



MEETING OF THE

TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

3rd FLOOR – CONFERENCE ROOM

THURSDAY, NOVEMBER 5, 2015

3:30 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, November 5, 2015.
2. Receive an update on the Low Income Housing Tax Credit program.
3. Receive an update on the Community Development program.

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PROCLAMATIONS & SPECIAL RECOGNITIONS

3. (A) Arbor Day November 6, 2015
(B) Recognize the City employees who participated in the Day of Caring

IV. CONSENT AGENDA

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

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

Minutes

- (A) [October 2, 2015 Special Called Meeting](#)
- (B) [October 6, 2015 Special Called Meeting](#)
- (C) [October 9, 2015 Special Called Meeting](#)
- (D) [October 15, 2015 Special and Regular Meeting](#)
- (E) [October 20, 2015 Special Called Meeting](#)

Contracts, Leases, & Bids

- (F) [2015-7919-R](#): Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group in an amount not to exceed \$66,000 for legislative lobbying services through September 30, 2016.
- (G) [2015-7920-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with the Cultural Activities Center, in an amount not to exceed \$54,000 for operational support.
- (H) [2015-7921-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Bell County Human Services - Temple HELP Center, in an amount not to exceed \$50,000 for facility and operational support.
- (I) [2015-7922-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Temple Cemetery Company (Hillcrest Cemetery), in an amount not to exceed \$35,000 for operational support.
- (J) [2015-7923-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Hill Country Transit District, in an amount not to exceed \$130,000 for HOP fixed route and paratransit public transportation programs.
- (K) [2015-7924-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Keep Temple Beautiful, in an amount not to exceed \$55,000 for operational support.
- (L) [2015-7925-R](#): Consider adopting a resolution authorizing the following agreements with Hill Country Community Action Association, Inc., for the Meals on Wheels program:
 - (1) A Community Enhancement Grant agreement in an amount not to exceed \$25,000;
 - (2) A Public Service Agency Grant agreement in an amount not to exceed \$20,000.
- (M) [2015-7926-R](#): Consider adopting a resolution authorizing a Community Enhancement Grant agreement with NeighborWorks Housing Services of Waco, Inc., in an amount not to exceed \$25,000 for a down payment and closing cost Assistance Program.
- (N) [2015-7927-R](#): Consider adopting a resolution authorizing a one-year lease agreement with NeighborWorks Housing Services of Waco, Inc., for lease of space in the Historic Post Office, located at 101 North Main Street.
- (O) [2015-7928-R](#): Consider adopting a resolution authorizing a first amendment to the lease agreement with National Railroad Passenger Corporation, also known as Amtrak, for lease of space at the Santa Fe Depot.
- (P) [2015-7929-R](#): Consider adopting a resolution authorizing a lease renewal with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).

- (Q) [2015-7930-R](#): Consider adopting a resolution authorizing the following with respect to the procurement of natural gas for the compressed natural gas (CNG) fueling station:
- (1) A renewal to the memorandum of agreement with Choice! Energy Services of Houston, for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.15 per MMBtu; and
 - (2) The City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of natural gas, and when in the best interest of the City, enter into a contract commencing January 1, 2016, with the lowest responsible bidder for a period of 12 to 36 months for the commodity cost of natural gas used at the CNG fueling station.
- (R) [2015-7931-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Rancier Investments 1, LLC, in an amount not to exceed \$10,000 for improvements to property located at 1108 West Adams.
- (S) [2015-7932-R](#): Consider adopting a resolution authorizing a Developer Participation Agreement with KAM Homebuilders, Inc., in the not to exceed amount of \$78,000, for construction of a portion of Tanglehead Drive as a part of The Meadows Phase IV subdivision.
- (T) [2015-7933-R](#): Consider adopting a resolution authorizing the purchase of 201 East Avenue B, Temple, Texas, in the amount of \$85,000 and authorizing the payment of closing costs in an estimated amount of \$2,000.
- (U) [2015-7934-R](#): Consider adopting a resolution authorizing a purchase agreement with Kel-Lac Uniforms of San Antonio, in the estimated annual amount of \$42,181.41 for fire uniforms for FY2016.
- (V) [2015-7935-R](#): Consider adopting a resolution authorizing an annual purchase agreement with Ewing Irrigation Products of Harker Heights in the estimated annual amount of \$50,000 for irrigation supplies for FY2016.
- (W) [2015-7936-R](#): Consider adopting a resolution authorizing the purchase of ten Level IIIA ballistic vests from Miller Uniforms & Emblems, Inc., of Austin in an amount of \$26,998 for the SWAT Unit.
- (X) [2015-7937-R](#): (S-FY-15-02) Consider adopting a resolution granting a street use license to allow existing buildings and an existing chain-link fence on proposed Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.
- (Y) [2015-7938-R](#): Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple in the amount of \$101,600 for professional services required to design, bid, and construct improvements to Kegley Road at the intersection of FM 2305.
- (Z) [2015-7939-R](#): Consider adopting a resolution authorizing the Five Year Dedicated Access Services (Telephone and Data Service) agreement with Time Warner Cable in the amount of \$47,231 for the third year of the agreement.

- (AA) [2015-7940-R](#): Consider adopting a resolution authorizing a contract with ARC Abatement 1, LTD of Waco, in an amount not to exceed \$51,630 for the asbestos abatement of eight residential structures.

ORDINANCES – SECOND & FINAL READING

- (BB) [2015-4735](#): SECOND READING – Z-FY-15-24: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to Commercial District (C) on portions of Lots 1 and 2, Block 1, Country Club Heights Addition, located at 29 North 43rd Street, at the southeast corner of North 43rd Street and West Adams Avenue.
- (CC) [2015-4736](#): SECOND READING – Z-FY-15-25: Consider adopting an ordinance authorizing a rezoning from Agriculture District (AG) to Single Family Dwelling District Three (SF3) on a 21.905 +/- acre tract of land situated in the Nancy Chance survey, Abstract No 5, Bell County, Texas, located on the west side of Old Waco Road, south of Freedom Drive, east of Neuberry Cliffe.

Misc.

- (DD) [2015-7941-R](#): Consider adopting a resolution authorizing submission of an application and acceptance of funding through the Killeen Temple Metropolitan Planning Organization (KTMPPO) Category 7 program, in the amount of \$2,592,000 through federal funding for the construction of Prairie View Road and associated enhancements for a total project cost of \$6,480,000.
- (EE) [2015-7942-R](#): Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the renovations of Wilson Park Recreation Center and Sammons Community Center.
- (FF) [2015-7943-R](#): Consider adopting a resolution authorizing a payment of \$159,269 to the Bell County Health District for food protection and environmental services.
- (GG) [2015-7944-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

5. [2015-4737](#): FIRST READING - PUBLIC HEARING - Z-FY-15-26: Consider adopting an ordinance authorizing a Conditional Use Permit allowing the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption in Suite 70 of the Gateway Center, located at 4501 South General Bruce Drive.

RESOLUTIONS

6. **2015-7945-R:** Consider adopting a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code and Chapter 4 of the Code of Ordinances between establishments with alcoholic beverage sales for on-premise consumption and places of worship for property located at the Gateway Center, 4501 South General Bruce Drive, Suite 70.
7. **2015-7946-R:** Consider adopting a resolution authorizing proceeding with the issuance of one or more series of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation (C.O.) and directing the Publication of Notice of intention to issue Certificates of Obligation in an amount not to exceed \$21,750,000.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 11:00 AM, on Friday, October 30, 2015.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

11/05/15
Item #4(A-E)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

- (A) October 2, 2015 Special Called Meeting
- (B) October 6, 2015 Special Called Meeting
- (C) October 9, 2015 Special Called Meeting
- (D) October 15, 2015 Special and Regular Meeting
- (E) October 20, 2015 Special Called Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

ITEM SUMMARY: Copies of minutes are enclosed for Council review.

FISCAL IMPACT: N/A

ATTACHMENTS:

[October 2, 2015 Special Called Meeting](#)
[October 6, 2015 Special Called Meeting](#)
[October 9, 2015 Special Called Meeting](#)
[October 15, 2015 Special and Regular Meeting](#)
[October 20, 2015 Special Called Meeting](#)

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

OCTOBER 2, 2015

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Friday, October 2, 2015, at 8:30 AM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

Councilmember Perry Cloud
Councilmember Timothy Davis
Councilmember Judy Morales
Mayor Daniel A. Dunn

Absent:

Mayor Pro-Tem Russell Schneider

I. CALL TO ORDER

1. Invocation

Councilmember Judy Morales voiced the Invocation.

2. Pledge of Allegiance

Councilmember Perry Cloud led the Pledge of Allegiance.

II. REGULAR AGENDA

3. 2015-4733: SECOND READING: Consider adopting an ordinance authorizing the annexation of approximately 282.73 acres of City-owned property located to the south of Little Flock Road and to the West of Bob White Road to be used for future expansion of the City of Temple landfill.

Brian Chandler, Director of Planning, presented this Item to Council.

Motion by Mayor Pro-Tem Russell Schneider adopt ordinance. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

ORDINANCES

4. **(A) 2015-4731: SECOND READING - PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 1.494 acres located at 10252 West Adams Avenue as City of Temple Tax Abatement Reinvestment Zone Number 31 for commercial/industrial tax abatement.**

Kayla Landeros, City Attorney, presented this Item to Council. The proposed ordinance designates a tract of land consisting of approximately 1.494 acres and located at 10252 West Adams Avenue as Tax Abatement Reinvestment Zone Number 31 for commercial/industrial tax abatement.

The tract proposed for designation as a tax abatement reinvestment zone will be the location of a corporate headquarters. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. The tax abatement agreement for the improvements is item #4(B) on the agenda.

Mayor Dunn declared the Public Hearing open with regards to Agenda Item 4(A) and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt ordinance. seconded by Councilmember Judy Morales.

Motion passed unanimously.

- (B) 2015-7895:R: Consider adopting a resolution authorizing a tax abatement agreement with Bush's Chicken United, covering increases in the taxable value of real property for a 1.494 acre tract of land (Tax Abatement Reinvestment Zone Number 31) located at 10252 West Adams Avenue in Temple.**

Kayla Landeros, City Attorney, presented this Item to Council. Consider adopting a resolution authorizing a tax abatement agreement with Bush's Chicken United, covering increases in the taxable value of real property for a 1.494 acre tract of land (Tax Abatement Reinvestment Zone Number 31) located at 10252 West Adams Avenue in Temple.

The proposed resolution authorizes the City Manager to

execute an agreement with Bush's Chicken United ("Bush's"), which if approved gives the company five years of 45% tax abatement on the increased taxable value of real property improvements on a 1.494 acre tract of land located at 10252 West Adams Avenue in Temple.

The proposed agreement covers approximately 1.494 acres of land that has been designated as City of Temple Tax Abatement Reinvestment Zone Number 31. The site will be the location of Bush's corporate headquarters. The tax abatement applies only to *new* real property improvements. The agreement provides that the tax abatement period commences in the first full calendar year after the corporate headquarters opens for business.

Bush's timely filed an application to receive tax abatement on improvements to real property proposed for a corporate headquarters to be constructed on the tract described above. The City Council has previously approved an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of the construction of Bush's corporate headquarters. Bush's estimates that its investment will be in the neighborhood of \$1.4 million. The actual value of the improvements, and the value of our tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates real property improvements which meet the criteria for granting a 45% tax abatement for 5 years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between Bush's and any of the taxing entities which sign the agreement even if not all sign.

Additionally, the agreement has all of the other terms required by Chapter 312 of the Texas Tax Code for tax

abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring Bush's to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

Bush's application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's commercial growth, which would not have occurred in the absence of tax abatement.

The tax abatement agreement with Bush's Chicken would have the potential of abating approximately \$19,839 over the life of the agreement (45% for five years) using the City's current tax rate of \$0.6298 per \$100 value. This amount is based on an estimated increase in the appraised value of real property improvements of \$1.4 million.

Motion by Councilmember Perry Cloud adopt resolution. seconded by Councilmember Timothy Davis.

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary

SPECIAL MEETING OF THE TEMPLE CITY COUNCIL

OCTOBER 9, 2015

The City Council of the city of Temple, Texas conducted a Special Called Meeting on Friday, October 9, 2015, at 9:00 A.M. in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

Present:

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

I. CALL TO ORDER

1. Invocation

Councilmember Davis voiced the Invocation.

2. Pledge of Allegiance

Mayor Pro Tem Russell T. Schneider led the Pledge of Allegiance.

II. PUBLIC APPEARANCES

3. Receive presentation from Dr. Robin Battershell, TISD Superintendent, regarding the November 2015 Bond Election.

Dr. Battershell provided a brief update to the Council with regards to the upcoming bond election for November 2015 in the amount of \$136.5 million.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary

TEMPLE CITY COUNCIL

OCTOBER 15, 2015

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

Present:

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

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, October 15, 2015.**
- 2. Discuss proposed ordinance regulating Credit Access Businesses, also known as Payday Lenders, and proposed zoning amendments to the City of Temple's Unified Development Code related to Credit Access Businesses.**

Ms. Landeros provide an overview to the Council. She note that in August, City Staff, the United Way, and members of the community provided information to Council on the lending practices of payday and auto-title lenders, also referred to under State law as "credit access businesses" (CABs). Discussion was with regards to alleged predatory lending practices; State regulations of CABs; a Model city ordinance drafted by TML and then zoning regulations with regards to CABs.

CABs are licensed by the Office of the Consumer Credit Commissioner. They are defined as a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan. Licenses may be suspended or revoked by the OCCC if a CAB fails to pay the annual license fee or violates any other rule under Chapter 393 of the Finance Code. Ms. Landeros also reviewed other regulations by the state to be quarterly reports.

TML drafted a proposed Ordinance regulating CABs; which has been adopted by 25 cities. Ms. Landeros reviewed the model ordinance with Council and stated that if it is Council's desire to regulate CABs, then it is staff's recommendation to use the model ordinance.

Mayor Dunn stated that the State of Texas has least amount of restrictions

on CABs.

Councilmember Davis inquired on how many were currently in the City.

Mr. Chandler stated the City currently has 15.

Mr. Chandler then reviewed the zoning regulations dealing with CABs. Option 1 - (1) distance requirement of 1000 feet; (2) allow in O-1, O-2, GR, C LI and HI Districts; (3) require a CUP subject to the existing UDC criteria; and (4) prohibit on Major Arterial or Above . Option 2 - pick and choose combination of recommendations; Option 3 - Require only a CUP; or Option 4- Status Quo.

Mayor Dunn stated the State regulates a lot of stuff; but the City has to regulate what the State doesn't want to. It is the Cities responsibility to offer a better life to its citizens. Option 1 needs to be looked at.

Councilmember Morales stated our community hurts; and we need to take this to a vote.

Councilmember Davis stated at some point one must take personal responsibility. This is all about personal choices; and he noted he is not in favor of the city regulating businesses in order to protect people from themselves. He stated this does not need to be brought forward.

Mayor Pro Tem Schneider stated this does not need to be brought forward; but we need to encourage other businesses to promote alternative methods for there employees to use.

Councilmember Morales asked if zoning could be brought forward for a vote.

Mayor Dunn stated yes.

3. Discuss proposed amendments to the City's Code of Ordinances relating to the regulation of public nuisances.

Ms. Landeros provided an overview to the Council. Currently Chapter 16 covers the Nuisance ordinance but what we're proposing is to remove the Nuisance ordinance from Chapter 16 and create a new chapter and reorganizing. The proposed changes would be to delete Chapter 16, Article IV; delete Chapter 37, Section 37.108 "Parking in Residential Yards" and Chapter 37, Article V "Junked Motor Vehicles"; and to move "Nuisances" to it's own "new" chapter to include general public nuisances, junked vehicles, and parking in yards.

Ms. Landeros noted some of the amendments to include general language and outdate language; change mailing requirements for high grass from certified mail to first class mail with a certificate of mailing; prohibit

overgrown/uncultivated bamboo.

Another recommendation is to allow a "wildflower exception" from Mary 1st to May 31st Street; and to codify a prohibition of accumulation of appliances, "indoor" furniture, etc. not screened from public view.

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

Present:

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

I. CALL TO ORDER

1. Invocation

Pastor Robert Curtis voiced the Invocation.

2. Pledge of Allegiance

Kevin Beavers, Director of Parks and Recreation lead the Pledge of Allegiance.

II. PUBLIC COMMENTS

Gene Pemberton, 3909 Sumac Drive spoke about Joe Greene and stated he supported the renaming of the field.

Joe Ramirez, 1102 North 6th Street, thanked the Police Department for taking care of the issues in the neighborhood; he appreciates the effort. However he still has concerns with street lights being out on Main Street between Houston and King. There are approximately 15 street lights out. He asked the city if they can get them reported and back on. He also address the speed limit on 1st street near bridge as well as noted the speed limit at Central and 3rd Street is too high and a turn lane is needed.

Bobbie Thompson, 1107 s 10th street - thanked the council - Jeff Hamilton Park - swings, volleyballs, adn a splash park

III. PUBLIC APPEARANCE

3. Receive comments from Mr. Sam Sayles advocating banning of cell phones while driving.

Mr. Sayles, driver for the HOP, expressed his concerns to the Council. Asking that the city regulate the use of phones while driving.

IV. PROCLAMATIONS & SPECIAL RECOGNITIONS

4. (A) Affordable Housing Month October 2015

Mayor Dunn presented the proclamation for Affordable Housing Month.

V. CONSENT AGENDA

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

(A) October 1, 2015 Regular and Special Called Meeting

(B) 2015-7896-R: Consider adopting a resolution authorizing a renewal and four one-year extensions to an agreement with GSMS - 2005 GG4 Temple Retail, LLC to provide Temple police officers for patrol work in and around the Temple Mall.

(C) 2015-7897-R: Consider adopting a resolution authorizing a professional services agreement with Turley Associates, Inc., of Temple, in an amount not to exceed \$95,500, for professional services for the wastewater line replacement along West Avenue P between 39th and 57th Streets.

(D) 2015-7898-R: Consider adopting a resolution authorizing a professional services agreement with BSP Engineers, Inc., of Temple, in an amount not to exceed \$73,710, for professional services for wastewater line replacement along North 5th Street to Jackson Creek.

(E) 2015-7899-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP, of Temple, in the amount of \$1,341,555, for services required to design and bid the Temple-Belton Wastewater Treatment Plant's first phase of expansion.

(F) 2015-7900-R: Consider adopting a resolution authorizing the purchase of one brush chipper in the amount of \$46,412.80 from Bandit Industries, Inc.

(G) 2015-7901-R: Consider adopting a resolution authorizing the purchase of one bucket truck in the amount of \$143,659 from Houston Freightliner, Inc., of Houston.

(H) 2015-7902-R: Consider adopting a resolution authorizing the purchase of two mini excavators in the amount of \$83,418 from Holt Cat, of Dallas.

(I) 2015-7903-R: Consider adopting a resolution authorizing the purchase of a mower in the amount of \$33,477 from Professional Turf Products, LP of San Antonio.

(J) 2015-7904-R: Consider adopting a resolution authorizing a construction contract with Austin Traffic Signal Construction Co, Inc., of Pflugerville in the amount of \$213,284 for the reconstruction of a traffic signal at South 1st Street and West Avenue R.

(K) 2015-7905-R: Consider adopting a resolution authorizing a construction contract with Camden Enterprises, LLC, of Belton in the estimated annual amount of \$50,000 for carpentry and minor building remodel and repair services.

(L) 2015-7906-R: Consider adopting a resolution authorizing a services agreement with Schindler Elevator Corporation of Austin, in the estimated annual amount of \$29,915, for elevator repair and maintenance.

(M) 2015-7907-R: Consider adopting a resolution authorizing a services agreement with Evans Enterprises, Inc., of Waco in the estimated annual amount of \$100,000 for electric motor and pump repair services.

(N) 2015-7908-R: Consider a resolution authorizing an agreement with the Un-Included Club, Inc., to provide space for recreational programs for low income children.

(O) 2015-7909-R: Consider adopting a resolution authorizing an interlocal agreement with the Texas Department of Motor Vehicles for the marking of motor vehicle registration records.

(P) 2015-7910-R: Consider adopting a resolution authorizing an interlocal agreement with the Temple Independent School District for school resource officers.

(Q) 2015-7911-R: Consider adopting a resolution authorizing an interlocal agreement with the Belton Independent School District for school resource officers.

(R) 2015-4734: SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment

Financing Reinvestment Zone No. 1 Financing and Project Plans to appropriate additional tax increment revenue and expenditures for public improvements for years FY 2015-2062.

(S) 2015-7912-R: Consider adopting a resolution designating the Temple Daily Telegram as the official newspaper for the City for fiscal year 2015-2016, in accordance with Section 4.18 of the Charter of the City of Temple.

(T) 2015-7913-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2014-2015.

Motion by Councilmember Perry Cloud adopt the Consent Agenda seconded by Councilmember Judy Morales.

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES- SECOND READING/PUBLIC HEARING

- 6. (A) 2015-4732: SECOND READING - PUBLIC HEARING - Consider adopting an ordinance designating a tract of land consisting of approximately 54.993 acres and located at 4141 Lucius McCelvey Drive as City of Temple Tax Abatement Reinvestment Zone Number 32 for commercial/industrial tax abatement.**

Kayla Landeros, City Attorney presented items (A) & (B) to the Council. The proposed ordinance designates a tract of land consisting of approximately 54.993 acres and located at 4141 Lucius McCelvey Drive as Tax Abatement Reinvestment Zone Number 32 for commercial/industrial tax abatement.

A distribution center currently exists on the tract proposed for designation as a tax abatement reinvestment zone and the proposed project includes an expansion of the existing facility. The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. The proposed tax abatement agreement for the improvements for Council's consideration, is item #6(B).

The proposed resolution authorizes the Mayor to execute an agreement with Temple TX Statutory Trust (the "Trust") and Performance Food Group, Inc. ("PFG"), which, if approved, gives the Trust and PFG five years of 100% tax abatement on

the increased taxable value of real property improvements on a 54.993 acre tract of land located at 4141 Lucius McCelvey Drive in Temple.

The proposed agreement covers approximately 54.993 acres of land that has been designated as City of Temple Tax Abatement Reinvestment Zone Number 32. The site is owned by the Trust and is leased by PFG. The site is the current location of PFG's distribution center. PFG is planning an expansion of its facility to include a 47,000 square foot expansion of its dry warehouse area, a 20,000 square foot expansion of the freezer area, and a 9,000 square foot expansion of the cooler area. A Customer Will Call area will also be added to the building. The tax abatement applies only to *new* real property improvements. The agreement provides that the tax abatement period commences in the first full calendar year after the expansion areas open for business.

The Trust and PFG timely filed an application to receive tax abatement on improvements to real property to be constructed on the tract described above. The City Council has previously approved an ordinance designating the property on which the improvements will be located as a tax abatement reinvestment zone. Tax abatement is being sought for real property improvements consisting of the construction of an expansion to PFG's existing distribution center. PFG estimates that its investment will be in the neighborhood of \$11.4 million. The actual value of the improvements, and the value of the City's tax abatement, is dependent on appraisal by the Bell County Appraisal District.

The City's Economic Development Policy sets out the criteria and guidelines for granting tax abatement. The renovations proposed meet the minimum criteria established for tax abatement consideration. The proposed improvements fall within the definition of "eligible facilities" in the criteria. The application indicates planned real property improvements which meet the criteria for granting a 100% tax abatement for five years.

The Staff has provided the other taxing entities involved with notice and a copy of the proposed agreement. Under State law, the other taxing entities will have 90 days to elect to enter into an agreement with identical terms. The proposed agreement is drafted for the signature of each taxing entity, but will be effective between PFG and any of the taxing entities which sign the agreement even if not all sign.

Additionally, the agreement has all of the other terms required

by Chapter 312 of the Texas Tax Code for tax abatement agreements, including provisions: (1) listing the kind and number of improvements; (2) providing for inspections of the facility by the taxing entities; (3) requiring compliance with State and local laws; (4) recapturing abated taxes in the event of a default under the agreement; and (5) requiring PFG and/or the Trust to annually certify to all the taxing entities that it is in compliance with all of the terms and conditions of the agreement.

The application meets the standards for granting tax abatement on the increase in real property improvements established by the City's Criteria and Guidelines for tax abatement. The City Council has discretion whether to approve an application for tax abatement and to increase the percentage of tax abatement over the recommended percentage specified in the matrix in the City's Criteria and Guidelines for tax abatement. The agreement should add to the continued development of the City's commercial growth, which would not have occurred in the absence of tax abatement.

The tax abatement agreement with Temple TX Statutory Trust and Performance Food Group, Inc. would have the potential of abating approximately \$358,986 over the life of the agreement (100% for five years) using the City's current tax rate of \$0.6298 per \$100 value. The amount is based on an estimated increase in the appraised value of real property improvements of \$11.4 million.

Mayor Dunn declared the public hearing open with regards to agenda item 6(A) and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Judy Morales adopt ordinance on second and final reading seconded by Councilmember Tim Davis.

Motion passed unanimously.

(B) 2015-7914-R: Consider adopting a resolution authorizing a tax abatement agreement with Temple TX Statutory Trust and Performance Food Group, Inc., covering increases in the taxable value of real property for a 54.993 acre tract of land (Tax Abatement Reinvestment Zone Number 32) located at 4141 Lucius McCelvey Drive in Temple.

Motion by Councilmember Tim Davis adopt resolution seconded by Councilmember Perry Cloud.

Motion passed unanimously.

ORDINANCES- FIRST READING/PUBLIC HEARING

- 7. 2015-4735: FIRST READING - PUBLIC HEARING - Z-FY-15-24: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to Commercial District (C) on portions of Lots 1 and 2, Block 1, Country Club Heights Addition, located at 29 North 43rd Street, at the southeast corner of North 43rd Street and West Adams Avenue.**

Tammy Lyerly, Planner presented this case to the Council. The applicant requests a rezoning from Two-Family District (2F) to Commercial District (C) for the construction of a 2-story "model" house to display materials used in his home construction projects. The Commercial District does not comply with the Future Land Use Plan (FLUP) recommendation of Auto-Urban Residential Uses for the subject property. Uses permitted in the Commercial District are not compatible with residential uses. Based on these reasons, staff is unable to support a rezoning to Commercial District for the property.

Staff recommends approval of a rezoning from Two Family Dwelling District (2F) to Office One District (O-1). The proposed rezoning demonstrates the following: (1) Non-Compliance with the Future Land Use Plan; (2) Compatibility with surrounding zoning and land uses; (3) Compliance with the Thoroughfare Plan; and (4) Public facilities are available to serve the subject property.

Since Office One District (O-1) is a less intensive zoning district than Commercial District (C), City Council has the authority to recommend approval of a rezoning to Office One District (O-1) without the need to re-advertise this rezoning case to the public.

Mayor Pro Tem Schneider asked if we could exclude duplexes?

Ms. Lyerly, stated it would have to have planned development site plan and come to Council. She also note the driveway would be on North 43rd Street.

Mr. Chandler also added that a duplex requires 60ft lot width and this lot does not comply with, therefore a variance would have to be granted.

Mayor Dunn declared the public hearing open with regards to agenda item 7 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the public hearing closed.

Motion by Mayor Pro Tem Russell Schneider adopt ordinance with staff's recommendation for rezoning to Office-one (O1) on first reading and set the second and final reading for November 5, 2015. seconded by Councilmember Tim Davis.

Motion passed unanimously.

- 8. 2015-4736: FIRST READING - PUBLIC HEARING - Z-FY-15-25: Consider adopting an ordinance authorizing a rezoning from Agriculture District (AG) to Single Family Dwelling District Three (SF3) on a 21.905 +/- acre tract of land situated in the Nancy Chance survey, Abstract No 5, Bell County, Texas, located on the west side of Old Waco Road, south of Freedom Drive, east of Neuberry Cliffe.**

Mark Baker, Planner presented this case to the Council. This rezoning (Z-FY-15-25), requested by John Kiella on behalf of Kiella Land Development and Hills of Westwood development, specifically, the recent Hills of Westwood, Phase II, resulted in the necessity to acquire the subject 21.9 +/- acres to address connectivity issues. These issues were identified during the Development Review process for a needed third access point relative to circulation. The proposed rezoning and anticipated plat will be a step toward the developer meeting that commitment which has been agreed between the applicant and the City.

While a plat has not been formally submitted, the developer has provided (attached), a conceptual lot layout for 96 lots. It is further anticipated that the lots will be approximately 6,000 square feet (60' X 110') in area, which is comparable to what is already established in the Hills of Westwood. The plat, when submitted, will be reviewed by the Design Review Committee (DRC) and forwarded to the Planning & Zoning Commission for review, when deemed administratively complete. Development of the subject property is needed to provide the necessary third access point for the Hills of Westwood Phase to the west.

The property is within both the Suburban Residential and the Suburban Commercial land use district. The requested SF-3 zoning district is in full compliance with the Suburban Residential FLUP designation, which is intended for mid-sized single family lots. However, a portion, measuring about 120 feet in depth of the eastern-most portion of the subject property, is within the Suburban Commercial FLUP district. Suburban Commercial is intended for

office, retail and service uses and not entirely consistent with the SF-3 rezoning request. However, it should be noted that the remaining Suburban Commercial designated land area includes frontage onto Old Waco Road and approximately 625 feet remains, which is more than adequate for non-residential development purposes. While this land area is not part of the current rezoning request, it is currently zoned Agriculture (AG) and would be anticipated to be rezoned to a non-residential district at some point in the future. The intent of the FLUP is met by this rezoning request as well as the intent to retain opportunity for retail and service opportunity along Old Waco Road. The FLUP will need to be updated for the portion of the rezoning boundary within the Suburban Commercial designation, if the SF-3 zoning district is approved by City Council.

The requested property has direct access to the future Tarver Road alignment on the northern boundary of the property. Tarver Road is identified as a collector road and the portion on the northern boundary is shown as a proposed collector. As a collector road, a 4-foot minimum sidewalk is required and would be addressed through the platting process. As discussed earlier, a residential subdivision plat is anticipated, although no time has been established as to when that will occur. In addition, according to the Public Works Department, the extension of Tarver Road is a TCIP-funded project for fiscal year 2016 but subject to the acquisition of needed right of way along the Tarver Road alignment and Old Waco Road.

Sewer is available to the subject property through an existing 10" sewer line in the Tarver Drive alignment on the northern property boundary. Water is available through an existing 12" water line in Tarver Drive and an 8" water line in Coastal Dr. Water is also available through both a 4" and 24" water line in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance The Trails Master Plan identifies a proposed City-wide spine trail along Old Waco Road. Trail improvements (sidewalk) would be addressed at the platting stage of development. It should be noted however, that since the plat does not front on Old Waco Road and Old Waco Road improvements as the Outer Loop", will coincide with future City-initiated widening of Old Waco Road.

Sixty-four notices, representing sixty-two property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday October 6, 2015 at 9:00 AM, seven notices for approval, one notice for denial and four notices as undeliverable have been received.

Mayor Dunn declared the public hearing open with regards to agenda item 8 and asked if anyone wished to address this item.

Richard Lewis, of 6914 old Waco Lane addressed the Council with his concerns. He noted this road is poor; and we don't need more traffic prior to fixing the road? Will the subdivision be complete before the road and infrastructure is ready?

There being none, Mayor Dunn declared the public hearing closed.

Motion by Councilmember Tim Davis adopt ordinance on first reading and set the second and final reading for November 5, 2015. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

RESOLUTIONS

9. 2015-7915-R: Consider a resolution naming the new football field in Wilson Park after "Mean Joe" Greene.

Kevin Beavers, Director of Parks and Recreation presented this item to the Council. At the August 11th Parks and Recreation Advisory Board meeting, the Board received a request from Bill and Virginia Leak of Temple, Texas to name the new football field at Wilson Park to the "Mean Joe" Greene Field. The policy states in part, "The Parks and Recreation Advisory Board is to review requests for naming parks and park facilities and make a recommendation to the City Council". Per policy, the Board cannot take action on the request until 30 days for public comment has expired.

The 30 day public comment period began August 12th and ended September 10th. During this period, no comments were received.

Some of the evaluation criteria for the naming process are (1) Fine moral character; (2) Demonstrated leadership qualities; (3) Nature of the contributions compliments or supports the mission of the City of Temple; (4) Substantial contribution, whether consisting of volunteer service, the provision of land or monetary donation; (5) Initiative and/or involvement relating to a specific program or project of exceptional merit which has extensively and directly benefited the public; and (6) Achieved accomplishments of a very high nature and recognizable by many individuals on a local, state, or national level.

Mr. Greene was born in 1946 and raised in Temple, the son of a single parent, Cleo Thomas. Joe graduated in 1965 from Temple's Dunbar High School, where he played football. As a young teen Greene picked cotton to help support his family. The hard work convinced him that he wanted more out of life.

After graduating from Dunbar, Greene played for the University of

North Texas, before being drafted by the Pittsburgh Steelers as a defensive tackle. Greene would go on to become one of the best players in the Steelers' history, playing in 181 games and winning 4 Super Bowls. After several assistant coaching jobs, Mr. Greene is currently working for the Pittsburgh Steelers as the special assistant for player personnel.

Mr. Greene's significant contributions to football and his legacy of working hard to achieve success has inspired and continues to inspire hundreds of young people throughout our community, and especially in East Temple. The naming of the Wilson Football field after "Mean Joe" Greene will allow his legacy to live on and continue to inspire generations of young Temple residents to set goals and work hard to achieve them.

Joe grew up in East Temple just a few blocks from Dunbar. According to an article by Heart of Texas Sports Network, in an interview for an episode of NFL Film's "A Football Life", "Greene talked not only about his time at Dunbar, but also about growing up on Temple's east side. While just a small part of Greene's life story, he told the crew it's an important part of his development into the person he became, and still is today. It's also an important part of Temple's athletic history, and the history of our city."

At the October 13th Parks and Recreation Advisory Board meeting, the Board voted unanimously for approval and is requesting approval from City Council.

Motion by Councilmember Judy Morales adopt resolution seconded by Councilmember Perry Cloud.

Motion passed unanimously.

- 10. 2015-7916-R: Consider adopting a resolution authorizing a contract with Cody Stanley Construction, LLC., of Holland in the amount of \$395,000 for the construction of new building facilities at Northam Baseball Complex.**

Kevin Beaver, Director of Parks and Recreation presented this item to the Council. This is one of the projects approved in the 2015 Parks Bond was the reconstruction of new concession stand and restroom facilities at Northam Baseball Complex located at 1909 Curtis B. Elliott Drive.

This project includes the demolition of the existing concessions and restroom buildings and the construction of a new concession stand building, restroom building, and score keeper benches. An additional item includes Add Alternate #1 for the installation of flatwork around

the perimeter of the concessions building.

On October 2, 2015, the City of Temple received six bids for this project. Bids ranged from a low of \$395,000 to a high of \$829,775 for the Base Bid plus Add Alternate #1 with Cody Stanley Construction, LLC submitting the low bid. The City of Temple has worked with Cody Stanley Construction, LLC on one other recent project and has been pleased with their work.

Motion by Councilmember Judy Morales adopt resolution seconded by Councilmember Tim Davis.

Mayor Pro Tem Russell Schneider abstained. The other Councilmembers voted aye. The motion passed.

11. 2015-7917-R: Consider adopting a resolution authorizing a contract with Vanguard Contractors II, LP, of Temple, in the amount of \$1,755,000, for the expansion of Lions Junction Family Water Park.

Kevin Beavers, Director of Parks and Recreation presented this item to the Council. This is one of the projects approved in the 2015 Parks Bond is the addition of a deep water pool at Lions Junction Family Water Park located at 5000 South 5th Street. This project includes constructing a deep water pool and restroom/filtration building. Additional items in the project include: (1) expanding the parking lot, (2) constructing a 5' Concrete Pool Deck, (3) constructing a vinyl coated chain link fence along the perimeter, (4) installing turfgrass needed for landscaping, and (5) installing four coolbrellas for needed shade.

On September 29, 2015, the City received four bids for this project. Bids ranged from a low of \$1,755,000 to a high of \$2,236,400 with Vanguard Contractors II, LP, submitting the low bid. Vanguard has previously constructed several projects for the City and staff has been pleased with their work.

Motion by Councilmember Perry Cloud adopt resolution seconded by Councilmember Tim Davis.

Motion passed unanimously.

BOARD APPOINTMENTS

12. 2015-7918-R: Consider adopting a resolution appointing one councilmember to the Hill Country Transit District Board.

It was recommended that Councilmember Morales be appointed to serve on the Hill Country Transit District Board.

Motion by Councilmember Tim Davis adopt resolution appointing Councilmember Morales to the Hill Country Transit District Board. seconded by Councilmember Perry Cloud.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



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DEPT. /DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to enter into an agreement with the Texas Lobby Group in an amount not to exceed \$66,000 for legislative lobbying services through September 30, 2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has engaged the services of the Texas Lobby Group for the past several years for state legislative consulting services. The Texas Lobby Group monitors and engages in negotiations on behalf of the City related to legislation items of interest to the City as well as assisting in the communication of the City's position on legislative items to members of the Legislature and other Texas agencies.

