



**MEETING OF THE
TEMPLE CITY COUNCIL
MUNICIPAL BUILDING
2 NORTH MAIN STREET
3rd FLOOR – CONFERENCE ROOM
THURSDAY, JANUARY 21, 2016**

4:00 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, January 21, 2016.
2. Receive a presentation on the Draughon-Miller Central Texas Regional Airport Master Plan.

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. PUBLIC APPEARANCE

3. Receive the City of Temple Flag flown over Kuwait from the 13th Sustainment Command.

IV. BOND ITEMS

4. [2016-4746](#): FIRST & FINAL READING - PUBLIC HEARING: Consider adopting an Ordinance authorizing the issuance and sale of one or more series of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation; Authorizing the levy of an ad valorem tax in support of the certificates; Approving an Official Statement, the form of a Paying Agent/Registrar Agreement and other agreements related to the sale and issuance of the certificates; Establishing procedures for selling and delivering one or more series of the certificates; and Authorizing other matters related to the issuance of the certificates.

V. REPORTS

5. Receive the Temple Economic Development Corporation Annual Report.

VI. PUBLIC HEARING & ANNEXATION

6. [PUBLIC HEARING](#) – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of a 20.855 acre tract of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, and located adjacent to the Cedar Ridge Crossing subdivision.

7. **PUBLIC HEARING** – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, Bell County, Texas.

VII. CONSENT AGENDA

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

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

Minutes

- (A) **December 17, 2015 Special and Regular Meeting**

Contracts, Leases, & Bids

- (B) **2016-8003-R:** Consider adopting a resolution ratifying the submission of a grant application for the FY 2015 Assistance to Firefighters Grant Program, through the U.S. Department of Homeland Security, for the purchase of training props in the total amount of \$510,000, with a \$46,363 match.
- (C) **2016-8004-R:** Consider adopting a resolution in support of an application by Coryell County for development of a regional water plan for Bell, Coryell, Hamilton, Lampasas and Milam Counties, in the not to exceed amount of \$15,000, and in-kind services of approximately \$5,000.
- (D) **2016-8005-R:** Consider adopting a resolution authorizing a professional services agreement with BSP Engineers, Inc., of Temple, for professional services for widening Hogan Road from State Highway 317 to South Pea Ridge Road in an amount not to exceed \$357,200, as well as, declare an official intent to reimburse the expenditures with the issuance of 2016 Certificate of Obligation Bonds.
- (E) **2016-8006-R:** Consider adopting a resolution authorizing a contract with Kasberg, Patrick, & Associates, LP, in the amount of \$124,275 for professional services required for the West Airport Trunk wastewater extension.
- (F) **2016-8007-R:** Consider adopting a resolution authorizing an agreement with Clark & Fuller, PLLC, of Temple in an amount not to exceed \$147,524 for professional services required for Phase 1 of the Williamson Creek Basin wastewater assessment.
- (G) **2016-8008-R:** Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC, of Temple in an amount not to exceed \$244,072 to design the Jackson Park Wastewater Line Improvements Project.
- (H) **2016-8009-R:** Consider adopting a resolution authorizing a FY2016 purchase agreement in the estimated annual amount of \$29,652 with Casco Industries, Inc. of Grand Prairie for the purchase of firefighting protective clothing.

- (I) [2016-8010-R](#): Consider adopting a resolution authorizing the purchase from Texas Highway Products, Ltd. of Round Rock, in the amount of \$72,695 for video detection equipment at five existing signalized intersections.
- (J) [2016-8011-R](#): Consider adopting a resolution authorizing an amendment to the Office Space Lease between the City of Temple and Morgan Stanley Smith Barney Financing, LLC for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (the Temple Public Library).
- (K) [2016-8012-R](#): Consider adopting a resolution authorizing a contract in the amount of \$51,962 with Goddard Enterprises of Edmond, OK for the installation of two outdoor warning sirens.
- (L) [2016-8013-R](#): Consider adopting a resolution authorizing a deductive change order to the construction contract with Ranger Excavating, LP, of Austin in the amount of \$18,902.20 for the construction of the North Lucius McCelvey Extension.

Ordinances – Second & Final Reading

- (M) [2015-4745](#): SECOND READING - Consider adopting an ordinance regarding the City of Temple's Youth Program Standards of Care.

Misc.

- (N) [2016-8014-R](#): Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 8.955 acres of land located along Texas State Highway 317 and in the Baldwin Robertson Survey, Abstract No. 17, Temple, Bell County, Texas.
- (O) [2016-8015-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

VIII. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

- 9. [2016-4747](#): FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Classifications and Positions of Certified Firefighters to add an Assistant Chief classification and delete a Deputy Chief classification and authorizing the Fire Chief to appoint a qualified person as Assistant Chief.
- 10. [2016-4748](#): FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.
- 11. [2016-4749](#): FIRST READING - PUBLIC HEARING – Z-FY-16-03: Consider adopting an ordinance authorizing a rezoning from TMED (Temple Medical Education District) T4 to PD-T5-e and T5-c to PD-T5-c (Planned Development District-TMED T5-e and T5-c Districts) to accommodate a proposed mix of multi-family and commercial development on 40.389 +/- acres of land being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard.

12. [2016-4750](#): FIRST READING - PUBLIC HEARING - Z-FY-16-06: Consider adopting an ordinance authorizing a rezoning from Single-Family 1 (SF-1) district to Planned Development Single Family-One (PD-SF-1) district to allow for a Bed and Breakfast within a single-family residence on Lot 2, Block 8, L. R. Taylor Addition, located at 518 North 7th Street.

RESOLUTIONS

13. [2016-8016-R](#): Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2016.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:00 PM, on Friday, January 15, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

01/21/16

Item #4

Regular Agenda

Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Traci L. Barnard, Director of Finance

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

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

ITEM SUMMARY: This item is to delegate authority to the Director of Finance or in her absence, the City Manager to issue certificates and finalize pricing within parameters defined in the attached ordinance in a par amount not to exceed \$21,750,000*. This delegation of authority will allow the City to obtain the most advantageous terms on the certificates in order to achieve maximum debt service savings.

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 Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates on November 5, 2015. The notice was published on November 11, 2015 and November 18, 2015 in the Temple Daily Telegram.

The date and method by which the certificates will be issued, sold, and delivered will be determined to achieve the most advantageous borrowing costs for the City. The City has requested a bond rating from Standard & Poor's. The ratings will be published prior to the pricing and sale of the certificates.

The certificates are scheduled for pricing the week of January 25th and delivery of the funds on February 17, 2016.

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

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

***The issue size is preliminary and will be sized at the time of pricing.**

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.

ATTACHMENTS:
[Ordinance](#)

ORDINANCE NO. 2016-_____

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

Adopted January 21, 2016

**ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ONE OR MORE
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Exhibit A - Definitions

Exhibit B - Description of Annual Financial Information

ORDINANCE NO. 2016-_____

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RELATED TO THE ISSUANCE OF THE CERTIFICATES**

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

WHEREAS, the City Council of the City of Temple, Texas (the "City") deems it advisable to issue certificates of obligation in an amount not to exceed \$21,750,000 (the "Certificates") and finds that the payment in whole or in part of contractual obligations are incurred or to be incurred 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; and

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended, and Section 1502.052, Texas Government Code, as amended; and

WHEREAS, on November 5, 2015 the City Council passed a resolution authorizing and directing the City Secretary to give notice of intention to issue the Certificates; and

WHEREAS, the notice was published on November 11, 2015 and November 18, 2015 in the *Temple Daily Telegram*, a newspaper of general circulation in the City and a "newspaper" as defined in Section 2051.044, Government Code; and

WHEREAS, the City has not received a petition from the qualified electors of the City protesting the issuance of the Certificates; and

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

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Certificates be issued.

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

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

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

Section 3. AMOUNT AND PURPOSE OF THE CERTIFICATES. The certificates of the City of Temple, Texas (the "City") are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas, including particularly, Chapter 271 of the Texas Local Government Code, as amended, and Chapters 1502 and 1371 of the Texas Government Code, in one or more series in the maximum aggregate principal amount not to exceed \$21,750,000 (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred 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.

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

executed a Pricing Certificate shall expire at 5:00 p.m. C.D.T. on July 21, 2016. Certificates priced on or before July 21, 2016 may be delivered to the initial purchaser after such date.

(b) Selling and Delivering the Certificates. As authorized by Chapter 1371, Texas Government Code, as amended, the Pricing Officer is hereby authorized to act on behalf of the City in selling and delivering one or more series of the Certificates and carrying out the other procedures specified in this Ordinance, including determining the date of the Certificates, any additional or different designation or title by which a series of the Certificates shall be known, the price at which each series of the Certificates will be sold, the years in which the Certificates will mature, the principal amount to mature in each of such years, the aggregate principal amount of the Certificates, the rate or rates of interest to be borne by each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Certificates shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, obtaining a rating on the Certificates, procuring municipal bond insurance, if any, and all other matters relating to the issuance, sale, and delivery of the Certificates, all of which shall be specified in the Pricing Certificate; provided that (i) the price to be paid for each series of the Certificates shall not be less than 90% of the aggregate original principal amount thereof plus accrued interest thereon from its date to its delivery and (ii) none of the Certificates of a series shall bear interest at a rate greater than the maximum authorized by law. In establishing the aggregate principal amount of the Certificates, the Pricing Officer shall establish an amount not to exceed the amount authorized in Section 4 thereof, which shall be sufficient to provide for the purposes for which the Certificates are authorized and to pay the costs of issuing the Certificates.

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

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

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

Purchase Agreement or other agreement shall be substantially in the form and substance previously approved by the City in connection with the authorization of debt with such changes as are acceptable to the Pricing Officer.

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

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

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

Section 6. CHARACTERISTICS OF THE CERTIFICATES. (a) Registration, Transfer and Exchange; Authentication. The Pricing Officer shall designate the Paying Agent/Registrar for each series of the Certificates in the Pricing Certificate. The Paying Agent/Registrar shall keep the books or records for the registration of the transfer and exchange of the Certificates (the "Registration Books"), and the Paying Agent/Registrar shall serve as the City's registrar and transfer agent to keep such books or records and make such registrations of transfers and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance.

Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

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

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

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

on each substitute Certificate issued in exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

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

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if

any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal, premium, if any, and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificates, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

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

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

(h) Initial Certificate. The Certificates herein authorized shall be initially issued as fully registered Certificates, being one Certificate for each maturity in the denomination of the applicable principal amount and the initial Certificate shall be registered in the name of the Senior Manager as set forth in the Pricing Certificate. The initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the

Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Underwriters. Immediately after the delivery of the initial Certificate, the Paying Agent/Registrar shall cancel the initial Certificate delivered hereunder and exchange therefor Certificates in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

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

FORM OF CERTIFICATE

R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF TEMPLE, TEXAS	PRINCIPAL AMOUNT \$ _____
	COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 201_*	

<u>INTEREST</u>	<u>DATE OF</u>	<u>MATURITY</u>	
<u>RATE</u>	<u>CERTIFICATES</u>	<u>DATE</u>	<u>CUSIP NO.</u>

REGISTERED OWNER:

PRINCIPAL AMOUNT: **DOLLARS**

ON THE MATURITY DATE specified above, the CITY OF TEMPLE, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from _____*, the initial date of delivery of the Certificates, on _____*, and semiannually on each _____* and _____* thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before

* As determined in the Pricing Certificate.

the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at _____*, which is the "Paying Agent/Registrar" for this Certificate at their office in _____* (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the _____* day of the month preceding such interest payment date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, payments made to the securities depository, or its nominee, shall be made in accordance with arrangements between the City and the securities depository.

DURING ANY PERIOD in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of

* As determined in the Pricing Certificate.

such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

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

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

THIS CERTIFICATE is one of a Series of Certificates dated _____*, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$_____*(the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred 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.

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

NO LESS THAN 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption

*As determined in the Pricing Certificate.

price for the Certificates or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Certificates or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificate shall be redeemed a substitute Certificate or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Certificate Ordinance.

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

WITH RESPECT TO any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Certificate Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered Certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered certificates, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of

Assignment printed or endorsed on this Certificate may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Certificate.

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

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

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's Utility System, 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 part of the Net Revenues of the City's Utility System, which amount shall not exceed \$10,000 all as provided in the Certificate Ordinance.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and

agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between each Registered Owner hereof and the City.

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

City Secretary

Mayor

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

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

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

Dated: _____

Paying Agent/Registrar

By: _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

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

Please insert Social Security or Taxpayer
Identification Number of Transferee

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

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

Dated: _____

Signature Guaranteed:

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

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

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

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

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

Witness my signature and seal this _____

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL CERTIFICATE

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

- A. immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.
- B. the first paragraph shall be deleted and the following will be inserted (with all blanks to be completed with information contained in the Pricing Certificate).

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

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
-------------	---------------	-------------	-------------	---------------	-------------

(Information from the Pricing Certificate to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from _____*, the initial date of delivery of the Certificates, at the respective Interest Rate per annum specified above. Interest is payable on _____* and semiannually on each _____* and _____* thereafter to the date of payment of the principal installment specified above; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

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

Section 8. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while

* As determined in the Pricing Certificate.

any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original principal amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Any accrued interest on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

Section 9. REVENUES. The Certificates together with other obligations of the City, are additionally secured by and shall be payable from and secured by the surplus revenues of the City's Utility System, after payment of all operation and maintenance expenses or collections 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, with such amount not exceeding \$10,000, constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 8, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of Section 8, if Surplus Revenues or other lawfully available funds are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 8 may be reduced to the extent and by the amount of the Surplus Revenues or other lawfully available funds then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor and the Director of Finance of the City are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

Section 10. ESTABLISHMENT OF PROJECT FUND. (a) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with the Certificate proceeds for the purpose for which the Certificates are issued as set forth in Section 3 hereof or to pay principal or interest payments on the Certificates; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 14 hereof in order to prevent the Certificates from being arbitrage certificates shall be so rebated and not considered as interest earnings for the purposes of this Section.

(b) Project Fund. The Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Certificates remaining after the deposit of accrued interest in the Interest and Sinking Fund shall be deposited in the Project Fund and shall be used to accomplish the purpose of such proposition.

(c) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Public Funds Investment Act, as amended, and the City's investment policy.

(d) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(e) Maintenance of Funds. Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

Section 11. DEFEASANCE OF CERTIFICATES. (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities and thereafter the City will have no further responsibility with respect to amounts available to such Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Certificates, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by law) to receive payment when due on the Defeasance Securities.

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

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

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

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

Section 12. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES. (a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered

Owner applying for a replacement certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

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

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

(e) Authority for Issuing Replacement Certificates. In accordance with Subchapter D of Chapter 1201, Texas Government Code, this Section 12 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Certificates issued in exchange for other Certificates.

Section 13. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Certificates initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Certificates said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificates, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the

Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

Section 14. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

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

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

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

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

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

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

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding certificate, for a period of 30

days or less until such proceeds are needed for the purpose for which the Certificates are issued,

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

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

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

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

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

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding certificates, transferred proceeds (if any) and proceeds of the refunded certificates expended prior to the date of issuance of the Certificates. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Interim City Manager or Director of Finance to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

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

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

Section 15. CERTIFICATE PROCEEDS ALLOCATION. The proceeds of the Certificates, including the par amount of the Certificates and any net premium derived from the sale of the Certificates, shall be allocated as set forth in the Pricing Certificate.

Section 16. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

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

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

(c) Remedies Not Exclusive.

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

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

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

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

Section 17. INTEREST EARNINGS ON CERTIFICATE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with other certificate proceeds for the purpose for which the Certificates are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on certificate proceeds which are required to be rebated to the United States of America pursuant to Section 14 hereof in order to prevent the

Certificates from being arbitrage certificates shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 18. APPROVAL OF THE FORM OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT. The Paying Agent/Registrar Agreement is hereby approved in substantially the form previously used by the City on other financings. The Pricing Officer is hereby authorized to amend, complete or modify the Paying Agent/Registrar Agreement as necessary and is further authorized to execute such agreement.

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

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

Section 19. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Certificates, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Certificates aggregating in principal amount 51% of the aggregate principal amount of then outstanding Certificates that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Certificates,

nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

- (1) Make any change in the maturity of any of the outstanding Certificates;
- (2) Reduce the rate of interest borne by any of the outstanding Certificates;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Certificates or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Certificates necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Certificates a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Certificates.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Certificates then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Certificate pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Certificate during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 20. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports.

The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 18 of this Ordinance as set forth in the Pricing Certificate by the Pricing Officer, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the official statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

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

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

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

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701–

TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates

G. Modifications to rights of holders of the Certificates, if material within the meaning of the federal securities laws;

H. Certificate calls, if material within the meaning of the federal securities laws;

I. Defeasances;

J. Release, substitution, or sale of property securing repayment of the Certificates, if material within the meaning of the federal securities laws;

K. Rating changes;

L. Bankruptcy, insolvency, receivership or similar event of the City;

M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and

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

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

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

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

make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

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

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

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

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

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

Section 21. BOND INSURANCE PROVISIONS. In connection with the sale of any series of Certificates, the City may obtain municipal bond insurance policies from one or more recognized municipal bond insurance organizations (the "Bond Insurer" or "Bond Insurers") to guarantee the full and complete payment required to be made by or on behalf of the City on the

Bonds as determined by the Pricing Officer. The Pricing Officer is hereby authorized to designate the Bond Insurer and to sign a commitment letter or insurance agreement with the Bond Insurer or Bond Insurers and to pay the premium for the bond insurance policies at the time of the delivery of the Bonds to the initial purchaser out of the proceeds of sale of the Bonds or from other available funds and to execute such other documents and certificates as necessary in connection with the bond insurance policies as the Pricing Officer may deem appropriate. Printing on the Bonds covered by the bond insurance policies a statement describing such insurance, in form and substance satisfactory to the Bond Insurer and the Pricing Officer, is hereby approved and authorized. The Pricing Certificate may contain provisions related to the bond insurance policies, including payment provisions thereunder, and the rights of the Bond Insurer or Insurers, and any such provisions shall be read and interpreted as an integral part of this Ordinance.

Section 22. NO PERSONAL LIABILITY. No covenant or agreement contained in the Certificates, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Certificates shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Certificates.

Section 23. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the Bond Insurer, or (iii) obtain the approval of the Certificates by the Texas Attorney General's office.

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

Section 24. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this

Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Certificates and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Certificates.

Section 25. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 26. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Certificates, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Certificates.

Section 27. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 28. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 29. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 30. EFFECTIVE DATE. This Ordinance shall become effective immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 31. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 8 and 9 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 8 and 9 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 32. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Certificates or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The Pricing Officer is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 21st day of January, 2016.

THE CITY OF TEMPLE, TEXAS

By: Mayor
City of Temple, Texas

ATTEST:

City Secretary
City of Temple, Texas

APPROVED AS TO FORM:

City Attorney
City of Temple, Texas

EXHIBIT "A"

DEFINITIONS

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

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

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

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

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

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

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

"*Certificates*" means one or more Series of the "City of Temple, Texas Combination Tax and Revenue Certificates of Obligation."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"*Ordinance*" means this ordinance finally adopted by the City Council on January 21, 2016.

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

- (1) Certificates theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;
- (2) Certificates deemed paid pursuant to the provisions of Section 11 of this Ordinance;
- (3) Certificates upon transfer of or in exchange for and in lieu of which other Certificates have been authenticated and delivered pursuant to this Ordinance
- (4) Certificates under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

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

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

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

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

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

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

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

"*Replacement Certificates*" means the Certificates authorized by the City to be issued in substitution for lost, apparently destroyed, or wrongfully taken Certificates as provided in Section 12 of this Ordinance.

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

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

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

EXHIBIT "B"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 20 of this Ordinance.

Accounting Principles

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



CITY COUNCIL ITEM MEMORANDUM

01/21/16
Item #6
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of a 20.855 acre tract of land out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas, and located adjacent to the Cedar Ridge Crossing subdivision.

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second hearing is scheduled as a special meeting of the City Council, Friday, January 22, 2016 at 8:30 a.m. in the City Council Chambers.

ITEM SUMMARY: Jennifer Beck, JB Land Investments, LLC, filed a petition on December 8, 2015 seeking voluntary annexation of 20.855 acres into the City of Temple, being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Drawing) of the annexation petition.

Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

This voluntary annexation was triggered by a plat request and is subject to a 2008 non-annexation agreement. On December 17, 2015, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property.

A 1st Reading of the Annexation Ordinance is scheduled for February 18, 2016, which will be followed by a 2nd Reading of the Annexation Ordinance on March 3, 2016.

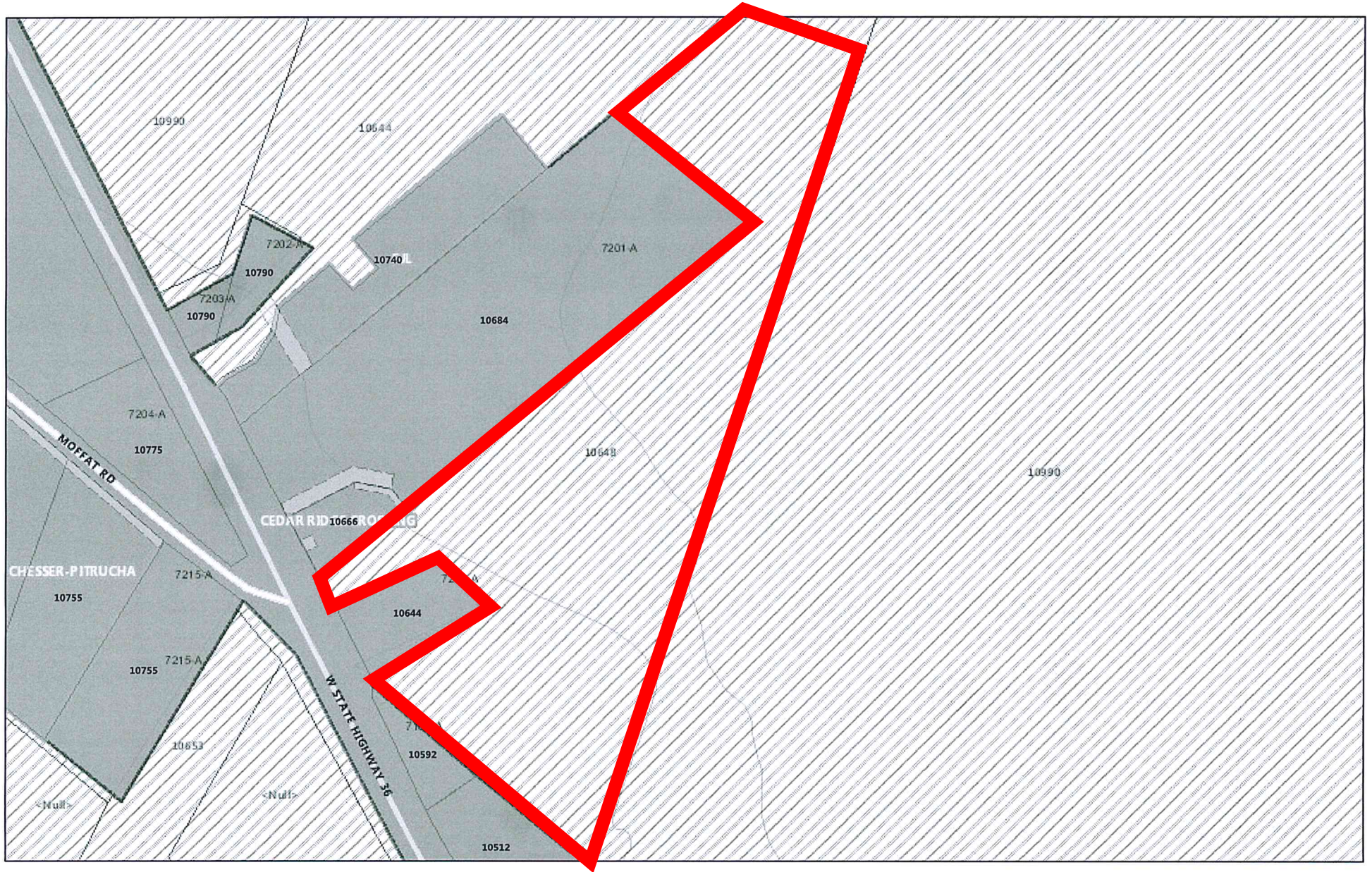
The applicant has not requested a separate rezoning of the subject property, therefore the zoning district of Agricultural (AG) will be assigned to the property until such time that a separate request is approved by City Council.

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve the 20.855 +/- acre tract.









ATTACHMENTS:

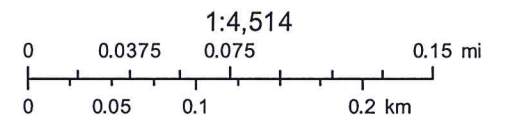
Vicinity Map
Municipal Service Plan
Field Notes of Proposed Annexation Area (Exhibit A)
Survey of Proposed Annexation Area (Exhibit B)
Voluntary Annexation Schedule
Development Agreement (2008 Non-Annexation Agreement)

J.B. Investments - Vicinity Map



December 18, 2015

- | | | |
|--|--|--|
|  Parcels |  Park Labels |  Subdivision |
|  Street Labels |  Easement |  ETJ Boundary |
|  Railroad Labels |  Outblock Numbers | |



CITY OF TEMPLE ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION JB INVESTMENTS

For a 20.855 acre tract of land, located adjacent to the Cedar Ridge Crossing subdivision abutting the city limits boundary out of the Sarah Fitzhenry Survey, Abstract 312, Bell County, Texas and being more particularly described as Exhibit “A” (Field Notes) and depicted as Exhibit “B” (Survey) of the Annexation Ordinance (2016-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station 8 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits

of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdivision development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2016.

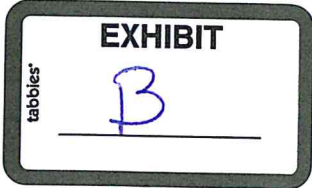
City of Temple, Texas

Mayor

ATTEST:

City Secretary

This sketch to accompany a metes and bounds description of the hereon shown 20.855 Acre tract.



Plot Date: 10-02-2015

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

October 1, 2015

Surveyor's Field Notes for:

20.855 ACRES, situated in the **SARAH FITZHENRY SURVEY, ABSTRACT 312**, Bell County, Texas, being a portion of that called 32.39 acre tract of land conveyed in a deed to Texas JB Investments, LLC., in Document Number 2011-00023616, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

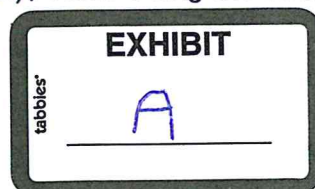
BEGINNING at a ½" iron rod found in the west line of a tract of land conveyed to the Boop Family Trust in Volume 2718, Page 54, Official Public Records of Real Property, Bell County, Texas, being the southeast corner of said 32.39 acre tract and being the northeast corner of a called 1.00 acre tract conveyed to William H. Spoons and wife, Helen Spoons in Volume 1209, Page 639, Deed Records of Bell County, Texas, for the southeast corner of this;

THENCE in a northwesterly direction, with a southwest line of said 32.39 acre tract (*Deed N. 50° 21' 00" W., 682.68 feet*), same being the northeast line of said 1.00 acre tract, the northeast line of a called 1.461 acre tract conveyed to Jeffrey S. Gillis and wife, Paula G. Gillis in Document Number 2008-00001267, Official Public Records of Real Property, Bell County, Texas and the northeast line of a called 0.571 acre tract conveyed to James Dean and wife, Lori Dean in Document Number 2009-00035624, Official Public Records of Real Property, Bell County, Texas, **N. 52° 28' 34" W., 682.67 feet**, to a ½" iron rod found on the northeast right of way of State Highway 36, being a corner of said 32.39 acre tract and being the most northerly corner of said 0.571 acre tract, for a corner of this tract;

THENCE continuing in a northwesterly direction, with the southwest line of said 32.39 acre tract, same being the northeast right of way of State Highway 36, the following two (2) courses and distances:

- 1) **N. 13° 49' 12" E., 26.36 feet** (*Deed N. 15° 40' 40" E., 26.00 feet*), to a 5/8" iron rod with "ACS" cap set, for a corner of this tract;
- 2) **N. 29° 37' 17" W., 26.66 feet** (*Deed N. 27° 45' 42" W., 26.72 feet*), to a 5/8" iron rod with "ACS" cap set, being an angle corner of said 32.39 acre tract and being the southwest corner of a called 1.12 acre tract conveyed to Hafner Properties, LLC. in Document Number 2010-00045147, Official Public Records of Real Property, Bell County, Texas, for a corner of this tract;

THENCE in an easterly direction, with an interior line of said 32.39 acre tract (*Deed N. 63° 08' 56" E., 325.69 feet*), same being the south line of said 1.12 acre tract, **N. 61° 07'**



45° E., 325.39 feet, to a 5/8" iron rod found, being an interior corner of said 32.39 acre tract and being the southeast corner of said 1.12 acre tract, for an interior corner of this tract;

THENCE in a northerly direction, with an interior line of said 32.39 acre tract (*Deed N. 43° 13' 29" W., 169.89 feet*), same being the east line of said 1.12 acre tract, **N. 45° 12' 42" W., 169.96 feet**, to a 3/4" metal pipe found, being an interior corner of said 32.39 acre tract, same being the northeast corner of said 1.12 acre tract, for an interior corner of this tract;

THENCE in a westerly direction, with an interior line of said 32.39 acre tract (*Deed S. 62° 42' 10" W., 277.20 feet*), same being the north line of said 1.12 acre tract, **S. 60° 39' 21" W., 277.16 feet**, to a 5/8" iron rod with "ACS" cap found on the northeast right of way of State Highway 36, being an ell corner of said 32.39 acre tract, same being the northwest corner of said 1.12 acre tract, for an ell corner of this tract;

THENCE in a northwesterly direction with a southwesterly line of said 32.39 acre tract (*Deed N. 26° 45' 52" W.*), same being the northeast right of way of State Highway 36, **N. 28° 55' 59" W., 86.57 feet**, to a 5/8" iron rod with "ACS" cap found, being the most southerly corner of Lot 1, Block 1, Cedar Ridge Crossing, an addition in the City of Temple, Bell County, Texas, of record in Cabinet D, Slide 300-C, Plat Records of Bell County, Texas, for the most westerly, northwest corner of this tract;

THENCE in a northeasterly direction with the southeast line of said Lot 1, Block 1 and with the southeast line of a called 11.54 acre tract of land conveyed to CCB properties, LLC. in Document Number 2009-00028362, Official Public Records of Real Property, Bell County, Texas (*Deed N. 51° 21' 27" E., 1336.87 feet*), **N. 49° 17' 50" E., 1336.92 feet**, to a 5/8" iron rod with "ACS" cap set, being the most easterly corner of said 11.54 acre tract, for an ell corner of this tract;

THENCE in a northwesterly direction, with the northeast line of said of 11.54 acre tract (*Deed N. 52° 04' 09" W., 421.50 feet*), **N. 54° 07' 36" W., 421.50 feet**, to a 5/8" iron rod with "ACS" cap found on the southeast line of a called 15.00 acre tract of land conveyed to Frank J. Lawson in Volume 4149, Page 773, Official Public Records of Real Property, Bell County, Texas, bring the most northerly corner of said 11.54 acre tract, for an ell corner of this tract;

THENCE in a northeasterly direction, with a northwesterly line of said 32.39 acre tract (*Deed N. 50° 41' 30" E.*), same being the southeast line of said 15.00 acre tract, **N. 48° 36' 35" E., 395.20 feet**, to a 5/8" iron rod found on a south line of a tract of land conveyed to the Boop Family Trust in Volume 2718, Page 54, Official Public Records of Real Property, Bell County, Texas, being the northwest corner of said 32.39 acre tract, same being the northeast corner of said 15.00 acre tract, for the northwest corner of this tract;

THENCE in an easterly direction, with the north line of said 32.39 acre tract (*Deed S. 71° 04' 00" E., 309.95 feet*), same being the south line of said Boop Family Trust tract, **S. 73° 07' 03" E., 310.13 feet**, to a 5/8" iron rod found, being the northeast corner of said 32.39 acre tract, for the northeast corner of this tract;

THENCE in a southerly direction, with the east line of said 32.39 acre tract (*Deed S. 18° 55' 53" W., 2060.49 feet*), same being a west line of said Boop Family Trust Tract, **S. 16° 52' 04" W., 2060.09 feet**, to the **POINT OF BEGINNING** and containing **20.855 Acres of Land**.

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 coordinates are referenced to City Monument No. 608. The theta angle at City Monument No. 608 is 01° 28' 54". The combined correction factor (CCF) is 0.999853. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 608 to the southeast corner of this 20.855 acre tract S 62°54'47" E 8,557.20 feet. Published City coordinates for project reference point 608 are N. = 10,407,944.61 E. = 3,195,940.81.

This metes and bounds description to accompany a Surveyor's Sketch showing the herein described 20.855 Acre tract.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed September 18, 2015

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro150000/150600/150634/150634 Annex.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

SCHEDULE

Voluntary Annexation – Texas JB Investments, LLC (20.855 acres)

DATE	ACTION	TIME LIMIT/NOTES
12-08-15	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
12-17-15 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition; 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings <i>9th day after petition filed</i>	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
12-21-15	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>31st day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
01-04-16 to 01-12-16	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th–9th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
01-03-16	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c)LGC
01-13-16	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
01-21-16 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
01-22-16 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
02-18-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
03-03-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2ND READING <i>14th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
--	---	--

John Adcock
L-5246
06-02-08
Exp. 06-02-20
Doc# 00033303

RP 08/11/2008

STATE OF TEXAS §



COUNTY OF BELL §

**CITY OF TEMPLE
DEVELOPMENT AGREEMENT**

PURSUANT TO CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Temple, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Bell County, Texas, which is more particularly and separately described as geographic identification number **0512440001**, property identification number **108315**, and as evidenced as the deed recorded as volume _____ and page _____ and which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code;

WHEREAS, the City has initiated or will initiate annexation proceedings on all or portions of Owner's Property and will hold public hearings at a location to be determined later in compliance with State law;

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement;

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City;

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement;

WHEREAS, the City Council authorized and approved this agreement at a regularly-scheduled council meeting subject to the Open Meetings Act in compliance with the laws of the State of Texas and the ordinances and Charter of the City on November 1, 2007.

WHEREAS, this Development Agreement is to be recorded in the real property records of Bell County, Texas; and

WHEREAS, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

John Adcock
City of Temple
2 North Main # 303
Temple TX 76701

Section 1. Agreement by the City Not to Annex the Property During Term of this Agreement. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement subject to the terms and conditions contained herein. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

Section 2. Agreement by the Owner. (a) The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land management consistent with Chapter 23 of the Texas Tax Code, except for any *existing* single-family residential use of the property, without the prior written consent of the City. The Owner has completed and executed an *Affidavit of Tax Appraisal Status and Current Uses*, which is attached to this Agreement as Exhibit "A," and included herein as part of this Agreement as if set out in full.

(b) The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Bell County or the City until the Property has been annexed into, and zoned by, the City, nor shall the Owner take such action to develop or subdivide the Property that would require a plat to be filed with the City or the County under State law.

(c) Except as provided herein, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings, other than one single family residence (new or a replacement for an existing single family residence) or one or more accessory buildings reasonably needed to support the Agricultural use of the Property, provided the Owner obtains a permit from the City to construct such improvements. The Owner also covenants and agrees that the City's "A" or "Agricultural" zoning district requirements apply to the Property, and that the Property shall be used only for uses allowed in an A—Agricultural zoning district that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement.

(d) The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

Section 3. Filing of a Plat During Term of Agreement Constitutes a Petition for Voluntary Annexation. (a) The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City

Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Owner Agreement that City May Enforce Its Development and Planning Regulations on Property. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

Section 5. Term. (a) The term of this Agreement (the "Term") is twelve (12) years from the date that the City Manager's signature to this Agreement is acknowledged by a notary public.

(b) The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Future Zoning of Property. Property annexed pursuant to this Agreement will initially be zoned "A-Agricultural" pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. Permits and Vested Rights. Pursuant to Texas Local Government Code Section 43.035 this Agreement is not a permit for purposes of Chapter 245 of the Texas Government Code, that the Agreement shall be deemed to be a petition for voluntary annexation. The Owner and all Owner's heirs, successors and assigns hereby waive any and all vested rights including rights and claims that they may have under common law, federal case law or Section 43.002 of the Texas Local Government Code related to uses, anticipated uses or potential uses of the Property, other than the existing uses.

Section 8. No Municipal Services. The City shall not be obligated to provide the Owner with any municipal services (such as police protection, fire protection, drainage and street construction, or maintenance), with respect to the Property for the duration of this Agreement.

Section 9. Notice to Third Parties. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural, wildlife management or timber management (as applicable) exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

**City of Temple
Attn: City Manager
2 North Main Street
Temple, TX 76501**

Section 10. Agreement Runs with the Land. This Agreement shall run with the Property and be recorded in the real property records of Bell County, Texas.

Section 11. Severance Clause. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 12. No Waiver. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 13. Enforceability. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 14. Applicable law and Venue. This Agreement was executed in Bell County, Texas, and is governed by the laws of the State of Texas. The venue for any legal proceeding to enforce or interpret the provisions of this Agreement shall be in Bell County, Texas.

Section 15. Multiple copies. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and the same instrument.

Section 16. Survival of Certain Rights of the City Upon Termination. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, and 4 herein.

Entered into this 14th day of January, 2008.

Property Owners

[Signature]
Signature
Printed Name: John Adcock

Signature
Printed Name: _____

Signature
Printed Name: _____

Signature
Printed Name: _____

City of Temple

[Signature]
David Blackburn
City Manager



ATTEST:

[Signature]
Clydetta Entzminger
City Secretary

Approved as to form:

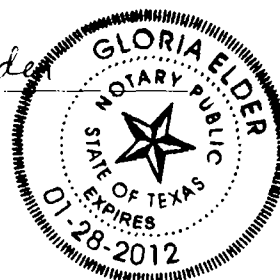
[Signature]
Jonathan Graham
City Attorney

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 2nd day of June, 2008,
by David Blackburn, City Manager, City of Temple, Texas.

[Signature]
Notary Public, State of Texas



THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 14th day of January, 2008,
by John Adcock, Owner.

Deborah K. Duse
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §



This instrument was acknowledged before me on the ____ day of ____, 2007,
by ____, Owner.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the 1 day of ____, 2007, by
____, Owner.

Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF BELL §

This instrument was acknowledged before me on the ____ day of ____, 2007, by
____, Owner.

Notary Public, State of Texas

Affidavit of Tax Appraisal Status and Current Uses

John Adcock appeared in person before me today and stated under oath:

"My name is John Adcock. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I am the owner of a parcel of real property (the "Property") in Bell County, Texas, which is more particularly and separately described as geographic identification number **0512440001**, property identification number **108315**, and as evidenced as the deed recorded as volume _____ and page _____ and which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter of the Tax Code.

The current improvements on my Property are as follows: (Please list all permanent property improvements, for example, buildings, signs, or other structures, on the Property as shown on your most recent statement received from the Bell County Appraisal District and improvements which have been added by you since January 1, 2007):

None

The current uses being made of my Property are as follows: (for example: farming, grazing, single family residential, retail, commercial or industrial uses)

Ag

I understand that the information provided herein will be used by the City to substantiate my current use of my Property, and to determine during the term of this Agreement to which this Affidavit is an Exhibit, whether the uses of the Property have changed, and that providing misleading information will invalidate my Agreement with the City.

Executed on this 14th day of January, 2008.

Property Owner

John Adcock
Signature

This instrument was acknowledged before me on the 14th day of January, 2008, by John Adcock, Owner.

Deborah K. Duson
Notary Public, State of Texas



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2008-00033303

Recorded On: August 11, 2008

As
Recordings

Parties: ADCOCK JOHN

Billable Pages: 7

To CITY OF TEMPLE

Number of Pages: 8

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recordings	38.00
Total Recording:	38.00

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Record and Return To:

Document Number: 2008-00033303

Receipt Number: 36704

Recorded Date/Time: August 11, 2008 11:25:48A

User / Station: M Evans - Cash Station 2

CITY OF TEMPLE

2 N MAIN

254-298-5631

TEMPLE TX 76501

I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property
Records in Bell County, Texas



Shelley Coston
Bell County Clerk

A handwritten signature in cursive script, reading "Shelley Coston".



COUNCIL AGENDA ITEM MEMORANDUM

01/21/16
Item #7
Regular Agenda
Page 10 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, Bell County, Texas.

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The second hearing is scheduled as a **special meeting** of the City Council, Friday, January 22, 2016 at 8:30 am in the City Council Chambers.

ITEM SUMMARY: Kiella Land Investments, Ltd filed a petition on November 23, 2015, seeking voluntary annexation of 0.278 acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

On December 17, 2015, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule to consider the annexation of the subject property, which was involved in an extraterritorial jurisdiction land swap with Morgan's Point Resort on May 15, 2014. If annexed, this 0.278 acres of land would accompany the other 137 acres of Campus at Lakewood Ranch, Phase X development that were annexed on June 5, 2014.

The applicants request the subject property be annexed into the City of Temple with a zoning of Single Family Two (SF-2) to match the surrounding SF-2 zoning, approved by City Council on June 5, 2014.

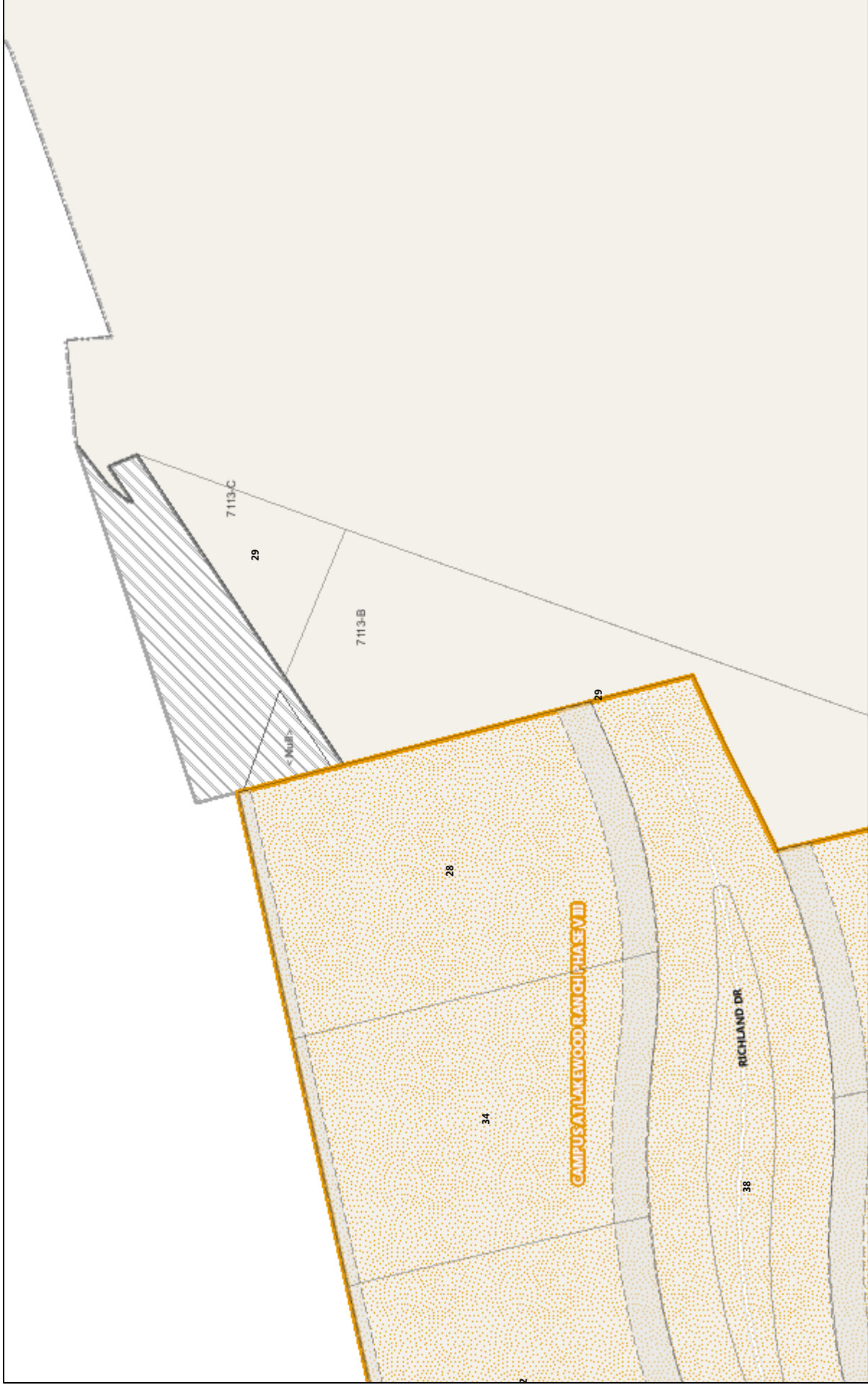
The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on March 3, 2016.

