**RECEIVED**

JUL 16 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**



<b>Properties within the 200 Feet of Requested Rezoning</b>
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Blackland Capital, Inc					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	4	3	301 Clinite Boulevard	Temple, Texas 76502

Zoning Application Number: Z-FY-15-22

Project Manager: Beverly Mesa-Zendt



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

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

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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

I recommend ☒ approval ☐ denial of this request.

**Comments:**

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\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.**

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

**RECEIVED**

JUL 16 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**





**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Land Investments					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase II	8	4	322 Stonehouse Lane	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase II	9	4	318 Stonehouse Lane	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase II	10	4	314 Stonehouse Lane	Temple, Texas 76502
4	The Groves At Lakewood Ranch Phase II	11	4	310 Stonehouse Lane	Temple, Texas 76502
5	The Groves At Lakewood Ranch Phase II	12	4	306 Stonehouse Lane	Temple, Texas 76502
6	The Groves At Lakewood Ranch Phase II	13	4	302 Stonehouse Lane	Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

KAM Homebuilders Ltd  
P.O. Box 1344  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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

**Comments:**

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Signature

  
Print Name

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

**RECEIVED**

JUL 16 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

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<b>Properties within the 200 Feet of Requested Rezoning</b>
---

KAM HOMEBUILDERS LTD					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase 1	5	2	105 Raven Drive	Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt



**RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE**

Kiella Development Inc.  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-15-22

**Project Manager:** Beverly Mesa-Zendt

**Location:** 301 Clinite Boulevard

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I recommend ☒ approval ☐ denial of this request.

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than July 20, 2015.**

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

**RECEIVED**

JUL 16 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 47

Date Mailed: July 9, 2015

**\*If you own multiple properties within 200 feet of the requested change, see attached listing.**





**Properties within the 200 Feet of Requested  
Rezoning**

Kiella Development Inc.					
#	Subdivision	Lot	Block	Address	City
1	The Groves At Lakewood Ranch Phase I	2	1	10254 West Adams Avenue	Temple, Texas 76502
2	The Groves At Lakewood Ranch Phase I	6	2	10303 Bryson Drive	Temple, Texas 76502
3	The Groves At Lakewood Ranch Phase I	1	7	303 Raven Drive	Temple, Texas 76502
4	The Groves At Lakewood Ranch Phase I	2	7	307 Raven Drive	Temple, Texas 76502
5	The Groves At Lakewood Ranch Phase I	3	7	311 Raven Drive	Temple, Texas 76502
6	The Groves At Lakewood Ranch Phase I	4	7	315 Raven Drive	Temple, Texas 76502
7	The Groves At Lakewood Ranch Phase I	5	7	319 Raven Drive	Temple, Texas 76502
8	The Groves At Lakewood Ranch Phase I	6	7	321 Raven Drive	Temple, Texas 76502

**Zoning Application Number: Z-FY-15-22**

**Project Manager: Beverly Mesa-Zendt**

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-15-22)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM MULTIPLE FAMILY DWELLING TWO DISTRICT TO NEIGHBORHOOD SERVICE DISTRICT ON APPROXIMATELY 12.999 ACRES OF LAND ON LOT 4, BLOCK 3, THE GROVES AT LAKEWOOD RANCH, PHASE I, LOCATED AT 301 CLINITE GROVE BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from Multiple Family Dwelling Two District (MF-2) to Neighborhood Service District (NS) on approximately 12.999 acres of land on lot 4, block 3, The Groves at Lakewood Ranch, Phase I, located at 301 Clinite Grove Boulevard, 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 6<sup>th</sup> day of August, 2015.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #9  
Regular Agenda  
Page 1 of 5

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

Beverly Zendt Assistant Planning Director

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING – Z-FY-15-23: Consider adopting an ordinance authorizing a Conditional Use Permit for Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33rd Street, allowing a Substance Abuse Treatment Facility.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its July 6, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend disapproval of the requested Conditional Use Permit allowing a Substance Abuse Treatment Facility.

**STAFF RECOMMENDATION:** Staff recommends disapproval of the Conditional Use for the following reasons:

1. The proposed project does not meet the requirements of Unified Development Code (UDC) **Section 7.5.3: Parking Plan Required;**
2. The proposed project does not meet the requirements of UDC **Section 7.5.4 B Required Parking Ratios;** and
3. The proposed project does not meet the requirements of UDC **Section 7.5.5 Off Street Parking Design Standards.**

**ITEM SUMMARY:** In March of this year, the applicant sought and was granted approval for a rezoning of one of the three subject lots from Two Family Dwelling (2F) to General Retail (GR). The rezoning was approved March 5, 2015 by the Temple City Council. The applicant is now seeking a Conditional Use Permit for the purpose of operating a Substance Abuse Treatment Facility. A substance abuse treatment facility is permitted in the GR zoning district with the approval of a Conditional Use Permit. The subject property includes three abutting lots located on South 33<sup>rd</sup> Street. A 10,000 square foot facility is currently located on the subject tract. 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
<b>Subject Property</b>	<b>Auto-Urban Commercial</b>	<b>GR</b>	<b>Vacant Structure</b>
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

**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 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. The proposed CUP is compatible with the proposed Future Land Use

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

The subject property is located on a local street (South 33<sup>rd</sup> St.) between an expressway (I-35) and a major arterial (South 31<sup>st</sup> Street). South 33<sup>rd</sup> 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 South 33<sup>rd</sup> 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 South 33<sup>rd</sup> 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 South 33<sup>rd</sup> St.

**DEVELOPMENT REGULATIONS:** Dimensional regulations for the base district apply except where the I-35 Industrial Sub-District regulations supersede such requirements.

Regulation	Measurement
Min. Lot Area	N/A
Min. Lot Width	N/A
Min. Lot Depth	N/A
Min. Front Yard Setback	15 ft.
Min. Side Yard Setback	10 ft.
Min. Side Yard Setback (Corner)	10 ft.
Min. Rear Yard Setback	10 ft. (0' when adjacent to a non-residential use or zoning district)

**PARKING**

**Section 7.5.3: Parking Plan Required states the following:**

*Off-street parking must 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. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses. A parking plan must be submitted with the Building Permit application demonstrating compliance with the standards of this Section.*

Historically this site has been operated as a home for the aged with parking provided off street on an adjacent tract located to the south. When the property is redeveloped/repurposed, the applicant will be required to provide off-street parking in accordance with **Section 7.5.4B: Off Street Parking Ratios** which requires 1 parking space for every 300 SF of gross floor area for all institutional uses not listed in the parking ratio table. A substance abuse treatment facility is an institutional use not listed in the parking ratio table. This would require that the applicant provide 30 parking spaces. There is currently no parking space available on the subject tract. The applicant is proposing to enter into an agreement with The New Day Awakening Church located at 109 South General Bruce within the require 150 distance limitation. The New Day Awakening Church has offered to lease 20 spaces to the applicant although no formal agreement has been executed. The anticipated agreement would be for 10 designated spaces and 10 undesignated spaces at their current location on the unimproved surface utilized by the Church.

Staff has estimated that there is sufficient vacant space for construction of 26 parking spaces at the adjacent site proposed for lease. Per section 7.5.3 – shared parking must provide parking in an amount equal to the total of the required parking ratio for all uses. Staff has been unable to get confirmation from the New Day Awakening Church to confirm their total capacity. Section 7.5.4B requires places of worship to provide 1 parking space for every 3 seats. Based on on-line interior images of the church facility, **staff has determined that the amount of space available is not sufficient to support both uses.**

**Section 7.5.5 Off- Street Parking Design Standards requires the following improvements:**

- 90 degree parking space striped and measured nine feet by 18 feet;
- Designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley;
- Constructed with curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands; and
- Paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

Bell County deed records indicate that the property was conveyed to the current owner in May of 2013. With a change in use, the property would need to comply with all city regulations including those identified in Section 7.5.5 Off- Street Parking Design Standards. The New Day Awakening Church currently utilizes the unimproved surface on the site for existing parking. The parking was never brought into compliance with city codes either with the change of use or with the related improvements per **Section 7.5.2: Applicability** which states:

*Except as provided in this Section, a building or structure may not be erected, altered or converted for any permitted use unless off-street parking is provided as required in this Section.*

**The current non-conforming parking does not meet city standards and would need to fully comply with such standards prior to any lease of space.** The applicant has indicated that this is not within the scope of this project.

**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 Planning and Zoning Commission 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 Wednesday July, 27, 2015 at 12:00 PM, five (5) notices have been received against the proposed CUP and one (1) notice has been returned in favor of the proposed CUP. The newspaper printed notice of the public hearing on June 25, 2015, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos

Zoning & Location Map

200' Property Owner Notification Map

Survey

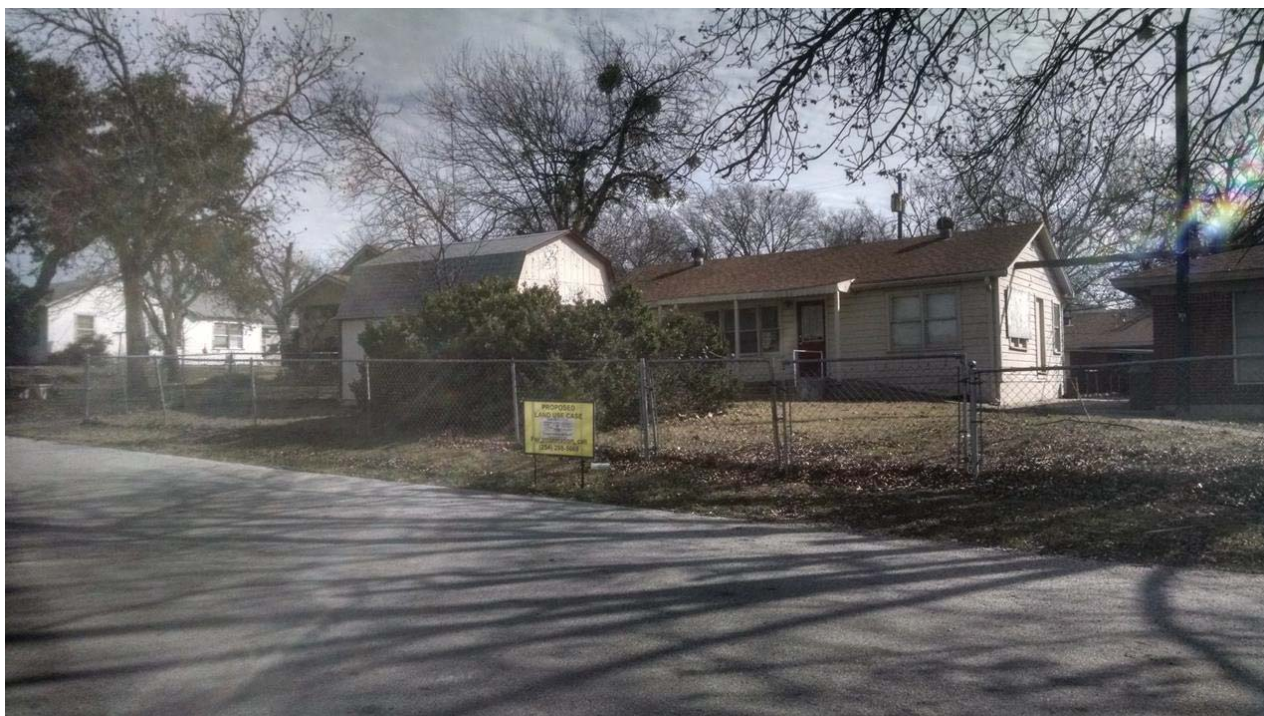
Applicant Responses

Neighboring Property Owner Responses

Ordinance



## Subject Property: 111-119 S 33<sup>rd</sup> St





Property to the West



Property to the South





Property to the East



Property to the North



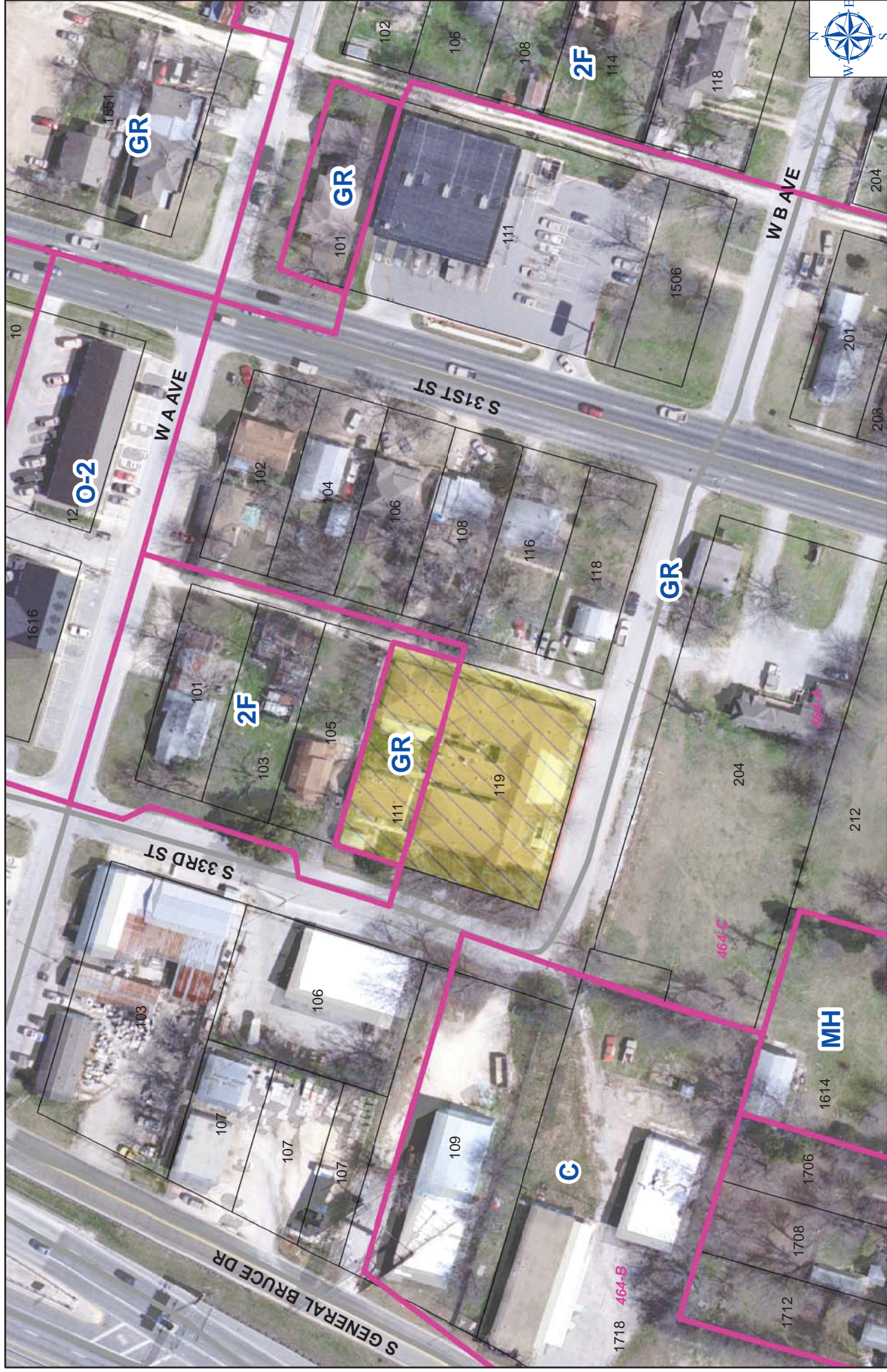




**Z-FY-15-23**

# Conditional Use Permit Request for a Substance Abuse Treatment Facility

**111 & 119  
S. 33rd St.**



**Case**

**1234**

**Addresses**



**Zoning**



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.

5/28/2015  
City of Temple GIS  
bzndt

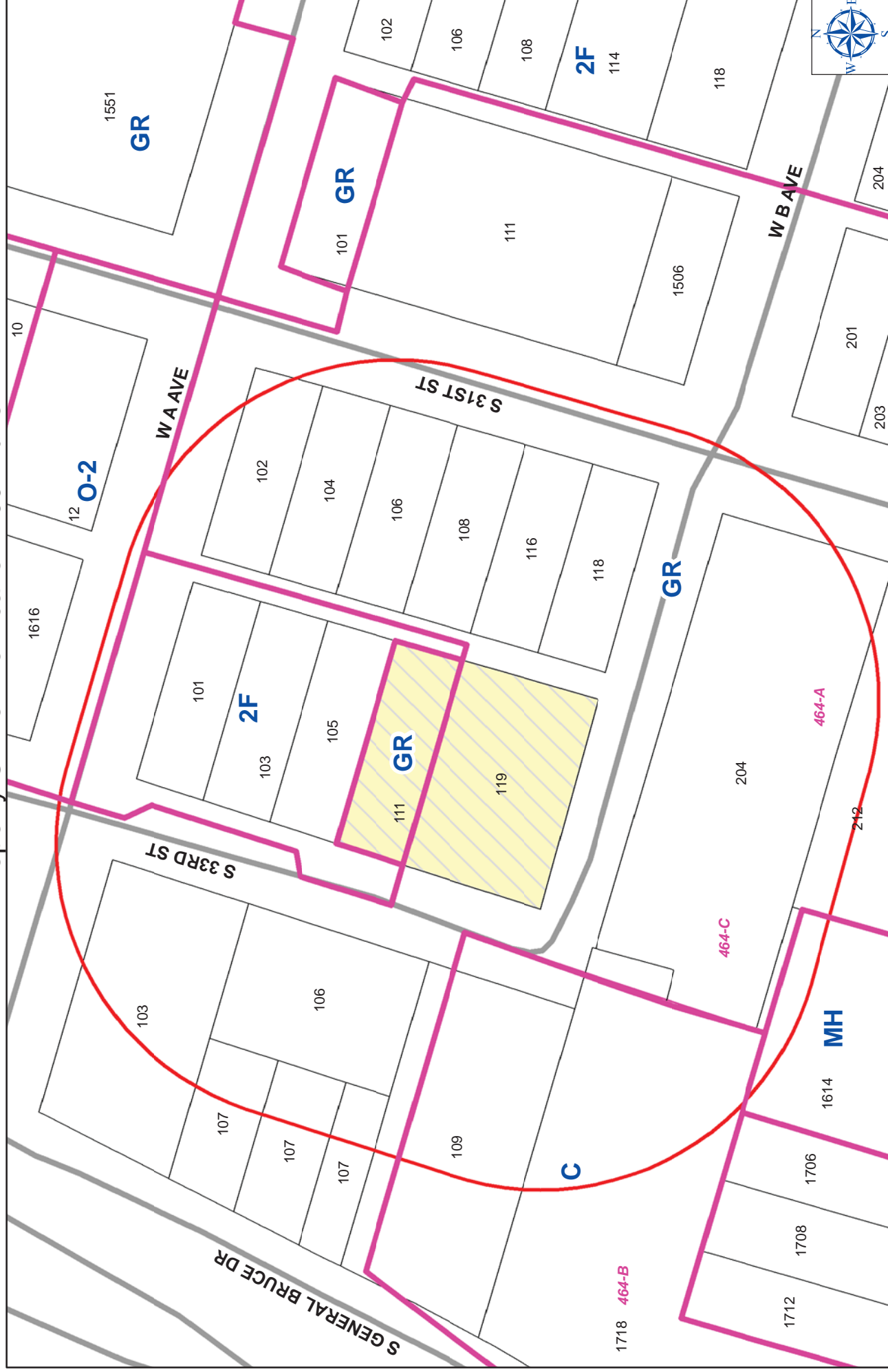




**Z-FY-15-23**

**Conditional Use Permit Request for  
a Substance Abuse Treatment Facility  
Property Owner Notification 200' Buffer**

**111 & 119  
S. 33rd St.**



Case



200' Buffer

1234 Addresses

Zoning

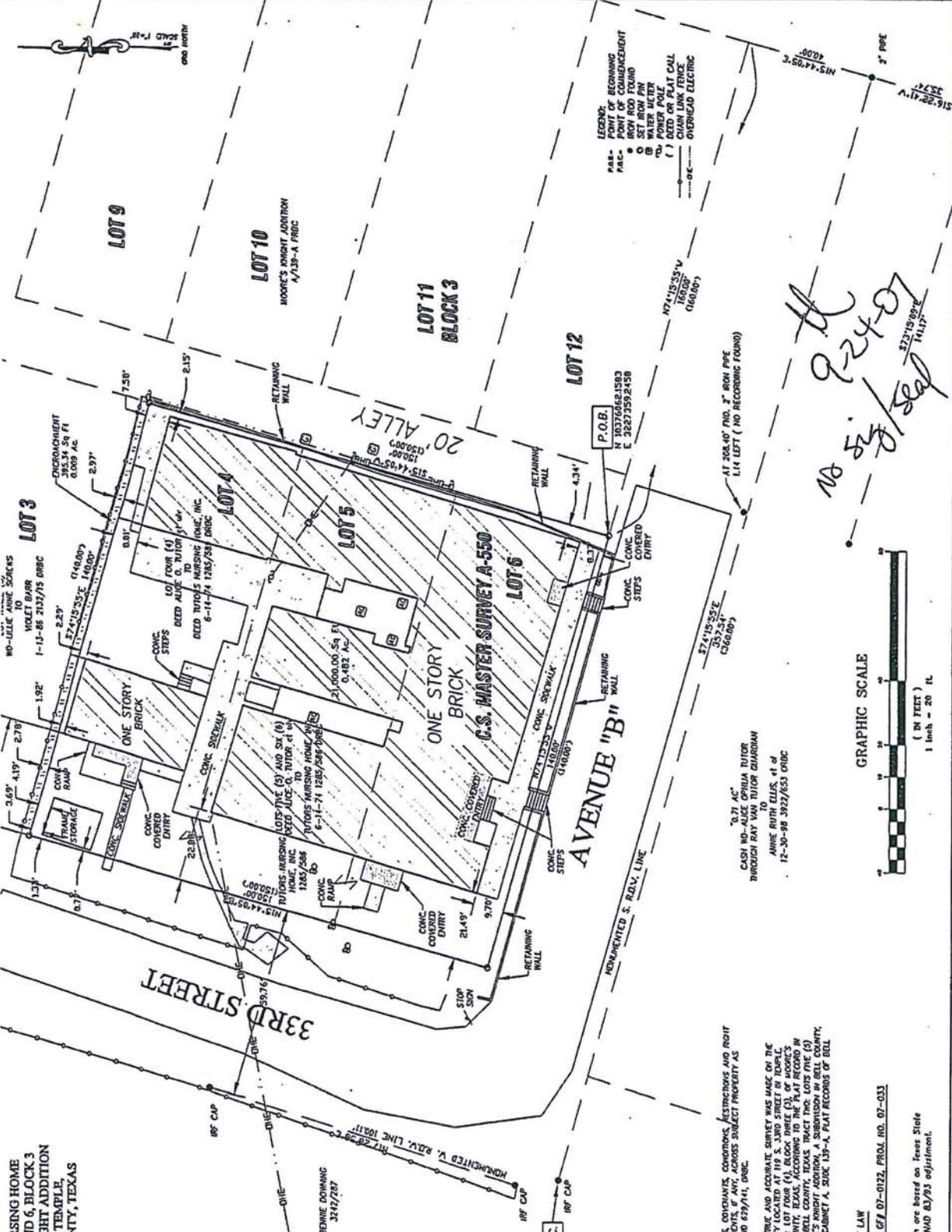
0

Feet

200

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.