The term of the contract is one year and will begin retroactively on October 1, 2015 and continue through September 30, 2016. Fees associated with this contract shall not exceed \$66,000

FISCAL IMPACT: The fee for the services of the lobbying services is \$5,500 per month. Funding in the amount of \$66,000 is available in account 110-1000-511-2616 to fund the agreement through September 30, 2016.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
WITH THE TEXAS LOBBY GROUP FOR LEGISLATIVE LOBBYING
SERVICES THROUGH SEPTEMBER 30, 2016; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, the City has engaged the services of the Texas Lobby Group for the past several state legislative sessions for state legislative consulting services – this group monitors and engages in negotiations on behalf of the City related to legislative items of interest to the City as well as assists in the communication of the City’s position on legislative items to members of the Legislature and other Texas agencies;

Whereas, the term of this agreement is for one year and will begin retroactively on October 1, 2015 and continue through September 30, 2016;

Whereas, fees for these services shall not exceed \$66,000 and are available in Account No. 110-1000-511-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to enter into an agreement with the Texas Lobby Group, in an amount not to exceed \$66,000, for legislative lobbying services through September 30, 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with the Cultural Activities Center, in an amount not to exceed \$54,000 for operational support.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$54,000 in account 240-4600-551-2681 for a Community Enhancement Grant with the Cultural Activities Center.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$54,000, WITH THE CULTURAL ACTIVITIES CENTER, FOR OPERATIONAL SUPPORT FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, the Cultural Activities Center has submitted a formal written request for funding for operational support during fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$54,000;

Whereas, the fiscal year 2016 budget includes funding for this grant in Account No. 240-4600-551-2681; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$54,000, with the Cultural Activities Center, for operational support for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Bell County Human Services - Temple HELP Center, in an amount not to exceed \$50,000 for facility and operational support.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$50,000 in account 110-1500-515-26-79 for a Community Enhancement Grant with Bell County Human Services - Temple HELP Center. Funding.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$50,000, WITH BELL COUNTY HUMAN SERVICES – TEMPLE HELP CENTER, FOR FACILITY AND OPERATIONAL SUPPORT FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, the Bell County Human Services – Temple HELP Center submitted a formal written request for funding for facility and operational support for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$50,000;

Whereas, the fiscal year 2016 budget includes funding for this grant in Account No. 110-1500-515-2679; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$50,000, with Bell County Human Services – Temple HELP Center, for facility and operational support for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Temple Cemetery Company (Hillcrest Cemetery), in an amount not to exceed \$35,000 for operational support.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$35,000 in account 110-1500-515-26-86 for a Community Enhancement Grant with Temple Cemetery Company (Hillcrest Cemetery).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$35,000, WITH TEMPLE CEMETERY COMPANY (HILLCREST CEMETERY), FOR OPERATIONAL SUPPORT FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, the Temple Cemetery Company (Hillcrest Cemetery), submitted a formal written request for funding for operational support for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$35,000;

Whereas, the fiscal year 2016 budget includes funding for this grant in Account No. 110-1500-515-2686; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$35,000, with the Temple Cemetery Company (Hillcrest Cemetery), for operational support for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Hill Country Transit District, in an amount not to exceed \$130,000 for HOP fixed route and paratransit public transportation programs.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$130,000 in account 110-1500-515-26-86 for a Community Enhancement Grant with Hill Country Transit District.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$130,000, WITH HILL COUNTRY TRANSIT DISTRICT, FOR HOP FIXED ROUTE AND PARATRANSIT PUBLIC TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, Hill Country Transit District submitted a formal written request for funding for HOP fixed route and paratransit public transportation programs for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$130,000;

Whereas, the fiscal year 2016 budget includes funding for this grant in Account No. 110-1500-515-2686; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$130,000, with Hill Country Transit District, for HOP fixed route and paratransit public transportation programs, for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with Keep Temple Beautiful, in an amount not to exceed \$55,000 for operational support.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$55,000 in account 110-1500-515-26-90 for a Community Enhancement Grant with Keep Temple Beautiful.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$55,000, WITH KEEP TEMPLE BEAUTIFUL, FOR OPERATIONAL SUPPORT FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, Keep Temple Beautiful submitted a formal written request for funding for operational support for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$55,000;

Whereas, the fiscal year 2016 budget includes funding for this grant in Account No. 110-1500-515-2690; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$55,000, with Keep Temple Beautiful, for operational support for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following agreements with Hill Country Community Action Association, Inc., for the Meals on Wheels program:

- (1) A Community Enhancement Grant agreement in an amount not to exceed \$25,000;
- (2) A Public Service Agency Grant agreement in an amount not to exceed \$20,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement and Public Service Agency grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

A Public Service Agency Grant is a grant made through the City's Community Development Block Grant program to an eligible non-profit for services primarily benefiting Temple's low to moderate income residents in areas such as employment services, crime prevention, child care, health & welfare, education, and recreation.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$25,000 in account 110-1500-515-26-84 for a Community Enhancement Grant with Hill Country Community Action Association from General Fund and \$20,000 in account 260-6100-571-26-84 for a Public Service Agency Grant through the City's Community Development Block Grant program.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$25,000, AND A PUBLIC SERVICE AGENCY GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$20,000, WITH HILL COUNTRY COMMUNITY ACTION ASSOCIATION, INC., FOR THE MEALS ON WHEELS PROGRAM FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, a Public Service Agency Grant is a grant made through the City's Community Development Block Grant program to an eligible non-profit for services primarily benefiting Temple's low to moderate income residents in areas such as employment services, crime prevention, child care, health & welfare, education, and recreation;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, Hill Country Community Action Association, Inc. submitted a formal written request for funding for the Meals on Wheels program for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$25,000 and a Public Services Agency Grant in an amount not to exceed \$20,000;

Whereas, the fiscal year 2016 budget includes funding for the Community Enhancement Grant in Account No. 110-1500-515-2684 and funding for the Public Service Agency Grant in Account No. 260-6100-571-2684; 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, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$25,000, and a Public Service Agency Grant Agreement in an amount not to exceed \$20,000, with Hill Country Community Action Association, Inc., for the Meals on Wheels program for fiscal year 2016.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Community Enhancement Grant agreement with NeighborWorks Housing Services of Waco, Inc., in an amount not to exceed \$25,000 for a down payment and closing cost Assistance Program.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program.

A Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services.

We receive numerous requests from various community agencies seeking supplemental funding each year. Because there are more requests than available funds, we request each agency submit a formal written request for funding as part of the annual budget process.

FISCAL IMPACT: Council is being presented a budget adjustment in the amount of \$25,000 allocating funding to account 110-1500-515-26-16 to be carried forward from FY 2015 for a Community Enhancement Grant with NeighborWorks Housing Services.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COMMUNITY ENHANCEMENT GRANT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$25,000, WITH NEIGHBORWORKS HOUSING SERVICES OF WACO, INC., FOR A DOWN PAYMENT AND CLOSING COST ASSISTANCE PROGRAM FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City supports the efforts of many public service agencies throughout the community through our Community Enhancement grant program - a Community Enhancement Grant is a grant made to an outside agency or organization that helps the City leverage service delivery and funding levels in areas such as transportation, social services, economic development, leisure services, and tourism/cultural services;

Whereas, the City receives numerous requests from various community agencies seeking supplemental funding each year and because there are more requests than available funds, the City requests that each agency submit a formal written request for funding as part of the annual budget process;

Whereas, Neighborworks Housing Services of Waco, Inc. submitted a formal written request for funding for a down payment and closing cost assistance program for fiscal year 2016, and Staff recommends Council authorize a Community Enhancement Grant in an amount not to exceed \$25,000;

Whereas, funds are available for this grant but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds into Account No. 110-1500-515-2616; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Community Enhancement Grant Agreement, in an amount not to exceed \$25,000, with Neighborworks Housing Services of Waco, Inc., for a down payment and closing cost assistance program for fiscal year 2016.

Part 2: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a one-year lease agreement with NeighborWorks Housing Services of Waco, Inc., for lease of space in the Historic Post Office, located at 101 North Main Street.

STAFF RECOMMENDATION: Adopt resolution as presented item description.

ITEM SUMMARY: NeighborWorks Housing Services of Waco, Inc. is expanding services to Temple and is interested in leasing building space located at 101 North Main Street. The term of the lease is for a one-year period. If Council approves the lease the term will run from November 6, 2015 to November 5, 2016. NeighborWorks Housing Services of Waco, Inc. will pay \$1 annually in rent. Utilities will be a flat rate of \$0.80 per square feet (based on historical use at the building). The space is 750 square feet and an annual flat rate of \$600 will be collected to cover utilities (electric and gas) for the leased office suite.

FISCAL IMPACT: Rental is \$1 per year. An annual flat rate of \$600 will be collected to cover utilities (electric and gas) for the leased office suite.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ONE-YEAR LEASE AGREEMENT WITH NEIGHBORWORKS HOUSING SERVICES OF WACO, INC., FOR SPACE IN THE HISTORIC POST OFFICE LOCATED AT 101 NORTH MAIN STREET, AT A LEASE RATE OF \$1 PER YEAR; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, NeighborWorks Housing Services of Waco, Inc. is expanding its services to Temple and is interested in leasing building space located at 101 North Main Street;

Whereas, the term of the lease is for a one-year period and will run from November 6, 2015 to November 5, 2016 - NeighborWorks Housing Services of Waco, Inc. will pay \$1 per year in rent with utilities being paid at a flat rate of \$0.80 per square feet (750 square feet), based on historical use at the building;

Whereas, the lease agreement allows for a 90-day termination clause for any reason should the lessee or the City desire to terminate the lease; 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 one-year lease agreement, after approval as to form by the City Attorney, with NeighborWorks Housing Services of Waco, Inc., for the lease of space in the Historic Post Office located at 101 North Main Street, at the lease rate of \$1 per year plus utilities at the rate of \$0.80 per square feet.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a first amendment to the lease agreement with National Railroad Passenger Corporation, also known as Amtrak, for lease of space at the Santa Fe Depot.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On January 1, 2010, the City entered into a Lease Agreement with National Railroad Passenger Corporation ("Amtrak") for lease of space in the Santa Fe Depot located at 315 West Avenue B, Temple, Texas. The original lease term expires on December 31, 2015 and both parties wish to extend the lease for another five-year term. Amtrak has also requested two additional five-year options to renew for a total potential extension of 15 years.

Staff recommends authorizing a first amendment to the Lease Agreement with Amtrak for lease of space at the Santa Fe Depot which will extend the lease until December 31, 2020 and provide Amtrak with two additional five-year options to renew.

FISCAL IMPACT: Rental is \$1 per lease term. National Railroad Passenger Corporation, aka Amtrak, will be responsible for all janitorial service charges as needed, including cleaning and bathroom supplies.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH NATIONAL RAILROAD PASSENGER CORPORATION, ALSO KNOWN AS AMTRAK, FOR SPACE AT THE SANTA FE DEPOT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on January 1, 2010, the City entered into a Lease Agreement with National Railroad Passenger Corporation (“Amtrak”) for lease of space in the Santa Fe Depot located at 315 West Avenue B, Temple, Texas;

Whereas, the original lease term expires on December 31, 2015 and both parties wish to extend the lease for another five-year term - Amtrak has also requested two additional five-year options to renew for a total potential lease extension of 15 years;

Whereas, Staff recommends authorizing a first amendment to the Lease Agreement with Amtrak for lease of space at the Santa Fe Depot which will extend the lease until December 31, 2020 and provide Amtrak with two additional five-year options to renew;

Whereas, the lease agreement allows for a 90-day termination clause for any reason should the lessee or the City desire to terminate the lease;

Whereas, the rental rate is \$1 per five year term and Amtrak will be responsible for all janitorial service charges as needed, including cleaning and bathroom supplies; 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, after approval as to form by the City Attorney, to execute an amendment to the lease with National Railroad Passenger Corporation (“Amtrak”), for lease of space in the Santa Fe Depot located at 315 West Avenue B, Temple, Texas, at the rate of \$1 per five year term.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Law Office of Ginese Simmons-Gilbert, PLLC and the Law Office of Atonya McClain, PLLC, current tenants at the Temple Public Library, have requested to renew their lease of Suite 323 for a period of one year. The Lease will run from November 22, 2015 to November 21, 2016. Tenants will pay \$548 per month in rent to the City.

FISCAL IMPACT: Annual lease revenue of \$6,576 will be deposited into account 110-0000-461-0937, Library Building Rental.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE RENEWAL WITH THE LAW OFFICE OF GINESE SIMMONS-GILBERT, PLLC AND THE LAW OFFICES OF ATONYA MCCLAIN, PLLC, FOR SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING (TEMPLE PUBLIC LIBRARY) AT A LEASE RATE OF \$548 PER MONTH; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently owns and leases offices in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library);

Whereas, the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Offices of Atonya McClain, PLLC currently lease Suite 323 in the Temple Public Library and have requested to renew their lease for a 12 month term, from November 22, 2015 to November 21, 2016, at the lease rate of \$548 per month;

Whereas, staff recommends entering into a 12 month lease with the Law Office of Ginese Simmons-Gilbert, PLLC and the Law Offices of Atonya McClain, PLLC for space in the Temple Public Library, which will expire on November 21, 2016;

Whereas, the lease agreement allows for a 30-day termination clause should the lessee or the City desire to terminate the lease - the City has previously leased property to these tenants and finds the tenants to be reasonable lessees; 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 12 month lease renewal, after approval as to form by the City Attorney, for the lease of Suite 323 in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library) with the Law Offices of Ginese Simmons-Gilbert, PLLC and the Law Offices of Atonya McClain, PLLC, at the rate of \$548 per month.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing the following with respect to the procurement of natural gas for the compressed natural gas (CNG) fueling station:

- (1) A renewal to the memorandum of agreement with Choice! Energy Services of Houston, for consulting services related to the procurement of natural gas and ongoing energy consulting services at a cost of \$.15 per MMBtu; and
- (2) The City Manager or the Director of Finance to act on behalf of the City to review pricing offers submitted for the supply of natural gas, and when in the best interest of the City, enter into a contract commencing January 1, 2016, with the lowest responsible bidder for a period of 12 to 36 months for the commodity cost of natural gas used at the CNG fueling station.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In December, 2013, the City started utilizing 14 CNG-fueled refuse trucks and now utilizes 19 CNG trucks, with an additional 4 ordered in FY16. The CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 E. Avenue H. Natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee for; however the natural gas commodity is procured through the open market.

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

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

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

The City is currently under contract with Constellation New Energy-Gas Division, LLC for the purchase of a fixed quantity of 1,200 MMBtu's per month at a rate of market plus up to 22¢ per MMBtu to cover Constellation's overhead and profit. Quantities needed above the 1,200 MMBtu's are purchased at the then-current spot market price.

With guidance from Choice!, staff is requesting that Council authorize a procurement process to secure pricing for the City for a contract commencing on January 1, 2016. Pricing will be requested for periods ranging from as low as 12 and up to 36 months.

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

FISCAL IMPACT: Choice! Energy Services consulting fee will be paid by the contract retail provider directly to Choice!. Based on an expected annual natural gas usage 14,400 MMBtu's (105,120 gallons), this calculates out to an annual embedded fee of approximately \$2,160.

The consulting fee and the commodity of natural gas are considered part of the cost components that are factored into Solid Waste's FY 2016 fuel budget, account 110-2330-540-2115, account 110-2350-540-2115, account 110-2360-540-2115, and account 110-2370-540-2115.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

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

Whereas, in December, 2013, the City started utilizing 14 CNG-fueled refuse trucks and now utilizes 19 CNG trucks, with an additional 4 ordered for fiscal year 2016;

Whereas, the CNG trucks are fueled using the CNG fueling center constructed by the City during 2013 at 2625 E. Avenue H - natural gas is provided from an existing Atmos Distribution line near the station, of which the City pays a monthly line distribution fee for, however the natural gas commodity is procured through the open market;

Whereas, staff desires to continue to use Choice! Energy Services (“Choice!”) of Houston, Texas to assist in the procurement of natural gas service to the CNG fueling station – Choice! was established in 1994 and has experience in procuring natural gas specifically for CNG fueling stations;

Whereas, under the proposed agreement, Choice! will continue to complete the following tasks:

- Collect data, analyze and distribute to third party natural gas suppliers;
- Review prices and contracts, as well as negotiate contract terms and conditions;
- Provide results of pricing effort and make recommendations to the City; and
- Assist in contract extension and contract management;

Whereas, Choice! Energy Services’ proposed fee is \$0.15 per MMBtu (approximately \$0.02 per gallon) and is paid by the retail provider to Choice!;

Whereas, staff also recommends that Council authorize a procurement process to secure pricing for the City commencing January 1, 2016 – because the pricing of this commodity is typically only valid for a few days after the bids close, staff is requesting that Council give the City Manager or the Director of Finance the flexibility to negotiate a price and term that is most advantageous to the City;

Whereas, the consulting fee for Choice! Energy Services will be paid by the retail provider directly to Choice! and based on an expected annual natural gas usage of 14,400 MMBtu’s (105,120 gallons) - this fee calculates out to be an annual embedded fee of approximately \$2,160;

Whereas, the consulting fee and the commodity of natural gas are considered part of the cost components that are factored into the fiscal year budget for Solid Waste and are available in Account No. 110-2330-540-2115, Account No. 110-2350-540-2115, Account No. 110-2360-540-2115, and Account No. 110-2370-540-2115; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a renewal to the Memorandum of Agreement with Choice! Energy Services of Houston, Texas, for consulting services related to natural gas procurement.

Part 2: The City Council authorizes the City Manager or the Director of Finance to enter into a contract for the purchase of natural gas with the lowest responsible bidder commencing January 1, 2016 and extending for a period of 12 to 36 months.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



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DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Chapter 380 Development Agreement with Rancier Investments 1, LLC, in an amount not to exceed \$10,000 for improvements to property located at 1108 West Adams Avenue.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The proposed resolution would allow the City Manager to enter into a Chapter 380 Development Agreement with Rancier Investments 1, LLC, through which the City would provide a grant of up to \$10,000 for façade and landscaping improvements. This results in a maximum eligible grant of \$10,000, for a project with a total capital investment of \$1,300,000.

Improvements include the new construction of an approximately 5,400 square foot multi-tenant shopping center with masonry exterior, landscaping and concrete parking.

Pursuant to Ordinance No. 2014-4673, the City may consider making grants of public funds to promote local economic development and to stimulate business and commercial activity within the City. A proposed grant of public funds over \$7,500 must be approved by the City Council.

In order to receive grant funding, the applicant must enter into a development agreement with the City prior to receiving any grant funds. The agreement shall provide that the applicant agrees to:

- complete the work and total capital investment described in the agreement in a timely fashion;
- give the City the right to inspect the work described in the development agreement and the financial records associated with the same during reasonable business hours;
- perform all of the work described in the agreement in accordance with all applicable City codes and regulations; and
- maintain those improvements in the future.

Staff recommends approval of this grant, in the amount of \$10,000 because the project can serve as a prototype and catalyst for other development of a higher standard.

FISCAL IMPACT: The total maximum grant match by the City is \$10,000. Payment of the grant matching funds will not be made until work and inspections are completed, and receipts are received by the City. Funding is available in account 110-1500-515-2695 as follows:

Available Funding	\$ 244,163
Maximum Grant to Rancier Investments	<u>(10,000)</u>
Remaining Funds Available	<u>\$ 234,163</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH RANCIER INVESTMENTS 1, LLC, IN AN AMOUNT NOT TO EXCEED \$10,000, FOR IMPROVEMENTS TO PROPERTY LOCATED AT 1108 WEST ADAMS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Rancier Investments 1, LLC is proposing the new construction of a multi-tenant shopping center to be located at 1108 West Adams Avenue;

Whereas, pursuant to Ordinance No. 2014-4673, the City may consider making grants of public funds to promote local economic development and to stimulate business and commercial activity within the City - proposed grants of public funds over \$7,500 must be approved by the City Council;

Whereas, in order to receive grant funding, the applicant must enter into a development agreement with the City prior to receiving any grant funds;

Whereas, Rancier Investments 1, LLC proposes an approximately 5,400 square foot multi-tenant shopping center with masonry exterior, landscaping and concrete parking;

Whereas, these proposed improvements will result in a maximum eligible grant match of \$10,000, for a project with a total capital investment of \$1,300,000;

Whereas, staff recommends entering into a Chapter 380 Development Agreement with Rancier Investments 1, LLC for an approximately 5,400 square foot multi-tenant shopping center with masonry exterior, landscaping and concrete parking, with the City's total match not exceeding, \$10,000;

Whereas, funding for this Chapter 380 Development Agreement is available in Account No. 110-1500-515-2695 – payment of matching grant funds will not be made until the work and inspections are complete and receipts are received by the City; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with Rancier Investments 1, LLC, with a total City match amount not to exceed \$10,000, for improvements to property located at 1108 West Adams Avenue.

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

PASSED AND APPROVED this the **5th** day of **November**, 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

11/05/15
Item #4(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney
Nicole Torralva, P.E., Public Works Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Developer Participation Agreement with KAM Homebuilders, Inc., in the not to exceed amount of \$78,000, for construction of a portion of Tanglehead Drive as a part of The Meadows Phase IV subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: West Temple is rapidly growing along the West Adams corridor. Significant construction of various roadways within this part of Temple, including construction of Outer Loop from FM 2305 south, has caused traffic disruptions for the general community. KAM Homebuilders, Inc. ("KAM"), the developer of Meadows Phase IV, approached the City offering to construct a portion of Tanglehead Drive. The developer is requesting that the City participate in the construction in a not to exceed amount of \$78,000. The proposed extension of Tanglehead Drive will provide for an additional connection between Meadowbrook Drive and the Outer Loop, thereby facilitating increased east west traffic connections for residents and commuters within this quadrant of the City. Construction of this roadway will not only provide immediate relief for commuters between Meadowbrook and Outer Loop, but will also facilitate increased traffic flow while construction of future phases of Outer Loop to the south occurs.

Texas Local Government Code § 212.071 and § 212.072 authorize the City to enter into an agreement with a developer for the construction of public improvements, but caps the City's level of participation at 30% of the total contract price for the construction. The requested participation of \$78,000 does not exceed 30% of the estimated contract price.

FISCAL IMPACT: Funding has been appropriated in account 365-3400-531-6889, project #101467 in the amount of \$78,000 to fund the Chapter 380 agreement with KAM Homebuilders for construction of a portion of Tanglehead Drive. The funding for the Chapter 380 agreement is available from the reallocation of funds from the Outer Loop, Phase 3 project.

ATTACHMENTS:

[The Meadows Phase IV Plat & Exhibit
Resolution](#)

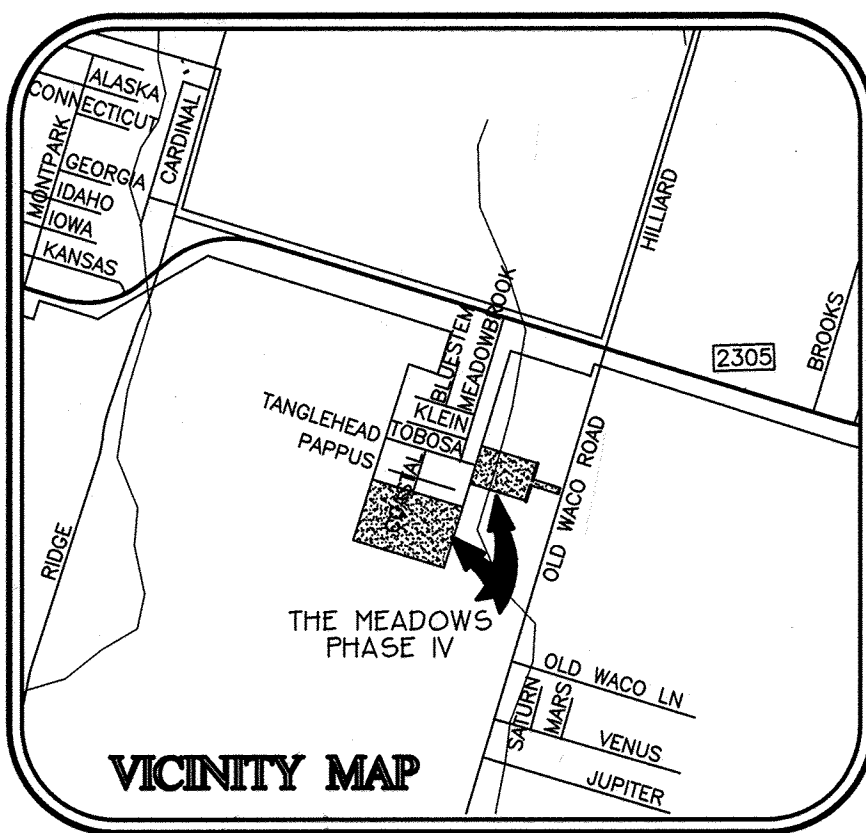
Outer Loop
Tanglehead Extension



LINE	DIRECTION	DIST.
TA-100 to TA-176	S16°27'54"W	288.00'
TA-176 to TA-175	N73°32'06"W	263.00'
TA-176 to TA-177	S73°32'06"E	315.80'
TA-176 to TA-179	S16°27'54"W	296.00'
TA-179 to TA-178	N73°32'06"W	263.00'
TA-179 to TA-180	S73°32'06"E	315.80'
TA-98 to TA-181	S73°38'02"E	981.93'

NOTE:

MATCH LINE DIVIDING PHASE IV-SECTION I, with PHASE IV-SECTION II and PHASE IV-SECTION III with PHASE IV-SECTION II. DEVELOPER PLANS TO CONSTRUCT PHASE IV-SECTION I FIRST.



STATE OF TEXAS
COUNTY OF BELL

KIELLA FAMILY, LTD., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE MEADOWS, PHASE IV, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES AS SHOWN HEREON.

KIELLA FAMILY, LTD.

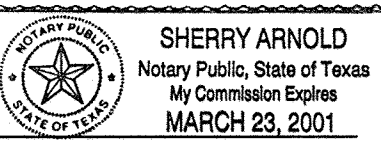
JOHN KIELLA, PRESIDENT
P.K. MANAGEMENT, GENERAL PARTNER

STATE OF TEXAS

COUNTY OF BELL

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 14th DAY OF Jan., 2000 BY JOHN KIELLA, PRESIDENT OF KIELLA MANAGEMENT, L.C., GENERAL PARTNER ON BEHALF OF KIELLA FAMILY, LTD., A PARTNERSHIP.

Sherry Arnold
NOTARY PUBLIC



STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

Thomas G. Martin
CITY ENGINEER

I, THE UNDERSIGNED, DIRECTOR OF PUBLIC WORKS OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPLE AND HEREBY RECOMMEND APPROVAL.

Thomas G. Martin
DIRECTOR OF PUBLIC WORKS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF THE MEADOWS, PHASE IV, A SUBDIVISION IN THE CITY OF TEMPLE, TEXAS WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE ON THE 14th DAY OF February, 2000. SAID SUBDIVISION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF TEMPLE, TEXAS.

WITNESS MY HAND THIS 3rd DAY OF February, 2000.

Christy Engstrom
CITY SECRETARY

I, THE UNDERSIGNED WATER AND WASTEWATER SUPERINTENDENT, DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE WATER AND WASTEWATER MASTER PLANS AND APPLICABLE ORDINANCES AND HEREBY RECOMMEND APPROVAL.

Jim K...
WATER AND WASTEWATER SUPERINTENDENT

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF TEMPLE, TEXAS, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS 4th DAY OF Feb., 2000.

CHAIRPERSON

FINAL PLAT FOR:
THE MEADOWS PHASE IV
4 Blocks, 61 Lots, Park

TRACT 1
BLOCK 7, 7 LOTS
BLOCK 8, 2 LOTS and Park
4.793 ACRES

TRACT 2
BLOCK 9, 28 LOTS
BLOCK 10, 24 LOTS
12.080 ACRES

OUT OF AND A PART OF THE NANCY CHANCE SURVEY, ABSTRACT #5
A SUBDIVISION IN THE CITY OF TEMPLE
BELL COUNTY, TEXAS

AS-BUILTS

4.793 ACRES and 12.080 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

TRACTS SURVEYED APRIL 30, 1999

Number	Delta	Chord	Tangent	Radius	Arc Length	Ch. Length
C1	74°54'27"	N83°55'07"E	38.30	50.00	65.37	60.81
C2	37°36'03"	S39°49'37"E	17.02	50.00	32.81	32.23
C3	37°34'26"	S02°14'23"E	17.01	50.00	32.79	32.20
C4	37°32'23"	S35°19'02"W	16.99	50.00	32.76	32.18
C5	37°30'46"	S72°50'36"W	16.98	50.00	32.74	32.15
C6	74°51'55"	N50°58'04"W	38.27	50.00	65.33	60.78
C7	74°53'11"	N83°54'28"E	38.29	50.00	65.35	60.80
C8	37°33'24"	S39°52'13"E	17.00	50.00	32.77	32.19
C9	37°33'24"	S02°18'48"E	17.00	50.00	32.77	32.19
C10	37°33'24"	S35°14'36"W	17.00	50.00	32.77	32.19
C11	37°33'24"	S72°47'60"W	17.00	50.00	32.77	32.19
C12	74°53'11"	N50°58'42"W	38.29	50.00	65.35	60.80
C13	68°24'15"	S80°40'01"W	33.98	50.00	59.69	56.21
C14	40°47'53"	N44°43'55"W	18.59	50.00	35.60	34.86
C15	40°47'53"	N03°56'03"W	18.59	50.00	35.60	34.86
C16	40°47'53"	N36°51'50"E	18.59	50.00	35.60	34.86
C17	40°47'53"	N77°39'43"E	18.59	50.00	35.60	34.86
C18	68°24'15"	S47°44'14"E	33.98	50.00	59.69	56.21
C19	68°24'15"	S80°40'01"W	33.98	50.00	59.69	56.21
C20	40°47'53"	N44°43'55"W	18.59	50.00	35.60	34.86
C21	40°47'53"	N03°56'03"W	18.59	50.00	35.60	34.86
C22	40°47'53"	N36°51'50"E	18.59	50.00	35.60	34.86
C23	40°47'53"	N77°39'43"E	18.59	50.00	35.60	34.86
C24	68°24'15"	S47°44'14"E	33.98	50.00	59.69	56.21

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

Victor D. Turley
VICTOR D. TURLEY, P.E.
NO. 32525

STATE OF TEXAS

COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.

Victor D. Turley
VICTOR D. TURLEY, R.P.L.S.
NO. 2475



ROAD PAVEMENT SHALL BE 36' WIDE @ COASTAL DRIVE & TANGLEHEAD DRIVE
ROAD PAVEMENT SHALL BE 31' WIDE @ BLUEGRASS COURT & GALLETA COURT

ALL FINISHED FLOOR ELEVATIONS SHALL BE 12" ABOVE THE 100 YEAR FLOOD EVENT OR ONE FOOT ABOVE THE TOP OF CURB, WHICHEVER IS GREATER. (UNLESS NOTED OTHERWISE)

BENCHMARK #611 OLD WACO ROAD, SOUTH OF FM 2305 EL=598.89
APPROX 0.2 MILES SOUTH OF FM 2305, 60D FOUND IN EAST SIDE OF POWER POLE #5171 NEAR THE WEST ROW AND AT THE SOUTH EDGE OF A GRAVEL DRIVE.

THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 263 THE THETA ANGLE AT SAID CITY MONUMENT IS 01°30'05" THE COMBINED CORRECTION FACTOR (CCF) IS 0.999855 PUBLISHED CITY COORDINATES ARE X=3,208,698.33 Y=10,380,164.54 THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING IS

TRACT 1
N07°04'45"W 819.96 FEET
TRACT 2
S78°48'28"W 953.95 FEET

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS 19th DAY OF January, A.D. 2000.

BELL COUNTY TAX APPRAISAL DISTRICT

By: Tenny Lewis

JOHN REUBEN ROSS
VOL. 1416/Pg. 810
10.00 ACRES

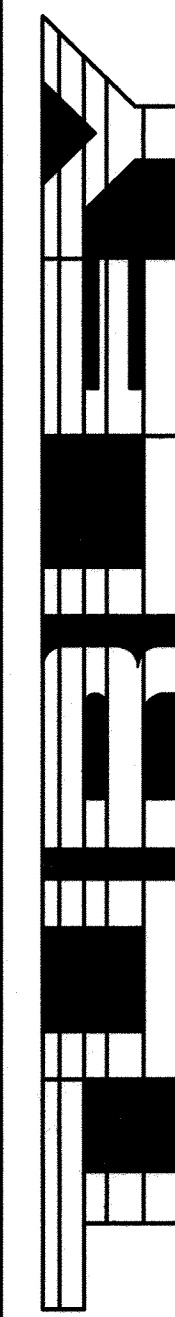
REUBEN ROSS LIFE ESTATE
VOL. 2066/Pg. 444
9.04 ACRES

CYNTHIA JUNEHEZ
VOL. 3563/Pg. 145
5.50 ACRES

OMAR CRISP
VOL. 3191/Pg. 211
5.00 ACRES

CITY OF TEMPLE
VOL. 3827/Pg. 286
5.00 ACRES
CONNER PARK

H.A. PROCTER
VOL. 1500/Pg. 445
10.83 ACRES



ENGINEERING PLANNING SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd St.
E-MAIL: VTURLEY@AOL.COM
TEMPLE, TEXAS
FAX NO. (254) 773-3998
(254) 773-2400

AS-BUILT APPROVAL:

7-24-02
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
7-20-01
DIRECTOR OF UTILITIES
7-22-02
CITY INSPECTOR

FINAL PLAT OF
THE MEADOWS, PHASE IV
NANCY CHANCE SURVEY, ABSTRACT #5
A SUBDIVISION IN THE
CITY OF TEMPLE, BELL COUNTY, TEXAS
DEVELOPED BY:
KIELLA FAMILY, LTD.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS.

Date: January 6, 2000
Drawn By: A. JACKSON
Reference: 9686-D
96-049
The Meadows Phase III
FB/LB: 513/11 640/84 D.C.
Job Number: 98-346
Sheet 1 of 20
Computer: 98346-PP

10390-D
DRAWING NUMBER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH KAM HOMEBUILDERS, INC., IN AN AMOUNT NOT TO EXCEED \$78,000, FOR CONSTRUCTION OF A PORTION OF TANGLEHEAD DRIVE, AS PART OF THE MEADOWS PHASE IV SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, West Temple is rapidly growing along the West Adams corridor and significant construction of various roadways within this part of Temple, including construction of Outer Loop from FM 2305 south, has caused traffic disruptions for the general community;

Whereas, KAM Homebuilders, Inc. (“KAM”), the developer of The Meadows Phase IV subdivision, has offered to construct a portion of Tanglehead Drive and has requested that the City participate in the construction costs, in a not to exceed amount of \$78,000;

Whereas, the proposed extension of Tanglehead Drive will provide for an additional connection between Meadowbrook Drive and the Outer Loop which will facilitate increased east-west traffic connections for residents and commuters within this quadrant of the City;

Whereas, construction of this roadway will not only provide immediate relief for commuters between Meadowbrook and the Outer Loop, but will also facilitate increased traffic flow while construction of future phases of the Outer Loop to the south continues;

Whereas, Texas Local Government Code § 212.071 and § 212.072 authorize the City to enter into an agreement with a developer for the construction of public improvements, but caps the City’s level of participation at 30% of the total contract price for the construction - the requested participation of \$78,000 does not exceed 30% of the estimated contract price;

Whereas, funds are available to fund this Developer Participation Agreement in Account No. 365-3400-531-6889, Project No. 101467; 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, after approval as to form by the City Attorney, to execute a developer participation agreement, in an amount not to exceed \$78,000, with KAM Homebuilders, Inc., for construction of a portion of Tanglehead Drive as part of The Meadows Phase IV subdivision.

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

PASSED AND APPROVED this the **5th** day of **November**, 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

11/05/15
Item #4(T)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of 201 East Avenue B, Temple, Texas, in the amount of \$85,000 and authorizing the payment of closing costs in an estimated amount of \$2,000.

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

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Staff is seeking authorization to purchase property located at 201 East Avenue B, Temple, Texas. The property is located in close proximity to the Temple Police Department (see attached map) and will be used in future revitalization plans for the area. The purchase price for the property is \$85,000 which Staff believes is reasonable. Closing costs, for which the City will be responsible, are estimated at \$2,000.

FISCAL IMPACT: Funding is available in account 795-9500-531-6870, project #101008 for the purchase of the property located at 201 East Avenue B.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 201 EAST AVENUE B, TEMPLE, TEXAS, IN THE AMOUNT OF \$85,000 AND AUTHORIZING THE PAYMENT OF CLOSING COSTS IN THE ESTIMATED AMOUNT OF \$2,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the property is located in close proximity to the Temple Police Department and will be used in future revitalization plans in that area;

Whereas, the purchase price for the property is \$85,000 which Staff believes is reasonable and closing costs, for which the City will be responsible, are estimated at \$2,000;

Whereas, funding for this purchase is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 460, Account No. 795-9500-531-6870, Project No. 101008; 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 property located 201 East Avenue B, Temple, Texas, in the amount of \$85,000 and authorizes the payment of closing costs in the estimated amount of \$2,000.

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

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

PASSED AND APPROVED this the 5th day of **November**, 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

11/05/15
Item #4(U)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a purchase agreement with Kel-Lac Uniforms of San Antonio, in the estimated annual amount of \$42,181.41 for fire uniforms for FY2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The authorization of this purchase agreement allows for the purchase of fire uniforms for the City of Temple Fire Department uniformed officers during FY2016.

As shown on the attached bid tabulation, on September 1, 2015, the City received three bids for the purchase of fire uniforms. The invitation to bid stated that the award of the agreement would be awarded to one bidder providing the lowest overall price.