FISCAL IMPACT: The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

ATTACHMENTS:

[Voluntary Annexation Map](#)
[Municipal Service Plan](#)
[Field Notes of Proposed Annexation Area](#)
[Survey of Proposed Annexation Area](#)
[Voluntary Annexation Schedule](#)

Annexation Map X-FY-16-05



December 19, 2015

Parcels

Park Labels

Major Arterial

Proposed Minor Arterial

Street Labels

Thoroughfare Plan

Proposed Major Arterial

Collector

Railroad Labels

Expressway

Minor Arterial

Proposed Collector

1:1,128

0 0.0075 0.015 0.03 0.06 mi

0 0.015 0.03 0.06 km

CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
Kiella Land Investments, Ltd.

For a 0.278 acre tract of land being more or less 88 feet in width and 219 feet in length, located adjacent to The Campus At Lakewood Ranch, Phase VIII and located adjacent to Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX, hereafter called the Tract, abutting the city limits boundary out of and part of the George W. Lindsey Survey, Abstract 513, County of Bell, and more particularly described as Exhibit "A" (Fields) and depicted as Exhibit "B" (Survey) of the Annexation Ordinance (2016-####).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection from Station #7 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater treatment providers shall continue to be allowed to provide those services to the newly-annexed tract.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility

company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

8. INSPECTIONS

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

10. MOWING

The City will provide right-of-way mowing services adjacent to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

Currently, there are no wastewater treatment providers within the boundaries of the voluntary annexation and property owners rely on on-site sewage facilities (septic systems). Other areas of the City of Temple with similar topography, land use, and population density as those found in the boundaries of the voluntary annexation also rely on on-site sewage facilities for wastewater infrastructure. For this reason and in accordance with Local Government Code Section 43.056(g), the City proposes no extensions of wastewater facilities within the boundaries of the voluntary annexation.

4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

SPECIFIC FINDINGS

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS _____ DAY OF _____, 2016.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

BEING a 0.278 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "RPLS 2475" found being the most easterly northeast corner of that certain 15.047 acre tract of land described as The Campus at Lakewood Ranch, Phase VIII according to the map or plat of record in Cabinet D, Slide 375-B, Plat Records of Bell County, Texas and being the southeast corner of Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX according to the map or plat or record in Year No. 2014, Plat No. 144, Plat Records of Bell County, Texas and being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the said 23.856 acre tract for corner;

THENCE departing the said 15.047 acre tract and the said 25.000 acre tract and the said south boundary line and over and across the said 23.856 acre tract the following seven (7) calls:

- 1) N. 15° 56' 32" W., 24.87 feet departing the said The Campus at Lakewood Ranch, Phase VIII and with the east boundary line of the said Lot 3, Block 3, The Campus at Lakewood Ranch, Phase IX to a ½" iron rod with cap stamped "RPLS 2475" set being the southwest corner of Lot 2, said Block 3 for corner;
- 2) N. 70° 06' 33" E., 219.92 feet with the south boundary line of the said Block 3 to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 3) S. 50° 38' 46" W., 30.44 feet departing the said Block 3 to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 4) S. 37° 15' 50" W., 15.29 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;
- 5) N. 54° 23' 42" E., 1.00 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;



6) S. 17° 46' 25" W., 2.98 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

7) N. 54° 23' 10" E., 24.76 feet to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE S. 24° 20' 30" E., 17.60 feet over and across the said 23.856 acre tract and continuing over and across the aforementioned 112.763 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

THENCE S. 54° 57' 16" W., 216.30 feet over and across the said 112.763 acre tract and continuing over and across the said 23.856 acre tract and continuing over and across the aforementioned 25.000 acre tract to a ½" iron rod with cap stamped "RPLS 2475" set being in the east boundary line of the aforementioned The Campus at Lakewood Ranch, Phase VIII for corner;

THENCE N. 15° 56' 32" W., 63.25 feet continuing over and across the said 25.000 acre tract and with the said east boundary line of The Campus at Lakewood Ranch, Phase VIII to the Point of BEGINNING and containing 0.278 acres of land.

I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

Michael E. Alvis

Michael E. Alvis, R.P.L.S. #5402
November 20, 2015



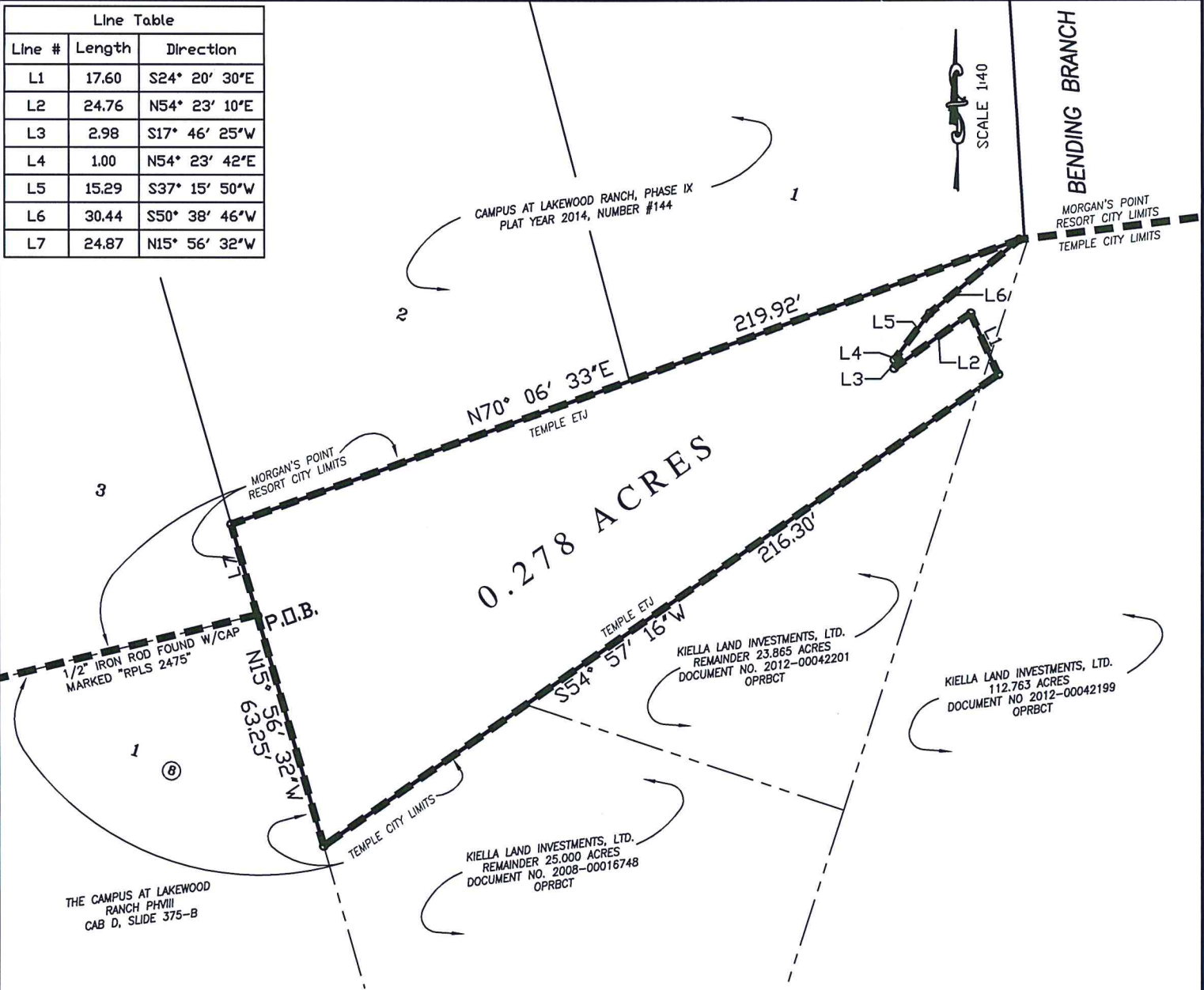
THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 506
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 29' 04"
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852
PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. 29° 17' 25" W., 4674.11 FEET.
GRID DISTANCE = SURFACE DISTANCE X CCF
GEODETIC NORTH = GRID NORTH + THETA ANGLE

Page 2 of 2



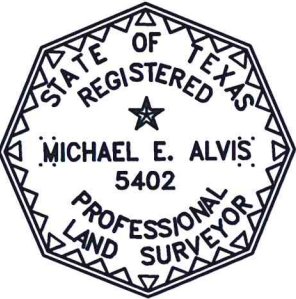
Line Table		
Line #	Length	Direction
L1	17.60	S24° 20' 30"E
L2	24.76	N54° 23' 10"E
L3	2.98	S17° 46' 25"W
L4	1.00	N54° 23' 42"E
L5	15.29	S37° 15' 50"W
L6	30.44	S50° 38' 46"W
L7	24.87	N15° 56' 32"W



BEING a 0.278 acre tract situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being a part or portion of that certain 23.856 acre tract (TRACT2) described in a Special Warranty Deed dated October 1, 2012 from Edward William Clinite, Trustee of the Esta Laperle Clinite Descendants Separate Trust to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042201, Official Public Records of Bell County, Texas and being a part or portion of that certain 112.763 acre tract of land described in a Special Warranty Deed dated October 1, 2012 from Clinite-Miller, Inc., a Texas corporation to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2012-00042199, Official Public Records of Bell County, Texas and being more particularly described by separate metes and bounds in separate field notes.

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS, that I, Michael E. Alvis, 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 herein and is correct and that there are no discrepancies, conflicts, shortages in the area, easements, and right-of-ways except as shown hereon, that this tract of land has access to and from a public road, and I have marked all corners with monuments.

IN WITNESS THEREOF, my hand and seal, this the 23rd day of November, 2015.



Michael E. Alvis
Michael E. Alvis, R.P.L.S., No. 5402

**ALL BOUNDARY CORNERS ARE 1/2" IRON ROD WITH CAP MARKED "RPLS 2475" SET UNLESS NOTED OTHERWISE.

0.278 acre tract being more particularly described by separate metes and bounds.

 ENGINEERING • PLANNING • SURVEYING CONSTRUCTION MANAGEMENT TURLEY ASSOCIATES, INC. F-1658 301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400	0.278 ACRES GEORGE W. LINDSEY SURVEY, ABSTRACT #513 BELL COUNTY, TEXAS	DATE: 11/23/15	SCALE: 1: 40	DWN. BY: JFBII/MJK
		REFERENCE: 12512-D	JOB NO: 13-379	
		SHEET 1 OF 1	FILE NO: 12789-A	

SCHEDULE

Voluntary Annexation – Campus at Lakewood Ranch, Phase X (0.278 acre)

DATE	ACTION	TIME LIMIT/NOTES
11-23-15	CITY RECEIVES PETITION of landowner to annex area adjacent to city limits; fewer than 3 qualified voters reside in the area.	N/A
12-17-15 Regular Meeting	COUNCIL ADOPTS RESOLUTION 1. Granting petition; 2. Directing staff to develop service plans; and 3. Setting dates, times, places for public hearings <i>24th day after petition filed</i>	1. Hear and grant or deny petition after the 5 th day, but on or before the 30 th day after petition is filed. 2. Council must direct Staff to develop the services plan before publication of notice of 1 st hearing required under § 43.063 LGC. § 43.065 LGC
12-21-15	CITY SECRETARY MAILS NOTICES TO 1. Property owners 2. Public and private service entities 3. Railroads <i>31st day before 1st public hearing</i>	Before the 30 th day before the date of the first hearing required under § 43.063. § 43.062(b) LGC
01-04-16 to 01-12-16	CITY SECRETARY SENDS NOTICE TO Public school districts located in annexation area <i>17th–9th day before 1st public hearing</i>	Within the period prescribed for publishing the notice of the 1 st hearing under § 43.063 LGC
01-03-16	CITY SECRETARY PUBLISHES NOTICES FOR PUBLIC HEARINGS ON ANNEXATION Posts notice on City web site Publishes notice in Telegram <i>18th day before 1st public hearing</i> <i>19th day before 2nd public hearing</i>	Publish hearing notice on or after the 20 th day but before the 10 th day before the date of the hearing § 43.063(c)LGC
01-13-16	RESIDENTS' LAST DAY TO FILE PROTEST <i>10th day after publication of hearing notice</i>	Hold one hearing in area proposed for annexation if more than 10% of adults who are permanent residents of area file written protest within 10 days after publication of notice. § 43.063(b) LGC
01-21-16 Regular meeting	COUNCIL HOLDS 1st PUBLIC HEARING Staff presents service plan <i>28th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. § 43.063(a) LGC.
01-22-16 Special meeting	COUNCIL HOLDS 2nd PUBLIC HEARING Staff presents service plan <i>27th day before 1st reading of ordinance</i>	Hold hearings on or after the 40 th day but before the 20 th day before the date of institution of annexation proceedings with 1 st reading of ordinance. LGC § 43.063(a)
02-18-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCE ON 1ST READING & HOLDS PUBLIC HEARING	First reading institutes proceedings for purposes of statutory time limits.
03-03-16 Regular Meeting	COUNCIL CONSIDERS ANNEXATION ORDINANCES ON 2ND READING <i>14th day from 1st reading</i>	Complete annexation proceedings within 90 days from 1 st reading. § 43.064(A) LGC.

DATE	ACTION	TIME LIMIT/NOTES
	INFORMATION TECHNOLOGY SERVICES PREPARES AMENDED CITY MAP 1. Amended City limit boundary 2. Amended City ETJ boundary	

	CITY SECRETARY SENDS NOTICES TO: TEXAS SECRETARY OF STATE 1. Copy of annexation ordinance 2. Annexation map 3. Statement that annexation is not involved in any litigation	Secretary of State certifies to U. S. Department of Commerce that annexation was valid. <i>[No citation found.]</i>
	VOTER REGISTRAR FOR BELL COUNTY 1. Map in format compatible with mapping format used by registrar's office.	Not later than the 30 th day after the date the change is adopted. § 42.0615 Election Code The County Election Administrator is the Voter Registrar for Bell County.
	STATE COMPTROLLER, SALES TAX DIVISION 1. Annexation ordinance 2. Map showing whole municipality	§ 321.102 Tax Code Delivery of notice affects implementation of tax collection.
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance including legal description of annexed area.	Within 30 days after obtaining preclearance for the annexation under the Federal Voting Rights Act. § 41.0015 LGC
	BELL COUNTY CLERK 1. Certified copy of annexation ordinance 2. Copy of petition	For annexation of Sparsely Occupied Area on Petition of Area Landowners § 43.028(f)
	PUC AND FRANCHISEES Utility, telecommunication, transportation, and EMS providers	
	TxDOT If state road is affected.	
	TEXAS COMMISSION ON FIRE PROTECTION	<i>[No citation found. No information found on Commission's web site.]</i>
	U. S. BUREAU OF THE CENSUS	<i>[Or does SOS notify Bureau of the Census?]</i>

	CITY ATTORNEY SENDS INFORMATION TO U. S. ARMY CORPS OF ENGINEERS: 1. Ordinance 2. Map 3. Service plan 4. Copies of pertinent laws /regulations	If annexation affects Corps' property. Army Regulation 405-25
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COUNCIL AGENDA ITEM MEMORANDUM

01/21/16
Item #8(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) December 17, 2015 Special and Regular Meeting

STAFF RECOMMENDATION: Approve minutes as presented in item description.

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

FISCAL IMPACT: N/A

ATTACHMENTS:

[December 17, 2015 Special and Regular Meeting](#)

TEMPLE CITY COUNCIL

DECEMBER 17, 2015

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, December 17, 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
Councilmember Judy Morales
Mayor Daniel A. Dunn

Absent:

Mayor Pro Tem Russell T. Schneider

- 1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, December 17, 2015.**

Item 5(B) - Kevin Beavers provided a brief update on the funding with regards to the Bond package.

Items 5(U1) & (U2) - Ms. Landeros updated the Council regarding the 90-day delay in effective day. This will allow adequate and required training for both staff and the CABs.

- 2. Receive a general update with regards to the Transportation and Utility Capital Improvement Plans.**

Nicole Torralva, Director of Public Works provided an update on the plan.

- 3. Discuss the status of right-of-way acquisition for the Santa Fe Plaza project and the proposed purchase of property located at 301, 302, and 303 South 4th Street in Temple.**

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.

At this time approximately 4:22 pm, Mayor Dunn announced the Temple City Council would adjourn the work session and enter into executive session.

At approximately 4:57 pm, Mayor Dunn adjourned the executive session.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, December 17, 2015 at 5:00 PM 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 T.
Schneider

I. CALL TO ORDER

1. Invocation

Reverend Shelton Rhodes, Greater Zion Church of God in Christ in Temple voiced the invocation.

2. Pledge of Allegiance

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

II. PUBLIC COMMENTS

Wes Teeters, 6 South Main Street addressed the Council. He has been trying to establish a Downtown Committee to discuss the needs of those that work in the downtown area. One of the big issues is parking in the downtown area.

Milton Hensley, 301 Mitchell Drive thanked the City and Council for helping with clean up efforts at Hodge Cemetery.

III. PUBLIC APPEARANCE

3. Receive presentation from Lions Club with regards to the expansion of Lions Junction Water Park.

Mike Hamby presented the check to the Council.

IV. SPECIAL RECOGNITIONS & PRESENTATIONS

4. Presentation of the 2015 Corporate Challenge Game Awards.

Chuck Ramm, Assistant Director of Parks and Recreation Services presented the awards. Division 1, (1 to 150 employees) PSI. Division 2 (151 to 500 employees) was to Acer. Division 3 was to the City of Temple.

V. CONSENT AGENDA

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

(A) December 3, 2015 Special and Regular Meeting

(B) 2015-7975-R: Consider adopting a resolution authorizing a construction contract with Cody Stanley Construction, LLC of Holland in the amount of \$33,604.48 for the construction of a concrete building pad needed at Sammons Golf Links.

(C) 2015-7976-R: Consider adopting a resolution authorizing a construction contract with Cody Stanley Construction, LLC. of Holland in the amount of \$173,650.76 for the construction of the Wilson Park basketball court canopy.

(D) 2015-7977-R: Consider adopting a resolution authorizing a construction contract with Fitzgerald Lawscapers, Ltd. of Woodway in the amount of \$433,292 for the construction of the "Mean Joe Greene" Community Football Field.

(E) 2015-7978-R: Consider adopting a resolution authorizing a construction contract with Nelson Lewis, Inc., of Marble Falls, for a lump sum price totaling \$1,595,637 for construction of the North 3rd Street and East Adams Avenue Water Line Improvements.

(F) 2015-7979-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, of Temple in an amount not to exceed \$242,649 for professional services required for preliminary engineering design and associated investigations at the City of Temple Water Treatment Plant.

(G) 2015-7980-R: Consider adopting a resolution authorizing the City Manager or designee to execute offers and contracts for the scheduling of musical entertainment for the 2016 Bloomin Temple Festival in an amount not to exceed \$35,000 per offer or contract.

(H) 2015-7981-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple and the Temple Housing Authority for conveyance of City owned property commonly referred to as "Casa Hispanica" and located at 801 South Main Street, Temple, Texas.

(I) 2015-7982-R: Consider adopting a resolution authorizing a Chapter 380 agreement with Morris Venture Partners VI, LLC, to contribute \$100,000 towards the construction of a right turn lane off of South 31st Street into the Shoppes on the Hill development.

(J) 2015-7983-R: Consider adopting a resolution authorizing the purchase of 13 mobile digital video systems for the new police vehicles in the amount of \$71,316.05 from L-3 Mobile Vision, Inc.

(K) 2015-7984-R: Consider adopting a resolution authorizing the purchase of 85 body cameras systems with eight charging systems in an amount of \$37,887 from L3 Mobile-Vision, Inc.

(L) 2015-7985-R; Consider adopting a resolution authorizing the purchase of 70 ballistic vests in the amount of \$57,188.60 from Miller Uniforms & Emblems, Inc. .

(M) 2015-7986-R: Consider adopting a resolution authorizing the purchase of 13 marked police vehicles and one unmarked vehicle in an amount of \$579,869.26 from Caldwell Country Ford of Caldwell.

(N) 2015-7987-R: Consider adopting a resolution authorizing the purchase of property located at 301, 302 and 303 South 4th Street, Temple, Texas 76501 in the amount of \$300,000 and the payment of closing costs in the estimated amount of \$6,000.

(O) 2015-7988-R: Consider adopting a resolution authorizing a change order to the construction contract with James Construction Group, LLC in an amount not to exceed \$28,718.69 for construction activities on NW Loop 363.

(P) 2015-7989-R: Consider adopting a resolution authorizing change order #3 to the Outer Loop Phase 3A (Adams Avenue to channel) construction contract with R.T. Schneider Construction Company, Ltd., (RTS) in the amount of \$492,672.12 for construction services to extend the proposed roadway section.

(Q) 2015-7990-R: Consider adopting a resolution authorizing an amendment to the professional services agreement with Jacobs

Engineering Group, Inc., in an amount not to exceed \$91,370 for design and construction-phase services related to Phase 5 of the Bird Creek Interceptor.

(R) 2015-7991-R: Consider adopting a resolution authorizing a professional services agreement with Architectural Edge Inc. of Temple, in an amount not to exceed \$132,565 for design services for the renovation of Sammons Community Center.

(S) 2015-7992-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, (KPA) in an amount not to exceed \$641,530 for design and bidding services related to reconstruction and relocation of the Shallowford Lift Station.

(T) 2015-7993-R: Consider adopting a resolution authorizing a one year renewal to the contract with World Fuel Services Corporation of Florida to supply aviation bulk fuels and other business support to operate an exclusive fuel dealership through December 31, 2016 at the Draughon-Miller Central Texas Regional Airport.

(U) 1. 2015-4739: SECOND READING -Consider adopting an ordinance Creating Chapter 41, "Credit Access Businesses," of the Code of Ordinances of the City of Temple, Texas.

2. 2015-4740: SECOND READING - Z-FY-16-04: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code related to regulating Credit Access Businesses (commonly referred to as "Payday Lenders") and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

(V) 2015-4741: SECOND READING - Z-FY-16-01 - Consider adopting an ordinance authorizing a rezoning from General Retail District (GR), Office 1 District (O-1) and Multiple-Family Dwelling 1 District (MF-1) to General Retail District (GR), on 6.414 +/- acres, being all of Lot 2, Block 1, G2K North subdivision, located on the north side of West Adams Avenue, west of Holy Trinity Catholic High School and east of Hilliard Road.

(W) 1. 2015-4743: SECOND READING - Consider adopting an ordinance amending the approval process for economic development incentives for property redevelopment in the Jeff Hamilton Park area.

2. **2015-7994-R: Consider adopting a resolution establishing a policy for award of economic development incentives for property redevelopment in the Jeff Hamilton Park area.**

(X) 2015-4744: SECOND READING - Consider adopting an ordinance amending the City's strategic investment zones incentive policies.

(Y) 2015-7995-R: Consider adopting a resolution approving the annual report of the Tax Increment Financing Reinvestment Zone No. 1 for fiscal year 2014-2015.

(Z) 2015-7996-R: Consider adopting a resolution authorizing the rejection of all bids received for Doshier Farm Wastewater Treatment Plant SCADA System Improvements on November 10, 2015.

(AA) 2015-7997-R: Consider adopting resolutions:

1. **Designating 120 West Central Avenue as the single polling place for City Council Districts 1, 2, 3, and 4; and**
2. **Authorizing joint election agreements with the Temple Health & Bioscience Economic Development District, Temple College, and the Temple Independent School District for the May 7, 2016 election.**

(BB) 2015-7998- R: Consider adopting a resolution authorizing the cancellation of the January 7, 2016, City Council meeting.

(CC) 2015-7999: Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

Motion by Councilmember Perry Cloud adopt resolution approving Consent Agenda, with exception of items 5(F) and 5(U1)& (U2) seconded by Councilmember Judy Morales.

Motion passed unanimously.

(F) 2015-7979-R: Consider adopting a resolution authorizing an agreement with Kasberg, Patrick, & Associates, LP, of Temple in an amount not to exceed \$242,649 for professional services required for preliminary engineering design and associated investigations at the City of Temple Water Treatment Plant.

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

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

(U) 1. 2015-4739: SECOND READING -Consider adopting an ordinance Creating Chapter 41, "Credit Access Businesses," of the Code of Ordinances of the City of Temple, Texas.

Motion by Councilmember Judy Morales adopt ordinance on second and final reading seconded by Councilmember Perry Cloud.

Councilmember Timothy Davis voted nay. The other Councilmembers voted aye. The motion passed.

2. 2015-4740: SECOND READING - Z-FY-16-04: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code related to regulating Credit Access Businesses (commonly referred to as "Payday Lenders") and the following specific Articles: Article 5-Use Standards, including specific locational standards; and Article 11-Definitions, providing a definition for Credit Access Businesses.

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

Motion passed unanimously.

VI. REGULAR AGENDA

ORDINANCES

6. 2015-4745: FIRST READING - PUBLIC HEARING - Consider adopting an ordinance regarding the City of Temple's Youth Program Standards of Care.

Chuck Ramm, Assistant Director of Parks and Recreation presented this report to the Council. On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department. The

standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for Cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

In 2015, average daily attendance at our afterschool sites decreased from 311 children to 300. The summer camp average for 2015 was 257. In 2014, it was 236. All training and inspection requirements were met.

Each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations we believe necessary to change the Child Care Ordinance. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care after conducting a public hearing.

Mr. Ramm, also noted that Staff is not recommending any changes to the current (and proposed) Child Care Ordinance.

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

Motion by Councilmember Timothy Davis adopt ordinance on first reading, with second and final reading set for January 21, 2016. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

RESOLUTIONS

- 7. 2015-8000-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.**

Kayla Landeros presented items 7 and 8 together. She noted that on November 23, 2015, Kiella Land Investments, Ltd filed a

petition seeking voluntary annexation of 0.278 acres of land out of and part of the George W. Lindsey Survey, Abstract 513, and being more particularly described in the attached survey. The second petition (item 8) was filed on December 8, 2015, Texas JB Investments, LLC seeking voluntary annexation of 20.855 acres of land out of the Sarah Fitzhenry Survey, Abstract 312, and being more particularly described in the attached survey.

Voluntary annexation is governed by Chapter 43 of the Local Government Code and applies only to the annexation of an area that is (1) less than one-half mile in width, (2) contiguous to the annexing municipality, and (3) vacant and without residents or on which fewer than three qualified voters reside. The petition and the property meet the statutory requirements.

Pursuant to Chapter 43 of the Local Government Code, the City must adopt a municipal services plan for the annexed area and conduct two public hearings. The proposed resolution would direct Staff to develop the municipal services plan and set the dates for the public hearings.

The proposed dates for the public hearings are January 21, 2016 (regular meeting) and January 22, 2016, (special meeting). Planning staff will present a municipal services plan at the hearing on January 21, 2016, as required by state law, showing how the City will serve the area proposed to be annexed. The proposed schedule anticipates completion of annexation proceedings through a Second Reading at City Council on March 3, 2016. Zoning for the property will be requested at a future date.

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

Motion passed unanimously.

- 8. 2015-8001-R: Consider adopting a resolution granting a petition to institute voluntary annexation proceedings of 20.855 acres of land out of the Sarah Fitzhenry Survey, Abstract 312, directing Staff to develop a municipal services plan, and calling public hearings to consider the petition.**

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

Motion passed unanimously.

9. **2015-8002-R: P-FY-15-40: Consider adopting a resolution authorizing the Final Plat of Whitehall Road Addition, a 4.748 +/- acre, 1-lot, 1-block, residential subdivision, with an exception to UDC Section 8.1.3A.7 of the Unified Development Code related to required fire hydrants, located on the north side of Whitehall Road, approximately 2900 feet east of its intersection with FM 2409.**

Mark Baker, City Planner presented this case to the Council. The Development Review Committee reviewed the Final Plat for the Whitehall Road Addition on September 10, 2015. The plat was deemed administratively complete on November 2, 2015.

The Final Plat for Whitehall Road subdivision, a 1-lot, 1-block, residential subdivision is located on South Whitehall Road approximately 2900 feet east of its intersection with FM 2409. In 2008, the subject property was annexed into the City per Ordinance 2008-4191 and is currently zoned Agriculture (AG). The plat is required as result of several splits, creating this property and several adjacent lots, which occurred without the benefit of a subdivision plat. It is anticipated that subdivision plats will also be required of those adjoining properties in the future, if a building permit is desired to develop or expand use of the property. These anticipated plats will address existing deficiencies such as obtaining the minimum ROW along Whitehall Road. With respect to the current request, an address is required before utilities can be provided and the plat is required before a property address can be issued by the City.

Mr. Baker noted there is no sewer service in the area and the proposed lot will require an on-site septic system. The County will not issue a septic permit unless it is a legally created lot. Although water service is provided by the Moffat Water Service Company through a 2-inch water line, the property is within the City's Fire District and fire hydrant placement is required.

A separate Exception to UDC Section 8.1.3A.7 for required fire hydrants has been submitted and is part of this request. The request for exception has been circulated to the Fire Department. The Fire Marshal concurs with the requested exception due to the location of the proposed lot and the lack of water supply in the area to support a hydrant. In addition, it was noted in the exception request letter that a significant upgrade would be necessary to the Moffat Water Supply Company's (WSC) infrastructure, in order to accommodate the hydrant. Planning staff has been in contact with Moffat WSC and no issues have been identified.

The subject property takes access from south Whitehall Road which is identified as a collector road and as such requires a 4-foot sidewalk. A separate Sidewalk Waiver has been submitted and is currently being reviewed by the Director of Planning.

Additionally, since Whitehall Road is a collector, a 55-foot ROW, the project's share would be 27.50-feet, is required. There is currently a ½ street ROW of 22.15-feet (44.30-feet total ROW), so a balance of 5.35 feet is required to be dedicated and is shown on the plat. Since this final plat includes a request for an exception to the UDC, the City Council is the final plat authority.

At its November 16, 2015 meeting, the Planning & Zoning Commission voted 5 to 0 to recommend approval of the final plat of Whitehall Road Addition as recommended by staff, and recommended approval of the requested exception to UDC Section 8.1.3A.7 of the Unified Development Code (UDC) related to required fire hydrants as recommended by staff.

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

Motion passed unanimously.

Daniel A. Dunn, Mayor

ATTEST:

Lacy Borgeson
City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

01/21/16
Item #8(B)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Ashley Williams, General Services Manager

ITEM DESCRIPTION: Consider adopting a resolution ratifying the submission of a grant application for the FY 2015 Assistance to Firefighters Grant Program, through the U.S. Department of Homeland Security, for the purchase of training props in the total amount of \$510,000, with a \$46,363 match.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Assistance to Firefighters Grants (AFG), provides financial assistance to fire departments and nonaffiliated EMS organizations. The primary goal of the grant program is to help fire departments and nonaffiliated EMS organizations to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated EMS organizations, and State Fire Training Academies (SFTA). This financial assistance emphasizes on the obtainment of needed resources to train emergency personnel to recognized standards, enhance efficiency of operations, foster interoperability, and support community resilience.

Eligible applicants for this grant include fire departments, and national, regional, State, local or community organizations that are recognized for their experience and expertise in training activities or safety programs. The maximum award amount is \$1,000,000 for a community with a population of less than 100,000. Fire departments that serve a population of more than 20,000 and less than 1,000,000 must match the Federal grant funds with an amount of non-Federal funds equal to 10-15 percent of the total project costs.

The application will be submitted on 01/15/2016. The total amount of funds available is \$306,000,000 and the projected number of awards is 2,500. Awards are expected to start being announced 03/09/2016.

Temple Fire & Rescue (TF&R) is requesting funding for c training props; to include a car fire simulator, a propane tank fire simulator, a dumpster fire simulator, a fuel spill simulator and two different burn props for the training tower with protective liner (including controllers for all props).

Funds budgeted for the purchase of the props, in the amount of \$46,363, will be leveraged as a 10-percent grant match. The total project cost totals \$510,000, with a total of \$463,636 being requested from AFG.

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

FISCAL IMPACT: If awarded the grant the City anticipates receiving \$463,636 in grant funds with the City matching \$46,363 for a total project cost of \$510,000. A budget adjustment is being presented to Council for approval to designate the City's 10% grant match of \$46,363.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

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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[illegible]

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

To designate funding for City's 10% required match for the FY 2015 Assistance to Firefighters Grant Program (AFG), through the U.S. Department of Homeland Security, for the purchase of training props and card reader door locks. Total amount of the application is \$510,000. Awards are expected to start being announced 03/09/2016.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X	Yes
----------	-----

☐ No

DATE OF COUNCIL MEETING 1/21/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date _____

	Approved
	Disapproved

Finance

Date _____

	Approved
	Disapproved

City Manager

Date _____

	Approved
	Disapproved

RESOLUTION NO. 2016-8003-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE SUBMISSION OF AN APPLICATION FOR THE FISCAL YEAR 2015 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY, IN THE TOTAL AMOUNT OF \$510,000 WITH A \$46,363 CITY MATCH, FOR THE PURCHASE OF TRAINING PROPS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Assistance to Firefighters Grants provide financial assistance to fire departments and nonaffiliated EMS organizations with the primary goal of enhancing the safety of the public and firefighters with respect to fire and fire-related hazards;

Whereas, this financial assistance helps fire departments obtain needed resources to train emergency personnel to recognized standards, enhance efficiency of operations, foster interoperability, and support community resilience;

Whereas, eligible applicants include fire departments, and national, regional, State, local or community organizations that are recognized for their experience and expertise in training activities or safety programs;

Whereas, the maximum award amount is \$1,000,000 for a community with a population of less than 100,000 and fire departments that serve a population of more than 20,000 and less than 1,000,000 must match the Federal grant funds with an amount of non-Federal funds equal to 10-15 percent of the total project costs;

Whereas, Temple Fire & Rescue is requesting funding for training props which includes a car fire simulator, a propane tank fire simulator, a dumpster fire simulator, a fuel spill simulator and two different burn props for the training tower with protective liner (including controllers for all props);

Whereas, final application submission will be January 15, 2016 with an expected announcement date of March 9, 2016;

Whereas, Staff recommends submission of a grant application for the fiscal year 2015 Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security, for the purchase of training props, in the total amount of \$510,000, with a \$46,363 City match;

Whereas, if awarded, the City anticipates receiving \$463,636 in grant funds with the City matching \$46,363, for a total project cost of \$510,000;

Whereas, an amendment to the fiscal year 2016 budget needs to be approved to designate the City's 10% grant match of \$46,363; 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 ratifies the grant application submitted for the fiscal year 2015 Assistance to Firefighters Grant Program, through the U.S. Department of Homeland Security, for the purchase of training props, in the total amount of \$510,000, with a \$46,363 City match.

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 3: 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 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **21st** day of **January**, 2016.

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

01/21/16
Item #8(C)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager

ITEM DESCRIPTION: Consider adopting a resolution in support of an application by Coryell County for development of a regional water plan for Bell, Coryell, Hamilton, Lampasas and Milam Counties, in the not to exceed amount of \$15,000, and in-kind services of approximately \$5,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Coryell County proposes to submit an application to the Texas Water Development Board (TWDB) for a regional water study which includes Bell, Coryell, Hamilton, Lampasas and Milam Counties. This planning grant is available to political subdivisions of the State to evaluate and determine the most feasible infrastructure alternative(s) for satisfying the needs of regional water and wastewater projects. This grant application is being pursued by Coryell County as a result of growth projections of the area and interest in a regional water system which could be developed to serve cities and water supply corporations faced with supply, treatment and distribution issues. This planning grant focuses on a 30-year planning horizon.

The proposed study potentially involves a number of municipalities, government entities, private companies and unincorporated areas located within the proposed five county study area, allow project participants the opportunity to adequately evaluate and determine options for cost-effective and long term reliable water supplies, various supply and treatment groundwater options, potential interconnections of existing water systems, and investigation of additional water management strategies as they pertain to the study area. Potential project participants include each of the five identified county governments, municipalities within the study area, Fort Hood, the BRA, and Clearwater Underground Water Conservation District, among other interested stakeholders. Participation in the study will enable opportunities for discussion with other study participants and consultants, providing input throughout the process.

The planning effort for the proposed five county study area is estimated at \$400,000. Staff recommends City of Temple participation be capped at \$15,000, plus in-kind services of approximately \$5,000.

FISCAL IMPACT: If Coryell County is awarded the grant for development of a regional water plan for Bell, Coryell, Hamilton, Lampasas and Milam Counties, the City of Temple's contribution of \$15,000 is available in account 520-5000-535-2616. In addition to the financial contribution, the City will provide in-kind services in the amount of \$5,000. The in-kind services will be provided by Public Works personnel.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2016-8004-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, SUPPORTING THE SUBMISSION OF AN APPLICATION BY CORYELL COUNTY FOR THE DEVELOPMENT OF A REGIONAL WATER PLAN FOR BELL, CORYELL, HAMILTON, LAMPASAS AND MILAM COUNTIES, IN THE NOT TO EXCEED AMOUNT OF \$15,000, AND IN-KIND SERVICES OF APPROXIMATELY \$5,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Coryell County proposes to submit an application to the Texas Water Development Board for a regional water study which includes Bell, Coryell, Hamilton, Lampasas and Milam Counties;

Whereas, this grant is available to political subdivisions of the State of Texas to evaluate and determine the most feasible infrastructure alternatives for satisfying the needs of regional water and wastewater projects;

Whereas, this grant application is being pursued by Coryell County as a result of growth projections and an interest in a regional water system which would be developed to serve cities and water supply corporations faced with supply, treatment and distribution issues and focuses on a 30-year planning horizon;

Whereas, the proposed study potentially involves a number of municipalities, government entities, private companies and unincorporated areas located within the proposed five county study area and will allow project participants the opportunity to adequately evaluate and determine options for cost-effective and long term reliable water supplies, various supply and treatment groundwater options, potential interconnections of existing water systems, and investigation of additional water management strategies as they pertain to the study area;

Whereas, potential participants could include each of the five identified county governments, municipalities within the study area, Fort Hood, the Brazos River Authority, and Clearwater Underground Water Conservation District, among other interested stakeholders - participation in this study will provide opportunities for discussion with other study participants and consultants while providing input throughout the process;

Whereas, Staff recommends the City participate by supporting the application by Coryell County for development of a regional water plan for Bell, Coryell, Hamilton, Lampasas and Milam Counties, in the not to exceed amount of \$15,000, and in-kind services of approximately \$5,000;

Whereas, should Coryell County be awarded the grant, the City's contribution of \$15,000 will be available in Account No. 520-5000-535-2616 and in addition to the financial contribution, the City will provide in-kind services in the amount of \$5,000 which will be provided by Public Works personnel; 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 of Temple, Texas fully supports the submission of an application to the Texas Water Development Board by Coryell County for the development of a regional water plan for Bell, Coryell, Hamilton, Lampasas and Milam Counties, in the not to exceed amount of \$15,000, and in-kind services of approximately \$5,000.

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

PASSED AND APPROVED this the **21st** day of **January**, 2016.

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

01/21/16
Item #8(D)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a professional services agreement with BSP Engineers, Inc., of Temple, for professional services for widening Hogan Road from State Highway 317 to South Pea Ridge Road in an amount not to exceed \$357,200, as well as, declare an official intent to reimburse the expenditures with the issuance of 2016 Certificate of Obligation Bonds.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program (TCIP) which identifies capacity and connectivity improvements to Hogan Road. Proposed improvements include reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road to a three-lane collector roadway with sidewalk and utility upgrades. The scope of work includes professional engineering design, parcel & topography surveys, environmental, geotechnical, bidding, and construction-phase services.

As identified in the attached proposal, design of the project will take approximately 300 calendar days from the Notice to Proceed. The professional engineering services are as follows:

Design and Engineering Services	\$ 213,500
Surveying	\$ 24,000
ROW Parcel Exhibits	\$ 14,500
Environmental Review and Report	\$ 9,500
Geotechnical & Pavement Recommendations	\$ 6,900
Landscape Design	\$ 10,800
Bidding	\$ 7,900
Construction Administration	\$ 17,600
Inspection Services	<u>\$ 52,500</u>

Total **\$ 357,200**

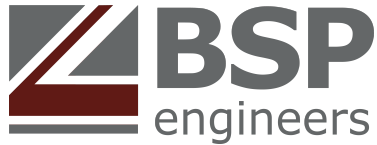
FISCAL IMPACT: This project is being funded with issuance of 2016 Certificate of Obligation Bonds in January 2016. Funding will be available in account 365-3400-531-6857, project #100952 for the professional services agreement award to BSP Engineers as follows:

Project Budget Funded with CO Bonds, Series 2016	\$4,450,000
Current Available Funding	77,650
Encumbered/Committed To Date	-
Professional Services Agreement with BSP Engineers	<u>(357,200)</u>
Remaining Project Funds	<u>\$ 4,170,450</u>

The engineer's opinion of probable cost for the construction of Hogan Road is \$2,588,596.

ATTACHMENTS:

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



15 West Central Avenue
Temple, Texas 76501
Phone: 254.774.9611
Fax: 254.774.9676
www.bspengineers.com

EXHIBIT "A" SCOPE OF SERVICES AND FEES

January 7, 2016

City of Temple
Department of Public Works
Mr. Don Bond, PE
City Engineer
3210 E. Ave. H, Bldg. A, Ste 130
Temple, TX 76501

Email: Don Bond dbond@templetx.gov
James Billeck jbilleck@templetx.gov

RE: Professional Engineering Proposal for City of Temple,
2016 Hogan Road Widening from State Highway 317 to S. Pea Ridge Road

Dear Mr. Bond,

As per staff's request, we have prepared our professional services fee proposal for Professional fees as required for the City of Temple 2016 Hogan Road Widening between State Hwy 317 and S. Pea Ridge Road. We understand that the project includes but is not limited to widening an existing 2-lane county road section to a 3-lane urban roadway section approximately 36' BOC to BOC with a continuous left turn lane. The roadway section will include a continuous 10' wide concrete pedestrian walkway. The project also includes the addition of a new 8" PVC water main and the associated standard fire hydrants. The scope of work shall generally conform to the attached GIS Exhibit and the Preliminary Opinion of Probable Cost:

BASIC SERVICES AND FEES:

The BASIC SERVICES shall include Professional Engineering and Design, Parcel and Topography Surveys, Contract Document Preparation, Environmental Report and Geotechnical Investigations as required to prepare the design and construction drawings and as itemized below. The basic services and fees are as follows:



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We propose to complete all services for a lump sum Professional Fee of **\$357,200.00**. The fee is divided as follows: These amounts shall be invoiced monthly based upon the percent complete through date of invoice.

Design and Engineering Services

Preparation of Preliminary Design and Exhibits (30% Submittal)	\$ 64,050.00
Preparation of Construction Documents (60% Submittal)	\$ 64,050.00
Preparation of Construction Documents (95% Submittal)	\$ 74,725.00
Construction Documents and Bid Exhibits (100% Submittal)	\$ 10,675.00

Bidding Phase **\$ 7,900.00**

The Bidding phase includes a signed/sealed OPC and number of days to complete construction. This also includes directing the pre-bid meeting, answering bidder's questions, preparing addenda, and attending the bid opening are required. Once the bids are opened, the tabulation of bids and a signed/sealed recommendation letter of award will be provided for Council, as well as attendance at the Council meeting awarding construction.

Survey Services:

Right of Way Recovery and Establishment **\$ 9,500.00**

Perform all necessary research on properties adjacent to Hogan Road from Highway 317 to S. Pea Ridge Road. Surveyor is to coordinate with TxDOT to retrieve the current right-of-way map of Highway 317.

Recover the existing right-of-way monumentation based on parcel locations adjacent Hogan Road. Where interior access into the adjacent properties is required, and coordinate with City of Temple for right of entry.

Reestablish the right-of-way boundary of Hogan Road from Highway 317 to S. Pea Ridge Road.

Create and maintain a parcel map containing the resolved right-of-way and adjacent property information to be used by City of Temple.

Right-of-Way Control **\$ 3,000.00**

Establish control monuments along the Hogan Road right-of-way at 600' intervals. Horizontal and vertical measurements are to be established using the highest level of accuracy available.

Preparation of Parcel Exhibits (885.00 EA) **\$ 14,500.00 NTE**

Provide a set of metes and bounds descriptions, exhibits and set property corners required for the right-of-way parcels.

Design Topography Survey

\$ 11,500.00

Coordinate utility locates along the Hogan Road right-of-way to be measured during the topographic survey. Measure all existing structures, utilities, and topographic features within the required area.