5/28/2015  
City of Temple GIS  
bzndt



TUTOR NURSING HOME  
LOTS 4, 5, AND 6, BLOCK 3  
MOORE'S KNIGHT ADDITION  
CITY OF TEMPLE  
BELL COUNTY, TEXAS

NOTE: THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND ROOF SHOWN IN CASHET A, SLIDE 139-A PBOC, AND 629/411, DRBC.

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE PROPERTY AS SHOWN HEREON, IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AND THE SURVEY WAS MADE BY THE SURVEYOR, WHO IS A LICENSED SURVEYOR IN THE STATE OF TEXAS, AND WHO IS A MEMBER OF THE TEXAS SURVEYING BOARD.

THE SURVEY WAS MADE IN ACCORDANCE WITH THE FOLLOWING: TRACT ONE (LOT FOUR (1)) BLOCK THREE (3) MOORE'S KNIGHT ADDITION, A SUBDIVISION IN BELL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORD IN CASHET A, SLIDE 139-A, PLAT RECORDS OF BELL COUNTY, TEXAS, TRACT TWO (LOTS 4, 5, 6) BLOCK THREE (3) MOORE'S KNIGHT ADDITION, A SUBDIVISION IN BELL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORD IN CASHET A, SLIDE 139-A, PLAT RECORDS OF BELL COUNTY, TEXAS.

TO: ENOCHS & McLENNAN, ATTORNEYS AT LAW  
RE: TEMPELBERG AND ASSOCIATES, INC., OF 07-0122, PROJ. NO. 07-033

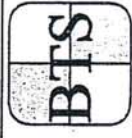
NOTE: Bearings and coordinates reflected hereon are based on Texas State Plane Coordinate System (Central Zone) NAD 83/93 adjustment.

**SURVEYOR'S CERTIFICATE**

THE PLAT SHOWN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SHOWN HEREON, IN ACCORDANCE WITH THE SURVEYING ACT OF 1909, AND THE SURVEY WAS MADE BY THE SURVEYOR, WHO IS A LICENSED SURVEYOR IN THE STATE OF TEXAS, AND WHO IS A MEMBER OF THE TEXAS SURVEYING BOARD.

THE SURVEY WAS MADE IN ACCORDANCE WITH THE FOLLOWING: TRACT ONE (LOT FOUR (1)) BLOCK THREE (3) MOORE'S KNIGHT ADDITION, A SUBDIVISION IN BELL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORD IN CASHET A, SLIDE 139-A, PLAT RECORDS OF BELL COUNTY, TEXAS, TRACT TWO (LOTS 4, 5, 6) BLOCK THREE (3) MOORE'S KNIGHT ADDITION, A SUBDIVISION IN BELL COUNTY, TEXAS, ACCORDING TO THE PLAT RECORD IN CASHET A, SLIDE 139-A, PLAT RECORDS OF BELL COUNTY, TEXAS.

DATE: FEBRUARY 7, 2007 2:17/2007 1143:23 AM CST



**BRYAN TECHNICAL SERVICES, INC.**  
P.O. BOX 1371  
TAYLOR, TEXAS 76784  
512-365-2524  
512-365-2526 (Fax)  
surveying@btsinc.com

**DRAWN BY: JC** **CHECKED BY: BLB**  
**SCALE: 1" = 20'**  
**DATE: FEBRUARY 7, 2007**  
**JOB NUMBER** **SHEET**  
**07-033** **1 OF 1**

9-24-07  
No 58/sep

Handwritten signature and date: 2/24/07



To Who It May Concern:

7.5.5 Off-Street Parking Design Standards

A. Dimensional and Access Standards

1. A typical 90 degree parking space must be striped and measure nine feet by 18 feet.
2. Off-street parking spaces and areas must be designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley. This provision does not apply to residential uses in the following zoning districts: AG, UE, SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, 2-F, TH and MH.

B. Curb and Gutter

1. Curb and gutter six inches in height is required around the perimeter of the parking area and all landscaped parking islands. An alternative design may be proposed by a design engineer to be considered for approval by the Director of Planning. Areas not accessible or visible from the public street right-of-way or a public park are exempt from this requirement.

[Ord. 2012-4545]

C. Material Standards

All parking areas (required and optional) must be paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley.

D. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed in the table in paragraph 7.5.4B, the Director of Planning may apply the parking requirements of a similar use to the use in question.

E. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to paragraph 7.4.4A above, the minimum off-street parking requirements are established by the same process as provided in Sec. 5.2 for classifying new and unlisted uses.

In reference to the above conditions and standards, the parking that is being leased is currently in use and has been in use for many years. The upgrading of the parking lot to these standards would not be within the scope of the project.

The parking would be wholly on the church property and would not require backing or moving through or on to any public street. The parking is a gravel lot, and is currently used for parking, and has the required space.

The only access to a public street would be egress to and out of the parking lot from a paved city street.

## Parking Agreement

### Temple Tudor Nursing Home and New Day Awakening Church

A New Day Awakening Church 109 S. General Bruce, Temple, Tx, 76504 agrees to provide parking in their lot that is adjacent to the property 111-119 S. 33<sup>rd</sup>, Temple Texas, 76504 known as Temple Tudor.

A New Day Awakening Church will provide 10 spaces that are designated on a diagram and 10 ad-hoc spaces.

The rent will be \$850 a month, payable on the first of the month. A New Day Awakening Church will hold a deposit in the amount of \$850. The deposit will be applied to the last months of rent should the agreement be cancelled.

Parking will be used for the employee's and visitors of the facility only. No public or general parking is allowed. Each vehicle to be parked will need to be marked with a tag or other identification. Unauthorized or untagged vehicles will be subject to tow at the vehicle owner's expense and not the responsibility of A New Day Awakening Church.

The parking lot will not be used as a drive through or access to the property in any way.

This agreement will go into effect with the approval of the City of Temple of the new zoning request and payment of the first month's rent and deposit. The agreement will be with Clean Investments Residential LLC, the new owners and operators of the facility. The business and billing address is 119 S. 33, Temple Texas 76504.

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TUTOR NURSING HOME  
LOTS 4, 5, AND 6, BLOCK 3  
MOORE'S KNIGHT ADDITION  
CITY OF TEMPLE,  
BELL COUNTY, TEXAS

33RD STREET

20' ALLEY

GRAPHIC SCALE

1. Wash = 20 mL



AN TECHNICAL SERVICES  
INC.  
P. O. BOX 1371  
TAYLOR, TEXAS 76574  
512-365-2524  
512-365-2526 (Fax)  
SUNVCY@AUSUTL.CC.CO.DD

DRAWN BY: JC	CHECKED BY: BLS
SCALE: 1" = 20'	
DATE: FEBRUARY 7, 2007	
JOB NUMBER	SHEET
07-035	1 OF 1

2012/12/27



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

Frasier Family Trust  
c/o Sidney & Carolyn Frasier Co-Trustees  
7401 FM 1237  
Moody, Texas 76557

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33<sup>rd</sup> Street

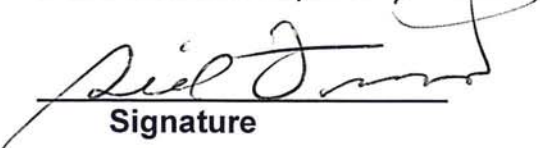
The proposed request is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible conditional use permit described on the attached notice,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

I recommend ( ) approval

(☒) denial of this request.

Comments:

THE INDIVIDUALS THAT PARTICIPATE IN THESE PROGRAMS  
ARE NOT TO BE TRUSTED IN A RETAIL OR NEIGHBORHOOD  
ENVIRONMENT. IS IT THE CITY'S INTENT TO CREATE A  
DRUG USER'S HABITAT? WHAT HIGHTENED SECURITY PROVISIONS  
WILL BE INCORPORATED TO PREVENT THE CRIMES THAT FOLLOW  
DRUG USERS & ABUSERS. IS THIS A TREATMENT FACILITY OR  
A RESIDENCE THAT LOWERS THE COMMUNITY STANDARDS  
AND PROPERTY VALUE

  
Signature

Sid Frasier  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 12 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015





RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

Henry Albro Etal  
3413 Meadow Creek Lane  
Temple, Texas 76504

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33<sup>rd</sup> Street

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

I recommend ( ) approval

(☒) denial of this request.

Comments:

I have a sharpening business across the street  
from this location and I do not want my  
customers, my children or my grandchildren to  
feel the least bit threatened.

Henry Albro  
Signature

Henry Albro  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 15 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

Roswitha Thorns  
105 South 33<sup>rd</sup> Street  
Temple, Texas 76504

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33<sup>rd</sup> Street

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

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

Comments:

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Roswitha Thorns  
Signature

ROSWITHA THORNS  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

Number of Notices Mailed: 20

Date Mailed: June 4, 2015

RECEIVED  
JUN 15 2015  
City of Temple  
Planning & Development



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

Oak Mott Enterprises LLC  
4403 Nottingham Lane  
Bryan, Texas 77802

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33<sup>rd</sup> Street

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

I recommend ( ) approval

☒ denial of this request.

Comments:

The placement of a substance abuse facility in this  
location could potentially lower the value of my  
property, therefore, I do not support it.

Greg Owens  
Signature

Greg Owens  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

RECEIVED

JUN 12 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 4, 2015





RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

Vijay Mehta  
805 Paint Brush Lane  
Temple, Texas 76502

**Zoning Application Number:** Z-FY-15-23

**Project Manager:** Beverly Mesa-Zendt

**Location:** 111 & 119 South 33<sup>rd</sup> Street

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

I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Signature

VIJAY MEHTA  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than June 15, 2015.

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

**RECEIVED**

JUN 10 2015

Number of Notices Mailed: 20

Date Mailed: June 4, 2015

\*If you own multiple properties within 200 feet of the requested change, see attached listing.

City of Temple  
Planning & Development



RESCHEDULED MEETING



RESPONSE TO PROPOSED  
CONDITIONAL USE PERMIT  
CITY OF TEMPLE

James Etux Jana Warren  
2380 Primrose Trail  
Temple, Texas 76501

Zoning Application Number: Z-FY-15-23

Project Manager: Beverly Mesa-Zendt

Location: 111 & 119 South 33<sup>rd</sup> Street

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

I recommend ( ) approval ☒ denial of this request.

Comments: I'd rather this area thrive with positive commercial business  
for our community. I feel there are better areas capable of  
handling a treatment facility than next door to a neighborhood.

  
Signature

James Warren  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than July 6, 2015.

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

RECEIVED

JUL 06 2015

City of Temple  
Planning & Development

Number of Notices Mailed: 20

Date Mailed: June 25, 2015

ORDINANCE NO. \_\_\_\_\_  
(Z-FY-15-23)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE,  
TEXAS, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A  
SUBSTANCE ABUSE TREATMENT FACILITY ON LOTS 4-6, BLOCK 3,  
MOORE'S KNIGHT ADDITION, LOCATED AT 111-119 SOUTH 33<sup>RD</sup>  
STREET; DECLARING FINDINGS OF FACT; PROVIDING A  
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, a minimum 75 percent vote of all the members of the City Council is required to overrule the Planning and Zoning Commission's recommendation for denial of a Conditional Use Permit for a Substance Abuse Treatment Facility on Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33<sup>rd</sup> Street; and

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

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

**Part 1:** The City Council approves by vote of 75 percent of all the members of the City Council, a Conditional Use Permit for a Substance Abuse Treatment Facility on Lots 4-6, Block 3, Moore's Knight Addition, located at 111-119 South 33<sup>rd</sup> Street, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with all Unified Development Code (UDC) development standards, including but not limited to, the following developmental standards and conditions of operation:

- A. Section 7.5.3: Parking Plan Required Off-street parking must 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. Parking must be located within a zoning district that allows the use for which the parking is intended. Shared parking must provide parking in an amount equal to the total of the Required Parking Ratios for all uses;
- B. Section 7.5.5 Off-Street Parking Design Standards –
  - 90 degree parking space striped and measured 9 feet by 18 feet;
  - Designed so that a driver can exit the space or area without backing a vehicle into a public street, right of way or alley;
  - Constructed with curb and gutter six inches in height around the perimeter of the parking area and all landscaped parking islands;
  - Paved with either asphalt or concrete. A parking space or area must include an asphalt or concrete driveway connecting the parking space or area with a street or alley permitting free ingress and egress to the street or alley;
- C. Section 7.7 Screening and Buffering; Section 7.6 Signs –
  - Refuse container storage areas must be located in a rear or side service area, or alley where available, for all uses other than single-family and two-family dwellings.
  - New 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.