The City has not done business with Kel-Lac Uniforms in the past. Therefore, sample products were reviewed and references were checked. After reviewing the sample products and receiving responses from references indicating that Ke-Lac should be a responsive and responsible vendor, staff is recommending award of the purchase agreement to Kel-Lac Uniforms.

The proposed agreement will commence immediately and go through September 30, 2016. The agreement will provide for four additional one-year periods, if agreed to by the City and Kel-Lac Uniforms.

FISCAL IMPACT: Funding for fire uniforms is included in the adopted FY2016 budget as shown below:

Account	Description	Amount Available
110-2210-522-2113	Clothing & Uniforms-Admin Overhead	\$ 1,950
110-2221-522-2113	Clothing & Uniforms-Education	\$ 1,000
110-2222-522-2113	Clothing & Uniforms-Inspection/Investigation/Plan Review	\$ 1,000
110-2223-522-2113	Clothing & Uniforms-Training	\$ 900
110-2230-522-2113	Clothing & Uniforms-Fire/Emergency Response	\$ 41,178
Total Funding Available		<u>\$ 46,028</u>

ATTACHMENTS:

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

**Tabulation of Bids Received
on September 1, 2015 at 2:30 p.m.
Fire Uniforms
Bid #22-01-16**

		Bidders					
		GT Distributors, Inc. Austin, TX		Kel-Lac Uniforms San Antonio, TX		Miller Uniforms Austin, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Firefighter Station Wear Pants (Navy) - A Cut	80	\$96.51	\$7,720.80	\$68.57	\$5,485.60	\$94.95	\$7,596.00
Firefighter Station Wear Pants (Navy) - B Cut	120	\$99.88	\$11,985.60	\$73.51	\$8,821.20	\$98.28	\$11,793.60
Firefighter Station Wear Pants (Black) - A Cut	16	\$120.64	\$1,930.24	\$68.57	\$1,097.12	\$118.69	\$1,899.04
Firefighter Station Wear Pants (Black) - B Cut	4	\$99.88	\$399.52	\$73.51	\$294.04	\$98.28	\$393.12
Fire Station Wear Short Sleeve Shirts (Light Blue)	120	\$29.62	\$3,554.40	\$38.02	\$4,562.40	\$39.75	\$4,770.00
Fire Station Wear Short Sleeve Shirts (White)	15	\$29.62	\$444.30	\$38.02	\$570.30	\$39.75	\$596.25
Fire Station Wear Long Sleeve Shirts (Light Blue)	25	\$33.35	\$833.75	\$42.00	\$1,050.00	\$45.25	\$1,131.25
Fire Station Wear Long Sleeve Shirts (White)	10	\$33.35	\$333.50	\$42.00	\$420.00	\$45.25	\$452.50
Tactical Jersey Polo with Temple Fire & Rescue logo embroidered on left chest, Firefighter first initial with last name on right chest with rank under firefighter name	150	\$40.35	\$6,052.50	\$38.00	\$5,700.00	\$50.69	\$7,603.50
Performance polo with Temple Fire & Rescue logo embroidered on left chest, Firefighter first initial with last name on right chest with rank under firefighter name	150	\$40.35	\$6,052.50	\$39.00	\$5,850.00	\$50.69	\$7,603.50
Zip Job Shirt with Temple Fire & Rescue logo embroidered on left chest, Firefighter first initial with last name on right chest with rank under firefighter name	125	\$56.98	\$7,122.50	\$51.95	\$6,493.75	\$73.19	\$9,148.75
Black Leather Garrison Belt	100	\$14.57	\$1,457.00	\$18.37	\$1,837.00	\$19.20	\$1,920.00
Total Bid Price		\$47,886.61		\$42,181.41		\$54,907.51	
Fire Station Wear Pants (Oversize) Applicable for sizes ____ thru ____ (please specify)		Men 44-50 / Female 22-24		44 - 50 Add \$17.00		44 - 50 + 25%	
Fire Station Wear Shirts (Oversize) Applicable for sizes ____ thru ____ (please specify)		N/A		N/C		4XL - 20 1/2 + 30%	
Acknowledge Addendum		Yes		Yes		Yes	
Delivery		Yes		Yes		Yes	
Exceptions		No		Yes		No	
Credit Check Authorization		Yes		Yes		Yes	
Local Preference		No		No		No	

Recommended for Council approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH KEL-LAC UNIFORMS OF SAN ANTONIO, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$42,181.41, FOR THE PURCHASE OF FIRE UNIFORMS FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 1, 2015, the City received three bids for the purchase of fire uniforms with Kel-Lac Uniforms submitting the low bid - the bid documents stated that the award of the agreement would be awarded to one bidder providing the lowest overall price;

Whereas, the City has not done business with Kel-Lac Uniforms in the past – after reviewing sample products and receiving positive responses from the company's references, Staff recommends award of the annual purchase agreement to Kel-Lac Uniforms;

Whereas, the purchase agreement will be effective immediately and through September 30, 2016, with the option for four additional one-year renewals, if so agreed to by the parties;

Whereas, funding for fire uniforms is included in the fiscal year 2016 budget in Account Nos: 110-2210-522-2113, 110-2221-522-2113, 110-2222-522-2113, 110-2223-522-2113, and 110-2230-522-2113; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a purchase agreement with Kel-Lac Uniforms of San Antonio, Texas, in an estimated annual amount of \$42,181.41, for the purchase of fire uniforms for fiscal year 2016.

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

PASSED AND APPROVED this the **5th** day of **November**, 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

11/05/15
Item #4(V)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an annual purchase agreement with Ewing Irrigation Products of Harker Heights in the estimated annual amount of \$50,000 for irrigation supplies for FY2016.

STAFF RECOMMENDATION: Adopt resolutions as presented in item description.

ITEM SUMMARY: The authorization of this agreement allows for the purchase of irrigation supplies to maintain grounds maintained by the City of Temple during FY2016.

The Purchasing Department originally opened informal bids for Irrigation Supplies on July 31, 2015, but no bids were received. An informal re-bid of irrigation supplies opened on August 14, 2015; however, all bids were rejected due to the estimated annual cost of the low bidder being greater than \$25,000, and thus, a competitively sealed bid would be required. Accordingly, the bid was restructured and on October 20, 2015, competitive sealed bids for irrigation supplies were received at which time the City received four bids for irrigation supplies (see attached Bid Tabulation). The low bidder is Ewing Irrigation Products.

Ewing Irrigation Products has provided irrigation supplies to the City for many years and staff finds them to be a responsive and responsible vendor.

The attached bid tabulation reflects an estimated annual purchase of core-listed items totaling \$12,383.70. However, several non-routine irrigation supplies are commonly needed throughout the years that Ewing has agreed to sell to the City a variable discount off list price of 40-52.5%, depending on the brand, which will increase the estimated annual contract expenditures up to approximately \$25,000. In addition, it is expected that City staff will self-perform the construction of a new GO Bond-funded irrigation system at Northam Baseball Complex in the upcoming winter at an estimated cost of \$25,000 for irrigation supplies.

The proposed purchase agreement is for an approximate 11-month period commencing immediately and going through September 30, 2016, with the option to extend the agreement for four additional one-year periods, if so agreed to by both parties.

FISCAL IMPACT: Irrigation supplies are ordered on an as-needed basis. Departments have budgeted for these materials in the adopted FY2016 budget. The estimated annual expenditure for routine irrigation supplies is \$25,000 based on historical expenditures.

Funding for the irrigation supplies needed to reconstruct the 30+ year old irrigation system at Northam Baseball Complex in the estimated amount of \$25,000 is available in GO Bond account 362-3500-552-6409, project #101318.

ATTACHMENTS:

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

**Tabulation of Bids Received
on October 20, 2015 at 2:30 p.m.
Irrigation Supplies Re-Bid (2)
Bid# 13-21-16**

		Bidders							
		Longhorn Inc. Round Rock, TX		SiteOne Landscape Supply Austin, TX		Irrigation Supply, Inc. Belton, TX		Ewing Irrigation Products Harker Heights, TX	
Description	Qty	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Section 1									
1. Armor 11X17 lock tight valve boxes	30	\$20.96	\$628.80	\$28.60	\$858.00	18.00	\$540.00	32.26	\$967.80
2. 16" oval valve boxes	20	\$9.87	\$197.40	\$14.83	\$296.60	13.50	\$270.00	15.25	\$305.00
3. Hunter 1-25 irrigation heads w/stainless steel riser adjustable part circle design	100	\$34.00	\$3,400.00	\$35.81	\$3,581.00	42.00	\$4,200.00	33.25	\$3,325.00
4. Hunter controller, 3-station timer	5	\$84.44	\$422.20	\$102.32	\$511.60	120.00	\$600.00	95.00	\$475.00
5. Hunter 3 station module for timer	5	\$24.57	\$122.85	\$27.11	\$135.55	31.80	\$159.00	25.17	\$125.85
6. Hunter controller, 32-station timer	3	\$842.50	\$2,527.50	\$439.98 \$56.28 \$496.26	\$1,319.94 (3) \$844.20 (15) \$2,164.14	525.00	\$1,575.00	413.25	\$1,239.75
7. Solenoid Assembly (Acceptable brands: Hunter, Rainbird, Weathermatic)	5	\$8.48	\$42.40	\$6.65	\$33.25	34.97	\$174.85	11.05	\$55.25
8. 3" X 2-1/2" Reducer SxS	10	\$2.87	\$28.70	\$2.63	\$26.30	3.59	\$35.90	2.86	\$28.60
9. 3" X 2" Reducer SxS	10	\$2.87	\$28.70	\$2.63	\$26.30	3.59	\$35.90	2.71	\$27.10
10. 4" X 3" Reducer SxS	10	\$6.41	\$64.10	\$5.89	\$58.90	8.02	\$80.20	6.83	\$68.30
11. 4" X 2-1/2" Reducer SxS	10	\$6.41	\$64.10	\$6.05	\$60.50	8.02	\$80.20	7.35	\$73.50
12. 3" PVC Tee	15	\$8.66	\$129.90	\$7.96	\$119.40	10.84	\$162.60	8.65	\$129.75
13. 4" PVC Tee	15	\$15.68	\$235.20	\$14.41	\$216.15	19.61	\$294.15	15.66	\$234.90
14. 3" PVC 90 degrees	10	\$5.90	\$59.00	\$5.43	\$54.30	7.39	\$73.90	5.31	\$53.10
15. 1" Teflon Tape	10	\$0.79	\$7.90	\$1.03	\$10.30	1.51	\$15.10	1.78	\$17.80
16. 3/4" Teflon Tape	10	\$0.70	\$7.00	\$0.73	\$7.30	1.31	\$13.10	1.35	\$13.50
17. Hunter I-20 with check valve	100	\$5.50	\$550.00	\$12.79	\$1,279.00	15.00	\$1,500.00	11.87	\$1,187.00
18. Hunter I-25 with check valve	100	\$26.00	\$2,600.00	\$28.14	\$2,814.00	33.00	\$3,300.00	26.12	\$2,612.00
19. Hunter 4" INST-04, pop up with check valve (Pros-04-PRS 30)	100	\$3.72	\$372.00	\$3.89	\$389.00	4.56	\$456.00	4.75	\$475.00
20. Hunter 6" INST-06, pop up with check valve (Pros-06-PRS 30)	5	\$7.97	\$39.85	\$9.29	\$46.45	10.80	\$54.00	9.73	\$48.65
21. Hunter 12" INST-12, pop up with check valve (Pros-12-PRS 30)	5	\$13.04	\$65.20	\$11.35	\$56.75	13.20	\$66.00	11.87	\$59.35
22. 3/4" Sch. 40 Pipe (per ft.)	100	\$0.24	\$24.00	\$0.23	\$23.00	0.38	\$38.00	0.234	\$23.40
23. 1" Sch. 40 Pipe (per ft.)	100	\$0.40	\$40.00	\$0.33	\$33.00	0.54	\$54.00	0.349	\$34.90
24. 1-1/2" Sch. 40 Pipe (per ft.)	100	\$0.56	\$56.00	\$0.52	\$52.00	0.87	\$87.00	0.555	\$55.50
25. 2" Sch. 40 Pipe (per ft.)	100	\$0.67	\$67.00	\$0.71	\$71.00	1.16	\$116.00	0.721	\$72.10
26. 1/2" X 6" cut off nipple	100	\$0.47	\$47.00	\$0.69	\$69.00	0.68	\$68.00	0.15	\$15.00
27. 3/4" X 6" cut off nipple	100	\$0.88	\$88.00	\$1.01	\$101.00	0.99	\$99.00	0.42	\$42.00
28. 2" Hunter valve, PGV 201	5	\$74.00	\$370.00	\$69.07	\$345.35	81.00	\$405.00	64.12	\$320.60
29. 1-1/2" Hunter valve, PGV 151	5	\$50.50	\$252.50	\$48.60	\$243.00	57.00	\$285.00	45.12	\$225.60
30. 1" Hunter valve, PGV 101	5	\$33.50	\$167.50	\$15.60	\$78.00	18.30	\$91.50	14.48	\$72.40
TOTAL - SECTION 1		\$12,704.80		\$13,760.14		\$14,929.40		\$12,383.70	
Percentage Discount Off Of List Price		35% - 50% (varies)		0% - 70% (depending on item)		30%		40-52.5%, depending on brand	
SECTION 2		List Price Per Unit	Discounted Total Price	List Price Per Unit	Discounted Total Price	List Price Per Unit	Discounted Total Price	List Price Per Unit	Discounted Total Price
1. Leit Solar Controller 4000; 12-Station	1	\$1,454.34	\$945.32	\$1,254.49	\$1,254.49	\$1,454.34	\$975.00	\$1,339.65	\$803.79
2. Leit Solenoid (Lema 1600HE)	40	\$89.00	\$2,314.00	\$70.85	\$2,834.00	\$89.00	\$2,400.00	\$94.90	\$2,277.60
3. Toro Battery Operated Controller 4-Station	10	\$170.00	\$850.00	No Bid	No Bid	\$170.00	\$1,050.00	\$170.00	\$935.00
4. Swing Riser Pipe (Funny Pipe) (per ft.)	100	\$53.06	\$26.53	\$0.21	\$21.00	\$40.00	\$24.00	\$35.80	\$21.48
5. Hunter I-90 Sprinkler Head Full Circle	10	\$195.00	\$975.00	\$99.76	\$997.60	\$195.00	\$1,170.00	\$195.00	\$926.20
TOTAL - SECTION 2		\$5,110.85		\$5,107.09		\$5,619.00		\$4,964.07	
TOTAL - SECTION 1 & 2		\$17,815.65		\$18,867.23		\$20,548.40		\$17,347.77	
Delivery		Yes		Yes		No		Yes	
Exceptions		Yes, substitutes		Yes		No		No	
Credit Check Authorization		Yes		Yes		Yes		Yes	

Recommended for Council approval

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH EWING IRRIGATION PRODUCTS OF HARKER HEIGHTS, TEXAS, IN THE ESTIMATED ANNUAL AMOUNT OF \$50,000, FOR IRRIGATION SUPPLIES FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Purchasing Department originally opened informal bids for Irrigation Supplies on July 31, 2015, but no bids were received - an informal re-bid of irrigation supplies opened on August 14, 2015 and all bids were rejected due to the estimated annual cost of the low bidder being greater than \$25,000, which triggered a competitively sealed bid;

Whereas, the bid was restructured and on October 20, 2015, competitive sealed bids for irrigation supplies were received at which time the City received four bids for irrigation supplies with the low bidder being Ewing Irrigation Products of Harker Heights, Texas;

Whereas, Ewing Irrigation Products has provided irrigation supplies to the City for many years and staff finds them to be a responsive and responsible vendor;

Whereas, the purchase agreement is for an approximate 11-month period commencing immediately and going through September 30, 2016, with the option for four additional one-year renewals, if so agreed to by the parties;

Whereas, irrigation supplies are ordered on an as-needed basis and are budgeted in individual departmental accounts;

Whereas, funding for irrigation supplies needed to reconstruct the 30-year old irrigation system at Northam Baseball Complex is available in the General Obligation Bond Account No. 362-3500-552-6409, Project No.101318; 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, after approval as to form by the City Attorney, to execute a purchase agreement with Ewing Irrigation Products of Harker Heights, Texas, in an estimated annual amount of \$50,000, for the purchase of irrigation supplies for fiscal year 2016.

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

PASSED AND APPROVED this the 5th day of **November**, 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

11/05/15
Item #4(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd O. Mitchell, Chief of Police

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase of ten Level IIIA ballistic vests from Miller Uniforms & Emblems, Inc., of Austin in an amount of \$26,998 for the SWAT Unit.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Police Department seeks approval to purchase ten ballistic vest Level IIIA from Miller Uniforms & Emblems, Inc. Each vest will come with two hard armor plates and speed plates. These vest have a lifespan of five years according to the manufacture. The vest that we are looking to replace were purchased in 2009 and earlier. The manufacture will not guarantee Level III ballistic protection after the five year period.

Miller Uniforms & Emblems, Inc., has been awarded contract #432-13 by BuyBoard. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

FISCAL IMPACT: Funding in the amount of \$27,000 was approved in FY 2016 budget for these ballistic vests Level IIIA in account 110-2034-521-21-13.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PURCHASE AGREEMENT WITH MILLER UNIFORMS AND EMBLEMS, INC. OF AUSTIN, TEXAS, IN A TOTAL AMOUNT OF \$26,998, FOR THE PURCHASE OF LEVEL IIIA BALLISTIC VESTS, UTILIZING THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Police Department SWAT unit currently uses Level IIIA ballistic vests - these vests have a lifespan of five years according to the manufacturer and the manufacturer will not guarantee Level III ballistic protection after the five year period;

Whereas, Staff recommends the purchase of ten Level IIIA ballistic vests from Miller Uniforms and Emblems, Inc. of Austin, Texas, in a total amount of \$26,998 - all purchases made through the BuyBoard meet the Texas governmental competitive bid requirements;

Whereas, funding for this purchase was approved in the fiscal year 2016 budget in Account No: 110-2034-521-2113; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a purchase agreement with Miller Uniforms and Emblems, Inc. of Austin, Texas, in a total amount of \$26,998, for the purchase of ten Level IIIA ballistic vests.

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

PASSED AND APPROVED this the 5th day of November, 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 MEMORADUM

11/05/15
Item #4(X)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: S-FY-15-02: Consider adopting a resolution granting a street use license to allow existing buildings and an existing chain-link fence on proposed Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad Right-of-Way.

STAFF RECOMMENDATION: Staff recommends approval of the requested street use license.

ITEM SUMMARY: The applicants, represented by Ronald Carroll, request this street use license to allow existing buildings and an existing chain-link fence on proposed Lot 3, Block 1, Golden Valley Subdivision with an encroachment of 10.9 +/- feet into the Georgetown Railroad right-of-way. The Final Plat of Golden Valley Subdivision was approved by the Planning and Zoning Commission on October 5, 2015, but it has not yet been recorded.

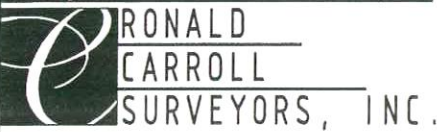
Staff notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' requested street use license. There are no objections to this request.

FISCAL IMPACT: Street use licenses require a \$150 fee for a 15-year term.

ATTACHMENTS:

[Exhibits](#)
[Resolution](#)





5302 South 31st. Temple (254) 773-1447
Temple, Texas 76502 Killeen (254) 526-0117

NOTES:

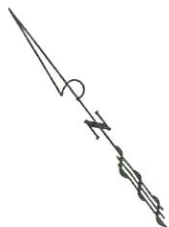
Basis of Bearing: The survey work for this project is on Grid Coordinates (NAD83), Texas State Plane Coordinate System, Central Zone, NAD83 datum obtained from GPS observations and referenced to the NGS CORS Base Station "TCTX" at Temple College in Temple, Texas whose published coordinate value is N=10,366,800.416 E=3,229,830.944. The distances shown are surface distances. Elevation=672.63'

A 5/8" Iron Rebar with a Aluminum Cap stamped "City of Temple Control Monument" and inscribed (#137) 4' north of the north edge of pavement in the centerline of a gravel road driveway at cattle guard to the north. N:10,356,968.49 E:3,207,383.01 Elev.=480.36 per City of Temple Records.

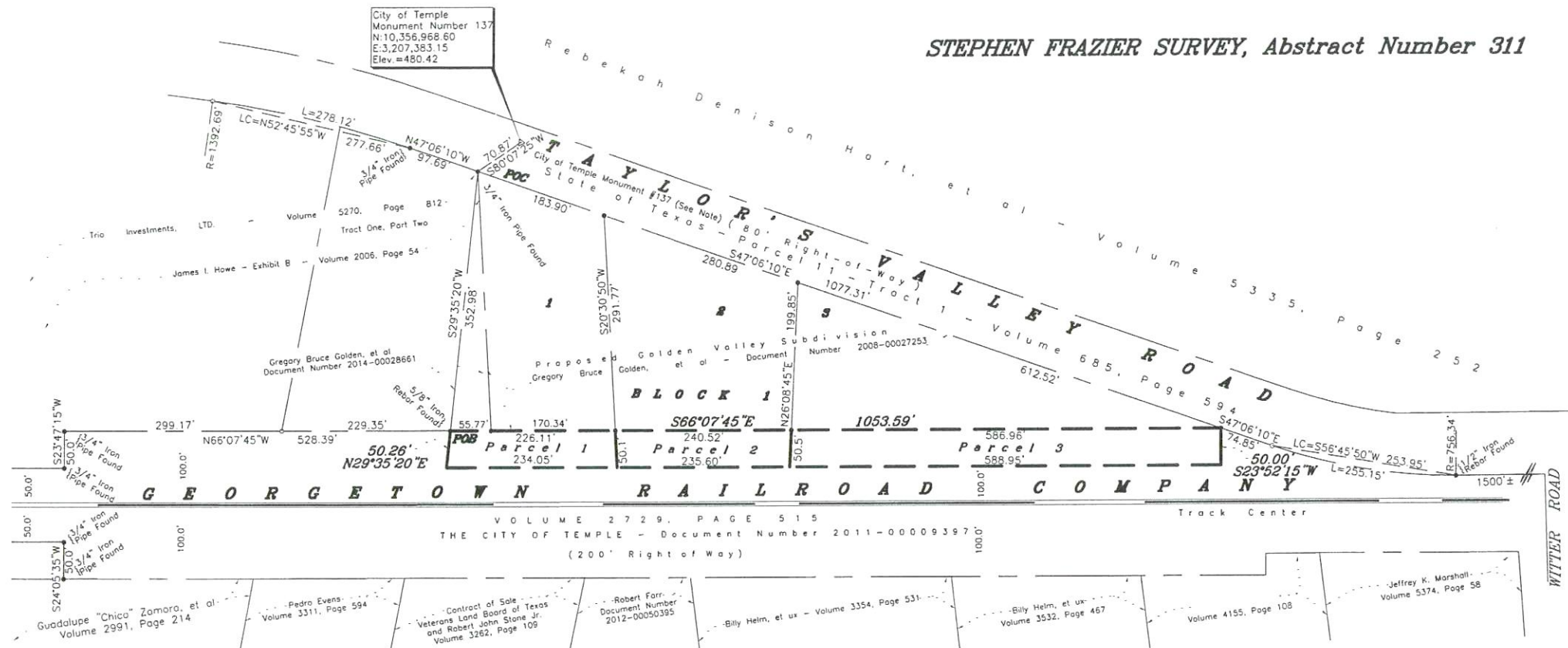
The research for the land boundary property line of this tract has been provided by this surveyor or his associates. That research includes the names and references to the adjoining property owners. Those adjoiners referenced are for compliance to the Texas Board of Professional Land Surveyors regulations, and are shown for information purposes only. All other research for documents such as, but not limited to, easements, deed restrictions, restrictive covenants, leases, etc. are the responsibility of the client's Title Company or other third parties other than this surveyor or company.

Copyright © 2014, Ronald Carroll Surveyors, Inc. All Rights Reserved. This survey was provided solely for the use of Alma Golden.

See attached field notes that accompany this plot.



1 inch = 200 feet



Sketch showing a PROPOSED PROPOSED STREET USE LICENCE PARCEL, for situated in the STEPHEN FRAZIER SURVEY, Abstract Number 311, in Bell County, Texas.

Surveyed June 15, 2013.

RONALD CARROLL SURVEYORS, INC.

Ronald Carroll



NOTES:

- Property Corners are 5/8" Iron Rebar Set with yellow plastic cap stamped "RCS, INC.", unless otherwise stated.
- Calculated Point.
- △ 5/8" Iron Rebar Found with 3" Aluminum cap stamped Texas Department of Transportation, unless otherwise stated.

POB Point of Beginning
POC Point of Commencement

Parcel Acre 1	0.26
Parcel Acre 2	0.27
Parcel Acre 3	0.67
Total Acres	1.21

FOR: Alma Golden
JOB NO. 13041
DATE: 10/1/14
DWG NAME: 13041-PS-Golden.dwg
DISK: S:/RCS Jobs-2013
DRAWN BY: G.B.C.
FIELD BOOK: "NO. PG"

City of Temple Monument
Number 137
N:10,356,968.60
E:3,207,383.15
Elev.=480.42

Rebekah Denison Hart, et al - Volume 5335, Page 252

25' WIDE ASPHALT

PROPOSED FIRE HYDRANT AT TIME OF BUILDING PERMIT

24" CMP

TAYLOR'S VALLEY ROAD

State of Texas

LOT 1

LOT 2

LOT 3

BLOCK 1

1-Story Frame Building

1-Story Concrete Building

EXISTING WATER WELL

Agreement (See Plat Notes)

10' Water Line Easement for Shared Well

1053.62' Metal Building Encroachment into Right-of-Way

GEORGE TOWN RAIL ROAD COMPANY

VOLUME 2729, PAGE 515 (200' Right-of-Way)

25' WIDE ASPHALT

Market Road Number 93

Overhead Electric Line (typ)

Edge of Asphalt

Chain Link Fence

Dense Vegetation

Storage Yard

Storage Tank

Wall

Water Overhead

31.8' Encroachment

586.89'

174.85'

547.06'10"E

LC=556'45"

L=

S67 (Tie to)

162'

112'

113'

Edge of Asphalt

Chain Link Fence

Overhead Electric Line (typ)

Volume 685, Page 594

Formerly known as Farm to Market Road

Edge of Asphalt

Volume 612.52

685'

1077.31'

280.89'

199.85'

478'

476'

426'

426.08'45"E

294.77'

240.52'

240.52'

10.0'

10.0'

226.11'

229.29'

5/8" Iron Refuse Found

Gravel Trail

N29°35'20"E 352.98'

S20°30'50"N 291.77'

480'

280'

812'

R=1392.69'

N47°06'10"W 97.68'

N60°01'25"E 70.87'

3/4" Iron Pipe Found

Edge of Asphalt

25'

277.66'

278.12'

480'

480'

Tract One, Part Two

me 2006, Page 54



September 9, 2014

Page 1 of 2

Field notes for The City of Temple for:

PARCEL 1 STREET USE LICENSE for Mr. Bruce Golden

Part of the STEPHEN FRAZIER SURVEY, Abstract Number 311, situated in Temple, in Bell County, Texas, and embracing a portion of the tract described in the deed to James I. Howe, Exhibit B, recorded in volume 2006, page 54 of the Bell County Deed Records, a portion of the tract described in the deed to Gregory Bruce Golden, et ux recorded in Document Number 2014-00028661 of the Bell County Official Public Records, and being a portion of the Georgetown Railroad Company right of way as described in the deed in Volume 2729, page 515 of said Official Public Records, also being the same tract described in the Assignment to the City of Temple recorded in Document Number 2011-00009397 of said Official Public Records.

COMMENCING at a $\frac{3}{4}$ inch iron pipe found in the south right of way line of Taylor's Valley Road, being in the south line of a tract described in the deed to the State of Texas, Parcel 11, Tract 1, recorded in volume 685, page 594 of said Deed Records, for the northeast corner of said Howe tract, and the northeast corner of a tract described in the deed to Trio Investments, LTD., Tract One, Part Two, recorded in volume 5270, page 812 of said Deed Records, also being the northwest corner of another tract described in the deed to Gregory Bruce Golden, et al recorded in Document Number 2008-00027253 of said Official Public Records, from said $\frac{3}{4}$ inch iron pipe found, another $\frac{3}{4}$ inch iron pipe found at the beginning of a curve to the left in said south line of the Road and State of Texas tract, bears north 47 degrees-06 minutes-10 seconds west 97-69/100 feet, also from said $\frac{3}{4}$ inch iron pipe found, a City of Temple Aluminum disk stamped #137 Control Monument in the north shoulder of the Road, bears north 80 degrees-no minutes-25 seconds east 70-87/100 feet, **and then run** south 20 degrees-30 minutes-50 seconds west along the west line of said first mentioned Golden tract, 352-98/100 feet to a $\frac{5}{8}$ inch iron rebar found, being in a line 100 feet northerly and parallel to the track center of said GEORGETOWN RAILROAD COMPANY, for the north line of said Railroad Company tract, and the north line of said Assignment of Deed to the CITY OF TEMPLE tract, for the southeast corner of said Trio Investments tract, for the NORTHWEST AND BEGINNING CORNER of the Parcel being described.

Thence **south 66 degrees-07 minutes-45 seconds east** along a line 100 feet northerly and parallel to the track center of said Railroad Company tract, said City of Temple tract, for the south line of said Golden tract, at 55-77/100 feet pass a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the southwest corner of said second mentioned Golden tract, and continue along the south line of said second mentioned Golden tract, in all, **226-11/100 feet** to a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the common south corner of Lots 1 and 2, in Block 3 of the Proposed GOLDEN SUBDIVISION, a subdivision to the City of Temple, in Bell County, Texas that is under review for approval at the time of these field notes.

September 9, 2014

Page 2 of 2

Field notes for The City of Temple for: (continued)

PARCEL 1 STREET USE LICENSE for Mr. Bruce Golden

Thence **south 20 degrees-30 minutes-50 seconds west** along the projected common lot line of said Lots 1 and 2 in said Block 1 of the GOLDEN SUBDIVISION, **50-1/10 feet** to a point in a line being 50 feet northerly and parallel to the track center of said Georgetown Railroad Company track.

Thence **north 66 degrees-07 minutes-45 seconds west** along a line 50 feet northerly and parallel to the track center of said Georgetown Railroad track, **231-07/100 feet** to a point for the southwest corner of said first mentioned Golden tract.

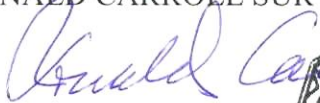
Thence **north 29 degrees-35 minutes-20 seconds east** along the west line of said first mentioned Golden tract, **50-35/100 feet** to the place of BEGINNING and containing 0-26/100 of an acre, as surveyed.

The Basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 datum, as referenced to the NGS "CORS" Base Station "TCTX" at Temple College, in Temple, Texas.

See attached 11 inch by 17 inch sketch that accompanies these field notes.

Surveyed June 15, 2013.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS
Vice President



S: data txjobs 2013 13041 draft fieldnotes COT St Use License Parcel 1 090914



September 9, 2014

Page 1 of 2

Field notes for The City of Temple for:

PARCEL 2 STREET USE LICENSE for Mr. Bruce Golden

Part of the STEPHEN FRAZIER SURVEY, Abstract Number 311, situated in Temple, in Bell County, Texas, and embracing a portion of the tract described in the deed to Georgetown Railroad Company recorded in Volume 2729, page 515 of said Official Public Records, also being the same tract described in the Assignment to the City of Temple recorded in Document Number 2011-00009397 of said Official Public Records.

COMMENCING at a $\frac{3}{4}$ inch iron pipe found in the south right of way line of Taylor's Valley Road, being in the south line of a tract described in the deed to the State of Texas, Parcel 11, Tract 1, recorded in volume 685, page 594 of the Bell County Deed Records, for the northeast corner of a tract described in the deed to James I. Howe, Exhibit B, recorded in Volume 2006, Page 54 of the Bell County Deed Records, for the northeast corner of a tract described in the deed to Trio Investments, LTD., Tract One, Part Two, recorded in Volume 5270, Page 812 of said Official Public Records, also being the northwest corner of a tract described in the deed to Gregory Bruce Golden, et al recorded in Document Number 2008-00027253 of said Official Public Records, and the north corner of a tract described in the deed to Gregory Bruce Golden, et al recorded in Document Number 2014-00028661 of said Deed Records, from said $\frac{3}{4}$ inch iron pipe found, another $\frac{3}{4}$ inch iron pipe found at the beginning of a curve to the left in said south line of the Road and State of Texas tract, bears north 47 degrees-06 minutes-10 seconds west 97-69/100 feet, also from said $\frac{3}{4}$ inch iron pipe found, a City of Temple Monument Number 137, being an Aluminum disk stamped #137 Control Monument in the north shoulder of the Road, bears north 80 degrees-no minutes-25 seconds east 70-87/100 feet, **then run** south 20 degrees-30 minutes-50 seconds west along the west line of said second mentioned Golden tract, 352-98/100 feet to a $\frac{5}{8}$ inch iron rebar found, being in a line 100 feet northerly and parallel to the track center of said GEORGETOWN RAILROAD COMPANY, for the north line of said Railroad Company tract, and the north line of said Assignment of Deed to the CITY OF TEMPLE tract, for the southeast corner of said Trio Investments tract, **and then run** south 66 degrees-07 minutes-45 seconds east along a line 100 feet northerly and parallel to the track center of said Railroad Company tract, said City of Temple tract, for the south line of said Golden tract, at 55-77/100 feet pass a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the southwest corner of said first mentioned Golden tract, and continue along the south line of said first mentioned Golden tract, in all, 226-11/100 feet to a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the common south corner of Lots 1 and 2, in Block 3 of the Proposed GOLDEN SUBDIVISION, a subdivision to the City of Temple, in Bell County, Texas that is under review for approval at the time of these field notes, for the NORTHWEST AND BEGINNING CORNER of the Parcel being described.

Field notes for The City of Temple for: (continued)

PARCEL 2 STREET USE LICENSE for Mr. Bruce Golden

Thence **south 66 degrees-07 minutes-45 seconds east** continuing along said line 100 feet northerly and parallel to the track center of said Railroad Company tract, said City of Temple tract, for the south line of said first mentioned Golden tract, **240-52/100 feet** to a 5/8 inch iron rebar set with a cap stamped "RCS INC" for the common south corner of the Proposed Lots 2 and 3, in said Block 1 of said GOLDEN SUBDIVISION.

Thence **south 26 degrees-08 minutes-45 seconds west** along the projected common lot line of said Proposed Lots 2 and 3, in said Block 1 of the GOLDEN SUBDIVISION, **50-05/100 feet** to a point in a line being 50 feet northerly and parallel to the track center of said Georgetown Railroad Company track.

Thence **north 66 degrees-07 minutes-45 seconds west** along a line 50 feet northerly and parallel to the track center of said Georgetown Railroad track, **240-52/100 feet** to a point.

Thence **north 20 degrees-30 minutes-50 seconds east 50-1/10 feet** to the place of BEGINNING and containing 0-27/100 of an acre, as surveyed.

The Basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 datum, as referenced to the NGS "CORS" Base Station "TCTX" at Temple College, in Temple, Texas.

See attached 11 inch by 17 inch sketch that accompanies these field notes.

Surveyed June 15, 2013.

RONALD CARROLL SURVEYORS, INC.

Ronald Carroll, RPLS
Vice President





September 9, 2014

Page 1 of 2

Field notes for The City of Temple for:

PARCEL 3 STREET USE LICENSE for Mr. Bruce Golden

Part of the STEPHEN FRAZIER SURVEY, Abstract Number 311, situated in Temple, in Bell County, Texas, and embracing a portion of the tract described in the deed to Georgetown Railroad Company recorded in Volume 2729, page 515 of said Official Public Records, also being the same tract described in the Assignment to the City of Temple recorded in Document Number 2011-00009397 of said Official Public Records.

COMMENCING at a $\frac{3}{4}$ inch iron pipe found in the south right of way line of Taylor's Valley Road, being in the south line of a tract described in the deed to the State of Texas, Parcel 11, Tract 1, recorded in volume 685, page 594 of the Bell County Deed Records, for the northeast corner of a tract described in the deed to James I. Howe, Exhibit B, recorded in Volume 2006, Page 54 of the Bell County Deed Records, for the northeast corner of a tract described in the deed to Trio Investments, LTD., Tract One, Part Two, recorded in Volume 5270, Page 812 of said Official Public Records, also being the northwest corner of a tract described in the deed to Gregory Bruce Golden, et al recorded in Document Number 2008-00027253 of said Official Public Records, and the north corner of a tract described in the deed to Gregory Bruce Golden, et al recorded in Document Number 2014-00028661 of said Deed Records, from said $\frac{3}{4}$ inch iron pipe found, another $\frac{3}{4}$ inch iron pipe found at the beginning of a curve to the left in said south line of the Road and State of Texas tract, bears north 47 degrees-06 minutes-10 seconds west 97-69/100 feet, also from said $\frac{3}{4}$ inch iron pipe found, a City of Temple Monument Number 137, being an Aluminum disk stamped #137 Control Monument in the north shoulder of the Road, bears north 80 degrees-no minutes-25 seconds east 70-87/100 feet, **then run** south 20 degrees-30 minutes-50 seconds west along the west line of said second mentioned Golden tract, 352-98/100 feet to a $\frac{5}{8}$ inch iron rebar found, being in a line 100 feet northerly and parallel to the track center of said GEORGETOWN RAILROAD COMPANY, for the north line of said Railroad Company tract, and the north line of said Assignment of Deed to the CITY OF TEMPLE tract, for the southeast corner of said Trio Investments tract, **and then run** south 66 degrees-07 minutes-45 seconds east along a line 100 feet northerly and parallel to the track center of said Railroad Company tract, said City of Temple tract, for the south line of said Golden tract, at 55-77/100 feet pass a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the southwest corner of said first mentioned Golden tract, and continue along the south line of said first mentioned Golden tract, at 226-11/100 feet pass a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the common south corner of Lots 1 and 2, in Block 3 of the Proposed GOLDEN SUBDIVISION, a subdivision to the City of Temple, in Bell County, Texas that is under review for approval at the time of these field notes, and continue in all, 466-63/100 feet to a $\frac{5}{8}$ inch iron rebar set with a cap stamped "RCS INC" for the NORTHWEST AND BEGINNING CORNER of the Parcel being described.