Provide Environmental Review and Report

\$ 9,500.00

Modified Phase I Environmental Site Assessment. The ESA will be performed in accordance with American Society for Testing and Materials (ASTM) Standard E 1527-13 and will meet the requirements for an "all appropriate inquiry" as required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for establishment of liability and defense limitations. Additionally, a Waters of the U.S. Delineation and a threatened and endangered species habitat assessment will be conducted and use (e.g., nesting) by migratory birds will be evaluated.

**Geotechnical Study and Report
with Pavement recommendations:**

\$ 6,900.00

Landscape Design

\$ 10,800.00

Provide an aesthetics design for Hogan Road corridor. The Landscape design shall include ornamental aspects, including trees and shrubs, functional needs, maintenance and sustainability, and native vegetation. All vegetation design shall be placed within ROW. The irrigation design shall be provided by contractor as stipulated within Construction documents.

Construction Administration

\$ 17,600.00

Construction administration will include facilitating the pre-construction meeting, reviewing Contractor submittals, responding to any RFI's, monthly progress meetings with City Staff and Contractor, review Contractor's payment applications, execute Change Orders, attend walkthrough, provide Punch List, prepare signed/sealed record drawings (mylar and CD) accurate to 1' horizontally and 0.25" vertically for critical elevations (e.g. manhole inverts), and furnish project acceptance letter. When submitting Contractor's monthly pay app, also rate the Contractor's quality of work, timeliness, cooperation with project team, and cooperation with the public.

Inspection Services

\$ 52,500.00 (NTE)

- Daily Inspections (Estimated at 2.5 hours per day x 330 days)
- Weekly Construction Reports
- Photos taken during the Construction Process
- Pay Request Review and Quantity Verification
- Construction Progress Meetings with Contractor as required

PROJECT DELIVERABLES:

- (5) 11x17 Contract Review Sets for – 30, 60, and 95% Review.
- (1) Bond Set at 100% Submittal
- ROW and Parcel Index Map
- (25) – 100% Complete hardcopy sets 11x17 Construction Drawings
- (1) Mylar set 11x17 as As-built
- Opinion of Probable Cost sealed by Texas registered professional engineer
- Bid Exhibit including itemized Bid Items
- Bid Tabulation including review and Contractor recommendation
- Record Drawings prepared on Mylar and electronic files on CD

PROJECT SCHEDULE: (Total Days equal sum of the following)

Days below include 14-day City review for each submittal.

ROW Establishment	35 Cal Days
Design Topography Survey	35 Cal Days
Preliminary Alignment and Profile (30% Submittal)	44 Cal Days
Release Surveyor for Parcel Preparation	0 Cal Days
Parcel Exhibit Preparation	35 Cal Days
Release for Environmental Report	0 Cal Days
Contract Drawing Preparation (60% Submittal)	55 Cal Days
Contract Drawing Preparation (95% Submittal)	60 Cal Days
Contract Drawing Preparation (100% Submittal)	30 Cal Days

Total Design Time: 294 Calendar Days.

Total anticipated Construction Time: 330 Calendar Days

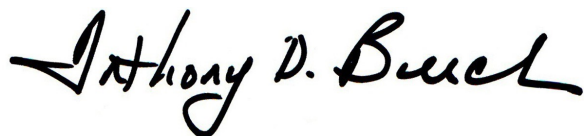
ADDITIONAL SERVICES:

The following are estimated ADDITIONAL SERVICES associated with the above referenced BASIC SERVICES:

Survey Parcel Exhibits which may require inclusion of residence and other improvements

After you have had the opportunity to review this proposal, we are prepared to discuss the specifics of the outlined services and fees.

Sincerely,



Anthony D. Beach, P.E.
BSP Engineers, Inc.
F-7587
www.bspengineers.com



Preliminary Opinion of Probable Cost

City of Temple, TX
Hogan Road Widening between State Hwy 317 and S. Pea Ridge Rd.

Date: January 7, 2016

Item Description	Unit	Unit Cost	Quantity	Total
1 Mobilization, Bonds, Permits and Insurance	LS	\$6,000.00	100%	\$ 65,000.00
2 ROW Clearing and Grubbing	LS	\$17,000.00	100%	\$ 17,000.00
3 Install and Maintain Erosion Control Features Per SWPPP	LS	\$9,500.00	100%	\$ 9,500.00
4 Temporary Construction Exit	LS	\$3,700.00	100%	\$ 3,700.00
5 Implement Traffic Control Plan	MO	\$2,800.00	12	\$ 33,600.00
6 Relocate Existing Fiber, Telephone and Gas	LS	\$45,000.00	100%	\$ 45,000.00
7 Relocate Existing Power Poles	LS	\$15,000.00	100%	\$ 15,000.00
8 Remove and replace Existing Mailbox	EA	\$490.00	1	\$ 490.00
9 Remove and replace Existing Road Signs	EA	\$650.00	6	\$ 3,900.00
10 Roadway Excavation and Grading	CY	\$9.50	12,750	\$ 121,125.00
11 6" Subgrade Preparation	SY	\$3.50	19,111	\$ 66,888.50
12 F&I 14" CLBM Base Material	SY	\$19.50	19,111	\$ 372,664.50
13 F&I 2.0" Hot Mix Asphalt Concrete (Type D)	SY	\$12.50	15,289	\$ 191,112.50
14 F&I Concrete Connection to Existing Roadway	EA	\$4,500.00	1	\$ 4,500.00
15 F&I 6" Standard Concrete Curb and Gutter	LF	\$11.50	8,700	\$ 100,050.00
16 F&I 10' Wide 5" thick concrete flatwork include excavation	SF	\$8.50	43,000	\$ 365,500.00
17 F&I Standard Curb Ramp	EA	\$1,750.00	13	\$ 22,750.00
18 F&I Concrete Driveway Apron / Culvert with SET	EA	\$4,200.00	17	\$ 71,400.00
19 F&I Pedestrian Hand Rail at Culverts	LF	\$90.00	180	\$ 16,200.00
20 F&I 4" Top Soil Placement	SY	\$2.25	7,500	\$ 16,875.00
21 F&I Pavement Markings	LS	\$6,500.00	100%	\$ 6,500.00
21 F&I Broadcast Seeding Areas Disturbed by Construction	SY	\$1.50	9,555	\$ 14,332.50
22 F&I Landscape Irrigation	LS	\$12,400.00	100%	\$ 12,400.00
22 F&I Landscape Improvements	LS	\$47,000.00	100%	\$ 47,000.00
23 F&I Street Lighting at Intersections	EA	\$23,000.00	7	\$ 161,000.00

SUBTOTAL: \$ 1,783,488.00

Storm Drain Improvements

Item Description	Unit	Unit Cost	Quantity	Total
24 10' Standard Curb Inlet	EA	\$6,800.00	4	\$ 27,200.00
25 24" Class III RCP	LF	\$44.00	2150	\$ 94,600.00
26 Roadway Concrete Headwall - Safety End Slopes	EA	\$1,700.00	10	\$ 17,000.00
27 Trench Safety Plan	LS	\$4,500.00	100%	\$ 4,500.00

SUBTOTAL: \$ 143,300.00

Water Distribution Improvements

Item Description	Unit	Unit Cost	Quantity	Total
28 Remove and demolish Existing 1.5" PVC Water Main	LF	\$2.25	4,300	\$ 9,675.00
29 F&I 8" C900 PVC Water Main	LF	\$45.00	4,300	\$ 193,500.00
30 Connection to Existing Water Main	EA	\$2,150.00	5	\$ 10,750.00
31 Adjust Existing Gate Valves	EA	\$495.00	12	\$ 5,940.00
32 F&I Standard Fire Hydrant Assembly	EA	\$4,800.00	10	\$ 48,000.00
33 F&I 8" Gate Valve	EA	\$2,800.00	4	\$ 11,200.00
34 F&I 1" Single Water Service	EA	\$750.00	18	\$ 13,500.00
35 F&I 1" Double Water Service	EA	\$1,250.00	5	\$ 6,250.00
36 F&I 8" Flush Valve Assembly	EA	\$3,400.00	1	\$ 3,400.00
37 F&I Miscellaneous MJ Fittings	LS	\$5,000.00	100%	\$ 5,000.00
38 Trench Safety Plan	LS	\$2,500.00	100%	\$ 2,500.00
38 All Testing and disinfection per City and TCEQ Requirements	LS	\$6,500.00	100%	\$ 6,500.00

SUBTOTAL: \$ 316,215.00

Sanitary Sewer Adjustments

Item Description	Unit	Unit Cost	Quantity	Total
1 Manhole Lid Adjustments	EA	\$2,650.00	3	\$ 7,950.00
SUBTOTAL:				\$ 7,950.00

Project Budget Summary:

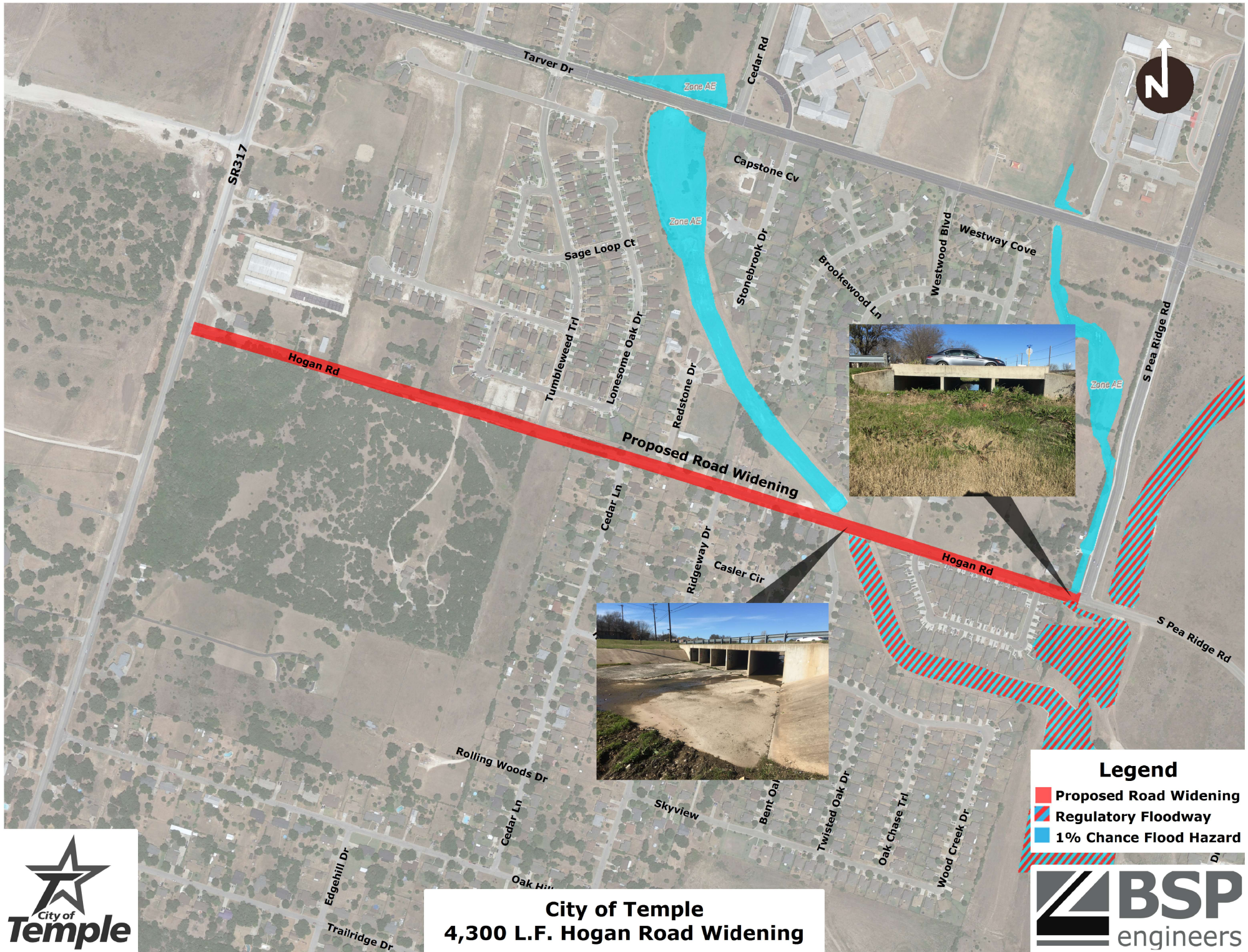
Total Roadway Improvements:	\$ 1,783,488.00
Total Storm Drainage Improvements:	\$ 143,300.00
Total Water System Improvements:	\$ 316,215.00
Total Sanitary Sewer Improvements:	\$ 7,950.00

Total Construction Cost :	\$ 2,250,953.00
Construction Contingency (15%):	337,642.95

Construction Budget: \$2,588,595.95

Engineering Design Fee:	\$213,500.00
Bid Phase:	\$7,900.00
Establish Survey Control:	\$3,000.00
Establish ROW	\$9,500.00
Parcel Exhibits:	\$14,500.00
Topography Surveys:	\$11,500.00
Geotechnical:	\$6,900.00
Environmental Report:	\$9,500.00
Landscape Design (Optional):	\$10,800.00
Construction Administration:	\$17,600.00
Project Inspection:	\$52,500.00
ROW Acquisitions:	BY CITY

Total Project Budget: \$2,945,795.95



City of Temple
4,300 L.F. Hogan Road Widening

Legend

- Proposed Road Widening
- Regulatory Floodway
- 1% Chance Flood Hazard

BSP
engineers

RESOLUTION NO. 2016-8005-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH BSP ENGINEERS, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$357,200, FOR THE WIDENING OF HOGAN ROAD FROM STATE HIGHWAY 317 TO SOUTH PEA RIDGE ROAD; DECLARING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2016 CERTIFICATE OF OBLIGATION BONDS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple has adopted a Transportation Capital Improvement Program which identifies capacity and connectivity improvements to Hogan Road;

Whereas, proposed improvements include reconstruction and expansion of Hogan Road from State Highway 317 to South Pea Ridge Road to a three-lane collector roadway with sidewalk and utility upgrades;

Whereas, Staff recommends authorizing a professional services agreement with BSP Engineers, Inc., in an amount not to exceed \$357,200, for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road;

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

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

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

Whereas, this project is being funded with the issuance of 2016 Certificate of Obligation Bonds which will make funding available for this professional services agreement in Account No. 365-3400-531-6857, Project No. 100952; 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 BSP Engineers, Inc., in an amount not to exceed \$357,200, for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road.

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

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

PASSED AND APPROVED this the **21st** day of **January**, 2016.

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

01/21/16
Item #8(E)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with Kasberg, Patrick, & Associates, LP, in the amount of \$124,275 for professional services required for the West Airport Trunk wastewater extension.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This proposed wastewater extension will provide for installation of a portion of the West Airport Trunk wastewater line, in conjunction with development of Crossroads Park in accordance with Temple's Wastewater Master Plan. The project will include upsizing of infrastructure for ultimate basin build out, currently under development. The wastewater project includes approximately 6,100 lineal feet of 12-inch to 18-inch trunk sewer extending from the existing Holy Trinity Catholic School to Prairie View Road. A Map is included in the Engineer's Proposal for reference.

Services authorized under this resolution include surveying, design, bidding, construction administration, and resident inspection of the proposed improvements. A proposal is attached outlining the following professional fees:

Basic Services	
Design Survey	\$ 9,020
Plans and Specifications	\$37,600
Bidding (bid w/park)	\$ 1,500
Construction Staking	\$ 5,775
Construction Administration	<u>\$15,400</u>
Total Basic Services	<u>\$69,295</u>

Special Services

Environmental\Archeological	\$18,480
Easement Documents	\$19,200
On-Site Representation	<u>\$17,300</u>

Total Special Services \$54,980

Total **\$124,275**

The proposed timeline for design is 120 calendar days once the required rights of entry have been obtained.

FISCAL IMPACT: A budget adjustment is being presented to Council for approval to reallocate funding from the contingency account for the professional services agreement with Kasberg, Patrick, & Associates, LP. Funding will be appropriated in account 561-5400-535-6971, project # 101480, as follows:

Project Budget	\$124,275
Encumbered/Committed To Date	-
Professional Services Contract Award - KPA	<u>(124,275)</u>
Remaining Funds	<u>\$ -</u>

The engineer's preliminary opinion of probable cost for the extension is \$920,000.

ATTACHMENTS:

[Engineer's Proposal & 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

January 5, 2016

Mr. Don Bond, PE, CFM
City Engineer
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
West Airport Trunk Sewer/Crossroads Park

Dear Mr. Bond:

This letter proposal is in response to your request for engineering services required for final design and easement documents for the West Airport Trunk Sewer Project in conjunction with the Crossroads Park Project. This wastewater project includes approximately 6,100 linear feet of 12" to 18" trunk sewer as shown on the attached Exhibit A. Engineering services related to wastewater lines internal to Crossroads Park was previously included in the Crossroads Park Project. Our preliminary opinion of probable construction cost for the West Airport Trunk Sewer is \$920,000. This proposal also includes construction phase services, easement documents and environmental, archeological and Waters of US assessments.

In order for us to provide the services required for completion of the final design and easement documents, the following not-to-exceed lump sum amounts will be applicable:

I. Basic Services

A. Design Surveys (alignment outside Park)	\$	9,020.00
B. Plans and Specifications		37,600.00
C. Bidding (add'l for trunk sewer to bid w/ Crossroads)		1,500.00
D. Construction Staking		5,775.00
E. Contract Administration		15,400.00
Total Basic Services	\$	69,295.00

II. Special Services

A. Environmental/Archeological/Waters of US (alignment outside Park)	\$	18,480.00
B. Easement Documents Including Enhanced Survey Information (8 parcels)		19,200.00
C. On-Site Representation		17,300.00
Total Special Services	\$	54,980.00

TOTAL \$ 124,275.00

Mr. Don Bond, PE, CFM
January 5, 2016
Page Two

Exhibit B provides a more detailed breakdown and description of the tasks included in our Scope of Services.

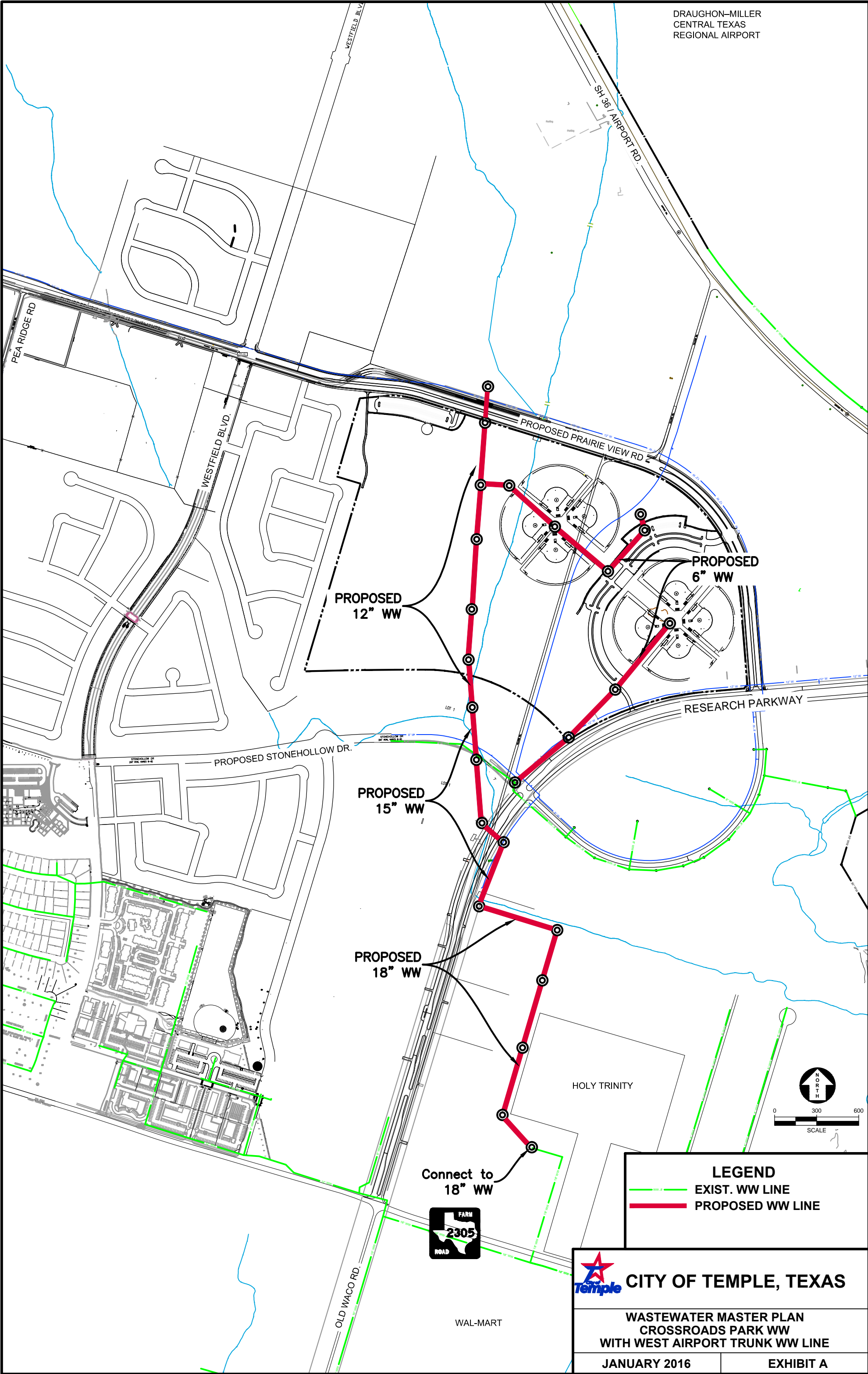
KPA will begin work once a written notice to proceed is received in our office and right of entry has been obtained by the City. The Contract Documents and Specifications will be completed within a 120 calendar day period. We are available to address any questions or comments that you may have about this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Ginger R. Tolbert". The signature is written in a cursive, flowing style.

Ginger R. Tolbert, P.E.

GRT/



PROPOSED
12" WW

PROPOSED
6" WW

PROPOSED
15" WW

PROPOSED
18" WW

Connect to
18" WW



WAL-MART

LEGEND

- EXIST. WW LINE
- PROPOSED WW LINE



CITY OF TEMPLE, TEXAS

**WASTEWATER MASTER PLAN
CROSSROADS PARK WW
WITH WEST AIRPORT TRUNK WW LINE**

JANUARY 2016

EXHIBIT A

Exhibit B – Scope of Services

City of Temple West Airport Trunk Sewer/Crossroads Park

**Kasberg, Patrick & Associates, LP
January 5, 2016**

I. BASIC SERVICES

The basic services for the preparation of plans and specifications for the Project will include:

A. Design Surveys

1. Field Surveys for design purposes including horizontal and vertical control and any other field surveying services during final design.

B. Final Design

1. Prepare construction drawings and specifications showing the character and extent of the project. The construction plans will be drawn on 11-inch by 17-inch sheets (half-scale). The 11x17 prints will be used for bidding purposes and for field copies. The 11x17 prints will also be used for record drawings. This proposal includes thirty (30) sets of 11x17 prints for bidding and construction purposes;
2. Prepare plan and profile drawings of trunk sewer pipeline;
3. Prepare a revised opinion of probable total project costs based on the final drawings and specifications;
4. Prepare and submit TCEQ 217 Submittal for Approval;
5. Basic documents related to construction contracts will be provided by the City. These will include contract agreement forms, general conditions and supplementary conditions, invitations to bid, instructions to bidders, insurance and bonding requirements and other contract-related documents. KPA will provide the technical specifications and bid schedule for the project documents;
6. Progress meetings with City Staff for status reports and plan reviews;
7. Prepare a revised opinion of probable total project costs based on the final drawings and specifications.

C. Bidding (to be included in bid package for Crossroads Park)

1. Provide final opinion of probable construction cost, sealed by Project Engineer/Manager;
2. Assist in soliciting bidders;
3. Monitor status/number of bidders on plan holders list;
4. Answer potential bidders questions;
5. Conduct pre-bid conference;
6. Prepare addenda as required;
7. Attend bid opening;
8. Tabulate bids and recommend contract award.

D. Construction Staking

1. Construction Surveys with level notes for horizontal and vertical control.

E. Contract Administration

1. Conduct pre-construction conference;
2. Prepare Partial Payment forms and review partial payment requests;
3. Make periodic project visits during construction;
4. Communicate with City Project Manager weekly regarding project status and schedule;
5. Conduct construction progress meetings;
6. Advise and consult with the Owner, communicate with Contractor, prepare routine change orders as required, and keep the Owner informed of the progress;
7. Review submittals;
8. Prepare cut sheets;
9. Check final pay quantities and pay requests;
10. Conduct final walk through of project with Contractor and City Staff;
11. Prepare and distribute punch list;
12. Verify completion of punch list items;
13. Provide recommendation to City Staff regarding acceptance of project;
14. Prepare Record Drawings.

II. SPECIAL SERVICES

A. Environmental/Archeological Services/Waters of US

1. KPA will utilize Terracon Consulting Engineers & Scientists to perform the Phase I Environmental Investigation including a report to explain the findings and recommendations for further action, if any;
2. Terracon will also provide Archeological Services. Archival research shall be performed in the electronic and mapping files of the Texas Historical Commission (THC) Atlas Sites database, the Texas Archeological Research Laboratory (TARL) and/or any other relevant archives for information on previous cultural resource investigations conducted and previously recorded sites and historic properties recorded in the vicinity of the project's Area of Potential Effect (APE). The results of this research shall be presented in a final report.
3. Terracon will assess on-site water bodies, drainage ways and wetlands to determine jurisdiction from the USACE.

B. Easement Documents

1. KPA will utilize All County Surveying Inc. (ACS) to perform surveys and prepare easement documents for each parcel. We anticipate eight (8) separate easement descriptions will be required.;
2. Easement Documents will include field note descriptions and sketches for each property;

3. Our services do not include obtaining right of entry and acquisition of easements from impacted property owners, therefore, the cost for these services are not included in our proposal.
4. Provide detailed property surveys and exhibits for use in acquiring easements for the project.
5. Detailed surveys will include existing easements as described in the title report, current property corners, proposed rights of way, structure corners, driveways, sidewalks, large trees and or vegetation, septic drain fields (if visible), septic infrastructure (if visible) and other major objects. This data will be developed into a working AutoCad model to illustrate and dimension locations to all surveyed data with individual property exhibits.
6. Exhibits will be delivered to the designated City of Temple representative in both pdf and hard copy.

C. On-Site Representation

1. KPA will respond to Contractor's requests for information (RFI);
2. Observe equipment and pipe materials for compliance with the plans and specifications and approved shop drawing submittals;
3. Verify installed quantities and materials on hand for monthly pay estimates to Contractors;
4. Confirm and note changes on as-built plans submitted by Contractors.
5. Observe trench excavations and backfill for compliance with plans and specifications;
6. Prepare written daily reports on construction activities summarizing work performed, quantities installed, number of laborers on site, equipment used, weather conditions and significant activities and test results;
7. Participate in pre-construction meetings, progress meetings and final walkthroughs;
8. Provide information for monthly evaluation regarding Contractor quality of work, timeliness, cooperation with City Staff and Public;
9. Meet with impacted property owners to address concerns and informing them of project schedules and events which may impact access to their property and resolving complaints.

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.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5400-535-69-71	101480	Capital Bonds/WWL-W Airport Trunk	\$ 124,275	
561-5000-535-65-32		Capital Bonds/Contingency		124,275
TOTAL.....			\$ 124,275	\$ 124,275

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

To appropriate funding for a professional services contract award to KPA for the engineering services for the West Airport Trunk Park sewer extension project.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/21/2016

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2016-8006-R

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 \$124,275, FOR SERVICES REQUIRED FOR THE WEST AIRPORT TRUNK SEWER EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, this sewer extension will provide for installation of a portion of the West Airport Trunk Sewer line, in conjunction with development of the Crossroads Park in accordance with Temple's Wastewater Master Plan;

Whereas, the project will include the upsizing of infrastructure for ultimate basin buildout currently under development and will include approximately 6,100 linear feet of 12-inch to 18-inch trunk sewer extending from the existing Holy Trinity Catholic School to Prairie View Road;

Whereas, Staff recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$124,275, for services required for the West Airport Trunk Sewer extension;

Whereas, funding is available for the professional services agreement, but an amendment to the fiscal year 2016 budget needs to be approved to reallocate funding from the contingency account into Account No. 561-5400-535-6971, Project No. 101480; 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 \$124,275, for services required for the West Airport Trunk Sewer extension.

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 **21st** day of **January**, 2016.

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

01/21/16
Item #8(F)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing an agreement with Clark & Fuller, PLLC, of Temple in an amount not to exceed \$147,524 for professional services required for Phase 1 of the Williamson Creek Basin wastewater assessment.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The Williamson Creek Wastewater Basin includes wastewater service to much of the northern and eastern portions of the City of Temple. The primary trunk sewer is several decades old and is about 5.5 miles in length. With recent and upcoming growth and development along the northern reaches of the basin, an assessment of the main wastewater trunk line is necessary to ensure that the system is properly sized and capable of continuing to provide adequate service to the area.

The attached proposal for professional services from Clark & Fuller is recommended to analyze the basin and evaluate the existing condition and capacity of both the trunk sewer and associated lift station to serve current and future development. This phase of investigation will recommend improvements that will be considered for final design and construction later this year.

Consultant services recommended under this contract include:

Professional Services

Civil Engineering Analysis and Investigation	\$ 28,250
GPS Topographic Services	\$ 4,500
TV Recording of Existing Trunk Sewer	\$ 49,250
Flow Monitoring of Existing Trunk Sewer	<u>\$ 65,524</u>

Total **\$ 147,524**

Time required for the investigation is 180 days.

FISCAL IMPACT: Funding for award of the professional services agreement with Clark & Fuller to analyze basin and evaluate the existing is appropriated in account 520-5400-535-2623 as follows:

FY 2016 Approved Budget	\$250,000
Encumbered/Committed To Date	-
Award of Professional Services Agreement with Clark & Fuller	(147,524)
Remaining Funds	<u>\$ 102,476</u>

ATTACHMENTS:

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

January 7, 2016

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

RE: Proposal for Professional Engineering Consulting Services
To support the City of Temple –Williamson Creek Trunk Sewer Basin Investigation - Phase I
Engineering Services

Mrs. Torralva:

We appreciate the opportunity to submit a professional services proposal in response to your request for a proposal to perform Professional Civil Engineering Consulting Services required for the above referenced project.

The scope of this project shall include detailed Engineering Analysis and Investigation of the existing condition of the Williamson Creek Trunk Sewer and to provide phased options to reconstruct and repair the existing Trunk Sewer. Furthermore, the Phase I project will consist of providing Civil Engineering Services to perform Regional Sanitary Sewer Capacity Analysis, TV Camera Investigation Services, Sanitary Sewer Flow Monitoring and Metering, Preliminary Civil Engineering Analysis with Cost Estimates, and Phased Alternatives to improve and reconstruct the existing trunk sewer system within the Williamson Creek Drainage Basin.

In addition, Clark & Fuller, PLLC will use Bell Contractors and the RJN Group to provide TV Line Camera of Existing Sanitary Sewer Mains and Flow Monitoring Services. The project will be completed using the following methodology:

Site Investigation Phase: Within this phase the subcontractor and engineers will provide the Site Mobilization required to begin field investigation work. As a part of the field investigation, the existing Utilities will be researched thru existing as-built drawings and City of Temple utility maps. The TV Line Camera'ing will be performed by Bell Contractors. Clark & Fuller, will have staff on location to monitor activities and to provide GPS location services of exiting manholes. Field coordinates of manholes will be acquired using state the art Leica GPS equipment. The RJN Group will mobilize the site and begin Sanitary Sewer Flow Metering and Gauge Installation. As data within this is phase is acquired Clark & Fuller, PLLC will begin map creation and construction of the Sanitary Sewer System Model Using US SWMM and Autodesk Civil 3D Software.

System Analysis Phase: Within this phase, Clark & Fuller, PLLC will begin analysis and compilation of field and flow metering data. Rain gauge data will be compiled to determine the effect of storm water infiltration on the existing system. Clark & Fuller, PLLC will finalize the existing Sanitary Sewer System Model and provide analysis using found metered flows and also calculated future flows assessing regional population growth. Analysis to provide system skeletonization will be determined. The existing Troy Lift Station will be analyzed for current flows and the impact of the Little Elm Sanitary Sewer System Addition.

Report Phase: Within this phase Clark & Fuller, PLLC will compile data and provide a summary report. Within this report Clark & Fuller, PLLC will include:

- A description of the existing basin flows and storm water infiltration.
- A description of the existing Trunk Sewer and its current condition.

- Analysis of the Little Elm Sewer Basin and its potential future population growth and determine its impact of the Williamson Creek Trunk Sewer and Troy Lift Station.
- A determination and construction alternatives to rehabilitate and/or reconstruct the Troy Lift Station.
- A determination and construction phasing to reconstruct the Williamson Creek Trunk Sewer.
- An Engineers Opinion of Costs to construct.
- Provide City of Temple with Maps and Engineers Final Report (3 Copies)

The proposed timeline for the project is 180 calendar days from the authorization of notice to proceed.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Civil Engineering and Surveying Services for a Lump Sum Amount not to exceed \$147,524.00. Please refer to attached Exhibit "A" for an itemized breakdown and scope of services.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'MLC', with a large loop at the end.

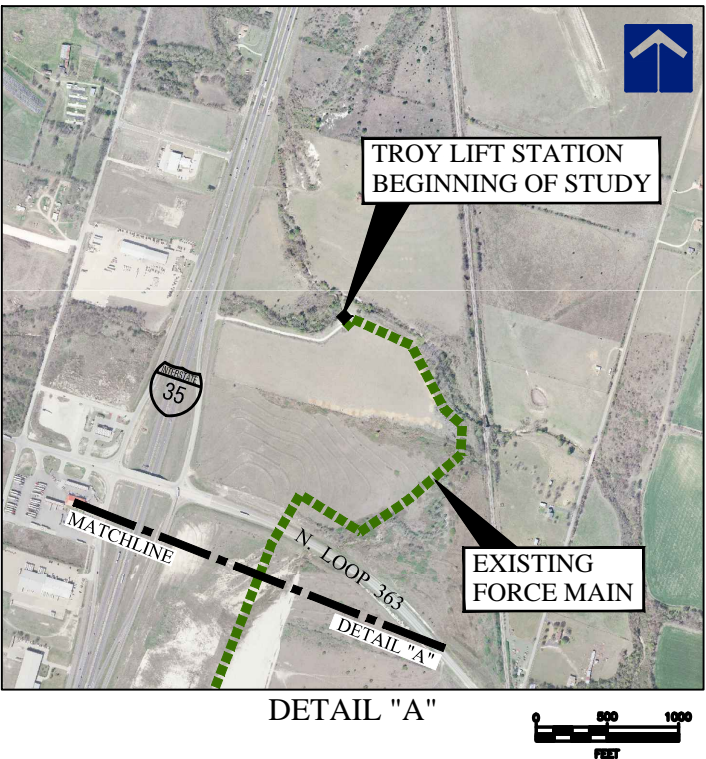
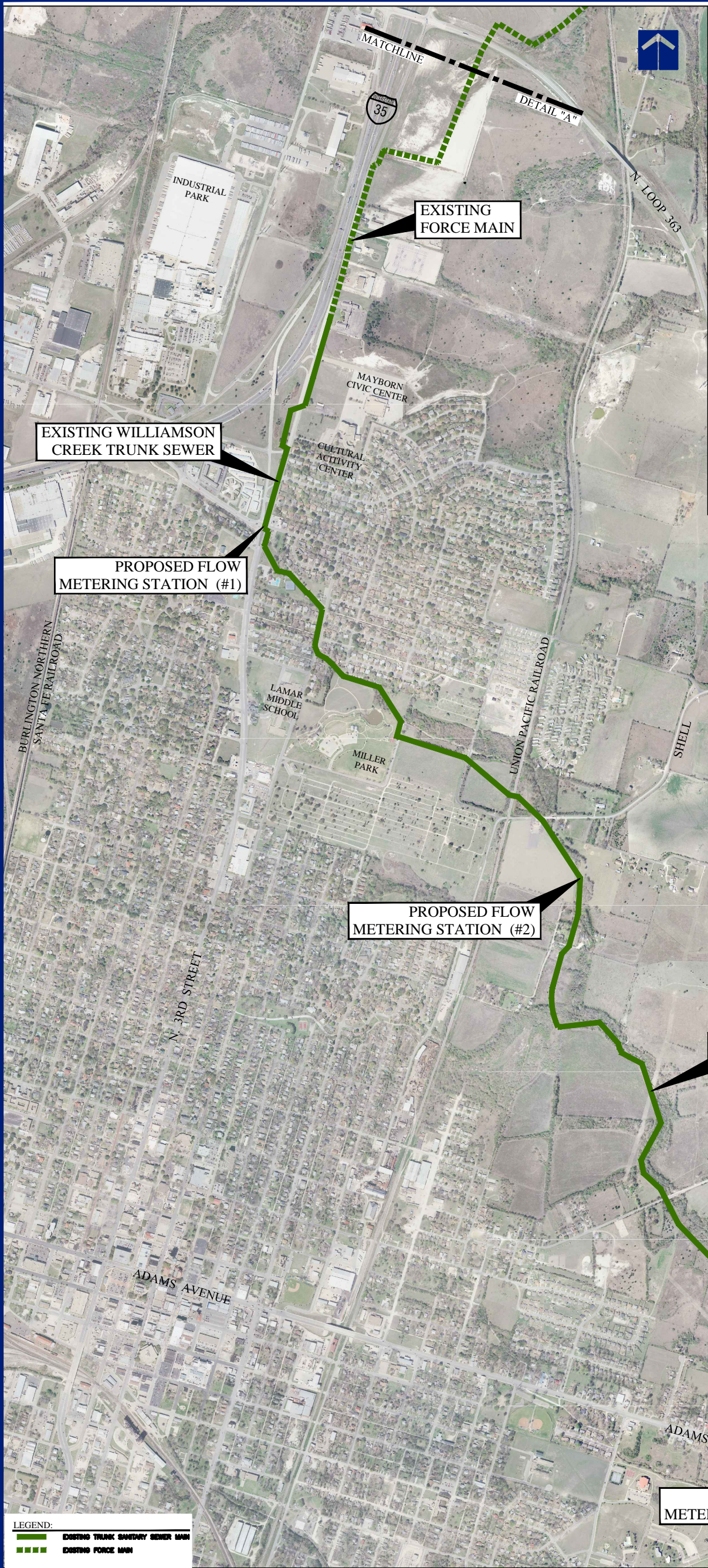
Monty L. Clark, P.E., CPESC

EXHIBIT "A"
Proposal for 2015 City of Temple Williamson Creek Trunk Sewer Investigation
Phase I Engineering Services

Civil Engineering Analysis and Investigation:	\$ 28,250.00
<ul style="list-style-type: none"> • Research Existing Utilities <ul style="list-style-type: none"> ○ Research Existing As-Builts and Record Drawings ○ Provide Coordination with City Utility Crews ○ Provide Miscellaneous Site Visits • Provide Regional Drainage Assessment and Trunk Sewer Analysis of the Williamson Creek Trunk Sewer with found existing conditions and estimated Future Population Growth • Provide Analysis and Sizing Recommendations for the Troy Lift Station <ul style="list-style-type: none"> ○ Analysis and Assessment of Existing Capacity ○ Provide Construction Alternatives • Provide Little Elm Sewer System Analysis and its effect on the Troy Lift Station and Williamson Creek Trunk Sewer • Review and Compile Flow Metering Data • Identification of Trunk Sewer Capacity Issues • Identification of Construction Issues and Major Obstacles • Assess Opportunities to Alleviate and Combine Existing Parallel Mains • Analyze System to for potential removal of Excessive Manholes and Parallel Sanitary Sewer Mains • Provide Map Overlay IH-35 Construction and Assess Impact on Existing Sewer System • Provide the City of Temple Engineering Department with Construction Alternatives and Recommendations • Project Prioritizing List Based upon Line Clogging and Deterioration, and Capacity Issues Found during Investigation and Analysis • Provide Preliminary Design Phasing • Provide Engineers Opinion of Construction Cost and Probable Days to Complete Project Construction (also to be provided 6 months and 12 months after completion of study) • Attend and Facilitate Project Coordination with the City Staff and/or City Council • Provide Final Engineers Report and Project Maps 	
GPS Topographic Services	\$ 4,500.00
<ul style="list-style-type: none"> • Topographic Survey via GPS of Existing Trunk Sewer Manholes • Reference topographic points to NAD83 Coordinates 	
TV Camera and Video Recording of Existing Trunk Sewer Main:	\$ 49,250.00
<ul style="list-style-type: none"> • Video Inspections of Existing Trunk Sewer Main (Approx. 13,670 Linear Feet) • Provide the City of Temple Engineering Department with (2) Copies in DVD Format of Line Camera'ing • Coordinate Line Clearing and Report Areas of Concern to the City of Temple Utility Department <p><i>All areas within the above scope will be attempted. If an area is obstructed, not visible due to water or otherwise unable to be videoed without use of a vac truck, jet truck, rodding or other means of clearing, attempts will be ceased and the area will be assumed in need of repair and replacement.</i></p>	
Flow Monitoring of Existing Trunk Sewer:	
60 Day with I/I Analysis	\$ 65,524.00
<ul style="list-style-type: none"> • Provide Management and Supervision • Flow Meter Investigation (5 Meters) • Flow Meter Installation (5 Meters) • Rain Gauge Investigation and Installation (4 Gauges) • Provide Monthly Reporting 	
Additional Services 30 Day Extension (Flow Meters)	\$120.00 meter per day

PROFESSIONAL FEE SCHEDULE

Licensed Professional Engineer	\$ 120.00/hr.
Licensed Professional Structural Engineer	\$ 210.00/hr.
Licensed Professional Architect	\$ 125.00/hr.
Design Technician	\$ 70.00/hr.
CADD Technician	\$ 60.00/hr.
CADD Draftsman	\$ 50.00/hr.
Clerical	\$ 35.00/hr.
Licensed Professional Land Surveyor	\$ 105.00/hr.
Field Crew & Total Station	\$ 130.00/hr.
Survey Research and Schematic Production	\$ 90.00/hr.
Daily On-Site Inspection Services	\$ 45.00/hr.
Landscaping Designer	\$ 70.00/hr.
Expenses	Additional Cost Plus 10%



LEGEND:
— EXISTING TRUNK SANITARY SEWER MAIN
--- EXISTING FORCE MAIN

RESOLUTION NO. 2016-8007-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$147,524, FOR PROFESSIONAL SERVICES REQUIRED FOR PHASE 1 OF THE WILLIAMSON CREEK BASIN WASTEWATER ASSESSMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Williamson Creek Wastewater Basin includes wastewater service to much of the northern and eastern portions of the City of Temple - the primary trunk sewer is several decades old and is about 5.5 miles in length;

Whereas, with recent and upcoming growth and development along the northern part of the basin, an assessment of the main wastewater trunk line is necessary to ensure that the system is properly sized and capable of continuing to provide adequate service to that area;

Whereas, Staff recommends authorizing a professional services agreement with Clark & Fuller, PLLC, in an amount not to exceed \$147,524, to analyze the basin and evaluate the existing conditions and capacity of both the trunk sewer and the associated lift station to serve current and future development;

Whereas, funding is available for this professional services agreement but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 520-5400-535-2623; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a professional services agreement with Clark & Fuller, PLLC, in an amount not to exceed \$147,524, for professional services required for Phase 1 of the Williamson Creek Basin wastewater assessment.

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 **21st** day of **January**, 2016.

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

01/21/16
Item #8(G)
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 Clark & Fuller, PLLC, of Temple in an amount not to exceed \$244,072 to design the Jackson Park Wastewater Line Improvements Project.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The wastewater system near Jackson Park, located north of downtown, is several decades old and is showing signs of aging and failure. The Public Works Utility Services Division has identified specific wastewater lines on the south side of the park for replacement. Please see the attached Map for details. The project will replace approximately 5,300 linear feet of 8" HDPE sewer main via pipe bursting and 1,600 linear feet of 8" PVC sewer main via open trenching.

The attached proposal for professional services from Clark & Fuller includes the following professional services from design through construction:

Survey Services	\$ 49,000
Civil Design	\$ 135,787
Bidding	\$ 2,750
Construction Administration	\$ 14,250
Onsite Representation	\$ 42,285
Total	<u>\$ 244,072</u>

Time required for design is 180 calendar days, and time estimated for construction is 295 calendar days.