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

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **August**, 2015.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **August**, 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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08/06/15  
Item #10  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing change order #2 to the Outer Loop Phase III (Adams Ave to Channel) construction contract with R.T. Schneider Construction Company, Ltd., in the amount of \$11,804.25, for construction services required for utility relocations, driveway removal, driveway construction, and elimination of the proposed temporary roadway section.

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

**ITEM SUMMARY:** West Temple is rapidly growing along the West Adams corridor. On December 4, 2014, Council authorized a construction contract with RT Schneider Construction Co. Ltd. (RTS) for construction of the Outer Loop Phase 3 from Adams Ave to the channel. Subsequent to the award, ensuing developments associated within the construction limits have resulted in the identification of construction services to aid in the reopening of the closed roadway. These services include utility relocations in the amount of \$42,600, driveway construction, and elimination of the proposed temporary roadway section in lieu of a single-course surface treatment. The change order also includes removal of the two temporary asphalt driveways serving the new Wal-Mart site. The net amount of the change order related to the road improvements is a decrease of \$30,795.75. The net amount of the change order is an increase of \$11,804.25.

The original construction contract amount was \$2,368,916.00. Change Order #1 increased the contract \$71,180.00, or 3.0%, of the original contract amount. Change Order #2 represents a contract increase of \$11,804.25, or 0.5%, of the original contract amount.

The engineering consultant has reviewed the change order and recommends approval.

There are 170 days proposed additional calendar days for the change order.

Original Contract Amount	\$	2,368,916.00
Previous Net Change in Contract Amount	\$	71,180.00
Net Change in Contract Amount	\$	11,804.25
Revised Contract Amount	\$	2,451,900.25
Original Contract Time		240 Days
Net Change in Contract Time		170 Days
Revised Contract Time		410 Days
Original Final Completion Date		August 16, 2015
Revised Final Completion Date		February 2, 2016

**FISCAL IMPACT:** Funding for Change Order #2 for RTS totaling \$11,804.25 is available in the accounts as outlined below.

Description	Account #	Project #	Funding
Road Improvements	365-3400-531-6813	101121	(\$30,795.75)
Utility Improvements	520-5900-535-6521	101121	\$ 42,600.00
	Total		\$ 11,804.25

**ATTACHMENTS:**

[Recommendation Letter](#)  
[Time Extension Recommendation](#)  
[Change Order Prices](#)  
[Change Order Map](#)  
[Resolution](#)





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

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

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

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

July 16, 2015

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

Re: City of Temple, Texas  
Outer Loop III A FM 2305 to Thompson Channel

Dear Mr. Wilson:

Attached is Change Order #2. This change order is comprised of multiple items. The basis of the change order is for additional conduit for telecommunication relocations and a change in the scope of work for closing Old Waco Road for the length of the project.

The change in scope for closing Old Waco Road involves utilizing a portion of the existing paving structure that was constructed with Outer Loop Phase II which reduces pavement quantities and eliminates the temporary roadway section for detouring traffic. It adds a 2-inch milling of the existing asphalt to achieve a consistent new surface course of hot mix asphalt pavement (HMAC) and the addition of a single course surface treatment. The single course surface treatment will be applied to the finalized crushed limestone base material for a temporary driving surface and provide a barrier for moisture between the paving section and the subgrade. There will also be a reduction of Type B HMAC due to the time frame from Phase III A and III B. Please see below for a detailed description of each item.

**ADD ITEMS:**

- CO2-1 - 2-6" Schedule 40 PVC and 1-4" Schedule 40 PVC - This item is required for the relocation of the electric utility for the project as directed by Oncor. The original bid contained 1-4" Schedule 40 PVC conduit at a bid price of \$20.50/LF. The revision will require a larger trench and additional larger size conduit. The price submitted is within the scale of the bid price when these items are factored in.
- CO2-2 - 2-inch Asphalt Milling - This item will be utilized in conjunction with the revised traffic control sequence and utilization of the existing paving section in the portion that was reconstructed in 2006. The area will be milled to allow for a continuous surface paving course and striping. The price submitted by the contractor is consistent with unit pricing for this type of work in the quantity requested.
- CO2-3 - Single Course Surface Treatment - This item will be utilized for interim traffic as a surface course during the completion of construction after traffic is allowed back on Old Waco Road in the



section currently closed. An added benefit to the Single Course Surface Treatment is a moisture barrier between the subgrade and the paving section. The cost submitted by the contractor was compared to the low bid price for the same item on the Prairie View Phase I Project. The unit price for the Prairie View Phase I Project is \$2.14/SY for ~80,000 SY compared to \$3.00/SY for ~16,545 SY for the change order price for the Outer Loop Phase III A Project. This is reasonable due the economy of scale with regards to the unit price and the construction operation involved.

- CO2-4 – Demolition of Walmart Construction Driveway – This item has been added to the project due to Walmart constructing a construction driveway to the existing Old Waco Road pavement. Initial meetings with Walmart indicated the construction driveway would not be constructed beyond the right-of-way line, but due to the timeframe to acquire rights-of-way for the Outer Loop Phase III A Project, a construction driveway was constructed that required demolition and removal. The price submitted by the contractor is reasonable for this work.
- CO2-5 – Demolition of Walmart Entry Driveways - This item has been added to the project due to Walmart constructing a permanent driveway to the existing Old Waco Road pavement. Initial meetings with Walmart indicated the permanent driveways would not be constructed, but due to the timeframe to acquire rights-of-way for the Outer Loop Phase III A Project, permanent driveways were constructed that required demolition and removal. The price submitted by the contractor is reasonable for this work
- CO2-6 – Type III Barricade with “NO THRU TRAFFIC” – This item was requested by City Staff due to the traveling public utilizing private driveways. The price submitted by the contractor is reasonable for the signs.
- CO2-7 – 3’x3’ Grate Inlet – This item was requested by City Staff to develop a direct flow from west property drainage to the storm sewer infrastructure. The price submitted by the contractor is reasonable for this work.
- CO2-8 – Construction Layout and Staking – This item is required for all of the additional construction layout and staking for the various items included in the change order. The price submitted by the contractor is reasonable for this work.
- Item 1 – Mobilization, Bonds & Insurance – This item is required for bonding and insurance on the additional work.
- Item 12 – Concrete Driveway – This item was requested by City Staff to develop a driveway for joint use across from the Walmart main driveway. It will be much better to construct this driveway during the project than cut it in at a later date and it will also allow a smooth connection to the proposed pedestrian trail. It is an existing bid item.
- Item 13 – Concrete Valley Gutter - This item was requested by City Staff to develop a driveway for joint use across from the Walmart main driveway. With the driveway construction will be the construction of a concrete valley gutter to ensure smooth drainage. It will be much better to construct this driveway during the project than cut it in at a later date and it will also allow a smooth connection to the proposed pedestrian trail. It is an existing bid item.
- Item 14 – 20’ Concrete Radius Unit - This item was requested by City Staff to develop a driveway for joint use across from the Walmart main driveway. With the driveway construction will be the construction of two concrete radius units. It will be much better to construct this driveway during the project than cut it in at a later date and it will also allow a smooth connection to the proposed pedestrian trail. It is an existing bid item.
- Item 28 – 18” Class III RCP – This item is required to connect the 3’x3’ Grate Inlet in item CO2-7 to the proposed curb inlet located at Station 213+39. It is an existing bid item.
- Item 39 – Type 7 Handicap Ramp – This item is required for the pedestrian trail to cross the requested driveway. It is an existing bid item.

DELETE ITEMS:

- Item 5 – 6-inch Stabilized Subgrade – This item is reduced due to utilizing the existing paving structure from approximate station 217+97 to FM 2305.
- Item 6 – 19" CLBM - This item is reduced due to utilizing the existing paving structure from approximate station 217+97 to FM 2305.
- Item 8 – 4 5/8" Type B HMAC – This item is reduced due to utilizing the existing paving structure from approximate station 217+97 to FM 2305 and reducing the paving section in the temporary connection from the new section of Old Waco Road constructed in this project to the existing section of Old Waco Road. The proposed construction date for the Outer Loop Phase III B project allowed the roadway section to be reduced.
- Item 10 – Concrete Curb & Gutter – This item is reduced due to utilizing the existing paving structure from approximate station 217+97 to FM 2305 and constructing the additional driveway.
- Item 22 – Furnish, Install, Maintain & Remove Temporary Road Section – This item has been eliminated due to the revised traffic control plan.

We have reviewed Change Order #2 and recommend it be processed and executed with respect to RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish extending to the right.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD  
KPA Project File: 2014-110-40





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

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

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

June 11, 2015

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

Re: City of Temple, Texas  
Outer Loop Phase III FM2305 to Thompson Channel

Richard,

The Contractor has requested consideration of Contract schedule adjustment due to ROW/Private Company Utilities Relocation delays. We are providing our analysis and recommendations as follow:

ROW/Private Company Relocation Delays

Due to causes beyond the control and without fault or negligence of the Contractor, in our opinion the Contractor is due 170 Calendar Days from the Notice to Proceed through June 8, 2015. The Contractor to date has not had complete latitude towards using equipment and work force at his discretion on all parts of the work site as should be reasonably allowed on similar roadway construction projects due to unattained rights-of-way, structures in conflict and utility conflicts that have yet been relocated. On June 8, 2015 the contractor was allowed to close a portion of Old Waco Road from FM 2305 south to the end of the portion of the project within the roadway which released construction activity. There are utilities that are still in conflict and require relocation but with the road closure, construction activities can proceed. Therefore, we recommend granting the 170 requested additional days.

Rain Delays

Rain delays will be monitored from June 8, 2015 forward for consideration of additional days to the contract. It is our understanding the City wishes to count rain days based on the average rainfall for the Temple area. Under the plan proposed by the City, additional days will be credited to the contract only after the average rain days for the month are exceeded, but both rain days and wet work site days (too wet to perform normal construction activities) will count. We recommend consulting with the City Attorney to verify the language in the contract conforms to the proposed plan.

Final Recommendation

Through June 8, 2015, we recommend adding 170 Calendar Days to the Contract. We further recommend continuing to monitor delays each month with subsequent Pay Estimate applications.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick".

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD  
KPA project file: 2014-110-40

## CHANGE ORDER

PROJECT: Outer Loop Phase IIIA, FM 2305 to Thompson Drainage Channel

OWNER: City of Temple

CONTRACTOR: RT Schneider Construction Co, Ltd

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: Two

Make the following additions, modifications or deletions to the work described in the Contract Documents: See the attached letter and exhibit.