Field notes for The City of Temple for: (continued)

PARCEL 3 STREET USE LICENSE for Mr. Bruce Golden

Thence **south 66 degrees-07 minutes-45 seconds east** continuing along said line 100 feet northerly and parallel to the track center of said Railroad Company tract, said City of Temple tract, for the south line of said first mentioned Golden tract, **586-99/100 feet** to a 5/8 inch iron rebar set with a cap stamped "RCS INC" being in said south line of the Road and State of Texas tract, with the intersection of said north line of the Georgetown Railroad Company tract, for the southeast corner of said first mentioned Golden tract.

Thence **south 23 degrees-52 minutes-15 seconds west 50-05/100 feet** to a point in a line being 50 feet northerly and parallel to the track center of said Georgetown Railroad Company track.

Thence **north 66 degrees-07 minutes-45 seconds west** along a line 50 feet northerly and parallel to the track center of said Georgetown Railroad track, **585-25/100 feet** to a point being in the projected common line of Lots 2 and 3, in Block 1 of said Proposed Golden Subdivision.

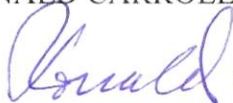
Thence **north 26 degrees-08 minutes-45 seconds east** along the project common lot line of Lots 2 and 3, Block 1 of said Proposed Golden Subdivision, **50-05/100 feet** to the place of BEGINNING and containing 0-27/100 of an acre, as surveyed.

The Basis of bearings was taken from the Texas State Plane Coordinate System, Central Zone, NAD83 datum, as referenced to the NGS "CORS" Base Station "TCTX" at Temple College, in Temple, Texas.

See attached 11 inch by 17 inch sketch that accompanies these field notes.

Surveyed June 15, 2013.

RONALD CARROLL SURVEYORS, INC.



Ronald Carroll, RPLS
Vice President



RESOLUTION NO. _____

(S-FY-15-02)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING A STREET USE LICENSE TO ALLOW EXISTING BUILDINGS AND AN EXISTING CHAIN LINK FENCE ON LOT 3, BLOCK 1, GOLDEN VALLEY SUBDIVISION, WITH AN ENCROACHMENT OF APPROXIMATELY 10.9 FEET INTO THE GEORGETOWN RAILROAD RIGHT OF WAY; PROVIDING FOR THE TERMS OF AND CONDITIONS OF THIS LICENSE; PROVIDING FOR COMPENSATION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicants, represented by Ronald Carroll, request a street use license to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way;

Whereas, the Final Plat of Golden Valley Subdivision was approved by the Planning and Zoning Commission on October 5, 2015, but it has not yet been recorded;

Whereas, Staff has notified all utility providers, including the City of Temple Public Works Department, regarding the applicants' requested street use license and there are no objections to this request; 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: A Street Use License is granted to the applicants, represented by Ronald Carroll, to allow existing buildings and an existing chain link fence on Lot 3, Block 1, Golden Valley Subdivision with an encroachment of approximately 10.9 feet into the Georgetown Railroad right-of-way, more fully shown on Exhibit 'A,' attached hereto and made a part hereof for all purposes. This Street Use License is approved in accordance with the following terms and conditions:

I. Term

This license is granted for a term of fifteen years unless sooner terminated according to the terms and conditions herein contained. At the end of the fifteen year period, the owner may request an extension or renewal of the license.

II. Fee

Licensee shall pay to the City of Temple, Texas, the sum of One Hundred Fifty Dollars (\$150.00) for the fifteen year term of the license herein granted upon the execution by Licensee and approval by the City of the agreement.

III. Purpose

The above-described property shall be used by the Licensee to utilize property located at Lot 3, Block 1, Golden Valley Subdivision, to allow an approximately 10.9 foot encroachment into the Georgetown Railroad right of way.

IV. Conditions of License

The above-described license is granted subject to the following conditions, terms and reservations:

a) Maintenance of Encroachment Area.

1. Licensee shall maintain the encroachment area at all times in a neat, attractive, and orderly matter. A sufficient area of the public street, right of way, alley, sidewalk, or other public property shall remain open after the encroachment, unobstructed and preserved for pedestrian or vehicular traffic (including access for impaired or handicapped persons), as appropriate. No other permanent structure, building, or enclosure shall be installed within the public right of way. Licensee shall at all times, allow access to utilities and trash receptacles located within the encroachment area.
2. Licensee shall restore the encroachment area to its original condition at the end of the license period, unless renewed or extended, or in the event that this license is terminated by the City as provided herein. If Licensee fails to maintain the encroachment area as provided herein, or fails to restore the encroachment area when the license is expired or terminated, the City may cause such work to be done, the costs of which shall be borne by the Licensee.
3. In the event that City requests removal of the encroachment or any other physical improvement in the area of the licensee, Licensee shall remove said improvement at his own expense within thirty days of notice thereof. In the event that Licensee fails to remove the improvements within the required thirty day period, the City reserves the right to remove the improvements, and Licensee agrees to reimburse the City for the expense of removing said improvements, and Licensee further agrees to hold the City harmless for any and all claims arising out of the removal of improvements or maintenance of the encroachment area. City shall not be required to restore the improvements, which shall be the sole responsibility of Licensee.

b) Right of Cancellation.

1. This license is made subordinate to the right of the City to use said area for a public purpose, and in addition to any other reservations made herein, it is understood and agreed that should the City of Temple deem it in the public interest to use the above area or any portion thereof for a public purpose, or for any utility service which will require the use of said area, then in that event, the City shall give the Licensee thirty (30) days written notice of its intention to

cancel this license. Licensee shall likewise have the same right of cancellation upon giving the City thirty (30) days written notice of its intention to cancel.

In either event, upon the termination or cancellation by the City or Licensee, as the case may be, this license shall become null and void, and Licensee or anyone claiming any rights under this instrument shall remove any improvements from said area at Licensee's expense. Failure to do so shall subject Licensee to the provisions of subsection (a)(2) above. All work shall be done at the sole cost of the Licensee and to the satisfaction of the Director of Public Works. The decision of the City Council in this matter shall be final and binding upon all parties insofar as the City's determination as to the public necessity of the use of said area for public use.

c.) **Compliance with Laws.** This license is subject to all State and Federal laws, the provisions of the Charter of the City of Temple as it now exists or as it may hereafter be adopted or amended, and the ordinances of the City of Temple now in effect or those which may hereafter be passed and adopted. The City of Temple shall have the right to increase or decrease the compensation to be charged for the license upon its renewal or extension.

d.) **Hold Harmless.**

1. As a condition hereof, Licensee agrees and is bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the use, occupancy and maintenance of the above-described public property by Licensee, or from any act or omission of any representative, agent, customer, or employee of Licensee, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. This license shall also cover any claim for damages that any utility, whether publicly or privately owned, may sustain or receive by reason of Licensee's use of said license for Licensee's improvements and equipment located thereon.
2. Licensee shall never make any claim of any kind or character against the City of Temple for damages that it may suffer by reason of installation, construction, reconstruction, operation, and/or maintenance of any public improvement or utility, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water and/or sanitary sewer mains, and/or storm sewer facilities, and whether such damage is due to flooding, infiltration, natural causes or from any other cause of whatsoever kind or nature.
3. It is the intention of this indemnity agreement on the part of the Licensee and a condition of the license, that it shall be a full and total indemnity against any kind or character or claim whatsoever that may be asserted against the City of Temple by reason or a consequence of having granted permission to Licensee to use and maintain the above described public property. Licensee hereby agrees to defend any and all suits, claims, or causes of action brought against

the City of Temple on account of same, and discharge any judgement or judgements that may be rendered against the City of Temple in connection herewith.

V. Acceptance by Licensee

Licensee may accept the provisions of this license by signing through its duly authorized officer as indicated below within thirty (30) days after this license shall have become fully effective. In the event said acceptance is not signed as provided for herein, then this license shall be of no further effect and shall be considered as having been cancelled fully.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

License Agreement

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

The licensee, _____, acting by and through its duly authorized and
empowered officer, hereby accepts the terms and conditions of Resolution No. _____
granting a street use license on Lot 3, Block 1, Golden Valley Subdivision.

SIGNED this _____ day of _____, 2015.

By:
Title:



COUNCIL AGENDA ITEM MEMORANDUM

11/05/15
Item #4(Y)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick, & Associates, LP of Temple in the amount of \$101,600 for professional services required to design, bid, and construct improvements to Kegley Road at the intersection of FM 2305.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project will develop intersection improvements to Kegley Road at FM 2305. Improvements include expanded pavement sections, drainage conveyance, striping, signage and traffic control & sequencing. As depicted by the attached Project Map, Kegley Road will gain a dedicated left-turn lane for both northbound and southbound traffic as well as increased traffic stacking in the left-turn lane.

The design for this project will be coordinated with the design for the traffic signal at this location.

Consultant services recommended under this professional services agreement include:

Project Management	\$ 4,200
Design Surveys	\$ 8,200
Metes and Bounds	\$ 2,200
Geotechnical	\$ 8,700
Roadway Design	\$ 29,000
Miscellaneous Design	\$ 6,400
Bidding	\$ 5,000
Construction Administration	\$ 19,500
On-Site Representation	\$ 18,400

Total **\$ 101,600**

Time required for design is 90 calendar days.

FISCAL IMPACT: Council is being presented with a budget adjustment to appropriate funding for the design of the Kegley Road Project. Funding will be appropriated in account 365-3400-531-6888, project #100346. Funding will be available as follows:

Project Budget	\$101,600
Encumbered/Committed to Date	0
Engineering Contract – KPA	<u>(101,600)</u>
Remaining Project Funds	<u>\$ 0</u>

The engineer's opinion of probable cost for construction is \$650,000. Construction will be funded with the issuance of the FY 2016 TCIP Certificates of Obligation bonds currently anticipated to be issued in the spring.

ATTACHMENTS:

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



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

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

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

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

October 2, 2015

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

Re: City of Temple
Roadway Improvements at Kegley Road and FM 2305

Dear Mr. Billeck:

At the request of the City of Temple, we are submitting this proposal for the above referenced project. This project will develop 100% final design and construction of the improvements for the Kegley Road at the intersection of FM 2305. The project will develop intersection improvements at Kegley Road and FM 2305 to coincide with the designed signal improvements at the same intersection. The intersection improvements will include expanded pavement section at the intersection of Kegley Road and FM 2305, drainage design, striping and signage and traffic control/traffic sequencing. A traffic signal has been designed at the intersection and this project will coordinate with the design. The final product will be plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department with construction to follow.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design and preparation of plans, specifications and estimates. Coordination with TxDOT will be required for both the project and traffic control during the design process. The timeframe for design of the project is three months from the Notice to Proceed. Rights-of-Way for the project will be required including metes and bounds. Our Preliminary Opinion of Probable Construction Cost is \$650,000, but could change pending the results of the geotechnical investigations.

KPA will perform all work and prepare all deliverables in accordance with the latest version of AASHTO and City of Temple specifications, standards and manuals.

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project. All traffic control will be in accordance with the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

The following services will be performed:

I. Project Management

A. Meetings

1. Prepare, attend and document Progress Meetings at the City Office.
2. Prepare, attend and document Utility Coordination Meetings, if required.

B. General Contract Administration

1. Develop monthly invoices and progress reports.
2. Sub-consultant coordination.
3. Design coordination with the City

II. Field Surveying

A. General

1. The City of Temple shall obtain right-of-entry (ROE) agreements with property owners for the required field surveys.
2. FM 2305 is a TxDOT controlled facility and will require TMUTCD traffic control for the project which will be provided
3. Verify and compare previously located utility data with current ground conditions. Contact the One-Call System in advance of performing field surveys so that data collection includes ties to location of marked utilities. Reasonable attempts to coordinate with utility owners shall be made to achieve efficiency in data collection.

B. Topographic Surveys for Design

1. Reasonable attempts shall be made to recover existing horizontal control points from previous work performed on projects in the vicinity. Additional control shall be established to adequately position horizontal control points as needed for project design activities and plan notations thereof. Data for the horizontal control shall be based on Texas State Plane, Central Zone, NAD 83 (93).
2. Reasonable attempts at recovering and verifying existing vertical control shall be made as well as coordinate with other projects in the vicinity. Additional benchmarks shall be established via differential level loops from recovered known project controls. A vertical benchmark system shall be perpetuated at approximate 1,000 foot intervals for future reference on the plans.
3. Data collection shall consist of spot elevations for improvements, edge of roadway and curb and gutter, visible or marked utilities, drainage features, centerline of roadway and grade breaks.

4. Metes and Bounds will be developed for the Vonder Hoya Tract. All easements shall be shown on the documents from the Title Report provided by the City of Temple. We did not include detailed property surveys in the proposal.

III. Kegley Road Improvements

A. Roadway Improvements

1. Geometric Design - Develop the horizontal and vertical alignments for Kegley Road including connections to FM 2305. Plan and profile will be developed for the project.
2. Typical Sections - Develop typical sections for the project based on geotechnical investigations. The geology of this region typically has highly expansive soils. Several sections will be reviewed with cost estimates developed in order to produce the most efficient section.
3. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets for Kegley Road meeting the required design speed.
4. Develop drainage design to convey storm water to existing storm water system(s)
5. Develop striping and signage meeting the current TMUTCD.
6. Coordinate with TxDOT for the project.
7. Develop rights-of-way for the proposed roadway infrastructure to be dedicated to the City of Temple.

IV. Miscellaneous Design

A. Plan Set

1. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet
 - Index of Sheets
2. Cost Estimates - Prepare detailed construction cost estimates
3. Traffic Control and Phasing - Prepare traffic control design and phasing for the construction of the project.
4. General Notes and Specifications - Prepare project specific general notes including standard notes for the City of Temple.
5. Bid Proposal- Prepare the project bid proposal that shall include the following:
 - General Notes
 - Standard and Special Specifications
 - Bid Form
6. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
 - Title Sheet / Index of Sheets
 - Project Layout

V. Construction Administration

- A. Chair the Pre-Construction Conference.
- B. Review and approve all submittals for the project.
- C. Perform construction administration to include site visits, meeting with the contractor to answer questions and holding progress meetings as required.
- D. Coordinate and conduct the final walk through for the project. After the final walk through is complete a punch list will be generated and monitored.
- E. Develop record drawings based on information supplied by the contractor.

VI. On-Site Representation

- A. Perform daily on-site representation an average of 2 hours per day.
- B. Prepare and submit weekly logs of construction activities.
- C. Periodically take photographs of the construction and project site. Photographs will be submitted to the City of Temple electronically.

The following scope of work for the Roadway Improvements at Kegley Road and FM 2305 Project can be completed for the lump sum price of \$101,600. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

PROJECT MANAGEMENT	\$ 4,200.00
FIELD SURVEYING	\$ 8,200.00
METES AND BOUNDS	\$ 2,200.00
GEOTECHNICAL	\$ 8,700.00
ROADWAY DESIGN	\$ 29,000.00
MISCELLANEOUS DESIGN	\$ 6,400.00
BIDDING	\$ 5,000.00
CONSTRUCTION ADMINISTRATION	\$ 19,500.00
ON SITE REPRESENTATION	\$ 18,400.00
TOTAL	\$ 101,600.00

Sincerely,



R. David Patrick, P.E., CFM

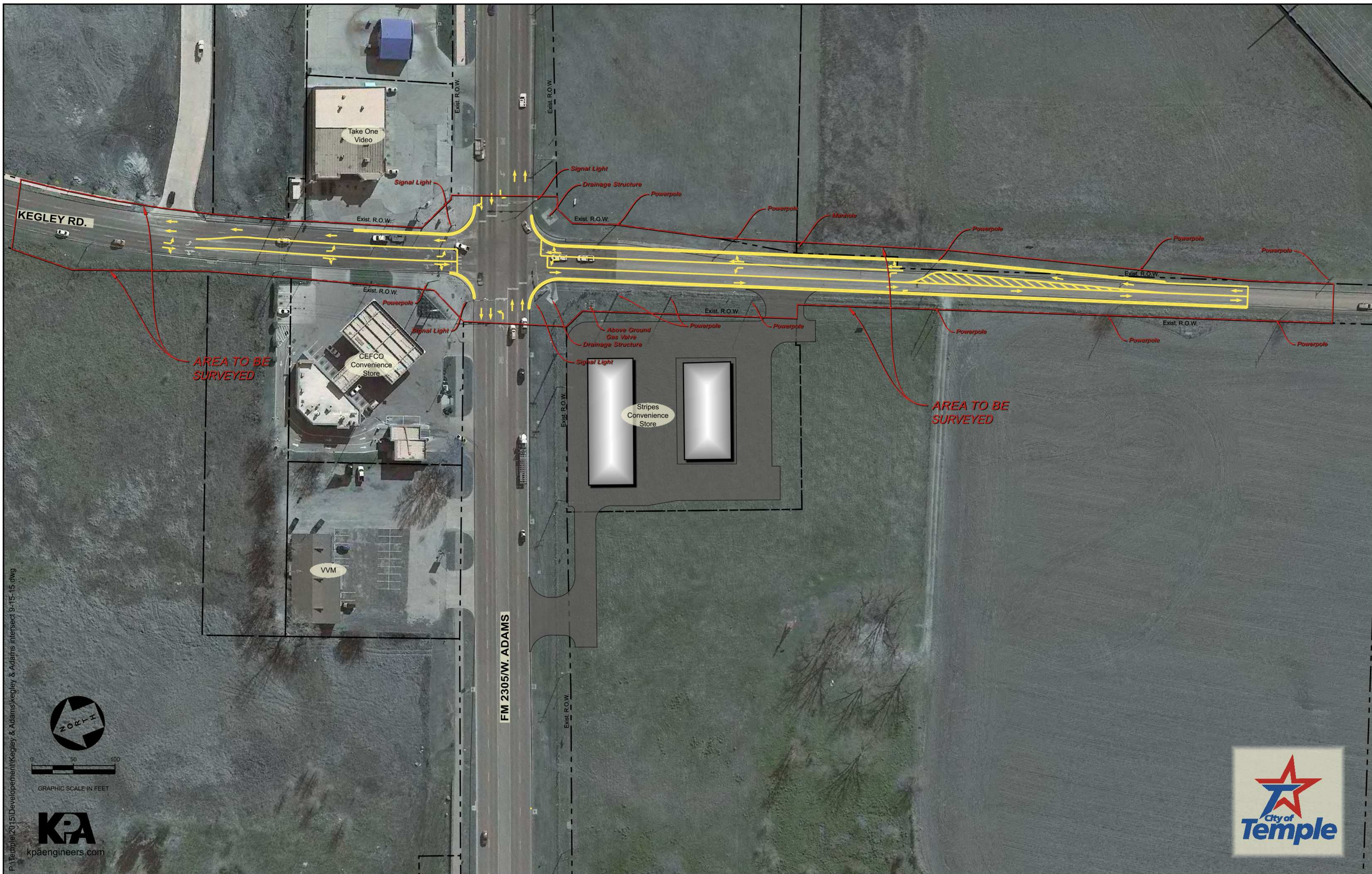
xc: File

ATTACHMENT "C"

Charges for Additional Services

**City of Temple
Roadway Improvements at Kegley Road and FM 2305**

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



P:\Temple\2015\Development\Kegley & Adams\Kegley & Adams Intersect 9-15-15.dwg



0 50 100

GRAPHIC SCALE IN FEET



FY 2016

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	
365-3400-531-68-88	100346	Capital Bonds / Kegley Rd Improvements	\$ 101,600			
365-3400-531-68-82	101107	Capital Bonds / S. 23rd Street Extension			46,671	
365-3400-531-68-59	100970	Capital Bonds / Westfield Blvd			6,097	
365-3400-531-65-32		Capital Bonds / Contingency			26,172	
365-0000-315-11-16		Reserved for Future Exp.			22,660	
		DO NOT POST				
TOTAL.....			\$ 101,600		\$ 101,600	

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

To appropriate funding for TCIP project, Kegley Road. Funding is available from projects that were completed, contingency funds, and fund balance.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes



No

DATE OF COUNCIL MEETING

11/5/2015

WITH AGENDA ITEM?

X

☒ Yes

[illegible]

No

Department Head/Division Director

Date _____

Date _____

Finance

City Manager

Date _____

1

Approved

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Disapproved

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Approved

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Disapproved

7

Approved

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Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$101,600, FOR SERVICES REQUIRED TO DESIGN, BID AND CONSTRUCT IMPROVEMENTS TO KEGLEY ROAD AT THE INTERSECTION OF FM 2305; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, construction improvements to Kegley Road at the intersection of FM 2305 will include expanded pavement sections, drainage conveyance, striping, signage and traffic control and sequencing;

Whereas, Kegley Road will gain a dedicated left-turn lane for both northbound and southbound traffic as well as increased traffic stacking in the left-turn lane;

Whereas, Staff recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$101,600, for services required to design, bid and construct improvements to Kegley Road at the intersection of FM 2305;

Whereas, funding is available for this professional services agreement, but an amendment to the fiscal year 2016 budget needs to be approved to transfer funds to Account No. 365-3400-531-6888, Project No. 100346; 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, after approval as to form by the City Attorney, to execute a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$101,600, for services required to design, bid and construct improvements to Kegley Road at the intersection of FM 2305.

Part 2: The City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

11/05/15
Item #4(Z)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the Five Year Dedicated Access Services (Telephone and Data Service) agreement with Time Warner Cable in the amount of \$47,231 for the third year of the agreement.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Information Technology department currently has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services. One of these services that is provided is what are called "PRI" Circuits or Primary Rate Interfaces that provide 24 channels of voice lines. We also have data circuits that are provided through various companies. We currently use multiple vendors such as AT&T and Time Warner because we like redundancy among different city locations so that we do not lose services at all locations.

We currently have two PRI Circuits at City Hall and one at Service Center for redundancy purposes as well as a Data Circuit to our Summit Recreation Center which will provide at installing a data circuit at the Summit Recreation Center to replace our current circuit. The Summit has turned out to be an important City asset and we would like to provide the highest level of availability that is provided at other City locations like City Hall, Police, Fire Central, EOC, Service Center, Courts and Water Business Office among others. The city also has Internet provisional service with Time Warner cable that is redundant to our VVM Internet service.

We would still use AT&T at other locations around the City to have redundancy among providers.

FISCAL IMPACT: Funding is appropriated in the amount of \$47,231 for the Time Warner agreement as follows:

Account	Description	Amount Available
110-1900-519-2610	Telephone	\$ 31,231
110-1900-519-2515	Dues & Subscriptions	\$ 16,000
Total Funding Available		<u>\$ 47,231</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THIRD YEAR FUNDING OF THE FIVE YEAR DEDICATED ACCESS SERVICE AGREEMENT WITH TIME WARNER CABLE, IN THE AMOUNT OF \$47,231, FOR TELEPHONE AND DATA SERVICE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology department has many locations throughout the City that require multiple contracts with companies that provide telephone, internet and data services – one of these services that is provided is Primary Rate Interfaces (PRI) that provides 24 channels of voice lines;

Whereas, current service is provided by AT&T and Time Warner Cable because the City prefers redundancy among different city locations so that there is no loss of service at all locations at one time;

Whereas, the City currently has two PRI circuits at City Hall and one at the Service Center for redundancy purposes as well as a data circuit at the Summit Recreation Center - the Summit has turned out to be an important City asset and we would like to provide the highest level of availability that is provided at other City locations;

Whereas, the City currently also has internet provisional service with Time Warner Cable which is redundant to our VVM internet service – the City will still use AT&T at other locations around the City to continue having redundancy among providers;

Whereas, funds are available for this agreement in Account Nos: 110-1900-519-2610 and 110-1900-519-2515; 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 third year funding of the Five Year Dedicated Access Service Agreement with Time Warner Cable, in the amount of \$47,231, for telephone and data service.

Part 2: The City Manager or his designee, after approval as to form by the City Attorney, is authorized to execute any documents associated with providing third year funding of the Five Year Dedicated Access Service Agreement.

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

PASSED AND APPROVED this the **5th** day of **November**, 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

11/05/15
Item #4(AA)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with ARC Abatement 1, LTD of Waco, in an amount not to exceed \$51,630 for the asbestos abatement of eight residential 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 1st Street and 13th to 17th Connector from Avenue R to Loop 363. As a part of the Ave U project, residential demolitions are required for the street widening and pedestrian improvements along the south side of Avenue U. These asbestos abatements are required before the demolition of these structures.

On October 8, 2015, five competitive sealed bids were opened for the asbestos abatement of the following residential structures:

2102 S 5 th ST	2102 S 7 th ST	2103 S 7 th ST	2102 S 9 th ST
2001 S 11 th ST	2102 S 11 th ST	2105 S 15 th ST	2110 S 15 th ST

As shown on the attached bid tabulation, the low bidder for this project is ARC Abatement 1, LTD. ARC Abatement 1, LTD has provided asbestos abatement services to the City previously and the City found them to be a responsible bidder. Accordingly, staff recommends award of these demolitions to ARC Abatement 1, LTD.

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 460, account 795-9800-531-6874, project #101012, for award of an asbestos abatement services contract with ARC Abatement 1, LTD in an amount not to exceed \$51,630.

ATTACHMENTS:

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

Tabulation of Bids Received
 on October 8, 2015 at 2:00 p.m.
 Asbestos Abatement of Eight (8) Residential Structures (Ave U Project)
 Bid# 95-07-15

Description	Bidders				
	AAR, Inc	Building Abatement Demolition Company, Inc	ARC Abatement 1, LTD	Alamo 1	TLI Environmental Services, Inc
	Liberty Hill, TX	Liberty Hill, TX	Waco, TX	San Antonio, TX	Kempner, TX
Base Bid:	\$66,700.00	\$98,000.00	\$51,630.00	\$98,000.00	\$90,368.80
2102 South 5th Street 9" x 9" Tile Floor	\$2.50	\$3.00	\$1.35	\$2.25	\$1.25
2102 South 5th Street Drywall Texture/Joint Compound & Insulation	\$1.30	\$2.00	\$1.35	\$2.50	\$1.41
2102 South 5th Street Sheet Flooring	\$4.00	\$3.00	\$1.35	\$2.90	\$1.50
2102 South 7th Street 9" x 9" Tile Floor	\$2.50	\$3.00	\$1.35	\$2.25	\$1.25
2102 South 7th Street Drywall Texture & Joint Compound	\$1.30	\$2.00	\$1.35	\$2.50	\$1.41
2102 South 7th Street Pipe Insulation	\$12.00	\$2.00	\$1.35	\$12.00	\$3.75
2103 South 7th Street Sheet Flooring (Multiple Layers)	\$4.00	\$3.00	\$1.35	\$2.90	\$2.00
2102 South 9th Street Acoustical Ceiling Texture, Overspray, & Insulation	\$4.00	\$2.00	\$1.35	\$3.00	\$1.41
2102 South 9th Street Drywall Texture/Joint Compound & Insulation	\$1.30	\$2.00	\$1.35	\$2.50	\$1.41
2102 South 9th Street Sheet Flooring (Multiple Layers)	\$4.00	\$3.00	\$1.35	\$2.90	\$2.00
2001 South 11th Street Drywall Texture & Insulation	\$1.30	\$2.00	\$1.35	\$2.50	\$1.41
2001 South 11th Street Sheet Flooring	\$4.00	\$3.00	\$1.35	\$2.90	\$1.50
2102 South 11th Street Acoustical Ceiling Texture, Overspray, & Insulation	\$1.50	\$2.00	\$1.35	\$2.50	\$1.41
2102 South 11th Street Drywall Texture & Insulation	\$1.30	\$2.00	\$1.35	\$2.50	\$1.41
2102 South 11th Street Sheet Flooring (Multiple Layers)	\$4.00	\$3.00	\$1.35	\$2.90	\$2.00
2105 South 15th Street Sheet Flooring	\$4.00	\$3.00	\$1.35	\$2.90	\$1.50
2110 South 15th Street Acoustical Ceiling Texture, Overspray, & Insulation	\$3.50	\$2.00	\$1.35	\$2.50	\$1.41
2110 South 15th Street Sheet Flooring (Multiple Layers)	\$4.00	\$3.00	\$1.35	\$2.90	\$2.00
Acknowledgement of Addenda (1)	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Cashiers Check
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH ARC ABATEMENT 1, LTD, OF WACO, TEXAS, IN AN AMOUNT NOT TO EXCEED \$51,630, FOR THE ASBESTOS ABATEMENT OF EIGHT RESIDENTIAL STRUCTURES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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) to design the roadway and pedestrian facilities for Avenue U from Scott & White Boulevard to 1st Street and 13th to 17th Connector from Avenue R to Loop 363 - as a part of the project, residential demolitions are required for the street widening and pedestrian improvements along the south side of Avenue U and asbestos abatements are required before the demolition of these structures;

Whereas, on October 8, 2015, five competitive sealed bids were opened for the asbestos abatement of eight residential structures with ARC Abatement 1, LTD submitting the lowest bid;

Whereas, ARC Abatement has provided asbestos abatement services to the City previously and the City has found them to be a responsible vendor - Staff recommends award of this contract to ARC Abatement in an amount not to exceed \$51,630;

Whereas, funding for this contract is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 460, Account No. 795-9800-531-6874, Project No. 101012; 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, after approval as to form by the City Attorney, to execute a contract with ARC Abatement 1, Ltd of Waco, Texas, in an amount not to exceed \$51,630 for asbestos abatement of the following eight residential structures:

2102 S 5 th Street	2102 S 7 th Street	2103 S 7 th Street	2102 S 9 th Street
2001 S 11 th Street	2102 S 11 th Street	2105 S 15 th Street	2110 S 15 th 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 **5th** day of **November**, 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

11/05/15
Item #4(BB)
Consent Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-15-24: Consider adopting an ordinance authorizing a rezoning from Two Family Dwelling District (2F) to Commercial District (C) on portions of Lots 1 and 2, Block 1, Country Club Heights Addition, located at 29 North 43rd Street, at the southeast corner of North 43rd Street and West Adams Avenue.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its September 21, 2015, meeting the Planning and Zoning Commission voted 5/1 (Commissioner Pitts voted Nay) to recommend approval of a rezoning from **2F to O-1, in agreement with staff**. Commissioners Crisp, Fettig, and Vice-Chair, Jones were absent.

STAFF RECOMMENDATION: Staff recommends **denial** of a rezoning to Commercial District (C) for the following reasons:

1. The requested rezoning to Commercial District (C) does not comply with the Future Land Use Plan;
2. Although residential uses are allowed in the Commercial District, UDC Section 4.3.18 recommends the district be located away from low and medium density residential development;
3. The Commercial District allows light manufacturing and heavy machinery sales and storage with any legal height not prohibited by other laws, which would not be compatible with the existing surrounding 2F District;
4. The request partially complies with the Thoroughfare Plan; and
5. Public and private facilities are available to the subject property.

Staff recommends approval of a rezoning from Two Family Dwelling District (2F) to Office One District (O-1). The proposed rezoning demonstrates the following:

1. Non-Compliance with the Future Land Use Plan;
2. Compatibility with surrounding zoning and land uses;
3. Compliance with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

Note: Since Office One District (O-1) is a less intensive zoning district than Commercial District (C), City Council has the authority to recommend approval of a rezoning to Office One District (O-1) without the need to re-advertise this rezoning case to the public.

ITEM SUMMARY: The applicant requests a rezoning from Two-Family District (2F) to Commercial District (C) for the construction of a 2-story “model” house to display materials used in his home construction projects. The Commercial District does not comply with the Future Land Use Plan (FLUP) recommendation of Auto-Urban Residential Uses for the subject property. Uses permitted in the Commercial District are not compatible with residential uses. **Based on these reasons, staff is unable to support a rezoning to Commercial District for the property.**

DEVELOPMENT REGULATIONS (C): Here are the nonresidential dimensional standards for the applicant's requested **Commercial District (C)**:

- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 0 feet, but must be at least 30 feet from street centerline
- Side Yard Setback – 10 feet adjacent to a residential zoning district. If the building exceeds 40 feet, the side yard setback must increase one foot for each three feet over 40 feet in building height.
- Side Yard Setback (corner) – 10 feet
- Rear Yard Setback – 10 feet adjacent to a residential zoning district or use.

The Commercial zoning district permits all retail and most commercial land uses, including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. Residential uses are allowed, except apartments. This district is intended to serve citywide or regional service areas.

The Commercial zoning district should be located at the intersection of major thoroughfares or highways. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. **Adjoining zoning districts should be carefully selected to reduce environmental conflicts.**

Due to the adjacent West Adams Avenue, a major arterial, staff can support a rezoning to Office One District (O--1). The Office One District permits low rise garden-type office development providing professional, financial, medical and other office services to residents in nearby neighborhoods. The Office One District should be located convenient to residential areas and should be complimentary to the character of the residential neighborhood served. The Office One District is designed to be a transitional zone allowing low intensity administrative and professional offices. Permitted uses are not intended to be major traffic generators.

Although a rezoning to Office One District is not in compliance with the Future Land Use Plan which has identified this area as Auto-Urban Residential, it does appear to be the most compatible nonresidential zoning district with the surrounding existing residential neighborhood.

A rezoning from the AG to the O-1 zoning district would allow many uses by right that would not have been allowed before. The following uses (not inclusive list) are permitted by right, permitted subject to limitations, or permitted with a Conditional Use Permit in the Office One District.

Residential uses

Single Family Detached
Single Family Attached
Duplex
Townhouse (L)
Home for the Aged (CUP)
Family or Group Home (CUP)

Nonresidential uses

Office
Bank or savings and loan
Kiosk (L)
Childcare: group daycare home (L)
Lab – medical, dental, scientific, or research
Community Center (CUP)

Prohibited uses include all commercial and most industrial uses and restaurants. Most retail uses are prohibited including package stores, discount or department stores, hardware stores and hobby shops, and furniture and appliance sales and service.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Residential	2F	Vacant Residential Lot
North	Auto-Urban Commercial	C and GR	Commercial and Retail Uses
South	Auto-Urban Residential	2F	Residential
East	Auto-Urban Residential	2F	Residential
West	Auto-Urban Residential	MF-2 and C	Personal Care Services, Recreational, and Multi-Family Uses

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

<u>Document</u>	<u>Policy, Goal, Objective or Map</u>	<u>Compliance?</u>
CP	Map 3.1 - Future Land Use and Character (FLUP)	No
CP	Map 5.2 - Thoroughfare Plan	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Auto-Urban Residential character district of the *Choices '08* City of Temple Comprehensive Plan. The Auto-Urban Residential character district is suited for higher-density uses such as attached and multiple-family housing, manufactured home communities, recreational vehicle parks, and site-built homes on small lots due to their density, limited open space, relative amount of impervious surface devoted to buildings and parking lots, and increased building enclosure.

Auto-urban residential, single-family, can be found throughout the city and is the dominant residential development pattern of many of the older established neighborhoods as well newer ones.

Although a rezoning to Office One District is not in compliance with the Future Land Use Plan which has identified this area as Auto-Urban Residential, it does appear to be the most compatible nonresidential zoning district with the surrounding existing residential neighborhood, as well as the property's location along West Adams Avenue, a major arterial.

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

The subject property is located at the southeast intersection of West Adams Avenue and North 43rd Street. The Thoroughfare Plan classifies West Adams Avenue as a major arterial. Major arterials are appropriate for office uses. North 43rd Street is classified as a local street. An existing sidewalk is located adjacent to the subject property along West Adams Avenue, as well as an existing bus stop shelter for The Hop. The existing sidewalk is part of the existing Citywide Spine trail constructed along West Adams Avenue.

Availability of Public Facilities (CP Goal 4.1)

Sanitary sewer is available to the subject property through an existing 6-inch sewer line located in the alley along the rear property line. Water is to the subject property through an existing 8-inch water line located along the property line adjacent to West Adams Avenue and through an existing 6-inch water line along the subject's front property line along North 43rd Street.