FISCAL IMPACT: A Budget Adjustment is being presented to Council for approval to reallocate funding from the contingency account for a professional services agreement with Clark & Fuller, PLLC. Funding in the amount of \$244,072 will be appropriated in account 561-5400-535-6970, project #101476, as follows:

Budget Adjustment Attached for Approval	\$ 244,072
Award of Professional Services Agreement with Clark & Fuller	<u>\$ (244,072)</u>
Remaining Project Funds	<u>\$ -</u>

The preliminary opinion of probable cost for construction is \$1,566,137.

ATTACHMENTS:

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

December 11, 2015

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

Re: Professional Services Proposal for the 2015 City of Temple
Jackson Park Wastewater Line Improvements Project:

Dear Mrs. Torralva,

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

These projects will consist of approximately 5,323 linear feet of new 8" HDPE DR17 Sanitary Sewer Main to be constructed via "pipe bursting" and 1,610 L.F. new 8" PVC SDR 26 Sanitary Sewer Main to be constructed via "open trench" construction. In addition, approximately 43 New Precast 4' Diameter Reinforced Concrete Manholes, 4 New Precast 5' Diameter Manholes, 3 Aerial Creek Crossings, and 190 New Sanitary Sewer Services shall be constructed. These new utility mains are being constructed, within an existing residential subdivision, to replace existing utility mains that are aging and beginning to fail.

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

The proposed timeline for the project design phase is 180 calendar days from the authorization of notice to proceed. Furthermore we estimate the contractor's time to construct to be 295 calendar days.

Clark & Fuller, PLLC, hereinafter Engineer, proposes to the City of Temple, hereinafter Client, Professional Engineering, Inspection, and Surveying Services for a Lump Sum Amount not to exceed \$244,072.00. We estimate the total cost of construction to be \$1,566,137.10 and we estimate the total cost of construction including professional services and contingencies to be \$1,810,209.10. (Please refer to attached Maps, Exhibits, and the Preliminary Opinion of Probable Cost for an itemized breakdown and scope of services.)

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

Sincerely,



Monty L. Clark, P.E., CPESC



EXHIBIT “A”
Professional Services Proposal for
2015 City of Temple Jackson Park Wastewater Line Improvements Project
Scope of Professional Services

Surveying Services:	\$ 49,000.00
<ul style="list-style-type: none"> • Provide Project Elevation Benchmark • Locate Existing Rights of Ways and Property Boundaries • Prepare Design Topography Surveys • Provide Construction Staking <ul style="list-style-type: none"> ○ Final Manhole Locations 	
Civil Engineering Design Phase:	\$ 135,787.00
<ul style="list-style-type: none"> • Research Existing Utilities • Prepare Final Design Construction Documents • Technical Details and Specifications • Provide Engineers Sealed Opinion of Construction Cost and Probable Days to Complete Project Construction • Attend and Facilitate Project Coordination with the City Staff • Attendance at Property Owner/Neighborhood Meetings (If required) • Provide Miscellaneous Maps and Exhibit Drawings (If required) 	
Project Bidding Phase:	\$ 2,750.00
<ul style="list-style-type: none"> • Prepare and Distribute Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Prepare and Distribute Digital Copies of Plans, Bid Schedule, and Specifications to the City of Temple Purchasing Department • Attend and Facilitate a Pre-Bid Meeting • Respond to Contractors Request For Information • Prepare and Issue Necessary Addenda • Attendance at Bid Opening • Review Contractor Bids for conformance to Engineers Plans • Provide Bid Tabulation and Sealed Letter of Recommendation to Award Project • Provide Engineers Sealed Opinion of Probable Cost and Number of Days to Construct • Attendance at City of Temple Council Meeting for Construction Project Award 	
Construction Phase:	\$ 14,250.00
<ul style="list-style-type: none"> • Attend and facilitate a Pre-Construction Meeting • Review all Contractor Submittals • Provide Construction Administration and Project “Site” Visits to assist contractor with field construction questions • Assist the City of Temple with Construction Questions and Respond to Requests for Information (RFI’s) • Review Contractor Applications for Payment and insure conformance with percentage of construction complete • Execute Necessary Change Orders • Monthly Contractor Review <ul style="list-style-type: none"> ○ Quality and Timeliness of Work ○ Cooperation with Project Team and General Public • Attend Final Project Inspection • Project Acceptance Letter • Provide Final Inspection Punch List • Prepare Record Drawings (Tolerance: 1' Horizontal and 0.25" vertical for critical elevations) 	
Daily Onsite Construction Inspection Services	\$ 42,285.00
<ul style="list-style-type: none"> • Provide Daily On-Site Project Representation and Inspection Services 	

PROFESSIONAL FEE SCHEDULE

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



2016 CITY OF TEMPLE JACKSON PARK WASTEWATER LINE IMPROVEMENTS PROJECT

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.

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
561-5400-535-69-70	101476	Capital - Bonds / WWL Impr - Jackson Creek Vicinity	\$ 244,072	
561-5000-535-65-32		Capital - Spec Projects / Contingency Fund		244,072
TOTAL.....			\$ 244,072	\$ 244,072

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

To reallocate and appropriate funding for award of a professional services agreement with Clark & Fuller, PLLC for a new project, Wastewater Line Improvements - Jackson Creek Vicinity.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

1/21/2016

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2016-8008-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH CLARK & FULLER, PLLC OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$244,072, FOR DESIGN OF THE JACKSON PARK WASTEWATER LINE IMPROVEMENT PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the wastewater system near Jackson Park, located north of downtown, is several decades old and is showing signs of aging and failure - the Public Works Utility Services Division has identified specific wastewater lines on the south side of Jackson Park which require replacement;

Whereas, this project will replace approximately 5,300 linear feet of 8-inch sewer main via the pipe bursting method and approximately 1,600 linear feet of 8-inch sewer main via open trenching;

Whereas, Staff recommends authorizing a professional services agreement with Clark & Fuller, PLLC, in an amount not to exceed \$244,072, for design of the Jackson Park Wastewater Line Improvement Project;

Whereas, funding is available for this professional services agreement but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 561-5400-535-6970, Project No. 101476; 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 Clark & Fuller, PLLC, in an amount not to exceed \$244,072, for design of the Jackson Park Wastewater Line Improvement Project.

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 **21st** day of **January**, 2016.

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

01/21/16
Item #8(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief
Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing a FY2016 purchase agreement in the estimated annual amount of \$29,652 with Casco Industries, Inc. of Grand Prairie for the purchase of firefighting protective clothing.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of this purchase agreement allows Temple Fire & Rescue to purchase firefighting protection clothing/bunker gear as needed during FY2016 utilizing a multi-agency contract led by the City of North Richland Hills.

In 2010, the City entered into an interlocal agreement with the City of North Richland Hills that allows the City of Temple to utilize contracts competitively solicited by the City of North Richland Hills, and likewise, allows the City of North Richland Hills to utilize contracts competitively solicited by the City of Temple. The City of North Richland Hills awarded a 1-year, multi-agency contract to Casco Industries, Inc. on September 11, 2015 for firefighting clothes and bunker gear. The City of Temple has reviewed the pricing available under the established contract and believes the values to be favorable and beneficial for the City of Temple.

The Fire Department anticipates purchasing 16 sets of protective jackets and trousers during FY2016 utilizing this contract. The 16 sets will be ordered on an as needed basis for new recruits and others whose equipment is no longer serviceable.

FISCAL IMPACT: Funding in the amount of \$29,652 is available in account 110-2230-522-2113 for the purchase of firefighting protective clothing and bunker gear.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2016-8009-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF FIREFIGHTING PROTECTIVE CLOTHING IN THE ESTIMATED ANNUAL AMOUNT OF \$29,652 FROM CASCO INDUSTRIES, INC. OF GRAND PRAIRIE, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2010, the City entered into an interlocal agreement with the City of North Richland Hills that allows the City of Temple to utilize contracts competitively solicited by the City of North Richland Hills, and likewise, allows the City of North Richland Hills to utilize contracts competitively solicited by the City of Temple;

Whereas, the City of North Richland Hills awarded a 1-year, multi-agency contract to Casco Industries, Inc. of Grand Prairie, Texas on September 11, 2015 for firefighting clothes and bunker gear - the City has reviewed the pricing available under that established contract and believes the values to be favorable and beneficial to the City of Temple;

Whereas, the Fire Department anticipates purchasing 16 sets of protective jackets and trousers through this contract - the 16 sets will be ordered on an 'as needed' basis for new recruits and others whose equipment is no longer serviceable;

Whereas, funding for this purchase is available in Account No. 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 purchase of firefighting protective clothing in the estimated annual amount of \$29,652 from Casco Industries, Inc. of Grand Prairie, Texas.

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 this purchase.

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

PASSED AND APPROVED this the **21st** day of **January**, 2016.

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

01/21/16
Item #8(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Nicole Torralva, P.E., Public Works Director
Kenny Henderson, Transportation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the purchase from Texas Highway Products, Ltd. of Round Rock, in the amount of \$72,695 for video detection equipment at five existing signalized intersections.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Currently, intersections at North 3rd Street and West Adams Avenue, North 3rd Street and West Central Avenue, South 3rd Street and West Avenue A, North 31st Street and West Adams Avenue, and North 31st Street and West Central Avenue operate on fixed timing cycles, meaning that the traffic signal cycles in all directions even with no cars present. The addition of video detection equipment at these locations will vastly improve the functionality of these intersections, as video detection will allow for better coordination along Adams and Central Avenues. The City has done business with Texas Highway products and finds them to be a responsible bidder.

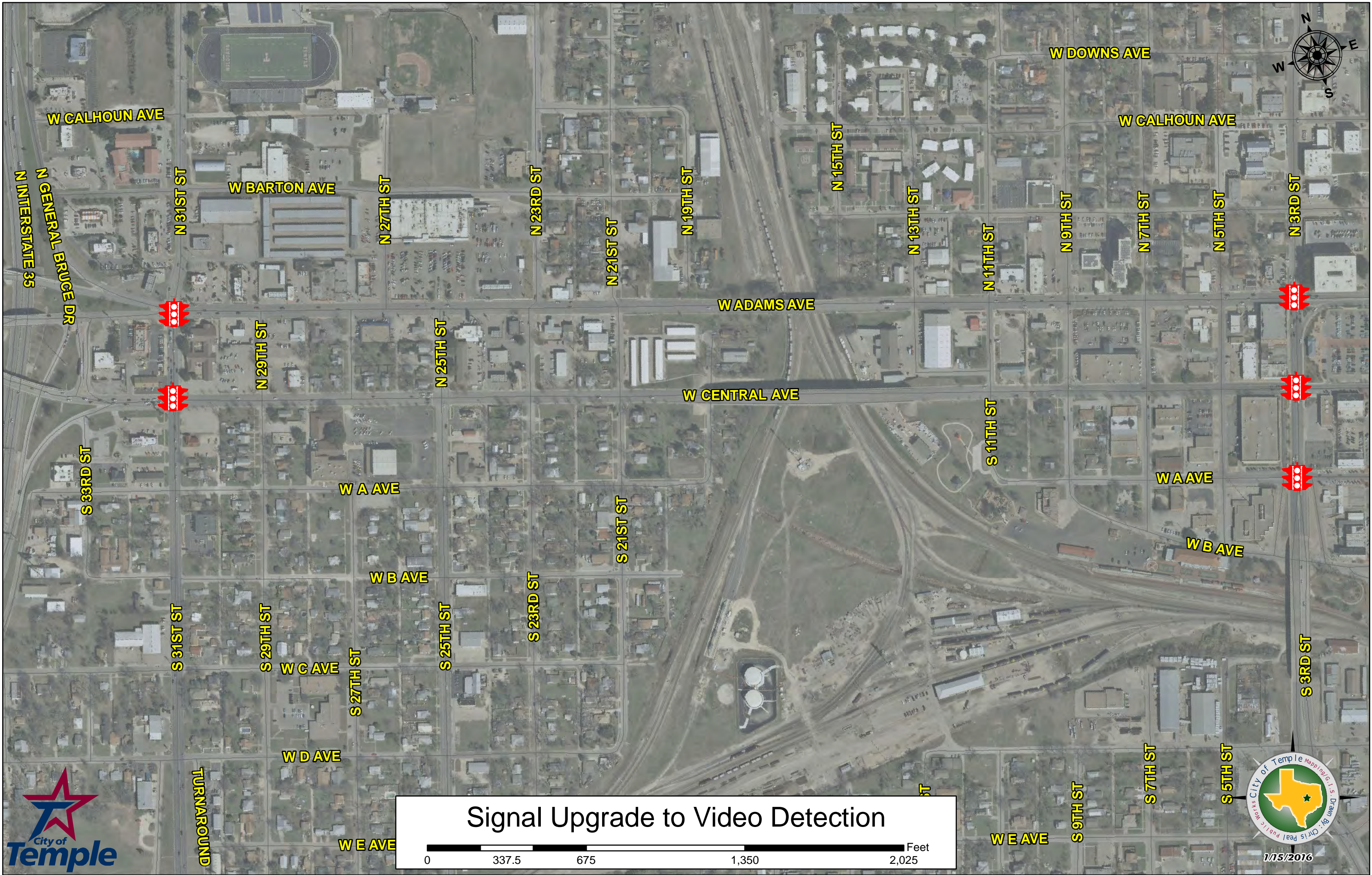
This purchase is being made utilizing a State of Texas TxSmartBuy contract. TxSmartBuy contracts are procured using procurement processes that comply with municipal competitive bidding requirements.

FISCAL IMPACT: Funding is appropriated for the purchase of the video detection equipment from Texas Highway Products of Round Rock in account 110-5900-532-6211, project #101386, as follows:

Budgeted and Available Funding - Upgrade Traffic Signals	\$	75,000
Purchase Video Detection Equip-TX Highway Products	\$	(72,695)
Remaining Funds Available	\$	<u>2,305</u>

ATTACHMENTS:

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



1/15/2010

RESOLUTION NO. 2016-8010-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF VIDEO DETECTION EQUIPMENT FROM TEXAS HIGHWAY PRODUCTS, LTD OF ROUND ROCK, TEXAS, IN THE AMOUNT OF \$72,695, FOR FIVE EXISTING SIGNALIZED INTERSECTIONS, UTILIZING A STATE OF TEXAS TXSMARTBUY CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, currently, intersections at North 3rd Street and West Adams Avenue, North 3rd Street and West Central Avenue, South 3rd Street and West Avenue A, North 31st Street and West Adams Avenue, and North 31st Street and West Central Avenue, operate on fixed timing cycles which means the traffic signal cycles in all directions even with no cars present;

Whereas, the addition of video detection equipment will allow for better coordination along Adams and Central Avenues and will vastly improve the functionality of these intersections;

Whereas, Staff recommends the purchase of video detection equipment for five existing signalized locations from Texas Highway Products, Ltd in the amount of \$72,695, utilizing a State of Texas TxSmartBuy contract – the City has done business with Texas Highway Products in the past and finds them to be a responsible bidder;

Whereas, all purchases made utilizing a State of Texas TxSmartBuy contract are procured using procurement processes that comply with municipal competitive bidding requirements;

Whereas, funding for this purchase is available in Account No. 110-5900-532-6211, Project No. 101386; and

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

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

Part 1: The City Council authorizes the purchase of video detection equipment for five existing signalized locations from Texas Highway Products, Ltd in the amount of \$72,695, utilizing a State of Texas TxSmartBuy contract.

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 this purchase.

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

PASSED AND APPROVED this the **21st** day of **January**, 2016.

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

01/21/16
Item #8(J)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing an amendment to the Office Space Lease between the City of Temple and Morgan Stanley Smith Barney Financing, LLC 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: Morgan Stanley currently rents 3,243 square feet of office space in the Temple Public Library. Morgan Stanley's original lease expired in October, 2013, however an amendment to the original lease was signed in 2013 which extended the lease term until October 31, 2016. Morgan Stanley has requested to renew the lease for another 3-year term.

Morgan Stanley has requested a 3-year extension which will expire in October 2019, but has also requested the option to terminate the lease after only 2 years. Morgan Stanley will have to provide at least six months advance notice before exercising that option.

In year one of the new lease term, Morgan Stanley will pay annual rent of \$11.52/square foot (\$3,113.28 per month). In year two, Morgan Stanley will pay annual rent of \$11.75/square foot (\$3,175.44 per month) and in year three, Morgan Stanley will pay annual rent of \$11.99/square foot (\$3,240.30 per month).

Morgan Stanley will have two 3-year renewal options under this amendment. The rental rate for each renewal will be based on the fair market value of the leased property at the time of the renewal. The first 3-year renewal will be at 95% of fair market value and the second 3-year renewal will be at 100% of fair market value.

The City will agree to pay a commission to Morgan Stanley's broker which will be 3% of the base rent. The City will not agree to pay the commission for any future renewals.

FISCAL IMPACT: The City will receive annual rent in year one of \$37,359.36, in year two \$38,105.25, and in year three \$38,883.57. The rent will be deposited into account 110-0000-461-0937.

A budget adjustment is recommended for Council's approval appropriating \$3,431 to account 110-4000-555-2616 for the 3% commission fee due to Morgan Stanley's broker. The funding for the commission fee will be funded from Library Building rental revenue account 110-0000-461-0937.

ATTACHMENTS:
Budget Adjustment
Resolution

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.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-4000-555-26-16		Contracted Services/Professional	\$ 3,431			
110-0000-461-09-37		Rental Income-Library Building			3,431	
TOTAL.....			\$ 3,431		\$ 3,431	

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

To reallocate and appropriate the expenditures to cover costs related to the commission fee on Morgan Stanley Lease at the Library Building. The lease is for a 3-year term, and a total of \$114,348.18 of revenue. Morgan Stanley's broker fee is 3% of the total amount of the lease.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

1/21/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved
☐ Disapproved

Finance

Date

☐ Approved
☐ Disapproved

City Manager

Date

☐ Approved
☐ Disapproved

RESOLUTION NO. 2016-8011-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT WITH MORGAN STANLEY SMITH BARNEY FINANCING, LLC FOR LEASE OF SPACE IN THE E. RHODES AND LEONA B. CARPENTER FOUNDATION BUILDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Morgan Stanley currently leases 3,243 square feet of office space in the Temple Public Library - Morgan Stanley's original lease expired in October, 2013, however an amendment to the original lease was signed in 2013 extending the term of the lease through October 31, 2016;

Whereas, Morgan Stanley has requested to renew its lease for an additional 3-year term which will then cause the lease to expire in October 2019 – however, Morgan Stanley has also requested the option to terminate the lease after 2 years and will provide at least six months advance notice before exercising that option;

Whereas, in year one of the new lease term, Morgan Stanley will pay annual rent of \$11.52 per square foot (\$3,118.28 per month), in year two, Morgan Stanley will pay annual rent of \$11.75 per square foot (\$3,175.44 per month), and in year three, Morgan Stanley will pay annual rent of \$11.99 per square foot (\$3,240.30 per month);

Whereas, the lease amendment with Morgan Stanley will have two 3-year renewal options with the rental rate for each renewal based on fair market value of the leased property at the time of the renewal - the first 3-year renewal will be at 95% of fair market value and the second 3-year renewal will be at 100% of fair market value;

Whereas, Staff recommends authorizing an amendment to the lease with Morgan Stanley Smith Barney Financing, LLC for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library) for an additional 3-year term, with the option to terminate the lease after two years;

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 City will pay a commission to Morgan Stanley's broker for this renewal which will be 3% of the base rent, but will not pay commission for any future renewals;

Whereas, the City will receive annual rent in year one of \$37,359.36, in year two \$38,105.25, and in year three \$38,883.57;

Whereas, a budget adjustment needs to be approved to appropriate the 3% commission fee due to Morgan Stanley's broker to Account No. 110-4000-555-2616 - funding for the commission fee will be funded from Account No. 110-0000-461-0937; 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 Morgan Stanley Smith Barney Financing, LLC for lease of space in the E. Rhodes and Leona B. Carpenter Foundation Building (Temple Public Library) to add an additional 3-year term.

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 **21st** day of **January**, 2016.

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

01/21/16
Item #8(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract in the amount of \$51,962 with Goddard Enterprises of Edmond, OK for the installation of two outdoor warning sirens.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of this item will allow the execution of a construction contract with Goddard Enterprises for the construction of two additional Federal Signal outdoor warning sirens as approved in the 2015-2016 budget.

The City of Temple currently operates an outdoor warning siren system which currently consists of 22 Federal Signal warning sirens spaced in various locations throughout the city to provide an advanced warning of severe weather to those who are outdoors and not able to monitor other information sources. Each warning siren can adequately warn approximately a one mile circumference surrounding the siren location. In late 2014, a review of the outdoor warning siren coverage area showed a gap of coverage in three areas of the city. The addition of two new siren locations will work toward closing those gaps in coverage for the city. One siren will be installed in West Temple to provide coverage to the far west area of the City limits and Temple Lake Park. The second siren will be installed at the area of Bend of the River on the far south border of the city near the I-35 corridor.

The City currently operates a Federal Signal outdoor warning siren system. In order for the two new sirens to interface with the system, Federal Signal sirens must be used. Federal Signal has restricted the distribution of its sirens through authorized regional distributors/installers. The only regional distributor/installer in the Central Texas region is Goddard Enterprises. Accordingly, staff is recommending this contact with Goddard Enterprises as the single source supplier. Staff believes that the pricing is fair and reasonable based on historical purchases.

Construction of this project is expected to be complete by May 2016 based on 120 designated construction days.

FISCAL IMPACT: Funding for this purchase and installation is appropriated in account 110-5900-522-6211, project 101348, as follows:

Project Budget	\$51,962
Encumbered/Committed To Date	-
Construction Contract - Goddard Enterprises	(51,962)
Remaining Funds	\$ -

ATTACHMENTS:
[Resolution](#)

RESOLUTION NO. 2016-8012-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH GODDARD ENTERPRISES OF EDMOND, OKLAHOMA, IN THE AMOUNT OF \$51,962, FOR THE INSTALLATION OF TWO OUTDOOR WARNING SIRENS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City currently operates an outdoor warning siren system which consists of 22 Federal Signal warning sirens spaced in various locations throughout the city to provide an advanced warning of severe weather to those who are outdoors and not able to monitor other information sources;

Whereas, each warning siren can adequately warn approximately a one mile circumference surrounding the siren location, however, in late 2014, a review of the outdoor warning siren coverage area showed a gap of coverage in three areas of the city;

Whereas, the purchase of two additional outdoor warning sirens will work toward closing the gaps in coverage for the city - one siren will be installed in West Temple to provide coverage to the far west area of the City limits and Temple Lake Park and the second siren will be installed at the area of Bend of the River on the far south border of the city near the I-35 corridor;

Whereas, the City currently operates a Federal Signal outdoor warning siren system and in order for the two new sirens to interface with the system, Federal Signal sirens must be used;

Whereas, Federal Signal has restricted the distribution of its sirens through authorized regional distributors/installers and the only regional distributor/installer in the Central Texas region is Goddard Enterprises of Edmond, Oklahoma;

Whereas, Staff recommends a contact with Goddard Enterprises as the single source supplier of Federal Signal outdoor warning sirens and Staff believes that the pricing is fair and reasonable based on historical purchases;

Whereas, funding is available for the purchase and installation of two outdoor warning sirens in Account No. 110-5900-522-6211, Project No. 101348; 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 Goddard Enterprises of Edmond, Oklahoma, in the amount of \$51,962 for the installation of two outdoor warning sirens.

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 **21st** day of **January**, 2016.

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

01/21/16
Item #8(L)
Consent Agenda
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DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing a deductive change order to the construction contract with Ranger Excavating, LP, of Austin in the amount of \$18,902.20 for the construction of the North Lucius McCelvey Extension.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On October 2, 2014, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP, to design, bid, and provide construction phase services for the North Lucius McCelvey Extension in an amount not to exceed \$228,550.

On April 16, 2015, Council authorized a construction contract with Ranger Excavating to construct the extension in the amount of \$2,045,856.20.

This change order (attached) for \$18,902.20 is a net deductive change split into two categories: roadway and drainage channel. See below for a breakdown of each category.

Roadway

Deductions:

Unclassified excavation	(\$36,886.50)
Unclassified Fill	(\$13,700.70)
12-Inch Lime Treated Subgrade	(\$63,852.00)
Total Deducts	<u>(\$114,439.20)</u>

Additions

12-Inch Select Fill	\$37,560.00
Seal Cold Joints in RCC	\$32,702.00
Seal Control Joints in RCC	<u>\$10,575.00</u>
Total Adds	<u>\$80,837.00</u>

Total Roadway Change **(\$33,602.20)**

Drainage Channel

Additions

Unclassified excavation	\$10,500.00
Unclassified Fill	<u>\$4,200.00</u>

Total Channel Change	<u>\$14,700.00</u>
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Net Deductive Change Order	<u>(\$18,902.20)</u>
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Staff agrees with the attached Engineer's Recommendation that these changes benefit the project and recommends approval.

FISCAL IMPACT: Funding will be recognized in account 795-9500-531-6564, project #101252, for the deductive Change Order #1 for Ranger Excavating, LP as follows:

Project Budget	\$2,294,576
Encumbered/Committed To Date	(2,283,668)
Deductive Change Order #1 for Ranger Excavating, LP	<u>18,902</u>
Remaining Project Funds	<u>\$ 29,810</u>

ATTACHMENTS:

[Project Map](#)

[Engineer's Recommendation Letter](#)

[Change Order](#)

[Resolution](#)



Temple
TEXAS
ECONOMIC DEVELOPMENT CORP.

North Lucius McCreary
Extension Project
(Buzzi Site)



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

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

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 15, 2015

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

Re: City of Temple, Texas
North Lucius McCelvey Extension Project

Dear Mr. Billeck:

Attached is Change Order #1 for the North Lucius McCelvey Extension Project. This change order is comprised of elements to accommodate changes in quantity for unclassified excavation and fill from the elevation changes requested by Buzzi Unicem, changes to the subgrade of the Roller Compacted Concrete and the additional of sealed control and cold joints. The total effect of the change order is a reduction of the original contract amount by \$18,902.20. Please see below for a detailed description of each item.

ADD ITEMS:

- Bid Item 8 – Unclassified Excavation (Channel) – This item will add 2,100 cubic yards of channel excavation to the project with the revision to the grading requested by Buzzi Unicem. The price is the unit price bid.
- Bid Item 9 – Unclassified Fill (Channel) - This item will add 2,100 cubic yards of channel excavation to the project with the revision to the grading requested by Buzzi Unicem. The price is the unit price bid.
- CO1-1 – 12-inch Select Fill – After the project was bid, the contractor requested to review an option of utilizing on site select fill in lieu of 12 inches of lime stabilized subgrade. Mr. Bryan Moulin, P.E. with Terracon, the engineer of record for the paving sections, reviewed the option and approved it as an equivalent section. The total effect is a savings to the project. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.
- CO1-2 – Seal Cold Joints in RCC – With the savings to the project we requested a cost to seal the cold joints in the RCC pavement. We recommend adding this to the project. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.

- CO1-3 – Seal Control Joints in RCC – With the savings to the project we requested a cost to seal the cold joints in the RCC pavement. We recommend adding this to the project. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.

DELETE ITEMS:

- Bid Item A-2 – Unclassified Excavation (Roadway) - This item will deduct 10,539 cubic yards of roadway excavation from the project with the revision to the grading requested by Buzzi Unicem. The price is the unit price bid.
- Bid Item A-3 – Unclassified Fill (Roadway) - This item will deduct 10,539 cubic yards of roadway fill from the project with the revision to the grading requested by Buzzi Unicem. The price is the unit price bid.
- Bid Item 10 – 12-inch Lime Treated Subgrade (6%) - After the project was bid, the contractor requested to review an option of utilizing on site select fill in lieu of 12 inches of lime stabilized subgrade. Mr. Bryan Moulin, P.E. with Terracon, the engineer of record for the paving sections, reviewed the option and approved it as an equivalent section. The total effect is a savings to the project.

We have reviewed Change Order #1 and recommend it be processed and executed with respect to the Ranger Excavating, L.P. construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Will Lyons, Ranger Excavating, LP
KPA Project File: 2014-127-40

CHANGE ORDER

PROJECT North Lucius McCelvey Extension
 OWNER: City of Temple
 CONTRACTOR: Ranger Excavating, LP
 ENGINEER: Kasberg, Patrick & Associates, LP
 CHANGE ORDER #: 1

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

Delete:

Item	Description	Quantity	Unit	Cost	Total
A-2	Unclassified Excavation (Roadway)	(10,539)	SY	\$ 3.50	\$ (36,886.50)
A-3	Unclassified Fill (Roadway)	(10,539)	SY	\$ 1.30	\$ (13,700.70)
10	12-inch Lime Treated Subgrade (6%)	(6,260)	SY	\$ 10.20	\$ (63,852.00)
Total Delete					\$ (114,439.20)

Add:

Item	Description	Quantity	Unit	Cost	Total
8	Unclassified Excavation (Channel)	2,100	SY	\$ 5.00	\$ 10,500.00
9	Unclassified Fill (Channel)	2,100	SY	\$ 2.00	\$ 4,200.00
CO1-1	12-inch Select Fill	6,260	SY	\$ 6.00	\$ 37,560.00
CO1-2	Seal Cold Joints in RCC	8,300	LF	\$ 3.94	\$ 32,702.00
CO1-3	Seal Control Joints in RCC	7,500	LF	\$ 1.41	\$ 10,575.00
Total Delete					\$ 95,537.00


Change Order Total \$ (18,902.20)

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

Original Contract Amount	\$ 2,045,856.20
Previous Net Change in Contract Amount	\$ -
Net Change in Contract Amount	\$ (18,902.20)
Revised Contract Amount	\$ 2,026,954.00
Original Contract Time	180 days
Previous Net Change in Contract Time	0 days
Net Change in Contract Time	0 days
Revised Contract Time	180 days
Original Final Completion Date	January 2, 2016
Revised Final Completion Date	January 2, 2016

Recommended By Engineer:

Approved By Contractor:

By  10/15/15
Date

By  10/15/15
Date

Approved by City of Temple:

Approved as to Form:

By:
Jonathan Graham, City Manager

By:
City Attorney's Office Date

Approved by Finance Department

By:
Date

RESOLUTION NO. 2016-8013-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$18,902.20, TO THE CONSTRUCTION CONTRACT WITH RANGER EXCAVATING, LP OF AUSTIN, TEXAS, FOR CONSTRUCTION OF THE NORTH LUCIUS MCCELVEY EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on October 2, 2014, Council authorized a professional services agreement with Kasberg, Patrick & Associates, LP (“KPA”), to design, bid, and provide construction phase services for the North Lucius McCelvey Extension;

Whereas, on April 16, 2015, Council authorized a construction contract with Ranger Excavating, LP of Austin, Texas, to construct the North Lucius McCelvey Extension in the amount of \$2,045,856.20;

Whereas, this deductive change order is split into two categories: roadway and drainage channel – it is Staff and KPA’s recommendation to authorize this deductive change order as it will benefit the project;

Whereas, funds from this deductive change order will be recognized in Account No. 795-9500-531-6564, Project No. 101252; 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 deductive change order in the amount of \$18,902.20, to the construction contract with Ranger Excavating, LP for construction of the North Lucius McCelvey Extension.

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 **21st** day of **January**, 2016.

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

01/21/15
Item #8(M)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Chuck Ramm, Parks and Recreation Assistant Director

ITEM DESCRIPTION: SECOND READING - Consider adopting an ordinance regarding the City of Temple's Youth Program Standards of Care.

STAFF RECOMMENDATION: Adopt ordinance as presented on second and final reading.

ITEM SUMMARY: On August 19, 2004, City Council adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department. The standards were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS). One of the requirements of the TDPRS is for Cities that conduct youth programs to adopt a Standards of Care policy. The purpose of the policy is to assure the community that when they place their child/children in one of our programs our facilities are safe, a background check has been conducted on our staff and that they are properly trained for the program they will be conducting.

Some of the key elements of the City or Temple standards include:

- Defining a participant as a youth, ages 5-13, whose parent(s) have completed all required registration procedures and is determined to be eligible for a Temple Youth Program
- Ensuring that criminal background checks will be conducted on prospective youth program employees
- Stating that as soon as possible after employment all appropriate staff will complete a course in first aid and Cardiopulmonary Resuscitation (CPR).
- Stating that the Parks and Recreation Department will provide training and orientation to program employees and that staff will be provided with a program manual specific to each Youth Program.
- Indicating that in a Temple youth recreation program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 13 years of age.

- Assuring parents that they will be notified immediately if a:
 - (1) participant is injured
 - (2) participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness)
 - (3) if there is an outbreak of any communicable disease that is reportable to the State Department of Health.
- Confirming that all program sites will have an annual fire inspection by the City Fire Marshall prior to September 1st of each year.
- Requiring the Parks and Recreation Director to provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

In 2015, average daily attendance at our afterschool sites decreased from 311 children to 300. The summer camp average for 2015 was 257. In 2014, it was 236. All training and inspection requirements were met.

Each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations we believe necessary to change the Child Care Ordinance. City Council is then asked to conduct a public hearing, approve the report and adopt the Standards of Care after conducting a public hearing.

We are not recommending any changes to the current (and proposed) Child Care Ordinance.

FISCAL IMPACT: None

ATTACHMENTS:

[2015 Child Care Standards Report](#)
[2016 Child Care Standards Ordinance](#)

Parks and Leisure Services Department
Child Care Standards Annual Report
2015

Throughout the 2015 school year, the City of Temple Parks and Leisure Services Department provided after-school programs for boys and girls ages 5-13 at four Temple I.S.D campuses, four Belton I.S.D campuses and St. Mary's Catholic School. The department also organized two summer camps, a spring break camp (Camp Adventure), and a holiday camp (Camp Holidayze) for children ranging from 5 to 13 at the Wilson Recreation Center.

After School Programs

The after-school programs run concurrent with each of the schools including holidays and teacher workdays. Children attended the programs from 3:00 p.m. to 6:00 p.m. Monday through Friday. On teacher workdays and school holidays, the program is offered from 7am – 6pm at Wilson Park Recreation Center.

The children are provided with a quality recreation program that includes activities such as tutoring and dedicated homework/educational sessions, arts and crafts, athletics, gym games, etc. The children are also provided a healthy snack. The after school programs are staffed with part-time employees but supervised by a full time Program Coordinator and Recreation Specialist.

<u>Location</u>	<u>Attendance (daily average)</u>	
	2014	2015
Thornton Elementary	30	31
Western Hills	14	14
Kennedy Powell	42	43
Cater	21	20
Lakewood	42	45
Pirtle	48	44
Tarver	41	43
St. Mary's	28	17
High Point	45	43

Camps

Summer camps included Camp Heatwave, which took place at the Wilson Park Recreation Center and Camp Horizon which was held at Tarver Elementary School. Camp Heatwave and Horizon were 11 week programs. Both camps were staffed with part-time recreation leaders and supervised by a full-time Recreation Specialist and a Recreation Coordinator. Because of numerous waitlisted children seeking participation in our camps the Department is looking into a third site for camp at Kennedy-Powell Elementary School. The same staffing format also occurred at Camp Holidayze and Camp Adventure

The summer camp schedule was 7:00 a.m. to 6:00 p.m. Monday through Friday. The children participated in a variety of activities including arts and crafts, athletics, swimming, field trips, hiking, disc golf, archery, outdoor adventure programs, etc. The children at Camp Heatwave were provided a lunch and an afternoon snack from the Temple I.S.D. summer lunch program.

Each participant submitted a signed waiver, registration form and emergency contact information.

Camp Name**Attendance (daily average)**

	<u>2014</u>	<u>2015</u>
Camp Holiday (Christmas Break)	63	60
Camp Adventure (Spring Break)	93	91
Camp Heatwave (Summer Camp)	153	165
Camp Horizon (Summer Camp)	83	92

Scholarships

Parents who are in need of financial support are provided the opportunity to apply for assistance. Based upon the guidelines adopted by The Parks and Leisure Services Advisory Board, 78 participants received aid in the form of reduced fees.

After School Program

25 – 50% reduced (Parents paid \$20 per child, weekly)

7 – 20% reduced (Parents paid \$32 per child, weekly)

Camp Heatwave, Quest, Horizon

35 – 50% reduced (Parents paid \$35 per child, weekly)

11 – 20% reduced (Parents paid \$56 per child, weekly)

At the beginning of the 2012-2013 school year, the Parks and Leisure Services Advisory Board adopted new guidelines for scholarships.

Inspection Schedule

The Wilson Recreation Center and all after school sites were inspected in April, May and December 2015 for any hazards or potential problems by the Recreation Superintendent. None were noted.

The Wilson Recreation Center passed the annual fire inspection in October, 2015

All school sites were inspected by the Fire Marshall.

Training

Per the adopted Childcare Standards, all staff are CPR/First Aid trained within one year of their hire date. Training occurs twice each year.

All staff who worked with children attended a minimum of 12 hours of training pertinent to their programming responsibilities.

All staff were given quarterly safety training.

All training requirements were met.

Recommendations

Seek permission from TISD for a third site within Temple's West side to accommodate the 100+ waitlisted campers from FY 2015.

TEMPLE YOUTH PROGRAMS' STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Temple, Texas to pursuant to with Texas Human Resources Code Section 42.041(14). The Standards of Care are the minimum standards by which the City of Temple Parks and Recreation Department will operate the City's Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Temple youth programs is the Temple City Council.
- B. Implementation of the Youth Program Standards of Care is the responsibility of the Superintendent of Recreation.
- C. Youth Programs ("Program") to which these Standards will apply are the programs held at the Wilson Recreation Center and other "Outreach" programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- D. Each Youth Program site will have available for public and staff review a current copy of the Standards of Care.
- E. Standards of Care will be made available on the Parks and Recreation Website www.templeparks.com.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
 - (1) felony or a misdemeanor classified as an offense against a person or family;
 - (2) felony or misdemeanor classified as public indecency;
 - (3) felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) offense involving moral turpitude;
 - (5) offense that would potentially put the City of Temple at risk.

2. Definitions

- A. City: City of Temple
- B. City Council: City Council of the City of Temple
- C. Department: Recreation Division of the Parks and Recreation Department of the City of Temple
- D. Youth Programs or Program: City of Temple youth programs held at the Wilson Recreation Center, and “Outreach” programs currently operated by the City of Temple. Other programs may be subsequently designated by the City of Temple.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Temple Youth Programs
- F. Director: City of Temple Director of Parks and Recreation or his or her designee
- G. Recreation Superintendent: person responsible for the overall oversight of the Parks and Recreation
- H. Program Coordinator or Coordinator: City of Temple, Parks and Recreation Department full-time recreation staff person who has been assigned administrative responsibility for a Temple Youth Program
- I. Recreation Specialist: City of Temple, Parks and Recreation Department full-time recreation staff person who has been assigned day to day responsibilities to implement the City’s Youth Program.
- J. Recreation Leader or Leaders: City of Temple, Parks and Recreation Department part-time employee who has been assigned responsibility to conduct the City’s Youth Programs
- K. Program Site: Any area or facility where Temple Youth Programs are held
- L. Participant: A youth, ages 5-13, whose parent(s) have completed all required registration procedures and determined to be eligible for a Temple Youth Program
- M. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Temple Youth Programs
- N. Employee(s): Term used to describe people who have been hired to work for the City of Temple, Parks and Recreation Department and have been assigned responsibility for managing, administering, implementing or conducting some portions of the Temple Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Recreation Superintendent to confirm the Standards of Care are being adhered to.
 - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
 - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Recreation Superintendent will make visual inspections of the facilities based on the following schedule:
 - (1) pre-summer check in May of each year
 - (2) winter check in January
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. All complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Unresolved complaints regarding enforcement of the Standards of Care will be addressed by the Recreation Superintendent, and should they still not be resolved, by the Director. The complaint and the resolution will be documented.
- D. The Director will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

- A. All children participating in the program must be 5 years of age. Before a child can be enrolled, the parents must sign registration forms that contain the child's:
 - (1) name, address, home telephone number;
 - (2) name and address of parents and telephone during program hours;
 - (3) names and telephone numbers of people to whom the child can be released;
 - (4) statement of the child's special problems or needs;
 - (5) proof of residency when appropriate;

- (6) liability waiver which also includes permission for field trips and emergency medical authorization.
- (7) any medicines the child may be taking

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code.

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, employees of the Temple Parks and Recreation Department and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have two years' experience planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Temple, but within one year, Coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.

- C. Coordinators are responsible to plan, implement, and evaluate programs.

8. Recreation Leader (“Leader”) Qualifications

- A. Leaders will be full-time, part-time or temporary employees of the Parks and Recreation Department.
- B. Leaders working with children must be age sixteen (16) or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. As soon as possible, but within one year of hiring, all of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Temple, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leader must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Temple Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A leader must be with participants at all times or aware of the participants location.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; and organization.
- F. All program employees will receive 10 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Temple Youth Program school, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants for children 5 years to 14 years of age.
- B. In a Belton Youth Program school, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 15 participants for children 5 years to 14 years of age.
- C. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

- A. Parents must be notified immediately if:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).

- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.
- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities,
 - (2) opportunity for individual and group activities, and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.

- (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
- (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.
- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Temple ambulance or emergency medical services.
 - (2) Temple Police Department.
 - (3) Temple Fire Department.
 - (4) Poison Control.
 - (5) The telephone number for the site itself.
 - (6) Numbers at which parents may be reached.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- H. The list of Program sites will be provided to the Bell County Health District- Environmental Health Division so that the Health Division can conduct health inspection(s).

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site(s) will have an annual fire inspection by the City Fire Marshall prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.
- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The City will contact the Health Department and request an annual health inspection by the Health Department prior to September 1 of each year, and the resulting report will detail any safety concerns observed, the report will be forwarded to the Director who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ADOPTING THE TEMPLE YOUTHS' PROGRAM STANDARDS OF CARE POLICY FROM THE PARKS AND RECREATION DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on August 19, 2004, City Council first adopted the Standards of Care for youth programs sponsored by the Parks and Recreation Department which were developed after the department was contacted by the Texas Department of Protective and Regulatory Services (TDPRS);

Whereas, one of the requirements of the TDPRS is for cities that conduct youth programs to adopt a Standards of Care policy annually – the purpose is to assure the community that when they place their child/children in one of the City of Temple's programs, the facilities are safe, a background check has been conducted on the staff, and they are properly trained for any program they conduct;

Whereas, in 2015, the average daily attendance at the afterschool sites decreased from a daily average of 311 children to 300 with the summer camp average rising from 236 in 2014 to 257 in 2015;

Whereas, the Temple Youths' Program Standards of Care policy, attached hereto as Exhibit 'A,' outlines several key elements including the average daily attendance at all afterschool sites;

Whereas, each year the Parks and Recreation Department is required to review the previous year's afterschool and camp programs and develop an annual report, including making any recommendations Staff believes is necessary to change the Child Care Ordinance – Staff is not recommending any changes to the current (and proposed) Child Care Ordinance at this time; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council adopts the Temple Youths' Program Standards of Care Policy from the Temple Parks and Recreation Department, which is required by the Texas Department of Protective and Regulatory Services and which assures the community that the City of Temple's facilities are safe, a background check has been conducted on the staff and they are properly trained for any program they conduct, as outlined in Exhibit 'A' attached hereto and incorporated herein for all purposes.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **17th day of December, 2015.**

PASSED AND APPROVED on Second Reading on the **21st day of January, 2016.**

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:

Jonathan Graham, City Manager

Kevin Beavers, Director of the Parks & Recreation Department

ITEM DESCRIPTION: Consider adopting a resolution authorizing the City Manager to accept the donation of approximately 8.955 acres of land located along Texas State Highway 317 and in the Baldwin Robertson Survey, Abstract No. 17, Temple, Bell County, Texas.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Central Texas Castles, Ltd. ("CTC") currently owns approximately 8.955 acres of undeveloped land located along Texas State Highway 317, north of Poison Oak Road and south of Trail Ridge Drive. CTC recently approached City Staff with an offer to donate the property to the City. The property is located in the southwest part of the City where a community park is needed. Staff is interested in acquiring the property and has a preliminary plan to construct a community park. CTC is willing to execute a "Gift Special Warranty Deed" which will convey the property to the City.

Staff is seeking authorization to accept the donation of the property described above.

FISCAL IMPACT: The City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal. The value according to the tax rolls for the 8.955 acres of land is \$83,402.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. 2016-8014-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE DONATION OF APPROXIMATELY 8.955 ACRES OF LAND LOCATED ALONG TEXAS STATE HIGHWAY 317, AND IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, TEMPLE, BELL COUNTY, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Central Texas Castles, Ltd. (“CTC”) currently owns approximately 8.955 acres of undeveloped land located along Texas State Highway 317, north of Poison Oak Road and south of Trail Ridge Drive – CTC recently approached Staff with an offer to donate the property to the City;

Whereas, the property is located in the southwest part of the City where a community park is needed - Staff is interested in acquiring the property and has a preliminary plan to construct a community park at this location;

Whereas, CTC is willing to execute a “Gift Special Warranty Deed” which will convey the property to the City and Staff recommends acceptance of this land donation;

Whereas, the City will be responsible for future maintenance of the property and any costs associated with the closing transaction on the land which will be nominal; and

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

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

Part 1: The City Council authorizes the City Manager to accept the donation from Central Texas Castles, Ltd. of approximately 8.955 acres of land located along Texas State Highway 317 and in the Baldwin Robertson Survey, Abstract No. 17, Temple, Bell County, Texas.