Add:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
CO2-1	2-6" Schedule 40 PVC and 1-4" Schedule 40 PVC	LF	600	\$ 71.00	\$ 42,600.00
CO2-2	2-inch Asphalt Milling	SY	940	5.50	5,170.00
CO2-3	Single Course Surface Treatment	SY	16,545	3.00	49,635.00
CO2-4	Demolition of Walmart Construction Driveway	EA	1	920.00	920.00
CO2-5	Demolition of Walmart Entry Driveways	EA	2	2,070.00	4,140.00
CO2-6	Type III Baricade with "NO THRU TRAFFIC"	EA	2	400.00	800.00
CO2-7	3'x3' Grate Inlet	EA	1	4,255.00	4,255.00
CO2-8	Construction Layout and Staking	LS	1	4,025.00	4,025.00
1	Mobilization, Bonds & Insurance	LS	1	579.25	579.25
12	Concrete Driveway	SY	66	36.00	2,376.00
13	Concrete Valley Gutter	SY	15	36.00	540.00
14	20' Concrete Radius Unit	EA	2	458.00	916.00
28	18" Class III RCP	LF	23	46.00	1,058.00
39	Type 7 Handicap Ramp	EA	2	820.00	1,640.00
Total Add					\$ 118,654.25

Delete:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
5	6-inch Stabilized Subgrade	SY	-940	\$ 1.00	\$ (940.00)
6	19" CLBM	SY	-940	15.10	(14,194.00)
8	4 5/8" Type B HMA	SY	-2,540	22.40	(56,896.00)
10	Concrete Curb 7 Gutter	LF	-280	9.00	(2,520.00)
22	Furnish, Install, Maintain & Remove Temporary Road Section`	SY	-850	38.00	(32,300.00)
Total Delete					\$ (106,850.00)

Change Order Total \$ 11,804.25



## CHANGE ORDER

PROJECT: Outer Loop Phase IIIA, FM 2305 to Thompson Drainage Channel

OWNER: City of Temple

CONTRACTOR: RT Schneider Construction Co, Ltd

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: Two

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

Original Contract Amount:	\$	2,368,916.00
Previous Net Change in Contract Amount:	\$	71,180.00
Net Change in Contract Amount:	\$	11,804.25
Revised Contract Amount:	\$	2,451,900.25
Original Contract Time:		240 Days
Previous Net Change in Contract Time:		0 Days
Net Change in Contract Time:		170 Days
Revised Contract Time:		410 Days
Original Final Completion Date:		August 16, 2015
Revised Final Completion Date:		February 2, 2016

Recommended by:

Agreed to:

\_\_\_\_\_  
Project Manager (City Staff) Date

 7/17/15  
\_\_\_\_\_  
Architect or Engineer Date

Agreed to:

Approved by City of Temple:

\_\_\_\_\_  
Contractor Date

\_\_\_\_\_  
Jonathan Graham, City Manager Date

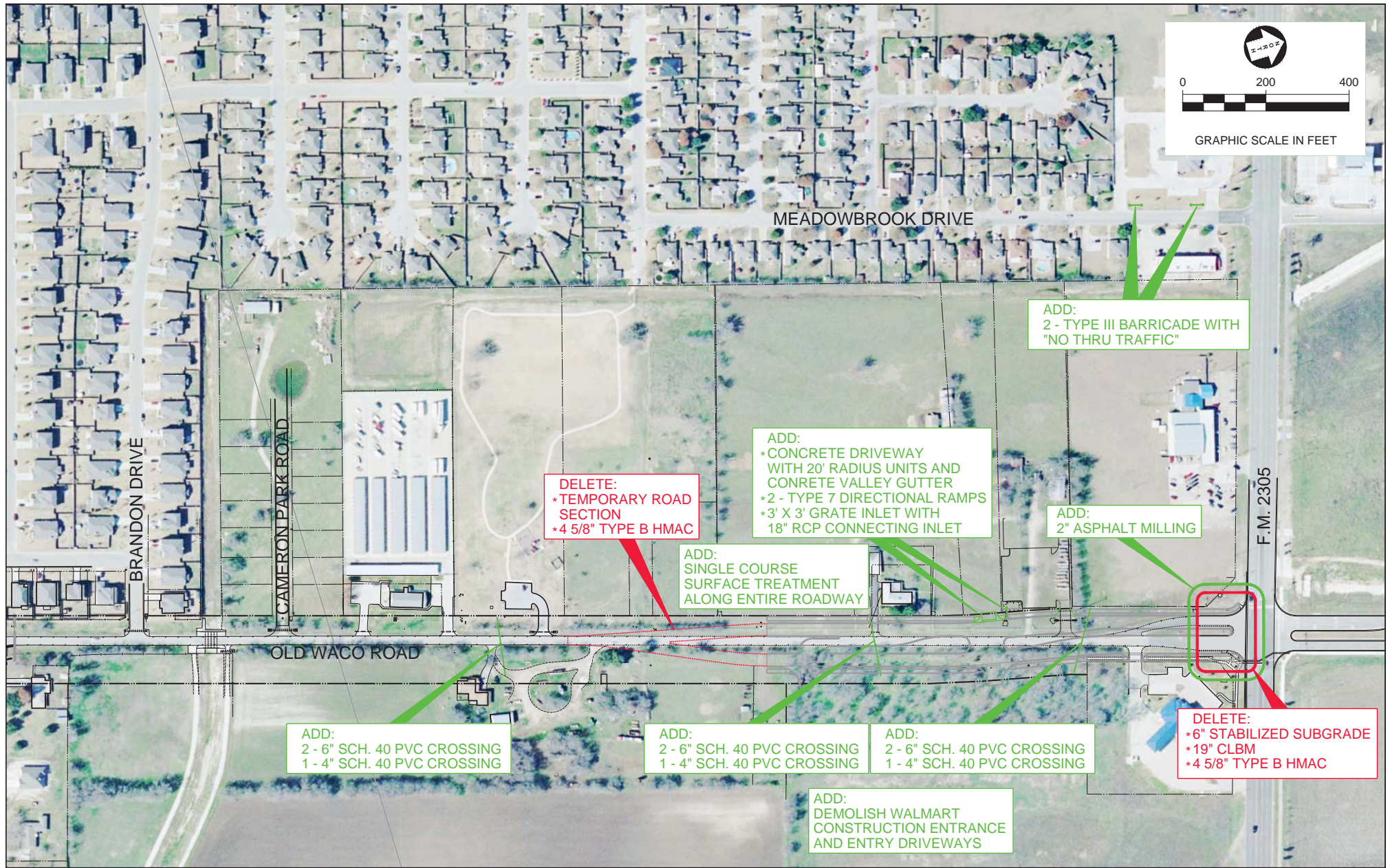
Approved as to Form:

Approved by Finance Department:

\_\_\_\_\_  
City Attorneys Office Date

\_\_\_\_\_  
Date





RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 TO THE OUTER LOOP PHASE 3 (ADAMS AVENUE TO THE CHANNEL) CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, IN THE AMOUNT OF \$11,804.25, FOR CONSTRUCTION SERVICES REQUIRED FOR UTILITY RELOCATIONS, DRIVEWAY REMOVAL, DRIVEWAY CONSTRUCTION, AND ELIMINATION OF THE PROPOSED TEMPORARY ROADWAY SECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 4, 2014, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd. (RTS) for construction of the Outer Loop Phase 3 from Adams Avenue to the channel;

**Whereas**, subsequent to the award, ensuing developments associated within the construction limits have resulted in the identification of construction services to aid in the reopening of the closed roadway;

**Whereas**, these services include utility relocations, driveway construction, elimination of the proposed temporary roadway section in lieu of a single-course surface treatment and removal of the two temporary asphalt driveways serving the new Wal-Mart site;

**Whereas**, staff recommends authorizing Change Order No. 2 to the Outer Loop Phase 3 (Adams Avenue to the channel) construction contract with RTS in the amount of \$11,804.25, for construction services required for utility relocations, driveway removal, driveway construction, and elimination of the proposed temporary roadway section;

**Whereas**, funding for Change Order No. 2 is available in Account No. 365-3400-531-6813 and Account No. 520-5900-535-6521, Project No. 101121; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute Change Order No. 2 to the Outer Loop Phase 3 (Adams Avenue to the channel) construction contract with R.T. Schneider Construction Company, of Belton, Texas, in the amount of \$11,804.25 and after approval as to form by the City Attorney, for construction services required for utility relocations, driveway removal, driveway construction, and elimination of the proposed temporary roadway section.

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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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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08/06/15  
Item #11(A)  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a change order to the Prairie View Road Phase 1 (Research Blvd to North Pea Ridge Rd) construction contract with R.T. Schneider Construction Company, Ltd., for construction services required for street and water utility extensions in the amount of \$61,556.05, as well as, declare an official intent to reimburse the expenditures related to the utility portion of the change order with the issuance of 2015 Utility Revenue Bonds.

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

**ITEM SUMMARY:** On December 18, 2014, Council authorized a construction contract with RTS for construction of Phase 1 of Prairie View Road from Research Blvd to North Pea Ridge Rd.

The attached change order in the amount of \$61,556.05 includes the addition of a 12-inch check valve required to maintain operational flexibility between two water distribution pressure planes (\$28,011.70) and 900 linear feet of French drain required to direct ground water away from the street (\$33,544.35).

The original construction contract amount was \$7,689,762.90. Previous change orders totaling \$5,699 revised the contract amount to \$7,695,461.90. This change order represents a contract increase of \$61,556.05, or 0.8% of the original contract amount. The net increase in the contract amount including previous change orders is \$67,255.05, or 0.87% of the original contract amount.

The engineering consultant has reviewed the change order and recommends approval.

There is no proposed added time for the change order.



Original Contract Amount	\$ 7,689,762.90
Previous Net Change in Contract Amount	\$ 5,699.00
Net Change in Contract Amount	\$ 61,556.05
Revised Contract Amount	\$ 7,757,017.95
Original Contract Time	330 Days
Previous Net Change in Contract Time	72 Days
Net Change in Contract Time	0 Days
Revised Contract Time	402 Days
Original Final Completion Date	December 10, 2015
Revised Final Completion Date	February 25, 2016

**FISCAL IMPACT:** This project is being partially funded with issuance of Utility Revenue Bonds in FY 2015, and partially with TCIP funds. Funding is available in accounts as follows.

Account Number	Project #	Funding
561-5200-535-6862	100984	\$28,012
365-3400-531-6862	100984	\$33,544
Total		\$61,556

**ATTACHMENTS:**

[Recommendation Letter & Contractor Prices](#)  
[Project Map](#)  
[Change Order Map](#)  
[Resolution](#)





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

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One South Main Street  
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(254) 773-3731

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

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

June 18, 2015

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

Re: City of Temple, Texas  
Prairie View Ph.1, Research Parkway to North Pea Ridge

Dear Mr. Wilson:

Attached is Change Order #4 with a net difference of (\$61,556.05). This change order is comprised of two items. The first item adds a check valve assembly needed to control pressure differences between the 835 (west side) and 785 (east side) pressure zones. The assembly includes a 12-inch check valve and associated fittings necessary for integration with the proposed 12-inch waterline under construction. The contractor's price to furnish, install and test the check valve is \$28,011.70.

The second portion includes installing 900 linear feet of French drain (under drain pipe) needed to intercept and discharge ground water seepage into the proposed storm drain system for a portion of the roadway. The month of May was wetter than normal. Subsequently, ground water seepage was discovered during a recent drying period. French drains are a common method for managing underground water seeping along roadways and improves subsurface conditions thereby extending the overall life expectancy of street pavement sections. The contractor's price to furnish materials and install the French drain is \$33,544.35.

We have reviewed Change Order #4 and recommend it be processed and executed with respect to RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,

Michael C. Newman, P.E., CFM

MCN/mcn

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD  
KPA project file: 2013-128-40

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

## POST OFFICE BOX 876

BELTON, TEXAS 76513  
OFFICE (254) 933-2529 FAX (254) 933-9707

### CHANGE ORDER PROPOSAL

TO: KPA ENGINEERS  
ATTN: MIKE NEWMANN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/17/2015  
JOB: PRAIRIE VIEW  
TEMPLE, TX  
\_\_\_\_\_  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

#### CHANGE ORDER FRENCH DRAIN

1. 6" FRENCH DRAIN 900 LF X \$29.20\LF	\$26,280.00
2. LAYOUT	\$1,500.00
3. SUPERV \ BOND	\$1,389.00

SUBTOTAL: \$29,169.00

15% MARK-UP: \$4,375.35

TOTAL: \$33,544.35

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$33,544.35

SIGNED: \_\_\_\_\_ DATE: 6/17/2015

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA ENGINEERS  
ATTN: MIKE NEWMANN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 6/11/2015  
JOB: PRAIRIE VIEW  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### CHANGE ORDER 12" CHECK VALVE AND VAULT PER SHT WL-14

1. FURNISH AND INSTALL 12" CHECK VALVE AND VAULT	\$23,198.00
2. SUPERVISION AND BOND	\$1,160.00

SUBTOTAL: \$24,358.00

15% MARK-UP: \$3,653.70

TOTAL: \$28,011.70

Note: This change order becomes part of and in conformance with the existing contract.