DEVELOPMENT REGULATIONS (O-1): Dimensional standards for **nonresidential** development in the Office One District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 25 feet
- Side Yard Setback – 5 feet
- Side Yard Setback (Corner) – 15 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Dimensional standards for **single-family residential** development in the Office One District are as follows:

- Minimum lot size – 6,000 Sq. Ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 25 feet
- Side Yard Setback – 10% of lot width with 5-feet min.
- Side Yard Setback (corner) – 15 feet
- Rear Yard Setback – 10 feet

PUBLIC NOTICE: Twenty (20) 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 Tuesday September 29, 2015, One notice has been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning. The newspaper printed notice of the public hearing on September 10, 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](#)
[Response letter](#)
[Ordinance](#)



2301

2122

2118

21

W ADAMS AVE

W ADAMS AVE

2201

N 43RD ST

24

26

25

22

21

18

19

14

12

13

10

11

2F to C

LOCATION MAP

Zoning Case :
Z-FY-15-24

Address :
29 N 43rd Street

Streets

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Railroad

Temple Municipal Boundary

Parcels

ETJ Parcels

CaseArea

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.

tlyerly
Date: 9/17/2015





2F to C

LOCATION MAP

Zoning Case :
Z-FY-15-24

Address :
29 N 43rd Street

Streets

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP

Railroad

Temple Municipal Boundary

Parcels

ETJ Parcels

CaseArea




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.

tlyerly
Date: 9/17/2015






SURROUNDING PROPERTY AND USES:

The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	2F	Vacant Residential Lot	
East	2F	Residential	
			

Direction	Zoning	Current Land Use	Photo
West	MF-2 and C	Personal Care Services, Recreational, and Multi-Family Uses	
			
South	2F	Residential	

Direction	Zoning	Current Land Use	Photo
			
			
North	C and GR	Commercial and Retail Uses	
			



N 43RD ST

W ADAMS AVE

2F to C FUTURE LAND USE MAP

Zoning Case :
Z-FY-15-24

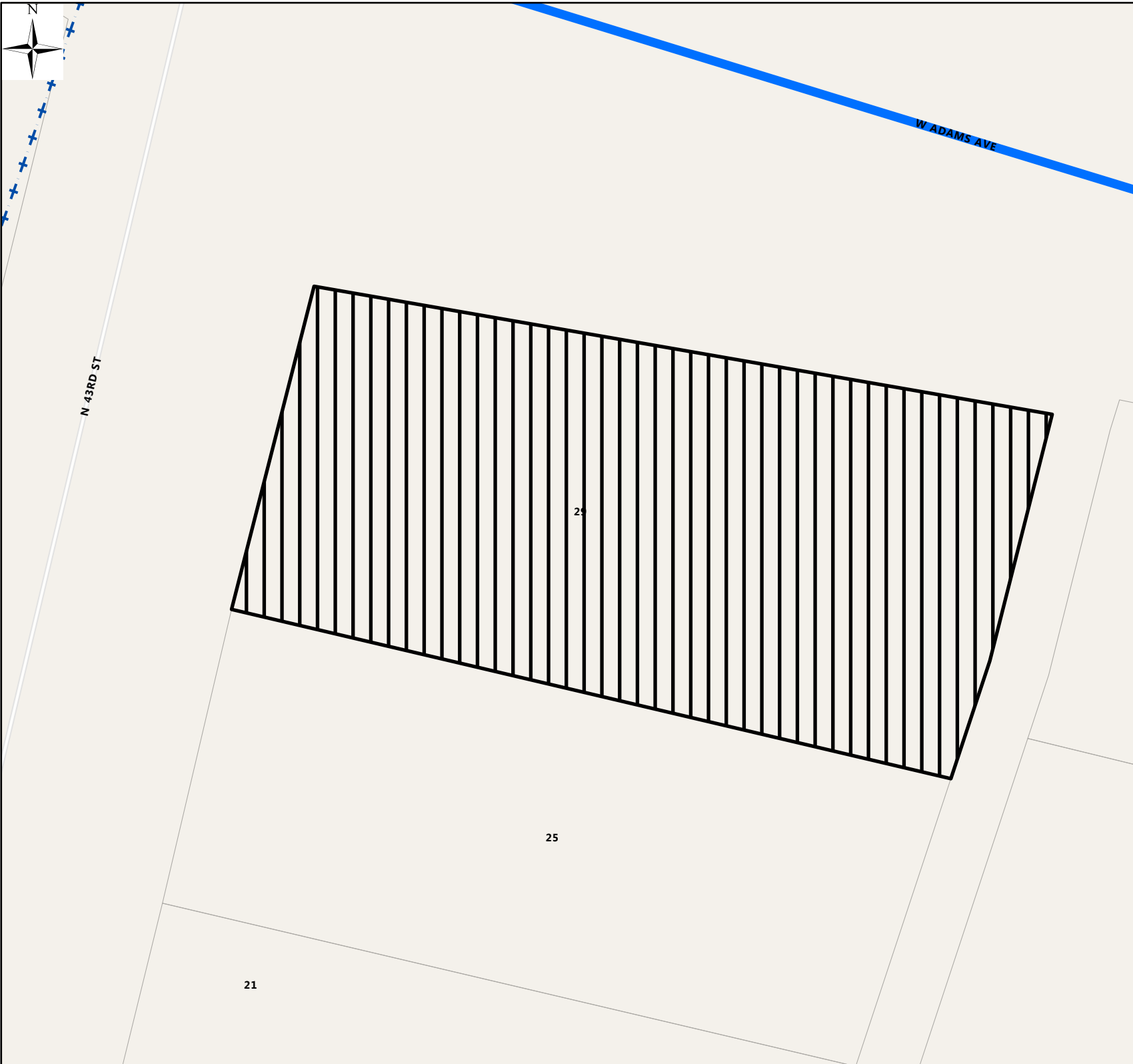
Address :
29 N 43rd Street

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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tlyerly
Date: 9/17/2015





2F to C THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-15-24

Address :
29 N 43rd Street

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- CaseArea

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.

tlyerly
Date: 9/17/2015





2F to C

UTILITY MAP

Zoning Case :
Z-FY-15-24

Address :
29 N 43rd Street

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▤ CaseArea

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.

tlyerly
Date: 9/17/2015





2F to Commercial

200'

NOTIFICATION MAP

Zoning Case :
Z-FY-15-24

Address :
29 N 43rd Street

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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.

tlyerly
Date: 9/17/2015





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

J D Paulk Etal
510 Talon Drive
Belton, Texas 76513

Zoning Application Number: Z-FY-15-24

Project Manager: Tammy Lyerly

Location: 29 North 43rd Street

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

I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
September 21, 2015.**

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

RECEIVED
SEP 17 2015
City of Temple
Planning & Development

Number of Notices Mailed: 20

Date Mailed: September 10, 2015

ORDINANCE NO. _____
(PLANNING NO. Z-FY-15-24)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM TWO FAMILY DWELLING DISTRICT TO OFFICE ONE, ON PORTIONS OF LOTS 1 AND LOTS 2, BLOCK 1, COUNTRY CLUB HEIGHTS ADDITION, LOCATED AT 29 NORTH 43RD STREET, AT THE SOUTHEAST CORNER OF NORTH 43RD STREET AND WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Two Family Dwelling District (2F) to Office One (O1) on portions of Lots 1 and 2, Block 1, Country Club Heights Addition, located at 29 North 43rd Street, at the southeast corner of North 43rd Street and West Adams Avenue, 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 **15th** day of **October**, 2015.

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

11/05/15
Item #4(CC)
Consent Agenda
Page 1 of 4

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING – Z-FY-15-25: Consider adopting an ordinance authorizing a rezoning from Agriculture District (AG) to Single Family Dwelling District Three (SF3) on a 21.905 +/- acre tract of land situated in the Nancy Chance survey, Abstract No 5, Bell County, Texas, located on the west side of Old Waco Road, south of Freedom Drive, east of Neuberry Cliffe.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its September 21, 2015 meeting, the Planning & Zoning Commission voted 6 to 0 to recommend approval of the requested rezoning from Agriculture (AG) Single family Three (SF-3) district as recommended by staff.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezoning from Agriculture (AG) district to Single Family-3 (SF-3) for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Plan's (FLUP) Suburban Residential District;
2. The proposed zoning is compatible with surrounding zoning and uses;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities are available to serve the subject property.

ITEM SUMMARY: This rezoning (Z-FY-15-25), requested by John Kiella on behalf of Kiella Land Development and Hills of Westwood development, specifically, the recent Hills of Westwood, Phase II, resulted in the necessity to acquire the subject 21.9 +/- acres to address connectivity issues. These issues were identified during the Development Review process for a needed third access point relative to circulation. The proposed rezoning and anticipated plat will be a step toward the developer meeting that commitment which has been agreed between the applicant and the City.

While a plat has not been formally submitted, the developer has provided (attached), a conceptual lot layout for 96 lots. It is further anticipated that the lots will be approximately 6,000 square feet (60' X 110') in area, which is comparable to what is already established in the Hills of Westwood. The plat, when submitted, will be reviewed by the Design Review Committee (DRC) and forwarded to the Planning & Zoning Commission for review, when deemed administratively complete. Development of the subject property is needed to provide the necessary third access point for the Hills of Westwood Phase to the west.

While it is anticipated the property will be developed with detached single family homes, there are a number of residential and non-residential uses that are permitted by right in the SF-3 zoning district. The uses allowed in the SF-3, include but are not limited to:

<u>Residential uses</u>	<u>Nonresidential uses</u>
Detached SF Homes	Farm, Ranch or Orchard
Family or Group Home	Place of Worship
Industrialized housing	School (elementary or secondary)
	Park or Playground

Prohibited uses include HUD-Code manufactured homes and land lease communities, duplexes, apartments, commercial and industrial uses. A number of uses are allowed by an approved conditional use permit (temporary asphalt concrete batching plants, sewage pumping station or petroleum gas well).

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Residential & Suburban Commercial	AG	Undeveloped
North	Auto-Urban Residential	SF2	SF Residential Uses (Freedom Village)
South	Suburban Residential & Suburban Commercial	SF-3	Undeveloped
East	Suburban Commercial	AG	Undeveloped & Scattered SF Residential Uses
West	Auto-Urban Residential	SF-3	SF Residential Uses (Hills at Westwood)

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

Future Land Use Plan (FLUP) (CP Map 3.1) The property is within both the Suburban Residential and the Suburban Commercial land use district. The requested SF-3 zoning district is in full compliance with the Suburban Residential FLUP designation, which is intended for mid-sized single family lots. However, a portion, measuring about 120 feet in depth of the eastern-most portion of the subject property, is within the Suburban Commercial FLUP district. Suburban Commercial is intended for office, retail and service uses and not entirely consistent with the SF-3 rezoning request. However, it should be noted that the remaining Suburban Commercial designated land area includes frontage onto Old Waco Road and approximately 625 feet remains, which is more than adequate for non-residential development purposes. While this land area is not part of the current rezoning request, it is currently zoned Agriculture (AG) and would be anticipated to be rezoned to a non-residential district at some point in the future. The intent of the FLUP is met by this rezoning request as well as the intent to retain opportunity for retail and service opportunity along Old Waco Road. The FLUP will need to be updated for the portion of the rezoning boundary within the Suburban Commercial designation, if the SF-3 zoning district is approved by City Council.

Thoroughfare Plan (CP Map 5.2) The requested property has direct access to the future Tarver Road alignment on the northern boundary of the property. Tarver Road is identified as a collector road and the portion on the northern boundary is shown as a proposed collector. As a collector road, a 4-foot minimum sidewalk is required and would be addressed through the platting process. As discussed earlier, a residential subdivision plat is anticipated, although no time has been established as to when that will occur. In addition, according to the Public Works Department, the extension of Tarver Road is a TCIP-funded project for fiscal year 2016 but subject to the acquisition of needed right of way along the Tarver Road alignment and Old Waco Road.

Availability of Public Facilities (CP Goal 4.1) Sewer is available to the subject property through an existing 10" sewer line in the Tarver Drive alignment on the northern property boundary. Water is available through an existing 12" water line in Tarver Drive and an 8" water line in Coastal Dr. Water is also available through both a 4" and 24" water line in Old Waco Road.

Temple Trails Master Plan Map and Sidewalks Ordinance The Trails Master Plan identifies a proposed City-wide spine trail along Old Waco Road. Trail improvements (sidewalk) would be addressed at the platting stage of development. It should be noted however, that since the plat does not front on Old Waco Road and Old Waco Road improvements as the Outer Loop", will coincide with future City-initiated widening of Old Waco Road.

DEVELOPMENT REGULATIONS: Standard residential setbacks for detached single family homes in the SF-3 district are:

Min Lot Size	4,000 Square Feet
Min Lot Width	40'
Min Lot Depth	100'
Front	15'
Side	5'
Side (corner)	10'
Rear	10'
Max Height	2 ½ Stories

PUBLIC NOTICE: Sixty-four notices, representing sixty-two property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday October 6, 2015 at 9:00 AM, seven notices for approval, one notice for denial and four notices as undeliverable have been received.

The newspaper printed notice of the public hearing on September 10, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Boundary Survey (Exhibit A)
Final Plat (Conceptual Lot Layout)
Vicinity Map
Zoning Map
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Map
Notification Map
Returned Property Notices
Ordinance

Site & Surrounding Property Photos



Site: Undeveloped (AG)



East: Undeveloped & Scattered SF Residential Uses (AG)



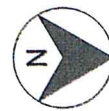
West: SF Residential Uses (Hills at Westwood Subdivision (SF-3))



North: SF Residential Uses (Freedom Village) (SF-2)



South: Undeveloped (SF-3)



tables.



STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I, **HOWARD L. MENZ**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described in the foregoing plat, and that the same is a true and correct copy of the original survey, and that the record of said survey is in my possession, and that the record of said survey is in my possession, and that the record of said survey is in my possession.

Richard E. Allen, R.P.L.S., No. 5402



TURLEY
TURLEY ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYING
www.turley-inc.com

301 N. 3rd St.
TEMPLE, TEXAS 76701
SURVEY FIRM NO. 10056000 • ENGINEERING FIRM NO. 1658

254.773.2400
fax 254.773.3998



HILLS OF WESTWOOD

- 519 Lots, 14 Blocks
- LOTS 28-103, BLOCK 1
- LOTS 4-16, BLOCK 2
- LOTS 21-28, BLOCK 3
- LOTS 28-49, BLOCK 5
- LOTS 4-14, 22-48, BLOCK 9
- LOTS 3-31, BLOCK 10
- LOTS 1-86, BLOCK 11
- LOTS 1-96, BLOCK 12
- LOTS 1-22, BLOCK 13
- LOTS 1-12, BLOCK 14
- LOTS 1-28, BLOCK 15
- LOTS 1-49, BLOCK 16
- LOTS 1-24, BLOCK 17
- LOTS 1-16, BLOCK 18

- TRACT A - 0.046 acres HOA
- TRACT B - 0.038 acres HOA
- TRACT C - 0.074 acres HOA
- TRACT D - 0.253 acres HOA

TRACT E - 0.310 acres To Be Dedicated to C.O.T. for future R.O.W.
TRACT K - 1.38 acres To Be Dedicated to C.O.T. for future R.O.W.

- TRACT F - 0.076 acres HOA
- TRACT G - 0.682 acres HOA
- TRACT H - 0.074 acres HOA
- TRACT I - 0.741 acres COT
- TRACT J - 2.342 acres COT
- TRACT K - 1.377 acres COT
- TRACT L - 0.893 acres HOA
- TRACT M - 1.482 acres COT
- TRACT N - 0.063 acres COT

201.145 Acres

BEING A SUBDIVISION OUT OF AND A PART OF THE NANCY CHANCE SURVEY, ABSTRACT#5 CITY OF TEMPLE, BELL COUNTY, TEXAS

201.145 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO THE APPLICATION FOR PLAT APPROVAL



ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT

TURLEY ASSOCIATES, INC.

301 N. 3rd ST. TEMPLE, TEXAS 76501 (254) 773-2400
E-MAIL: VTURLEY@AOL.COM FAX NO. (254) 773-3998

**MASTER AMENDED PRELIMINARY OF
HILLS OF WESTWOOD**

NANCY CHANCE SURVEY, ABSTRACT#5
CITY OF TEMPLE, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT, INC.
P.O. BOX 1344
TEMPLE, TEXAS 76503

REVISIONS

DATE: June 7, 2015

DRN. BY: TJJ

REF.:

FB/LB:

JOB NO.: 10-206

SHEET 1 OF 1

COMPUTER
DWG. NO. 10206.cp

11678-D

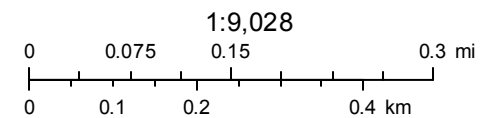
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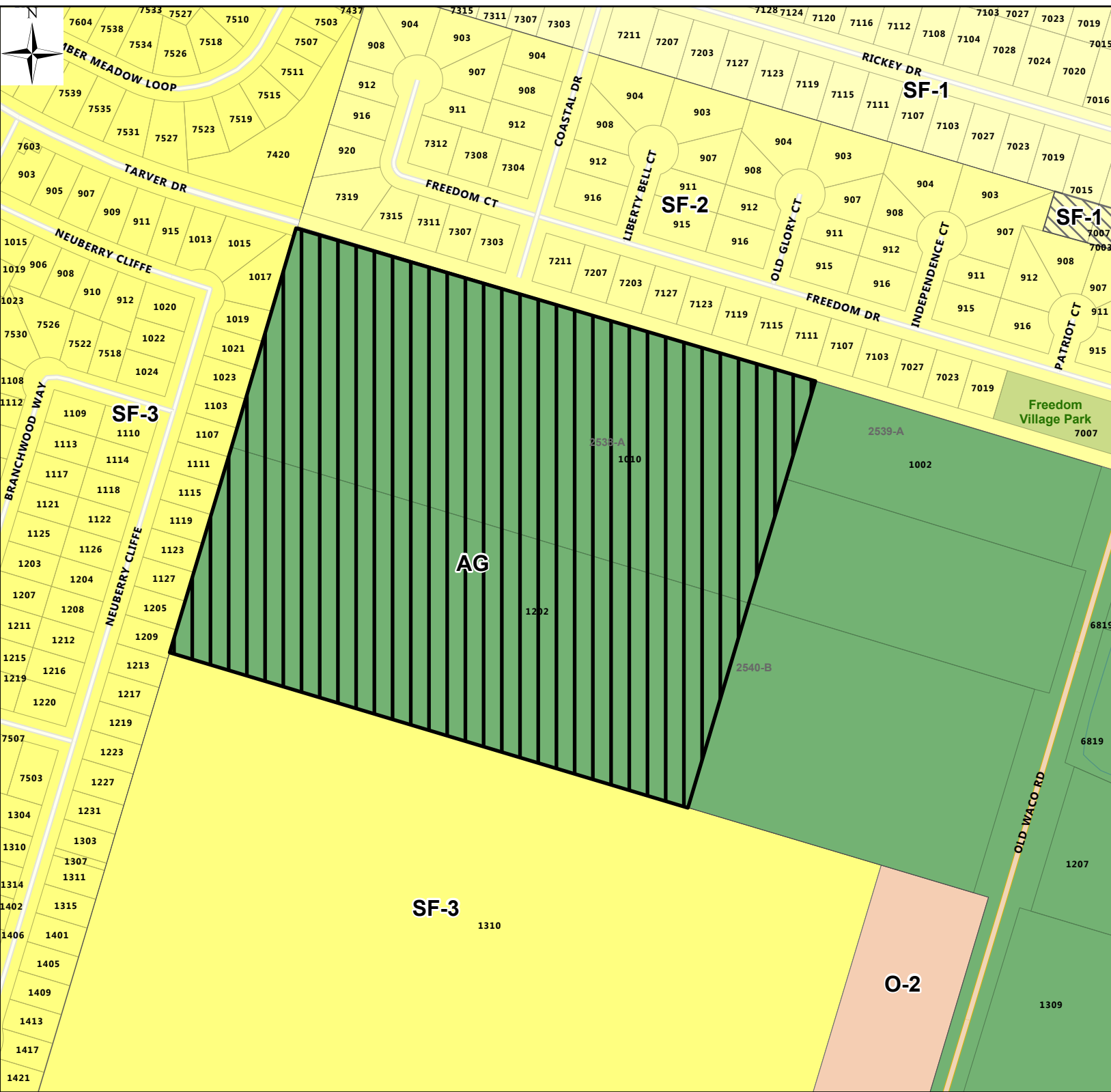
Vicinity Map (Z-FY-15-25)



August 26, 2015

- Parcels
- Park Labels
- Street Labels
- ETJ Boundary
- Railroad Labels





AG to SF-3 ZONING MAP

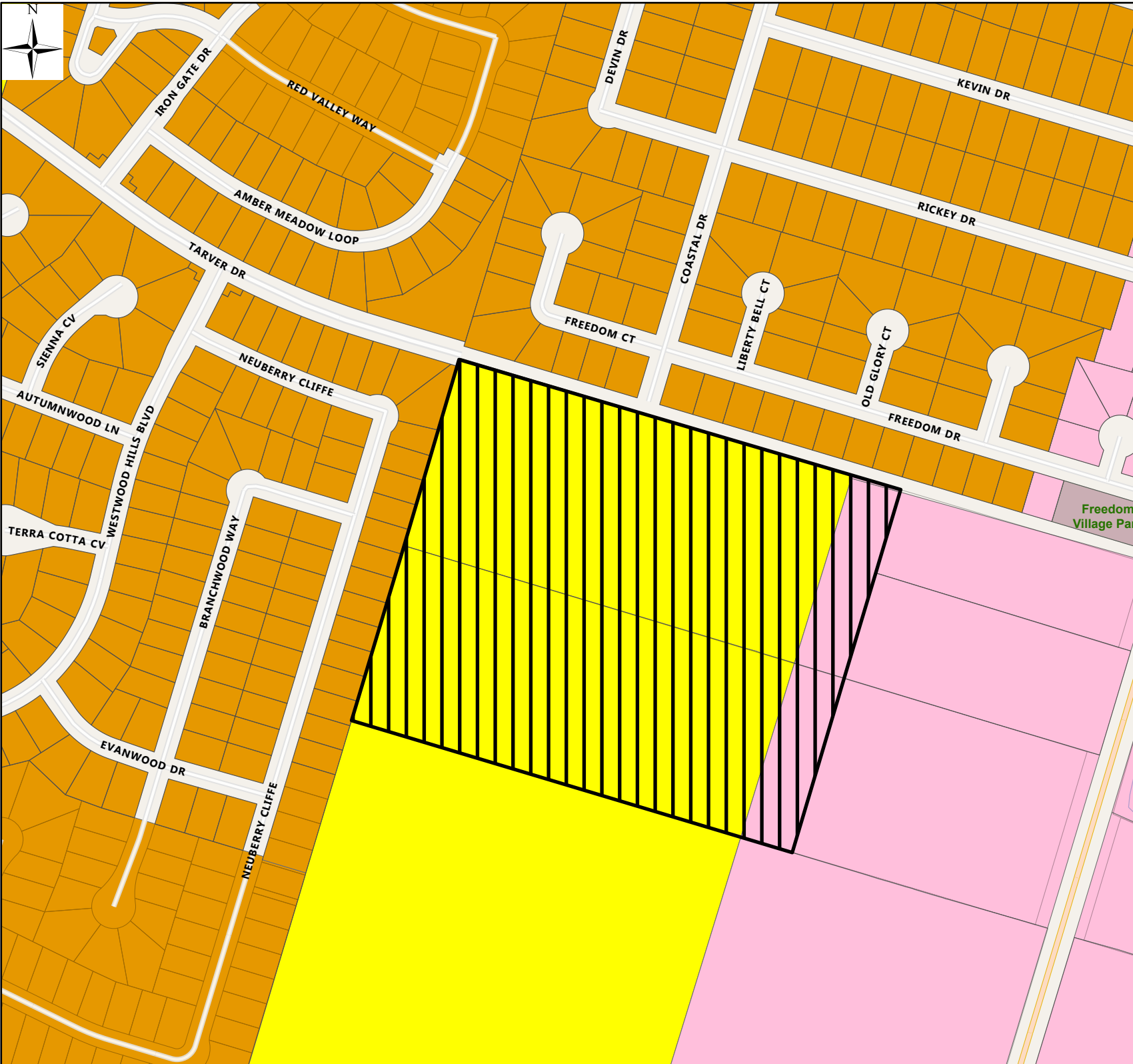
Zoning Case :
Z-FY-15-25

CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	CaseArea
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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mbaker
Date: 9/17/2015





AG to SF-3 FUTURE LAND USE MAP

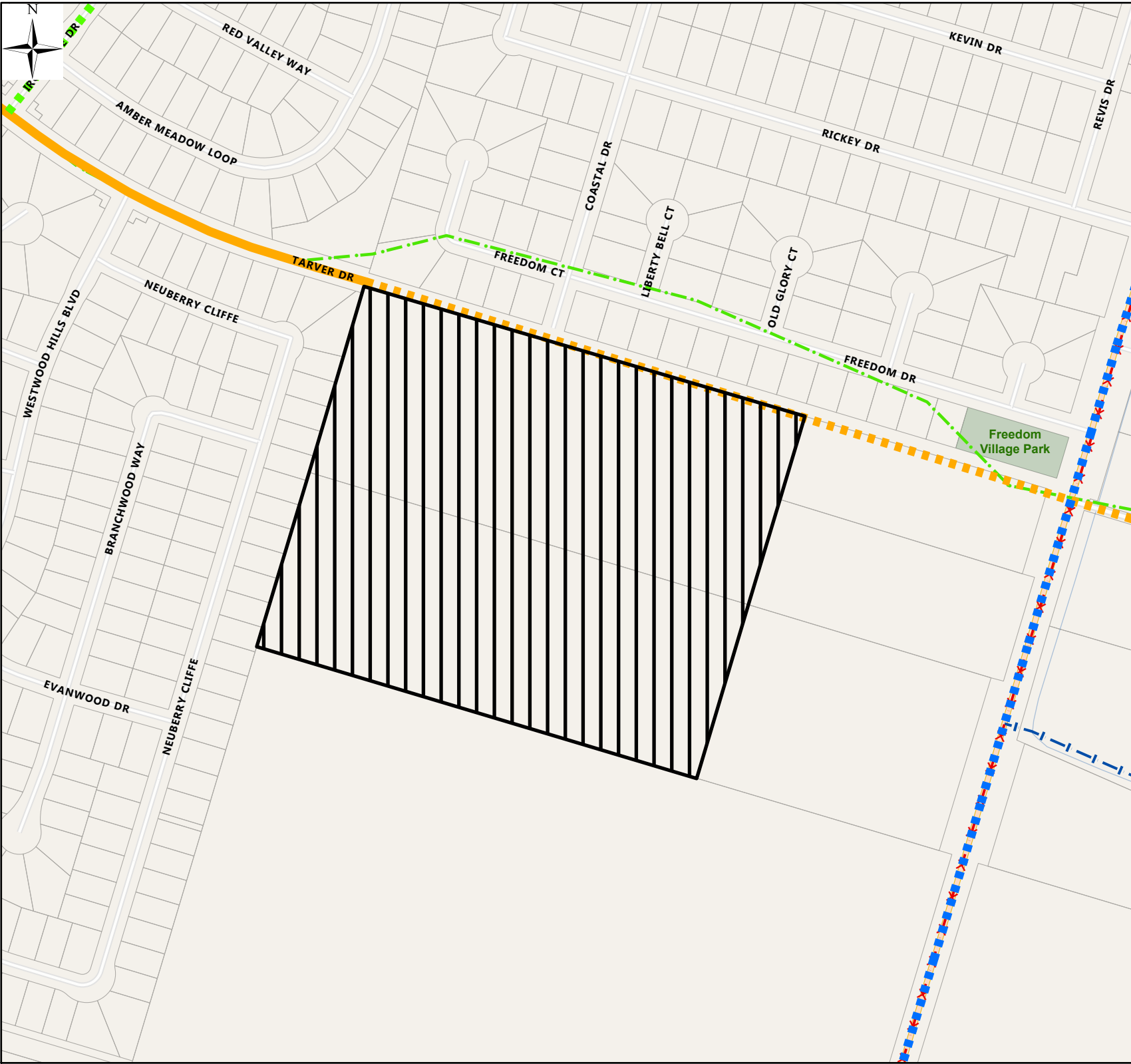
Zoning Case :
Z-FY-15-25

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
- CaseArea

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mbaker
Date: 8/25/2015





AG to SF-3 THOROUGHFARE AND TRAILS MAP

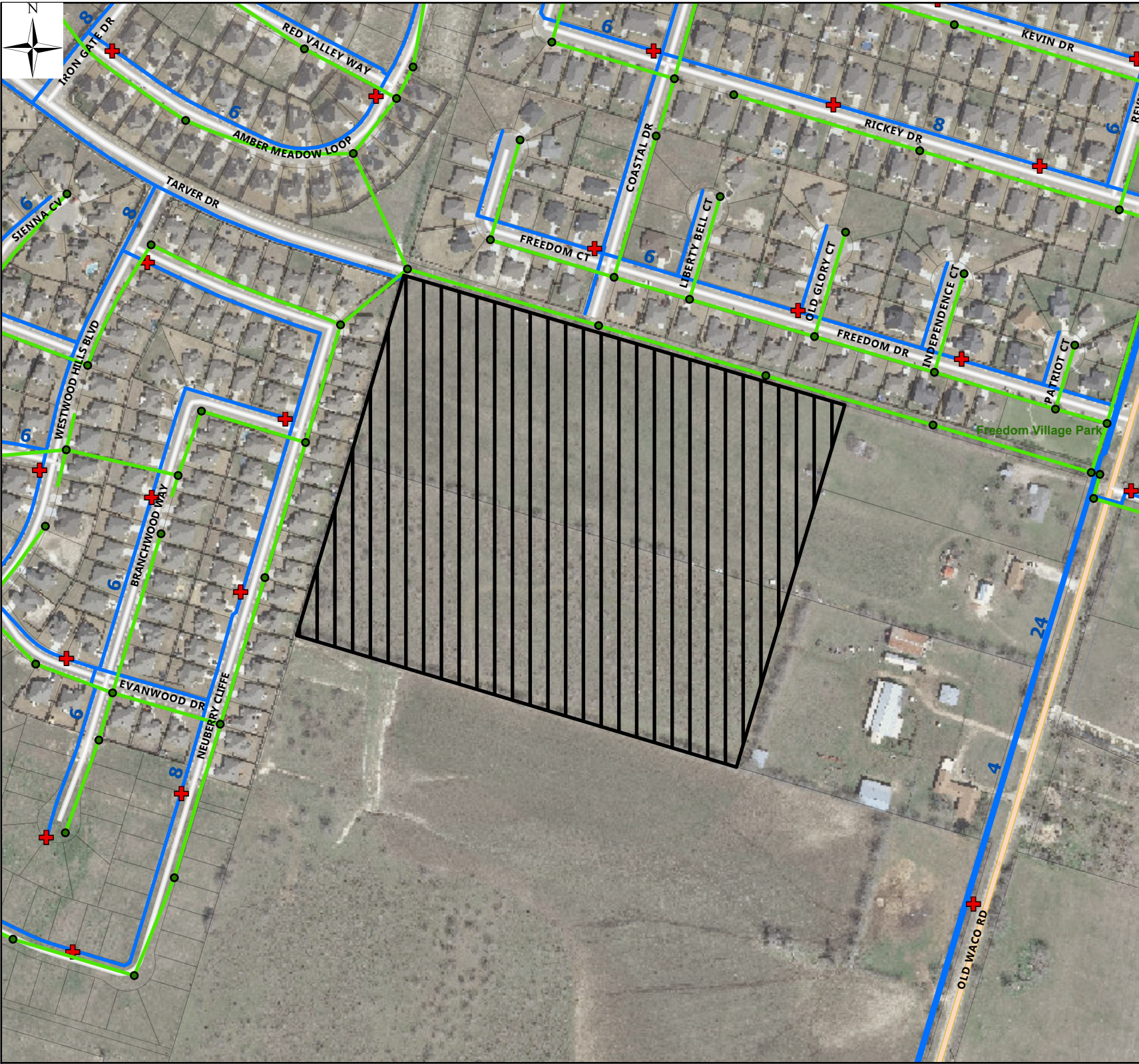
Zoning Case :
Z-FY-15-25

- Parcels
- Thoroughfare Plan
 - Expressway
 - Major Arterial
 - Proposed Major Arterial
 - Minor Arterial
 - Proposed Minor Arterial
 - Collector
 - Proposed Collector
- Trails Master Plan
 - EXISTING, CITY WIDE SPINE
 - EXISTING, COMMUNITY WIDE CONNECTOR
 - EXISTING, LOCAL CONNECTOR
 - PROPOSED, CITY WIDE SPINE
- PROPOSED, COMMUNITY WIDE CONNECTOR
- PROPOSED, LOCAL CONNECTOR
- CaseArea

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mbaker
Date: 8/25/2015





AG to SF-3

UTILITY MAP

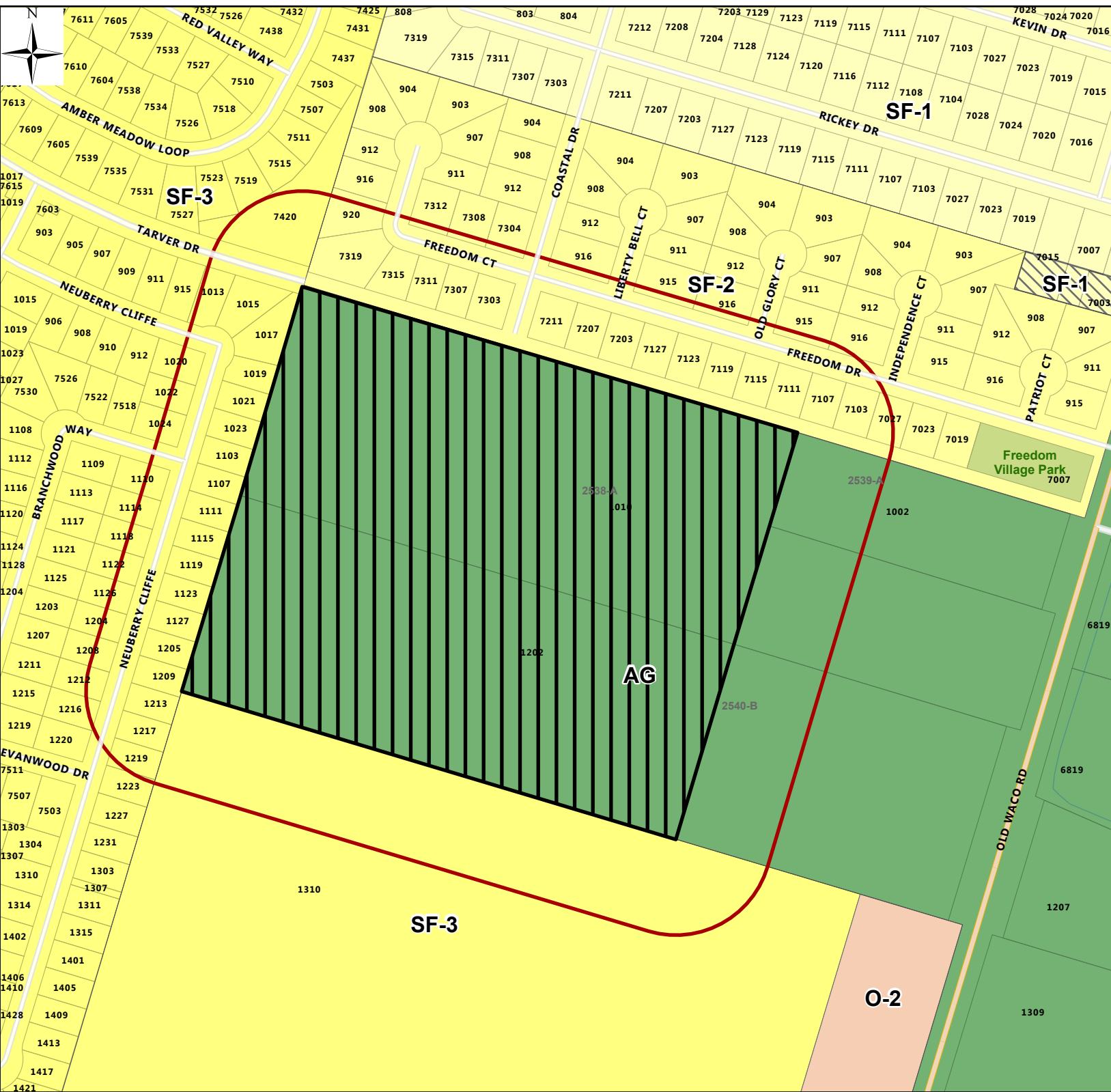
Zoning Case :
Z-FY-15-25

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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mbaker
Date: 8/25/2015





200'
NOTIFICATION MAP

Zoning Case :
Z-FY-15-25

CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
SFA-2 - PD	CA	T4 - PD
SFA-3	CA - CUP	T4 - CUP
SFA-3 - PD	CA - PD	T5-C
2F	C	T5-C - CUP
2F - CUP	C - CUP	T5-C - PD
2F - PD	C - PD	T5-E
MF-1	C - CUP, PD	T5-E - CUP
MF-1 - CUP	LI	T5-E - PD
MF-1 - PD	LI - CUP	NO BASE
MF-2	LI - PD	CUP
MF-2 - CUP	LI - CUP, PD	PD
MF-2 - PD	HI	CaseArea
MF-3 - PD	HI - PD	Buffer
	AG	

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mbaker
Date: 8/25/2015





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

Paul G. Crews
1002 Old Waco Road
Temple, Texas 76502

Zoning Application Number: Z-FY-15-25

Project Manager: Mark Baker

Location: West side of Old Waco Road, south of Freedom Drive

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

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

Comments:

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 21, 2015.