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 acceptance of this donation.

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 **21st** day of **January** 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

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DEPT./DIVISION SUBMISSION & REVIEW:

Traci Barnard, Director of Finance

ITEM DESCRIPTION: Consider adopting a resolution authorizing budget amendments for fiscal year 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 \$600,942.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
January 21, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-1800-525-2214		Capital < \$5,000 / Building & Grounds	\$ 1,896	
110-0000-452-0456		Municipal Court Restricted Fess / Security Fees		\$ 1,896
<p>To appropriate funding from Municipal Court Restricted Fees for the installation of a bank of switches to control the lightening in sections. Currently, the lights in the courtroom function as "all or nothing". The judge and bailiff determined it was a security and safety issue to turn off all the lights during court trials to view the video screen.</p>				
110-xxxx-5xx-1xxx		General Fund - Performance Pay	\$ 426,356	
110-1500-515-6531		Contingency - Judgement & Damages		\$ 34,318
110-1500-515-6536		Contingency - Compensation		\$ 375,000
110-3400-531-2338		Repair & Maintenance / Maintenance Contracts		\$ 17,038
520-xxxx-535-1xxx		Water Fund - Performance Pay	\$ 80,091	
520-5000-535-6536		Contingency - Compensation		\$ 64,000
520-5000-535-2616		Contracted Services - Professional		\$ 1,303
520-5000-535-6532		Contingency - Cont Fund Balance		\$ 14,788
292-2900-534-1xxx		Drainage Fund - Performance Pay	\$ 19,309	
292-2900-534-6536		Contingency - Compensation		\$ 10,300
292-2900-534-2317		Repair & Maintenance / Drainage Systems		\$ 9,009
240-xxxx-551-1xxx		Hotel/Motel Fund - Performance Pay	\$ 19,290	
240-4400-551-6536		Contingency - Compensation		\$ 13,300
240-4400-551-2616		Contracted Services - Professional		\$ 206
240-0000-358-1110		Undesignated Fund Balance		\$ 5,784
<p>To appropriate funds for the 2% and 4% Performance Pay for all eligible employees, as well as, selected market adjustments.</p>				
110-2011-521-1119		Salaries / Overtime	\$ 25,000	
110-0000-442-0718		Police Revenue / Police Overtime		\$ 25,000
<p>To appropriate revenue and expenditures related to the agreement with Temple Retail for the provision of the City providing Officers and Supervisors necessary to carry out the patrol services in and around the Temple Mall. Temple Retail will reimburse the City for the actual overtime salary and benefits of the police officers carrying out scheduled patrol services.</p>				
110-3500-552-2623		Contracted Services / Other Contract Services	\$ 575	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 575
<p>To appropriate revenue and expenditures related to the reimbursement by BNSF Railway for damages to irrigation and turf at Farmers Market area caused by BNSF contractors.</p>				
363-2200-522-6856	101349	Capital Bonds / Fire Equipment - Defibrillator Monitor Replacement	\$ 24,856	
363-0000-358-1110		Undesignated Fund Balance		\$ 24,856
<p>To appropriate funding for the replacement of a defibrillator monitor. This item was approved in the FY 2016 Adopted Budget in the amount of \$15,000 with funding appropriated from the General Fund. Since the adoption of the budget, the original model has been discontinued and the revised model exceeds the original budgeted amount by \$9,856. The original funding appropriation will be reserved for future needs.</p>				
110-2011-521-2516		Other Services / Judgement & Damages	\$ 2,519	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 2,516
<p>To appropriate insurance proceeds received from TML related to damages caused from a Police vehicle (asset # 13853) colliding with a deer.</p>				

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
January 21, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2020-521-2533		Other Services / DARE CJD Expenses	\$ 1,000	
110-0000-442-0723		Police Revenue / DARE Donations - Unrestricted		\$ 1,000
110-2033-521-2120		Supplies / Education/Recreation	\$ 50	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 50

To appropriate revenue and expenditures related to the annual booster calendar proceeds from the 2016 posters for \$1,000, as well as, the donation from V Ratnam Polavarapu for CPAT for \$50.

TOTAL AMENDMENTS

\$ 600,942 \$ 600,939

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	(34,318)
Net Balance of Judgments & Damages Contingency Account	\$ 9,912
Beginning Compensation Contingency	\$ 375,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	(375,000)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Council Contingency	\$ 9,912
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	(14,788)
Net Balance of Contingency Account	\$ 35,212
Beginning Compensation Contingency	\$ 64,000
Added to Compensation Contingency	-
Taken From Compensation Contingency	(64,000)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Water & Sewer Fund Contingency	\$ 35,212

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	(13,300)
Net Balance of Compensation Contingency Account	\$ -
Net Balance Hotel/Motel Tax Fund Contingency	\$ -

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
January 21, 2016

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		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency		\$ -
		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. 2016-8015-R

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 **21st** day of **January**, 2016.

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:

Mitch Randles, Fire Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING. Consider adopting an ordinance amending the Classifications and Positions of Certified Firefighters to add an Assistant Chief classification and delete a Deputy Chief classification and authorizing the Fire Chief to appoint a qualified person as Assistant Chief.

STAFF RECOMMENDATION: Conduct a public hearing and adopt ordinance as presented in item description on first reading, and set second and final reading for February 4, 2016.

ITEM SUMMARY: Local Government Code Section 143.021 states that the City's governing body must establish, by ordinance, the civil service classifications for the Temple Fire & Rescue Department. Currently, Temple Fire & Rescue has five Deputy Chief classifications. The current organizational structure requires the Fire Chief to manage ten direct reports and personally oversee a wide variety of operational and administrative tasks, resulting in inefficient use of supervisory personnel. In an effort to make the administration of the department more efficient, Staff is requesting that an Assistant Chief classification be approved. This position will be classified immediately below the Fire Chief.

The proposed reorganization will provide an Assistant Chief over operations, who will assume oversight of four of the Fire Chief's current direct reports. This will result in a more defined chain of command over various shifts, a clear succession of authority, and closer oversight of Departmental equipment, repairs and maintenance. Additional benefits include freeing the Fire Chief and other personnel to focus on administrative duties, Emergency Management and future planning.

On January 11, 2016, the Civil Service Commission approved the Assistant Chief classification as required by Chapter 143.

Local Government Code Section 143.014 states that the City Council may authorize the Fire Chief to appoint an authorized and qualified person to a position that is classified immediately below that of Fire Chief. The proposed ordinance would also authorize the Fire Chief to make this appointment.

In summary, Staff is proposing to amend the number of current classifications in the rank of Deputy Chief from five to four, and add the Assistant Chief classification. The ordinance also authorizes the Fire Chief to appoint a qualified person as Assistant Chief.

FISCAL IMPACT: Funding to add an Assistant Chief classification and delete a Deputy Chief classification was approved in the FY 2016 Adopted Budget.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2016-4747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AMENDING THE CLASSIFICATIONS AND POSITIONS OF CERTIFIED
FIREFIGHTERS, ADDING AN ASSISTANT FIRE CHIEF CLASSIFICATION,
DELETING ONE DEPUTY CHIEF CLASSIFICATION AND AUTHORIZING THE
FIRE CHIEF TO APPOINT A QUALIFIED PERSON AS ASSISTANT CHIEF;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE;
AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the civil service classifications for the Temple Fire & Rescue Department;

Whereas, currently, Temple Fire & Rescue has five Deputy Chief classifications and the current organizational structure requires the Fire Chief to manage ten direct reports and personally oversee a wide variety of operational and administrative tasks, resulting in an inefficient use of supervisory personnel;

Whereas, in an effort to make the administration of the department more efficient, Staff is requesting that an Assistant Chief classification be approved - this position will be classified immediately below the Fire Chief;

Whereas, the proposed reorganization will provide an Assistant Chief over operations, who will assume oversight of four of the Fire Chief's current direct reports, resulting in a more defined chain of command over various shifts, a clear succession of authority, and closer oversight of Departmental equipment, repairs and maintenance – the addition of this position will also free the Fire Chief and other personnel to focus on administrative duties, Emergency Management and future planning;

Whereas, on January 11, 2016, the Civil Service Commission approved the Assistant Chief classification as required by Chapter 143;

Whereas, Local Government Code Section 143.014 states that the City Council may authorize the Fire Chief to appoint an authorized and qualified person to a position that is classified immediately below that of Fire Chief and therefore Staff recommends Council authorizing the Fire Chief to make this appointment;

Whereas, funding for the addition of an Assistant Fire Chief and deletion of a Deputy Chief classification was approved in the fiscal year 2016 Adopted Budget; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council amends the Classifications and positions of Certified Firefighters to add an Assistant Chief classification and delete a Deputy Chief classification and authorizes the Fire Chief to appoint a qualified person as Assistant Chief.

Part 2: Council establishes the following Classifications and the Number of Positions of Certified Firefighters and Classifications for civil service positions in the Fire Department:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* – 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. *ASSISTANT CHIEF* – 1 Position

No person shall be eligible for appointment as Assistant Chief who has not served continuously in the Department in a rank not lower than that of Captain, for at least two years.

B. *DEPUTY CHIEF* – 4 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain, for at least 2 years. In addition to base pay, every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *CAPTAIN* – 26 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *DRIVER* – 30 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay, every Driver having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

E. *FIREFIGHTER* – 56 Positions

No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

Part 3: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 4: This ordinance shall take effect **February 4, 2016.**

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

PASSED AND APPROVED on First Reading and Public Hearing on the **21st** day of **January, 2016.**

PASSED AND APPROVED on Second Reading on the **4th** day of **February, 2016.**

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

PROPOSED FIRE PAY SCHEDULE- to be effective March 25, 2016

Class, Title, Steps, and Time in Grade	CURRENT		PROPOSED		Annual Increase	
	Annual	% Between Steps	Annual	% Between Steps	\$s	%
PSI-030 & PSI-031 Firefighter						
1 0-1 Years	\$ 38,610		\$ 42,085		\$ 3,475	9.00%
2 1st Anniversary	\$ 40,541	5.00%	\$ 44,190	5.00%	\$ 3,649	9.00%
3 3rd Anniversary	\$ 42,568	5.00%	\$ 46,399	5.00%	\$ 3,831	9.00%
4 5th Anniversary	\$ 44,697	5.00%	\$ 48,720	5.00%	\$ 4,023	9.00%
5 7th Anniversary	\$ 46,931	5.00%	\$ 51,155	5.00%	\$ 4,224	9.00%
6 9th Anniversary	\$ 49,278	5.00%	\$ 53,713	5.00%	\$ 4,435	9.00%
7 15th Anniversary	\$ 51,742	5.00%	\$ 56,399	5.00%	\$ 4,657	9.00%
PSI-032 & PSI-037 Fire Driver						
1 1st Anniversary	\$ 50,236		\$ 54,757		\$ 4,521	9.00%
2 3rd Anniversary	\$ 52,246	4.00%	\$ 56,948	4.00%	\$ 4,702	9.00%
3 5th Anniversary	\$ 53,813	3.00%	\$ 58,656	3.00%	\$ 4,843	9.00%
4 7th Anniversary	\$ 55,965	4.00%	\$ 61,002	4.00%	\$ 5,037	9.00%
5 9th Anniversary	\$ 58,204	4.00%	\$ 63,442	4.00%	\$ 5,238	9.00%
6 15th Anniversary	\$ 59,950	3.00%	\$ 65,346	3.00%	\$ 5,396	9.00%
PSI-033 & PSI-034 Fire Captain						
1 3rd Anniversary	\$ 63,756		\$ 65,031		\$ 1,275	2.00%
2 5th Anniversary	\$ 65,987	3.50%	\$ 67,307	3.50%	\$ 1,320	2.00%
3 7th Anniversary	\$ 68,297	3.50%	\$ 69,663	3.50%	\$ 1,366	2.00%
4 9th Anniversary	\$ 70,687	3.50%	\$ 72,101	3.50%	\$ 1,414	2.00%
5 15th Anniversary	\$ 72,808	3.00%	\$ 74,264	3.00%	\$ 1,456	2.00%
PSI-035 & PSI-036 Deputy Fire Chief						
1 5th Anniversary	\$ 78,726		\$ 80,301		\$ 1,575	2.00%
2 7th Anniversary	\$ 81,482	3.50%	\$ 83,112	3.50%	\$ 1,630	2.00%
3 9th Anniversary	\$ 84,332	3.50%	\$ 86,019	3.50%	\$ 1,687	2.00%
4 15th Anniversary	\$ 87,285	3.50%	\$ 89,031	3.50%	\$ 1,746	2.00%
PSI-038 Asst. Fire Chief						
1 7th Anniversary	\$ -		\$ 89,904		\$ -	-
2 9th Anniversary	\$ -	-	\$ 93,051	3.50%	\$ -	-
3 15th Anniversary	\$ -	-	\$ 96,307	3.50%	\$ -	-

PROPOSED POLICE PAY SCHEDULE- to be effective March 25, 2016

Class, Title, Steps, and Time in Grade	PROPOSED		PROPOSED		Annual Increase	
	Annual	% Between Steps	Annual	% Between Steps	\$s	%
PSII-021 Police Officer						
1 0-1 Years	\$ 41,725		\$ 45,480		\$ 3,755	9.00%
2 1st Anniversary	\$ 45,064	8.00%	\$ 49,120	8.00%	\$ 4,056	9.00%
3 3rd Anniversary	\$ 48,218	7.00%	\$ 52,558	7.00%	\$ 4,340	9.00%
4 6th Anniversary	\$ 50,630	5.00%	\$ 55,187	5.00%	\$ 4,557	9.00%
5 10th Anniversary	\$ 53,161	5.00%	\$ 57,945	5.00%	\$ 4,784	9.00%
6 15th Anniversary	\$ 55,820	5.00%	\$ 60,844	5.00%	\$ 5,024	9.00%
7 20th Anniversary	\$ 58,610	5.00%	\$ 63,885	5.00%	\$ 5,275	9.00%
PSII-022 Corporal						
3 3rd Anniversary	\$ 50,630		\$ 55,187		\$ 4,557	9.00%
4 6th Anniversary	\$ 53,161	5.00%	\$ 57,945	5.00%	\$ 4,784	9.00%
5 10th Anniversary	\$ 55,820	5.00%	\$ 60,844	5.00%	\$ 5,024	9.00%
6 15th Anniversary	\$ 58,610	5.00%	\$ 63,885	5.00%	\$ 5,275	9.00%
7 20th Anniversary	\$ 61,541	5.00%	\$ 67,080	5.00%	\$ 5,539	9.00%
PSII-023 Police Sergeant						
3 3rd Anniversary	\$ 59,833		\$ 65,218		\$ 5,385	9.00%
4 6th Anniversary	\$ 62,526	4.50%	\$ 68,153	4.50%	\$ 5,627	9.00%
5 10th Anniversary	\$ 65,339	4.50%	\$ 71,220	4.50%	\$ 5,881	9.00%
6 15th Anniversary	\$ 68,280	4.50%	\$ 74,425	4.50%	\$ 6,145	9.00%
7 20th Anniversary	\$ 71,353	4.50%	\$ 77,775	4.50%	\$ 6,422	9.00%
PSII-024 Police Lieutenant						
3 5th Anniversary	\$ 71,352		\$ 77,774		\$ 6,422	9.00%
4 8th Anniversary	\$ 74,563	4.50%	\$ 81,274	4.50%	\$ 6,711	9.00%
5 12th Anniversary	\$ 77,919	4.50%	\$ 84,932	4.50%	\$ 7,013	9.00%
6 16th Anniversary	\$ 81,427	4.50%	\$ 88,755	4.50%	\$ 7,328	9.00%
7 20th Anniversary	\$ 85,090	4.50%	\$ 92,748	4.50%	\$ 7,658	9.00%
PSII-025 Deputy Police Chief						
4 7th Anniversary	\$ 82,711		\$ 90,155		\$ 7,444	9.00%
5 12th Anniversary	\$ 86,845	5.00%	\$ 94,661	5.00%	\$ 7,816	9.00%
6 16th Anniversary	\$ 90,319	4.00%	\$ 98,448	4.00%	\$ 8,129	9.00%
7 20th Anniversary	\$ 93,933	4.00%	\$ 102,387	4.00%	\$ 8,454	9.00%



COUNCIL AGENDA ITEM MEMORANDUM

01/21/16
Item #10
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Floyd Mitchell, Police Chief

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING: Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance on first reading, and set second and final reading for February 4, 2016.

ITEM SUMMARY: In 1994, the City Council established curfew requirements for minors under the age of 17. Council determined that curfew hours were necessary because of an increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17.

Texas Local Government Code Section 370.002 states that the City shall, every three years:

- (1) review the ordinance's effects on the community and on problems the ordinance has intended to remedy;
- (2) conduct a public hearing on the need to continue the ordinance; and
- (3) abolish, continue or modify the ordinance.

The ordinance has been continuously renewed by Council every 3 years since 1994. The current ordinance was passed in March, 2013 and will expire in March, 2016. The Temple Police Department is requesting Council adoption of curfew hours for minors in accordance with Section 370.002.

The ordinance will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations by juveniles. This intervention will be in the best interest of the health, safety and welfare of the general public. The curfew is a valuable tool that helps the community in several ways. For example, it provides for the protection of minors both from each other and from other people during certain hours of the day. Also, it promotes parental oversight and responsibility for children. Finally, it is intended to reduce the incidence of juvenile criminal activities. In 2015, the Temple Police Department issued a total of 119 juvenile curfew citations, 77 for weekday violations and 42 for weekend violations.

The current curfew hours are proposed for renewal:

- (A) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 A.M. of the following day, and
- (B) 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

FISCAL IMPACT: No fiscal impact with regard to expenditures. There will be fines assessed to violators which may result in revenue through Municipal Court.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. 2016-4748

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING CURFEW HOURS FOR MINORS IN ACCORDANCE WITH TEXAS LOCAL GOVERNMENT CODE SECTION 370.002; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 1994, the City Council established curfew requirements for minors under the age of 17 – these requirements were found to be necessary because of an increase in juvenile violence, juvenile gang activity, and crime by and against persons under the age of 17;

Whereas, Texas Local Government Code Section 370.002 states that the City shall, every three years:

1. review the ordinance's effects on the community and on problems the ordinance was intended to remedy;
2. conduct a public hearing on the need to continue the ordinance; and
3. abolish, continue or modify the ordinance;

Whereas, this ordinance has been continuously renewed by Council every 3 years since 1994 - the current ordinance was passed in March, 2013 and expires in March, 2016;

Whereas, the Temple Police Department is requesting Council adopt curfew hours for minors in accordance with Section 370.002 - this will allow the Temple Police Department to continue to intervene when police officers encounter curfew violations by juveniles, which will be in the best interests of the health, safety and welfare of the general public;

Whereas, a curfew is a valuable tool that helps the community in several ways - it provides for the protection of minors both from each other and from other people during certain hours of the day, promotes parental oversight and responsibility for children, and is intended to reduce the incidence of juvenile criminal activities;

Whereas, in 2015, the Temple Police Department issued a total of 119 juvenile curfew citations, 77 for weekday violations and 42 for weekend violations;

Whereas, the current curfew hours are proposed for renewal:

1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 A.M. of the following day, and
2. 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday; and

Whereas, a curfew for minors is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Temple.

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

Part 1: The City Council of the City of Temple, Texas, adopts curfew hours for minors in accordance with Texas Local Government Code Section 370.002 and finds that it is in the interest of the health, safety, and general welfare of the public, to continue to provide for the protection of minors from each other and from other persons, to promote parental control over and responsibility for children, and to reduce the incident of juvenile criminal activities.

Part 2: The following curfew requirements for minors are hereby adopted:

1. 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
2. 12:01 A.M. until 6:00 A.M. on any Saturday or Sunday.

Part 3: 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 4: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 5: 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 6: 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 **21st** day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **February**, 2016.

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

01/21/16
Item #11
Regular Agenda
Page 1 of 5

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING – Z-FY-16-03: Consider adopting an ordinance authorizing a rezoning from TMED (Temple Medical Education District) T4 to PD-T5-e and T5-c to PD-T5-c (Planned Development District-TMED T5-e and T5-c Districts) to accommodate a proposed mix of multi-family and commercial development on 40.389 +/- acres of land being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard.

P&Z RECOMMENDATION: At their December 8, 2015 meeting, P&Z recommended unanimous approval of staff's recommendation.

STAFF RECOMMENDATION: Staff recommends approval of the Planned Development with the following conditions and exceptions from Sec. 6.3 (TMED) of the Unified Development Code:

1. Each restaurant with a drive-through provide at least 150 sf of outdoor dining space
2. For buildings located at public street corners (Tracts 1 and 4):
 - a. The building shall have a parapet or vertical roof element that is at least 3 feet higher than the top of parapet height or roof height.
 - b. The length of the parapet or roof element must be at least 15% the length of the façade on the side of the building that has the main entrance.
3. The 35-foot tall multi-tenant project signs are reduced to 25 feet
4. Substantial compliance with the attached Site Plans is required
5. Authorize the Planning Director to approve non-substantive changes to the plans

MULTI-FAMILY PHASE:

1. Sec. 6.3.5.D. (Building Configuration)
 - a. Building story height (14' required: 10' 6" proposed)
 - b. Exceeds 12' front and 30' side maximum setbacks
2. Sec. 6.3.8.G.4. (Alleys)
 - a. Alleys are not proposed (T5-c requires alleys)
3. Sec. 6.3.11.B.5. (Public Frontage)
 - a. 6' planting strip behind the 6' sidewalk to accommodate utilities
4. Sec. 6.3.13.D. (Building Design)
 - a. Roof pitch (5:12 required: 4:12 proposed)
5. Sec. 6.3.14 (Parking and Garage Standards)
 - a. Number of garage parking spaces (1 per 2 units required: 1 per 3.25 units proposed)

6. Sec. 6.3.15.E. (Private Property Common Area Standards)
 - a. Approximately 18,600 sf of Common Area is required (estimated 22,826 sf provided)
 - b. Applicant proposes the following combination of amenities:
 - i. Swimming pool
 - ii. Grill house
 - iii. Pool water feature
 - iv. Dog wash station
 - v. Benches
 - vi. Trail
 - vii. Club house
 - viii. Office center and
 - ix. Exercise facility

Commercial Phase:

1. General Regulations (Sec. 6.3.5)
 - a. Exceeds 12' maximum front setback
 - b. Less than the 2-story building height requirements
2. Use Standards (Sec. 6.3.6)
 - a. Allowing a commercial surface parking lot (Sec. 6.3.6.D. prohibits commercial surface parking lots in T5-c)
 - b. Drive-throughs would be permitted for Tracts 1, 2, 4, 5 and 6 (6.3.6.D. prohibits drive-through restaurants in T5-c)
 - c. Exceeds the 10,000 square foot GFA max for commercial uses (6.3.6.D.)
3. Circulation Standards (Sec. 6.3.7)
 - a. No minimum foot block perimeter standard (Sec. 6.3.7.C. 2,000 SF minimum)
4. Private Property Landscape Standards (Sec. 6.3.10)
 - a. 1 tree per 12 parking spaces (Sec. 6.3.10.D. requires 1 tree per 10 parking spaces)
 - b. Exceptions from parking lot screening (Sec. 6.3.10.E)
5. Public Frontage Standards (Sec. 6.3.11)
 - a. 8 foot sidewalk with 6 foot planting strip behind the sidewalk (Sec. 6.3.11.D.2.)
 - b. No groundcover required in the planting strip while allowing the required trees to be clustered (6.3.11.D.)
6. Architectural Standards (Sec. 6.3.13)
 - a. 50 foot maximum building façade length with at least a 2-foot articulation (Sec. 6.3.13.D. requires a 5-foot building offset at least every 50 feet of façade length)
 - b. No minimum percentage of window and door coverage for public facing facades for the hotel site (Sec. 6.3.13.D.)
7. Signage (Sec. 6.3.16.C):
 - a. Wall Signs
 - i. Multi-tenant: 1 wall sign per façade of tenant's premises (3' tall x 80% maximum of façade length of tenant space)
 - ii. Single-tenant: 1 wall sign per façade (sign area not to exceed 25% of elevation area)

b. Monument Signs

- i. 1 25-foot tall project multi-tenant monument sign at South 31st Street entrance
- ii. 2 20-foot tall multi-tenant monument signs at the Avenue T. and Scott Boulevard entrances, respectively
- iii. No more than 1 single-tenant or multi-tenant 10-foot tall monument sign for each individual lot

ITEM SUMMARY: The property is currently zoned TMED T4 and T5-c, which are zoning districts that are intended to create “higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to sidewalks.”

The proposed project would be characterized as “horizontal mixed use” as opposed to the “vertical mixed use” concept envisioned by TMED, since the retail and proposed multi-family uses would be segregated on separate lots. However, the Future Land Use Plan designates property as Suburban Commercial, with which the proposed development complies.

The multi-family phase is currently zoned T4 and the T5-e proposed base zoning designation is much more appropriate since a lower-density complex is proposed, rather than a high-density vertical mixed-use product consisting of commercial space on the ground floor with apartments above. The multi-family phase proposes 199 apartment units.

The commercial phase of the development proposes eight different commercial pad sites that would include a variety of restaurants, retail, a bank and a hotel.

12-8-15 P&Z DISCUSSION: A significant amount of time was spent discussing the proposed hotel since the new owners of the adjacent Candlewood Suites Hotel and the General Counsel for Baylor Scott & White voiced concerns about how a new hotel could negatively impact the overall hotel market in the area.

- Mr. Zafar Khan spoke on behalf of his business partners about their shared concern of the potential negative impact an additional hotel in the area could have on their business.
- They have since spoken with Kayla Landeros, City Attorney, to further express their concern and have indicated that they are circulating a petition among the other hotel owners in Temple to oppose the proposed hotel.
 - They indicated that they would share the results of the petition with individual councilmembers
- Mr. John Cunningham, BS&W General Counsel, also expressed concern about the proposed hotel on behalf of his employer.
- He indicated that BS&W currently owns the Hilton Garden Inn across Scott Blvd. from the project.
- He also stated that the Hilton was under contract to be purchased by a more experienced owner and operator.

PLANNED DEVELOPMENT (UDC SEC. 3.4): A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

As part of the Planned Development request, a Development Plan (Site Plan) is required for review and consideration by the Planning and Zoning Commission and City Council.

Development Plan Review Criteria (UDC Sec. 3.4.5): In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider the following criteria:

- A. The plan complies with all provisions of the Design and Development standards manual, the UDC and other ordinances of the City,
- B. The environmental impact of the development relating to the preservation of existing natural resources of the surrounding properties and neighborhood is mitigated,
- C. The development is in harmony with the character, use and design of the surrounding area,
- D. Safe and efficient vehicular and pedestrian circulation systems are provided,
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are useable and are safely and conveniently arranged, and
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

Additional Standards (UDC Sec. 3.4.2C): In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

Design Review Committee: The Design Review Committee (DRC) reviewed the proposed Development Plan at their November 23 and 25, 2015 meetings. All questions by DRC members were adequately addressed by the applicant.

COMPREHENSIVE PLAN COMPLIANCE: The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan 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
TMP	Temple Trails Master Plan Map and Sidewalks Ordinance	Yes

CP = Comprehensive Plan TMP = Trails Master Plan

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

The site is designated as Auto Urban Commercial on the Comprehensive Plan's FLUP; therefore, the proposed development complies with the Plan. As part of the Planned Development, a site (development) plan (attached) is required to be submitted and reviewed by the Planning and Zoning Commission and City Council.

Thoroughfare Plan (CP Map 5.2)

- Scott Boulevard (Collector) – Right-of-way width estimate is 94', which exceeds the City's minimum standards for collectors (55').
- South 31st Street (Major Arterial) – Right-of-way width estimate varies from 114' to 125', which exceeds the City's minimum standards for arterials (70').
- Avenue T (Local) – Right-of-way width estimate varies from 67' to 70', which exceeds the minimum local street standards (50'); pavement width estimate is 30', which is close to the minimum local street standard (31').

Temple Trails Master Plan Map and Sidewalks Ordinance

According to Parks and Leisure Services, both required sidewalks (on 31st Street and Scott Boulevard) will serve the City's Citywide Trails Master Plan as part of a pedestrian network. The proposed trail along the drainage way will also provide a connection to South 37th Street per the request by the Parks and Recreation Department to potentially connect across Scott Blvd. to proposed Jaycee Park bond-funded trails.

PUBLIC NOTICE: 45 notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. A total of nine responses from neighbors have been received to date: one in agreement, seven in disagreement and one undetermined.

ATTACHMENTS:

[Staff Maps](#)

[Site and Surrounding Photos](#)

[Site Plans](#)

[Multi-family Elevations and Amenity Calculations](#)

[Commercial Materials](#)

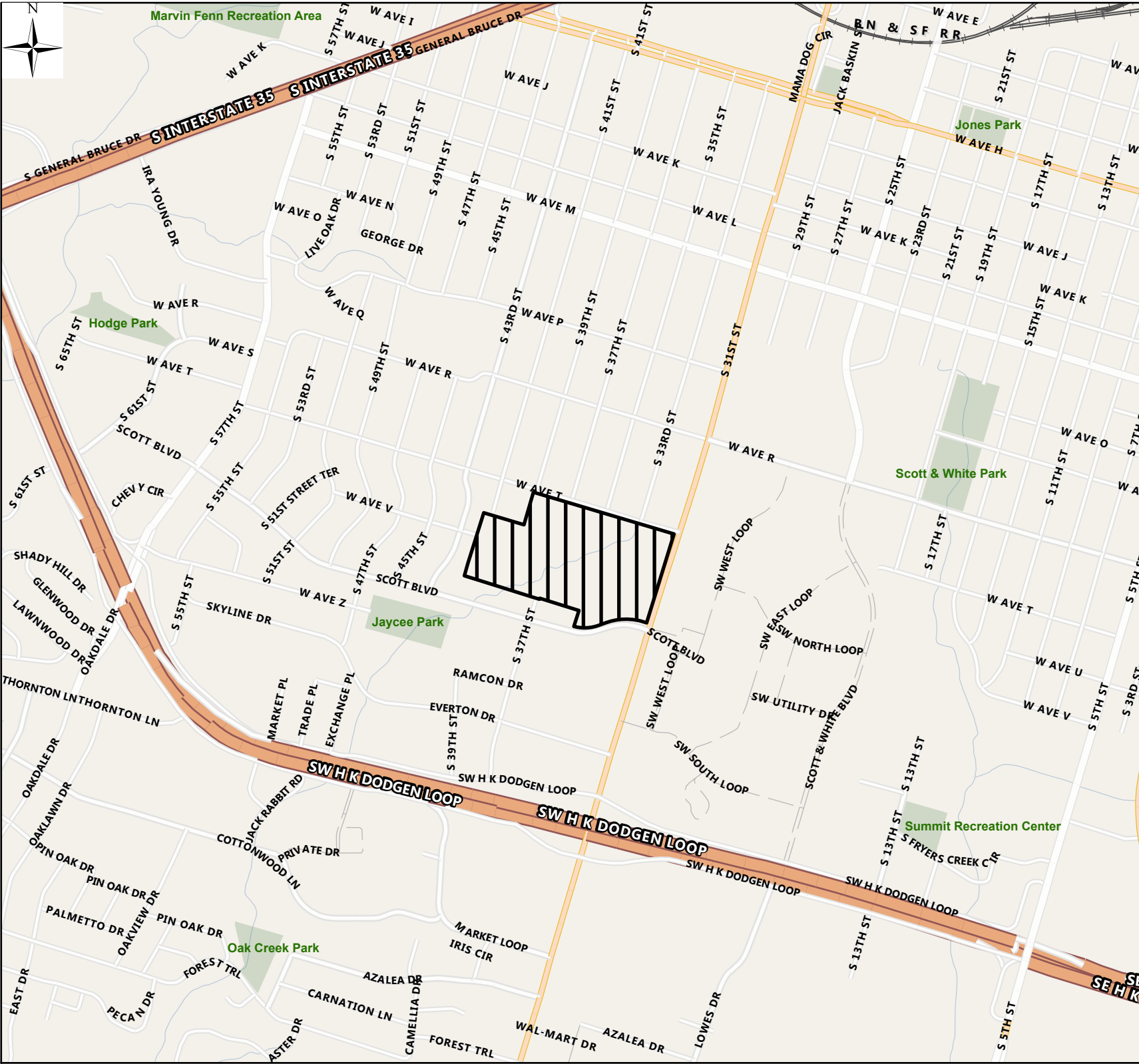
[Signage](#)

[TMED Exceptions](#)

[Letters from Neighbors](#)

[12-8-15 P&Z Minutes](#)

[Ordinance](#)



TMED T5-C to PD

LOCATION MAP

Zoning Case :
Z-FY-16-03

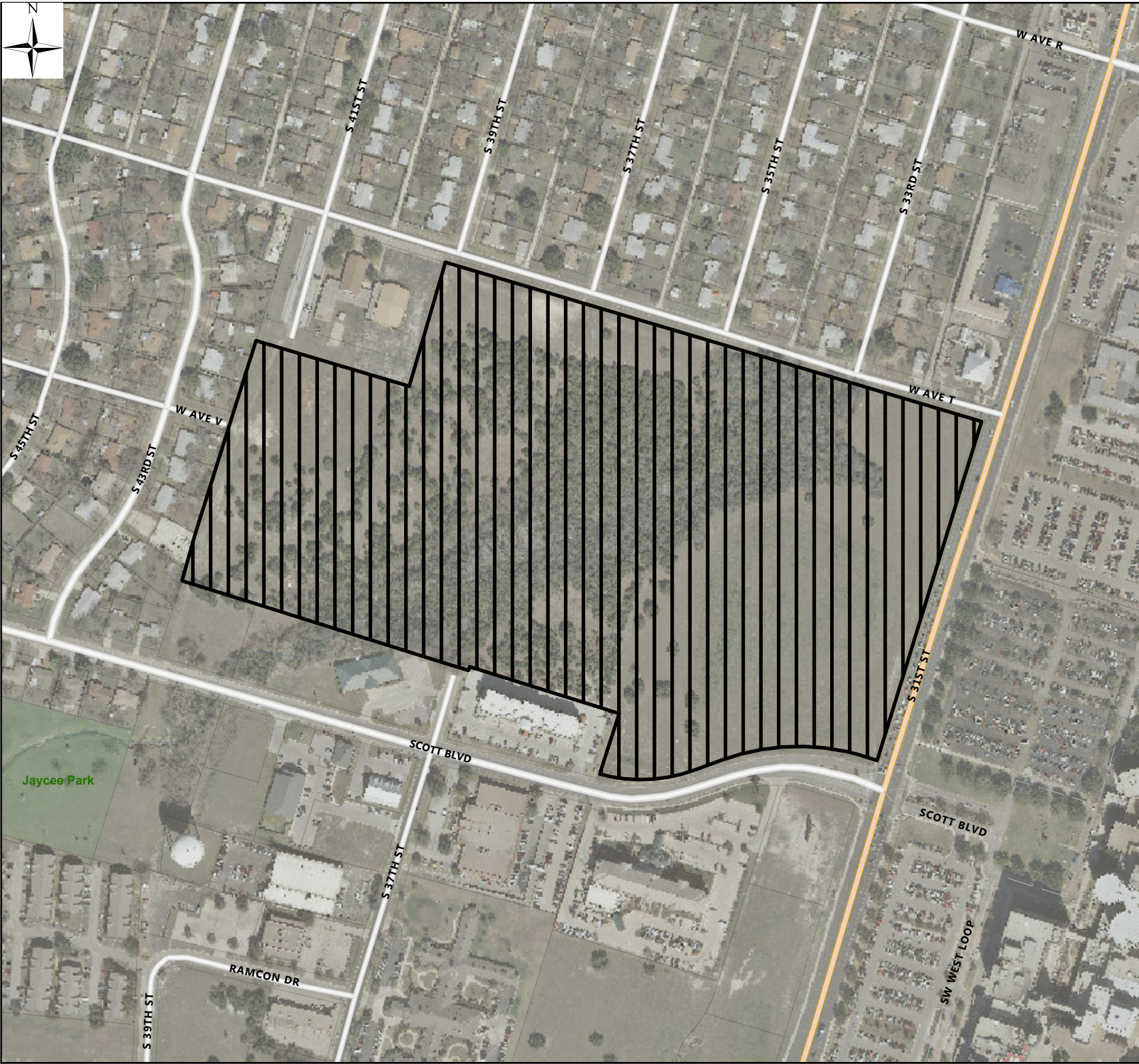
Address :
2401 S 31st Street

- 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.

dredmond
Date: 11/20/2015





TMED T5-C to PD

AERIAL MAP

Zoning Case :
Z-FY-16-03

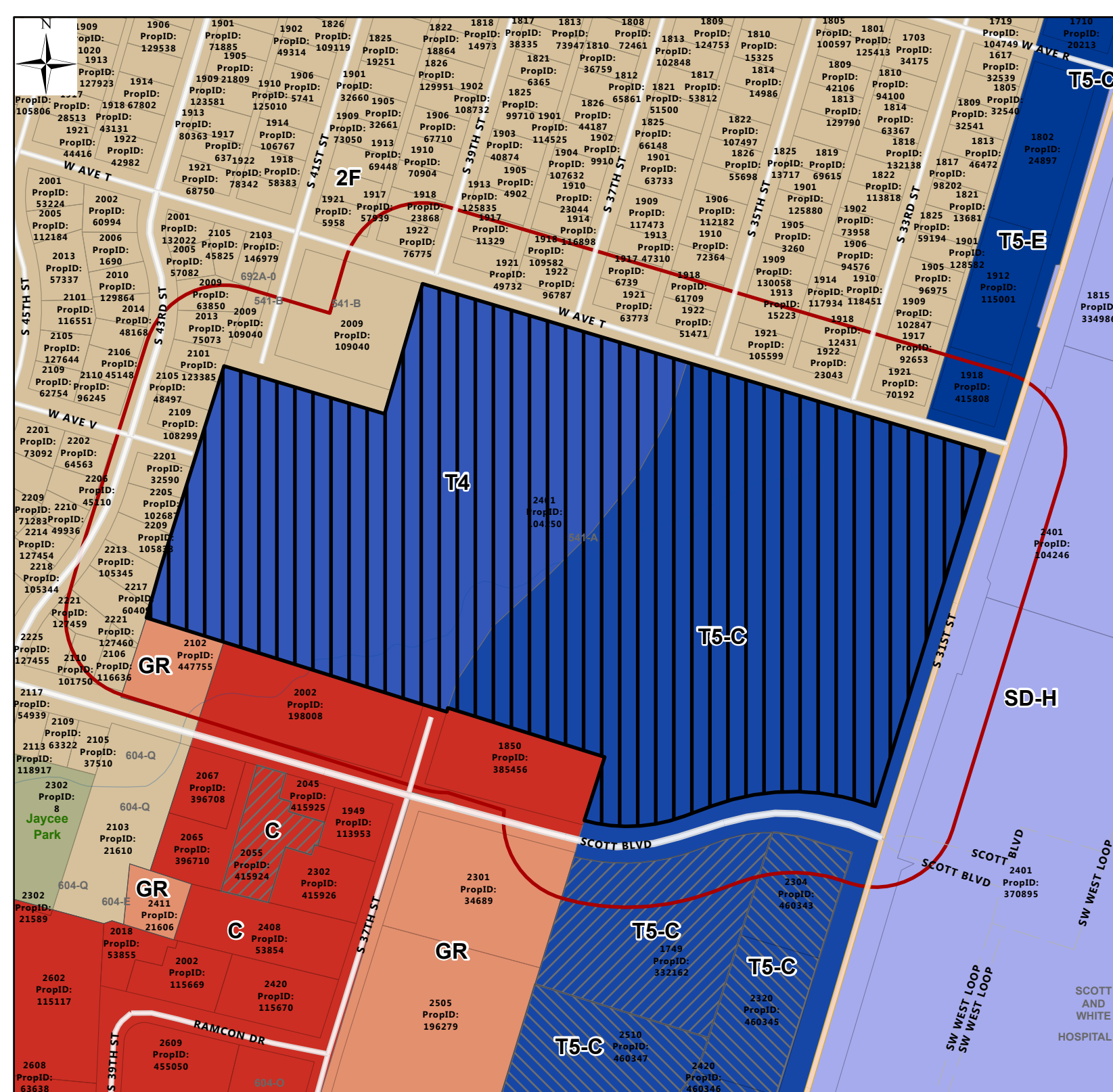
Address :
2401 S 31st Street

- Streets
- EXPRESSWAY
 - MAJOR ARTERIAL
 - COLLECTOR
 - LOCAL STREET
 - MINOR ARTERIAL
 - PRIVATE
 - RAMP
 - Railroad
 - Temple Municipal Boundary
 - Parcels
 - ETJ Parcels
 - CaseArea

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dredmond
Date: 11/20/2015





TMED T5-C to PD

200'
NOTIFICATION MAP

Zoning Case :

Z-FY-16-03

Address :

2401 South 31st Street

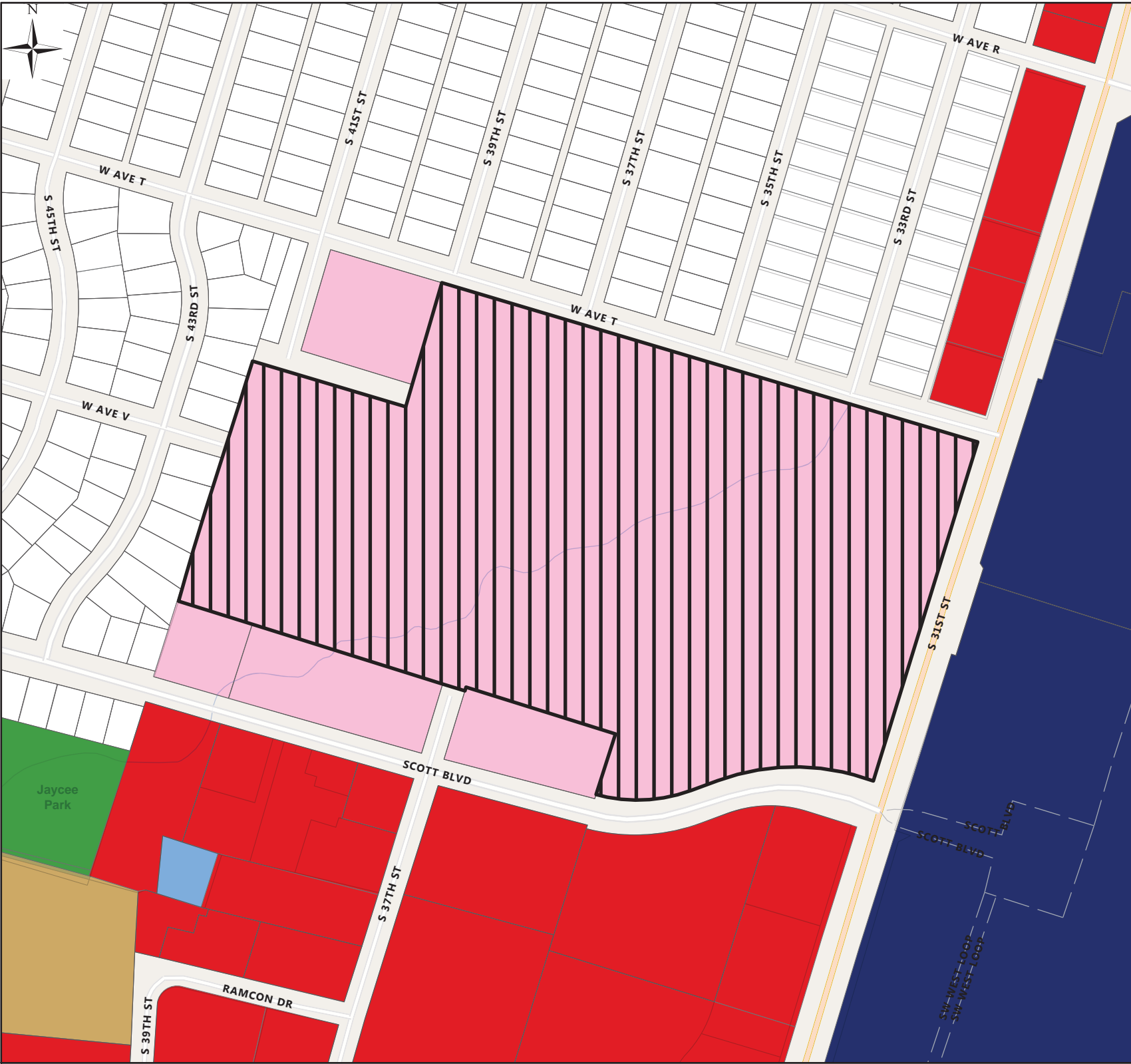
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	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	Casearea
MF-2 - PD	HI - PD	Buffer
MF-3 - PD	AG	