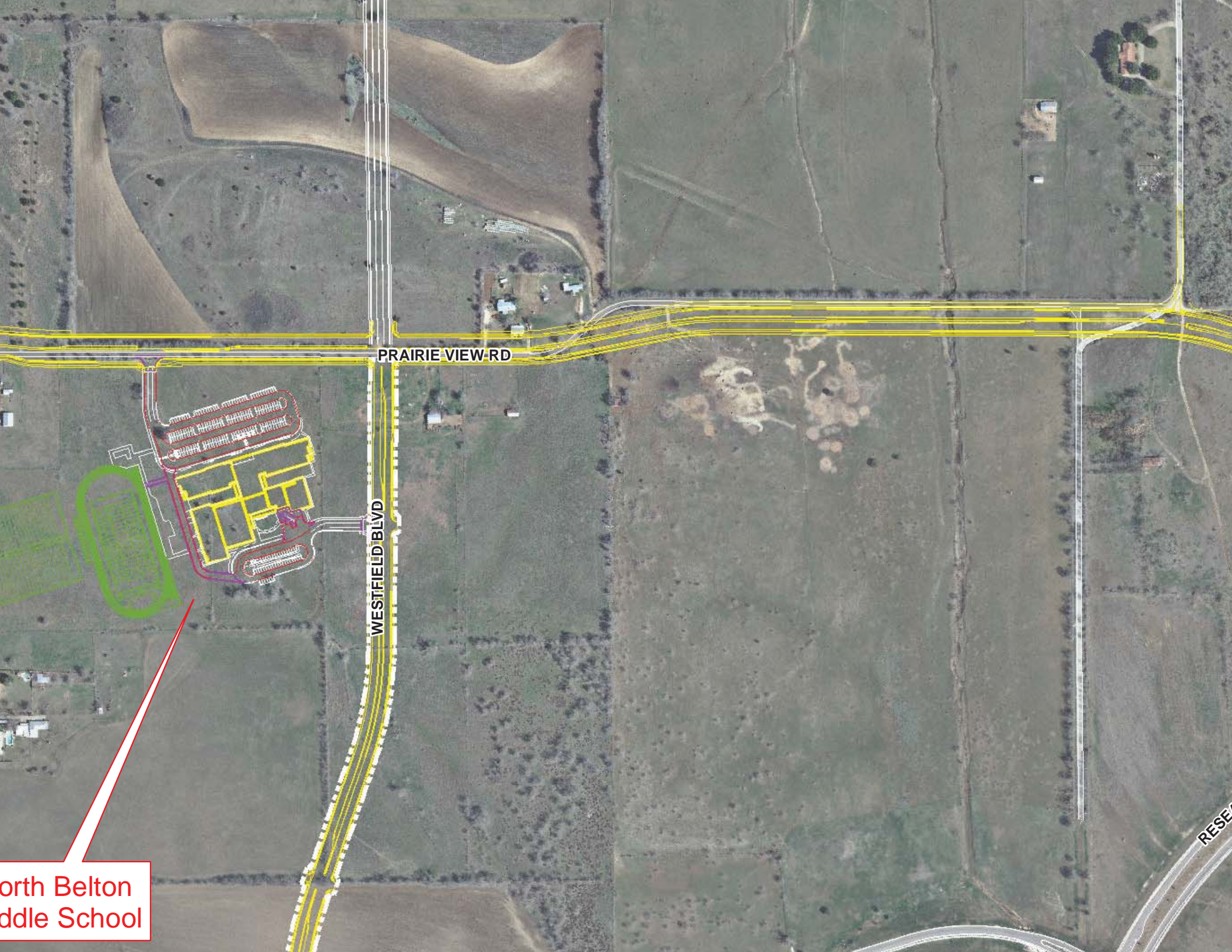
WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$28,011.70

SIGNED: \_\_\_\_\_ DATE: 6/11/2015

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_





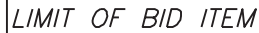
North Belton  
Middle School

PRAIRIE VIEW RD

WESTFIELD BLVD

RESE





NOT TO SCALE



NOTES:

1. Contractor's option to use 12" Ductile Iron Pipe or P.V.C. Pipe.
2. The check valve shall be a 12" CLA-VAL Model 585-LW or approved equal.
3. Frame and Cover shall be labeled "WATER". Top shall be 6" above finish grade.

NOT TO SCALE

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE PRAIRIE VIEW ROAD, PHASE I (RESEARCH BOULEVARD TO NORTH PEA RIDGE ROAD) CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, IN THE AMOUNT OF \$61,556.15, FOR CONSTRUCTION SERVICES REQUIRED FOR STREET AND WATER UTILITY EXTENSIONS; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES RELATED TO THE UTILITY PORTION OF THE CHANGE ORDER WITH THE ISSUANCE OF 2015 UTILITY REVENUE BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on December 18, 2014, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd. (RTS) for the construction of Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road;

**Whereas**, an additional 12-inch check valve is required to maintain operational flexibility between two water distribution pressure planes and 900 linear feet of French drain is required to direct ground water away from the street;

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

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

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

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

**Whereas**, staff recommends authorizing a change order to the Prairie View Road, Phase 1 (Research Boulevard to North Pea Ridge Road) construction contract with R.T. Schneider Construction Company, of Belton, Texas, in the amount of \$61,556.15, for street and water utility extensions;

**Whereas**, this project is being partially funded with the issuance of Utility Revenue Bonds for fiscal year 2015 and partially with TCIP funds - funding will be available in Account No. 561-5200-535-6862 and Account No. 365-3400-531-6862, Project No. 100984 to fund this change order; 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 change order to the Prairie View Road, Phase 1 (Research Boulevard to North Pea Ridge Road) construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, in the amount of \$61,556.15 and after approval as to form by the City Attorney, for construction services required for street and water utility extensions, as well as declare an official intent to reimburse the expenditures related to the utility portion of the change order with the issuance of 2015 Utility Revenue Bonds.

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

**Part 3:** It is hereby officially found and determined that the meeting at which this Resolution 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 6<sup>th</sup> day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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08/06/15  
Item #11(B)  
Regular Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting resolutions authorizing two change orders to the Prairie View Road Phase 1 (Research Blvd to North Pea Ridge Rd) construction contract with R.T. Schneider Construction Company, Ltd., in the amount of \$157,460.78 for construction of street extensions in the amount of \$157,460.78.

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

**ITEM SUMMARY:** On December 18, 2014, Council authorized a construction contract with RTS for construction of Phase 1 of Prairie View Road from Research Blvd to North Pea Ridge Rd.

The attached change order includes the addition of driveways, a median cut, and left-turn lanes for Crossroads Park and a temporary driveway to the north parking lot of the BISD North Belton Middle School. The temporary driveway is required to provide access for parents and teachers. The current driveway is closed due to Prairie View Road construction activities.

The original construction contract amount is \$7,689,762.90. Previous change orders totaling \$5,699 revised the contract amount to \$7,695,461.90. Change Order #4 presented for consideration proposes to revise the contract amount to \$7,757,017.95. This change order and Change Order #4 would revise the contract amount to \$7,914,478.73. This change order represents a contract increase of \$157,460.78 or 2.05% of the original contract amount. The net increase in the contract amount of previous and proposed change orders is \$224,715.83 or 2.92% of the original contract amount.

The engineering consultant has reviewed the change order and recommends approval.

There are 41 calendar days of additional time associated with this change order.

Original Contract Amount	\$ 7,689,762.90
Previous Net Change in Contract Amount	\$ 67,255.05
Net Change in Contract Amount	\$ 157,460.78
Revised Contract Amount	\$ 7,914,478.73
Original Contract Time	330 Days
Previous Net Change in Contract Time	77 Days
Net Change in Contract Time	41 Days
Revised Contract Time	443 Days
Original Final Completion Date	December 10, 2015
Revised Final Completion Date	April 6, 2016

**FISCAL IMPACT:** Funding is available in account 365-3400-531-6862, project #100984, in the amount of \$157,461 for Change Order #5 for RTS.

**ATTACHMENTS:**

[Recommendation Letter & Contractor Prices](#)  
[Temporary Driveway Map](#)  
[Park Driveway Map](#)  
[Resolution](#)



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

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

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

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

July 23, 2015

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

Re: City of Temple, Texas  
Prairie View Road Ph.1

Dear Mr. Wilson:

Attached is Change Order #5. This change order is comprised of multiple construction elements and pay items. The basis of the change order involves two parts. Part 1: provide driveways, median cut and left turn lanes for Crossroads Park and Part 2: provide a temporary driveway to the north parking lot of Belton Independent School District (BISD) Middle School while Prairie View Road is closed for construction. The total change order for Parts 1 & 2 is an additional \$ 157,460.78. The total contract time change is an additional 41 days.

The change in scope for Part 1 is to construct new driveways, median cut and left turn lanes to accommodate the new Crossroad Park. The driveways will be located consistent with the master plan for the new park facilities. Constructing the driveways, median cut and left turn lanes while Prairie View Road is under construction will avoid future inconveniences to the traveling public after Prairie View Road construction is completed. Roadway related construction costs have typically been trending upwards for several years, so using current bid item unit prices should be less expensive and the City should realize overall cost savings if trends continue. If the City were to construct the roadway without the driveways, median cut and left turn lanes, then some roadway materials could be demolished and potentially wasted in the near future. The bid items quantities that are added with Part 1 of this change order include: unclassified excavation, moisture conditioned subgrade, roadway base, chip seal emulsion & aggregate, hot mixed asphaltic cement, concrete driveways, median pavers, pedestrian ramps, pavement striping, waterline encasement, construction staking and other miscellaneous items. The bid items quantities that will be reduced with Part 1 of this change order include: concrete curb & gutter, median material, median trees and electrical conduit. The amount of contract time added will be 20 days.

The change in scope for Part 2 is to construct a temporary driveway for the BISD Middle school campus while Prairie View Road is closed for construction. City staff, KPA staff and BISD staff have met in the field on at least three occasions to discuss the construction impacts of Prairie View Road Ph.1 in relation to the new school year opening date on August 24, 2015. Prairie View Road construction is proceeding as quickly as possible, however, due to higher than normal spring to early



summer rains and other factors, the construction schedule has been impeded to the point that a temporary driveway is needed. The proposed temporary driveway will allow parents and teachers to use the north parking lot while Prairie View Road is closed for construction. It is anticipated that the temporary BISD driveway will be used throughout most of the fall and possibly longer depending on weather. The temporary BISD driveway will take access to Westfield Boulevard. A temporary median cut will allow traffic to turn off of Westfield into the temporary driveway and the north parking lot from Westfield Boulevard. The temporary BISD driveway will be wide enough for two lanes of vehicular traffic; one lane allowing for entering and one lane for exiting the school campus. The egress lane will be a right turn only at Westfield and will direct traffic back towards the West Adams/Westfield traffic signal or secondarily the West Adams/North Pea Ridge traffic signal via Stonehollow Drive. Discussions with the school district, thus far, have indicated that BISD may elect to construct a permanent exit lane with right turn only onto Westfield Boulevard. The bid item quantities that will be added with Part 2 of this change order include: right of way preparation, driveway excavation, subgrade preparation, horizontal saw cuts, median excavation, remove/replace curb, relocate tree, remove sidewalk, roadway base, hot mixed asphalt, traffic signage, traffic control, silt fence, surveying, and other miscellaneous items. The amount of contract time added will be 21 days.

We have reviewed Change Order #5 and recommend it be processed and executed with respect to RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Newman", followed by a horizontal line.