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

RECEIVED

SEP 16 2015

City of Temple
Planning & Development

Number of Notices Mailed: 64

Date Mailed: September 10, 2015



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

Total Assets Return LC
15 North Main Street
Temple, Texas 76501

Zoning Application Number: Z-FY-15-25

Project Manager: Mark Baker

Location: West side of Old Waco Road, south of Freedom Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Bob Browder, VP
Signature

Bob Browder
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 21, 2015.

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

RECEIVED
SEP 17 2015
City of Temple
Planning & Development

Number of Notices Mailed: 64

Date Mailed: September 10, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Daniel & April Green
1213 Neuberry Cliffe
Temple, Texas 76502

Zoning Application Number: Z-FY-15-25

Project Manager: Mark Baker

Location: West side of Old Waco Road, south of Freedom Drive

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

I recommend () approval ☒ denial of this request.

Comments:

April Green
Signature

April Green
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 21, 2015.

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

RECEIVED
SEP 17 2015
City of Temple
Planning & Development

Number of Notices Mailed: 64

Date Mailed: September 10, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

Future Line LLC-Series G
15 North Main Street
Temple, Texas 76501

Zoning Application Number: Z-FY-15-25

Project Manager: Mark Baker

Location: West side of Old Waco Road, south of Freedom Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Bob Browder, VP
Signature

Bob Browder
Print Name

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

RECEIVED
SEP 17 2015
City of Temple
Planning & Development

Number of Notices Mailed: 64

Date Mailed: September 10, 2015



**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-15-25

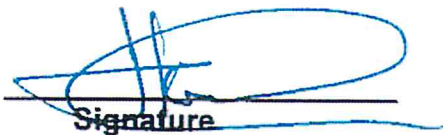
Project Manager: Mark Baker

Location: West side of Old Waco Road, south of Freedom Drive

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I recommend ☒ approval () denial of this request.

Comments:


Signature


Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than September 21, 2015.

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

RECEIVED

SEP 18 2015

City of Temple
Planning & Development

Number of Notices Mailed: 64

Date Mailed: September 10, 2015

ORDINANCE NO. _____
(PLANNING NO. Z-FY-15-25)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY DWELLING THREE DISTRICT ON AN APPROXIMATELY 21.905 ACRE TRACT OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, AND LOCATED ON THE WEST SIDE OF OLD WACO ROAD, SOUTH OF FREEDOM DRIVE, EAST OF NEUBERRY CLIFFE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District (AG) to Single Family Dwelling Three District (SF3) on an approximately 21.905 acre tract of land situated in the Nancy Chance survey, Abstract No. 5, Bell County, Texas, and located on the west side of Old Waco Road, south of Freedom Drive, east of Neuberry Cliffe, 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 **15th** day of **October**, 2015.

PASSED AND APPROVED on Second Reading on the **5th** day of **November**, 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

11/05/15
Item #4(DD)
Consent Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing submission of an application and acceptance of funding through the Killeen Temple Metropolitan Planning Organization (KTMO) Category 7 program, in the amount of \$3,888,000 through federal funding for the construction of Prairie View Road and associated enhancements for a total project cost of \$6,480,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Killeen Temple Metropolitan Planning Organization has announced a matching funding program entitled Category 7, with \$8,456,055 in funding available through the federal Surface Transportation Program, with an 80/20 match. The scoring criteria for the grant focuses on improving congestion, connectivity, safety, quality of life, regional benefit, and environmental justice.

Staff is recommending that the City submit an application for the construction of Prairie View Road and associated improvements, with a total estimated construction cost of \$6,480,000, of which \$3,888,000 would be funded as a reimbursement through the grant program. The City's match is \$2,592,000 (40%) this amount is higher than the required minimum match to increase the competitiveness of the application.

Staff believes the proposed project achieves the following objectives:

- Improve road condition from a "C" to an "A" to prevent further deterioration of the roadway;
- Increase safety by eliminating surface disruptions at edges, providing separation of opposing traffic, combining two intersections into one, and providing crosswalks and sidewalks;
- Enhance connectivity to the Belton Independent School District campuses from surrounding areas, by foot and vehicle;
- Help to alleviate congestion along SH 317; and
- Provide multi-modal transportation elements, to include dual sidewalks and bike lanes;

The deadline for submittal is November 10, 2015. Applications will be evaluated by KTMO staff and Technical Advisory Committee with anticipated notice of award on December 16, 2015. Anticipated construction will begin spring 2017, if awarded funds.

Approval of the resolution will authorize the City Manager to approve a grant agreement, if awarded funding.

FISCAL IMPACT: The City is requesting a maximum reimbursement of 60%, with the City providing a 40% cash match. If awarded the grant, the City will provide a \$2,592,000 cash match. The City's portion of the finding would come out of the Transportation Capital Improvement Program by reprioritizing projects from the FY 2016 TCIP program. Existing Transportation Capital Improvement Program Projects that will be impacted and are currently listed for FY '16/'17 would be re-sequenced to occur during FY '18 include construction of Hogan Road from SH 317 to S Pea Ridge and a portion of the Legacy Pavement Preservation Program.

ATTACHMENTS:

[Project schematic plan](#)
[Resolution](#)



**FUTURE
GROWTH
WEST OF
BIOSCIENCE
PARK**

Note: Alignment shown for discussion purposes only. Final Alignment will be set during design.

HILLARD ROAD

**NEW
SUBDIVISION
CONSTRUCTION**

PRAIRIE VIEW RD.

PORTION
TO BE
ABANDONED

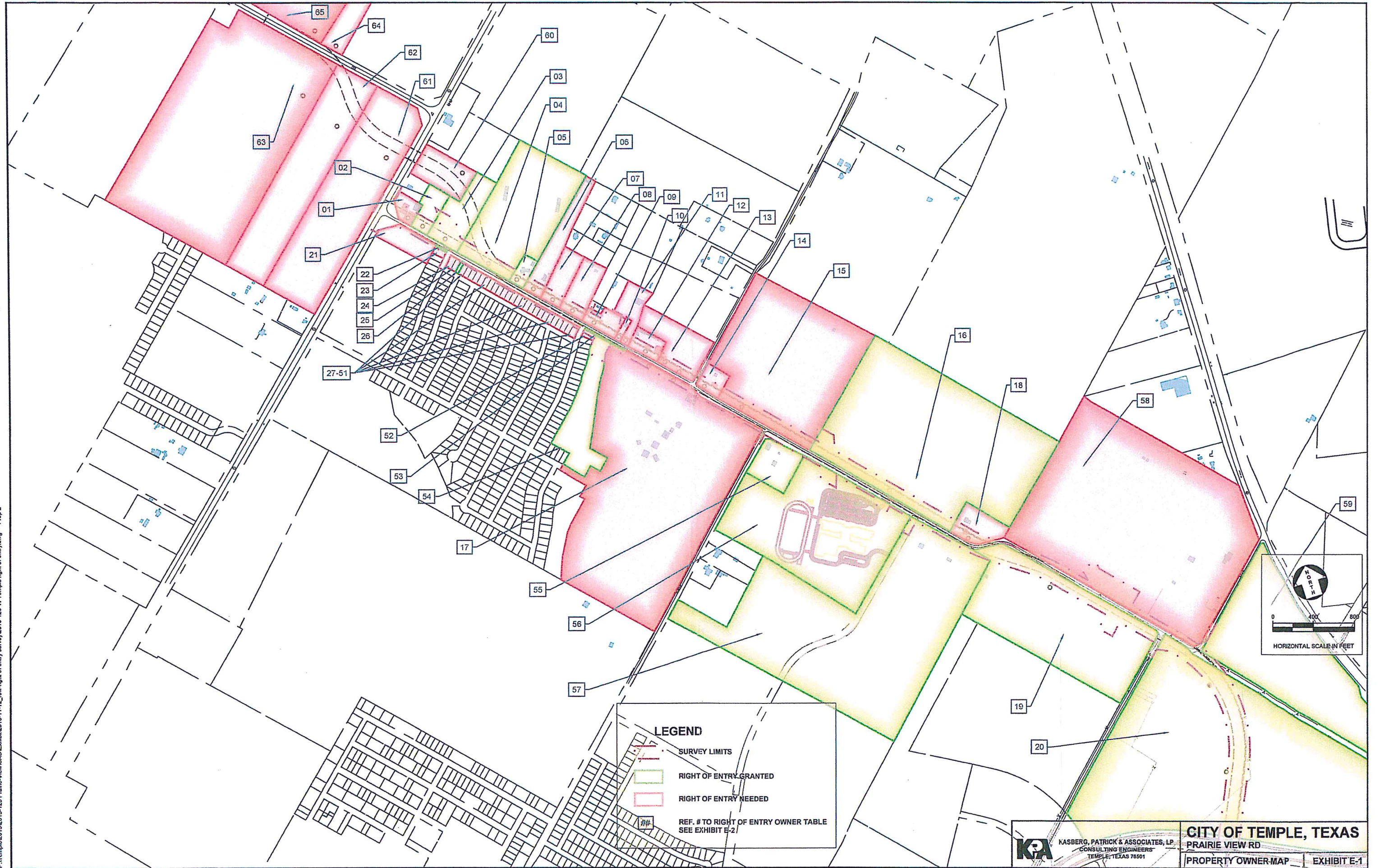
FUTURE
TEMPLE PARK

NEW
SUBDIVISION
CONSTRUCTION

FM2305 / ADAMS AVE



P:\Temple\2013\2013-128-Prairie-View\CADE\Exhibit\2013-11-12_row-right of entry survey\2013-128-W Temple right of entry.dwg - Prop 2



Prairie View from FM2483 to Research Parkway

December 2013

Right-of-Way/Easements to be Acquired											
NO.	PROP ID	OWNER	ADDRESS	MARKET VALUE	ESTIMATED COST TO ACQUIRE	LEGAL DESCRIPTION	TOTAL AC.	AC. TO ACQUIRE ROW	AC. TO ACQUIRE D.E.	TEMP. CONST. ESMT	OCCUPIED STRUCTURE REMOVAL
G03	197189	Newman, Kenneth D	9244 PRAIRIE VIEW RD	\$ 137,294	\$ 15,800	BALDWIN ROBERTSON, ACRES 5.08	5.080	0.72	0.50	tbd	No
G04	196573	Veterans Land Board	C/O HERNANDEZ, JESSE RESENDEZ 9084 PRAIRIE VIEW RD	\$ 196,365	\$ 16,950	BALDWIN ROBERTSON, VLB C/S #700-151689, ACRES 19.22	19.220	1.13		tbd	No
G05	73687	Bubert, Larry G Etux Virginia M	PO BOX 685	\$ 110,456	\$ 5,700	BALDWIN ROBERTSON, 18-1, ACRES 1.0	1.000	0.38		tbd	No
G06	63366	Lawson, June	8890 PRAIRIE VIEW RD UNIT 61	\$ 68,163	\$ 5,250	BALDWIN ROBERTSON, 19-1, ACRES 4.14	4.140	0.35		tbd	No
G07	128361	Wiley, Thomas Joe Etux Rose Marry	1011 S 39TH ST	\$ 23,000	\$ 4,800	BALDWIN ROBERTSON, 19-1-1-1, ACRES 3.0	3.000	0.32		tbd	No
G08	128343	Wiley, Kenneth Lee	1698 DEWBERRY LN	\$ 148,537	\$ 5,850	BALDWIN ROBERTSON, 19-1-1, ACRES 3.0	3.000	0.39		tbd	No
G09	133003	Clauder, Don E Jr. & Charmaine	8750 PRAIRIE VIEW RD	\$ 74,003	\$ 92,503.75	BALDWIN ROBERTSON, ACRES 1.46	1.460	0.54	0.50	tbd	Yes 1x
G10	118317	Brantley, Bradley Etux Kristi	8710 PRAIRIE VIEW RD	\$ 62,843	\$ 1,200	BALDWIN ROBERTSON, 19-1-4, ACRES .56	0.560	0.08		tbd	No
G11	150484	Lechuga, Jose A	8710 PRAIRIE VIEW RD	\$ 83,483	\$ 1,950	BALDWIN ROBERTSON, ACRES 1.981	1.981	0.13		tbd	No
G12	62355	Laminack, Gregory Stephen Etux Wanda Darlene	8640 PRAIRIE VIEW RD	\$ 92,317	\$ 115,396.25	BALDWIN ROBERTSON, 19-2, ACRES 1.51	1.510	0.45		tbd	Yes 1x
G13	9644	Bethune, Gregory Trent Etux	1900 N PEA RIDGE RD	\$ 150,000	\$ 187,500.00	BALDWIN ROBERTSON, 19-4, ACRES 5.59	5.590	0.52		tbd	Yes 3x
G14	93159	Young, Cathy Jo Clawson	8450 PRAIRIE VIEW RD	\$ 55,229	\$ 69,036.25	BALDWIN ROBERTSON, 8, ACRES 1.33	1.330	0.37		tbd	Yes 1x
G15	79939	Novak, William J	3305 OAKRIDGE DR	\$ 84,153	\$ 23,850	BALDWIN ROBERTSON, 7, ACRES 37.5	37.500	1.59		tbd	No
G16	123749	Short Term Lending GP Inc	15 N MAIN ST	\$ 90,352	\$ 29,000	BALDWIN ROBERTSON, 5, ACRES 56.47	56.079	1.60	0.50	tbd	No
G17	69481	WBW Land Investments LP	3000 ILLINOIS AVE STE 100	\$ 464,870	\$ 1,500	BALDWIN ROBERTSON, 20, ACRES 210.28	210.280	0.10		tbd	No
G18	6247	Barnes, William E JR.	7518 PRAIRIE VIEW RD	\$ 51,700	\$ 64,625.00	BALDWIN ROBERTSON, 6, ACRES 2.5	2.500	0.42		tbd	Yes 1x
G19	123747	Von Rosenberg, Jon Etal	6400 TOSCA DR	\$ 41,431	\$ 51,050	BALDWIN ROBERTSON, 5, ACRES 56.47	56.470	3.07	0.50	tbd	No
G20	397937	CITY OF TEMPLE	2 N MAIN ST	\$ 773,864	\$ -	N CHANCE, 3, 4, 4-1, OB 1083 ACRES 96.733	96.733			tbd	No
G21	444786	WBW LAND INVESTMENTS LP	3000 ILLINOIS AVE STE 100	\$ 11,491	\$ -	BALDWIN ROBERTSON, 20, ACRES 2.280	2.280			tbd	No
G22	445259	CITY OF TEMPLE	2 N MAIN ST	\$ 95	\$ -	LAKE POINTE PHASE II, LOT TRACT C, (PRAIRIE VIEW RD ROW), ACRES 0.04	0.040			tbd	No
G23	444908	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 5,812	\$ -	LAKE POINTE PHASE II, BLOCK 001, LOT 0001	0.181			tbd	No
G24	446619	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 5,463	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0001	0.171			tbd	No
G25	446620	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0002	0.138			tbd	No
G26	446647	CITY OF TEMPLE	2 N MAIN ST	\$ 1,457	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT TRACT B, (DRAINAGE TRACT), ACRES 0.08	0.080			tbd	No
G27	446621	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0003	0.138			tbd	No
G28	446622	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0004	0.138			tbd	No
G29	446623	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0005	0.138			tbd	No
G30	446624	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0006	0.138			tbd	No
G31	446625	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0007	0.138			tbd	No
G32	446626	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0008	0.138			tbd	No
G33	446627	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0009	0.138			tbd	No
G34	446628	WBW DEVELOPMENT MANAGEMENT III LLC	3000 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0010	0.138			tbd	No
G35	446629	WBW DEVELOPMENT MANAGEMENT III LLC	3001 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0011	0.138			tbd	No

G36	446630 WBW DEVELOPMENT MANAGEMENT III LLC	3002 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0012	0.138			tbd	No
G37	446631 WBW DEVELOPMENT MANAGEMENT III LLC	3003 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0013	0.138			tbd	No
G38	446632 WBW DEVELOPMENT MANAGEMENT III LLC	3004 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0014	0.138			tbd	No
G39	446633 WBW DEVELOPMENT MANAGEMENT III LLC	3005 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0015	0.138			tbd	No
G40	446634 WBW DEVELOPMENT MANAGEMENT III LLC	3006 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0016	0.138			tbd	No
G41	446635 WBW DEVELOPMENT MANAGEMENT III LLC	3007 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0017	0.138			tbd	No
G42	446636 WBW DEVELOPMENT MANAGEMENT III LLC	3008 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0018	0.138			tbd	No
G43	446637 WBW DEVELOPMENT MANAGEMENT III LLC	3009 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0019	0.138			tbd	No
G44	446638 WBW DEVELOPMENT MANAGEMENT III LLC	3010 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0020	0.138			tbd	No
G45	446639 WBW DEVELOPMENT MANAGEMENT III LLC	3011 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0021	0.138			tbd	No
G46	446640 WBW DEVELOPMENT MANAGEMENT III LLC	3012 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0022	0.138			tbd	No
G47	446641 WBW DEVELOPMENT MANAGEMENT III LLC	3013 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0023	0.138			tbd	No
G48	446642 WBW DEVELOPMENT MANAGEMENT III LLC	3014 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0024	0.138			tbd	No
G49	446643 WBW DEVELOPMENT MANAGEMENT III LLC	3015 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0025	0.138			tbd	No
G50	446644 WBW DEVELOPMENT MANAGEMENT III LLC	3016 ILLINOIS AVE STE 100	\$ 4,416	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0026	0.138			tbd	No
G51	446645 WBW DEVELOPMENT MANAGEMENT III LLC	3017 ILLINOIS AVE STE 100	\$ 5,750	\$ -	LAKE POINTE PHASE I, BLOCK 002, LOT 0027	0.179			tbd	No
G52	445121 WBW DEVELOPMENT MANAGEMENT III LLC	3018 ILLINOIS AVE STE 100	\$ 4,965	\$ -	LAKE POINTE PHASE II, BLOCK 008, LOT 0001	0.155			tbd	No
G53	445260 CITY OF TEMPLE	2 N MAIN ST	\$ 351	\$ -	LAKE POINTE PHASE II, LOT TRACT D, (PRAIRIE VIEW RD ROW), ACRES 0.15	0.150			tbd	No
G54	445261 CITY OF TEMPLE	2 N MAIN ST	\$ 6,318	\$ -	LAKE POINTE PHASE II, LOT TRACT E, (DRAINAGE TRACT), ACRES 7.36	7.360			tbd	No
G55	14027 HALL, LOYD J & DIANE	8119 PRAIRIE VIEW RD	\$ 98,826	\$ 960	BALDWIN ROBERTSON, 25-6, ACRES 1.0	1.000	0.06		tbd	No
G56	423880 BELTON IND SCHOOL DISTRICT	PO BOX 269	\$ 76,307	\$ 6,030	BALDWIN ROBERTSON, 25-1, ACRES 33.914	33.914	0.40		tbd	No
G57	382684 KIELLA LAND INVESTMENTS LTD	PO BOX 1344	\$ 106,360	\$ 7,760	BALDWIN ROBERTSON, 25-1, ACRES 66.475	66.475	0.18	0.50	tbd	No
G58	64929 LIGHTNER, HELLON	1722 HILLIARD RD	\$ 511,542	\$ 5,000	P MERCER, 28, OB 1082, ACRES 78.222	78.222		0.50	tbd	No
G59	115690 CITY OF TEMPLE	2 N MAIN ST	\$ 72,950	\$ -	P MERCER, 19 THRU 25, OB 1083, ACRES 36.475	36.475			tbd	No
G60	1807 SHEPPARD, ELIZABETH	PO BOX 687	\$ 26,550	\$ 20,700	BALDWIN ROBERTSON, 18, ACRES 5.461	5.461	1.38			
G61	193224 PEA RIDGE LP & JACK CAESAR EQUIVALENT TRUST	13349 RATTLESNAKE RD	\$ 61,943	\$ 23,350	J J SIMMONS, 3, & A-0919 S M WILLIAMS, 1, ACRES 27.53	27.530	1.39	0.25		
G62	389846 BELTON IND SCHOOL DISTRICT	PO BOX 269	\$ 25,118	\$ 17,700	J J SIMMONS, 3, & A-0919 S M WILLIAMS, 1, ACRES 20.932	20.932	1.18			
G63	389845 BELTON IND SCHOOL DISTRICT	PO BOX 269	\$ 75,780	\$ 21,300	J J SIMMONS, 3, & A-0919 S M WILLIAMS, 1, ACRES 63.15	63.150	1.42			
G64	130840 SMYTHE, DIXIE L	213 CARLOW CT	\$ 76,098	\$ 105	J KEZZIER, 2-1, (PT OF 41.992AC), ACRES 7.088	7.088	0.01			
G65	333226 BAILEY, RONALD R ETUX LISA A	9918 FM 2483	\$ 410,333		J KEZZIER, ACRES 65.645	65.645				

TOTAL			\$ 4,401,969	\$ 794,866		927.36	18.19	3.25	0.00	
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- Notes & Assmptions:
- 1) City of Temple owned properties do not require additional costs for Rights-of-Way and Easements
 - 2) Some donated Rights-of-Way and Easments (Includes Northgate Preliminary Plat with Prairie View ROW dedication)
 - 3) Whole property multiplier is 1.25
 - 4) Land for Right-of-Way is \$15,000 per acre
 - 5) Land for Easement is \$10,000 per acre (unless identified with property buyout with occupied structure, then \$0.)



SCALE 1 : 100

2483

BELTON ISD REMAINDER
TRACT
AREA.: 4.16± Ac.

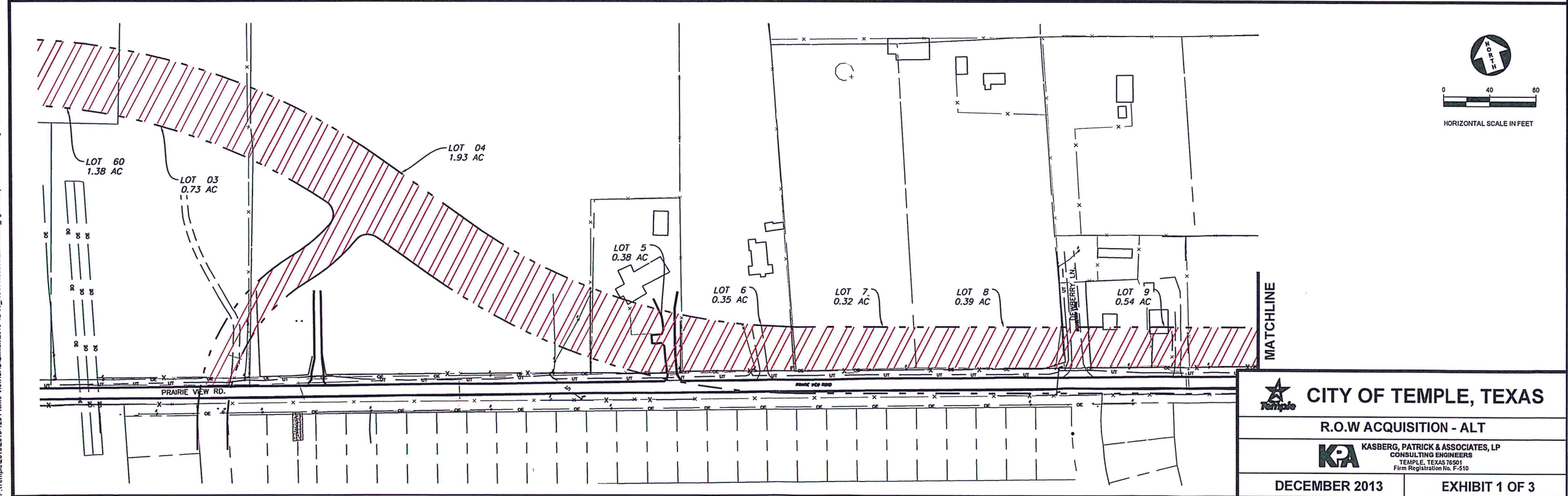
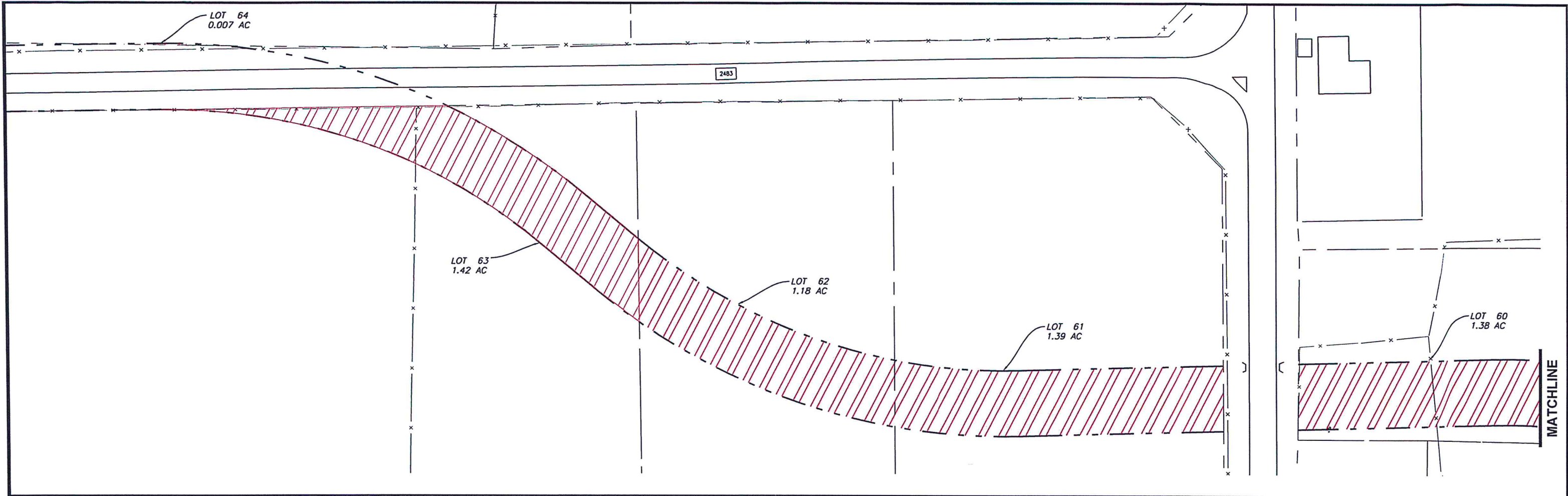
NOTE: THIS MAP IS FOR
PRELIMINARY REVIEW ONLY.
EXISTING PROPERTY AND
ROW LINES HAVE NOT BEEN
FIELD VERIFIED.

PEA RIDGE LP & JACK
CAESAR EQUIVALENT TRUST
TRACT
AREA.: 5.52± Ac.

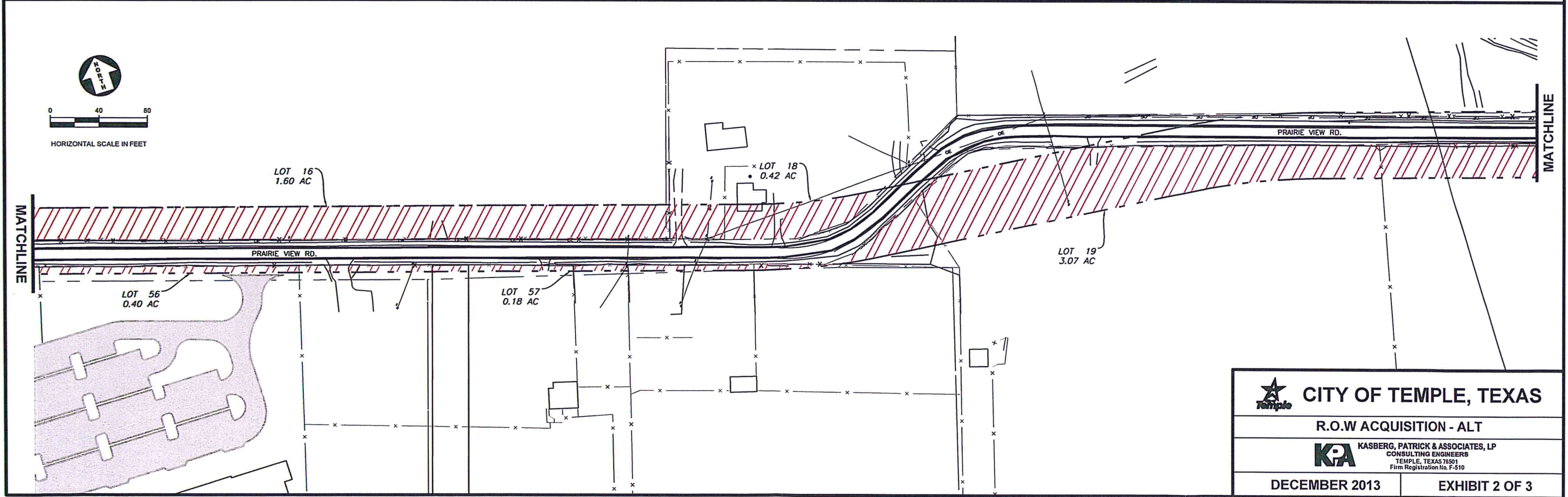
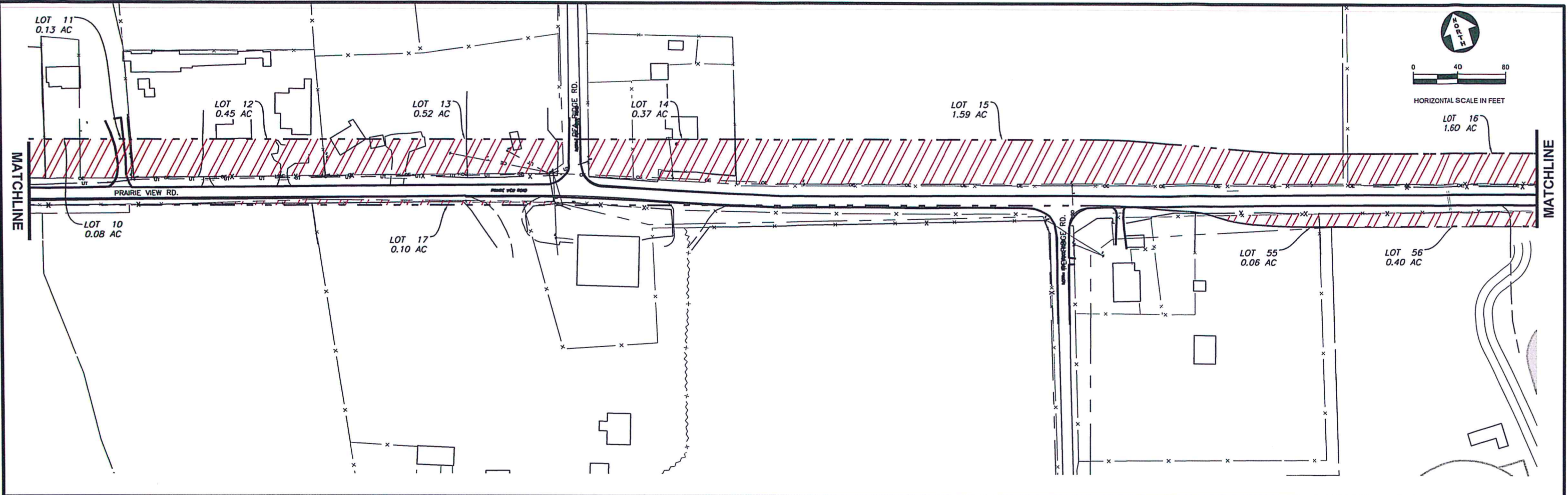
ROW FROM BELTON ISD
AREA.: 2.60± Ac.

ROW FROM PEA RIDGE LP &
JACK CAESAR EQUIVALENT
TRUST
AREA.: 1.39± Ac.

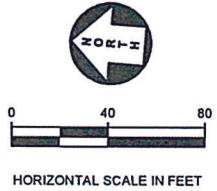
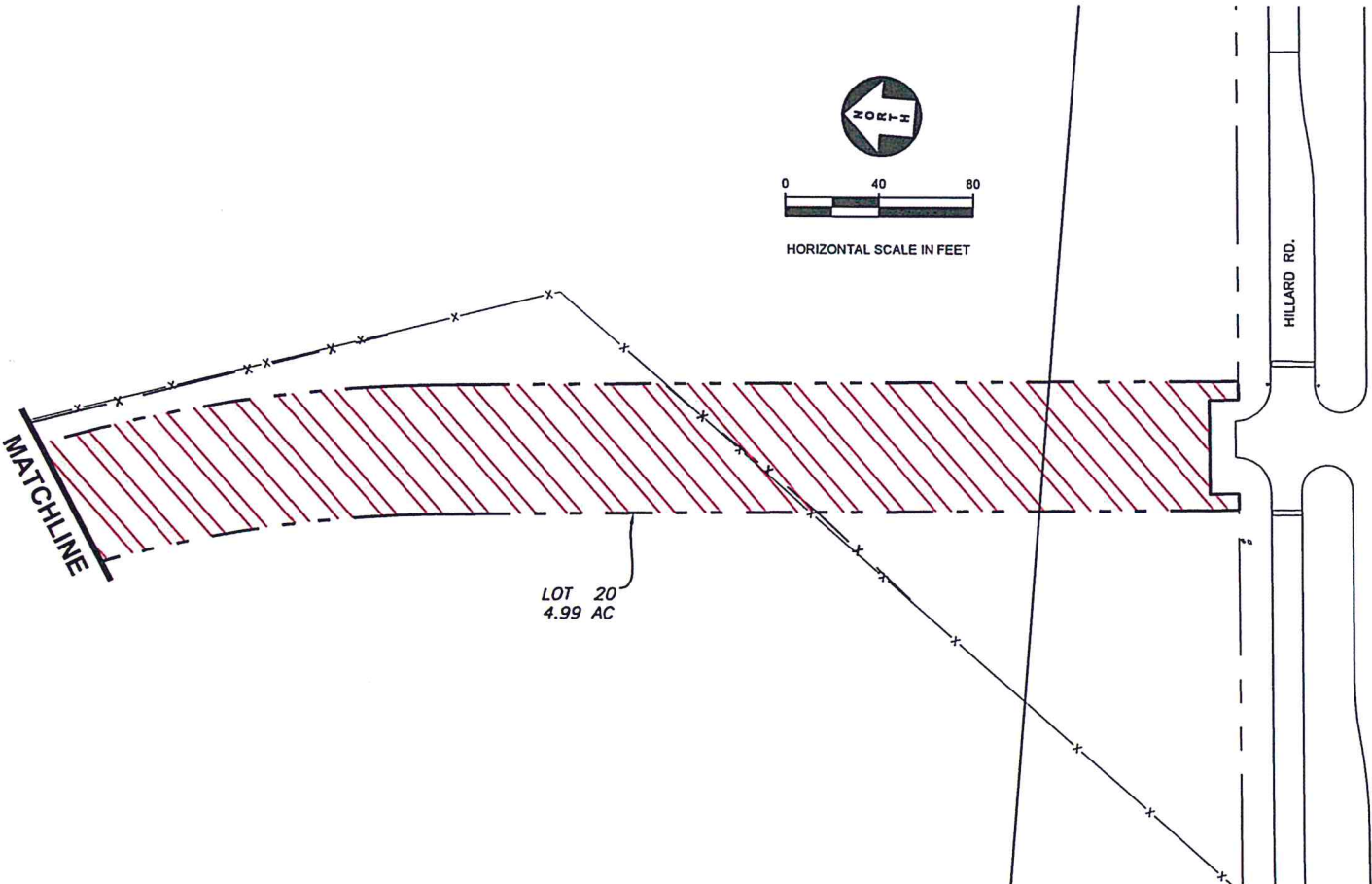
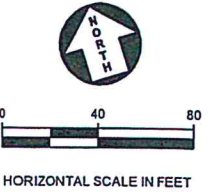
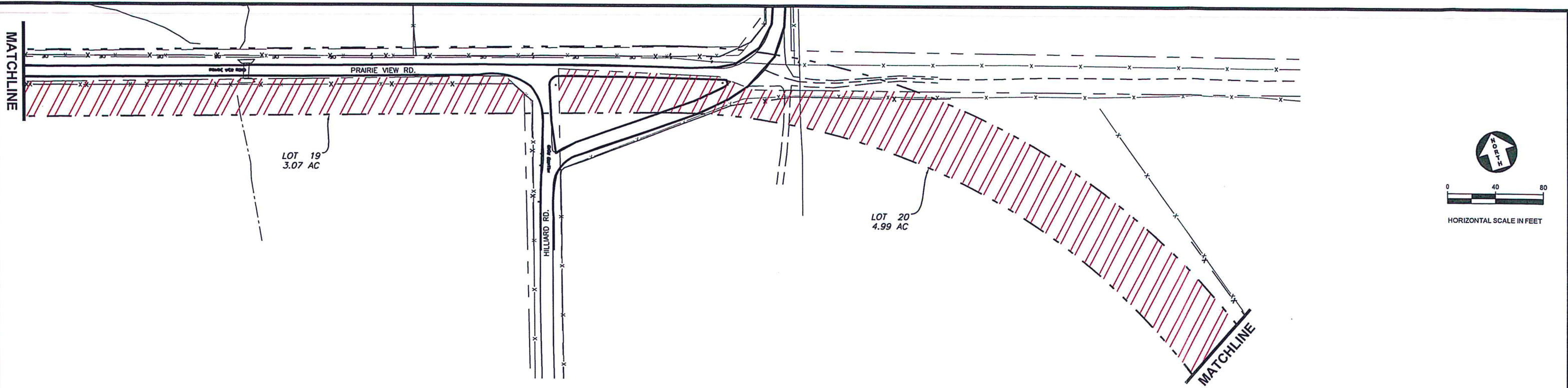
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 CITY OF TEMPLE, TEXAS	
R.O.W ACQUISITION - ALT	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76701 Firm Registration No. F-510	
DECEMBER 2013	EXHIBIT 2 OF 3



 CITY OF TEMPLE, TEXAS	
R.O.W ACQUISITION - ALT	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
DECEMBER 2013	EXHIBIT 3 OF 3

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE KILLEEN-TEMPLE METROPOLITAN PLANNING ORGANIZATION ('KTMPO'), CATEGORY 7 PROGRAM, IN THE AMOUNT OF \$3,888,000, THROUGH FEDERAL FUNDING FOR THE CONSTRUCTION OF PRAIRIE VIEW ROAD AND ASSOCIATED ENHANCEMENTS, FOR A TOTAL PROJECT COST OF \$6,480,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Killeen-Temple Metropolitan Planning Organization ('KTMPO') has announced a matching funding program entitled Category 7, with \$8,456,055 in funding available through the federal Surface Transportation Program- the scoring criteria for the grant focuses on improving congestion, connectivity, safety, quality of life, regional benefit, and environmental justice;

Whereas, Staff recommends the City submit an application for the construction of Prairie View Road and associated improvements, with a total estimated construction cost of \$6,480,000 of which \$3,888,000 would be funded as a reimbursement through the grant program - the City's match would be \$2,592,000 (40%);

Whereas, Staff believes the proposed project achieves several objectives to include improving road conditions from a "C" to an "A" to prevent further deterioration of the roadway, increasing safety by eliminating surface disruptions at edges, providing separation of opposing traffic, combining two intersections into one, and providing crosswalks and sidewalks, enhancing connectivity to the Belton Independent School District campuses from surrounding areas, by foot and vehicle, helping to alleviate congestion along SH 317, and providing multi-modal transportation elements, to include dual sidewalks and bike lanes;

Whereas, final application submission is due November 10, 2015 and applications will be evaluated with anticipated notice of award on December 16, 2015; and

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

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

Part 1: The City Council authorizes submission of an application for funding through the Killeen-Temple Metropolitan Planning Organization, Category 7 program, in the amount of \$3,888,000, with a \$2,592,000 (40%) match by the City, for the construction of Prairie View Road and associated improvements.