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dredmond

Date: 12/2/2015





TMED T5-C to PD
FUTURE LAND
USE MAP

Zoning Case :
Z-FY-16-03

Address :
2401 S 31st 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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dredmond
Date: 11/20/2015





TMED T5-C to PD THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-03

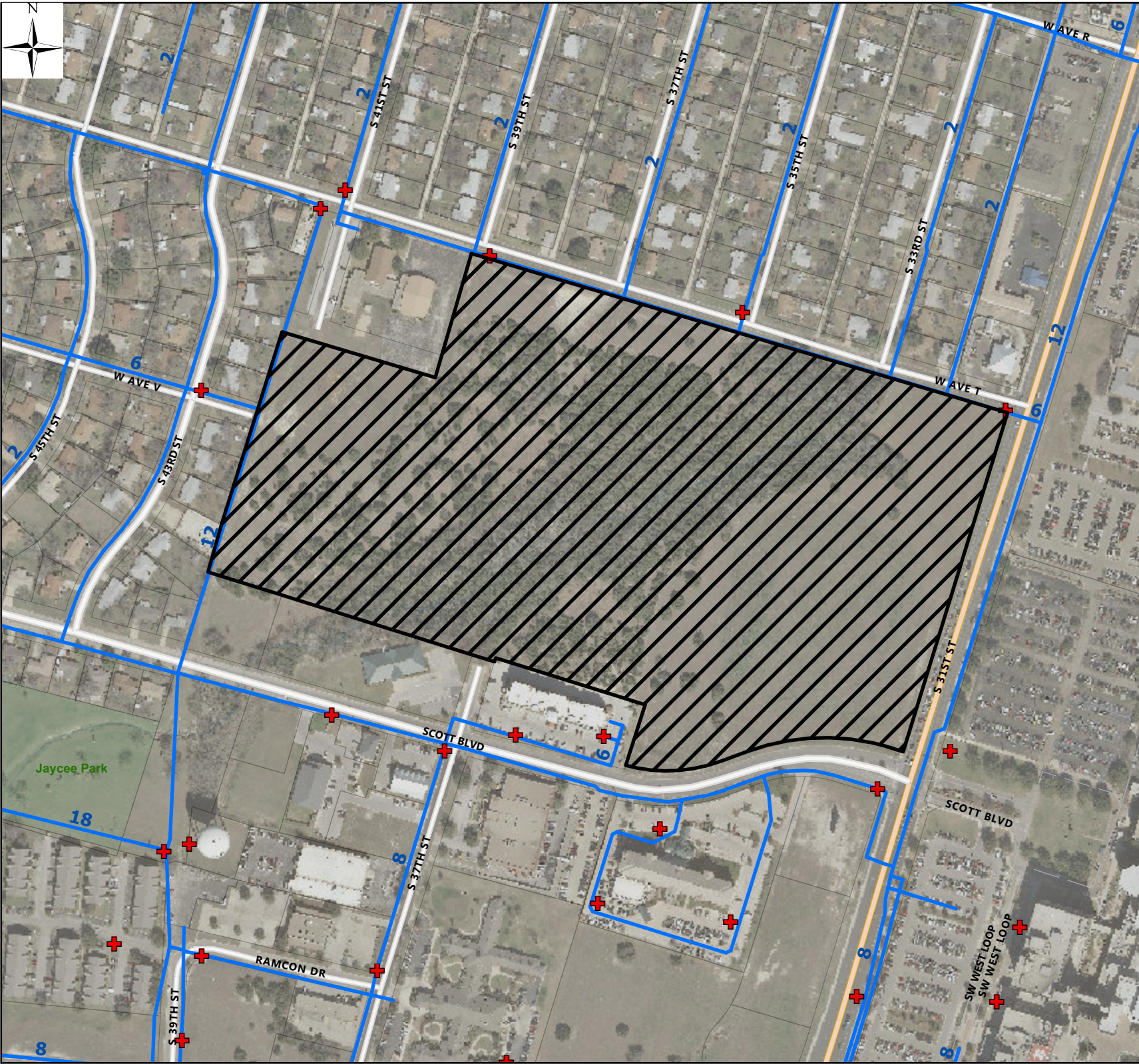
Address :
2401 S 31st Street

- 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.

dredmond
Date: 11/20/2015





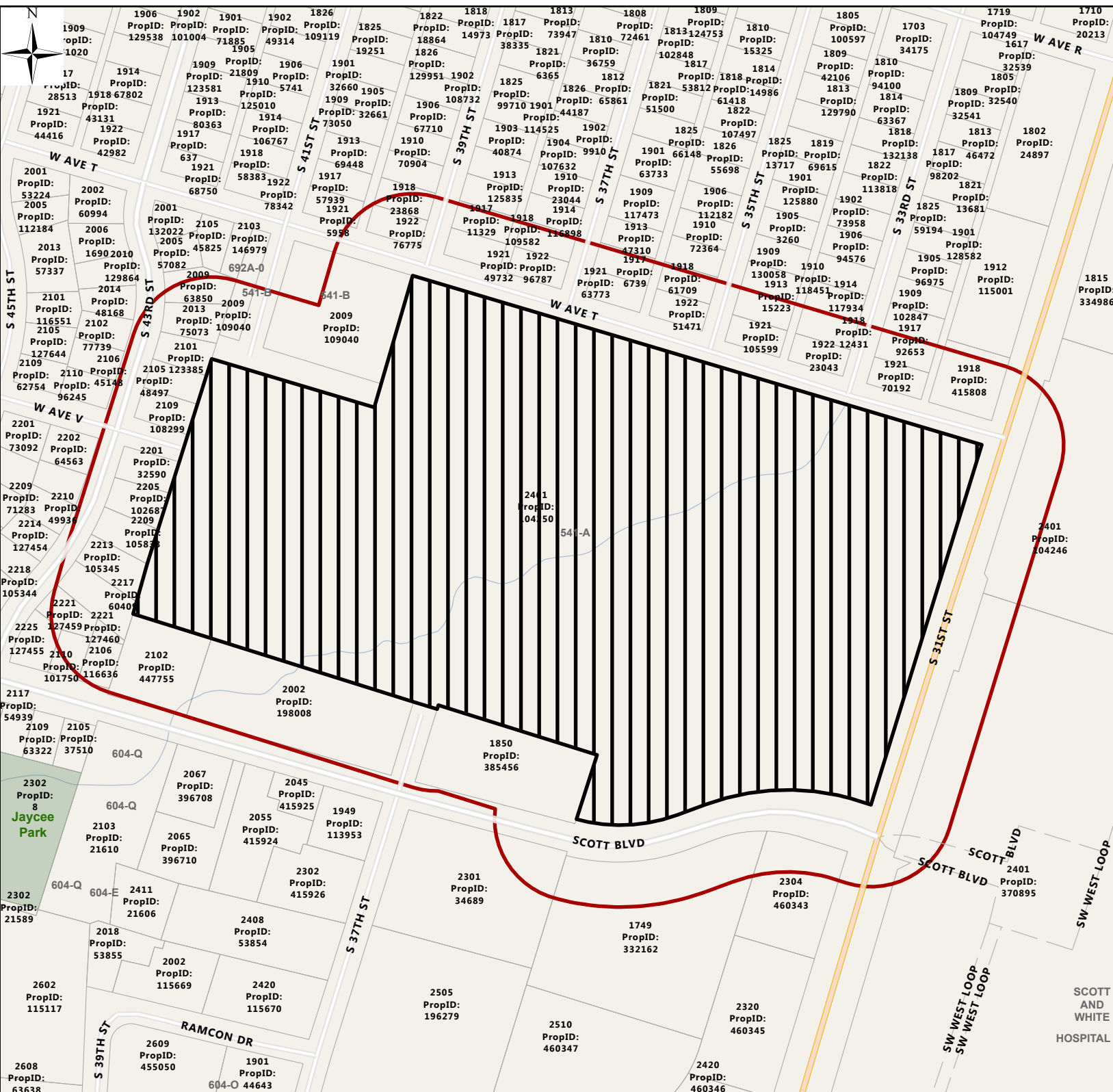
Address :
2401 S 31st St

-  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.

dredmond
Date: 11/24/2015





TMED T5-C to PD

200'
NOTIFICATION MAP

Zoning Case :

Z-FY-16-03

Address :

2401 South 31st Street



Buffer

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.

dredmond

Date: 11/20/2015





Site Photo (looking south)



Site Photo (looking east)



Site Photo (looking north)



Property to East



Property to West



Property to South



Property to South



Property to North



Property to North



OVERALL MASTER PLAN

31st and Scott Boulevard
Temple, Texas

Job #: 14243.00
File Name: SP-9 Overall.psd
Date: 12.01.2015
Drawn by: JWW



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500



CONCEPTUAL SITE PLAN

31st and Scott Boulevard
Temple, Texas

Job #: 14243.00
File Name: SP-9.psd
Date: 12.01.2015
Drawn by: JWW



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500



PROJECT SUMMARY:

Apartments:

Type	Description	Area	Qty.
A1	One Bedroom, 1 Bath (1st Floor)	628 s.f.	8
A2	One Bedroom, 1 Bath (2nd & 3rd Floor)	628 s.f.	16
A3	One Bedroom, 1 Bath (1st Floor)	734 s.f.	16
A4	One Bedroom, 1 Bath (2nd & 3rd Floor)	734 s.f.	32
A5	One Bedroom, 1 Bath (2nd & 3rd Floor)	740 s.f.	4
A6	One Bedroom, 1 Bath (1st Floor)	748 s.f.	5
A7	One Bedroom, 1 Bath (2nd & 3rd Floor)	748 s.f.	22

Total One Bedroom Units **103 Units**

B1	Two Bedroom, 2 Bath (1st Floor)	1,007 s.f.	4
B2	Two Bedroom, 2 Bath (2nd & 3rd Floor)	1,007 s.f.	8
B3	Two Bedroom, 2 Bath (1st Floor)	1,033 s.f.	18
B4	Two Bedroom, 2 Bath (2nd & 3rd Floor)	1,033 s.f.	36
B5	Two Bedroom, 2 Bath (2nd & 3rd Floor)	1,037 s.f.	12

Total Two Bedroom Units **78 Units**

C1	Three Bedroom, 2 Bath (1st Floor)	1,273 s.f.	6
C2	Three Bedroom, 2 Bath (2nd Floor)	1,273 s.f.	12

Total Three Bedroom Units **18 Units**

Total Units **199 Units**

Amenity Center **4,918 s.f.**

Total Square Footage **181,602 s.f.**

Parking:

Parking Required:

103 One Bedroom Units @ 1.75 cars/unit =	180.25 cars
78 Two Bedroom Units @ 2.0 cars/unit =	156 cars
18 Three Bedroom Units @ 2.0 cars/unit =	36 cars
Total Required Parking	372.25 cars

Parking Provided:

	Total
Detached Garages	33 cars
Breezeway Garages	30 cars
Total Garages	63 cars
Total Garages	63 cars
Carports	50 cars
Open Parking (secured)	246 cars
Amenity Parking (non-secured)	14 cars
Total Parking	373 cars

ARYA TEMPLE APARTMENTS

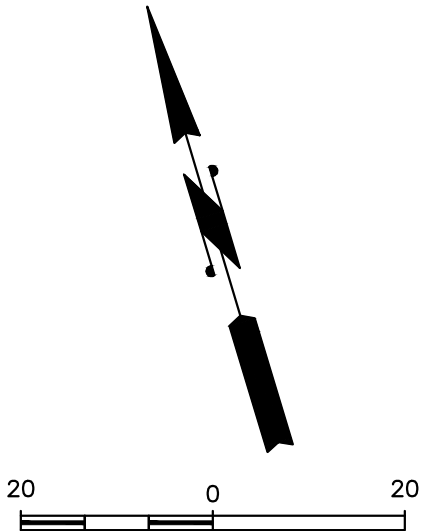
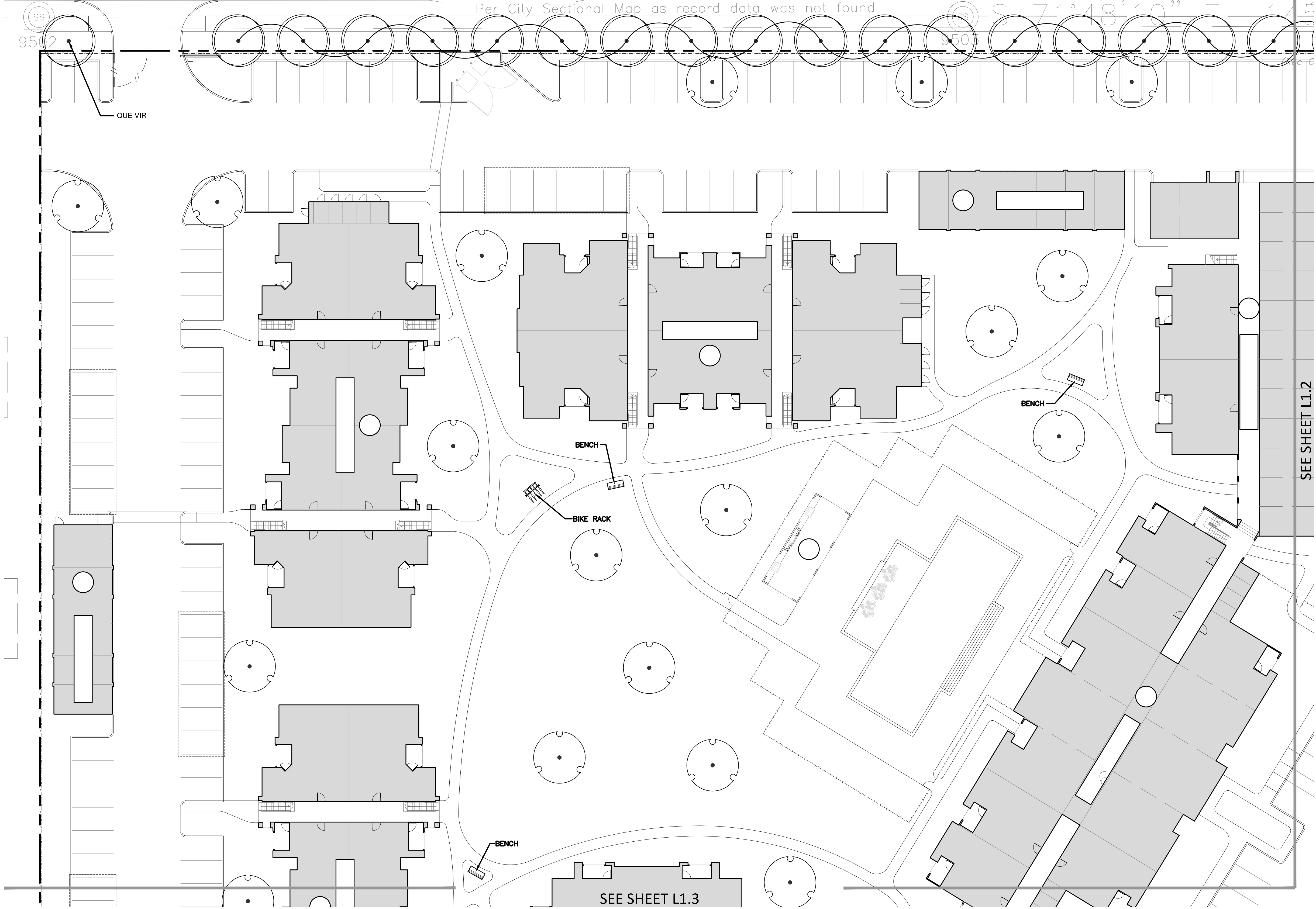
A Multi-Family Community
Mucasey & Associates, Architects
November 30, 2015

(Apparent 70' ROW) (Asphalt Surface)

WEST AVENUE "T"

PUBLIC MAINTAINED ROADWAY

Per City Sectional Map as record data was not found



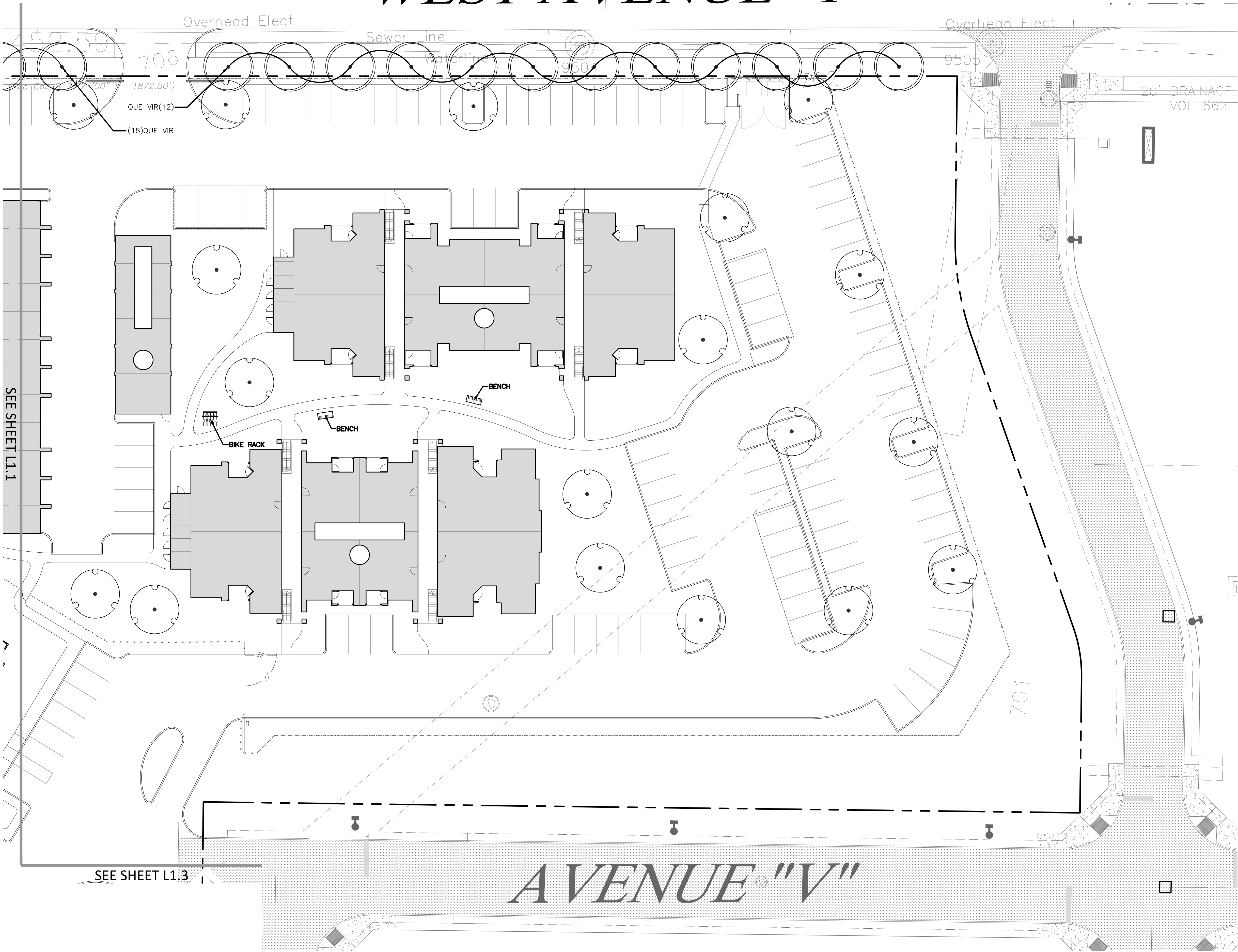
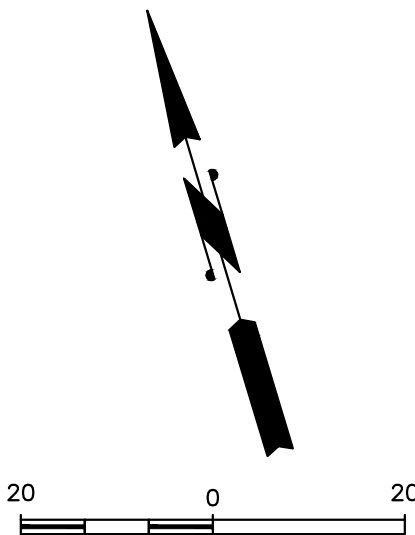
OVERALL SITE LEGEND

	QTY.	USE
	50	SITE TREE
	31	STREET TREE
	7	SITE BENCH
	3	BIKE RACK

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, AGENCY APPROVAL, AND COMMENT UNDER THE AUTHORITY OF ROBERT E. MAURER, RLA LANDSCAPE ARCHITECT No. 2822 ON 12/02/15 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

REV.NO.	DESCRIPTION	DATE	APP.
ARYA TEMPLE			
PRELIMINARY LANDSCAPE PLAN			
TERRA ASSOCIATES, INC. CONSULTING ENGINEERS			
1445 N. LOOP WEST - SUITE 450 HOUSTON, TEXAS 77008 713-993-0333 TBPE Registration No.: F-003832			
DRAWN BY:	SCALE: 1" = 20'	PROJECT No. CONTRACT:	
CHECKED BY: L1.1-LP	DATE:	SHEET L1.1 OF XX	

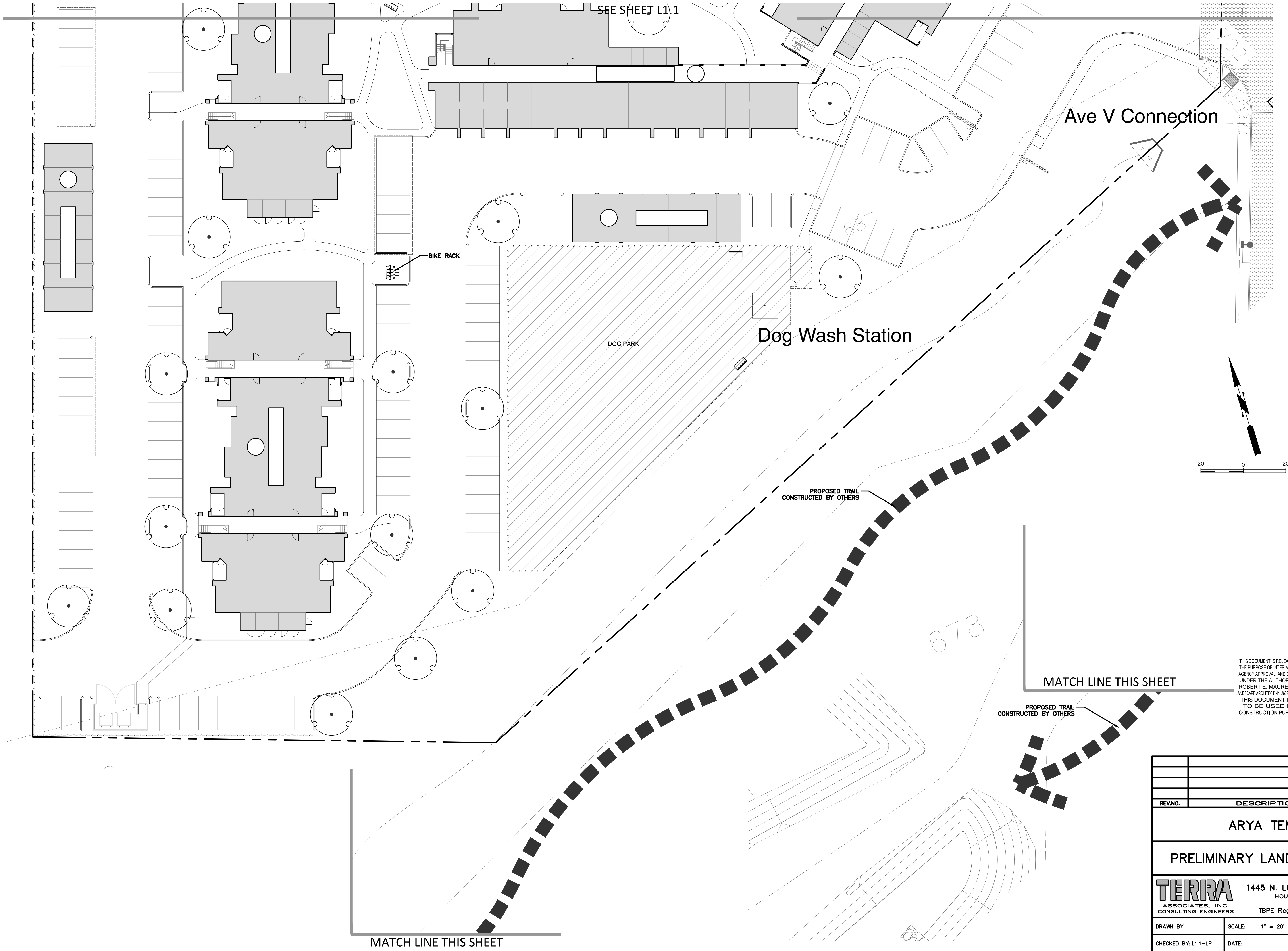
WEST AVENUE "T"



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, AGENCY APPROVAL, AND COMMENT UNDER THE AUTHORITY OF ROBERT E. MAURER, RLA LANDSCAPE ARCHITECT No. 2622 ON 12/02/15 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

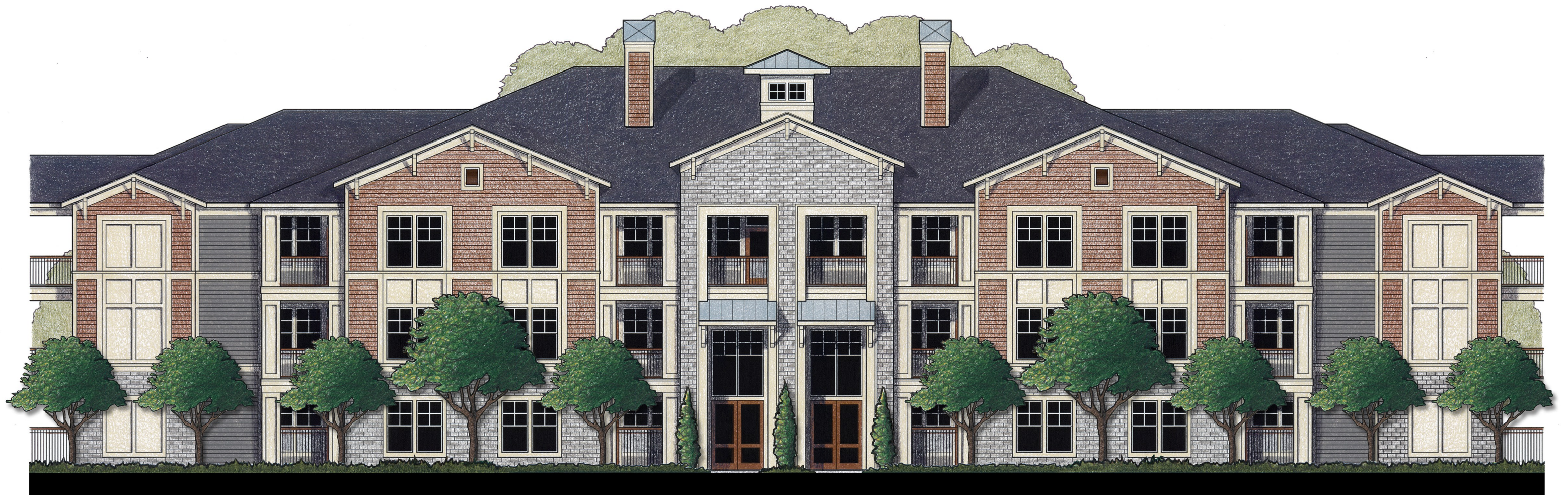
REV.NO.	DESCRIPTION	DATE	APP.
ARYA TEMPLE			
PRELIMINARY LANDSCAPE PLAN			
TERRA ASSOCIATES, INC. CONSULTING ENGINEERS 1445 N. LOOP WEST - SUITE 450 HOUSTON, TEXAS 77008 713-993-0333 TBPE Registration No.: F-003832			
DRAWN BY:	SCALE: 1" = 20'	PROJECT No. CONTRACT:	
CHECKED BY: L1.1-LP	DATE:	SHEET L1.2 OF XX	

F:\Clients\0006-Cypressbrook\S-0006-1501 Temple Apartments\Drawings\L1.1-LP.dwg Dec 02, 2015-3:01pm Terra Associates Inc., R Eric. Maurer



THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, AGENCY APPROVAL, AND COMMENT UNDER THE AUTHORITY OF ROBERT E. MAURER, RLA LANDSCAPE ARCHITECT No. 2622 ON 12/02/15 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

REV.NO.	DESCRIPTION	DATE	APP.
ARYA TEMPLE			
PRELIMINARY LANDSCAPE PLAN			
TERRA ASSOCIATES, INC. CONSULTING ENGINEERS		1445 N. LOOP WEST - SUITE 450 HOUSTON, TEXAS 77008 713-993-0333 TBPE Registration No.: F-003832	
DRAWN BY:	SCALE: 1" = 20'	PROJECT No. CONTRACT:	
CHECKED BY: L1.1-LP	DATE:	SHEET L1.3 OF XX	



AMENITY CENTER FRONT ELEVATION

Arya Temple Apartments
Mucasey & Associates, Architects
December 1, 2015

Facade Material Percentages

- A. Horizontal Cement Fiber Siding: 45%
- B. Block Panel Cement Fiber Paneling: 33%
- C. Thin-Sliced Stone or similar: 22%



TYPICAL APARTMENT BUILDING SIDE VIEW



TYPICAL APARTMENT BUILDING FRONT VIEW

ARYA TEMPLE APARTMENTS

Mucasey & Associates, Architects

November 17, 2015

Proposed Materials

The District: Temple, Texas





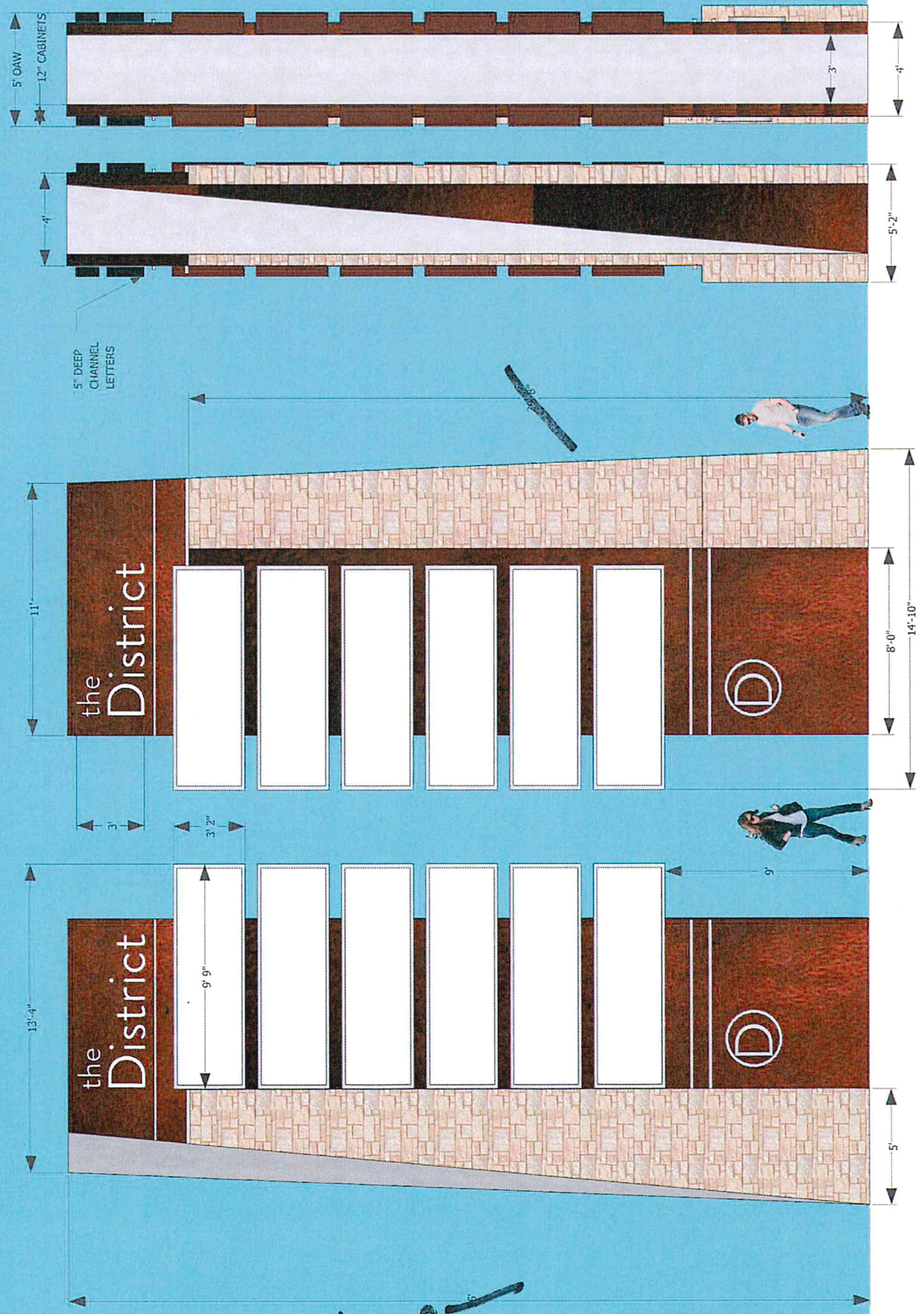








Revise to 25' height per staff recommendation

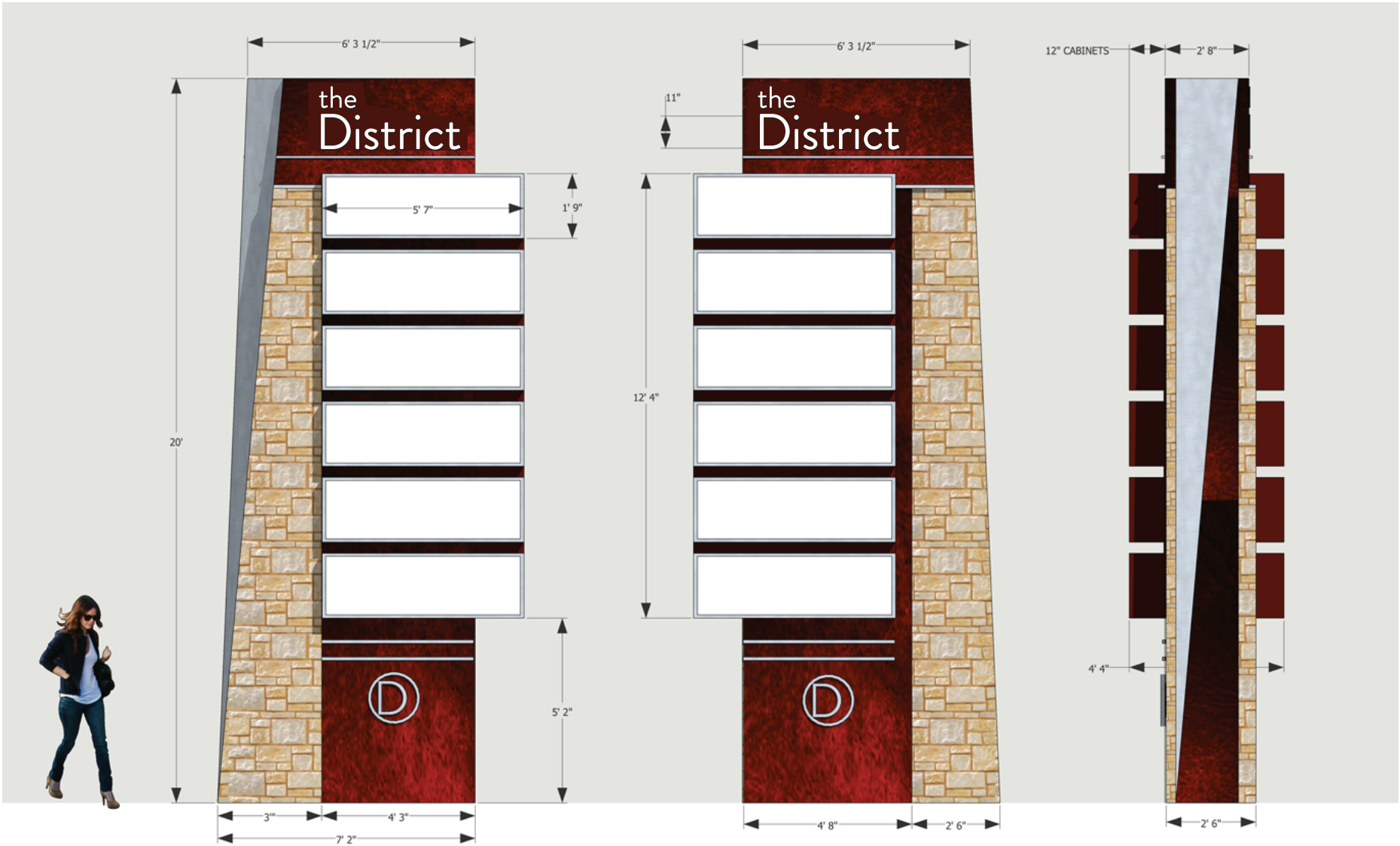


the District

B SECONDARY PYLONS
SCALE: 1/4"

Fabricate and install two (2) Primary Pylons built to UL specifications;

- Welded tubular steel framework with .090 aluminum plate;
- Dual Steel supports set in 3000psi concrete to grade;
- Tenant Cabinets finished in Matthews brushed aluminum polyurethane; lamped with high output fluorescents; Faces to be white #7328 plex overlaid with 3M™ translucent vinyls per client;
- Austin White Limestone veneer over pole covers;
- [the District] to routed-out and backed with #7328 white plex; White High Output fluorescent lamping;
- Square tubular aluminum accent-rails and logo finished MP brushed aluminum;
- Matthews Corten-steel finish on faces/sidewalls;
- Electrical requirement: 120v to be supplied at sign site by others;



LEXINGTON HILLS 2430 CROMWELL DR. AUSTIN, TEXAS 78741	Start Date:7/18/15 Last Revision: Job#:92J7059 Drawing #:92J7059bv1s1	Design Rep. BEN ANGLIN Sales Rep. BOB STROBECK	CLIENT APPROVAL APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation. DATE LANDLORD APPROVAL APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation. DATE	REVISIONS	
				MM/DD/YY	REMARKS
				1	
				2	--/--/-- ...
				3	--/--/-- ...
				4	--/--/-- ...
				5	--/--/-- ...

the District

C PAD MONUMENT
SCALE: 1/2"

Fabricate and install two (4) Pad Monuments built to UL specifications;

- Welded tubular steel framework with .090 aluminum plate;
- Dual Steel supports set in 3000psi concrete to grade;
- Tenant Cabinets to have reverse-pan faces (.090) aluminum finished in Matthews white, and overlaid with 3M™ opaque vinyls per client;
- Two monuments to have single-user faces, and two monuments to have 6 panels (each side);
- Tenant Cabinets to be externally illuminated w/ Gooseneck lamps (x4 per monument);
- Austin White Limestone veneer over pole covers and planter-base;
- [the District] to be face-lit channel letters w/ #7328 white plex faces and white trimcapping; Sidewalls finished MP black; White LED illumination; Letters flush mount to cabinet;
- Square tubular aluminum accent-rails and .25" routed letters finished MP brushed aluminum;
- Matthews Corten-steel finish on cabinet sidewalls and pole cover (inner section);;
- Electrical requirement: 120v to be supplied at sign site by others;



LEXINGTON HILLS 2430 CROMWELL DR. AUSTIN, TEXAS 78741	Start Date:7/18/15 Last Revision: Job#:92J7059 Drawing #:92J7059cv1s1	Design Rep. BEN ANGLIN Sales Rep. BOB STROBECK	CLIENT APPROVAL APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation. DATE	REVISIONS	
				MM/DD/YY	REMARKS
				1	
				2	--/--/-- ...
				3	--/--/-- ...
				4	--/--/-- ...
LANDLORD APPROVAL APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation. DATE				5	--/--/-- ...

NOTE: DUE TO MONITOR AND PRINTER SETTINGS, COLORS SHOWN ARE APPROXIMATIONS ONLY.
PLEASE REFER TO MANUFACTURER'S SAMPLES AND PANTONE CHART FOR ACCURATE COLOR REPRESENTATION;

the District

D DIRECTIONALS
SCALE: 1/4"

Fabricate and install two (2) Non-illuminated directionals;

- Welded tubular steel framework with .090 aluminum plate;
- Single Steel support set in 3000psi concrete to grade;
- Tenant panels [.090 alum.] finished in Matthews brushed aluminum polyurethane, overlaid with 3M™black opaque vinyl copy;
- Austin White Limestone veneer over pole covers;
- [the District] to routed 3/16" white acrylic;
- Square tubular aluminum accent-rails and logo finished MP brushed aluminum;
- Matthews Corten-steel finish on faces/sidewalls;



LEXINGTON HILLS 2430 CROMWELL DR. AUSTIN, TEXAS 78741	Start Date:7/18/15 Last Revision: Job#:92J7059 Drawing #:92J70590dv1s1	Design Rep. BEN ANGLIN Sales Rep. BOB STROBECK	CLIENT APPROVAL <div>APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation.</div> <div>DATE</div>	REVISIONS	
				MM/DD/YY	REMARKS
				1	
				2	__/__/__ ...
				3	__/__/__ ...
				4	__/__/__ ...
LANDLORD APPROVAL <div>APPROVAL: I have reviewed and approved the sign details on this drawing for fabrication and installation.</div> <div>DATE</div>				5	__/__/__ ...

The District: Commercial and Multi-Family TMED Checklist (combined)

		Commercial Phase	Multi-Family Phase	
	Code Standard	Proposed Standard	Proposed Standard	Staff Support
1	Does the project meet dimensional and setback requirements?	No maximum setbacks	Exceeds 12' front and side maxes (30' and 12' along Ave. T)	Yes
2	Does the project meet building configuration requirements?	1 story min. bldg ht.	Minimum Story Height=10'-6"	Yes
3	Is the use allowed in the district per table 6.3.6D?	Allow drive-through restaurants and a commercial surface parking lot	Yes (in T5-e)	Yes
4	Does the use carry an "L" designation per table 6.3.6 D? If so, specific use standards apply.	Exceed the 10,000 sf GFA max for commercial uses	NA	Yes
5	Does the project meet Block Perimeter Standards? 6.3.7C (Not applicable to SD)	No minimum block sizes	NA	Yes
6	Does parking meet general location and use standards? 6.3.8G	Yes	Exclude Standards 6.3.8G3 & 6.3.8G4 related to alley access and requirement for alley dedication	Yes
7	Are parking lot landscaping and screening requirements met? 6.3.10D-E	1 landscaped parking island/12 spaces and no additional screening proposed for parking lots from public right-of-way due to location of proposed retaining walls	Yes	Yes
8	Do all proposed fences and walls meet minimum standards? 6.3.10I Additional standards for: non-residential/multifamily 6.3.10J, for single family uses 6.3.10K	NA	Exclude 6.3.10I.1 specifying 3' fence height	Yes
9	Does the project meet TMED Design Criteria Manual standards for public frontage? 6.3.11B	8' sidewalk along 31st St. and 6' sidewalk on other streets	6' sidewalk along Ave T located 6' from back of curb. Required trees will be located between sidewalk and property fence.	Yes
10	Does the frontage depth, planting strip, on street parking and sidewalks width meet requirements set forth in Sec. 6.3.11B5?	8' sidewalk adjacent to back of curb with 6' planting strip behind	Tree planted behind sidewalk and 6' planting strip to curb	Yes
11	Is the tree type, spacing, location, and placement in accordance with requirements? 6.3.11D	Trees and shrubs to be clustered	1 tree/25' according to requirements	Yes
12	Has groundcover been provided in planting strip in accordance with requirements? 6.3.11D.2	No groundcover along public right-of-way?	Trees are planted between 6' sidewalk and property line fence due to wet utilities in 6' planting strip between sidewalk and Ave T. 6' planting strip will be planted with sod.	Yes
13	Does the public frontage provide the required pedestrian amenities? 6.3.11D.2	Spaulding lighting proposed rather than Sternberg	Per 6.3.11F, Ave T frontage does not cross any intersections. Sidewalk will connect to adjacent property sidewalks.	Yes
14	Do exterior finish materials meet minimum percentage requirements? 6.3.13 B	Yes	Exclude 6.3.13B2 limiting cementitious siding to only 20% of façade; 5:12 roof pitch minimum? Eaves to overhang at least 24" and fascia depth of 8"? Roof pitch is 5:12 across entire project. Eaves overhang 18". Fascia depth is 8" along all rooflines. At least 25% of windows have a balcony along Ave T frontage with the exception of building 7 which has its side facing Ave T.	Yes
15	Is the building designed in compliance with requirements in table 6.3.13 D? (Not applicable to SD)	Main building entrances are not required to be from a public entrance nor to be oriented towards the ROW; No more than 50 feet without a 2-foot offset (rather than a 5-foot offset); No min. of 30% of all public facades must be doors and windows (for hotel)?	Building 7 has its side facing Ave T which does not meet the requirement for window articulation. However, all other buildings along Ave T will meet window articulation requirement.	Yes
16	Does the parking and proposed garage meet standards? 6.3.14 (Not applicable to SD)	Yes	1 garage per 3.25 units. 45% integrated into primary structures	Yes
17	Is there private property common areas and do they meet standards 6.3.15 A-E (Not applicable to SD or to single family detached /attached residential uses in T4 or T5)	NA	Yes with the exception of combination of amenities required (see attached amenities calculation sheet)	Yes
18	Is the sign type permitted? 6.3.16B (Not applicable to SD-r)	1 25' tall project multi-tenant sign; 2 20' tall multi-tenant signs; 1 monument sign per lot or stand alone tenant; 1 tenant sign per building façade (tenant sign size to not exceed 25% of the entire building elevation)	Property will have standard garden style property directional signs used to direct residents and visitors to apartment units and property amenities.	Yes



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

SEBESTA, CHARLES E JR ETUX KATHY A
1914 S 33RD ST
TEMPLE, TX 76504-6757

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

I recommend ☒ approval () denial of this request.