Michael C. Newman, P.E., CFM

MCN/mcn

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD  
KPA Project File: 2013-128-40

# CHANGE ORDER

PROJECT: **Prairie View Ph.1 Roadway Improvements**  
 OWNER: **City of Temple**  
 CONTRACTOR: **RT Schneider Construction Co LTD**  
 ENGINEER: **Kasberg, Patrick & Associates**  
 CHANGE ORDER #: **5**

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

**Add: Part 1 - Crossroads Park Driveways, Median Cut & Turn Lanes**

Item	Description	Quantity	Unit	Unit Price	Extended Amount
G-1	6-inches Moisture Conditioned Subgrade	1,667	SY	\$ 0.55	\$ 916.85
D-12	16-inch Type A Grade 2 Base	1,667	SY	\$ 13.03	\$ 21,721.01
AAC-1	One Course Chip Seal Emulsion	1,667	SY	\$ 1.28	\$ 2,133.76
AAC-2	One Course Chip Seal Aggregate	1,667	SY	\$ 0.86	\$ 1,433.62
D-13	4-inches Type B HMA	1,756	SY	\$ 17.80	\$ 31,256.80
D-14	2-inches Type C HMA	1,756	SY	\$ 10.50	\$ 18,438.00
D-7	Unclassified Roadway Excavation	2,836	CY	\$ 3.70	\$ 10,493.20
D-2	6" Concrete Driveways	355	SY	\$ 35.50	\$ 12,602.50
D-3	8" Crushed Limestone Base - Driveways	414	SY	\$ 7.20	\$ 2,980.80
D-33	Median Pavers	628	SY	\$ 11.00	\$ 6,908.00
C-4	TxDOT Pedestrian Ramp Type 7	4	EA	\$ 820.00	\$ 3,280.00
D-25	4-inch White Solid Striping	991	LF	\$ 0.42	\$ 416.22
F-2	24-inch Steel Encasement	60	LF	\$ 88.83	\$ 5,329.80
CO-5-1	Cut 12-inch Water Line install Steel Encasement	1	LS	\$ 3,600.00	\$ 3,600.00
CO-5-2	Survey Construction Staking Layout	1	LS	\$ 5,175.00	\$ 5,175.00
CO-5-3	Supervision/Bond	1	LS	\$ 5,436.00	\$ 5,436.00
	Contract Time	20	Days	<b>Add Subtotal</b>	<b>\$ 132,121.56</b>

**Add: Part 2 - BIRD Temporary Driveway**

Item	Description	Quantity	Unit	Unit Price	Extended Amount
D-11	Replace Curb & Gutter - Median	50	CY	\$ 11.00	\$ 550.00
A-2	Right of Way Prep	284	LF	\$ 14.35	\$ 4,075.40
D-7	Driveway Excavation	200	CY	\$ 3.70	\$ 740.00
G-1	Subgrade Preparation	885	CY	\$ 0.55	\$ 486.75
CO-5-4	Sawcut - Horizontal	133	LF	\$ 8.05	\$ 1,070.65
CO-5-5	Sawcut - Median	50	LF	\$ 8.05	\$ 402.50
CO-5-6	Median Excavation	1	LS	\$ 1,230.00	\$ 1,230.00
CO-5-7	Relocate Tree	1	EA	\$ 390.00	\$ 390.00
CO-5-8	Remove Sidewalk	30	SY	\$ 10.00	\$ 300.00
CO-5-9	Remove Concrete Curb & Gutter (Median)	50	LF	\$ 6.00	\$ 300.00
CO-5-10	Remove Bermuda Sod (Median)	45	SY	\$ 2.00	\$ 90.00
CO-5-11	Replace Bermuda Sod (Median)	45	SY	\$ 5.00	\$ 225.00
CO-5-12	8" Type A, Grade 2 Base	885	SY	\$ 8.52	\$ 7,540.20
CO-5-13	1 1/2" Type C HMA	885	SY	\$ 12.65	\$ 11,195.25
CO-5-14	Lane Direction Sign W6-3	2	EA	\$ 310.00	\$ 620.00
CO-5-15	Right Turn Only Sign R3-5R	2	EA	\$ 310.00	\$ 620.00
CO-5-16	Sidewalk Closed Sign R9-9	2	EA	\$ 310.00	\$ 620.00
CO-5-17	Road Closed Sign R11-2	1	EA	\$ 391.00	\$ 391.00
CO-5-18	Road Closed To Through Traffic Sign R11-4	1	EA	\$ 391.00	\$ 391.00
CO-5-19	Lane Ends Merge Right Sign W9-2R	1	EA	\$ 310.00	\$ 310.00
CO-5-20	8' Wide Type III Barricade	2	EA	\$ 400.00	\$ 800.00
CO-5-21	Traffic Barrels	35	EA	\$ 60.00	\$ 2,100.00
CO-5-22	Silt Fence	400	LF	\$ 2.50	\$ 1,000.00
CO-5-23	Demo HMA at Median	1	LS	\$ 250.00	\$ 250.00
CO-5-24	Replace Topsoil at Median	1	LS	\$ 930.00	\$ 930.00
CO-5-25	4" PVC Sleeves	56	LF	\$ 12.00	\$ 672.00
CO-5-26	Fire Hydrant Valve Adjustment	1	EA	\$ 500.00	\$ 500.00
CO-5-27	Layout - Temporary Construction Easement	1	LS	\$ 1,725.00	\$ 1,725.00
CO-5-28	Layout - Driveway	1	LS	\$ 1,725.00	\$ 1,725.00



CO-5-29	Bond/Mobilization	1	LS	\$	2,062.00	\$	2,062.00
	Contract Time	21	Days		<b>Add Subtotal</b>	\$	<b>43,311.75</b>
					<b>Total Add</b>	\$	<b>175,433.31</b>
	Total Time Added	41	Days				
<b>Part 1 - Crossroads Park Driveways, Median Cut &amp; Turn Lanes</b>							
<b>Delete:</b>							
<b>Item</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit</b>		<b>Unit Price</b>		<b>Extended Amount</b>
D-11	24-inch wide Concrete Curb & Gutter	-205	LF	\$	11.00	\$	(2,255.00)
D-34	Median Material	-2,241	SY	\$	3.38	\$	(7,574.58)
D-35	Median Trees	-19	EA	\$	390.00	\$	(7,410.00)
E-5	Schedule 40 PVC Conduit	-107	LF	\$	6.85	\$	(732.95)
					<b>Deduct Subtotal</b>	\$	<b>(17,972.53)</b>
<b>Delete:</b>	<b>Part 2 - BISD Temporary Driveway</b>						
<b>Item</b>	<b>Description - BISD Temporary Driveway</b>	<b>Quantity</b>	<b>Unit</b>		<b>Unit Price</b>		<b>Extended Amount</b>
None							
					<b>Total Deduct</b>	\$	<b>(17,972.53)</b>
					<b>Change Order Total</b>	\$	<b>157,460.78</b>

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

Original Contract Amount	\$	7,689,762.90
Previous Net Change in Contract Amount	\$	67,255.05
Net Change in Contract Amount (This Change Order No. 5)	\$	157,460.78
Revised Contract Amount	\$	7,914,478.73
Original Contract Time		330 days
Previous Net Change in Contract Time		77 days
Net Change in Contract Time		41 days
Revised Contract Time		448 days
Original Final Completion Date		December 10, 2015
Revised Final Completion Date		April 6, 2016

<b>Recommended By:</b>		<b>Recommended by:</b>	
_____		 7/23/15	
Project Manager (City Staff)	Date	Architect/Engineer	Date
<b>Agreed to:</b>		<b>Approved by City of Temple:</b>	
_____		Jonathan Graham, City Manager	
Contractor	Date		Date
<b>Approved as to form:</b>		<b>Approved by Finance Department</b>	

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA ENGINEERS  
ATTN: MICHAEL NEWMAN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 7/23/2015  
  
JOB: PRAIRIE VIEW ROAD  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

PAGE 1 OF 2

### TEMPORARY ROADWAY

SAWCUT - HORIZONTAL	133 LF	\$8.05	\$1,070.65
SAWCUT - MEDIAN	50 LF	\$8.05	\$402.50
MEDIAN EXCAVATION	1 LS	\$1,230.00	\$1,230.00
RELOCATE TREE	1 EA	\$390.00	\$390.00
REMOVE WALK	30 SY	\$10.00	\$300.00
REMOVE CURB & GUTTER - MEDIAN	50 LF	\$6.00	\$300.00
REPLACE CURB & GUTTER - MEDIAN	50 LF	\$11.00	\$550.00
REMOVE SOD	45 SY	\$2.00	\$90.00
REPLACE SOD	45 SY	\$5.00	\$225.00
RIGHT-OF-WAY PREP	284 LF	\$14.35	\$4,075.40
EXCAVATION	200 CY	\$3.70	\$740.00
SUBGRADE PREP	885 SY	\$0.55	\$486.75
8" CRUSHED LIMESTONE BASE	885 SY	\$8.52	\$7,540.20
1 1/2" ASPHALT	885 SY	\$12.65	\$11,195.25
LANE DIRECTION SIGN	2 EA	\$310.00	\$620.00
RT. TURN ONLY SIGN	2 EA	\$310.00	\$620.00
SIDEWALK CLOSED SIGN	2 EA	\$310.00	\$620.00
ROAD CLOSED SIGN	1 EA	\$391.00	\$391.00
ROAD CLOSED TO THRU TRAFFIC SIGN	1 EA	\$391.00	\$391.00
LANE MERGE SIGN	1 EA	\$310.00	\$310.00
TYPE III BARRICADES	2 EA	\$400.00	\$800.00
BARRELS	35 EA	\$60.00	\$2,100.00
SILT FENCE	400 LF	\$2.50	\$1,000.00
DEMO HMAC AT MEDIAN	1 LS	\$250.00	\$250.00

Note: This change order becomes part of and in conformance with the existing contract.

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE.

SIGNED: \_\_\_\_\_ DATE: 7/23/2015

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_



POST OFFICE BOX 876

BELTON, TEXAS 76513

## CHANGE ORDER PROPOSAL

TO: KPA ENGINEERS  
ATTN: MICHAEL NEWMAN

DATE: 7/23/2015

JOB: PRAIRIE VIEW ROAD  
TEMPLE, TX

**We hereby agree to make the change(s) specified below:**

PAGE 2 OF 2

## TEMPORARY ROADWAY

REPLACE TOPSOIL AT MEDIAN				\$930.00
4" SLEEVES	56	LF	\$12.00	\$672.00
FIRE HYDRANT VALVE ADJUST	1	EA	\$500.00	\$500.00
LAYOUT - EASEMENT	1	LS	\$1,725.00	\$1,725.00
LAYOUT - ROADWAY	1	LS	\$1,725.00	\$1,725.00
BOND / MOBILIZATION	1	LS	\$2,062.00	\$2,062.00

**Note: This change order becomes part of and in conformance with the existing contract.**

WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$43,311.75

SIGNED: \_\_\_\_\_ DATE: 7/23/2015

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

# R.T. SCHNEIDER CONSTRUCTION CO., LTD

POST OFFICE BOX 876

BELTON, TEXAS 76513

OFFICE (254) 933-2529

FAX (254) 933-9707

## CHANGE ORDER PROPOSAL

TO: KPA ENGINEERS  
ATTN: MIKE NEWMANN  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 7/21/2015

JOB: PRAIRIE VIEW  
TEMPLE, TX  
\_\_\_\_\_

We hereby agree to make the change(s) specified below:

### CHANGE ORDER PARK DRIVEWAYS STA 153+00 TO STA140+50 = 1250LF

1. SG PREP	1667SY X	\$0.55\SY	\$916.85
2. 16" BASE	1667SY X	\$13.03\SY	\$21,721.01
3. CHIP & SEAL EMUL	1667SY X	\$1.28\SY	\$2,133.76
4. SINGLE CHIP & SEAL	1667SY X	\$0.86\SY	\$1,433.62
5. 4" HMAC	1756SY X	\$17.80\SY	\$31,256.80
6. 2" HMAC	1756SY X	\$10.50\SY	\$18,438.00
7. EXCAVATION	2836CY X	\$3.70\CY	\$10,493.20
8. CURB DEDUCT	205LF X	\$11.00\LF	-\$2,255.00
9. CONCRETE DRIVES	355SY X	\$35.50\SY	\$12,602.50
10. 8" BASE @ DRIVES	414SY X	\$7.20\SY	\$2,980.80
11. PAVERS	628SY X	\$11.00\SY	\$6,908.00
12. SOD DEDUCT	2241SY X	\$3.38\SY	-\$7,574.58
13. TREE DEDUCT	19EA X	\$390.00\EA	-\$7,410.00
14. CONDUIT DEDUCT	107LF X	\$6.85\LF	-\$732.95
15. PED. RAMPS	4EA X	\$820.00\EA	\$3,280.00
16. SOLID STRIPES	991LF X	\$0.42\LF	\$416.22
17. 24" WATER CASING	60LF X	\$88.83\LF	\$5,329.80
18 CUTTING 12" SLEEVES			\$3,600.00
19. LAYOUT			\$5,175.00
20. SUPERV. \ BOND			\$5,436.00

DAYS ADD: 20

Note: This change order becomes part of and in conformance with the existing contract.