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

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

PASSED AND APPROVED this the **5th** day of **November**, 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

11/05/15
Item #4(EF)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing the use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the renovations of Wilson Park Recreation Center and Sammons Community Center.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Two of the projects approved in the 2015 Parks Bond are renovations to the Wilson Park Recreation Center and the Sammons Community Center. These projects include (1) the interior renovation of the Wilson Park Recreation Center, and (2) at the Sammons Community Center, the reconfiguration and remodel of existing space, the addition of new space, and the construction of a new deck and parking lot expansion.

The City has an executed contract with Architectural Edge of Temple for the design services of Wilson Park Recreation Center and is currently negotiating a contract with Architectural Edge for the design services of Sammons Community Center. Due to the limited funding that is available for these projects, staff believes that it would be beneficial to utilize the construction contractor's consulting services and expertise in the design phase, which can be accomplished through utilization of the Construction Manager-at-Risk project delivery method.

In accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality. As such, and for the budgetary reasons stated in the previous paragraph, it is staff's recommendation that the best value for the project can be achieved by using the Construction Manager-at-Risk (CMAR) project delivery method.

If authorized by the Council, staff will proceed with issuing Request for Proposals (RFP) to identify construction contractors that will provide the City with the best value for each project. Staff anticipates coming back to Council in January 2016 with a recommendation for hiring a CMAR for each project.

FISCAL IMPACT: These projects are funded by the Parks GO Bonds that were approved by voters on May 9, 2015 and sold on September 24, 2015. Funding is appropriated and available as identified below:

	Wilson Park Recreation Center Project	Sammons Community Center Project
Account #	362-3500-552-6419	362-3500-552-6413
Project #	101328	101322
Project Budget	\$1,300,000	\$1,750,000
Encumbered/Committed to Date	(86,545)	(1,460)
Remaining Project Funds	<u>\$1,213,455</u>	<u>\$1,748,540</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE USE OF THE CONSTRUCTION MANAGER-AT-RISK PROJECT DELIVERY METHOD FOR THE ACQUISITION OF CONSTRUCTION SERVICES NEEDED FOR THE RENOVATIONS OF WILSON PARK RECREATION CENTER AND SAMMONS COMMUNITY CENTER; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, two of the projects approved in the 2015 Parks Bond are renovations to the Wilson Park Recreation Center and the Sammons Community Center - these projects include interior renovations to the Wilson Park Recreation Center and the reconfiguration and remodel of existing space, the addition of new space, and the construction of a new deck and parking lot expansion at the Sammons Community Center;

Whereas, the City has an executed contract with Architectural Edge of Temple for the design services of Wilson Park Recreation Center and is currently negotiating a contract with Architectural Edge for the design services of Sammons Community Center;

Whereas, due to limited funding, Staff believes that it would be beneficial to utilize the construction contractor's consulting services and expertise in the design phase, which can be accomplished through utilization of the Construction Manager-at-Risk project delivery method;

Whereas, in accordance with the Texas Government Code Chapter 2269 and the Local Government Code §252.021, before a municipality enters into a contract that requires competitive sealed bidding, the governing body may consider using a method other than competitive sealed bidding in order to achieve the best value for the municipality;

Whereas, for the budgetary reasons stated, Staff recommends that the best value for the project can be achieved by using the Construction Manager-at-Risk (CMAR) project delivery method;

Whereas, these projects are funded by the Parks General Obligation Bonds that were approved by voters on May 9, 2015 and sold on September 24, 2015 – funding is appropriated in Account No. 362-3500-552-6419, Project No. 101328, and Account No. 362-3500-552-6413, Project No. 101322; 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 use of the Construction Manager-at-Risk project delivery method for the acquisition of construction services needed for the renovations of Wilson Park Recreation Center and Sammons Community Center.

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

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

110/5/15
Item #4(FF)
Consent Agenda
Page 1 of 1

DEPT. / DIVISION SUBMISSION & REVIEW:

Brynn Myers, Assistant City Manager

ITEM DESCRIPTION: Consider adopting a resolution authorizing a payment of \$159,269 to the Bell County Health District for food protection and environmental services.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: In 1994, the City of Temple along with Bell County, City of Killeen, City of Belton, City of Harker Heights, City of Holland, City of Little River/Academy, City of Morgan's Point Resort, City of Rogers, City of Troy, and the Village of Salado entered in to a cooperative agreement with the Bell County Public Health District for provision of permitting and inspecting on-site sewage facilities, inspections of food establishments, investigation of public health complaints, and provision of food manager and food handler's education.

Under the agreement, each entity is assessed a portion of the cost of administering the program based on the most recent census population data. For FY 16, the City of Temple's portion is \$159,269.

FISCAL IMPACT: The FY 2016 Budget includes an allocation of \$159,269 in account 110-1500-515-26-19 for food protection and environmental services provided by the Bell County Health District.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PAYMENT IN THE AMOUNT OF \$159,269, TO THE BELL COUNTY HEALTH DISTRICT, FOR FOOD PROTECTION AND ENVIRONMENTAL SERVICES FOR FISCAL YEAR 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 1994, the City of Temple along with Bell County, City of Killeen, City of Belton, City of Harker Heights, City of Holland, City of Little River/Academy, City of Morgan's Point Resort, City of Rogers, City of Troy, and the Village of Salado, entered in to a cooperative agreement with the Bell County Public Health District for the provision of permitting and inspecting on-site sewage facilities, inspections of food establishments, investigation of public health complaints, and the provision of food manager and food handler's education;

Whereas, under this agreement, each entity is assessed a portion of the costs of administering the program based on the most recent census population data – for fiscal year 2016, the City of Temple's portion is \$159,269;

Whereas, the fiscal year 2016 budget includes the City's allocated portion which is available in Account No. 110-1500-515-2619; and

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

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

Part 1: The City Council authorizes a payment in the amount of \$159,269 to the Bell County Health District, for food protection and environmental services for fiscal year 2016.

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

PASSED AND APPROVED this the 5th day of **November**, 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

11/05/15
Item #4(GG)
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 2015-2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This item is to recommend various budget amendments, based on the adopted FY 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

FISCAL IMPACT: The total amount of budget amendments is \$218,281.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
November 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1000-511-2611		Contracted Services / Insurance & Bonds	\$ 31	
110-1100-513-2611		Contracted Services / Insurance & Bonds	\$ 8	
110-1300-515-2611		Contracted Services / Insurance & Bonds	\$ 8	
110-1400-511-2611		Contracted Services / Insurance & Bonds	\$ 20	
110-1700-519-2611		Contracted Services / Insurance & Bonds	\$ 8	
110-1800-525-2611		Contracted Services / Insurance & Bonds	\$ 29	
110-1900-519-2611		Contracted Services / Insurance & Bonds	\$ 52	
110-2100-529-2611		Contracted Services / Insurance & Bonds	\$ 107	
110-2600-519-2611		Contracted Services / Insurance & Bonds	\$ 113	
110-3120-551-2611		Contracted Services / Insurance & Bonds	\$ 265	
110-3150-551-2611		Contracted Services / Insurance & Bonds	\$ 101	
110-3210-551-2611		Contracted Services / Insurance & Bonds	\$ 222	
110-3610-560-2611		Contracted Services / Insurance & Bonds	\$ 460	
110-3700-524-2611		Contracted Services / Insurance & Bonds	\$ 75	
110-4000-555-2611		Contracted Services / Insurance & Bonds	\$ 657	
110-4100-551-2611		Contracted Services / Insurance & Bonds	\$ 9	
110-4200-513-2611		Contracted Services / Insurance & Bonds	\$ 28	
110-4700-519-2611		Contracted Services / Insurance & Bonds	\$ 77	
110-6000-513-2611		Contracted Services / Insurance & Bonds	\$ 26	
110-1200-515-2611		Contracted Services / Insurance & Bonds		\$ 49
110-1600-512-2611		Contracted Services / Insurance & Bonds		\$ 6
110-2400-519-2611		Contracted Services / Insurance & Bonds		\$ 987
110-2700-515-2611		Contracted Services / Insurance & Bonds		\$ 4
110-2800-532-2611		Contracted Services / Insurance & Bonds		\$ 47
110-3400-531-2611		Contracted Services / Insurance & Bonds		\$ 35
110-3900-533-2611		Contracted Services / Insurance & Bonds		\$ 18
110-2031-521-1223		Personnel Benefits / Worker Compensation		\$ 384
110-3500-552-1223		Personnel Benefits / Worker Compensation		\$ 750
110-3800-519-1223		Personnel Benefits / Worker Compensation		\$ 16
To appropriate additional funds needed for the FY 2015-2016 property and liability insurance with Texas Municipal League. The original amount approved in the FY 2016 Adopted Budget was determined to be short by approximately \$12,500 after the 10/01/15 Statement was received. This budget adjustment is for General Fund only.				
110-3500-552-2214		Capital < \$5,000 / Buildings & Grounds	\$ 2,550	
110-0000-461-0554		Insurance Proceeds / Insurance Proceeds		\$ 2,550
To allocate insurance proceeds received from Texas Municipal League for Ernie the Dog statue that was stolen from Woodbridge Park.				
361-2400-519-6807	101464	Capital - Bonds / Facility Improvements	\$ 33,000	
361-3400-531-2588	100681	Other Services / Northwest Loop 363 Improvements		\$ 33,000
To reallocate funding for repairs to the elevator at Clarence Martin Recreation Center.				
561-5400-535-6905	100991	Capital - Bonds / Lift Station Improvements	\$ 8,741	
561-5000-535-6532		Capital - Special Projects / Contingency		\$ 8,741
To reallocate funding for change order # 2 with Austin Engineering Company, Inc. in the amount of \$8,740.50. The change order will allow for sub-contracting services by S&M Vacuum and Waste.				
260-2000-521-2110		Supplies / Office Supplies	\$ 2,125	
260-2000-521-2136		Supplies / Public Safety Expenditure	\$ 600	
260-2000-521-2129		Supplies / Advertising/Marketing	\$ 400	
260-2000-521-2210		Capital < \$5,000 / Furniture & Fixtures	\$ 400	
260-2000-521-2514		Other Services / Travel & Training	\$ 1,500	
260-2000-521-2616		Contracted Services / Professional	\$ 16,669	
260-0000-431-0261		State Grants / State Grants		\$ 21,694
To appropriate revenue and expenditures related to the Victims of Crime Assistance Grant (VOCA). The City was awarded this grant, for the second year, through the Criminal Justice Division (CJD) of the Governor's office in the amount of \$21,693.75.				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
November 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
260-3500-552-2623	101465	Contracted Services / Other Contract Services	\$ 150,000	
260-0000-431-0163		Federal Grants / Federal Grants		\$ 150,000

To appropriate funding for a grant from Centers for Disease Control and Prevention's Department of Health and Human Services. Funding will be used for the master plan and clean-up for the Bend of the River property, Botanical Gardens.

TOTAL AMENDMENTS

\$ 218,281 \$ 218,281

GENERAL FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	-
Carry forward from Prior Year	-
Taken From Contingency	-
Net Balance of Contingency Account	\$ -

Beginning Judgments & Damages Contingency	\$ 44,230
Added to Contingency Judgments & Damages from Council Contingency	-
Taken From Judgments & Damages	-
Net Balance of Judgments & Damages Contingency Account	\$ 44,230

Beginning Compensation Contingency	\$ 375,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	-
Net Balance of Compensation Contingency Account	\$ 375,000

Net Balance Council Contingency **\$ 419,230**

Beginning Balance Budget Sweep Contingency	\$ -
Added to Budget Sweep Contingency	-
Taken From Budget Sweep	-
Net Balance of Budget Sweep Contingency Account	\$ -

WATER & SEWER FUND

Beginning Contingency Balance	\$ 50,000
Added to Contingency Sweep Account	-
Taken From Contingency	-
Net Balance of Contingency Account	\$ 50,000

Beginning Compensation Contingency	\$ 64,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	-
Net Balance of Compensation Contingency Account	\$ 64,000

Net Balance Water & Sewer Fund Contingency **\$ 114,000**

HOTEL/MOTEL TAX FUND

Beginning Contingency Balance	\$ -
Added to Contingency Sweep Account	-
Carry forward from Prior Year	-
Taken From Contingency	-
Net Balance of Contingency Account	\$ -

Beginning Compensation Contingency	\$ 13,300
Added to Compensation Contingency	-
Taken From Compensation Contingency	-
Net Balance of Compensation Contingency Account	\$ 13,300

Net Balance Hotel/Motel Tax Fund Contingency **\$ 13,300**

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
November 5, 2015

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		DRAINAGE FUND		
		Beginning Contingency Balance		\$ -
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -
		Beginning Compensation Contingency	\$	10,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	10,300
		Net Balance Drainage Fund Contingency		\$ 10,300
		FED/STATE GRANT FUND		
		Beginning Contingency Balance	\$	-
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE
2015-2016 CITY BUDGET; AND PROVIDING AN OPEN
MEETINGS CLAUSE.

Whereas, on the 27th day of August, 2015, the City Council approved a budget
for the 2015-2016 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain
amendments to the 2015-2016 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 2015-2016 City Budget by
adopting the budget amendments which are more fully described in Exhibit 'A,'
attached hereto and made a part hereof for all purposes.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

11/05/15
Item #5
Regular Agenda
Page 1 of 6

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-15-26: Consider adopting an ordinance authorizing a Conditional Use Permit allowing the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption in Suite 70 of the Gateway Center, located at 4501 South General Bruce Drive.

UPDATE: At the time of staff report preparation, the applicant has indicated that arrangements are not finalized but in-progress to relocate the church and the associated uses to a combination of either Suite 30A, Suite 30B and/or Suite 50. Further, the applicant has indicated that the Harvest Church is in agreement with this relocation, although formal confirmation from the church has not been received by staff. Therefore, staff is proceeding under the understanding that a variance from the 300-foot separation requirement is still necessary until confirmation of relocation has been received. Based on the provisions of UDC Section 5.3.15B, described later in this report for determining separation distance, if the church relocates to Suites 30A, 30B and Suite 50, the 300-foot distance will be exceeded.

Regardless, the separation requirement of 300-feet, while identified by Section 109.33 of the Texas Alcoholic Beverage Code is codified locally by the City of Temple in Chapter 4, Alcoholic Beverages, of the Code of Ordinances, would receive relief as a variance by a separate City Council Resolution. According to the City Attorney's office, no separate public hearing by the City Council is necessary for the variance.

Staff will provide an update whether a variance is or is not needed for the November 5, 2015 City Council meeting. If a variance is needed, a staff report has been prepared for consideration.

PLANNING & ZONING COMMISSION REVIEW RECOMMENDATION: At its October 19, 2015 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the requested conditional use permit, subject to the following conditions:

1. That the use is contained within Suite 70 of the Gateway Center, located at 4501 South General Bruce Drive;
2. That the use is subject to Chapter 4 of the City Code of Ordinances related to alcoholic beverages, including either a City Council-approved variance to the 300-foot spacing requirement or relocation of the remaining uses which constitute a place of worship outside the 300-foot distance; and

3. That the conditional use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption.

Planning & Zoning Commission Meeting Discussion: Due to needed information identified at the October 5, 2015 Planning & Zoning Commission meeting, the meeting was continued to October 19, 2015. This needed information was related to clarification that remaining uses of the Harvest Church constituted a place of worship and whether the 300-foot separation distance was met. During the October 19, 2015 meeting, it was confirmed that a variance from the 300-foot distance criteria, provided by Chapter 4 of the City Code of Ordinances, would be necessary if uses of the church remained after sanctuary relocation to only Suite 30B.

Further, during the meeting the property manager for the Gateway Center, Will Morris, disclosed that there was an offer to relocate the church, in its entirety, to include Suite 50, a door to door – line of sight distance of 300-feet, which would eliminate the need for the variance.

STAFF RECOMMENDATION: Based on the following analysis and reasons that:

1. The project has demonstrated compliance with the specific standards in Unified Development Code (UDC) Section 5.3.15;
2. The project has demonstrated compliance to Chapter 4 of the City of Temple Code of Ordinances related to alcoholic beverages (see attached), with the exception of seeking relief from the 300-foot separation between a restaurant serving alcohol with on-premise consumption and a place of worship, which if will be addressed by City Council as a separate Resolution;
3. The request is compatible with existing adjacent General Retail-zoned land uses;
4. The request is in compliance with the Thoroughfare Plan;
5. Public facilities are available to serve the subject property.

Staff recommends approval of the requested Conditional Use Permit to allow establishments where less than 50% of the total gross revenue may be from the sale of all alcoholic beverages with on-premise consumption, subject to the following conditions:

1. That the use be allowed within the existing Suite 60 and remodeled portions thereof as Suite 70 of the Gateway Center, located at 4501 South General Bruce Drive;
2. That the use of the Gateway Center's "common area" adjacent to the proposed Backporch Drafthouse and the theater be allowed for periodic outdoor dining associated with the restaurant and allow on-premise sale and consumption of all alcoholic beverages as well as live music;
3. The use is subject to compliance to Chapter 4 of the City Code of Ordinances related to alcoholic beverages, including either a City Council-approved variance to the 300-foot spacing requirement or relocation of the remaining uses which constitute a place of worship outside the 300-foot distance; and
4. That the Conditional Use, complies with UDC Section 5.3.15 related to all alcoholic beverage sales with on-premise consumption;

ITEM SUMMARY: The applicant, Back Porch Draffhouse on behalf of Bullish Resources, requests a Conditional Use Permit allowing the sale of less than 50% of the total gross revenue being from the sale of all alcoholic beverages with on-premise consumption in Suite 70 (currently Suite #60) at the Gateway Center.

The applicant has provided a narrative (attached as an email dated September 16, 2015) describing the intended activities of the proposed restaurant. This includes a special patio area with roll-up style glass garage doors and anticipated live music during weather permitting occasions. As a result of an inadvertent oversight, the email was not unavailable to the Planning & Zoning Commission nor was any discussion introduced regarding these amenities. The outdoor dining area however is noteworthy since the Planning & Zoning Commission's recommended conditions of approval restrict the use to within the boundaries of Suite 70 and does not include the patio area.

According to the applicant, the patio area is part of the Gateway Center's common area between the existing Suite 60 and the theater. Staff has revised its recommendation to accommodate the outdoor patio area for music and outdoor dining which include on-premise sales and consumption of all alcoholic beverages.

Section 5.3.15 of the Unified Development Code provides for multiple performance standards related to the provision of a Conditional Use Permit for the on-premise sale of alcoholic beverages. Some of which include, but not limited to:

- *The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within 6 months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension,*
- *The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the Citizens of the City,*
- *The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.*

Additionally, the UDC states:

The City Council may deny or revoke a Conditional Use Permit in accordance with UDC Section 3.5 if it affirmatively determines that the issuance of the permit is:

- a. *Incompatible with the surrounding uses of property; or*
- b. *Detrimental or offensive to the neighborhood or contrary to the health, safety and general welfare of the City and its inhabitants, and*
- c. *Per UDC Section 3.5.5, the Planning & Zoning Commission may recommend and the City Council may impose additional conditions of approval.*

Adherence to UDC Section 5.3.15 in its entirety is included by reference in the conditions of approval for the permit. A Conditional Use Permit runs with the property and a change in ownership or change in the lessee does not affect the Conditional Use Permit.

BACKGROUND: The 20.388 +/- acre subject property, which does not include the surrounding “island” building pad sites, is currently zoned Planned Development-General Retail (PD-GR). A restaurant that generates less than 50% of its total gross revenue from the sale of all alcoholic beverages is a compatible use subject to approval of a Conditional Use Permit.

In addition, UDC Section 5.3.15B provides standards for all establishments with alcoholic beverage sales with on-premise consumption that is less than 75% of the gross total revenue. The standards are as follows:

1. The establishment must not be within 300 feet of a place of worship, public school or public hospital;
2. The distance between the establishment where alcoholic beverages are sold and a place of worship or public hospital must be measured along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. The distance between the place of business where alcoholic beverages are sold and the public school must be measured in a straight, direct line from the property line of the public school to the property line of the establishment, and in a direct line across intersections;
3. If the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permittee is located.

Staff has considered the three (3) standards above, estimated by the applicant (attached) as roughly 345 feet from door to door for Suite 30A & B. The distance to Suite 50 is 300 feet from door to door. This measurement however, is not provided for by the UDC.

Using the prescribed measurement method provided by the UDC, the location of the restaurant suite and the relocated Harvest Church exceeds 1,300 feet for all suites, confirming that the minimum 300-foot distance has been met. There are no other sensitive uses such as a public hospital or public school within the immediate area.

In addition, Chapter 4 of the City of Temple Code of Ordinances reiterates state laws for distancing with regard to alcohol sales and on-premise consumption. Compliance to Chapter 4 standards are required and are included as Condition #3, which include language for either relocation of remaining uses or a separate variance.

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	GR	Retail & Service Uses
North	Auto-Urban Commercial	GR	Retail & Service Uses
South	Neighborhood Conservation	SF-3	SF Residential (Briar Crest)
East	Neighborhood Conservation,	SF-1 & GR	SF Residential (Oakwoods 1 st)
West	Auto-Urban Commercial	C	Undeveloped (Gilmeister PH. II)

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)

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a 20.388 +/- acres is within the Auto-Urban Commercial designation of the Future Land Use Plan (FLUP).

The Auto-Urban Commercial designation is intended for the majority of areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads. Similar to the Suburban Commercial designation, minimum site area is commonly 10,000 square feet but may be larger for multi-tenant buildings and centers. The current land use designation is consistent with the proposed conditional use request for a restaurant serving a variety of alcoholic beverages.

Thoroughfare Plan (CP Map 5.2)

The property takes access from both South General Bruce Drive & Gilmeister Lane. No new roadway or sidewalk improvements are proposed by this project.

Availability of Public Facilities (CP Goal 4.1)

As the property is already developed, adequate utilities have been established to serve the site. The subject property is served by a 12" water line and a 6" sewer line both along the eastern property line. In addition, there is a 21" sewer line in Gilmeister Lane.

Temple Trails Master Plan Map and Sidewalks Ordinance

No trails have been identified along South General Bruce Drive or Gilmeister Lane.

DEVELOPMENT REGULATIONS: Non-Residential setbacks for this planned development with a base-zoning of Neighborhood Service district are:

Min Lot Size	N/A
Min Lot Width	N/A
Min Lot Depth	N/A
Front	15'
Side	10'
Side (corner)	10'
Rear	10' (UDC sec. 4.4.4.F3)
Max Height	3 Stories

While buffering and screening standards per UDC Section 7.7 are triggered by the proximity of the residential zoning to the east and the south of the proposed use, standards were put in place with the development of the Gateway Center. Therefore, no additional buffering or screening is required.

PUBLIC NOTICE: Owners of Fifty-one (51) properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Thursday October 27, 2015 at 9:00 AM, 4 notices (6 properties) have been returned for approval, 2 notices for denial and 5 undeliverable notices have been received.

The newspaper printed notice of the public hearing on September 24, 2015, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Chapter 4 – Code of Ordinances – Alcoholic Beverages](#)
[Site and Surrounding Property Photos](#)
[Project Narrative \(email dated September 16, 2015\)](#)
[Gateway Center \(Suite Layout\) \(Exhibit A\)](#)
[Applicant-Supplied Distance Measurement to Suite 30B](#)
[Applicant-Supplied Distance Measurement to Suite 50](#)
[Harvest Church \(Post-Relocation Floor Plan\)](#)
[Zoning Map](#)
[Future Land Use and Character Map](#)
[Utility Map](#)
[Thoroughfare & Trails Map](#)
[Notification Map](#)
[Returned Property Owner Notices](#)
[Ordinance](#)

Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

ARTICLE II. SPACING

Sec. 4-2. Sales near school, church or hospital.

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

Sec. 4-3. Measurement for church or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Sec. 4-4. Measurement for public school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Sections 4-5 through 4-10 reserved.

ARTICLE III. LICENSE AND PERMIT FEES

Sec. 4-11. Alcoholic beverage license and permit fees.

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

Sec. 4-12. Display.

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

Sections 4-13 through 4-20 reserved.

ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY

Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)

Site & Surrounding Property Photos



Site: Current Suite #60 (PD-GR)



Site: Front of Suite #60 (Looking toward Cinemark (PD-GR))



East: Single Family Residential (Oakwood 1st Subdivision) (GR & SF-1)



West: Undeveloped & Cap Fleet Service – (Gilmeister Phase II) (C)



North: Gateway Center - I-35, Retail & Service Uses (PD-GR & GR)



North / Aerial: Gateway Center, I-35 & Existing Retail & Service Uses (PD-GR & GR)



South: Single Family Residential – Briar Crest Subdivision (SF-3)



South: Single Family Residential – Briar Crest Subdivision (SF-3)

Mark Baker

From: Will Morris <will@charterres.com>
Sent: Wednesday, September 16, 2015 3:27 PM
To: Mark Baker
Subject: RE: Gateway Center - proposed Backporch Drafthouse - narrative

Backporch Drafthouse is a multi-unit restaurant based in Lawton, OK that serves chef prepared classic American food - specialty hamburgers, salads, sandwiches, tacos, and great appetizers. On the drink side of the menu - 24 craft beers and other specialty adult-beverages. The atmosphere is fun and lively with a "Red-Dirt Texas Music" theme, with sports on multiple t.v.'s throughout the restaurant. Special patio area with roll-up style glass garage doors and anticipated outdoor live music on weather permitting occasions

-----Original Message-----

From: Mark Baker [mailto:mbaker@templetx.gov]
Sent: Wednesday, September 16, 2015 1:41 PM
To: Will Morris <will@charterres.com>
Subject: RE: Gateway Center - proposed Backporch Drafthouse

Great...Thanks !

-----Original Message-----

From: Will Morris [mailto:will@charterres.com]
Sent: Wednesday, September 16, 2015 1:35 PM
To: Mark Baker
Subject: RE: Gateway Center - proposed Backporch Drafthouse

Mark
See attached
Thanks
Will

-----Original Message-----

From: Mark Baker [mailto:mbaker@templetx.gov]
Sent: Wednesday, September 16, 2015 1:06 PM
To: Will Morris <will@charterres.com>
Subject: RE: Gateway Center - proposed Backporch Drafthouse

Thanks Will

Do you have a clean copy that can be sent without the labels, I may use a combination of both for my report.

Mark

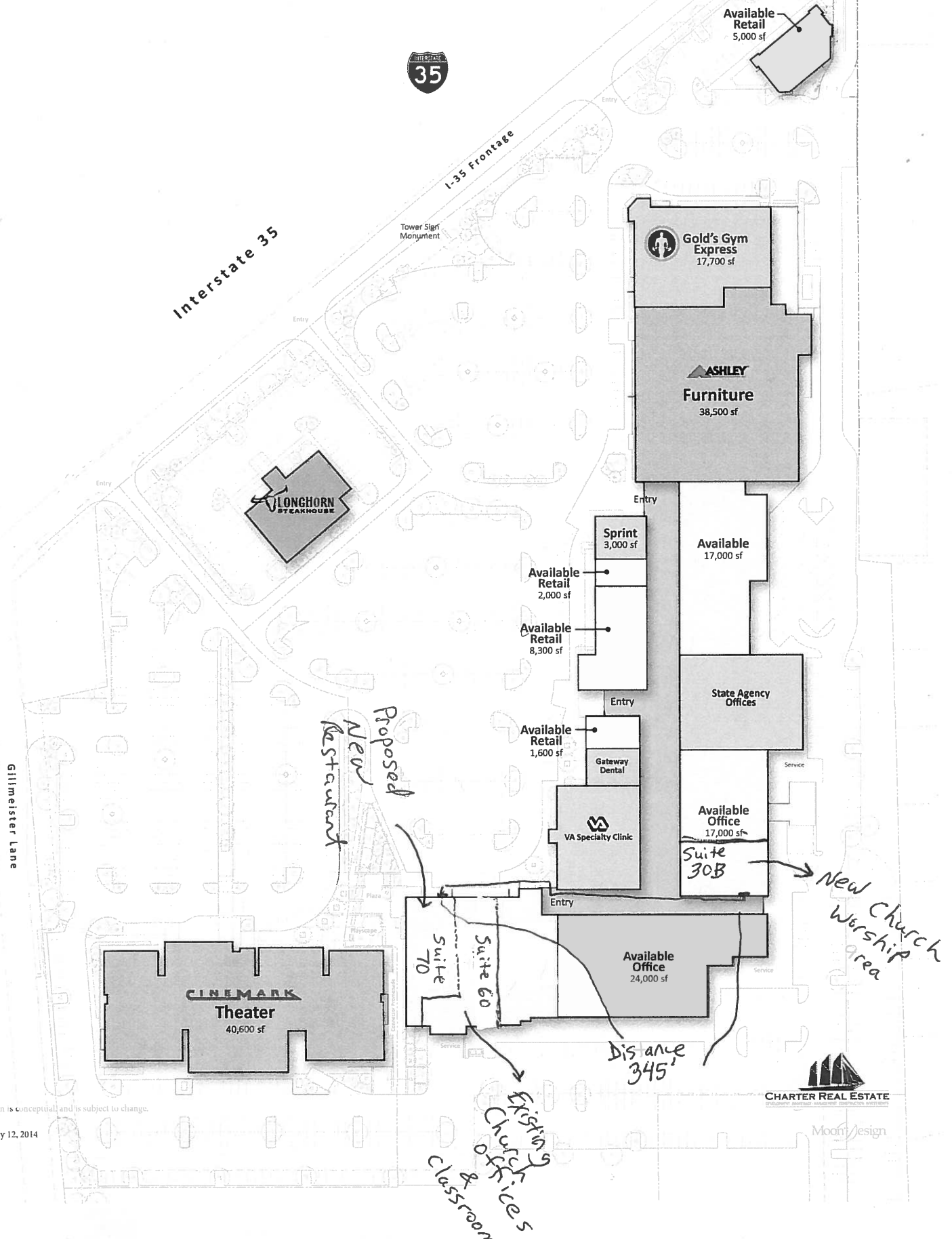
-----Original Message-----

From: Will Morris [mailto:will@charterres.com]
Sent: Wednesday, September 16, 2015 11:51 AM
To: Mark Baker
Subject: Gateway Center - proposed Backporch Drafthouse

February 12, 2014

GATEWAY CENTER

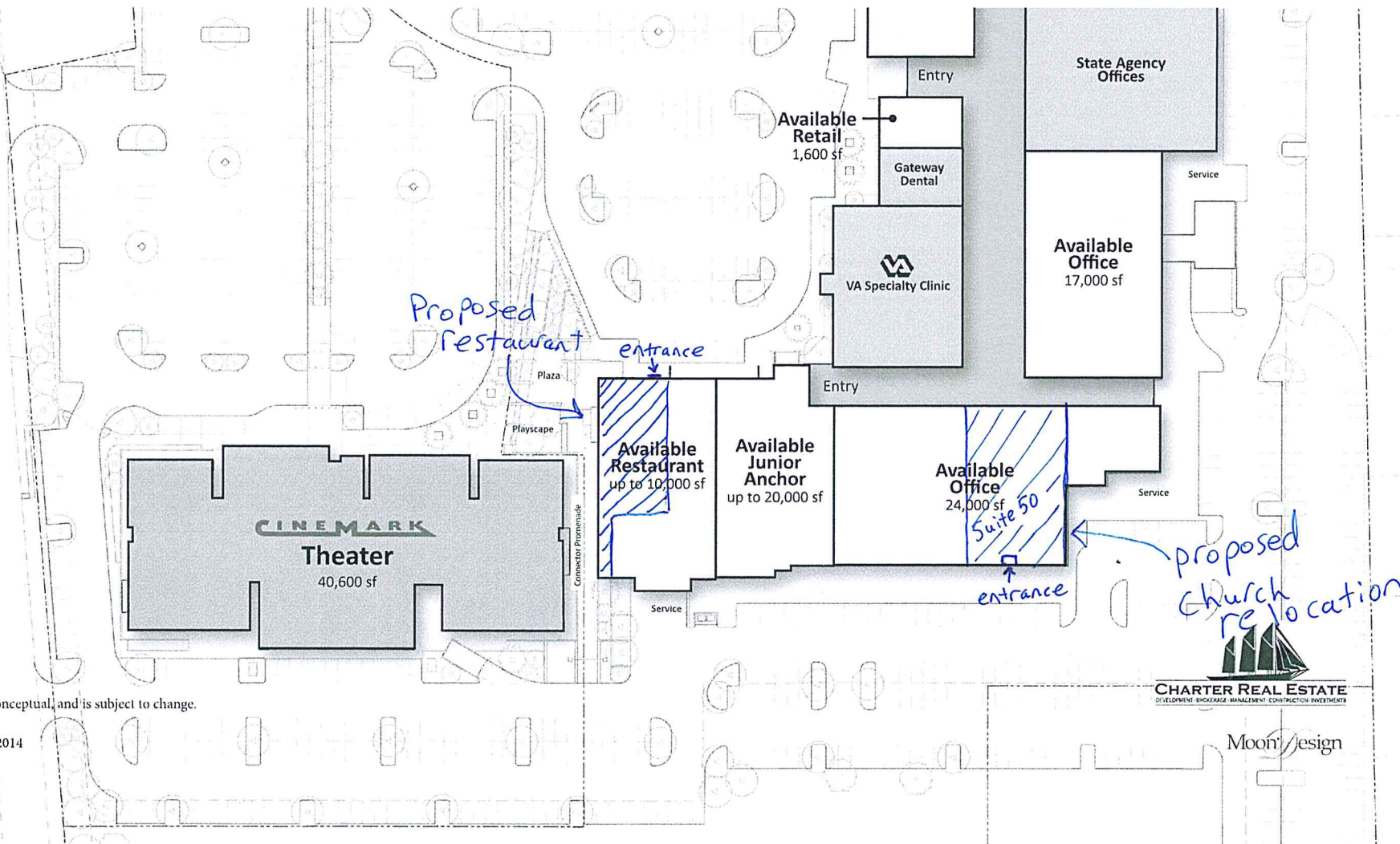
Temple Texas | Conceptual Leasing Plan



This plan is conceptual and is subject to change.

February 12, 2014

Gillmeister Lane

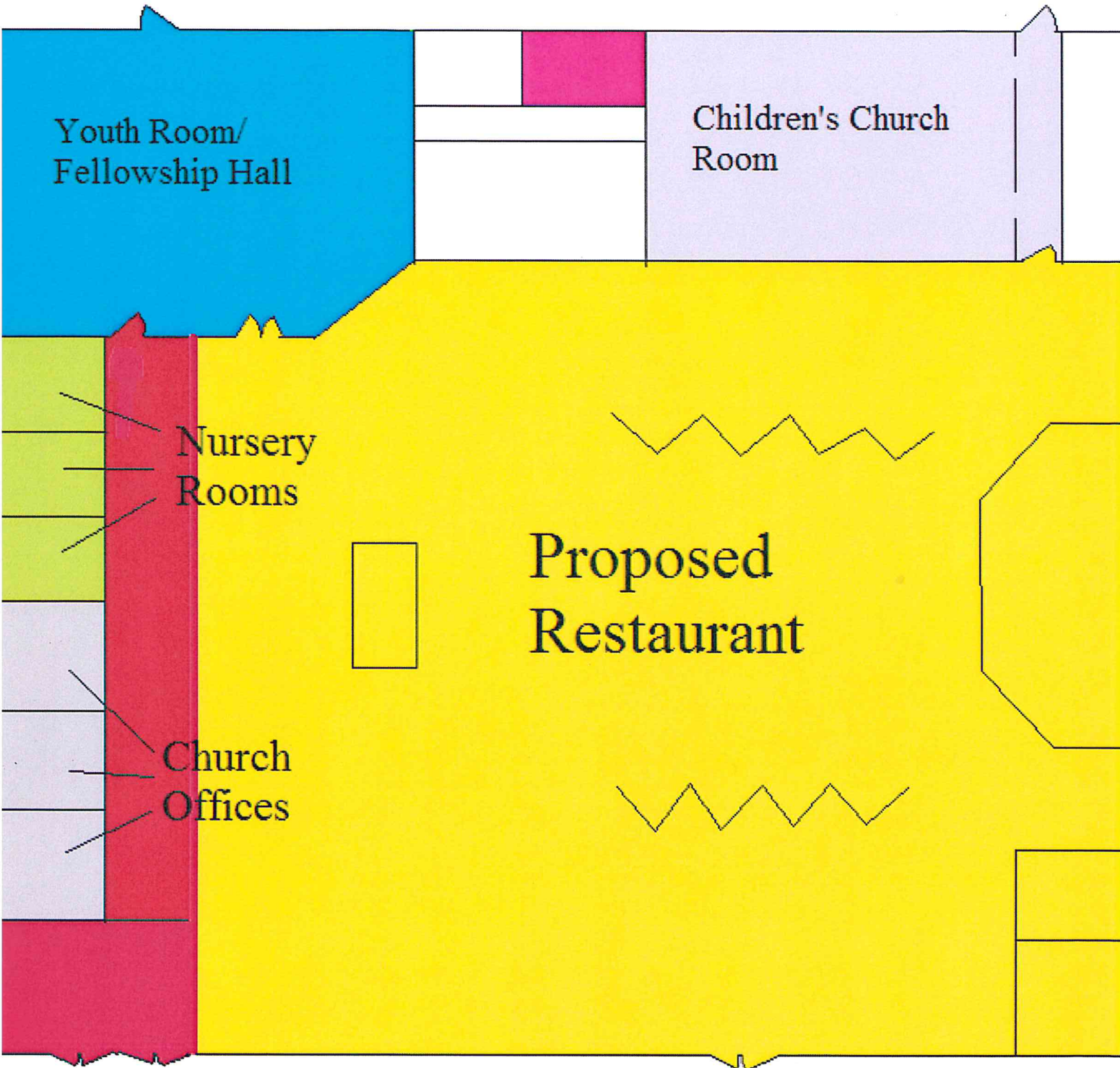






This plan is conceptual, and is subject to change.

February 12, 2014



Moon//esign



- | | |
|--|---|
|  = Youth Area |  = Nursery |
|  = Offices |  = Children's Area |



CONDITIONAL USE PERMIT

ZONING MAP

Zoning Case :
Z-FY-15-26

Address :
4501 S GENERAL BRUCE DR

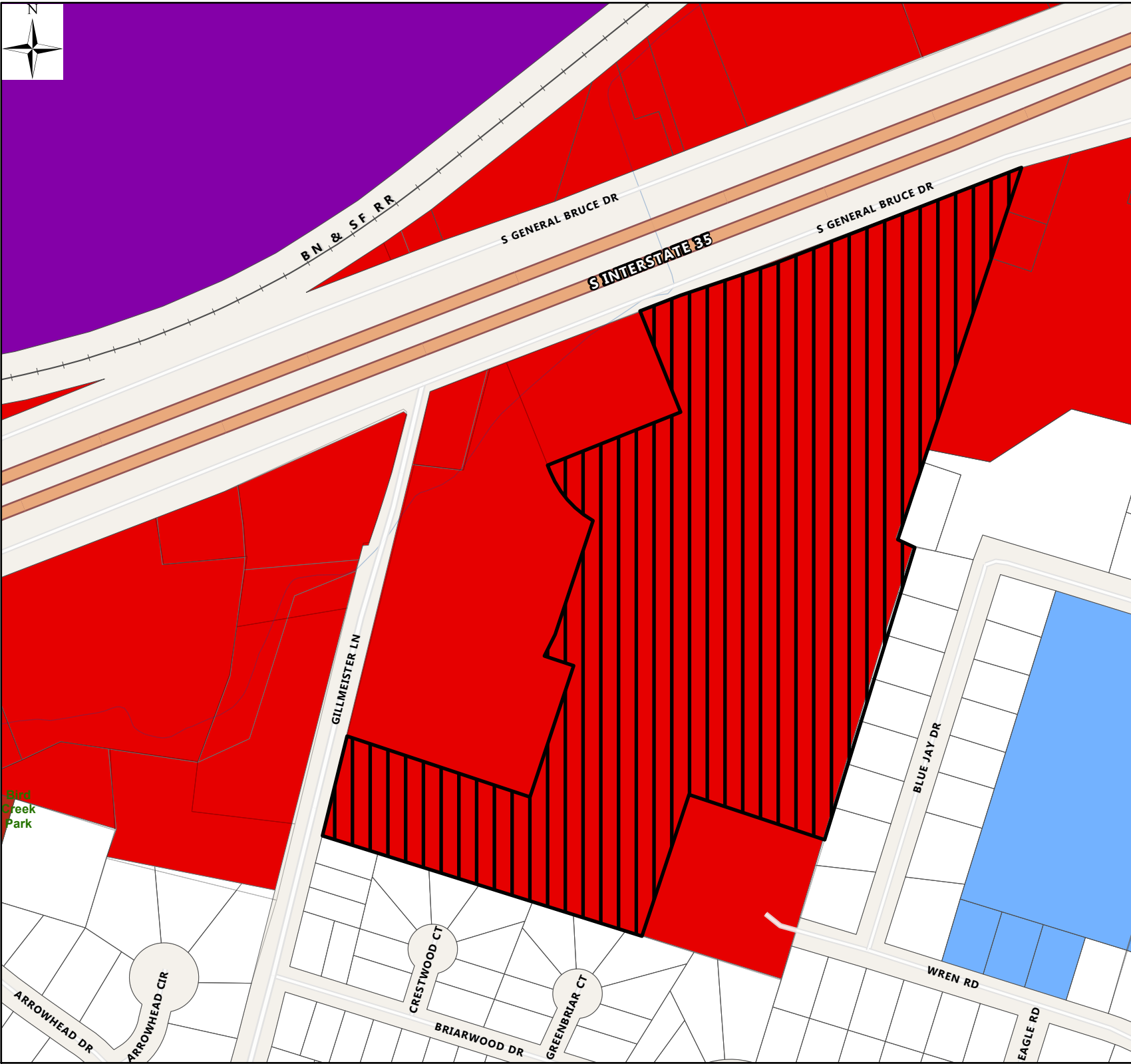
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	T4 - PD
SFA-2 - PD	CA - CUP	T4 - CUP
SFA-3	CA - PD	T5-C
SFA-3 - PD	C	T5-C - CUP
2F	C - CUP	T5-C - PD
2F - CUP	C - PD	T5-E
2F - PD	C - CUP, PD	T5-E - CUP
MF-1	LI	T5-E - PD
MF-1 - CUP	LI - CUP	NO BASE
MF-1 - PD	LI - PD	CUP
MF-2	LI - CUP, PD	PD
MF-2 - CUP	HI	Casearea
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

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.

mbaker

Date: 9/21/2015





Conditional Use Permit

FUTURE LAND USE MAP

Zoning Case :
Z-FY-15-26

Address :
4501 S. General Bruce

- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Parcels
- Future LUP**
 - Agricultural/Rural
 - Auto-Urban Commercial
 - Auto-Urban Mixed Use
 - Auto-Urban Multi-Family
 - Auto-Urban Residential
 - Business Park
 - Estate Residential
 - Industrial
 - Neighborhood Conservation
 - Parks & Open Space
 - Public Institutional
 - Suburban Commercial
 - Suburban Residential
 - Temple Medical Education District
 - Urban Center
 - Casearea

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.

mbaker

Date: 9/10/2015





Conditional Use Permit

UTILITY MAP

Zoning Case :
Z-FY-15-26

Address :
4501 S. General Bruce

- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- ▭ Parcels
- ▨ Casearea

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.

mbaker
Date: 9/10/2015













Conditional Use Permit

THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-15-26

Address :
4501 S. General Bruce

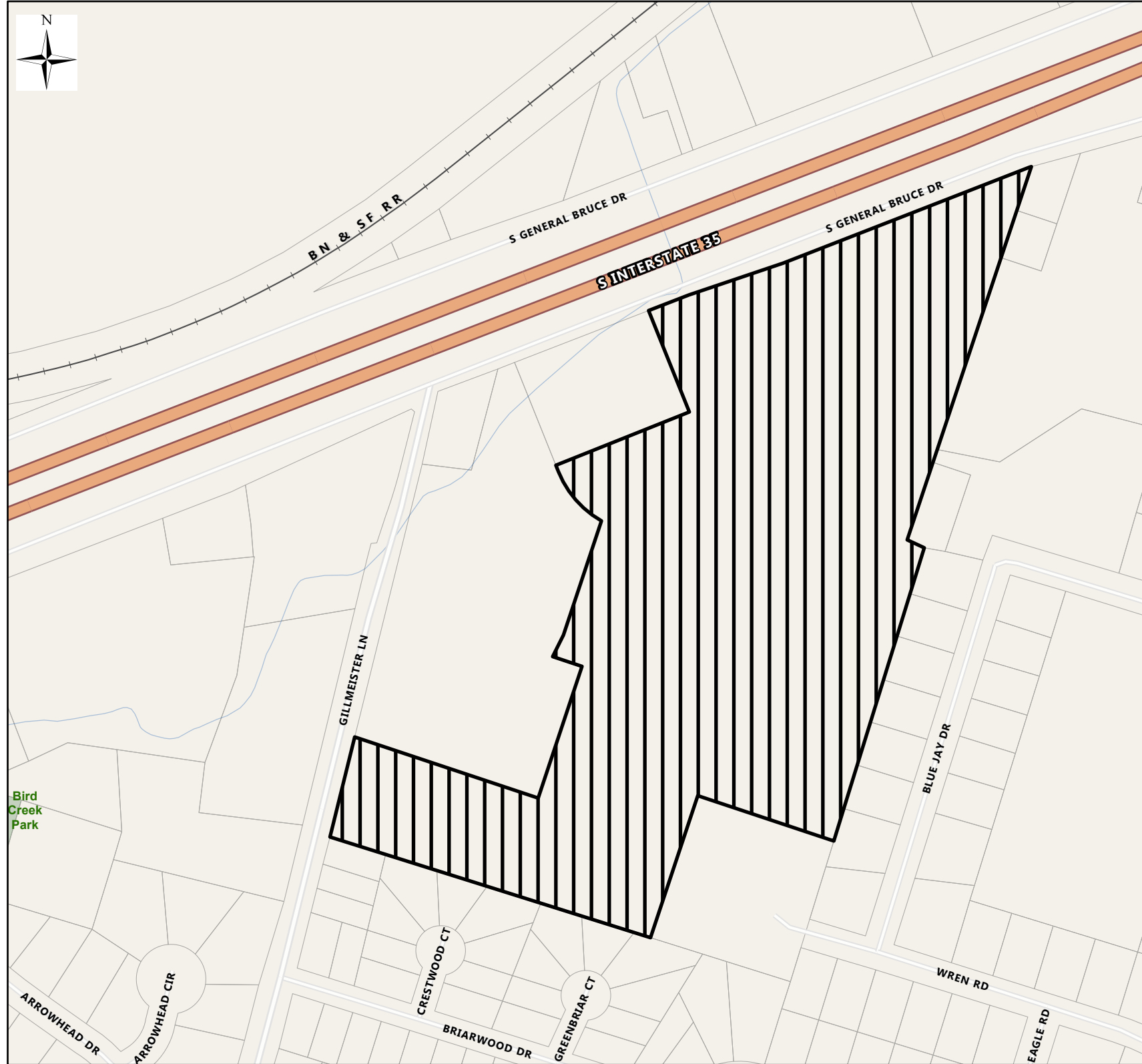
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Parcels

 Casearea

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.

mbaker

Date: 9/10/2015





CONDITIONAL USE PERMIT

200' NOTIFICATION MAP

Zoning Case :
Z-FY-15-26

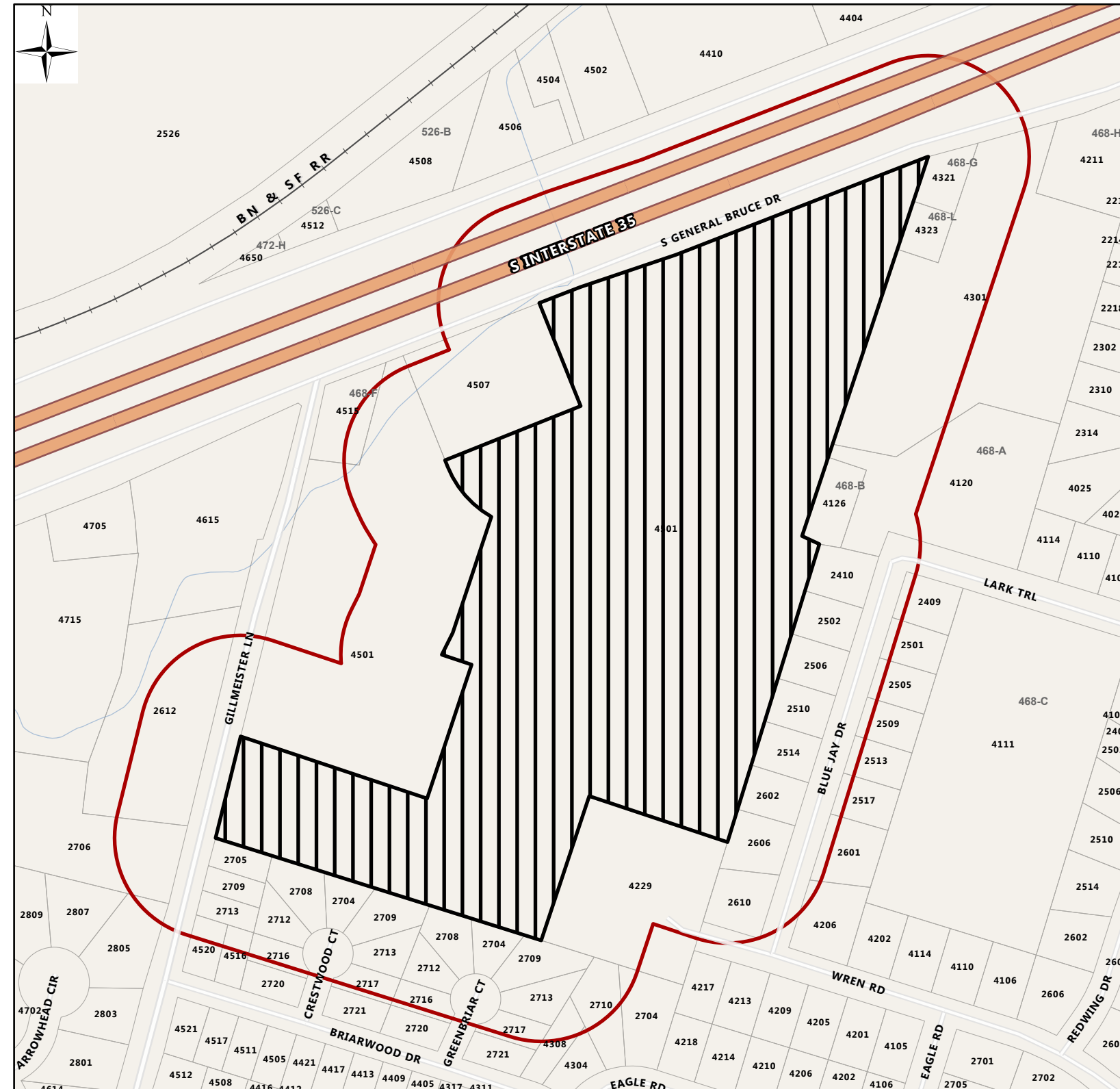
Address :
4501 S GENERAL BRUCE DR

-  Buffer
-  Casearea

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.

mbaker

Date: 9/16/2015





**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Temple Independent School District
P.O. Box 788
Temple, Texas 76502

Zoning Application Number: Z-FY-15-26

Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Signature

KENT ROYD

Print Name

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

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

RECEIVED
OCT 01 2015
City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Eldon & Thelma Rains Revocable Living Trust
c/o Eldon & Thelma Raines Trustees
2717 Crestwood Court
Temple, Texas 76502

Zoning Application Number: Z-FY-15-26

Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Eldon R. Raines
Signature

Eldon R. Raines
Print Name

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

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

RECEIVED

OCT 01 2015

City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

Ted J. Etux Gail Roe
1216 South 31st Street
Temple, Texas 76504

Zoning Application Number: Z-FY-15-26

Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend () approval ☒ denial of this request.

Comments:

To close to a school & homes with children

Gail Roe
Signature

Gail Roe
Print Name

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

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

RECEIVED
OCT 05 2015
City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015



**RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE**

Bullish Resources Inc.
6111 Bandera Road
San Antonio, Texas 78238

Zoning Application Number: Z-FY-15-26

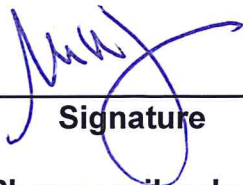
Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend ☒ approval () denial of this request.

Comments:



Signature



Print Name

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

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

RECEIVED
OCT 06 2015
City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

MCRT Temple LP
c/o MCR Development LLC
Attn: Tyler Morse
152 W 57th Street, 46th Floor
New York, NY 10019

Zoning Application Number: Z-FY-15-26

Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Signature

Keith Osborne

Print Name

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

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

RECEIVED

OCT 06 2015

City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015



RESPONSE TO PROPOSED
CONDITIONAL USE PERMIT REQUEST
CITY OF TEMPLE

Mohammad Kayani
7208 Ricky Drive
Temple, Texas 76502

Zoning Application Number: Z-FY-15-26

Project Manager: Mark Baker

Location: Suite 70, Gateway Center, 4501 South General Bruce Drive

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

I recommend () approval

☒ denial of this request.

Comments:

No Alcohol Allowed in This Area.
Drunk people can make Area Dirty, Damage, fight
Argue. No good.


Signature

M. Kayani
Print Name

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

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

RECEIVED

OCT 09 2015

City of Temple
Planning & Development

Number of Notices Mailed: 51

Date Mailed: September 24, 2015

ORDINANCE NO. _____
(Z-FY-15-26)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISE CONSUMPTION WHERE THE GROSS REVENUE FROM THE SALE OF ALCHOLIC BEVERAGES IS LESS THAN 50% OF THE TOTAL GROSS REVENUE OF THE ESTABLISHMENT FOR PROPERTY LOCATED IN THE GATEWAY CENTER, SUITE 70, LOCATED AT 4501 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property located in the Gateway Center, Suite 70 located at 4501 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 75% of the total gross revenue of the establishment sales; and

Whereas, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

Part 1: The City Council approves a Conditional Use Permit for the sale of alcoholic beverages for on-premise consumption where the gross revenue from the sale of alcoholic beverages is less than 50% of the total gross revenue of the establishment for property located in the Gateway Center, Suite 70, located at 4501 South General Bruce Drive, more fully described in Exhibit 'A', attached hereto and made a part hereof for all purposes.

Part 2: The owners/applicants, their employees, lessees, agents or representatives, hereinafter called "permittee" operating an establishment with alcoholic beverage sales for on-premise consumption shall comply with following standards:

- A. The permittee must comply with applicable licensing and permit provisions of the Alcoholic Beverage Code within six months from the date of the issuance of the Conditional Use Permit, such limitation in time being subject to City review and possible extension.
- B. The permittee must demonstrate that the granting of the permit would not be detrimental to the public welfare of the citizens of the City.
- C. The permittee must, at all times, provide an adequate number of employees for security purposes to adequately control the establishment to prevent incidents of drunkenness, disorderly conduct and raucous behavior. The permittee must consult with the Chief of Police, who acts in an advisory capacity, to determine the number of qualified employees necessary to meet such obligations.

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 was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 5th day of November, 2015.

PASSED AND APPROVED on Second Reading on the **19th** day of **November**, 2015.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



CITY COUNCIL ITEM MEMORANDUM

11/05/15
Item #6
Regular Agenda
Page 1 of 2

DEPT. / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: Consider adopting a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code and Chapter 4 of the Code of Ordinances between establishments with alcoholic beverage sales for on-premise consumption and places of worship for property located at the Gateway Center, 4501 South General Bruce Drive, Suite 70.

STAFF RECOMMENDATION: Staff recommends approval of a resolution waiving distance requirements identified in Section 5.3.15 of the Unified Development Code (UDC) and Chapter 4 of the Code of Ordinances between establishments with alcoholic beverage sales for on-premise consumption and places of worship.

ITEM SUMMARY: Texas Alcoholic Beverage Code Section 109.33(a), enforced by the Texas Alcoholic Beverage Commission (TABC), allows municipalities to adopt standards establishing distance requirements between establishments with alcoholic beverage sales for on-premise consumption and churches, schools or hospitals. TABC regulations permit municipalities to adopt a 300-foot distancing requirement for enforcement at the local government level. This distance requirement has been adopted by the City Section 5.2.15 of the UDC and in Chapter 4, Alcoholic Beverages, of the Code of Ordinances.

Additionally, the TABC establishes a procedure for granting a variance to adopted distancing requirements under Texas Alcoholic Beverage Code Section 109.33(e) stating:

The commissioners court of a county or the governing body of a city or town that has enacted regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Variance Criteria:

The applicant is proposing a restaurant where less than 50% of the total gross revenue would be from the sales of all alcoholic beverages with on-premise consumption. The restaurant is proposed to be located within the current Suite 60, to be remodeled creating Suite 70, which is currently occupied by the Harvest Church. The main sanctuary of the Harvest Church is being relocated approximately 349 feet away but several remaining uses, church offices, nursery rooms, youth room / fellowship hall and a children's church room, constitute a place of worship. Therefore the 300-foot distancing requirement is not met.

No issues related to the above referenced criteria in Section 109.33(e) have been identified. While the use does not pose a significant threat to public health, safety and welfare, the attached floor plan identifies two access doors between the restaurant and the church. Unless required by Building and Fire Code regulations, which will be verified with the building permit application, the doors should be at the very least locked and secured during business hours of both the church and the restaurant or otherwise removed from the future building plans altogether. Staff has forwarded the floor plan to the Fire Marshal and the access doors do not meet the criteria for emergency egress.

Staff is supportive of waiving the 300-foot distance requirements and recommends approval of the waiver request.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Chapter 4 – Alcoholic Beverages – Code of Ordinances](#)
[Remodel Floor Plan for Suites 60 & 70](#)
[Resolution](#)

Chapter 4

ALCOHOLIC BEVERAGES

ARTICLE I. EXTENDED HOURS

Sec. 4-1. Extended hours.

The City of Temple is an "extended hours area" as that term is defined in the Texas Alcoholic Beverage Code. (Ref. V.T.C.A., Alcoholic Beverage Code § 105.06)

ARTICLE II. SPACING

Sec. 4-2. Sales near school, church or hospital.

It is an offense for any person to sell alcoholic beverages at a place of business which is within 300 feet of a church, public school or public hospital. (Ref. V.T.C.A., Alcoholic Beverage Code § 109.33)

Sec. 4-3. Measurement for church or public hospital.

The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Sec. 4-4. Measurement for public school.

The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be:

(a) in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections; or

(b) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

Sections 4-5 through 4-10 reserved.

ARTICLE III. LICENSE AND PERMIT FEES

Sec. 4-11. Alcoholic beverage license and permit fees.

A license fee and permit fee is levied in the amount of one-half of the state license and permit fees for each permit issued for premises located within the City, except for permits that are exempted from municipal fees. The city license and permit fees shall be paid to the City at the same time that the state license and permit fees are paid to the state. (Ref. V.T.C.A. Alcoholic Beverage Code § 11.38, § 61.36.

Sec. 4-12. Display.

It is an offense for any person licensed under this article to fail to display ~~such~~ the City license and keep the same displayed in a conspicuous place in the place of business licensed.

Sections 4-13 through 4-20 reserved.

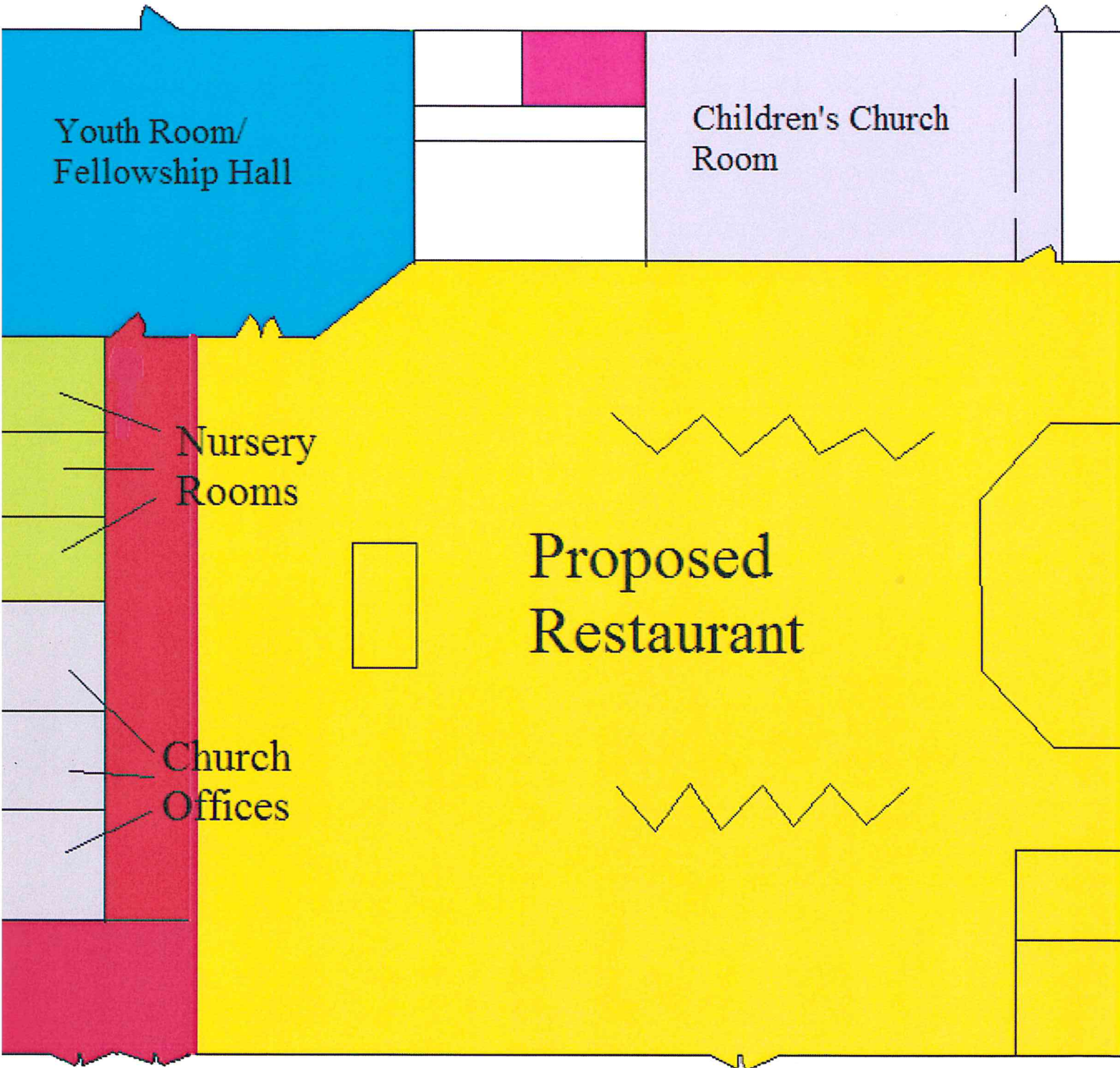
ARTICLE IV. SALE OF ALCOHOLIC BEVERAGES ON CITY PROPERTY





Sec. 4-21. Sale of alcoholic beverages on city property prohibited except where specially permitted.

(a) **City Property.** It shall be unlawful for any person to sell alcoholic beverages in any public park of the city, or on or in other publicly owned property, save and except that the city and concessionaires or caterers having a contract with the city to sell alcoholic beverages at the Frank W. Mayborn Civic and Convention Center, Santa Fe Depot, and at Sammons Park, if properly licensed, may sell alcoholic beverages upon the premises of the civic and convention center, depot, and within the Sammons Park Restaurant, Clubhouse, and deck exclusively. The city manager or his designee may authorize a special event permit for the sale of alcoholic beverages on city property other than a city park.

(b) **Criteria for Permits.** The City Council shall from time to time by resolution establish criteria for special event permit applications and approvals under this section.

(Ordinance No. 2009-4323, 11-05-09)



- | | |
|--|---|
|  = Youth Area |  = Nursery |
|  = Offices |  = Children's Area |

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, WAIVING DISTANCE REQUIREMENTS IDENTIFIED IN SECTION 5.3.15 OF THE UNIFIED DEVELOPMENT CODE AND CHAPTER 4 OF THE CODE OF ORDINANCES, BETWEEN ESTABLISHMENTS WITH ALCOHOLIC BEVERAGE SALES FOR ON-PREMISE CONSUMPTION AND PLACES OF WORSHIP FOR PROPERTY LOCATED AT THE GATEWAY CENTER, 4501 SOUTH GENERAL BRUCE DRIVE, SUITE 70; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Unified Development Code (UDC) establishes performance standards for alcoholic beverage sales for on premise consumption in Section 5.3.15, “Alcoholic Beverage Sales for On Premise Consumption”;

Whereas, this section addresses basic performance standards to be considered in the granting of a Conditional Use Permit (CUP) and conditions to be considered in the revocation of a CUP for establishments selling alcohol for on premise consumption;

Whereas, Texas Alcoholic Beverage Code Section 109.33(a), enforced by the Texas Alcoholic Beverage Commission (TABC), allows municipalities to adopt standards establishing distance requirements for the sale of alcoholic beverages near churches, schools or hospitals;

Whereas, TABC regulations permit municipalities to adopt a 300-foot distancing requirement for enforcement at the local government level - this distance has been adopted by the City of Temple in Section 5.3.15 of the UDC and Chapter 4, Alcoholic Beverages, of the Code of Ordinances;

Whereas, the applicant is proposing a restaurant where less than 50% of the total gross revenue would be from the sale of alcoholic beverages with on-premise consumption - the restaurant is proposed to be located within the current Suite 60, to be remodeled creating Suite 70, which is currently occupied by the Harvest Church’s main sanctuary which is being relocated to suites ranging between 300 feet and approximately 349 feet away from the proposed restaurant;

Whereas, the Texas Alcoholic Beverage Code Section 109.33(e) establishes a procedure for granting a variance to adopted distancing requirements if the City Council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community;

Whereas, Staff is supportive of waiving the 300-foot distance requirement and recommends approve of the request; and

Whereas the City Council has considered the matter and deems it in the public interest to waive the distance requirements identified in the Section 5.3.15 of the UDC and Chapter 4 of the Code of Ordinances between establishments with alcoholic beverage sales for on-premise consumption and places of worship for property located at the Gateway Center, 4501 South General Bruce Drive, Suite 70;

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

Part 1: The City Council waives the distance requirements identified in the Unified Development Code Section 5.3.15 and Chapter 4 of the Code of Ordinances, between establishments with alcoholic beverage sales for on-premise consumption and places of worship for property located at the Gateway Center, 4501 South General Bruce Drive, Suite 70.

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

PASSED AND APPROVED this the 5th day of **November**, 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

11/05/15
Item #7
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing proceeding with the issuance of one or more series of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation (C.O.) and directing the Publication of Notice of intention to issue Certificates of Obligation in an amount not to exceed \$21,750,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The FY 2016 Adopted Budget includes the fourth year of a multi-year transportation capital improvement program and recommends expansion of the program from the original scope of work to include funding for additional projects that have been identified as high-priority needs since the original program began. Originally a \$60,180,000, six-year program, the FY 2015 Budget recommended expanding the FY 2013-2018 Transportation CIP ("TCIP") to a ten-year, \$121,660,000 program. The TCIP is a result of our recent assessments and reports on both the condition of our transportation infrastructure and the need to improve our mobility. The project areas identified in the TCIP are intended to address both the need to improve our existing transportation infrastructure and provide new capacity and connectivity.

The proceeds from the issue will be used to fund the following projects:

- Constructing, reconstructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, sidewalks, trails, intersections, traffic signalization and other traffic improvements projects and related water, wastewater, and drainage improvements, signage, landscaping, irrigation, purchasing necessary rights-of-way and other transportation costs and purchasing firefighting equipment and vehicles, including fire trucks.
- Paying the professional services including fiscal, engineering, architectural and legal fees including the costs associated with the issuance of one or more series of Certificates

The City will request a bond rating from Standard & Poor's. The ratings will be published prior to the pricing and sale of the bonds. The Bonds are scheduled for Council consideration of a delegation ordinance authorizing issuance on Thursday, January 21, 2016. The actual issuance and delivery date of the bonds will occur in February 2016.

FISCAL IMPACT: The implementation and financing plan recommended for the TCIP is a phased approach which groups projects in three-year packages with design and right-of-way acquisition funded first and, in most cases, construction funded in the following package. Each three-year package also includes \$9,000,000 for the Legacy Pavement Preservation Program – an average of \$3,000,000 each year. Also included in this issue is the financing and of two fire trucks. The FY 2016 approved budget included an allocation of \$1,900,000 for the replacement of two fire trucks.

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

The phased approach recommended results in no impact to the tax rate this year. It is anticipated, based on several assumptions, that the tax rate impact for this program of work will be ~3.50 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.

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

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2015-_____

**RESOLUTION AUTHORIZING PROCEEDING WITH ISSUANCE OF ONE OR MORE
SERIES OF CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE
CERTIFICATES OF OBLIGATION AND FURTHER DIRECTING THE
PUBLICATION OF NOTICE OF INTENTION TO ISSUE SUCH CERTIFICATES OF
OBLIGATION; AND OTHER MATTERS RELATED THERETO**

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

WHEREAS, the City Council of the City of Temple, Texas (the "City") finds that the payment in whole or in part of contractual obligations incurred or to be incurred for the purposes set forth in Exhibit "A" attached hereto (the "Contractual Obligations") would be beneficial to the inhabitants of the City and are needed to perform essential City functions; and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue one or more series of certificates of obligation in a maximum principal amount not to exceed \$21,750,000 (the "Certificates") pursuant to the provisions of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations; and

WHEREAS, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, the notice stating: (i) the time and place tentatively set for the passage of the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized, and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

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

1. Attached hereto as Exhibit "A" is a form of the Notice of Intention to issue the Certificates, the form and substance of which is hereby adopted and approved.

2. Bond Counsel to the City shall cause the notice to be published in substantially the form attached hereto, in a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be at least 31 days prior to the time set for the final passage of the ordinance authorizing issuance of the Certificates as shown in the notice.

3. The Director of Finance, Financial Advisor and Bond Counsel to the City are authorized to proceed with preparing the necessary bond and offering documents to effectuate the sale of the Certificates, including making application to appropriate rating agencies and bond insurers, if applicable.

4. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute the certificate to which this Resolution is attached on behalf of the City and the Mayor, City Secretary and City Manager are further authorized to do any and all things proper and necessary to carry out the intent of this Resolution.

5. 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 each series of the Certificates being issued or (ii) \$9,500 per series, 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 appropriate member of the City's staff 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 Certificates.

RESOLVED this 5th day of November, 2015.

ATTEST:

CITY OF TEMPLE, TEXAS

Lacy Borgeson, City Secretary

Danny Dunn, Mayor

APPROVED AS TO FORM:

Kayla Landeros, City Attorney

EXHIBIT "A"

NOTICE OF INTENTION REGARDING THE ISSUANCE OF ONE OR MORE SERIES OF CITY OF TEMPLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Temple, Texas, to issue one or more series of interest bearing certificates of obligation of the City entitled "City of Temple, Texas Combination Tax and Revenue Certificates of Obligation" (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred by the City for: (1) constructing, improving, extending, expanding, upgrading and/or developing streets, roads, bridges, trails, sidewalks, intersections, traffic signalization and other transportation improvement projects including related water, wastewater and drainage improvements, signage, landscaping, irrigation, purchasing any necessary rights-of-way and other related transportation costs; (2) purchasing firefighting equipment and vehicles, including fire trucks; and (3) professional services including fiscal, engineering, architectural and legal fees and other such costs incurred in connection therewith including the costs of issuing the Certificates. The City Council tentatively proposes to consider for first and final reading at a meeting to commence at 5 o'clock p.m. on the 21st day of January, 2016 at Council Chambers, 2 North Main Street, Temple, Texas, 76501, the passage of an ordinance authorizing the issuance of the Certificates. The maximum amount of the Certificates that may be authorized for such purpose is \$21,750,000. The City Council presently proposes to provide for the payment of such Certificates from the levy and collection of ad valorem taxes in the City as provided by law and from the surplus revenues of the City's utility system in an amount not to exceed \$10,000, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's utility system.

CITY OF TEMPLE, TEXAS