Comments:

Kathy A. Sebesta
Charles E. Sebesta, Jr.
Signature

KATHY A. SEBESTA
CHARLES E. SEBESTA, JR.
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



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

CASTILLO, FRANK JR REVOCABLE LIVING
TRUST
C/O CASTILLO, FRANK JR TRUSTEE
2217 S 43RD ST
TEMPLE, TX 76504

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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I recommend () approval ☒ denial of this request.

Comments:

I UNDERSTAND THAT A FAMILY HOUSING PROJECT WILL BE BUILT WITHIN THIS AREA. A LOW COST LIVING AREA WILL DEGRADE MY PROPERTY UNLESS A SECURITY FENCE BE BUILT BY THE CONTRACTOR TO SECURE MY PROPERTY, I WILL FULLY DISAPPROVE OF THIS PROJECT.

LOW INCOME HOUSING WILL BE A DISASTROUS TO THIS AREA

THIS WILL DECREASE THE VALUE OF MY PROPERTY.

Signature

FRANK CASTILLO

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

RECEIVED

DEC - 2 2015

City of Temple
Planning & Development

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HENTSCHEL FAMILY TRUST
C/O HENTSCHEL, E M & AUDICE L
2105 S 43RD ST
TEMPLE, TX 76504-6966

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

Comments:

Janice Michalk
Signature

Janice Michalk
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

RECEIVED
DEC - 4 2015
City of Temple
Planning & Development

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

LEWELLEN, LUCINDA
2202 S 43RD ST
TEMPLE, TX 76504-6912

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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I recommend () approval

(☒) denial of this request.

Comments:

I do not want these types of developments (apartments and shopping/dining establishments) that near to my home. I wish that you could stop this from happening.

Lucinda Lewellen
Signature

Lucinda Lewellen
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



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

SPOONTS FAMILY TRUST
C/O SPOONTS, MARVIN H JR & LILLIE
LOUISE CO-TRUSTEES
1918 S 37TH ST
TEMPLE, TX 76504-6746

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

I recommend () approval

(☒) denial of this request.

RECEIVED

DEC - 2 2015

City of Temple
Planning & Development

Comments:

Marvin SpoonTS Jr
Signature

MARVIN SPOONTS Jr
Print Name



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

HALL, TERESA GAIL
2206 S 43RD ST
TEMPLE, TX 76504-6912

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

I recommend () approval

☒ denial of this request.

Comments:

Teresa Gail Hall

Signature

Teresa Gail Hall

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MCEACHERN, VIRGIL NEILL & DONNA J
1921 S 41ST ST
TEMPLE, TX 76504-6649

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

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

Comments:

SCOTT & WHITE. GETS WHAT THEY
WANT MY OPINION WONT MATTER. I ONLY HOPE
IT DOESNT DEVALUE MY PROPERTY.

Signature

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
December 8, 2015.

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

RECEIVED

DEC - 2 2015

City of Temple
Planning & Development

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

ZAB-LINK LLC
703 Tuskegee Drive
WYLIE, TX 75098

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

I recommend () approval

☒ denial of this request.

Comments:

We are against this because when we bought this property & we check with the city planning they informed us that this property is in blue zone medical area. Changing to commercial will be bad for us as they will open more hotels around us. There are already too many hotels around us new hotels will be very harmful for all the hotels as only reason we bought this property is because zoning informed us that this property is a medical zone. Please don't change the zoning. Thks.


Signature

ZAFAR Khan
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than December 8, 2015.

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

Number of Notices Mailed: 50

Date Mailed: November 24, 2015



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

FARMERS MUTUAL PROTECTIVE
ASSOC OF TEXAS
PO Box 6106
TEMPLE, TX 76503-6106

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31st Street and Scott Boulevard

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

I recommend () approval

(☒) denial of this request.

Comments:


Signature


Print Name

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**PLANNING AND ZONING COMMISSION
DECEMBER 8, 2015
5:30 P.M.**

PLANNING AND ZONING MEMBERS PRESENT
Chair David Jones

COMMISSIONERS:

Blake Pitts
Omar Crisp

Greg Rhoads
Patrick Johnson

PLANNING AND ZONING MEMBERS ABSENT:

Lydia Alaniz
Will Sears

Tanya Mikeska-Reed
Lester Fettig

STAFF PRESENT:

Brian Chandler, Director of Planning
Trudi Dill, Deputy City Attorney
Richard Wilson, Deputy City Engineer
Dessie Redmond, Planner
Mary Maxfield, Planning Technician
Leslie Evans, Planning Technician
Kelli Tibbit, Administrative Assistant

The agenda for this meeting was posted on the bulletin board at the Municipal Building, December 2, 2015 at 3:30 p.m. in compliance with the Open Meetings Law.

The following is a summary of the proceedings of this meeting. It is not intended to be a verbatim translation.

Chair Jones called Meeting to Order at 5:34 P.M.

Invocation by Commissioner Pitts; Pledge of Allegiance by Chair Jones.

A. CONSENT ITEMS

Item 1: Approval of Minutes: Work session and the regular meeting of November 16, 2015.

Approved by general consent.

B. ACTION ITEMS

Item 2: Z-FY-16-03 – Hold a public hearing to discuss and recommend action on a rezoning from TMED (Temple Medical Education District) T4 to PD-T5-e and T5-c to PD-T5-c (Planned Development District-TMED T5-e and T5-c Districts) to accommodate a

proposed mix of multi-family and commercial development on 40.389 +/- acres of land being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard.

Mr. Brian Chandler, Director of Planning, stated the applicants were Cypressbrook Company and GFF Architects representing developer Brian Lent and Highline Development. This item is scheduled to go forward to City Council for first reading on January 21, 2016 and second reading on February 4, 2016.

The Temple Medical Educational District (TMED) zoning map is shown. The subject property is zoned T4 and T5-c.

An aerial map is shown of the subject property which is located west of South 31st Street and north of Scott Boulevard. The existing drainage channel runs through the middle of the property which essentially separates the T4 and T5-c districts. The proposed multi-family development would be located on the T4 portion with commercial and retail development on the T5-c.

Zoning Summary:

Property currently zoned:

TMED T5-c Urban Center Zone, a zoning district intended to create “higher-density, mixed use buildings that accommodate retail, offices, row houses and apartments. It has a tight network of streets with wide sidewalks, rhythmic street tree planting and buildings set close to sidewalks.

TMED T4 General Urban Zone, This transect zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, side yard and row houses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.

Proposed zoning:

T5-e Neighborhood Edge Zone, This transect zone consists of a mid-density mixed use but primarily commercial, retail and office urban fabric. It typically has a single row of teaser parking located in front of the principal building, with strong vehicular cross-connection among adjacent properties. It primarily has attached buildings with wide sidewalks, rhythmic street tree planting and buildings set close to the sidewalks.

The Future Land Use and Character Map designates the property as Suburban-Commercial and Staff feels the mix of uses are compliant.

In accordance with the Thoroughfare Plan and Trails Master Plan, 31st Street is designated as a major arterial and Scott Boulevard is a collector. The applicant is proposing a trail system to connect to Jaycee. Park.

Sewer and water are available to serve the property.

Surrounding properties include Baylor Scott and White to the east, single family residential to the west, Candlewood Suites Hotel and offices to the south, and single family residential and Church of Christ to the north.

Proposed combined site plan for multi-family and commercial development is shown.

Five different commercial lots are proposed along 31st Street; two of them are proposed to include drive-through restaurants. To the west two more proposed restaurants; one with a drive-through. Tract 7 is a proposed hotel. Proposed multi-family development would be located to the west. A separate site plan will be shown for the multi-family development.

The applicant is proposing a trail to connect both phases of the development to the detention pond, and ultimately to 37th Street and across Scott to the J.C. Park Trails.

The multi-family phase would include 199 units with a clubhouse, pool, connecting trails, a wooded landscape plan, some garages, some storage units and other amenities. The proposed elevation site is shown. Hardi-board and stone materials would be incorporated into the exterior.

The applicant is requesting the following exceptions from the TMED multi-family standards:

1. Building story height (14 feet required: 10 feet six-inches proposed);
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5. Tree planting behind the six-foot sidewalk, which will still abut a six-foot planting strip behind the curb, to accommodate utilities;
6. Roof pitch (5:12 required: 4:12 proposed);
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Main access will be from 31st Street with one curb cut along 31st Street, a private drive connecting to the multi-family component and a private drive (north/south) connecting West Avenue T to Scott Boulevard. Sidewalks, as required, along the public frontage and also the private streets with sidewalk connections to each of the lots per TMED standards. Also meeting the tree spacing requirements. Connectivity to the trail along the drainage channel/area.

Photos provided by the applicant are shown of other developments done which are representative of the style of architecture and specifications proposed for this item.

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4. Drive-throughs would be permitted for Tracts 1, 2, 4, 5, and 6;
5. Exceeds the 10,000 square foot Gross Floor Area (GFA) maximum for commercial uses;
6. No minimum foot block perimeter standard;
7. One tree per 12 parking spaces (one per 10 required);
8. Exceptions from parking lot screening;
9. Eight-foot sidewalk (along 31st Street) with six-foot planting strip behind the sidewalk;
10. No groundcover required in the planting strip while allowing the required trees to be clustered;
11. Fifty foot maximum building façade length with at least a two-foot articulation; and
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Single-tenant: One wall sign per façade; and

Code allows one per building.

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One 25-foot tall project multi-tenant monument sign at the South 31st Street entrance;

One 20-foot tall multi-tenant monument sign at the Avenue T and Scott Boulevard entrances, respectively;

No more than one single-tenant or multi-tenant 10-foot tall monument sign for each individual lot; and

Code allows one six-foot x two-foot monument sign per lot with a warrant and one eight-foot x two-foot multi-tenant sign per lot with a warrant.

Examples of the proposed types of signage are shown and discussed.

Proposed specifications for the Tenant Wall signs are shown which would be subject to standards with the PD Ordinance but they would also have their own restrictive covenants which would be enforced by the property owners association.

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Bike rack requirements;
Minimum parking ratios and parking space dimensions;
Sidewalk widths and locations;
Selections from approved landscaping list;
Irrigated landscaping for at least 20 percent of site;
80 percent maximum of impervious cover;
Screening of mechanical equipment and waste containers;
Street lights consistent with the TMED design guidelines;
All proposed electric, telephone, and cable wires along the public street right-of-way underground; and
Implementation of Trails Master Plan by providing the trail next to the multi-family and making connectivity to 37th Street.

The Development Review Committee (DRC) review this item on November 23, 2015. The applicant has adequately addressed all comments.

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A Planned development is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development/site plan approval

Staff believes the applicant meets the PD criteria:

Complies with the UDC and other ordinances of the City;
The environmental impact to the surrounding properties and neighborhood is mitigated;
The development is in harmony with the character of the surrounding area;
Safe and efficient vehicular and pedestrian circulation systems;
Parking and loading facilities are safe and convenient;
Streets are designed to accommodate future traffic and to provide emergency access to buildings;
Streets are consistent with the Thoroughfare Plan;
Landscaping and screening are integrated into the overall site design:
1. To provide adequate buffers for adjacent properties
2. To complement the design and location of buildings
Open space areas designed for recreation and conservation; and

Adequate utilities are provided.

Staff recommends approval with the following conditions:

1. Each restaurant with a drive-through provide at least 150 square feet of outdoor dining space; and
2. For buildings located at public street corners (Tracts 1 and 4):
 - a. The building shall have a parapet or vertical roof element that is at least three feet higher than the top of parapet height or roof height;
 - b. The length of the parapet or roof element must be equivalent to at least 15 percent the length of the façade on the side of the building that has the main entrance.
3. Substantial compliance with the attached site plans is required
4. The Planning Director has authority to grant administrative approval to non-substantive changes to the plans.

Commissioner Rhoads asked about the various entrances/exits in the development and whether they would be lighted (stop light). Mr. Chandler replied the only lighted entrance would be on Scott Boulevard.

According to some of the opposition comments, Commissioner Rhoads asked if low income housing would be developed at the subject property. Mr. Chandler responded the apartments would be higher end. Staff never received any calls from the public regarding questions about this project in order to alieve any misunderstandings about the site development.

Mr. Chandler explained that the proposed retaining wall (between two and four feet tall) would be along Avenue T for most of the commercial frontage and the adjoining portion of 31st Street. Scott Boulevard, extending from the north/south private road to 31st Street and up approximately midway would also have the retaining wall (between two and four feet tall). More than half of the frontage for the five tracts would have retaining wall.

Mr. Chandler further explained the outdoor seating for Shoppes on the Hill was not requested of the applicant at the time of the request. The idea came up after working on the Shoppes on the Hill project and then looking at and evaluating the TMED standards regarding drive-throughs and outdoor seating.

When asked about the traffic on Avenue T, Mr. Chandler stated Avenue T was a generous two lane road.

Chair Jones was interested in knowing about options for sun blocking. Mr. Chandler stated on some of the projects shown there were trellises and/or umbrellas, but it was not actually discussed. Staff was looking at the minimal standards.

Chair Jones opened the public hearing.

Mr. Jonathan Wood, GFF Architects, 2808 Fairmount, Suite 300, Dallas, Texas, stated he reviewed the responses returned about the project and wanted to clarify this was a commercial area mixed use, minimum of two story buildings and maximum of five story buildings. The sphere of the project is a horizontal mixed use project containing multi-family, restaurant, retail, and hotel. There will also be a large hike and bike trail.

Mr. Wood explained there would be a north/south private drive and an east/west private drive allowing for smaller tracts and eliminates a large parking field. A network of sidewalks along the perimeter of the tract and the landscaped areas will connect the entire area. This will be a unified development with specified lamp poles along 31st Street to create the TMED architectural character.

Mr. Brian Lent, Highline Real Estate Group, 4445 Livingston, Dallas, Texas, stated the intent was to do as much as possible in the first phase. A proposed landscaped outdoor amenity area of approximate 2,000 +/- square feet may include more than just seating. Tract 6 is currently undetermined, Tract 3 is multi-family, and Tract 3B could be additional multi.

Mr. Jeff Presnal, Cypressbrook Development, 1776 Woodstead Court, Woodlands, Texas, stated Cypressbrook is a commercial real estate development firm that does largely apartments. A sister company handles management of the owned properties. The proposed apartments will not be a low end project, not remotely close. It will be at the very top of the market in Temple.

Cypressbrook is on track with Mr. Lent to complete the infrastructure and utilities and dovetail at the end of that project. The start date would tentatively be the beginning of summer 2016 and would correspond with Mr. Lent's development schedule.

Commissioner Pitts asked about the building materials and if they were standard products. Mr. Presnal responded this was a prototypical building. It is a product they have used in several other markets, they know how it works, they know how to make it look good, and have had great results over time. The one battle they currently face is the cost of construction which has not eased.

The 'modern craftsman' style works very well and appeals to the young professionals around the medical area.

Mr. John Cunningham, 3001 Sleepy Hollow Lane, Temple, Texas, stated he represents and is employed by Baylor Scott & White as General Counsel. Mr. Cunningham was not aware of tonight's meeting until late afternoon.

One of Baylor Scott & White's affiliates owns the Hilton Garden Inn located on Scott Boulevard. In the interest of full disclosure, that property is under contract to be sold to a much more experienced owner and operator. Through the years Scott & White has not been very concerned about development around its properties because it owned all the property around it. There is only one element of concern about this proposed development and that is the inclusion of a hotel. There have been a number of hotel properties developed on Scott Boulevard, Scott Boulevard and the Loop, along the Loop, and now this one. Baylor Scott & White's concern is that hotels are overbuilt in the area and they will all suffer and not as beneficial as it should be for all concerned.

Mr. Cunningham stated they had no other comments regarding Highline Group or their project and have the utmost respect for them, but they are concerned about overdevelopment of hotels in the area.

Mr. Cunningham confirmed this concern was not brought up in previous discussions with the perspective parties that he remembers. It was primarily commercial and apartments.

Mr. Zafar Khan, 2913 Kady Circle, Riley, Texas 75198, and are with the Candlewood Suites located at 1850 Scott Boulevard, Temple, Texas. Mr. Khan stated he had the same concerns as Mr. Cunningham. Mr. Khan and his partners recently purchased the Candlewood Suites

approximately three months ago. Mr. Khan went to Planning and was told the blue zone had no commercial property or planning on the site which is one of the reasons they invested in the hotel property. Now there is a project being developed.

The Holiday Inn is across the street from Candlewood and business is down 20 percent. If another hotel is built next to them Mr. Khan did not feel Candlewood would survive.

Mr. Khan commented the occupancy rate in the area is 65-70 percent. This time of year it is more like 45-50 percent. Half of his hotel is currently empty and having the proposed apartment building will also hurt them. Mr. Khan would need to check with his General Manager to see what the occupancy rates are for all of the hotels in the area.

Mr. Khan does not want to become bankrupt because of this proposed project and if he had known the project was coming he would not have purchased the property.

Mr. Chandler addressed the zoning issue. The existing TMED zoning T5-c allows a hotel (blue area) by right. However, the P&Z recommendation could eliminate other uses or recommend limitation of uses.

Mr. Brian Lent returned to the podium to respond to Commissioner Rhoads question regarding whether the space for the hotel was originally anticipated for an office building. Mr. Lent did not remember this since the plans have shown a hotel for some time. There has been significant interest in the hotel and an office building has not seriously been contemplated.

Mr. Lent felt the hotel to be an important component to the development and provides another use that is complimentary to everything else and in keeping with the mixed use feel.

Commissioner Crisp asked if any occupancy studies have been done for the hotels in the area. Mr. Lent commented he was not a hotel developer but they wanted to be good neighbors and a community partner to everyone in the area.

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

Commissioner Crisp stated hotels were already allowed in that zoning according to Staff. Commissioner Pitts added an exception could be included but agreed the hotel was a desirable key component of the entire mixed use development.

Commissioner Rhoads added that hotels are allowed in T5-c but was under the impression more office space was needed.

Chair Jones was in agreement with Commissioner Rhoads and asked Staff if City Council could manipulate as they need to or see fit so the hotel could or could not be included. Mr. Chandler confirmed this statement and expanded by stating that P&Z is just making a recommendation to City Council and part of that recommendation could be to get the various hotel interests together to have a meeting prior to that and look at feasibility. P&Z could also ask for a continuance in order for the applicant to bring back some specific direction as to what P&Z wanted to see, such as hotel data. This item would go to City Council on January 21, 2016.

Chair Jones added this was a win/win situation for the whole area but how do we work together to make it good for everyone.

Commissioner Rhoads made a motion to approve Item 2, **Z-FY-16-03**, as presented, and Commissioner Pitts made a second.

Motion passed: (5:0)

Commissioners Alaniz, Mikeska-Reed, Sears, and Fettig absent

There being no further business, the meeting was adjourned at 6:51 p.m.

Respectfully submitted,
Leslie Evans

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, DECEMBER 8, 2015**

ACTION ITEMS

Item 2: Z-FY-16-03 – Hold a public hearing to discuss and recommend action on a rezoning from TMED (Temple Medical Education District) T4 to PD-T5-e and T5-c to PD-T5-c (Planned Development District-TMED T5-e and T5-c Districts) to accommodate a proposed mix of multi-family and commercial development on 40.389 +/- acres of land being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard.

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Mr. Wood explained there would be a north/south private drive and an east/west private drive allowing for smaller tracts and eliminates a large parking field. A network of sidewalks along the perimeter of the tract and the landscaped areas will connect the entire area. This will be a unified development with specified lamp poles along 31st Street to create the TMED architectural character.

Mr. Brian Lent, Highline Real Estate Group, 4445 Livingston, Dallas, Texas, stated the intent was to do as much as possible in the first phase. A proposed landscaped outdoor amenity area of approximate 2,000 +/- square feet may include more than just seating. Tract 6 is currently undetermined, Tract 3 is multi-family, and Tract 3B could be additional multi.

Mr. Jeff Presnal, Cypressbrook Development, 1776 Woodstead Court, Woodlands, Texas, stated Cypressbrook is a commercial real estate development firm that does largely apartments. A sister company handles management of the owned properties. The proposed apartments will not be a low end project, not remotely close. It will be at the very top of the market in Temple.

Cypressbrook is on track with Mr. Lent to complete the infrastructure and utilities and dovetail at the end of that project. The start date would tentatively be the beginning of summer 2016 and would correspond with Mr. Lent's development schedule.

Commissioner Pitts asked about the building materials and if they were standard products. Mr. Presnal responded this was a prototypical building. It is a product they have used in several other markets, they know how it works, they know how to make it look good, and have had great results over time. The one battle they currently face is the cost of construction which has not eased.

The 'modern craftsman' style works very well and appeals to the young professionals around the medical area.

Mr. John Cunningham, 3001 Sleepy Hollow Lane, Temple, Texas, stated he represents and is employed by Baylor Scott & White as General Counsel. Mr. Cunningham was not aware of tonight's meeting until late afternoon.

One of Baylor Scott & White's affiliates owns the Hilton Garden Inn located on Scott Boulevard. In the interest of full disclosure, that property is under contract to be sold to a much more experienced owner and operator. Through the years Scott & White has not been very concerned about development around its properties because it owned all the property around it. There is only one element of concern about this proposed development and that is the inclusion of a hotel. There have been a number of hotel properties developed on Scott Boulevard, Scott Boulevard and the Loop, along the Loop, and now this one. Baylor Scott & White's concern is that hotels are overbuilt in the area and they will all suffer and not as beneficial as it should be for all concerned.

Mr. Cunningham stated they had no other comments regarding Highline Group or their project and have the utmost respect for them, but they are concerned about overdevelopment of hotels in the area.

Mr. Cunningham confirmed this concern was not brought up in previous discussions with the perspective parties that he remembers. It was primarily commercial and apartments.

Mr. Zafar Khan, 2913 Kady Circle, Riley, Texas 75198, and are with the Candlewood Suites located at 1850 Scott Boulevard, Temple, Texas. Mr. Khan stated he had the same concerns as Mr. Cunningham. Mr. Khan and his partners recently purchased the Candlewood Suites

approximately three months ago. Mr. Khan went to Planning and was told the blue zone had no commercial property or planning on the site which is one of the reasons they invested in the hotel property. Now there is a project being developed.

The Holiday Inn is across the street from Candlewood and business is down 20 percent. If another hotel is built next to them Mr. Khan did not feel Candlewood would survive.

Mr. Khan commented the occupancy rate in the area is 65-70 percent. This time of year it is more like 45-50 percent. Half of his hotel is currently empty and having the proposed apartment building will also hurt them. Mr. Khan would need to check with his General Manager to see what the occupancy rates are for all of the hotels in the area.

Mr. Khan does not want to become bankrupt because of this proposed project and if he had known the project was coming he would not have purchased the property.

Mr. Chandler addressed the zoning issue. The existing TMED zoning T5-c allows a hotel (blue area) by right. However, the P&Z recommendation could eliminate other uses or recommend limitation of uses.

Mr. Brian Lent returned to the podium to respond to Commissioner Rhoads question regarding whether the space for the hotel was originally anticipated for an office building. Mr. Lent did not remember this since the plans have shown a hotel for some time. There has been significant interest in the hotel and an office building has not seriously been contemplated.

Mr. Lent felt the hotel to be an important component to the development and provides another use that is complimentary to everything else and in keeping with the mixed use feel.

Commissioner Crisp asked if any occupancy studies have been done for the hotels in the area. Mr. Lent commented he was not a hotel developer but they wanted to be good neighbors and a community partner to everyone in the area.

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

Commissioner Crisp stated hotels were already allowed in that zoning according to Staff. Commissioner Pitts added an exception could be included but agreed the hotel was a desirable key component of the entire mixed use development.

Commissioner Rhoads added that hotels are allowed in T5-c but was under the impression more office space was needed.

Chair Jones was in agreement with Commissioner Rhoads and asked Staff if City Council could manipulate as they need to or see fit so the hotel could or could not be included. Mr. Chandler confirmed this statement and expanded by stating that P&Z is just making a recommendation to City Council and part of that recommendation could be to get the various hotel interests together to have a meeting prior to that and look at feasibility. P&Z could also ask for a continuance in order for the applicant to bring back some specific direction as to what P&Z wanted to see, such as hotel data. This item would go to City Council on January 21, 2016.

Chair Jones added this was a win/win situation for the whole area but how do we work together to make it good for everyone.

Commissioner Rhoads made a motion to approve Item 2, **Z-FY-16-03**, as presented, and Commissioner Pitts made a second.

ORDINANCE NO. 2016-4748

(PLANNING NO. Z-FY-16-03)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TMED T4 TO PLANNED DEVELOPMENT T5-E AND A REZONING FROM T5-C TO PLANNED DEVELOPMENT-T5-C TO ACCOMMODATE A PROPOSED MIX OF MULTI-FAMILY AND COMMERCIAL DEVELOPMENT ON APPROXIMATELY 40.389 ACRES OF LAND BEING A PART OF THE REDDING ROBERTS SURVEY, ABSTRACT NO. 692, BELL COUNTY, TEXAS, LOCATED AT THE NORTHWEST CORNER OF SOUTH 31ST STREET AND SCOTT BOULEVARD; 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 TMED (Temple Medical Education District) T4 to PD-T5-e and a rezoning from T5-c to PD-T5-c (Planned Development District-TMED T5-e and T5-c Districts) to accommodate a proposed mix of multi-family and commercial development on approximately 40.389 acres of land being a part of the Redding Roberts Survey, Abstract No. 692, Bell County, Texas, located at the northwest corner of South 31st Street and Scott Boulevard, as outlined in the map attached hereto as Exhibit 'A.'

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 **21st** day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **February**, 2016.

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

01/21/16
Item #12
Regular Agenda
Page 1 of 6

DEPT./DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: FIRST READING - PUBLIC HEARING - Z-FY-16-06: Consider adopting an ordinance authorizing a rezoning from Single-Family 1 (SF-1) district to Planned Development Single Family-One (PD-SF-1) district to allow for a Bed and Breakfast within a single-family residence on Lot 2, Block 8, L. R. Taylor Addition, located at 518 North 7th Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their December 21, 2015 meeting, the Planning & Zoning Commission voted 8 to 0 to recommend approval of the proposed rezoning as presented by Planning staff.

During the meeting, the requirement for the 6-month time limit for improvements was discussed. Staff clarified that, since there was no additional permit required for the residence to function as a bed and breakfast, 6-months was a reasonable time frame to allow the applicant to make the necessary improvements. Further, 6-months would not restrict the opportunity for the business to be immediately open as a bed and breakfast.

STAFF RECOMMENDATION: Based on the following analysis and reasons that:

1. That the proposed Site Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. That the proposed bed and breakfast is in conformance to the procedures and requirements contained in Chapter 17 – Historic Preservation, City Code of Ordinances;
3. The request is consistent with underlying Neighborhood Conservation Future Land Use designation and the residential land uses in the immediate area, since the historic neighborhood character is retained;
4. The request is in compliance with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

Staff recommends approval of the requested rezoning from Single-Family 1 (SF-1) to Planned Development – Single-Family 1 (PD-SF-1), subject to the following conditions:

1. As listed by UDC Section 5.1, all permitted uses within the Single-Family 1 (SF-1) district are allowed, with the addition of a bed and breakfast at 518 North 7th Street;

2. That a maximum of three bedrooms at one time are used for guests of the bed and breakfast;
3. On-site parking be provided at the rate of one space per bedroom related to the bed and breakfast and two spaces for the resident host for a total of five minimum parking spaces;
4. That within 6 months of City Council approval, the applicant expand the existing parking area for better on-site parking and maneuvering capability;
5. That within 6 months of City Council approval, the applicant provides a 4-foot section of sidewalk along the North 7th Street frontage to enhance pedestrian connectivity; and
6. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved site plan, including but not limited to, screening, buffering, landscaping and minor modifications to the overall site layout.

ITEM SUMMARY: The applicant, Larry Garner, on behalf of the property owners, John and Linda Ellis, requests rezoning of Lot 2, Block 8, L.R. Taylor Addition, containing 0.44 +/- acres, from Single Family 1 (SF-1) district to Plan Development – Single Family 1 (PD-SF-1) district and allow a bed and breakfast within a single family residence.

BACKGROUND: The UDC does not address nor has any provisions to allow a bed and breakfast in the City of Temple. Further, there are no known bed and breakfasts established within the City of Temple. The nearest is the “Amazing Grace of Texas, Bed and Breakfast & Tea Room” in Belton, approximately 5 miles away from Temple’s downtown.

In general, the bed and breakfast use provides lodging with a traditional residential setting and would be restricted to the renting of available bedrooms of a traditional single-family residence, in most cases 3 to 5 bedrooms. In addition, the property owner occupies one of the bedrooms as a host. Specifically to this request, a maximum of 3 bedrooms would be rented out for guests,

Staff has worked closely with the applicant to identify the nature of the anticipated activities. A narrative letter has been attached, which goes into the overall operation of the facility as well as details about the experience of the applicant.

Historic Preservation: The property is within the North Central Historic Overlay District. According to UDC Section 4.3.26A, The H, North Central Temple Historic Overlay zoning district is designed to protect, enhance and perpetuate historic areas, places and landmarks that represent or reflect distinctive and important elements of the City’s cultural, social, economic, political, archeological and architectural history.

It should be noted that this property is known as the Ferguson Mansion, which was owned by James and Miriam Ferguson, both former two-term governors of Texas. Additional history about the property has been provided by the applicant’s attached narrative letter.

While in response to Chapter 17 – City Code of Ordinances – Historic Preservation, preservation of this historically significant home in 2012 of the Ferguson Mansion resulted. The property's proximity to the downtown area provides for overnight accommodation opportunities that are currently lacking. As a result, both the intent of the North Central Temple Historic Overlay district and the goals of Chapter 17 – Historic Preservation have been addressed.

In addition, policies of the Future Land Use Plan reflect the future vision of the community and its desired land use pattern. See Future Land Use Plan section for additional discussion. Applicable specifically, is Goal #10 as follows:

Areas of historic value should be maintained and enhanced in accordance with preservation guidelines and development standards.

Planned Development: In the absence of specific code provisions, defining the proposed use and accompanying standards, the bed and breakfast lends itself to a Planned Development concept.

UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, per UDC Sec.3.4.3A, a Development Plan (Exhibit A) is subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The Development Plan that has been submitted, provides the boundaries and the layout for the proposed building footprint and parking area. While enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request, the nature, location and current state of site development, this request did not generate the need for such enhancements. However, parking, sidewalk construction and exterior and interior renovations are noteworthy as follows:

Parking: While there is no UDC parking requirement for bed and breakfast uses, UDC Section 7.5, currently requires for family and group homes, 1 space per guest and 1 parking space per employee. Similarly, since a maximum of 3-bedrooms would be available at any one time, a minimum of 3 parking stalls would be required for the bed and breakfast portion. Parking for the resident host would require a minimum of 2 spaces, which is the same for a stand-alone single family residence. Therefore, a total of 5 spaces would be a justifiable requirement for parking. Although there is a three-car garage and drive access with an opportunity of a hammer-head turnaround or an additional space, in order to better accommodate parking and maneuvering needs entirely on site, expansion of the existing parking area is recommended. A condition of approval has been provided to accommodate this need. Staff has met with the applicant and has agreed to the parking area expansion. Exhibit A reflects the expanded area.

Sidewalk: While sidewalks are not required improvements on local streets, there is an existing sidewalk along West French Ave fronting the subject property. There are also sections of sidewalk along North 7th Street, on the same side of street as the subject property, as well as a more complete

section of sidewalk along the opposite side along North 7th Street. However, there is no sidewalk along the immediate property frontage along North 7th Street. In order to more effectively accommodate pedestrian traffic associated with the bed and breakfast, it would be beneficial for the applicant to provide a 4-foot sidewalk along the property's street frontage of North 7th Street. The applicant is in agreement with the requirement for the sidewalk and Exhibit A reflects its proposed location.

Exterior / Interior Renovations / Detached Garage: According to Building Department records, permits for exterior and interior renovations were issued in 2012. Staff has circulated related information of this request to the Building Official for review. Further, a building permit was issued in 2013 for the detached garage and a permit for flatwork was issued in 2014. According to the Building Official, a "Certificate of Appropriateness" (COA) was issued in 2012. The COA indicates that the rehab and/or renovation work meets both the historic district and building code criteria.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance as follows:

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

In conclusion, in accordance with UDC Section 3.4.5, in determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider specific criteria. While more detailed discussion can be found throughout this report, a synopsis entitled "Planned Development Criteria and Compliance Summary" is attached.

Although the subject property as Planned Development-Single-Family 1 (PD-SF-1) is anticipated to be used as a bed and breakfast, there are a number of uses that are permitted by-right. As shown in the following table, the uses include but are not limited to:

Residential uses

Single Family Attached/Detached
Industrialized Housing
Family or Group Home

Nonresidential uses

Farm or Ranch
Place of Worship
School

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

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Neighborhood Conservation	SF-1	Existing SF Residence
North	Neighborhood Conservation	SF-1	Existing SF Residences
South	Neighborhood Conservation	SF-1	Existing SF Residences
East	Neighborhood Conservation, Suburban Commercial	SF-1, NS (Next Block Over)	Existing SF Residences
West	Neighborhood Conservation, Auto-Urban Multi-Family & Public Institution	SF-1	Existing SF Residences

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 total 0.44 +/- acres, is within the Neighborhood Conservation designation of the Future Land Use Plan (FLUP) and described as follows:

"The Neighborhood Conservation designation is intended to establish standards consistent with those at the time of development (i.e. lot size, setbacks, etc.), so as not to create non-conforming situations and to ensure that any infill activity or redevelopment maintains the neighborhood character." The current land use designation is consistent with the proposed planned developed rezoning request which includes the Single-Family 1 (SF-1) base zoning.

In general, land use policies adopted by the City of Temple as stated by the Comprehensive Plan ("Choices 08") indicate the City's intentions for managing its future growth and development character. These policies reflect the future vision of the community and its desired land use pattern. Applicable specifically, is Goal #10 as discussed in the Historic Preservation section of this report.

Further, it is noteworthy to indicate that while the residence is with the historic district, the property specifically the residence, has received significant upgrades and rehabilitation, which make it presentable in a historical manner. The bed and breakfast provides an opportunity to showcase the property in an enhanced residential manner.

Additional discussion regarding compliance to UDC Section 3.4.3, Planned Development, is provided in the "Background" section in this report.

Thoroughfare Plan (CP Map 5.2)

The property has frontage along both W. French Ave and North 7th Street. Both are identified by the Thoroughfare Plan as local streets. No new driveways are proposed and no issues have been identified relative to access.

Availability of Public Facilities (CP Goal 4.1)

Water is available through a 12-inch waterline in North 7th Street and a 4-inch waterline in West French Avenue. Sewer is available from an 8-inch sewer line in the alley between North 9th Street and North 7th Street on the west side of the subject property.

Temple Trails Master Plan Map and Sidewalks Ordinance

According to the Trails Master Plan Map, no trails have been identified along the fronting streets.

DEVELOPMENT REVIEW COMMITTEE (DRC): As required by UDC Section 3.4.2B, the site plan for the proposed bed and breakfast was reviewed by the DRC on December 7, 2015. Neighborhood sidewalk connectivity as well as residential renovations that occurred in 2012 were discussed.

PUBLIC NOTICE: Owners of thirteen (13) 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 Tuesday January 12, 2016 at 9:00 AM, three notices & an email in agreement have been received.

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

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site / Surrounding / Exterior & Interior Photos](#)
[Planned Development Criteria and Compliance Summary Table](#)
[Applicant's Narrative Letter](#)
[Site Plan \(Exhibit A\) / Floor Plan / Parking Plan](#)
[Aerial Map](#)
[Historic District Map](#)
[Zoning Map](#)
[Future Land Use and Character Map](#)
[Utility Map](#)
[Thoroughfare Plan & Trails Plan](#)
[Notification Map](#)
[Returned Property Owner Notices](#)
[Ordinance](#)

Site, Surrounding, Exterior & Interior Photos



Site: Existing Single Family Residence (SF-1)



Site: Detached Garage and Single Family Residence (SF-1)



Site: Garage, Access Driveway and Parking Area (SF-1)



Exterior – Porch Area



Interior – Living Room Area



Interior - Stairs



Interior – Dining Area



Interior – Bedroom & Fireplace



North: SF Residential Uses – N. 7th Street & French (SF-1)



West: Alley behind Subject Property (SF-1)



West: Existing SF Residential Uses (SF-1)



East: Existing SF Residential Uses (SF-1)



East: Existing SF Residential Uses (SF-1)



East: Along W. French Ave toward N. 3rd Street (SF-1, MF-2, NS, GR & CA)



South: Existing Single Family Residential Uses (SF-1)



South: Existing Single Family Residential Uses (SF-1)

Planned Development Criteria and Compliance Summary

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.	YES	It is fully anticipated that the site plan will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City for any new building construction. It is staff's understanding that no additional improvements to the property are necessary and the property is essentially ready to start as a bed and breakfast.
B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.	YES	The property is developed and has been recently rehabilitated and improved. Building permits related as a residential use were issued in 2012, 2013 and 2014. No impacts to environment resources are anticipated.
C. The development is in harmony with the character, use and design of the surrounding area.	YES	The area is within the North Central Historic Overlay District. The property as a bed and breakfast would be in harmony with the character, use and design of the surrounding area.
D. Safe and efficient vehicular and pedestrian circulation systems are provided.	YES	The property is developed and fronting along both W. French Ave and N. 7th Street as well as backs-up to an alley on the western boundary of the property. While on-street parking would not be prohibited, required parking should be accommodated entirely on-site with the recently constructed 3-car garage and access driveway. These should not only accomodate the parking of needed vehicles per rented bedroom but also the resident host and provide for on-site turning area or an extra parking space. It has been suggested to the applicant to provide an additional space to allow for better parking and maneuvering opportunities.
E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.	YES	Parking and loading facilities are developed and in place. See discussion Item #D for additional information.
F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.	YES	Streets are in developed and in place. No additional street construction is needed.
G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.	YES	Compliance and consistency with the Thoroughfare Plan is met. See discussion for Item #F for additional information.
H. Landscaping and screening are integrated into the overall site design: 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	YES	While buffering and screening per UDC Section 7.7 are not triggered by the proposed use at this location. It is recommended that the Director of Planning be authorized discretion to require additional screening and/or landscaping if needed once the use has been established. Site currently has mature trees & a wood privacy fence. While the garage is located between the neighboring house and the house to the south, the distance between the two residences is approximately 80 feet. If needed, the following standards could be considered as follows: * Evergreen hedges with a minimum planted height of six feet, placed on 36-inch centers or, fences and walls constructed of wood , masonry, stone or pre-cast concrete from 6 to 8 feet in height above the adjacent grade (UDC Section 7.7.4).
I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.	YES	No parks are required as part of the proposed bed and breakfast use of the property. There are several established parks and recreation facilities already established in the vicinity which include but not limited to: Jackson Park, Whistlestop Playground and Optimist Park. No new park facilities are proposed as a result of the proposed bed and breakfast.
J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.	YES	Water, wastewater and drainage facilities as well as other utilities are established and in place. it is not anticipated that the use of the property as a bed and breakfast will generate any strain on these existing facilities.

Proposal for Bed & Breakfast

At

518 N 7th

Temple, TX 76501



RECEIVED

NOV 20 2015

City of Temple
Planning & Development

The following pertains to the Historical Ferguson home which is located at 518 N 7th Street, Temple, Texas, 76501. Larry and Frankie Garner would like to purchase the home and convert it into a Bed and Breakfast. We currently have the house under contract. The business would offer alternative luxury lodging for Temple visitors that would highlight the history of the area. We believe it will also bring visitors to the area to visit the Ferguson Mansion which would also increase sales for local restaurants and merchants.

The House & Its History

The Ferguson Mansion was built in 1907 as the home of James and Miriam Ferguson who were both former two term governors of Texas. It is a classic Victorian style house that has 3,012 square feet located on .44 acres. It is a two story that currently has 4 bedrooms and 2 ½ bathrooms along with a detached three car garage. Features include 2 wraparound porches and two indoor staircases, crown molding, pocket doors, transoms, wood floors, built in seats, wavy glass windows and features exquisite wood working along with features from the period in which it was built. This house is listed on both the Texas and National Historic Registries. Jim Ferguson was known as Pa Ferguson and his wife Miriam Amanda Wallace Ferguson who was known as Ma Ferguson. She got her nickname "Ma" partly from her initials "M.A.", and also because her husband was known as "Pa" Ferguson. Both were colorful characters in Central Texas history. Former Governor Rick Perry has often been compared to Pa Ferguson.

Pa Ferguson was a lawyer, successful business owner and considered by many as one of the greatest speakers Texas as ever produced. During his time as governor, Pa made many enemies of former friends, supporters and powerful people in Texas including the power brokers at the University of Texas. He was impeached during his second term in office, convicted of misusing state funds, and was banned from ever holding another state office. He later ran for political office in Texas and for President of the United States, in which he received 10% of the Texas vote, but lost both races.

Ma Ferguson was the first female governor of Texas and second female state governor to be elected in the United States. People either seemed to love or hate her. She told voters that she would follow the advice of her husband and Texas thus would get "two governors for the price of one." A common campaign slogan was, "Me for Ma, and I ain't got a durned thing against Pa." Ma is often credited with a quote allegedly spoken in reference to bilingualism in Texas schools: "If English was good enough for Jesus Christ, it ought to be good enough for the children of Texas." She was a teetotaler but aligned herself with the "wets" in the battle over prohibition and also took a firm stand against the Ku Klux Klan. The Ferguson Cut Off, between Hwy. 290 East and the Old Manor Road in Austin, Texas is named after her. Pa died in 1944 and Ma died in 1961 at the age of eight-six, penniless.

The house has been restored and remodeled inside and out including a new roof, tankless hot water heater, new plumbing, new central air and heating units, a new three car garage and restored wood features. There are two paved areas for parking with room for at least six vehicles. Over time we will make even more improvements to the historical Ferguson house including adding a bathroom, outdoor lighting and upgraded landscaping.

The Innkeepers

Larry had 25 years of successful business experience before entering the ministry. He is a licensed Baptist Pastor who loves The Lord and tries to show God's love to all. He has multiple advanced degrees from Texas A&M and Dallas Theological Seminary. For the last 16 years he has worked at Garland Independent School District with at-risk teens who have been in the juvenile justice systems, homeless or have just made poor life choices. He has multiple ministries that include teaching theology courses at The Michael's Unit, a maximum security prison in Tennessee Colony, Texas, and counseling with inmates. He has been heavily involved in ministries to the homeless and the poor and have had Bible teaching ministries through multiple churches. Both Larry and Frankie have also worked with teams to provide disaster relief in Haiti after the earthquake and Joplin Mo. after the tornado.

Frankie was raised in Troy, Texas and graduated from Mary Hardin Baylor with a degree in business. She is now a Human Resource manager for Raytheon. She started her career in Central Texas working for McLane Company and the former Texas Instruments. While there she graduated from Leadership Temple. She is involved with various ministries in and outside our church including Women's Ministries. Frankie is also well known for her baking skills and popular desserts. She loves the Lord and it shows in her work and relationships with others.

Nine years ago Larry and Frankie bought a run down 100 year old Historic Home in Granbury Texas. For more than a year they worked to restore it and turn it into Granbury Gardens Bed and Breakfast. We were on the Historic Tour of Homes and had over 2,000 people visit our Bed and Breakfast on a cold and rainy December day. We served a four course gourmet breakfast and Frankie was honored as having one of the Best Breakfast for B&B's in the state of Texas by Bed and Breakfast .com. Our B&B was consistently rated as five stars by our guests. We had visitors from almost every state in the United States and people from 35 different countries stay with us. After three years we were forced to sell it to take care of our aging parents when their health began declining. Granbury Gardens continues to operate as a successful bed and breakfast today.

The Business

If approved for the Bed and Breakfast, Larry will retire from Garland ISD in January and live at the B&B full time. In the beginning, Frankie will be at the B&B primarily on the weekends although she will be retiring and living here full time within the next two years. They will offer rooms seven days a week with guests checking in between 3:00 – 6:00 PM in the evening and checking out before 11:00 AM. The B&B will be open year round but will close for the Thanksgiving and Christmas holidays. We intend to have two or three bedrooms for our guests and expect to be open within sixty days after getting the approval from the city.

Benefit to the Community

There are many benefits for the city allowing us to open a Bed and Breakfast. We will provide alternative lodging in Temple that will:

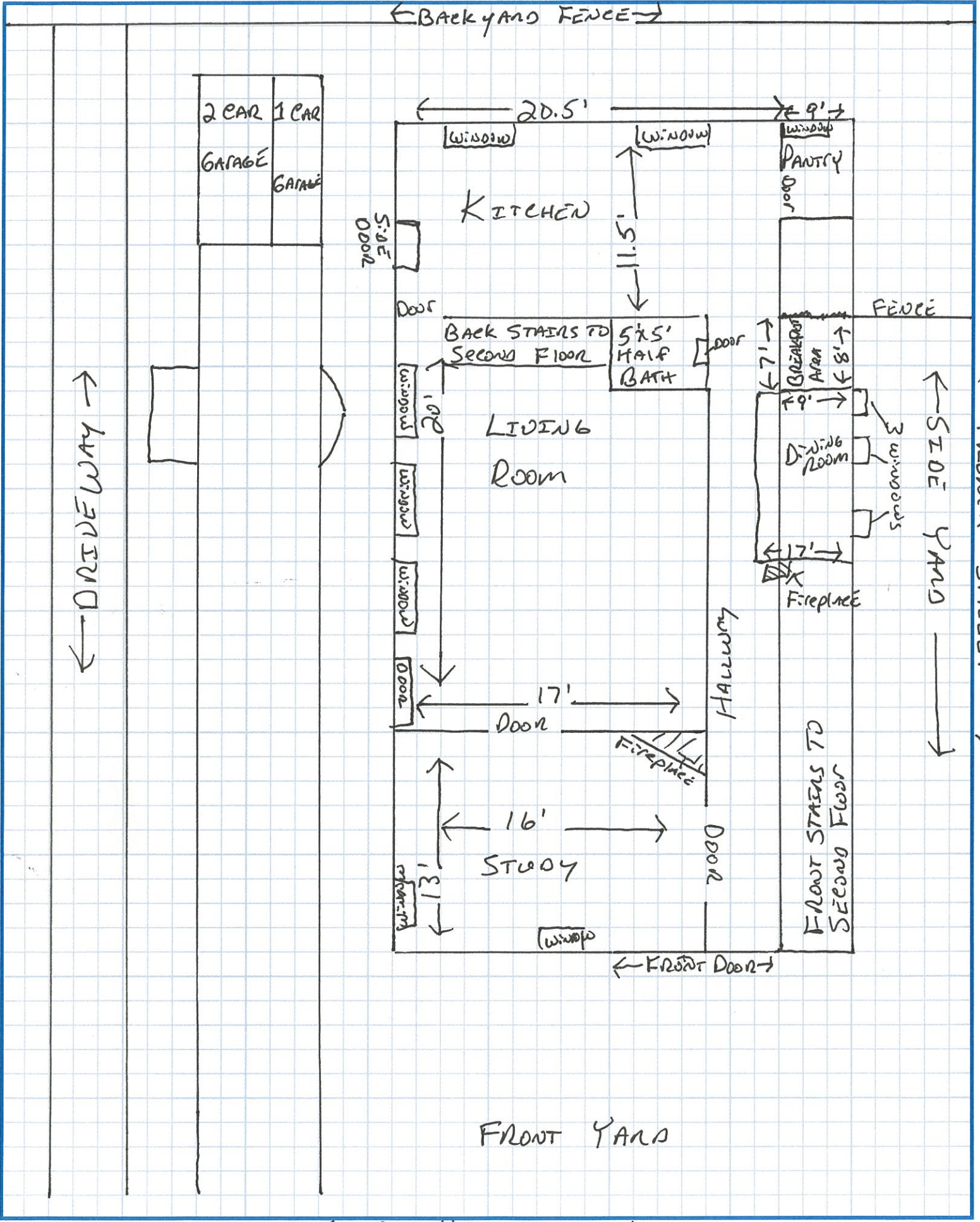
- offer luxury lodging for visiting executives and doctors for the many businesses and travelers coming in for special events in the area
- offer a place to stay where travelers feel safe with fewer people coming and going verses hotel/motel atmosphere
- provide a place for honeymooners or wedding guests
- offer an interesting stay for those interested in Texas history
- help to highlight the Historical district, both locally and statewide
- bring more people into the area because of our advertising
- help other merchants because we will encourage our guests to visit the many attractions Temple has to offer such as the downtown square
- Ensure Temple will have a Historic Victorian Home that will be kept in pristine condition
- offer a perfect romantic getaway where guests will be able to purchase packages that include roses and chocolate covered strawberries
- provide a place where guests will enjoy personal service from the owners because, with only two to six guests, they get a much more personal experience than larger establishments can offer

The B&B will offer unexpected luxuries such as plush bathrobes, german chocolate cake, pies and cookies in the afternoon. Free bottled water bottle and soft drinks. Four course gourmet breakfasts, luxury bed and linens, and much more. The Innkeepers' previous B&B had a high number of repeat guests and many that told their friends and family about Granbury Gardens and encouraged them to come.

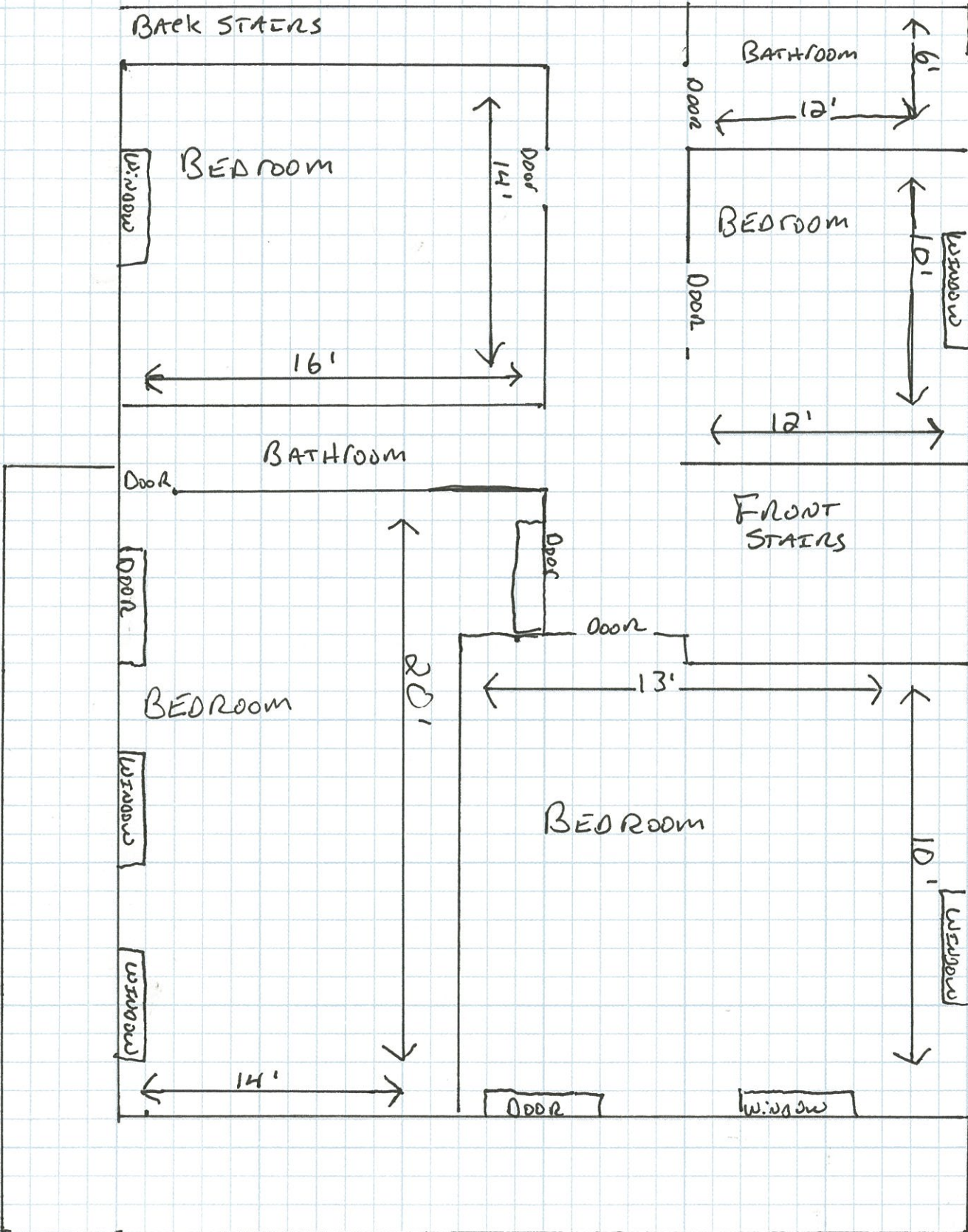
Just think, when is the last time you told a friend about the great motel experience you had?

This information has hopefully answered any questions you have and informed you about our desire and the benefits to having a quality Bed and Breakfast in Temple. Please feel free to call with any questions you might have.

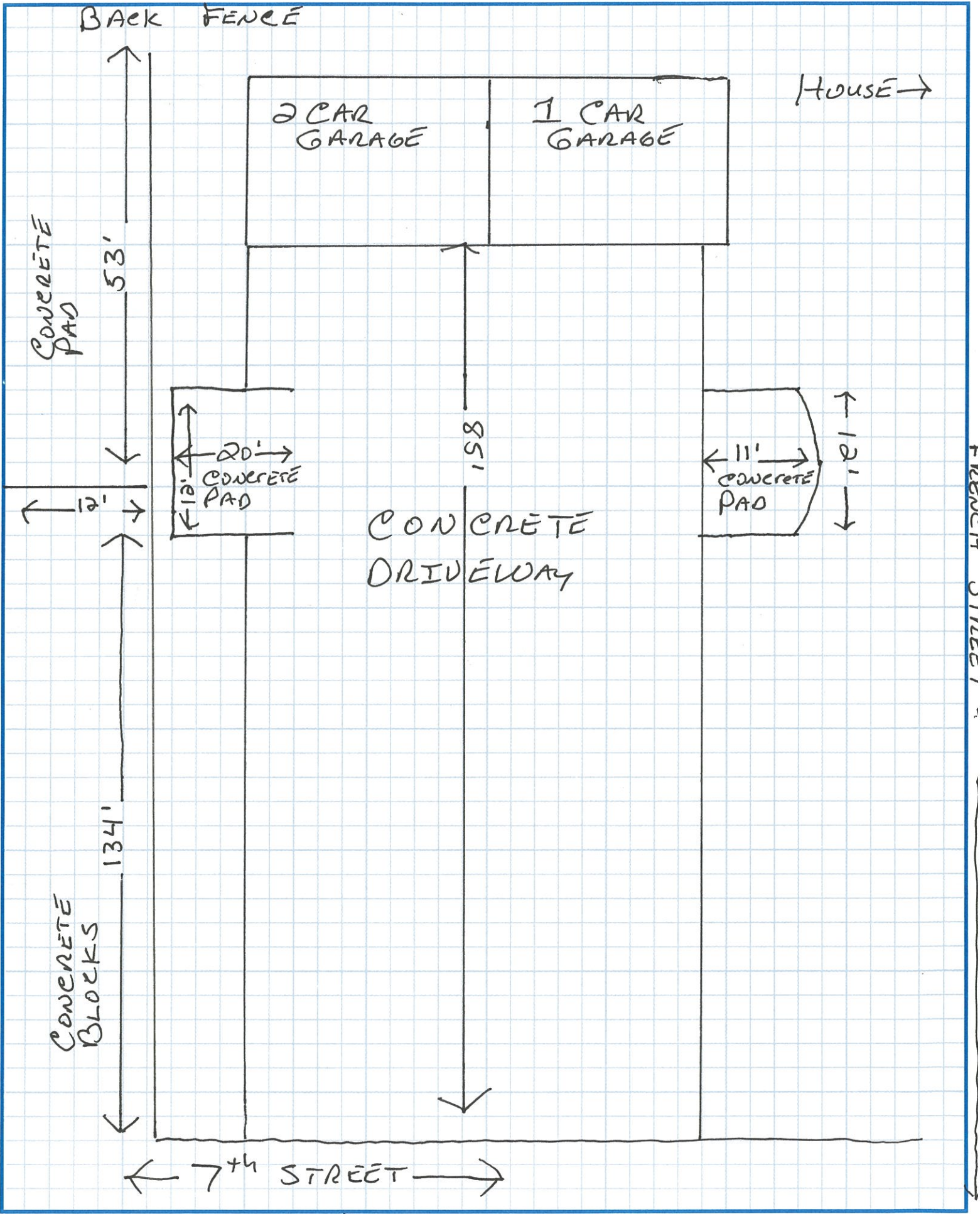
Thank You for your time and consideration,
 Larry & Frankie Garner
 1130 Chimneyrock Trail
 Garland, Tx. 75043
 Larry's cell-214-770-3533

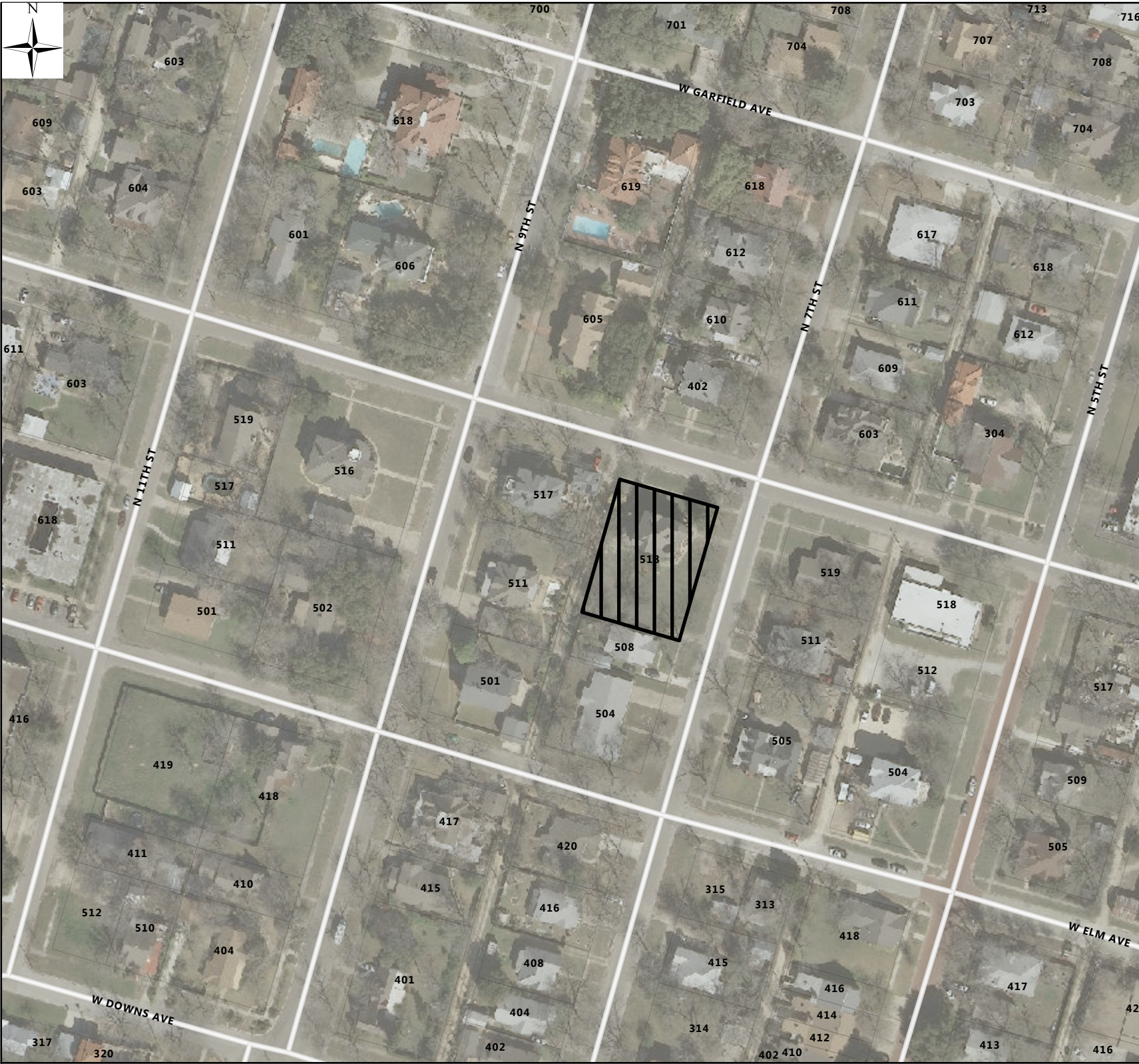


← BACK FENCH →



← 11 7th STREET →





SF-1 to PD SF-1

AERIAL MAP

Zoning Case :
Z-FY-16-06

Address :
518 N. 7th Street

Streets

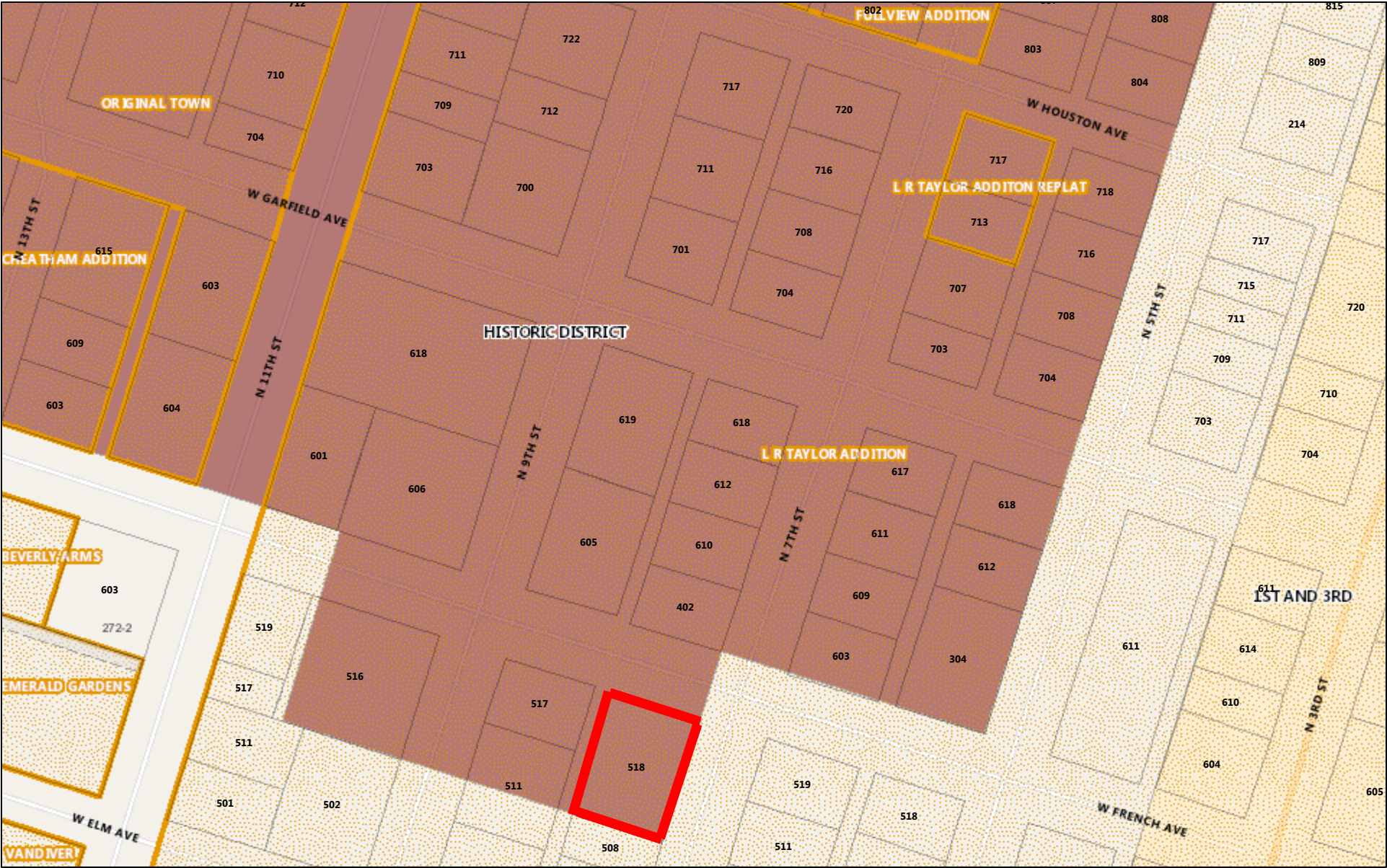
- EXPRESSWAY
- MAJOR ARTERIAL
- COLLECTOR
- LOCAL STREET
- MINOR ARTERIAL
- PRIVATE
- RAMP
- Railroad
- Temple Municipal Boundary
- Parcels
- ETJ Parcels
- CaseArea

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.

mbaker
Date: 11/20/2015



North Central Historic Overlay District - 518 N. 7th Street



November 25, 2015

- Parcels

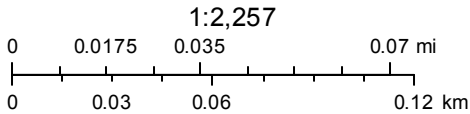
Street Labels

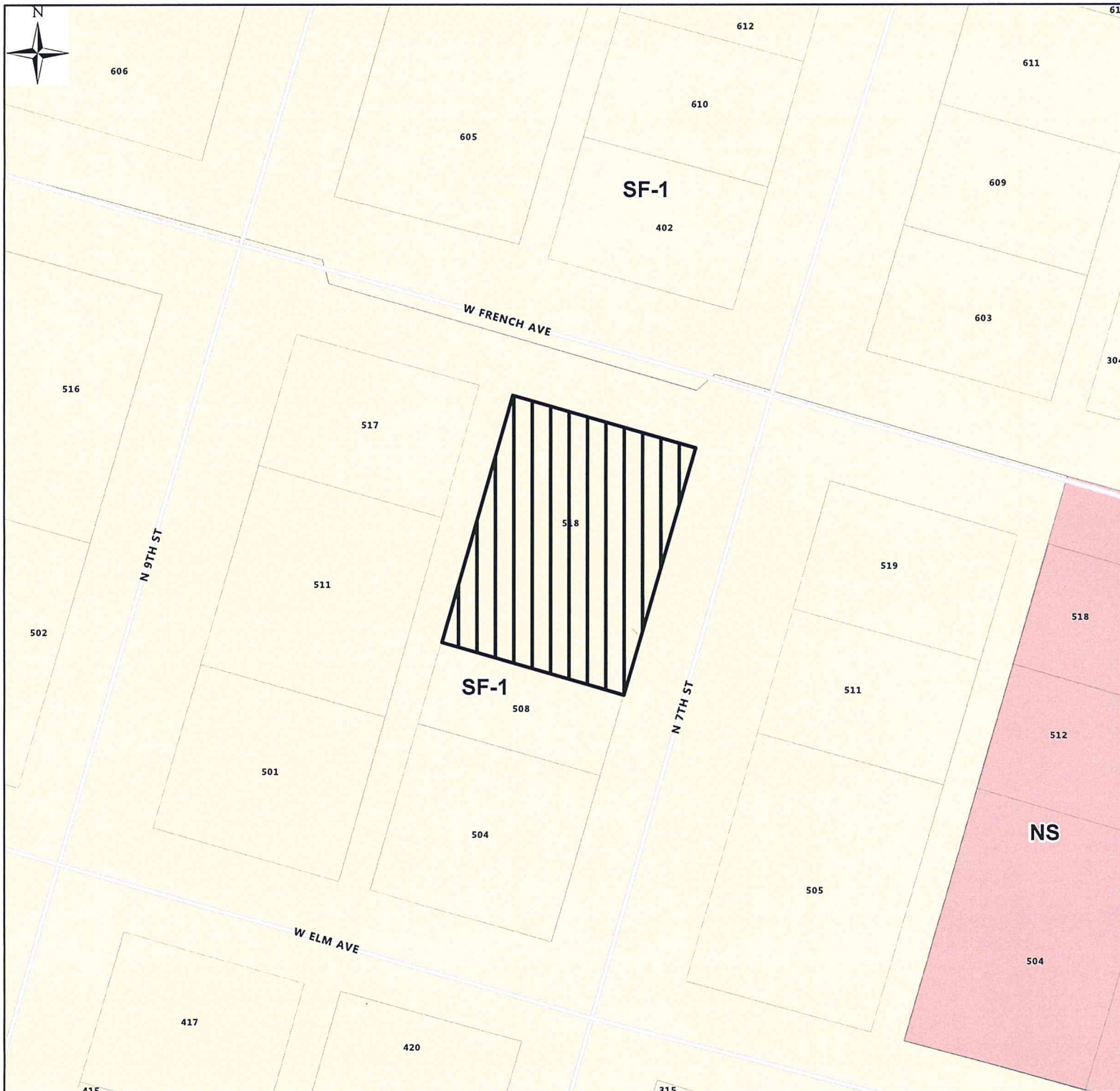
Railroad Labels
- Park Labels

Easement

Outblock Numbers

 Subdivision





SF-1 to PD SF-1

ZONING MAP

Zoning Case :

Z-FY-16-06

Address :

518 N. 7th Street

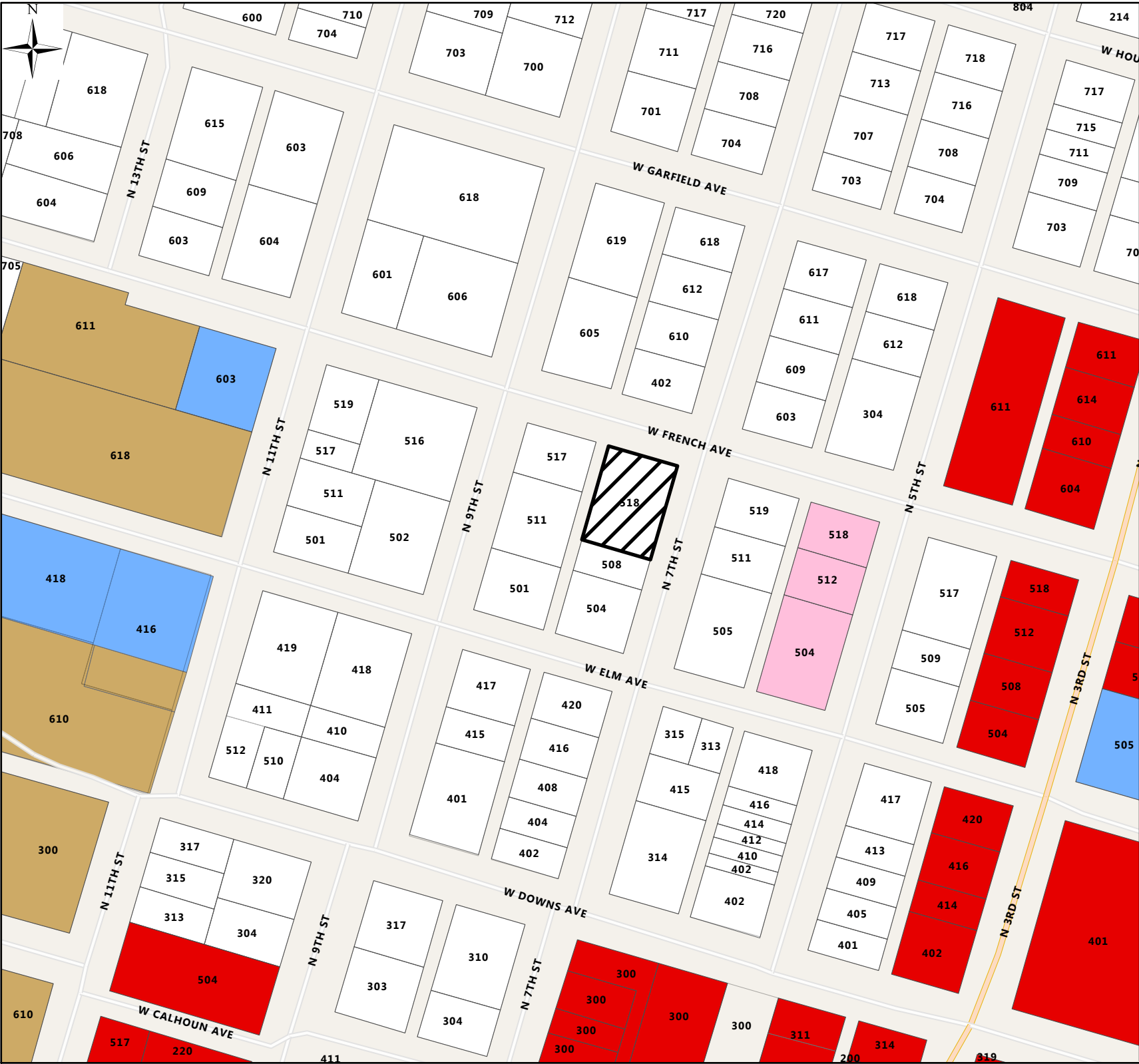
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA	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	CaseArea
MF-2 - PD	HI - PD	Buffer
MF-3 - PD	AG	

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mbaker

Date: 11/20/2015





SF-1 to PD SF-1

FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-06

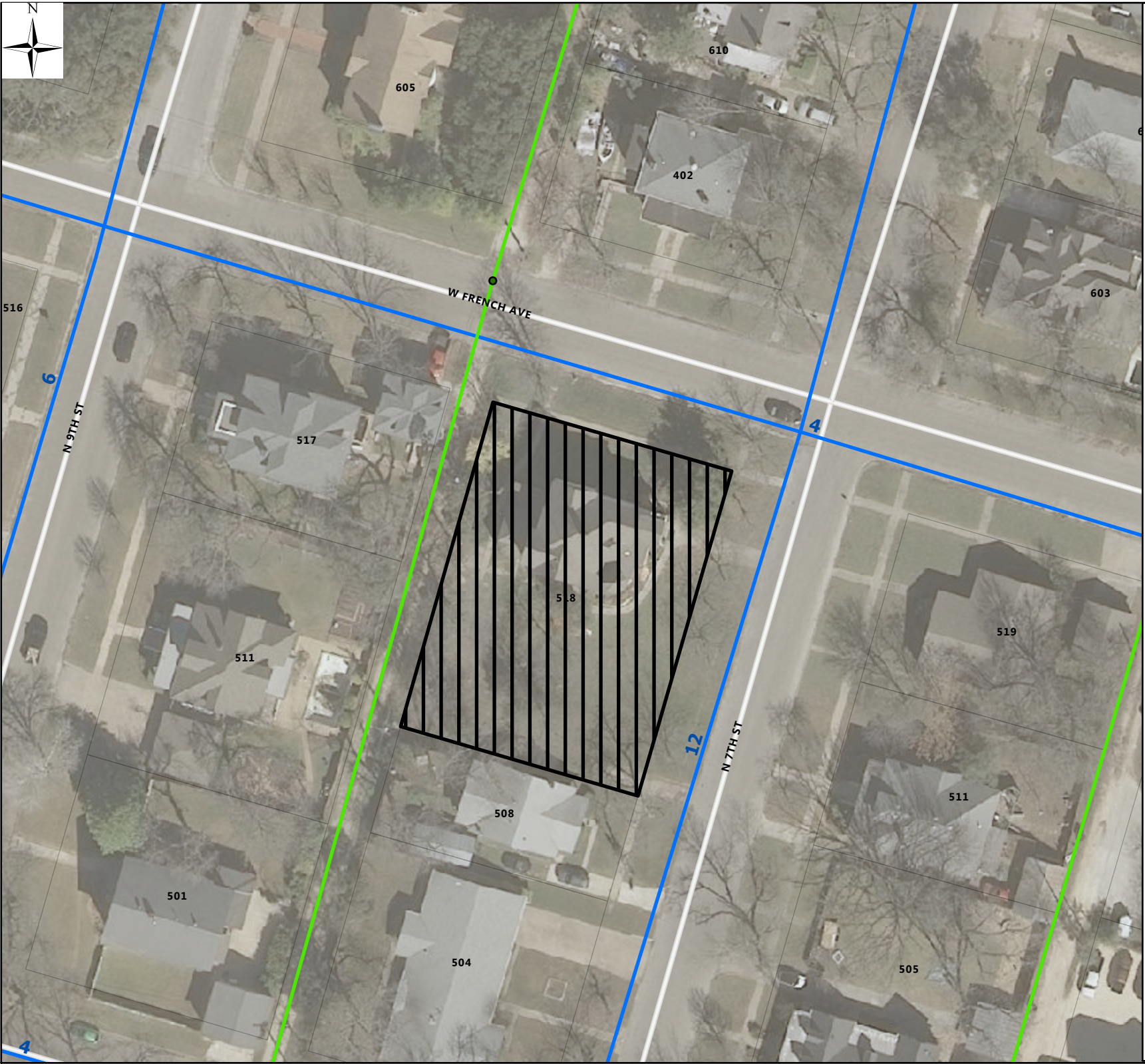
Address :
518 N. 7th Street

- 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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mbaker
Date: 11/23/2015





SF-1 to PD SF-1

UTILITY MAP

Zoning Case :
Z-FY-16-06

Address :
518 N. 7th Street

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

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mbaker
Date: 11/20/2015





SF-1 to PD SF-1
**THOROUGHFARE
AND TRAILS MAP**

Zoning Case :
Z-FY-16-06

Address :
518 N. 7th 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

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mbaker
Date: 11/20/2015





SF-1 to PD SF-1

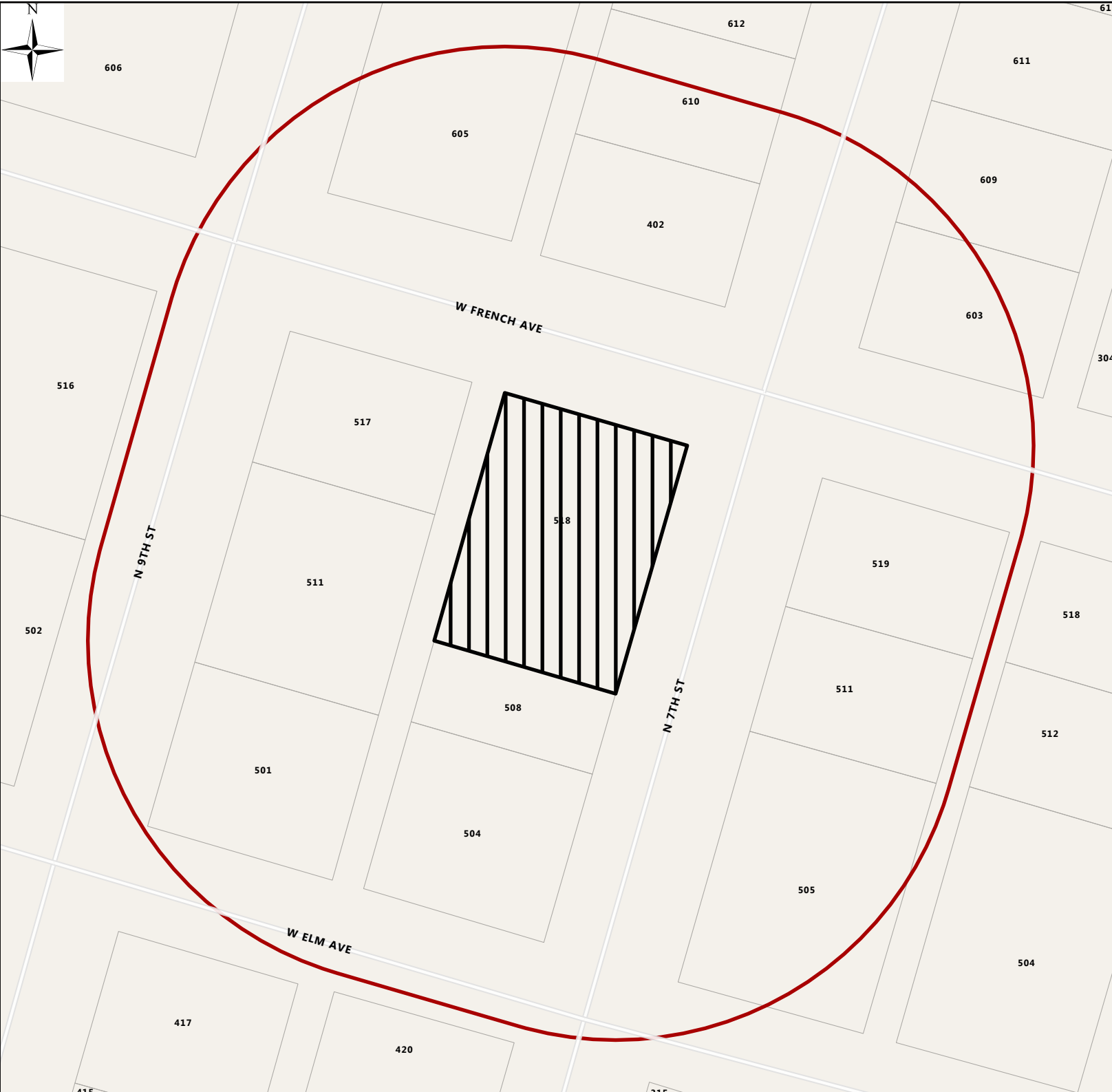
200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-06
Address :
518 N. 7th Street

 CaseArea
 Buffer

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mbaker
Date: 11/20/2015





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

BOWKER, FRANCES INMON
504 N 7TH ST
TEMPLE, TX 76501-3122

Zoning Application Number: Z-FY-16-06

Project Manager: Mark Baker

Location: 518 North 7th Street—Proposed rezoning from Single Family-One (SF-1) to Planned Development Single Family-One (PD-SF-1) to allow for a Bed & Breakfast in a single family residence.

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:

RECEIVED

DEC 16 2015

City of Temple
Planning & Development

Frances I Bowker
Signature

FRANCES I. BOWKER
Print Name

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

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

Number of Notices Mailed: 14

Date Mailed: December 10, 2015

Mark Baker

From: Ron Germann <rgermann@templetx.gov>
Sent: Wednesday, December 16, 2015 11:49 AM
To: Brian Chandler
Cc: Mark Baker
Subject: RE: Ferguson House re-zoning

Gents, thanks to you both for such a quick and thorough reply!

Germanns at 511 North 9th are in favor of rezoning the Ferguson home and the new owner's intent to operate a B&B.

Thanks, again, and Merry Christmas to you and yours! Ron

From: Brian Chandler
Sent: Wednesday, December 16, 2015 10:43 AM
To: Ron Germann
Cc: Mark Baker
Subject: RE: Ferguson House re-zoning

Hi Ron,
Thanks for your email, which we will include in the packet that goes to the Planning and Zoning Commissioners. Essentially, if the rezoning request is approved, it would limit the property to only a B&B or any other use currently allowed under the SF-1 Single Family base zoning district. Therefore, if sold in the future, it could not be converted to some other commercial use without rezoning at that time to some other commercial zoning district. I hope that answers your question. Either way, Mark Baker, Senior Planner, is the case manager for this request and could answer any other questions that you might have.

Sincerely,
Brian

Brian L. Chandler, AICP
Director of Planning
City of Temple
(254) 298-5272

From: Ron Germann [<mailto:rgermann@templetx.gov>]
Sent: Wednesday, December 16, 2015 9:24 AM
To: Barbara Morgenroth; Brian Chandler; Dessie Redmond; Kelli Tibbit; Leslie Evans; Mark Baker; Mary Maxfield; Tammy Lyerly
Subject: Ferguson House re-zoning

All,

Please pardon the group email, but I'm unsure of who I should contact about the topic!

I received a mailing from Planning asking me to comment on the proposed rezoning of the Ferguson home on North 7th to a B&B. I have misplaced the form, but recall that responses were due this week. I'll hope you'll forgive my mistake and that you might be able to use this email.

Germann residence at 511 North 9th is all for the rezoning. Our only concern would be should the prospective B&B owners decide to sell at some point, that they would be required to sell as a B&B or single family residence vs multi family or any of the other categories that might accompany the rezoning to B&B.

Again, apologies for misplacing the notice!

Thanks, Ron



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

MANSKY, LINDA DRAUGHON
1114 SHADY OAK TRL
MANSFIELD, TX 76063

Zoning Application Number: Z-FY-16-06

Project Manager: Mark Baker

Location: 518 North 7th Street—Proposed rezoning from Single Family-One (SF-1) to Planned Development Single Family-One (PD-SF-1) to allow for a Bed & Breakfast in a single family residence.

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

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

Comments:

I RECOMMEND APPROVAL, AS A BED AND BREAKFAST
WILL ENHANCE THE REDEVELOPMENT OF AN HISTORICALLY
MAGNIFICENT AREA OF TEMPLE.

RECEIVED

DEC 17 2015

City of Temple
Planning & Development


Signature

LINDA MANSKY
Print Name

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

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



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

MANSOUR, PAUL G
505 N 7TH ST
TEMPLE, TX 76501-3121

Zoning Application Number: Z-FY-16-06

Project Manager: Mark Baker

Location: 518 North 7th Street—Proposed rezoning from Single Family-One (SF-1) to Planned Development Single Family-One (PD-SF-1) to allow for a Bed & Breakfast in a single family residence.

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:

RECEIVED

DEC 21 2015

City of Temple
Planning & Development


Signature

Paul Mansour
Print Name

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

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

Number of Notices Mailed: 14

Date Mailed: December 10, 2015

ORDINANCE NO. 2016-4750

(PLANNING NO. Z-FY-16-06)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM SINGLE FAMILY ONE DISTRICT TO PLANNED DEVELOPMENT SINGLE FAMILY ONE DISTRICT, TO ALLOW FOR A BED AND BREAKFAST WITHIN A SINGLE FAMILY RESIDENCE ON LOT 2, BLOCK 8, L. R. TAYLOR ADDITION, LOCATED AT 518 NORTH 7TH STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Single Family One District to Planned Development Single Family One District, to allow for a Bed and Breakfast within a single family residence on Lot 2, Block 8, L. R. Taylor Addition, located at 518 North 7th Street, as outlined in the map attached hereto as Exhibit 'A,' and subject to the following conditions:

1. As listed by Unified Development Code, Section 5.1, all permitted uses within the Single-Family One District are allowed, with the addition of a Bed and Breakfast at 518 North 7th Street;
2. That a maximum of three bedrooms at one time are used for guests of the bed and breakfast;
3. On-site parking shall be provided at the rate of one space per bedroom related to the Bed and Breakfast and two spaces for the resident host for a total of five minimum parking spaces;
4. That within 6 months of City Council approval, the applicant shall expand the existing parking area for better on-site parking and maneuvering capability;
5. That within 6 months of City Council approval, the applicant shall provide a 4-foot section of sidewalk along the North 7th Street frontage to enhance pedestrian connectivity; and
6. That the Director of Planning have discretion to approve minor modifications to the City Council approved site plan, including but not limited to, screening, buffering, landscaping and minor modifications to the overall site layout.

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 **21st** day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the **4th** day of **February**, 2016.

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

01/21/16
Item #13
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution appointing one member to serve as the City's representative on the Board of Directors of the Tax Appraisal District of Bell County for a two year term beginning January 1, 2016.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Appraisal District has requested the City make an appointment to this board for a two year term beginning January 1, 2016 through December 31, 2018. Scott Morrow currently serves as the City of Temple representative.

FISCAL IMPACT: None

ATTACHMENTS: None