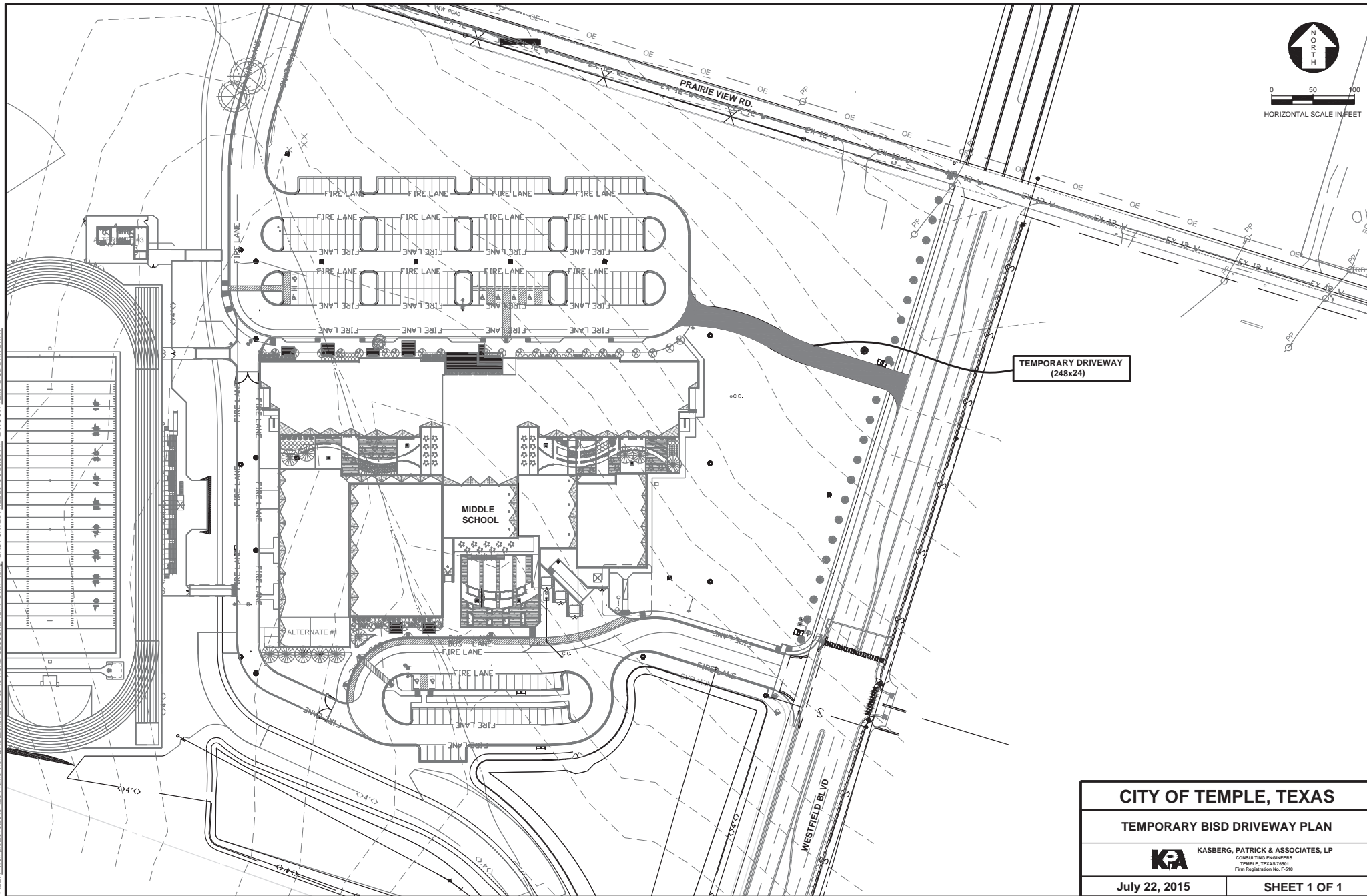
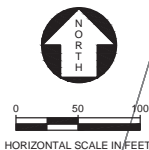
WE AGREE TO MAKE THE CHANGE(S) SPECIFIED ABOVE AT THIS PRICE. \$114,149.03

SIGNED: \_\_\_\_\_ DATE: 7/21/2015

ACCEPTED- THE ABOVE PRICES AND SPECIFICATIONS OF THIS CHANGE ORDER ARE SATISFACTORY AND HEREBY ACCEPTED. ALL WORK TO BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THE ORIGINAL CONTRACT UNLESS OTHERWISE STIPULATED.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_





TEMPORARY DRIVEWAY  
(248x24)

MIDDLE  
SCHOOL

ALTERNATE #1

WESTFIELD BLVD

CITY OF TEMPLE, TEXAS

TEMPORARY BISD DRIVEWAY PLAN



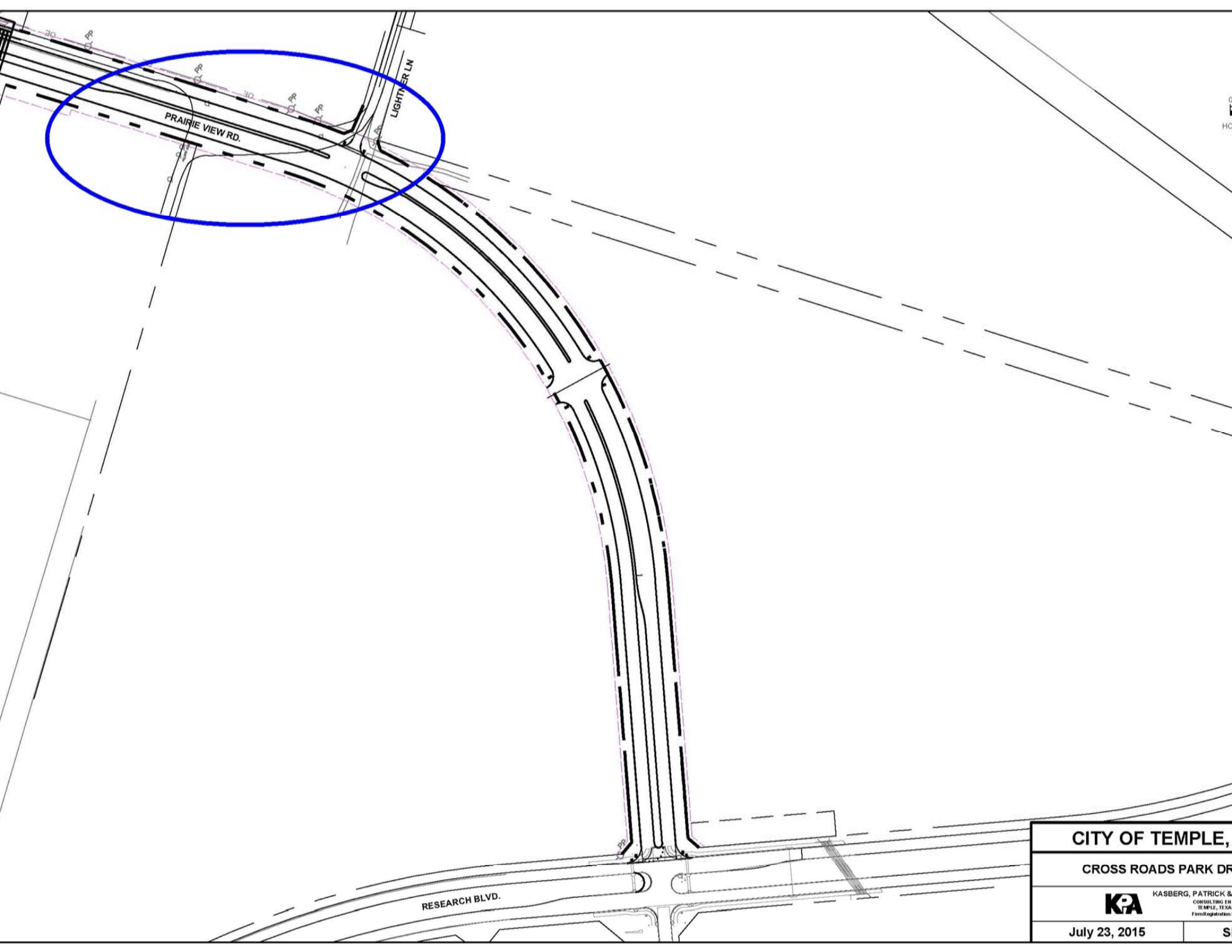
KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76701  
Firm Registration No. F-510

July 22, 2015

SHEET 1 OF 1

FILE: P:\Temple\2013\2013-128 Prairie-View\CADE\hnb2015-06-19 ROAD CLOSURE\TEMP DRWY.dwg LAST SAVED: 7/22/2015 5:25:36 PM LAYOUT: TEMP BISD DRIVEWAY





CITY OF TEMPLE,

CROSS ROADS PARK DR



KASBERG, PATRICK &  
CONSULTING EN  
TEMPLE, TEXAS  
Professional Engineer

July 23, 2015

S

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHANGE ORDER TO THE PRAIRIE VIEW ROAD, PHASE I (RESEARCH BOULEVARD TO NORTH PEA RIDGE ROAD) CONSTRUCTION CONTRACT WITH R.T. SCHNEIDER CONSTRUCTION COMPANY, LTD., OF BELTON, TEXAS, IN THE AMOUNT OF \$157,460.78, FOR CONSTRUCTION OF STREET EXTENSIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 18, 2014, Council authorized a construction contract with R.T. Schneider Construction Company, Ltd. (RTS) for construction of Phase 1 of Prairie View Road from Research Boulevard to North Pea Ridge Road;

**Whereas**, additional driveways, a median cut, left-turn lanes for Crossroads Park and a temporary driveway to the north parking lot of the BISD North Belton Middle School are included in this change order;

**Whereas**, the temporary driveway is required to provide access for parents and teachers, as the current driveway is closed due to Prairie View Road construction activities;

**Whereas**, staff recommends authorizing a change order to the Prairie View Road, Phase 1 (Research Boulevard to North Pea Ridge Road) construction contract with R.T. Schneider Construction Company, of Belton, Texas, in the amount of \$157,460.78, for construction of street extensions;

**Whereas**, funding for this change order is available in Account No. 365-3400-531-6862, Project No. 100984; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a change order to the Prairie View Road, Phase 1 (Research Boulevard to North Pea Ridge Road) construction contract with R.T. Schneider Construction Company, Ltd., of Belton, Texas, in the amount of \$157,460.78 and after approval as to form by the City Attorney, for construction of street extensions.

**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 **6<sup>th</sup>** day of **August**, 2015.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney