



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING  
2 NORTH MAIN STREET  
3<sup>rd</sup> FLOOR – CONFERENCE ROOM  
THURSDAY, FEBRUARY 4, 2016**

**3:30 P.M.**

**AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, February 4, 2016.
2. Receive a presentation from Picerne Affordable Development regarding their tax credit application.
3. Discuss potential amendments to the City Code, Chapter 16, Article VIII, “Tattoo Shops” and related amendments to the Unified Development Code.
4. Discuss the purchase of approximately 0.896 acres necessary for the extension of Tarver Drive to Old Waco Road, authorizing closing costs associated with the purchase, authorizing the payment of relocation expenses, and authorizing the execution of a Possession and Use Agreement, in an amount not to exceed \$185,000.

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

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR  
TEMPLE, TX**

**TEMPLE CITY COUNCIL  
REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC COMMENTS**

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

**III. REPORTS**

3. Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2015.

**IV. PROCLAMATIONS & SPECIAL RECOGNITIONS**

4. National Wear Red Day February 5, 2016
5. Recognition of the City of the Temple Employee of the Quarter and Employee of the Quarter finalist for the first quarter of 2016.

**V. CONSENT AGENDA**

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

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

**Minutes**

- (A) [January 21, 2016 Special and Regular Meeting](#)
- (B) [January 22, 2016 Special Called Meeting](#)



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

- (C) [2016-8017-R](#): Consider adopting a resolution authorizing a construction contract with Quality W Contractors, LLC of Waco, in the amount of \$252,759 for the Airport Hangar Infrastructure Development Phase II Project at the Draughton-Miller Central Texas Regional Airport.
- (D) [2016-8018-R](#): Consider adopting a resolution authorizing a contract with BSN Sports of Dallas, in an amount not to exceed \$26,524.56, for the purchase of 24 aluminum bleachers for the Northam Baseball Complex.
- (E) [2016-8019-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement with the Temple Economic Development Corporation for conveyance of an approximately 8.14 acre parcel of City-owned land located off of Wendland Road.
- (F) [2016-8020-R](#): Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$167,000, for land acquisition and relocation services for the Santa Fe Market Trail project.
- (G) [2016-8021-R](#): Consider a recommendation to the City Council to authorize a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$199,100, to provide 100% design and construction documents for the Santa Fe Market Trail in downtown Temple.
- (H) [2016-8022-R](#): Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$124,400, to provide 30% design and rights-of-way determination for the Receiving and Delivery (R&D) Tracks Project in the Temple Rail Park.
- (I) [2016-8023-R](#): Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$78,400, to design the Northern Y Rail Improvements in the Temple Rail Park.
- (J) [2016-8024-R](#): Consider authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$189,220, to design, bid, and construct the Northwest Little Elm Wastewater Extension.
- (K) [2016-8025-R](#): Consider adopting a resolution authorizing the purchase of approximately 0.896 acres necessary for the extension of Tarver Drive to Old Waco Road, authorizing closing costs associated with the purchase, authorizing the payment of relocation expenses, and authorizing the execution of a Possession and Use Agreement, in an amount not to exceed \$185,000.
- (L) [2016-8026-R](#): Consider adopting a resolution authorizing the purchase and installation of a video surveillance system in the amount of \$37,153.34 from Knight Security Systems, LLC of Austin, as well as declare and official intent to reimburse expenditures with the issuance of 2016 Limited Tax Notes (LTN's).
- (M) [2016-8027-R](#): Consider adopting a resolution authorizing the purchase of a Shoretel phone system, licenses, and support services in the amount of \$92,642.90 from Affiliated Communications of Austin.

- (N) [2016-8028-R](#): A-FY-15-04: Consider adopting a resolution authorizing the release of 0.170 acres of an existing 20-foot wide public utility easement within the Meadows at Creekside Subdivision located at 1638 Case Road.
- (O) [2016-8029-R](#): Consider adopting a resolution authorizing the submission of an application for funding through the U.S. Environmental Protection Agency, Special Appropriation Act Projects, in the amount of \$1,760,000, with \$970,000 reimbursed to the City through Federal funding, to execute the construction of the Northeast/Northwest Little Elm Wastewater Line Extension.
- (P) [2016-8030-R](#): Consider adopting a resolution approving a Memorandum of Understanding with the Fire Departments of the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy, in support of the FEMA 2015 Assistance to Firefighters Grant.
- (Q) [2016-8031-R](#): Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$126,953.79 which covers the availability of 9,453 acre-feet of water to the City for FY 2016.

#### **Ordinances – Second & Final Reading**

- (R) 1. [2016-4747](#): SECOND READING – 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.
- 2. [2016-8032-R](#): Consider adopting a resolution amending the City of Temple Civil Service-Fire Pay Schedule to include the Assistant Chief position.
- (S) [2016-4748](#): SECOND READING – Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.
- (T) [2016-4749](#): SECOND READING - 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.

#### **Misc.**

- (U) [2016-8033-R](#): Consider adopting resolution ordering an election for May 7, 2016, for the election of the District 1 Councilmember, and the District 4 Councilmember.
- (V) [2016-8034-R](#): Consider adopting a resolution authorizing acceptance of the Airport Master Plan for the Draughton-Miller Central Texas Regional Airport.

- (W) [2016-8035-R](#): Consider adopting a resolution authorizing certain City employees to conduct investment transactions, transfer funds, and represent the City in other financial transactions.
- (X) [2016-8036-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

## **VI. REGULAR AGENDA**

### **ORDINANCES – FIRST READING**

7. [2016-4751](#): FIRST READING –Consider adopting an ordinance designating two tracts of land consisting of approximately 1.377 acres and located in the Barton Business Park, Phase One and Phase Two, as City of Temple Tax Abatement Reinvestment Zone Number 33 for commercial/industrial tax abatement.

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

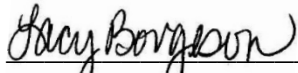
8. [2016-4752](#): FIRST READING – PUBLIC HEARING - Z-FY-16-08 – Consider adopting an ordinance authorizing a rezoning from Two Family (2F) zoning district to Commercial (C) zoning district, Lots 5 & 6, Block 011, Temple Heights, located at 1119 South 53rd Street.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 1:00 PM, on Friday, January 29, 2016.



City Secretary, TRMC



## **COUNCIL AGENDA ITEM MEMORANDUM**

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02/04/16

Item #3

Regular Agenda

Page 1 of 2

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

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Receive the City of Temple Comprehensive Annual Financial Report for fiscal year ended September 30, 2015.

**STAFF RECOMMENDATION:** Receive the audit report as presented in item description.

**ITEM SUMMARY:** According to the City Charter of the City of Temple, an annual independent audit is required to be made of the financial records of the City by a Certified Public Accountant selected by the City Council. The City of Temple engaged the firm of Brockway, Gersbach, Franklin & Niemeier, P.C.

The City of Temple Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2015, will be presented by Steve Niemeier, CPA. Mr. Niemeier is a partner with the accounting firm of Brockway, Gersbach, Franklin and Niemeier, P.C. and will be available to address the Council members' questions.

In the previous year's financial statements, the City implemented a dramatic change in governmental financial reporting. We believe this new presentation provides better information to users of the comprehensive annual financial report. The new reporting model issued by the Governmental Accounting Standards Board requires that the management provide a narrative introduction, overview, and analysis to accompany the basic financial statements in the form of Management's Discussion and Analysis (MD&A). The City's MD&A can be found immediately following the independent auditors' report.

The comprehensive annual financial report is presented in four sections: introductory, financial, statistical and compliance. The introductory section includes this transmittal letter, the City's organizational chart and a list of principal officials. The financial section includes the MD&A, Government-wide and Major Fund presentations, notes to the financial statements, Required Supplementary Information, Combining Individual Fund Statements, as well as the independent

auditors' report on the financial statements and schedules. The statistical section includes selected financial and demographic information, generally presented on a multiyear basis.

**FISCAL IMPACT:** The fee for the FY 2015 annual audit is \$ 72,000. The audit fee is proportionally allocated to each fund.

**ATTACHMENTS:**

Audit (electronic copy)



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(A-B)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) January 21, 2016 Special and Regular Meeting
- (B) January 22, 2016 Special Called Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

January 21, 2016 Special and Regular Meeting – to be provided  
January 22, 2016 Special Called Meeting – to be provided



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(C)  
Consent Agenda  
Page 1 of 1

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

Jonathan Graham, City Manager  
Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Quality W Contractors, LLC of Waco, in the amount of \$252,759 for the Airport Hangar Infrastructure Development Phase II Project at the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** On January 27, 2016, the Reinvestment Zone No. 1 Board unanimously approved funding the construction of the Airport Hangar Infrastructure Development Phase II Project in the amount of \$252,759 at the Draughon-Miller Central Texas Regional Airport.

Kasberg, Patrick & Associates, LP, reviewed the six bids submitted on January 14, 2016 and recommends award of the contract to the low bidder Quality W Contractors, LLC of Waco, Texas in the amount of \$252,759 for the construction of an approach and aircraft parking apron; utility relocation; and drainage improvements for a future hangar to be constructed on the west side of the corporate hangar area at the Draughon-Miller Central Texas Regional Airport.

**FISCAL IMPACT:** Funding in the amount of \$450,000 is available in line 508 of the Reinvestment Zone No. 1 Financing and Project Plans for the Corporate Hangar Phase II project. Funding is appropriated in account #795-9500-531-6558, project #100811. The funding for the project includes \$53,900 for the design; \$30,000 for relocation of power lines; and \$366,100 for construction.

**ATTACHMENTS:**

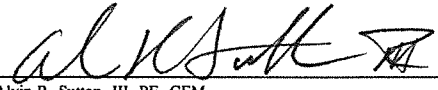
[Bid Tabulation](#)  
[Resolution](#)

BID TABULATION  
CITY OF TEMPLE  
AIRPORT HANGAR PROJECT PHASE II  
INFRASTRUCTURE DEVELOPMENT ONLY  
3210 E. Ave H; Bldg C; Temple, TX  
January 14, 2016; 2:00 PM

				BIDDER INFORMATION											
				Quality W Contractors, LLC 8575 Gholson Road Waco, TX 76705		RM Rodriguez Construction, LP 5116 S. General Bruce Drive, Ste. A Temple, TX 76502		UFL, Inc. PO Box 776 Gatesville, TX 76528		Allbrite Constructors of Texas, Inc. 10811 Iota Drive San Antonio, TX 78217		RT Schneider Construction Co, Ltd. P.O. Box 876 Belton, TX 76513		Holy Contractors, LLC 712 E. Panther Way Hewitt, TX 76643	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
BASE BID															
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 12,718.00	\$ 12,718.00	\$ 13,500.00	\$ 13,500.00	\$ 15,000.00	\$ 15,000.00	\$ 16,650.00	\$ 16,650.00	\$ 17,500.00	\$ 17,500.00	\$ 24,648.00	\$ 24,648.00
2	1	AC	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of Project Site	3,939.00	3,939.00	7,500.00	7,500.00	4,278.07	4,278.07	18,519.50	18,519.50	25,000.00	25,000.00	3,500.00	3,500.00
3	100%	LS	Implement & Administer Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from Texas Commission on Environmental Quality (TCEQ)	2,761.00	2,761.00	2,500.00	2,500.00	2,007.35	2,007.35	5,500.00	5,500.00	5,000.00	5,000.00	1,000.00	1,000.00
4	200	LF	Furnish, Install, & Maintain Silt Fence as required in the Stormwater Pollution Prevention Plan	7.00	1,400.00	5.00	1,000.00	4.20	840.00	11.00	2,200.00	3.00	600.00	1.50	300.00
5	200	LF	Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	5.00	1,000.00	2.00	400.00	4.20	840.00	5.50	1,100.00	2.00	400.00	1.50	300.00
6	31	LF	Furnish, Install, & Maintain Rock Berm as required in the Stormwater Pollution Prevention Plan	83.00	2,573.00	120.00	3,720.00	33.64	1,042.84	82.50	2,557.50	20.00	620.00	48.38	* 1,499.78
7	31	LF	Remove Rock Berm as required in the Stormwater Pollution Prevention Plan	48.00	1,488.00	50.00	1,550.00	21.02	651.62	33.00	1,023.00	10.00	310.00	48.38	* 1,499.78
8	200	LF	Furnish, Install, & Maintain Temporary Chain Link Construction Fencing as required in the Plan Set	14.00	2,800.00	12.00	2,400.00	3.28	656.00	16.50	3,300.00	10.00	2,000.00	12.50	2,500.00
9	200	LF	Remove Temporary Chain Link Construction Fencing as required in the Plan Set	3.90	780.00	3.00	600.00	3.28	656.00	11.00	2,200.00	5.00	1,000.00	12.50	2,500.00
10	1,750	LF	All Materials, Labor, & Equipment Necessary for Demolition, Removal, & Disconnection of Existing Overhead Electric, Electric Service & Power Poles	5.60	9,800.00	8.00	14,000.00	3.19	5,582.50	13.20	23,100.00	1.00	1,750.00	9.14	15,995.00
11	50	LF	Materials, Labor, & Equipment Necessary fort Demolition & Removal of Existing Drainage Pipes	22.00	1,100.00	50.00	2,500.00	13.46	673.00	55.00	2,750.00	20.00	1,000.00	20.00	1,000.00
12	1,000	CY	Unclassified Excavation	15.00	15,000.00	10.00	10,000.00	16.09	16,090.00	22.00	22,000.00	20.00	20,000.00	6.00	6,000.00
13	100	CY	Placing & Compacting Unclassified Fill	60.00	6,000.00	20.00	2,000.00	16.09	1,609.00	33.00	3,300.00	10.00	1,000.00	12.00	1,200.00
14	1,800	SY	Preparation of 6" Moisture Conditioned Subgrade	6.00	10,800.00	3.00	5,400.00	5.89	10,602.00	4.40	7,920.00	2.00	3,600.00	4.50	8,100.00
15	1,800	SY	Furnishing & Placing 4" TxDOT Item 217 (Type A, Grade 1) Crushed Limestone Base Material	8.00	14,400.00	10.00	18,000.00	7.99	14,382.00	7.70	13,860.00	10.00	18,000.00	10.00	18,000.00
16	1,800	SY	Furnishing & Placing 4,000 psi 12" Reinforced Portland Cement Concrete with Prime Coat, Including Reinforcing per Details & Connections	89.00	160,200.00	105.00	189,000.00	141.85	255,330.00	108.90	196,020.00	152.00	273,600.00	236.98	* 426,564.00
17	1,000	SY	Hydromulching, Including Watering, Fertilizing, & Mowing to Establish Growth	6.00	6,000.00	2.00	2,000.00	1.70	1,700.00	11.00	11,000.00	2.00	2,000.00	3.00	3,000.00
BASE BID - AMOUNT (Items 1 - 17)					\$ 252,759.00		\$ 276,070.00		\$ 331,940.38		\$ 333,000.00		\$ 373,380.00	**	\$ 517,606.56

Did Bidder Acknowledge Addendum No. 1?	YES	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES	YES
Did Bidder provide required documents?	YES	YES	YES	YES	YES	YES

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

 1/14/16  
Alvin R. Sutton, III, PE, CFM  
Kasberg, Patrick & Associates, LP



\* Extended amount has been corrected.      \*\* Total amount has been corrected.



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH QUALITY W CONTRACTORS, LLC OF WACO, TEXAS, IN THE AMOUNT OF \$252,759, FOR THE AIRPORT HANGAR INFRASTRUCTURE DEVELOPMENT PHASE II PROJECT AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 27, 2016, the Reinvestment Zone No. 1 Board unanimously approved funding for construction of the Airport Hangar Infrastructure Development Phase II Project at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, six bids were received on January 14, 2016 for the project - Staff and Kasberg, Patrick & Associates, LP reviewed all bids and recommends award of the contract to the low bidder, Quality W Contractors, LLC of Waco, Texas, in the amount of \$252,759, for construction of an approach and aircraft parking apron, utility relocation, and drainage improvements for a future hangar to be constructed on the west side of the corporate hangar area at the Draughon-Miller Central Texas Regional Airport;

**Whereas**, funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 508 and is appropriated in Account No. 795-9500-531-6558, Project No. 100811; 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 construction contract with Quality W Contractors, LLC of Waco, Texas, in the amount of \$252,759 for the Airport Hangar Infrastructure Development Phase II Project at the Draughon-Miller Central Texas Regional Airport.

**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 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(D)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, Director of Parks and Recreation Department

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with BSN Sports of Dallas, in an amount not to exceed \$26,524.56, for the purchase of 24 aluminum bleachers for the Northam Baseball Complex.

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

**ITEM SUMMARY:** One of the projects approved in the 2015 Parks Bond was the renovation of the Billy C. Northam Baseball Complex in Wilson Park.

This portion of the project is replacing the existing wooden bleachers at this facility with new aluminum bleachers. The new bleachers will be three rows high and 15 feet long with double footboards for safety.

The Parks Staff will be responsible for the removal of the old bleachers and the construction and installation of the new bleachers at the site.

The City of Temple will be utilizing the BuyBoard cooperative purchasing contract for this purchase which meets all of the City's competitive bid requirements.

BSN Sports has these bleachers in stock and can ship immediately once they receive our Purchase Order.

**FISCAL IMPACT:** Funding is available in account #362-3500-552-6409, project 101318, as follows:

Project Budget	\$747,090
Encumbered/Committed To Date	(457,034)
Purchase Aluminum Bleachers from BSN Sports	(26,525)
<b>Remaining Funds</b>	<b>\$ 263,531</b>

### **ATTACHMENTS:**

[Quote](#)  
[Resolution](#)



DALLAS, TX 75209  
Tel: 1-800-527-7510 Fax: 1-800-899-0149  
Visit us at [www.bsnsports.com](http://www.bsnsports.com)

Contact Your Rep

**Brigitte Metcalf** Email: [bmetcalf@bsnsports.com](mailto:bmetcalf@bsnsports.com) | Phone: 972-884-7347 x7347

**Sold to**  
**1105395**  
**CITY OF TEMPLE**  
PURCHASING DEPT  
3210 E AVENUE H BLDG C  
TEMPLE TX 76501-8402

**Ship To**  
**1105395**  
**CITY OF TEMPLE**  
PURCHASING DEPT  
3210 E AVENUE H BLDG C  
TEMPLE TX 76501-8402

**Payer**  
**1105395**  
**CITY OF TEMPLE**  
PURCHASING DEPT  
3210 E AVENUE H BLDG C  
TEMPLE TX 76501-8402

## Quote

**Quote #:** 20778265  
**Purchase Order #:** 3 Row 15' DFP Bleacher  
**Cart Name:**  
**Quote Date:** 01/22/2016  
**Quote Valid-to:** 02/29/2016  
**Payment Terms:** NT30  
**Ship Via:**  
**Ordered By:** Val Roming

Item Description	Qty	Unit Price	Total
<b>3 Row 15' Alum Bleacher w/DbI FB</b> Item # - NB0315P	24 EA	\$ 1,105.19	\$ 26,524.56

Texas Buy Board Vendor 44012 (413-12)

Bleachers are in stock in Dallas, Texas and

Ship Immediately. Thank you.

Subtotal:	\$26,524.56
Other:	\$0.00
Freight:	\$0.00
Sales Tax:	\$0.00
Order Total:	\$26,524.56
Payment/Credit Applied:	\$0.00
<b>Order Total:</b>	<b>\$26,524.56</b>

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 24 ALUMINUM BLEACHERS FOR THE NORTHAM BASEBALL COMPLEX, IN THE AMOUNT OF \$26,524.56, FROM BSN SPORTS OF DALLAS, TEXAS, UTILIZING THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, one of the projects approved in the 2015 Parks Bond was the renovation of the Billy C. Northam Baseball Complex in Wilson Park;

**Whereas**, this project will be to replace the existing wooden bleachers with new aluminum bleachers which will be 3 rows high and 15 feet long with double footboards for safety;

**Whereas**, the Parks Staff will be responsible for the removal of the old bleachers and the construction and installation of the new bleachers at the Northam Baseball Complex;

**Whereas**, Staff recommends the purchase of 24 aluminum bleachers from BSN Sports, in the amount of \$26,524.56, utilizing the BuyBoard Local Government Online Purchasing Cooperative – all purchases made through the BuyBoard meet the Texas governmental competitive bid requirements;

**Whereas**, funding for this purchase is available in Account No. 362-3500-552-6409, Project No. 101318; and

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

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

**Part 1:** The City Council authorizes the purchase of 24 aluminum bleachers in the amount of \$26,524.56, from BSN Sports of Dallas, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative 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 **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(E)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement with the Temple Economic Development Corporation for conveyance of an approximately 8.14 acre parcel of City-owned land located off of Wendland Road.

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

**ITEM SUMMARY:** The Temple Economic Development Corporation ("TEDC") has requested that the City convey to it approximately 8.14 acres of City-owned land located off of Wendland Road (see attached survey). The property is to be used for economic development purposes, which will include job creation and additional tax value. The prospective economic development on the site will be a commercial/industrial development. The conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC.

**FISCAL IMPACT:** At the present time, the property is exempt from property taxes, and it will remain so under the ownership of TEDC. When the property is conveyed for a commercial/industrial purpose it will be added back to the property tax rolls.

The City's cost basis for the 8.14 acre tract of land is \$61,312.62.

### **ATTACHMENTS:**

[Survey](#)  
[Resolution](#)

OLD HOWARD ROAD  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

N 53°30'24" E 149.98'  
1 1/2" Iron Pipe Found  
5/8" Iron Rod Found

S 73°21'03" E 1189.34'  
S 73°13'25" E 1279.41'

CALLLED 349.39 ACRES  
THE CITY OF TEMPLE  
DOC. NO. 2008-00025128

N 16°36'09" E 122.84'

5/8" Iron Rod Set  
5/8" Iron Rod Found

S 73°21'03" E 403.43'

Fence Corner Post

SURVEY LINE

CALLLED 164.732 ACRES  
BYRNE FAMILY REVOCABLE  
LIVING TRUST  
Doc. No. 2007-00048897

Surveyor's Sketch showing 8.14 ACRES, situated in the  
J. B. DANIEL SURVEY, ABSTRACT 259 and the M. A.  
YOUNG SURVEY, ABSTRACT 937, Bell County, Texas.

This sketch to accompany a metes and bounds description  
of the hereon shown 8.14 Acre tract.

8.14 ACRES OF LAND

N 73°13'25" W 2904.65'

S 73°08'17" E 2500.01'

PORTION OF CALLED 349.39 ACRES  
THE CITY OF TEMPLE  
DOC. NO. 2008-00025128

5/8" Iron Rod Found

5/8" Iron Rod Found

CALLLED 1.902 ACRES  
HEB GROCERY COMPANY, LP  
DOC. NO. 2010-00031172

LOT 1, BLOCK 1  
HEB - CTRSC  
Cab. D, Sl. 268-A

PORTION OF CALLED 349.39 ACRES  
THE CITY OF TEMPLE  
DOC. NO. 2008-00025128

5/8" Iron Rod Found

S 16°03'26" W 605.36'  
Overhead Electric

S 16°01'01" W 120.01'

WENDLAND ROAD  
(Asphalt Surface)  
PUBLIC MAINTAINED ROADWAY

J. B. DANIEL SURVEY,  
ABSTRACT 259

M. A. YOUNG SURVEY,  
ABSTRACT 937



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. 69. The theta angle at City Monument No. 69 is 01° 32' 13". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 69 to the northeast corner of this 8.14 acre tract is N 26° 25' 54" W 5225.68 feet. Published City coordinates for project reference point 69 are N. = 10,391,122.28 E. = 3,229,942.69

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a **Category IA, Condition II Survey**. This document is not valid for any purpose unless signed and sealed by a Professional Professional Land Surveyor.

ALL COUNTY SURVEYING, INC.  
• Surveying  
• Mapping  
• Construction Layout  
1303 South 21st Street  
Temple, Texas 76504  
254-718-2272 Killen 254-634-4636  
Fax 254-714-7608  
Tx. Firm Lic. No. 10023600



*Charles C. Lucko*

Survey completed: 04-05-2013  
Scale: 1" = 300'  
Job No.: 130258  
Dwg No.: 130258  
Drawn by: SLW  
Surveyor: CCL #4636  
Copyright 2013 All County Surveying, Inc.



# FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

April 10, 2013

Surveyor's Field Notes for:

**8.14 ACRES**, situated in the **J. B. DANIEL SURVEY, ABSTRACT 259** and the **M. A. YOUNG SURVEY, ABSTRACT 937**, Bell County, Texas, being a portion of a called 349.39 Acre tract conveyed to The City of Temple in Document No. 2008-00025728, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found at the northeast corner of said 349.39 Acre tract, being the southeast corner of a called 164.732 Acre tract conveyed to the Byrne Family Revocable Trust in Document No. 2007-00048897, Official Public Records of Real Property, Bell County, Texas, and being on the west line of a public roadway known as Wendland Road, for the northeast corner of the herein described tract;

**THENCE**, in a southerly direction, with the west line of said Wendland Road, **S 16° 01' 01" W – 120.01'**, to a 5/8" iron rod found at the northeast corner of a called 7.902 Acre tract conveyed to HEB Grocery Company, LP in Document No. 2010-00031172, Official Public Records of Real Property, Bell County, Texas for the southeast corner of the herein described tract;

**THENCE**, in a westerly direction, with the north line of said 7.902 Acre tract and the north line of Lot 1, Block 1, HEB – CTRSC, an addition in the City of Temple, Bell County, Texas, according to the plat of record in Cabinet D, Slide 268-A, Plat Records of Bell County, Texas, **N 73° 13' 25" W – 2904.65'**, to a 5/8" iron rod found at the northwest corner of said Lot 1, Block 1, for the northwest corner of the herein described tract;

**THENCE**, in a northerly direction, severing said City of Temple tract, **N 16° 36' 09" E – 122.84'**, to a 5/8" iron rod set on the north line of said 349.39 Acre tract, which bears **S 73° 21' 03" E – 1189.34'**, from a 1 1/2" iron pipe found at the northwest corner of said 349.39 Acre tract, and being on the south line of said 164.732 Acre tract, for the northwest corner of the herein described tract;

**THENCE**, in an easterly direction, with the south line of said 164.732 Acre tract, **S 73° 21' 03" E – 403.43'**, a fence corner post, and **S 73° 08' 17" E – 2500.01'**, to the **POINT OF BEGINNING** and containing 8.14 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. 69. The theta angle at City Monument No. 69 is 01° 32' 13". The combined correction factor (CCF) is 0.999847. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 69 to the northeast corner of this 8.14 acre tract is **N 26° 25' 54" W 5225.68 feet**. Published City coordinates for project reference point 69 are **N. = 10,391,122.28 E. = 3,229,942.69**

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

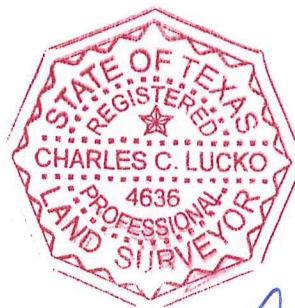
This metes and bounds description to accompany a Surveyor's Sketch of the herein described 8.14 Acre tract.

Surveyed April 5, 2013

**ALL COUNTY SURVEYING, INC.**

**1-800-749-PLAT**

server/projects/130000/130200/130258/130258.doc



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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT WITH THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR CONVEYANCE OF AN APPROXIMATELY 8.14 ACRE PARCEL OF CITY-OWNED LAND LOCATED OFF OF WENDLAND ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Temple Economic Development Corporation (“TEDC”) has requested that the City convey to it approximately 8.14 acres of City-owned land located off of Wendland Road which will be used for economic development purposes, which includes job creation and additional tax value;

**Whereas**, the prospective economic development on the site will be a commercial/industrial development and the conveyance will be addressed through a Chapter 380 Development Agreement between the City and TEDC;

**Whereas**, at the present time, the property is exempt from property taxes, and will remain so under the ownership of TEDC - when the property is conveyed for a commercial/industrial purpose it will be added back to the property tax rolls; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a Chapter 380 Development Agreement with the Temple Economic Development Corporation for conveyance of an approximately 8.14 acre parcel of City-owned land located off of Wendland Road.

**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 4<sup>th</sup> 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

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02/04/16  
Item #6(F)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
James Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a professional services agreement with Stateside Right of Way Services, Inc., in an amount not to exceed \$167,000, for land acquisition and relocation services for the Santa Fe Market Trail project.

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

**ITEM SUMMARY:** The development of the Santa Fe Market Trail project is in conjunction with the recently developed Downtown Master Plan. The Santa Fe Market Trail project will extend from the future Santa Fe Plaza east to Martin Luther King, Jr. Drive.

At this time, Staff anticipates the acquisition of approximately 20 tracts of land. Staff has received a proposal for land acquisition and relocation services from Stateside Right of Way Services, LLC ("Stateside").

Stateside will offer multiple services during the acquisition process, including, but not limited to, project management, title, relocation, and appraisal services.

Staff has worked with Stateside in the past and has been pleased with the company's work. Staff recommends entering into a services agreement with Stateside, in an amount not to exceed \$167,000, for land acquisition and relocation services for the Santa Fe Market Trail project. The not to exceed amount does not include condemnation services that may be required. Stateside will provide such services at the request of the City. Stateside will bill for the services at a rate of \$110/hour.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 407, account 795-9500-531-6566, project 101262, Santa Fe Market Trail to fund the professional services agreement in the amount of \$167,000.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH STATESIDE RIGHT OF WAY SERVICES, INC. OF TEMPLE, TEXAS, IN THE AMOUNT OF \$167,000, FOR LAND ACQUISITION AND RELOCATION SERVICES FOR THE SANTA FE MARKET TRAIL PROJECT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the development of the Santa Fe Market Trail project is in conjunction with the recently developed Downtown Master Plan - the Santa Fe Market Trail project will extend from the future Santa Fe Plaza east to Martin Luther King, Jr. Drive;

**Whereas**, Staff has received a proposal for land acquisition and relocation services from Stateside Right of Way Services, LLC ("Stateside") and anticipates the acquisition of approximately 20 tracts of land for this project;

**Whereas**, Stateside will offer multiple services during the acquisition process, including, but not limited to, project management, title, relocation, and appraisal services - Staff has worked with Stateside in the past and has been pleased with their work;

**Whereas**, Staff recommends entering into a services agreement with Stateside, in an amount not to exceed \$167,000, for land acquisition and relocation services for the Santa Fe Market Trail project;

**Whereas**, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 407, Account No. 795-9500-531-6566, Project No. 101262; 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 Stateside Right of Way Services, Inc., in an amount not to exceed \$167,000, for land acquisition and relocation services for the Santa Fe Market Trail project.

**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 **4<sup>th</sup>** 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

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02/04/16  
Item #6(G)  
Consent Agenda  
Page 1 of 1

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

Kevin Beavers, CPRP, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider a recommendation to the City Council to authorize a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$199,100, to provide 100% design and construction documents for the Santa Fe Market Trail in downtown Temple.

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

**ITEM SUMMARY:** The Santa Fe Market Trail project will develop the trail from 3<sup>rd</sup> street to 4<sup>th</sup> street along Avenue C. Improvements will include pedestrian facilities, landscaping, irrigation, parking amenities, and trail features. This design process is projected to last seven months from the Notice to Proceed.

KPA will perform construction administration and on-site representation during the construction phase. KPA's preliminary opinion of probable cost is \$1,500,000.

This agenda item was approved at the January 27, 2016 Reinvestment Zone No. 1 Board of Directors Meeting.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 407, account 795-9500-531-6566, project 101262, Santa Fe Market Trail to fund the professional services agreement in the amount of \$199,100.

### **ATTACHMENTS:**

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





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

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

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

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

December 18, 2015

Mr. Kevin Beavers  
Director of Parks and Recreation  
2 North Main, Suite 201  
Temple, Texas 76501

Re: City of Temple  
Temple Reinvestment Zone  
Santa Fe Market Trail

Dear Mr. Beavers:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 100% final design and construct improvements for the Santa Fe Market Trail (Please see the attached exhibit). The project will develop the Santa Fe Trail from 3<sup>rd</sup> Street to 4<sup>th</sup> Street along Avenue C. The improvements will be pedestrian facilities, landscaping, irrigation, parking amenities and trail features. The final product will be plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department with construction to follow.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design and preparation of plans, specifications and estimates as well as construction phase services. The timeframe for design of the project is seven months from the Notice to Proceed. Rights-of-Way for the project will not be required. Our Preliminary Opinion of Probable Construction Cost is \$1,500,000.

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

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

- A. Project Management
  - a. Meetings with City Staff
  - b. Prepare, attend and document Progress Meetings at the City Office.
  - c. Prepare, attend and document Utility Coordination Meetings, if required.
  - d. Attend and report at TRZ Meetings.
  - e. General Contract Administration
  - f. Develop monthly invoices and progress reports.
  - g. Sub-consultant coordination.
  - h. Design coordination with the City.
  
- B. Pedestrian Facilities and Santa Fe Market Area Civil Design
  - a. Prepare routes for pedestrian facilities and review with City staff for concurrence.
  - b. Develop horizontal geometry for the pedestrian facilities that meets TDLR specifications and provides a connection to the improvements at Santa Fe Plaza.
  - c. Develop vertical geometry for the pedestrian facilities that meets TDLR specifications and provides a connection to the improvements at Santa Fe Plaza.
  - d. Develop grading along the pedestrian facility route to connect with existing elevations at rights-of-way.
  - e. Review and design drainage requirements for the pedestrian facilities to convey storm water to existing systems.
  - f. Prepare plan and profile sheets for the pedestrian facilities.
  - g. Coordinate review of the pedestrian facilities by a TDLR certified reviewer.
  - h. Develop typical cross sections for pedestrian facilities.
  - i. Develop conceptual geometry and location for the Santa Fe Market Area. This will be developed as a multi-use area for vendors, food trucks, farmers market, etc.
  - j. Design access and egress for the Santa Fe Market Area with connections to the Main Street/Avenue C area. Avenue C will be evaluated near 3<sup>rd</sup> Street for potential closure at the "Y" intersection of 1<sup>st</sup> Street, Avenue B and Avenue C.
  - k. Design paving section(s) for the Santa Fe Market Area.
  - l. Design storm water conveyance for the Santa Fe Market with connections to existing system(s)
  - m. Develop signage and striping for the Santa Fe Market.
  
- C. Landscape Architecture
  - a. Design landscape treatments
  - b. Design site features (signage, shade pavilions, etc.)
  - c. Develop site layout of the program elements
  - d. Specify site materials, seating options, fencing, planters, etc. as required or requested.



- e. Specify colors for seating options, fencing, planters, etc. as required or requested.
- f. Develop landscape plant massing and plant palette.
- g. Design landscaping including material specification, quantity and sizes.

D. Miscellaneous Design

- a. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
  - Title Sheet
  - Index of Sheets
- b. Cost Estimates - Prepare detailed construction cost estimates
- c. General Notes and Specifications - Prepare project specific general notes including standard notes for the City of Temple.
- d. Bid Proposal- Prepare the project bid proposal that shall include the following:
  - General Notes
  - Standard and Special Specifications
  - Bid Form
- e. Miscellaneous Drawings - Prepare the following miscellaneous drawings:
  - Title Sheet / Index of Sheets
  - Project

E. Bidding

- a. Develop Bidding Documents.
- b. Chair the Pre-Bid Conference.
- c. Develop Addenda for the Project.
- d. Attend Bid Opening.
- e. Tabulate Bids and recommend award.
- f. Attend City Council Meeting for award of contract.

F. Construction Administration

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

G. On-Site Representation

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

Mr. Kevin Beavers  
December 18, 2015  
Page 4

The following scope of work for the Santa Fe Market Trail Project can be completed for the lump sum price of \$199,100. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

DESIGN SURVEYS	\$	9,800.00
CIVIL DESIGN	\$	60,000.00
LANDSCAPE DESIGN	\$	75,000.00
BIDDING	\$	6,500.00
CONSTRUCTION ADMINISTRATION	\$	28,000.00
ON SITE REPRESENTATION	\$	19,800.00
TOTAL	\$	199,100.00

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a long horizontal flourish extending to the right.

R. David Patrick, P.E., CFM

xc: File

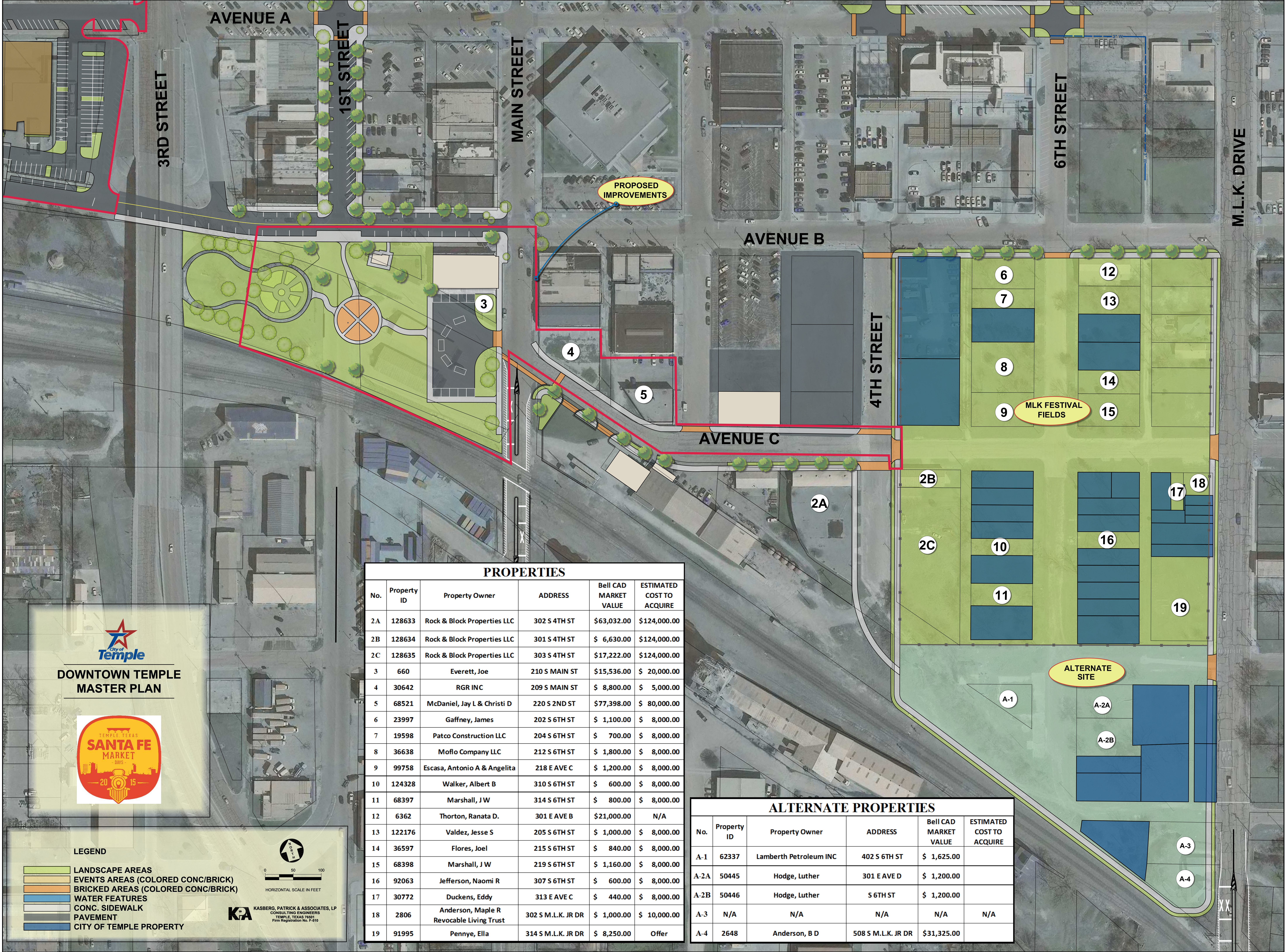
ATTACHMENT "C"

Charges for Additional Services

City of Temple  
Santa Fe Market Trail

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





PROPERTIES					
No.	Property ID	Property Owner	ADDRESS	Bell CAD MARKET VALUE	ESTIMATED COST TO ACQUIRE
2A	128633	Rock & Block Properties LLC	302 S 4TH ST	\$63,032.00	\$124,000.00
2B	128634	Rock & Block Properties LLC	301 S 4TH ST	\$ 6,630.00	\$124,000.00
2C	128635	Rock & Block Properties LLC	303 S 4TH ST	\$17,222.00	\$124,000.00
3	660	Everett, Joe	210 S MAIN ST	\$15,536.00	\$ 20,000.00
4	30642	RGR INC	209 S MAIN ST	\$ 8,800.00	\$ 5,000.00
5	68521	McDaniel, Jay L & Christi D	220 S 2ND ST	\$77,398.00	\$ 80,000.00
6	23997	Gaffney, James	202 S 6TH ST	\$ 1,100.00	\$ 8,000.00
7	19598	Patco Construction LLC	204 S 6TH ST	\$ 700.00	\$ 8,000.00
8	36638	Moflo Company LLC	212 S 6TH ST	\$ 1,800.00	\$ 8,000.00
9	99758	Escasa, Antonio A & Angelita	218 E AVE C	\$ 1,200.00	\$ 8,000.00
10	124328	Walker, Albert B	310 S 6TH ST	\$ 600.00	\$ 8,000.00
11	68397	Marshall, J W	314 S 6TH ST	\$ 800.00	\$ 8,000.00
12	6362	Thorton, Ranata D.	301 E AVE B	\$21,000.00	N/A
13	122176	Valdez, Jesse S	205 S 6TH ST	\$ 1,000.00	\$ 8,000.00
14	36597	Flores, Joel	215 S 6TH ST	\$ 840.00	\$ 8,000.00
15	68398	Marshall, J W	219 S 6TH ST	\$ 1,160.00	\$ 8,000.00
16	92063	Jefferson, Naomi R	307 S 6TH ST	\$ 600.00	\$ 8,000.00
17	30772	Duckens, Eddy	313 E AVE C	\$ 440.00	\$ 8,000.00
18	2806	Anderson, Maple R Revocable Living Trust	302 S M.L.K. JR DR	\$ 1,000.00	\$ 10,000.00
19	91995	Pennye, Ella	314 S M.L.K. JR DR	\$ 8,250.00	Offer

ALTERNATE PROPERTIES					
No.	Property ID	Property Owner	ADDRESS	Bell CAD MARKET VALUE	ESTIMATED COST TO ACQUIRE
A-1	62337	Lamberth Petroleum INC	402 S 6TH ST	\$ 1,625.00	
A-2A	50445	Hodge, Luther	301 E AVE D	\$ 1,200.00	
A-2B	50446	Hodge, Luther	S 6TH ST	\$ 1,200.00	
A-3	N/A	N/A	N/A	N/A	N/A
A-4	2648	Anderson, B D	508 S M.L.K. JR DR	\$31,325.00	



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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$199,100, FOR DESIGN AND CONSTRUCTION DOCUMENTS FOR THE SANTA FE MARKET TRAIL IN DOWNTOWN TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Santa Fe Market Trail project will develop the trail from 3<sup>rd</sup> Street to 4<sup>th</sup> Street along Avenue C and will include pedestrian facilities, landscaping, irrigation, parking amenities, and trail features;

**Whereas**, Staff and the Reinvestment Zone No. 1 Board of Directors recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$199,100, for design and construction documents for the Santa Fe Market Trail in downtown Temple;

**Whereas**, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 407, Account No. 795-9500-531-6566, Project No. 101262; 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 \$199,100, for design and construction documents for the Santa Fe Market Trail in downtown Temple.

**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 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(H)  
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 authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$124,400, to provide 30% design and rights-of-way determination for the Receiving and Delivery (R&D) Tracks Project in the Temple Rail Park.

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

**ITEM SUMMARY:** The R&D Tracks will allow unit trains to access the Temple Rail Park without switching through the BNSF yard. This will support larger developments that have higher railcar needs. The scope of work includes a preliminary engineering design to 30% completion and rights-of-way (ROW) services to determine what is required and estimate costs associated with acquisition. Please see attached Project Map and Cross Section for illustration of the project.

At the request of the Reinvestment Zone, the attached proposal includes the following recommended consultant services and costs:

30% Design	\$ 109,600
ROW Determination	\$ <u>14,800</u>
<b>Total</b>	<b><u>\$ 124,400</u></b>

On January 27, 2016, the Reinvestment Zone #1 Board resolved to recommend that Council authorize the professional services agreement.

Time required for design is five months. The engineer's opinion of probable construction cost is \$14,000,000.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 101, account 795-9500-531-6568, project 101457, R&D Tracks to fund the professional services agreement in the amount of \$124,400.

**ATTACHMENTS:**

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



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

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

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

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

December 16, 2015

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

Re: City of Temple  
Temple Reinvestment Zone  
Receiving and Delivery Tracks

Dear Mr. Bond:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 30% final design for the Receiving and Delivery (R&D) Tracks to the Temple Rail Park. The project will develop preliminary design for the R&D Tracks that will connect to the BNSF Railroad Mainline with a power switch north of the Temple Rail Park. The R&D Tracks will provide infrastructure to allow unit trains to access the Temple Rail Park without the need to utilize the BNSF yard. This will support larger developments that have higher railcar needs. The final product will be 30% plans, rights-of-way needs and estimates.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 30% design, determination of rights-of-way needs and estimates. The timeframe for design of the project is five months from the Notice to Proceed. Rights-of-Way for the project will be determined and estimated for cost acquisition but not surveyed for metes and bounds. The current Preliminary Opinion of Probable Cost for Construction for this project is \$14,000,000.

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

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.



Mr. Don Bond  
December 16, 2015  
Page Two

The following services will be performed:

A. Project Management

1. Meetings
  - Prepare, attend and document Progress Meetings at the City Office.
  - Attend and report at TRZ Meetings.
2. General Contract Administration
  - Develop monthly invoices and progress reports.
  - Design coordination with the City.

B. R&D Tracks Design

1. Develop horizontal geometry for the R&D Tracks that meets BNSF and AREMA specifications and provides a connection to the BNSF Mainline.
2. Develop vertical geometry for the R&D Tracks that meets BNSF and AREMA specifications and provides a connection to the BNSF Mainline.
3. Develop a rail section that will support the train loading and meet BNSF specifications.
4. Develop a drainage model for the project area and determine conveyance to existing systems and rights-of-way and/or easements required to convey drainage.
5. Review existing BNSF drainage structures and capacities for future connections to the BNSF system.
6. Typical Sections - Develop typical sections for the project.
7. Review road crossings for the length of the proposed project.
8. Develop preliminary plan and profile sheets for the ~10,000 linear feet of dual rail for the R&D Tracks, including location of proposed crossovers.
9. Design power switch connection to BNSF Mainline.
10. Develop property owner maps for rights-of-way investigations.
11. Develop required rights-of-way and estimate costs to acquire based on a cost per acre.
12. Review existing City of Temple and private utilities for potential conflicts.

The following scope of work for the Receiving and Delivery Tracks Project can be completed for the lump sum price of \$124,400. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

30% DESIGN	\$	109,600.00
RIGHTS-OF-WAY NEED DETERMINATION	\$	14,800.00
<b>TOTAL</b>	<b>\$</b>	<b>124,400.00</b>

Sincerely,



R. David Patrick, P.E., CFM

xc: File

ATTACHMENT "C"

**Charges for Additional Services**

**City of Temple  
R&D Tracks**

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



POWER SWITCH

PASS SWITCH TO  
RAIL B

9,589 L.F. OF  
PROPOSED RAIL A

7,010 L.F. OF  
PROPOSED RAIL B

RAIL AT EXISTING  
GRADE

EXIST RAIL

PASS SWITCH TO  
RAIL A

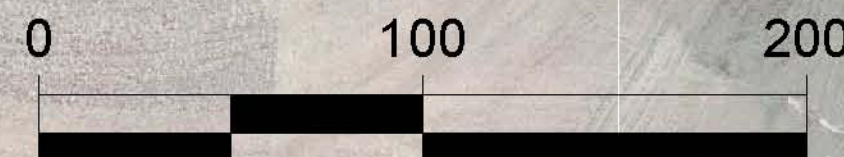
Y CONNECTION

BEGIN R & D TRACKS

PASS SWITCH

9589 L.F. OF  
PROPOSED RAIL A

This document is released for  
the purpose of interim review  
under the authority of  
R. David Patrick, P.E. 82638  
on  
Jan 15, 2016  
It is not to be used for  
construction, bidding or permit  
purposes.



HORIZONTAL SCALE IN FEET



## NORTH RAIL R & D TRACKS

PROPOSED RAIL



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501

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KPA Firm Registration Number F-510



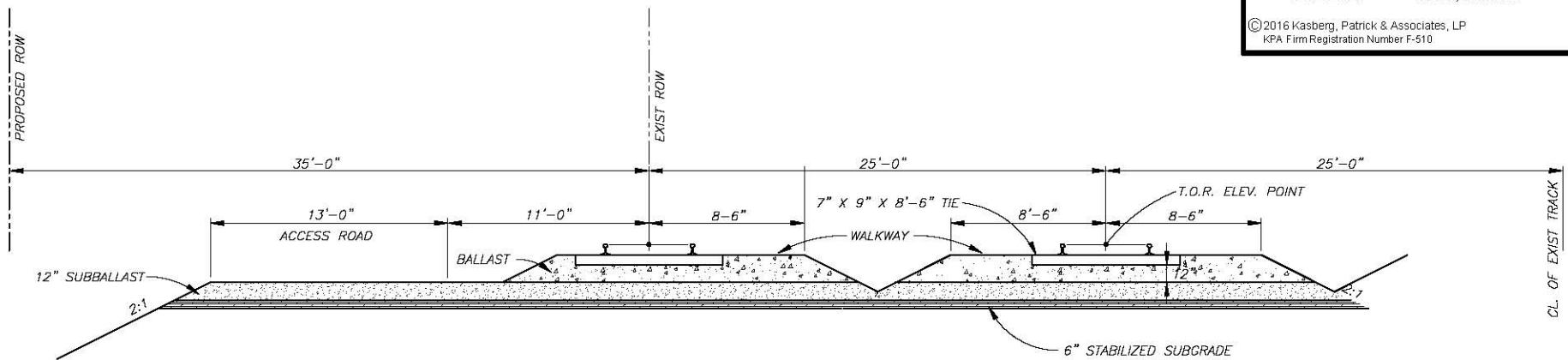
This document is released for the purpose of interim review under the authority of R. David Patrick, P.E. 82898 Jan 15, 2016 It is not to be used for construction, bidding or permit purposes.



## NORTH RAIL R & D TRACKS TYPICAL SECTION

**KPA** KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501

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KPA Firm Registration Number F-510



### TYPICAL SECTION (INDUSTRIAL TRACK)

NOT TO SCALE

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$124,400, TO PROVIDE 30% DESIGN AND RIGHTS-OF-WAY DETERMINATION FOR THE RECEIVING AND DELIVERY TRACKS PROJECT IN THE TEMPLE RAIL PART; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Receiving and Delivery (“R&D”) Tracks will allow unit trains to access the Temple Rail Park without switching through the BNSF yard and will support larger developments that have higher railcar needs;

**Whereas**, Staff and the Reinvestment Zone No. 1 Board of Directors recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$124,400, to provide 30% design and rights-of-way determination for the Receiving and Delivery Tracks Project in the Temple Rail Park;

**Whereas**, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 101, Account No. 795-9500-531-6568, Project No. 101457; 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 \$124,400, to provide 30% design and rights-of-way determination for the Receiving and Delivery Tracks Project in the Temple Rail Park.

**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 4<sup>th</sup> 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

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02/04/16  
Item #6(I)  
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 authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, for a lump sum amount of \$78,400, to design the Northern Y Rail Improvements in the Temple Rail Park.

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

**ITEM SUMMARY:** This project will develop the Northern Y which will connect to the Receiving and Delivery Tracks and provide a runaround to push larger trains in the ladder storage track on the west end of the rail system. The scope of work includes final design and preparation of plans, specifications, and estimates ready for bidding through the City of Temple's Purchasing Department. This contract does not include bidding or construction phase services. Please see attached Project Map and Engineer's Proposal for more details.

At the request of the Reinvestment Zone, the consultant services recommended under this resolution includes the following tasks and costs:

Design Surveys	\$ 6,800
Design	<u>\$ 71,600</u>
<b>Total</b>	<b><u>\$ 78,400</u></b>

On January 27, 2016, the Reinvestment Zone #1 Board resolved to recommend that Council authorize the professional services agreement.

Time required for design is three months. The engineer's opinion of probable construction cost is \$1,275,000.



**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 100, account 795-9500-531-6563, project 101456, Northern Y Phase I to fund the professional services agreement in the amount of \$78,400.

**ATTACHMENTS:**

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



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

Temple  
One South Main Street  
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(254) 773-3731

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

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

December 16, 2015

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

Re: City of Temple  
Temple Reinvestment Zone  
Northern Y

Dear Mr. Bond:

At the request of the City of Temple and the Temple Reinvestment Zone, we are submitting this proposal for the above referenced project. This project will develop 100% final design and construct improvements for the Northern Y to the Temple Rail Park. The project will develop the Northern Y which is the start of the Receiving and Delivery Tracks as well as provide a runaround for power to push larger trains in the ladder storage track on the west end of the system. The final product will be plans, specifications and estimates ready for bidding through the City of Temple Purchasing Department. There are not any bidding or construction phase services with this proposal.

The work to be performed by KPA under this contract consists of providing engineering services for design of the project described above to include 100% design and preparation of plans, specifications and estimates. The timeframe for design of the project is three months from the Notice to Proceed. Rights-of-Way for the project will not be required. Our Preliminary Opinion of Probable Construction Cost is \$1,275,000.

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

KPA will perform quality control and quality assurance (QA/QC) on all deliverables associated with the project.

The following services will be performed:

A. Project Management

1. Meetings

- a. Prepare, attend and document Progress Meetings at the City Office.
- b. Prepare, attend and document Utility Coordination Meetings, if required.
- c. Attend and report at TRZ Meetings.

2. General Contract Administration

- a. Develop monthly invoices and progress reports.
- b. Sub-consultant coordination.
- c. Design coordination with the City.

B. Northern Y

1. Design

- a. Develop design surveys for the project.
- b. Develop horizontal geometry for the Northern Y that meets AREMA specifications and provides a connection for future receiving and delivery tracks as well as allows for power runaround to push trains into the ladder storage track.
- c. Develop vertical geometry for the Northern Y that meets AREMA specifications and provides a connection for future receiving and delivery tracks as well as allows for power runaround to push trains into the ladder storage track.
- d. Develop a rail section that will support the train loading.
- e. Develop drainage requirements for the infrastructure to coincide with the drainage master plan for the Temple Rail Park and convey storm water to existing storm water system(s).
- f. Typical Sections - Develop typical sections for the project.
- g. Develop cross sections for the rail alignment.
- h. Alignment Data Sheets - Prepare horizontal and vertical alignment data sheets for the project.
- i. Develop drainage design to convey storm water to existing storm water system(s).
- j. Develop rail specifications and details to meet AREMA specifications and coincide with existing rail infrastructure.
- k. Identify and design any required City of Temple utility relocations and identify any required private utility relocations.
- l. Submittals for the project will include 30% review sets 30 days after the notice to proceed (NTP), 60% review sets 60 days after the NTP and final review sets 90 days after the NTP.

C. Miscellaneous Design

1. Plan Set

a. Miscellaneous Drawings - Prepare the following miscellaneous drawings:

- Title Sheet
- Index of Sheets

2. Cost Estimates - Prepare detailed construction cost estimates

3. General Notes and Specifications – Prepare project specific general notes including standard notes for the City of Temple.

4. Bid Proposal- Prepare the project bid proposal documents that shall include the following:

- a. General Notes
- b. Standard and Special Specifications
- c. Bid Form

The following scope of work for the Northern Y Project can be completed for the lump sum price of \$78,400. Below is a breakdown of project costs. We are pleased to submit this proposal and look forward to the benefit it will bring the City of Temple.

DESIGN SURVEYS	\$	6,800.00
DESIGN	\$	71,600.00
<b>TOTAL</b>	<b>\$</b>	<b>78,400.00</b>

Sincerely,



R. David Patrick, P.E., CFM

xc: File

**ATTACHMENT "C"**

**Charges for Additional Services**

**City of Temple  
Northern Y**

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





NOT TO SCALE



25 AC REGIONAL  
DETENTION  
POND

BNSF RAILROAD

END NORTHERN  
"Y"  
PROJECT

NORTHERN  
"Y"  
PHASE I

Central T Pointe

# Temple Industrial Park

A MANUFACTURING,  
DISTRIBUTION  
AND RAIL PARK

5 NORTHERN  
"Y"  
PHASE I



LUCIUS MCCOLLEY

NW LOOP 363





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$78,400, TO DESIGN THE NORTHERN Y RAIL IMPROVEMENTS IN THE TEMPLE RAIL PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the development of the Northern Y rail will connect to the Receiving and Delivery tracks and provide a runaround to push larger trains in the ladder storage track on the west end of the rail system at the Temple Rail Park;

**Whereas**, this professional services agreement will include final design and preparation of plans, specifications, and estimates ready for bidding through the City's Purchasing Department;

**Whereas**, Staff and the Reinvestment Zone No. 1 Board of Directors recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$78,400, to design the Northern Y Rail Improvements in the Temple Rail Park;

**Whereas**, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 100, Account No. 795-9500-531-6563, Project No. 101456; 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 \$78,400, to design the Northern Y Rail Improvements in the Temple Rail Park.

**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 4<sup>th</sup> day of **February**, 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

---

02/04/16  
Item #6(J)  
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 authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in an amount not to exceed \$189,220, to design, bid, and construct the Northwest Little Elm Wastewater Extension.

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

**ITEM SUMMARY:** The Northwest (NW) Little Elm Wastewater Line Extension will service future development in the northern Industrial Park area along the future Research Parkway. This extension of gravity sewer will allow the abandonment of two lift stations. Included in this proposal are bidding and construction phase services for this project and the adjacent Northeast (NE) Little Elm Wastewater project, which has already been designed as a part of Research Parkway. The NW Little Elm design will comprise 7,500 linear feet of 15" and 8" wastewater line. Please see the attached Map.

At the request of the Reinvestment Zone, the proposal (attached) for professional services from KPA includes the following professional services from design through construction:

**I.NW Little Elm**

Design Surveys	\$ 10,780
Plans and Specifications	\$ 47,800
Environmental / Archeological	\$ 14,340
(4) Easement and Enhanced Surveys	\$ 9,600

**NW Little Elm Design Phase      \$ 82,520**

**II.NW and NE Little Elm**

Bidding	\$ 7,000
On-Site Representation	\$ 45,200
Construction Staking	\$ 15,400
Contract Administration	<u>\$ 39,100</u>

**NW & NE Little Elm Construction & Bid Phase** **\$106,700**

**Total** **\$189,220**

On January 27, 2016, the Reinvestment Zone #1 Board resolved to recommend that Council authorize the professional services agreement.

Time required for design is 120 calendar days once rights of entry are received. The engineer's opinion of probable construction cost for the NW and NE Little Elm Sewers is \$800,000 and \$760,000, respectively.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 305, account 795-9800-531-6863, project 101000, Research Parkway (IH 35 to Wendland Ultimate) to fund the professional services agreement in the amount of \$189,220.

The City has been identified to receive funding in the amount of \$970,000 from the Environmental Protection Agency to fund construction of the Northeast/Northwest Little Elm Wastewater Line Extension Project.

Funding of the grant expenditure of \$970,000 is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 305, account 795-9500-531-6863, project 101000. Funding of the grant revenue in the amount of \$970,000 is also included in the Reinvestment Zone No. 1 Financing and Project Plans, line 10, account 795-0000-431-0163.

When the Reinvestment Zone No. 1 Financing and Project Plans were amended in September 2015, the matching funds for construction were deferred to be funded with a future debt issuance. Public Works has determined that the wastewater lines will be sequenced with the roadway construction. The matching funds of \$790,000 for the construction of the Northeast/Northwest Little Elm Wastewater Line Extension will be included with the future debt issuance for the roadway.

**ATTACHMENTS:**

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



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

Temple  
One South Main Street  
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(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

November 18, 2015

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

Re: City of Temple, Texas  
Northwest Little Elm Wastewater Line Extension

Dear Mr. Billeck:

This letter proposal is in response to your request for engineering services required for final design and easement documents for the Northwest Little Elm Project. This project includes approximately 7,500 linear feet of 15" and 8" wastewater line as shown on the attached Exhibit A. Our preliminary opinion of probable construction cost for this Northwest Little Elm Project is \$800,000. This proposal also includes construction phase services for this project and the adjacent Northeast Little Elm Wastewater Project, as they will be combined into a single construction contract. Design of the Northeast Little Elm Project is complete at this time.

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 (NW Little Elm)	\$	10,780.00
B. Plans and Specifications (NW Little Elm)		47,800.00
C. Bidding (NE and NW Little Elm)		7,000.00
D. Construction Staking (NE and NW Little Elm)		15,400.00
E. Contract Administration (NE and NW Little Elm)		39,100.00
Total Basic Services	\$	120,080.00

II. Special Services

A. Environmental/Archeological (NW Little Elm)	\$	14,340.00
B. Easement Documents Including Enhanced Survey Information ( 4 parcels - NW Little Elm)		9,600.00
C. On-Site Representation (NE and NW Little Elm)		45,200.00
Total Special Services	\$	69,140.00

**TOTAL \$ 189,220.00**

Mr. James Billeck, P.E.  
November 18, 2015  
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 style with a large, stylized 'G' and 'T'.

Ginger R. Tolbert, P.E.

GRT/

## **Exhibit B – Scope of Services**

### **City of Temple Northwest Little Elm Wastewater Line Extension**

**Kasberg, Patrick & Associates, LP  
November 17, 2015**

#### **I. BASIC SERVICES**

The basic services for the preparation of plans and specifications for the Northwest Little Elm 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 (Northeast and Northwest Little Elm Wastewater Lines)**

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 (Northeast and Northwest Little Elm Wastewater Lines)**

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

**E. Contract Administration (Northeast and Northwest Little Elm Wastewater Lines)**

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**

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.

**B. Easement Documents**

1. KPA will utilize All County Surveying Inc. (ACS) to perform surveys and prepare easement documents for each parcel. We anticipate four (4) 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 (Northeast and Northwest Little Elm Wastewater Lines)**

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.



# NW Little Elm Sewer

# NE Little Elm Sewer

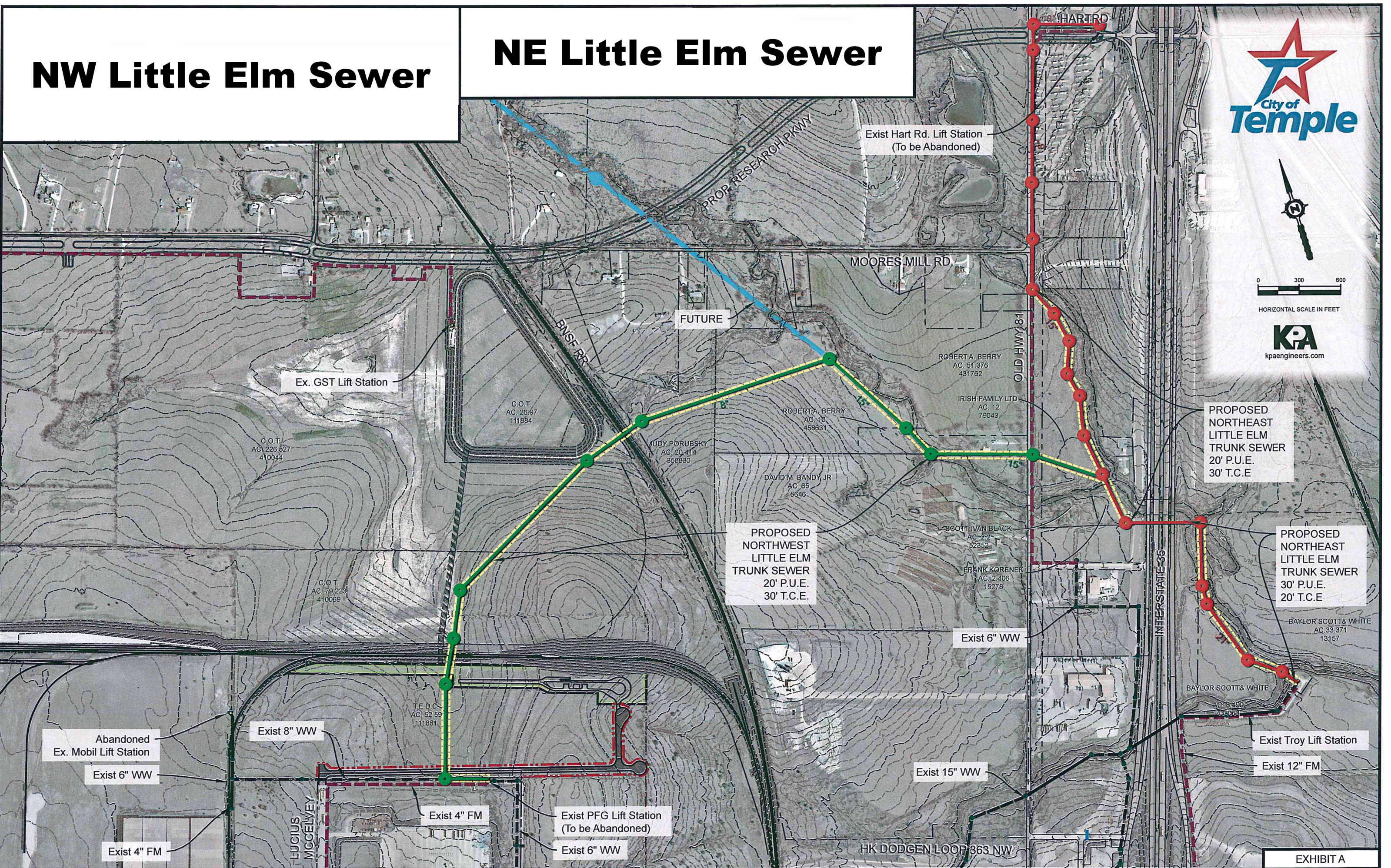


0 300 600

HORIZONTAL SCALE IN FEET



kpaengineers.com





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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH KASBERG, PATRICK & ASSOCIATES, LP OF TEMPLE, TEXAS, IN THE AMOUNT OF \$189,220, TO DESIGN, BID AND CONSTRUCT THE NORTHWEST LITTLE ELM WASTEWATER EXTENSION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the Northwest Little Elm Wastewater Line Extension will service future development in the northern Industrial Park along the future Research Parkway - this extension of gravity sewer will allow the abandonment of two lift stations;

**Whereas**, this professional services agreement will include bidding and construction phase services for this project and the adjacent Northeast Little Elm Wastewater project, which has already been designed as a part of Research Parkway - the Northwest Little Elm design will comprise of approximately 7,500 linear feet of 15-inch and 8-inch wastewater line;

**Whereas**, Staff and the Reinvestment Zone No. 1 Board of Directors recommends authorizing a professional services agreement with Kasberg, Patrick & Associates, LP, in the amount of \$189,220, to design, bid, and construct the Northwest Little Elm Wastewater Extension;

**Whereas**, funding is available for this professional services agreement in the Reinvestment Zone No. 1 Financing and Project Plans, Line 305, Account No. 795-9500-531-6863, Project No. 101000; and

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

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

**Part 1:** The City Council authorizes the 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 \$189,200, to design, bid, and construct the Northwest Little Elm Wastewater 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 4<sup>th</sup> 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

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02/04/16  
Item #6(K)  
Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of approximately 0.896 acres necessary for the extension of Tarver Drive to Old Waco Road, authorizing closing costs associated with the purchase, authorizing the payment of relocation expenses, and authorizing the execution of a Possession and Use Agreement, in an amount not to exceed \$185,000.

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

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

**ITEM SUMMARY:** The City is currently in the design phase for the extension of Tarver Drive to Old Waco Road. The design requires the acquisition of right of way from one remaining parcel. An appraisal has been performed on the parcel and the City is in the process of performing a relocation study. Staff is asking for authorization to purchase the necessary right-of-way, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$185,000. In the event that construction requires use of the property prior to closing, Staff is asking for authorization to execute a Possession and Use agreement with the property owner, which would allow the City to begin work on the property prior to acquisition in exchange for an advance of a portion of the future purchase price.

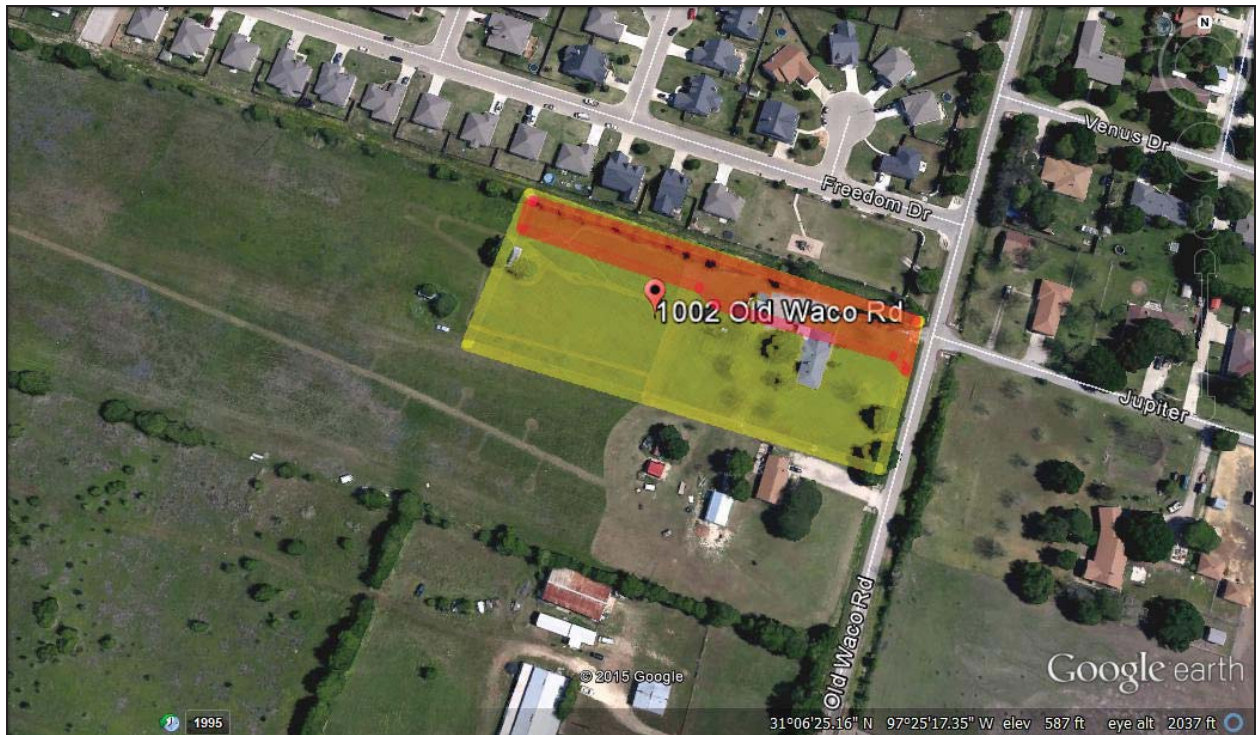
**FISCAL IMPACT:** Funding for the purchase of 0.896 acres necessary for the extension of Tarver Drive is available in account 365-3400-531-6885, project 100392, as follows:

Project Budget	\$250,000
Encumbered/Committed To Date	(47,500)
Purchase of ROW - 0.896 acres	(185,000)
<b>Remaining Funds</b>	<b>\$ 17,500</b>

**ATTACHMENTS:**

[Aerial Map](#)  
[Resolution](#)

## GOOGLE AERIAL MAP



**Yellow = Subject Whole Property**

**Red = Proposed Acquisition**

**\*Note: The boundaries shown are approximate and not to scale.\***

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF APPROXIMATELY 0.896 ACRES OF PROPERTY NECESSARY FOR THE EXTENSION OF TARVER DRIVE TO OLD WACO ROAD, IN AN AMOUNT NOT TO EXCEED \$185,000, AUTHORIZING THE PAYMENT OF CLOSING COSTS AND RELOCATION EXPENSES AND AUTHORIZING THE EXECUTION OF A POSSESSION AND USE AGREEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City is currently in the design phase for the extension of Tarver Drive to Old Waco Road and the design requires the acquisition of right of way from one remaining parcel - an appraisal has been performed and the City is in the process of performing a relocation study;

**Whereas**, Staff recommends the purchase of approximately 0.896 acres of property necessary for the extension of Tarver Drive to Old Waco Road, the payment of closing costs, and the payment of any relocation expenses that may be required by law, in an amount not to exceed \$185,000;

**Whereas**, Staff also recommends the City execute a Possession and Use Agreement with the property owner which will allow the City to begin work on the property prior to acquisition in exchange for an advance of a portion of the future purchase price;

**Whereas**, Staff believes the purchase price of \$185,000, the payment of closing costs and the payment of relocation expenses, for which the City will be responsible, are reasonable for this purchase;

**Whereas**, funding for the purchase of this property is available in Account No. 365-3400-531-6885, Project No. 100392; 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 approximately 0.896 acres of property necessary for the extension of Tarver Drive to Old Waco Road, the payment of closing costs, and the payment of any relocation expenses that may be required by law, in an amount not to exceed \$185,000, as well as the execution of a Possession and Use Agreement.

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

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

PASSED AND APPROVED this the **4<sup>th</sup>** day of **January**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(L)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase and installation of a video surveillance system in the amount of \$37,153.34 from Knight Security Systems, LLC of Austin, as well as declare and official intent to reimburse expenditures with the issuance of 2016 Limited Tax Notes (LTN's).

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

**ITEM SUMMARY:** The City Council approved funding this fiscal year for expanded coverage of the City's video surveillance system. Technologies like video surveillance and interactive video surveillance gives staff the power to see, respond, intervene and mitigate risks, if and when they arise.

The City currently uses an OnSSI platform for video surveillance, and accordingly staff is recommending the expansion of this system. The expanded system will include the following:

- Wide area video surveillance
- Integrated video analytics
- Process monitoring through use of vandal-proof cameras, thermal cameras, and special enclosures
- Environmentally sealed for harsh environments
- Daytime and Nighttime surveillance

Knight Security Systems, LLC has been awarded contract #DIR-SDD-2224 by the State of Texas Department of Information Resources (DIR) and contract #SE05-15 by the Houston-Galveston Area Cooperative (HGAC), which covers this system purchase and installation. Contracts awarded through DIR and HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Council approved this project as part of the Capital Improvement Plan in the FY 2016 Budget. This project will be partially funded, 50% or \$18,577, with the proposed issuance of the 2016 Limited Tax Notes to be sold in late spring 2016. The remaining 50% of funding is available in the Water & Sewer Fund FY 2016 Operating budget.

Funds will be available for the purchase of the Video Surveillance System in the amount of \$37,153.34 as follows:

<b><u>Account #</u></b>	<b><u>Project #</u></b>	<b><u>Amount</u></b>
364-3800-519-6310	101404	\$18,577
520-5000-535-6310	101404	\$18,577
<b>Total</b>		<b>\$37,154</b>

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE AND INSTALLATION OF A VIDEO SURVEILLANCE SYSTEM, IN THE AMOUNT OF \$37,153.34, FROM KNIGHT SECURITY SYSTEMS, LLC OF AUSTIN, TEXAS, UTILIZING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT AND A HOUSTON-GALVESTON AREA COOPERATIVE CONTRACT; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2016 LIMITED TAX NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council approved funding this fiscal year for expanded coverage of the City's video surveillance system which gives Staff the power to see, respond, intervene and mitigate risks, if and when they arise;

**Whereas**, the City currently uses an OnSSI platform for video surveillance, and Staff recommends expanding this system to include a wider area of surveillance, integrated video analytics, process monitoring through vandal-proof cameras, thermal cameras, special enclosures, environmentally sealed cameras for harsh environments and daytime and nighttime surveillance;

**Whereas**, Knight Security Systems, LLC has been awarded a State of Texas Department of Information Resources (DIR) contract and a Houston-Galveston Area Cooperative (HGAC) contract, which covers this system purchase and the installation – contracts awarded through DIR and HGAC have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, the City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Limited Tax Notes to finance the Project;

**Whereas**, the City hereby certifies that such expenditures have not been made prior to the date of passage of this Resolution;

**Whereas**, upon issuance of the Limited Tax Notes, the City desires to reimburse these prior expenditures with proceeds of the Notes;

**Whereas**, Section 1.150-2 of the Treasury Regulations provides that an expenditure may not be reimbursed from Limited Tax Notes proceeds unless, along with other requirements, the City declares official intent to reimburse the expenditure prior to the date that the expenditure to be reimbursed was paid;

**Whereas**, Staff recommends the purchase and installation of a video surveillance system from Knight Security Systems, LLC of Austin, Texas utilizing a DIR and HGAC contract;



**Whereas**, funding for this purchase was approved as part of the Capital Improvement Plan in the fiscal year 2016 Budget and will be partially funded with the proposed issuance of 2016 Limited Tax Notes to be sold in late spring 2016;

**Whereas**, funding is available in Account No. 364-3800-519-6310, Account No. 520-5000-535-6310, Project No. 101404; 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 and installation of a video surveillance system, in the amount of \$37,153.34 from Knight Security Systems, LLC of Austin, Texas, utilizing a State of Texas Department of Information Resources contract and a Houston-Galveston Area Cooperative 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:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

**Part 4:** This Resolution is a declaration of official intent under Section 1.150.2 of the Treasury Regulations by the City that it reasonably expects to reimburse the expenditures described in Part 4 with proceeds of debt to be incurred by the City, such debt to be issued on or before eighteen (18) months after the date of (i) the date the first expenditure is paid; or (ii) the date on which the property is placed in service, but in no event three years after the first expenditure is paid.

**Part 5:** 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 **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(M)  
Consent Agenda  
Page 1 of 2

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

Alan DeLoera, Information Technology Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a Shoretel phone system, licenses, and support services in the amount of \$92,642.90 from Affiliated Communications of Austin.

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

**ITEM SUMMARY:** In 2014, the City started converting its digital-based telecommunication system to a Shoretel IP phone system. To date, City Hall, the Police Department and the Service Center have all been converted to the Shoretel system. This purchase of 184 phones will enable a phone system upgrade at the Library, Central Fire Station, Animal Control, Water Treatment, Airport, Municipal Court, Utility Business Office, EOC/Fire Station 8, Fire Station 7, Mayborn Convention Center, Solid Waste, and multiple Parks facilities.

Consistent with purchases in prior years, the proposed phone system purchase will address IP telephony and will provide a seamless communication network that is geographically distributed in a number of unique ways. The architectural design provides the following benefits:

- ShoreTel integrates communication features such as video conferencing, IM, mobility and online collaboration into a single easy-to-use IP PBX solution.
- Requires less resources to support, maintain and administer our phone service, allowing IT to focus on our business instead of the phones or dealing with phone companies.
- ShoreTel's premise-based business VoIP phone system integrates end-users' communications, enterprise applications, calendaring, and workflow into one seamless environment.
- While all ShoreTel components operate together as a single system, the system's intelligence is distributed across all of these components. As a result, in the event of a Wide Area Network outage each site can function independently.

Affiliated Communications has been awarded a State of Texas Department of Information Resources (DIR) contract. Contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Council is being presented with a budget adjustment to allocate funding for the phone system for Municipal Court and the Utility Business Office. The phone system for the other departments will be funded from Technology Funds.

Once approved, funds will be appropriated for the purchase of the Shoretel Phone System in the total amount of \$92,643 as follows:

<b><u>Description</u></b>	<b><u>Account #</u></b>	<b><u>Amount</u></b>
Shoretel Phone System	351-1900-519-22-24	\$ 73,084
Shoretel Phone System (Municipal Court)	110-1800-525-22-24	\$11,149
Shoretel Phone System (Utility Business Office)	520-5800-535-22-24	\$8,410
<b>Total</b>		<b>\$ 92,643</b>

**ATTACHMENTS:**

[Budget Adjustments](#)  
[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	
110-1800-525-22-24		Capital < \$5,000 / Communication Equip	\$ 11,149			
110-0000-452-04-55		Administrative Fees / Technology Fee			11,149	
520-5800-535-22-24		Capital < \$5,000 / Communication Equip	8,410			
520-5000-535-65-32		Contingency - Cont Fund Balance			8,410	
TOTAL.....			\$ 19,559		\$ 19,559	

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

To allocate funding for the upgrade of telephones at Municipal Court and Utility Business Office. Municipal Court will have 21 telephones upgraded for a total costs of \$11,149. The Utility Business Office will have 16 telephones upgraded for a total costs of \$8,410.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

X

Yes

[illegible]

No

DATE OF COUNCIL MEETING

2/4/2016

WITH AGENDA ITEM?

**X**

☐ Yes

10

☐ No

Department Head/Division Director

Date \_\_\_\_\_

10

Approved


Approved
Disapproved

## Finance

Date \_\_\_\_\_

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Approved

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Approved	
Disapproved	

City Manager

Date \_\_\_\_\_

10

Approved


Disapproved

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A SHORETEL PHONE SYSTEM, LICENSES, AND SUPPORT SERVICES, IN THE AMOUNT OF \$92,642.90, FROM AFFILIATED COMMUNICATIONS OF AUSTIN, TEXAS, UTILIZING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City began converting its digital-based telecommunication system to a Shoretel IP phone system in 2014 and to date, City Hall, the Police Department and the Service Center have all been converted to this system;

**Whereas**, the purchase of 184 phones will enable a phone system upgrade at the Library, Central Fire Station, Animal Control, Water Treatment, Airport, Municipal Court, Utility Business Office, EOC/Fire Station 8, Fire Station 7, Mayborn Convention Center, Solid Waste, and multiple Parks facilities;

**Whereas**, consistent with purchases in prior years, the proposed phone system purchase will address IP telephony and will provide a seamless communication network that is geographically distributed in a number of unique ways and which provides numerous benefits to the City;

**Whereas**, Affiliated Communications has been awarded a State of Texas Department of Information Resources (DIR) contract - contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, Staff recommends the purchase of a Shoretel phone system, licenses, and support services, in the amount of \$92,642.90 from Affiliated Communications of Austin, Texas;

**Whereas**, funding for this purchase is available in Account No. 351-1900-519-2224, Account No. 110-1800-525-2224, and Account No. 520-5800-535-2224; 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 a Shoretel phone system, licenses, and support services, in the amount of \$92,642.90 from Affiliated Communications of Austin, Texas, utilizing a State of Texas Department of Information Resources 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 **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## CITY COUNCIL ITEM MEMORANDUM

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02/04/16  
Item #6(N)  
Consent Agenda  
Page 1 of 1

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

Tammy Lyerly, Senior Planner

**ITEM DESCRIPTION:** A-FY-15-04: Consider adopting a resolution authorizing the release of 0.170 acres of an existing 20-foot wide public utility easement within the Meadows at Creekside Subdivision located at 1638 Case Road.

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

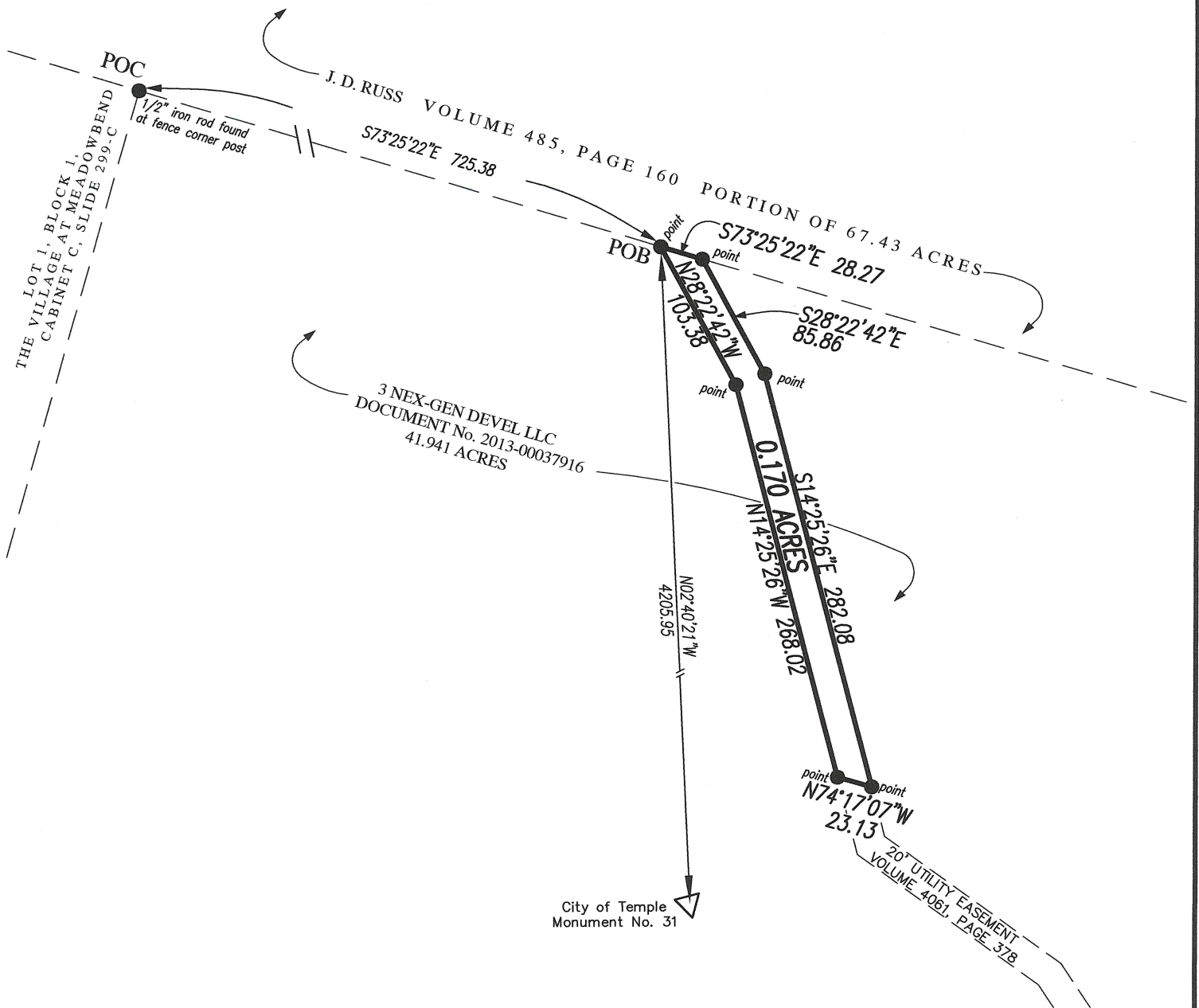
**ITEM SUMMARY:** The applicant is Cory Herring, on behalf of 3 Nex-Gen Devel LLC, for the release of 0.170 acres of an existing 20-foot wide public utility easement. The existing 20-foot wide public utility easement only contained a sewer line, which has been re-routed through a new 20-foot wide public utility easement created by the plat known as the Meadows at Creekside.

Planning staff contacted all utility providers, including the Public Works Department, regarding the partial easement release. There were no objections to the requested easement release.

**FISCAL IMPACT:** Staff recommends this easement be released at no cost to the underlying property owner, per Section 272.001 of the Texas Local Government Code.

### **ATTACHMENTS:**

[Survey](#)  
[Field Notes](#)  
[Resolution](#)



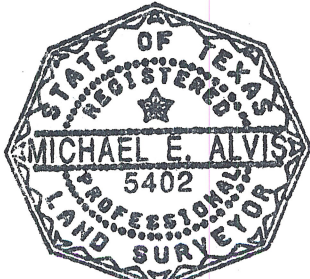
BEING a 0.170 acre tract situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 41.941 acre tract of land described in a Warranty Deed with Vendor's Lien dated August 22, 2013 from Austin Hill Capitol Partners, LLC, a Texas limited liability company to 3 Nex-Gen Devel LLC, a Texas limited liability company and being of record in Document No. 2013-00037916, Official Public Records of Bell County, Texas.

STATE OF TEXAS I KNOW ALL MEN BY THESE PRESENTS, that I Michael E. Alvis, a  
COUNTY OF BELL Registered Professional Land Surveyor in the State of Texas,  
do hereby certify that this survey was this day made on 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.

IN WITNESS THEREOF, my hand and seal, this the 7th day of January, 2014.

*Michael E. Alvis*

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



JOB NO: 13-606

**TURLEY**  
ENGINEERING • PLANNING • SURVEYING  
CONSTRUCTION MANAGEMENT  
TURLEY ASSOCIATES, INC.  
301 N. 3rd ST. TEMPLE, TEXAS (254) 773-2400

0.170 acres  
MAXIMO MORENO SURVEY  
ABSTRACT No. 14  
Bell County, Texas

DATE: 01/07/14	SCALE: 1:100	DWN. BY: MEA
REFERENCE:	F.B. & L.B.:	
SHEET 1 OF 1	FILE NO: 13-606.1	

**Easement Abandonment**

BEING a 0.170 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being a part or portion of that certain 41.941 acre tract of land described in a Warranty Deed with Vendor's Lien dated August 22, 2013 from Austin Hill Capitol Partners, LLC, a Texas limited liability company to 3 Nex-Gen Devel LLC, a Texas limited liability company and being of record in Document No. 2013-00037916, Official Public Records of Bell County, Texas and being described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at fence corner being the northwest of said 41.941 acre tract and being the northeast corner of Lot 1, Block 1, THE VILLAGE AT MEADOWBEND, an addition to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet C, Slide 299-C, Plat Records of Bell County, Texas; and being in the south boundary line of that certain 67.43 acre tract of land described in a Deed dated April 5, 1938 from Farmers State Bank of Temple to J. D. Russ and being of record in Volume 485, Page 160, Deed Records of Bell County, Texas and being part of the Estate of Inez M. Russ, Deceased; Syble Heide, Independent Executrix of said Estate in Probate Records No. 20,822; THENCE S. 73° 25' 22" E., 725.38 feet departing said Lot 1, Block 1, THE VILLAGE AT MEADOWBEND and with the north boundary line (calls S. 73° 25' 22" E., 1203.18 feet) of said 41.941 acre tract and with said south boundary line (calls N. 70° 50' W.) to a point for the Point of BEGINNING;


THENCE S. 73° 25' 22" E., 28.27 feet continuing with the said north boundary line and the said south boundary line to a point for corner;

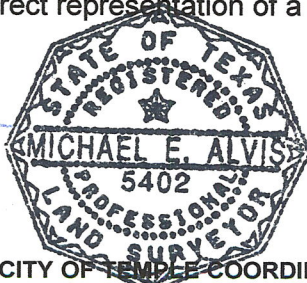
THENCE departing the said north boundary line and the said south boundary line and over and across the said 41.941 acre tract the following five ( 5 ) calls:

- 1) S. 28° 22' 42" E., 85.86 feet to a point for corner;
- 2) S. 14° 25' 26" E., 282.08 feet to a point for corner;
- 3) N. 74° 17' 07" W., 23.13 feet to a point for corner;
- 4) N. 14° 25' 26" W., 268.02 feet to a point for corner;
- 5) N. 28° 22' 42" W., 103.38 feet to the Point of BEGINNING and containing 0.170 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, R.P.L.S.#5402  
January 7, 2014



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 31.  
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 32' 47"  
THE COMBINED CORRECTION FACTOR (CCF) IS 0.999851  
PUBLISHED CITY COORDINATES ARE N = 10,360,310.53 E = 3,236.600.50  
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POB OF THE 41.941 ACRE TRACT IS  
N. 02° 40' 21" W., 4205.95 FEET.  
GRID DISTANCE = SURFACE DISTANCE X CCF  
GEODETIC NORTH = GRID NORTH + THETA ANGLE

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

(A-FY-15-04)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RELEASING APPROXIMATELY 0.170 ACRES OF AN EXISTING 20-FOOT WIDE PUBLIC UTILITY EASEMENT WITHIN THE MEADOWS AT CREEKSIDE SUBDIVISION, LOCATED AT 1638 CASE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, Cory Herring, on behalf of 3 Nex-Gen Devel LLC, has submitted a request for the release of approximately 0.170 acres of an existing 20-foot wide public utility easement;

**Whereas**, the existing 20-foot wide public utility easement only contained a sewer line which has been re-routed through a new 20-foot wide public utility easement created by the plat known as the Meadows at Creekside;

**Whereas**, the Utility Division within the Public Works/Engineering Department concurs with the release and confirmed that there are no objections to the release of this easement; 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, releases approximately 0.170 acres of an existing 20-foot wide public utility easement within the Meadows at Creekside Subdivision located at 1638 Case Road, a copy of which is attached as Exhibit 'A' to this resolution.

**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 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL           §

      This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_,  
2016, by **Daniel A. Dunn**, Mayor of the City of Temple, Texas, on behalf of the City.

\_\_\_\_\_  
Notary Public, State of Texas





## **COUNCIL AGENDA ITEM MEMORANDUM**

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02/04/16  
Item #6(O)  
Consent Agenda  
Page 1 of 1

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

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the submission of an application for funding through the U.S. Environmental Protection Agency, Special Appropriation Act Projects, in the amount of \$1,760,000, with \$970,000 reimbursed to the City through Federal funding, to execute the construction of the Northeast/Northwest Little Elm Wastewater Line Extension.

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

**ITEM SUMMARY:** The City of Temple has been identified by the Environmental Protection Agency as a community to receive a Special Appropriation Act Projects. In order to receive funds the City must submit an official application/request to be awarded funds. The City has been identified to receive \$970,000 and the project total costs is \$1,760,000, based on a 55/45 match reimbursement (EPA/City).

The application is available for submittal by the City upon project identification and environmental review approval. The City has identified the Northeast/Northwest Little Elm Wastewater Line Extension project and has completed the environmental review process, through the EPA. The City is now able to apply for the allocated funding.

The Northeast Little Elm Trunk Sewer Project will provide gravity wastewater service from the existing Troy Lift Station on the east side of IH-35, across IH-35, to the north following a tributary of Little Elm Creek and Pegasus Road, and finally abandoning the Hart Road Lift Station. The Northwest Little Elm Trunk Sewer Project will provide gravity wastewater service to the Industrial Rail Park and also allow for the abandonment of the PFG Lift Station; as described in the associated project design item on this agenda.

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

The Reinvestment Zone No. 1 Board recommended the submission of the application at the January 27, 2016 board meeting.

**FISCAL IMPACT:** Funding of the grant expenditure of \$970,000 is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 305, account 795-9500-531-6863, project 101000.

Funding of the grant revenue in the amount of \$970,000 is also included in the Reinvestment Zone No. 1 Financing and Project Plans, line 10, account 795-0000-431-0163.

When the Reinvestment Zone No. 1 Financing and Project Plans were amended in September 2015, the matching funds for construction were deferred to be funded with a future debt issuance. Public Works has determined that the wastewater lines will be sequenced with the roadway construction. The matching funds of \$790,000 for the construction of the Northeast/Northwest Little Elm Wastewater Line Extension will be included with the future debt issuance for the roadway.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, SPECIAL APPROPRIATION ACT PROJECTS, TO EXECUTE THE CONSTRUCTION OF THE NORTHEAST/NORTHWEST LITTLE ELM WASTEWATER LINE EXTENSION, IN THE AMOUNT OF \$1,760,000, WITH \$970,000 BEING REIMBURSED TO THE CITY OF TEMPLE THROUGH FEDERAL FUNDING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City of Temple has been identified by the Environmental Protection Agency as a community to receive a Special Appropriation Act Project and in order to receive funds the City must submit an official application/request to be awarded the funds;

**Whereas,** the City has been identified to receive \$1,760,000 with \$970,000 being reimbursed to the City through Federal funding – this is based on a 55/45 match reimbursement (EPA/City);

**Whereas,** the project the City has identified these funds for is the Northeast/Northwest Little Elm Wastewater Line Extension project – this project has completed the environmental review process through the EPA;

**Whereas,** the Northeast Little Elm Trunk Sewer Project will provide gravity wastewater service from the existing Troy Lift Station on the east side of IH-35, across IH-35, to the north following a tributary of Little Elm Creek and Pegasus Road, and finally abandoning the Hart Road Lift Station;

**Whereas,** the Northwest Little Elm Trunk Sewer Project will provide gravity wastewater service to the Industrial Rail Park and also allow for the abandonment of the PFG Lift Station;

**Whereas,** Staff and the Reinvestment Zone No. 1 Board recommends City Council authorize the submission of an application for funding through the U.S. Environmental Protection Agency, Special Appropriations Act Projects;

**Whereas,** funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 305, Account No. 795-9500-531-6863, Project No. 101000; and

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

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

**Part 1:** The City Council authorizes submission of an application for funding through the United States Environmental Protection Agency, Special Appropriation Act Projects, to execute the construction of the Northeast/Northwest Little Elm Wastewater Line Extension, in the amount of \$1,760,000, with \$970,000 reimbursed to the City through Federal funding.

**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:** 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 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(P)  
Consent Agenda  
Page 1 of 2

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

Mitch Randles, Temple Fire & Rescue Chief  
Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution approving a Memorandum of Understanding with the Fire Departments of the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy, in support of the FEMA 2015 Assistance to Firefighters Grant.

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

**ITEM SUMMARY:** On January 21, 2016 Council approved the submittal of an Assistance to Firefighters Grant that provides financial assistance to fire departments and nonaffiliated EMS organizations. The City submitted an application to support the purchase of burn props and training, as a regional application. The Regional proposal included the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy, and aligned better with the historically awarded projects from FEMA.

Per the FEMA NOFO: "Regional host applicants and participating partner agencies must execute a Memorandum of Understanding (MOU) or equivalent document, signed by the host and all participating organizations. The agreement should specify the individual and mutual responsibilities of the participating partners, the participant's level of involvement in the project(s), and the proposed distribution of all grant funded assets and/or contracted services. Copies of the MOU will be requested during the technical evaluation of the application."

The MOU's stipulate that as partner agencies, some of the grant funds, should the grant be awarded, will be available to offset their department's use of the Temple Fire & Rescue Training Center Facilities:

Volunteer training: 12 free hours of rental with NO burning to include one TFR instructor and tower/grounds rental. Partner agency responsible for cost of water and training smoke.

Paid staff training: 12 free hours of rental with NO burning to include one TFR instructor and tower/grounds rental. Partner agency responsible for cost of water and training smoke.

All volunteer training: 12 free hours of rental with burning to include one TFR instructor and tower/grounds rental. Partner agency responsible for cost of water, propane and training smoke.

Paid staff training: 12 free hours of rental with burning to include one TFR instructor and tower/grounds rental. Partner agency responsible for cost of water, propane and training smoke.

No Burn: Volunteer costs:  $\$150/\text{hr} \times 12 \text{ hrs} = \$1,800 \times 3 \text{ partner agencies} = \$5,400$

No Burn: Paid costs:  $\$150/\text{hr} \times 12 \text{ hrs} = \$1,800 \times 2 \text{ partner agencies} = \$3,600$

Burn: Volunteer costs:  $\$225/\text{hr} \times 12 \text{ hrs} = \$2,700 \times 3 \text{ partner agencies} = \$8,100$

Burn: Paid costs:  $\$225/\text{hr} \times 12 \text{ hrs} = \$2,700 \times 2 \text{ partner agencies} = \$5,400$

**FISCAL IMPACT:** Funds for this agreement are contingent on the award of the 2015 AFG. All funds expended would be grant funds so there is no cost to the City of Temple. Funding was included in the grant request to fund the MOU as shown below:

Total cost to grant training funds: \$22,500

Total available grant training funds: \$48,426

**ATTACHMENTS:**

[Memorandum of Understanding](#)  
[Resolution](#)

**MEMORANDUM OF UNDERSTANDING FOR REGIONAL FY2015  
DEPARTMENT OF HOMELAND SECURITY – ASSISTANCE TO FIREFIGHTER  
GRANT**

**Date: February 1, 2016**

This agreement is made by and between the City of Temple, Texas, a home rule city in Bell County, Texas, (hereinafter referred to as the "CITY"), and the City of \_\_\_\_\_ (hereinafter referred to as the "PARTNER AGENCY").

**WITNESSETH:**

That for and in consideration of the covenants, promises, and agreements set forth herein, it is mutually agreed as follows:

**I. GENERAL PROVISIONS**

**A. PURPOSE**

The purpose for this MOU is to fulfill the requirements of the DHS AFG regional proposal submitted by the CITY on January 15, 2016.

The CITY has requested funding from AFG to purchase live-fire training props and funding to offset training costs for participating PARTNER AGENCIES to maximize the regional impact of the Temple Fire and Rescue Training Center.

If the PARTNER AGENCY undergoes changes in training needs, or modifies its program needs, or for other good and just reason, the PARTNER AGENCY is no longer able to, or no longer desires to, use any training obtained under this agreement for the express purpose described above, then the PARTNER AGENCY revokes the right to claim the benefits of this MOU. The CITY has the sole right to approve, disapprove, or modify any new use.

The CITY shall act through its agent, Ashley Williams, General Services Manager for the City of Temple, Texas, or her duly authorized representative, unless otherwise stated in this agreement.

**B. DURATION**

The term of this agreement begins on the date of notification of award to the CITY from DHS, and ends on the 30th day of September, 2017.

**C. TERMINATION**

This agreement may be terminated by the CITY in the event of default, inability, or failure to perform on the part of the PARTNER AGENCY, if the CITY disapproves a new use of the funds (under Part I. A.), or whenever such termination is determined by the CITY to be in the CITY's best interest. Likewise, the agreement may be terminated by the PARTNER AGENCY if the CITY does not provide funds pursuant to this agreement.

**a. Material Breach**

If the PARTNER AGENCY breaches any of the material terms of this agreement (as determined by the CITY), the CITY shall have the right to declare this agreement immediately terminated, and the CITY shall have no further responsibility or liability hereunder. A material breach shall consist of failure by the PARTNER AGENCY to indemnify the CITY as required in part III.G. of this agreement.

**b. Non-Material Breach**

The CITY shall notify the PARTNER AGENCY in writing of any non-material breach of this agreement, and specify a reasonable time within which to cure the particular breach, as stated below. After being notified of such non-material breach, if the PARTNER AGENCY fails to cure the non-material breach within the time stated in the notice, this agreement shall automatically terminate at the expiration of the stated time allowed for cure.

**D. STATUS OF PARTNER AGENCY**

The PARTNER AGENCY shall in no way operate as an agent of the CITY. The PARTNER AGENCY shall be responsible to the CITY for the acts and omissions of the PARTNER AGENCY's officers, directors, authorized agents, servants, and employees, in connection with this agreement.

**II. DUTIES AND RESPONSIBILITIES OF CITY**

**A. PROVISION OF TRAINING CENTER RESOURCES**

The CITY, through Temple Fire and Rescue, will provide access to the following training center resources:

Volunteer training: 12 free hours of rental with NO burning to include 1 TFR instructor and tower/grounds rental. PARTNER AGENCY responsible for cost of water and training smoke.

Paid staff training: 12 free hours of rental with NO burning to include 1 TFR instructor and tower/grounds rental. PARTNER AGENCY responsible for cost of water and training smoke.

All volunteer training: 12 free hours of rental with burning to include 1 TFR instructor and tower/grounds rental. PARTNER AGENCY responsible for cost of water, propane and training smoke.

Paid staff training: 12 free hours of rental with burning to include 1 TFR instructor and tower/grounds rental. PARTNER AGENCY y responsible for cost of water, propane and training smoke.

It is the sole responsibility of the PARTNER AGENCY to follow instructions to reserve and use the training facility; and to submit all required paperwork and documentation as requested by Temple Fire and Rescue.

**B. AVAILABILITY OF TRAINING**

The CITY will provide access to the training center facilities as outlined in Section II, Part A, above, pending the award of AFG funds.

**C. REDUCTION IN TRAINING FACILITY USE COSTS**

Pending award of AFG funds, the CITY, through Temple Fire and Rescue, will provide the following fee reductions:

No Burn: Volunteer costs: \$150/hr x 12 hrs = \$1,800 x 3 partner agencies = \$5,400

No Burn: Paid costs: \$150/hr x 12 hrs = \$1,800 x 2 partner agencies = \$3,600

Burn: Volunteer costs: \$225/hr x 12 hrs = \$2,700 x 3 partner agencies = \$8,100

Burn: Paid costs: \$225/hr x 12 hrs = \$2,700 x 2 partner agencies = \$5,400



#### **D. RECORD RETENTION**

The CITY shall retain all documents and relevant material(s) pursuant to the Texas State Schedule for Local Governments for a period no less than ten (10) years.

### **III. DUTIES AND RESPONSIBILITIES OF PARTNER AGENCY**

#### **A. PARTICIPATION IN OFFERED TRAINING**

Pending award of AFG funds, the CITY, through Temple Fire and Rescue, will provide the following fee reductions:

No Burn: Volunteer costs: \$150/hr x 12 hrs = \$1,800 x 3 PARTNER AGENCIES = \$5,400

No Burn: Paid costs: \$150/hr x 12 hrs = \$1,800 x 2 PARTNER AGENCIES = \$3,600

Burn: Volunteer costs: \$225/hr x 12 hrs = \$2,700 x 3 PARTNER AGENCIES = \$8,100

Burn: Paid costs: \$225/hr x 12 hrs = \$2,700 x 2 PARTNER AGENCIES = \$5,400

It is the sole responsibility of the PARTNER AGENCY to follow instructions to reserve and use the training facility; and to submit all required paperwork and documentation as requested by Temple Fire and Rescue.

#### **B. AVAILABILITY OF TRAINING**

The CITY will provide access to the training center facilities as outlined in Section II, Part A, above, pending the award of AFG funds.

#### **C. RECORD RETENTION**

1) PARTNER AGENCY shall retain all documents and relevant material(s) pursuant to the Texas State Schedule for Local Governments for a period no less than ten (10) years.

#### **D. COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS**

PARTNER AGENCY further agrees that its officers, directors, agents, employees, and subcontractors shall abide by and comply with all laws, federal, state, and local, including all ordinances, rules, and regulations of the City of Temple.

If the CITY notifies PARTNER AGENCY of any violation(s) on the part of PARTNER AGENCY or any of its officers, directors, agents, servants, employees, invitees, or subcontractors, then PARTNER AGENCY shall immediately cease and correct such violations.

#### **E. MONITOR EFFECTIVENESS OF SERVICES AND WORK**

The PARTNER AGENCY agrees to cooperate with the CITY regarding the CITY's monitoring of the PARTNER AGENCY's compliance with the terms of this agreement. The CITY shall have access to all reasonable hours to offices and records (dealing with the use of the funds that are the basis of this agreement) of the PARTNER AGENCY, its officers, directors, agents, employees, and subcontractors for the purpose of such monitoring.

#### **F. ASSIGNMENT**

The PARTNER AGENCY shall not assign all or any part of its rights, privileges, or duties under this agreement without the prior written approval of the City Council.

## **G. INDEMNITY**

The PARTNER AGENCY agrees to indemnify and hold harmless and defend the CITY, its officers, agents, and employees from and against all liability for claims, liens, suits, demands, and/or actions for damages, injuries to person (including death), property damage (including loss of use), and expenses including court costs and attorney's fees, and reasonable costs arising out of or resulting from the PARTNER AGENCY's activities under this agreement and arising out of or resulting from the intentional acts or negligence of the PARTNER AGENCY, its officers, agents, employees, or program participants, including all such causes of action based on common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of the PARTNER AGENCY, its officers, agents, employees, or invitees, or organizations served. The PARTNER AGENCY agrees to waive any and all claims it may have against the CITY by reason of this indemnification agreement and agrees that any insurance carrier shall not be entitled to subrogation under any circumstances against the CITY, its officers, and the PARTNER AGENCY hereby expressly waives its rights to plead defensively such immunity or exemption as against the CITY.

## **IV. MISCELLANEOUS**

### **A. VENUE**

Should any action, whether real or asserted, at law or in equity, arise out of the execution, performance, attempted performance or non-performance of this agreement, venue for said action shall be in the City of Temple, Bell County, Texas.

### **B. WRITTEN INSTRUMENT IS ENTIRE AGREEMENT**

This written instrument constitutes the entire agreement by the parties hereto concerning the work and services to be performed under this agreement.

### **C. PARAGRAPH HEADINGS**

The paragraph headings contained herein are for convenience, and are not intended to define or to limit the scope of any provision of this agreement.

### **D. SEVERABILITY**

In any case, if one or more of the provisions contained in this agreement, shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**(CITY) CITY OF TEMPLE, TEXAS**

**(PARTNER AGENCY) CITY OF HARKER HEIGHTS**

\_\_\_\_\_  
Jonathan Graham, City Manager

\_\_\_\_\_  
By: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014, by Jonathan Graham, City Manager, on behalf of the City of Temple, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE FIRE DEPARTMENTS OF THE CITIES OF HARKER HEIGHTS, KILLEEN, MOFFAT, MORGAN'S POINT RESORT AND TROY, IN SUPPORT OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY 2015 ASSISTANCE TO FIREFIGHTERS GRANT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on January 21, 2016, Council approved the submittal of an Assistance to Firefighters Grant that provides financial assistance to fire departments and nonaffiliated EMS organizations;

**Whereas**, the City of Temple submitted an application to support the purchase of burn and training props, as a regional application - the Regional proposal includes the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy;

**Whereas**, the MOU shall stipulate that as partner agencies, some of the grant funds, should the grant be awarded, will be available to offset their departments' use of the Temple Fire & Rescue Training Center Facilities;

**Whereas**, Staff recommends the City execute a Memorandum of Understanding with the Fire Departments of the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy, in support of the FEMA 2015 Assistance to Firefighters Grant;

**Whereas**, funding for this MOU is contingent on the award of the 2015 Assistance to Firefighters Grant; 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 Memorandum of Understanding with the Fire Departments of the Cities of Harker Heights, Killeen, Moffat, Morgan's Point Resort, and Troy, in support of the FEMA 2015 Assistance to Firefighters Grant.

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



PASSED AND APPROVED this the 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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02/04/16  
Item #6(Q)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing payment of the annual invoice from Brazos River Authority in the amount of \$126,953.79 which covers the availability of 9,453 acre-feet of water to the City for FY 2016.

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

**ITEM SUMMARY:** Pursuant to the Replacement Water Supply Agreement 7801-01 between the Brazos River Authority ("BRA") and the City, dated July 1, 1992, the City is allocated 9,453 acre-feet of option water per year. The City is required to make an annual payment to BRA for this water. BRA has requested payment in the amount of \$126,953.79 for fiscal year 2016. Staff is seeking authorization to make this payment to BRA.

**FISCAL IMPACT:** Funding is appropriated in the FY 2016 Operating Budget to fund payment of the invoice to Brazos River Authority in the amount of \$126,953.79 as shown below:

Account	Description	Amount Available
520-5100-535-2651	BRA-Water Services	\$ 126,954
Total Funding Available		<u>\$ 126,954</u>

**ATTACHMENTS:**

[BRA Invoice](#)  
[Resolution](#)



**BRAZOS RIVER AUTHORITY**

**QUALITY • CONSERVATION • SERVICE**



4600 Cobbs Drive • P.O. Box 7555 • Waco, Texas 76714-7555 • (254) 761-3100

City of Temple  
3210 East Avenue H  
Building A, Suite #130  
Temple, TX 76501-8402

**Customer No.** 7801  
**Invoice No.** FR00007260  
**Invoice Date:** 01/15/2016  
**Due Date:** 02/15/2016

## INVOICE

Item/Description	Qty	UOM	Price	Amount
7801-01-OP REPLACEMENT WATER SUPPLY AGRMT Option Water	9,453.00	AF	13.43	126,953.79

**RECEIVED**  
JAN 20 2016  
CITY OF TEMPLE  
PUBLIC WORKS ADMINISTRATION



**Fast & Easy Pay Option**



**Total Amount Due:** \$126,953.79

**Save Postage & Time:** Brazos River Authority now offers our customers an on-line payment option. Visit our website at [www.brazos.org](http://www.brazos.org) and click on 'Doing Business' then select 'Make an Online Payment' to pay by ACH (electronic check) via our secure website.

**Please remit by due date to prevent additional late fees and finance charges.**

**Important Notice:** There is a security flap on the back of this form showing your name, address, and customer account number. Please remove this security flap and return with your payment to the mailing address below. If unable to include this remittance flap, your customer account number must be written legibly on the check to ensure proper credit.

**Remit to:** **Brazos River Authority**  
**P.O. Box 7555**  
**Waco, Texas 76714-7555**

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING PAYMENT OF THE ANNUAL INVOICE FROM BRAZOS RIVER AUTHORITY, IN THE AMOUNT OF \$126,953.79, WHICH COVERS THE AVAILABILITY OF 9,453 ACRE- FEET OF WATER PER YEAR TO THE CITY OF TEMPLE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** pursuant to the Water Supply Agreement between the Brazos River Authority and the City of Temple dated July 1, 1992, the City is allocated 9,453 acre-feet of water per year;

**Whereas,** Staff recommends payment of the annual invoice from Brazos River Authority in the amount of \$126,953.79;

**Whereas,** funding for this annual invoice is available in the fiscal year 2016 Operating Budget, Account No. 520-5110-535-2651; and

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

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

**Part 1:** The City Council authorizes payment of the annual invoice from Brazos River Authority, in the annual amount of \$126,953.79, which covers the availability of 9,453 acre-feet of water per year to the City of Temple.

**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 4<sup>th</sup> day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** SECOND READING – 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:** Adopt ordinance as presented in item description on second and final reading.

**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.

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**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 **21<sup>st</sup>** day of **January, 2016.**

PASSED AND APPROVED on Second Reading on the **4<sup>th</sup>** day of **February, 2016.**

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, MAYOR

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Sandra Esqueda, Director of Human Resources

**ITEM DESCRIPTION:** Consider adopting a resolution amending the City of Temple Civil Service-Fire Pay Schedule to include the Assistant Chief position.

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

**ITEM SUMMARY:** The second reading adopting the ordinance amending the Classifications and Positions of Certified Firefighters to add an Assistant Fire Chief position and delete a Deputy Chief position and authorizing the Fire Chief to appoint a qualified person as Assistant Chief is being presented to Council at this meeting. The current City of Temple Civil Service-Fire Pay Schedule adopted by Council on 08/27/15 did not include the position of Assistant Chief.

The Assistant Chief position needs to be added to the pay schedule that was adopted by Council on 8/27/2015.

**FISCAL IMPACT:** Funding to add an Assistant Chief classification and delete a Deputy Chief classification was approved in the FY 2016 Adopted Budget.

### **ATTACHMENTS:**

[Civil Service – Fire Pay Schedule  
Resolution](#)

**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	%
<b>PSI-030 &amp; PSI-031 Firefighter</b>						
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%
<b>PSI-032 &amp; PSI-037 Fire Driver</b>						
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%
<b>PSI-033 &amp; PSI-034 Fire Captain</b>						
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%
<b>PSI-035 &amp; PSI-036 Deputy Fire Chief</b>						
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%
<b>PSI-038 Asst. Fire Chief</b>						
1 7th Anniversary	\$ 89,904		\$ 89,904	-	\$ -	-
2 9th Anniversary	\$ 93,051	3.50%	\$ 93,051	3.50%	\$ -	-
3 15th Anniversary	\$ 96,307	3.50%	\$ 96,307	3.50%	\$ -	-

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
AMENDING THE CITY OF TEMPLE CIVIL SERVICE – FIRE PAY SCHEDULE,  
TO INCLUDE AN ASSISTANT CHIEF POSITION; AND PROVIDING AN OPEN  
MEETINGS CLAUSE.

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**Whereas**, the current City of Temple Civil Service-Fire Pay Schedule adopted by Council on August 27, 2015 did not include the classification of an Assistant Chief;

**Whereas**, the fiscal year 2016 Adopted Budget included an allocation for the addition of an Assistant Chief classification; and

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

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

**Part 1:** The City Council approves amending the City of Temple Civil Service – Fire pay schedule to include the classification of an Assistant Chief, in accordance with the pay schedule that is attached as Exhibit ‘A.’

**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 4<sup>th</sup> day of **February, 2016.**

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## **COUNCIL AGENDA ITEM MEMORANDUM**

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

Floyd Mitchell, Police Chief

**ITEM DESCRIPTION:** SECOND READING – Consider adopting an ordinance establishing curfew hours for minors in accordance with Texas Local Government Code Section 370.002.

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

**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.

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**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 **21<sup>st</sup>** day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Brian Chandler, Director of Planning

**ITEM DESCRIPTION:** SECOND READING - 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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 37<sup>th</sup> 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](#)

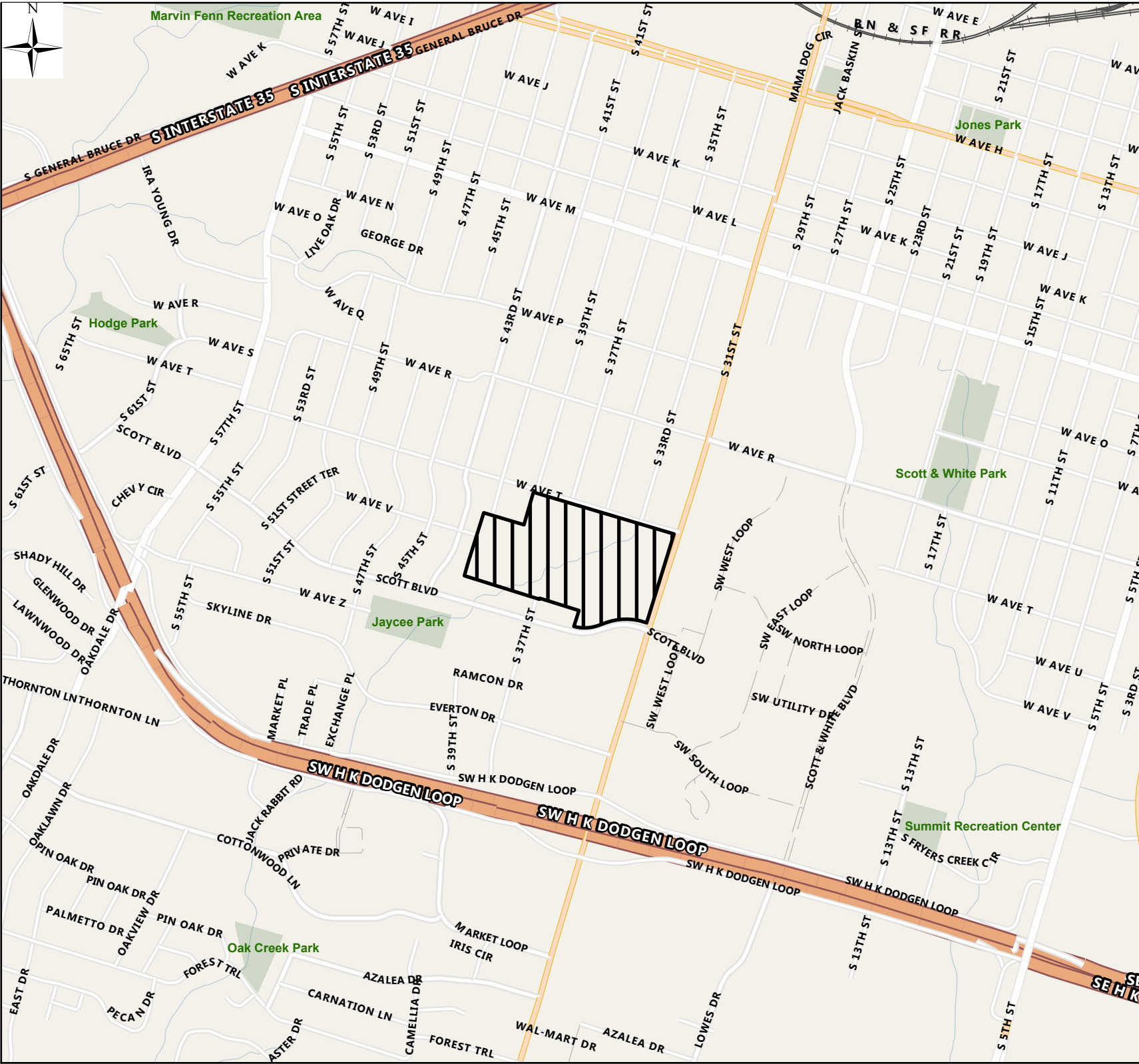
[Signage](#)

[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

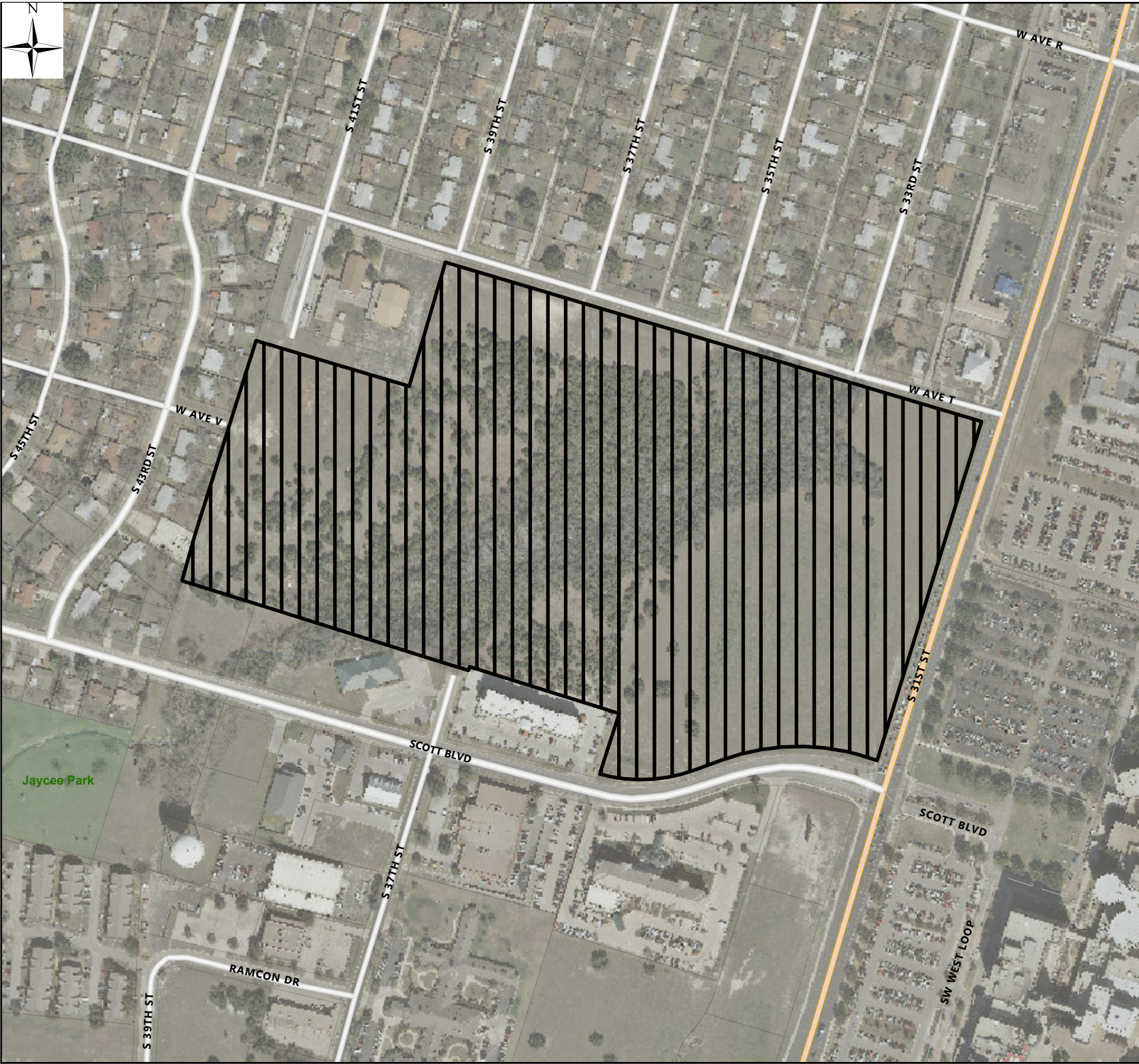
- Streets
- EXPRESSWAY
  - MAJOR ARTERIAL
  - COLLECTOR
  - LOCAL STREET
  - MINOR ARTERIAL
  - PRIVATE
  - RAMP
  - Railroad
  - Temple Municipal Boundary
  - Parcels
  - ETJ Parcels
  - CaseArea

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

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.

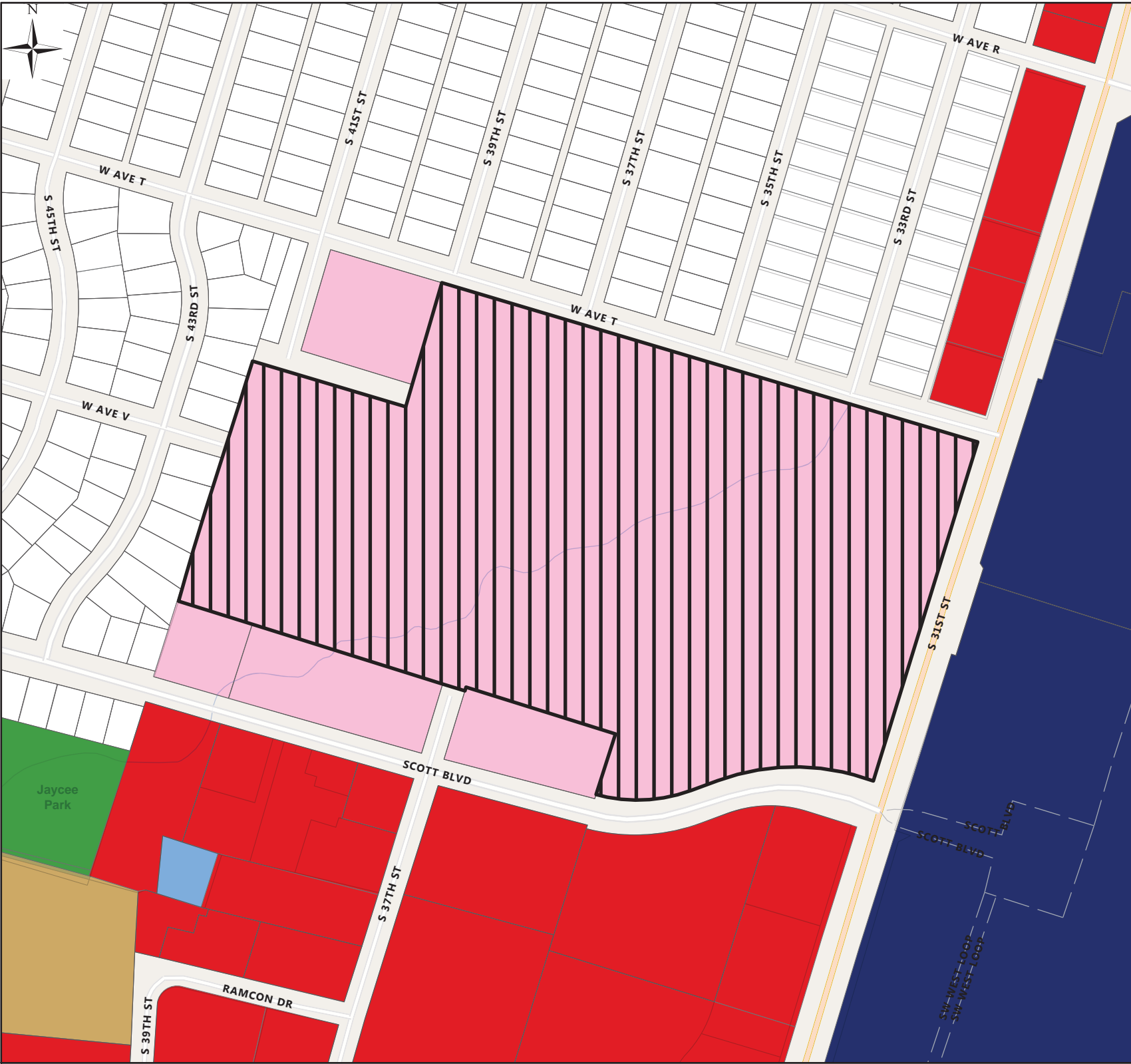
dredmond  
Date: 11/20/2015











TMED T5-C to PD  
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

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 THOROUGHFARE AND TRAILS MAP

Zoning Case :  
Z-FY-16-03

Address :  
2401 S 31st Street

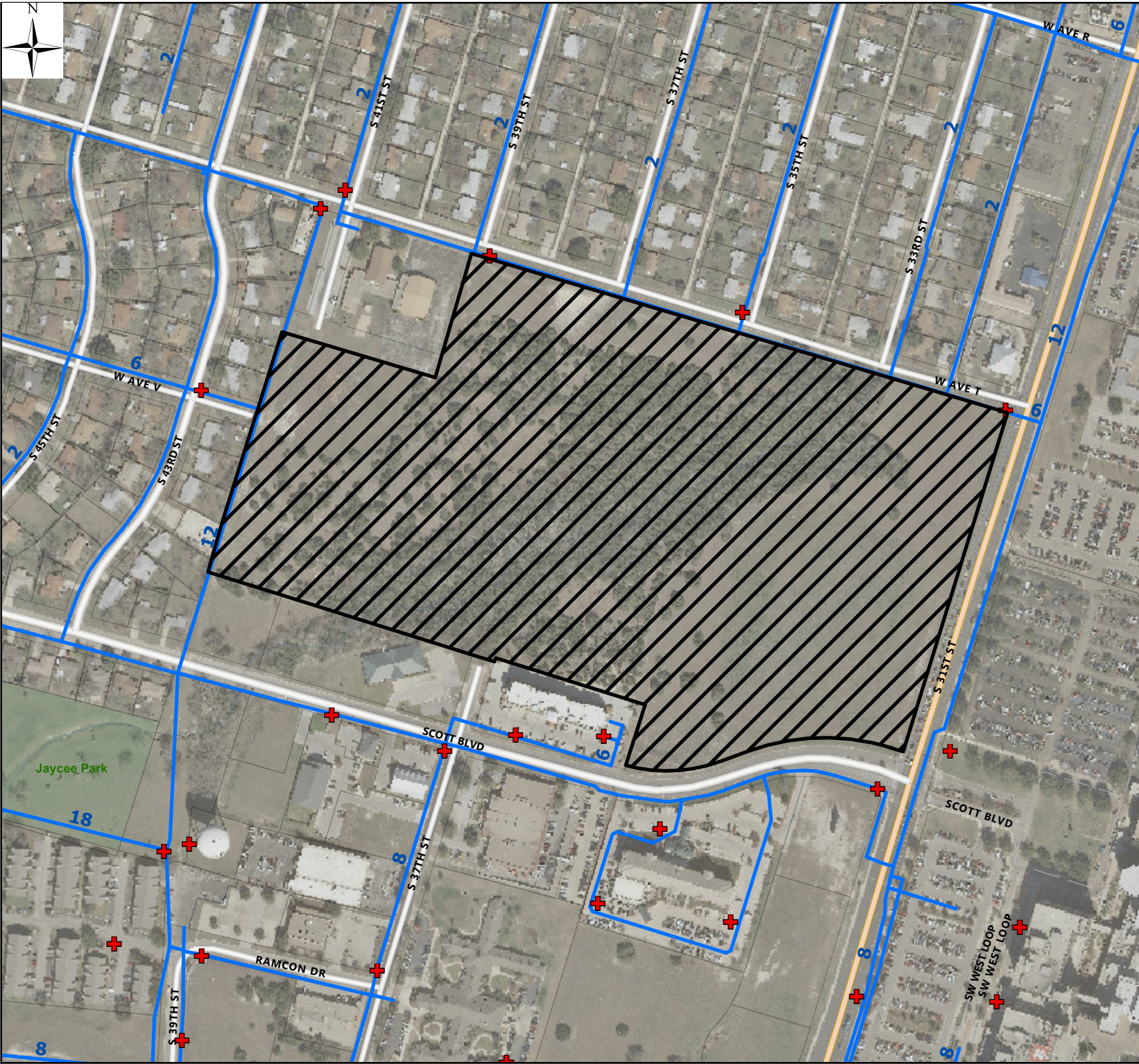
- Parcels
- Thoroughfare Plan
  - Expressway
  - Major Arterial
  - Proposed Major Arterial
  - Minor Arterial
  - Proposed Minor Arterial
  - Collector
  - Proposed Collector
- Trails Master Plan
  - EXISTING, CITY WIDE SPINE
  - EXISTING, COMMUNITY WIDE CONNECTOR
  - EXISTING, LOCAL CONNECTOR
  - PROPOSED,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







TMED T4/T5-c  
to PD-T5-e/PD-T5-c  
UTILITY MAP

Zoning Case :  
Z-FY-16-03

Address :  
2401 S 31st St

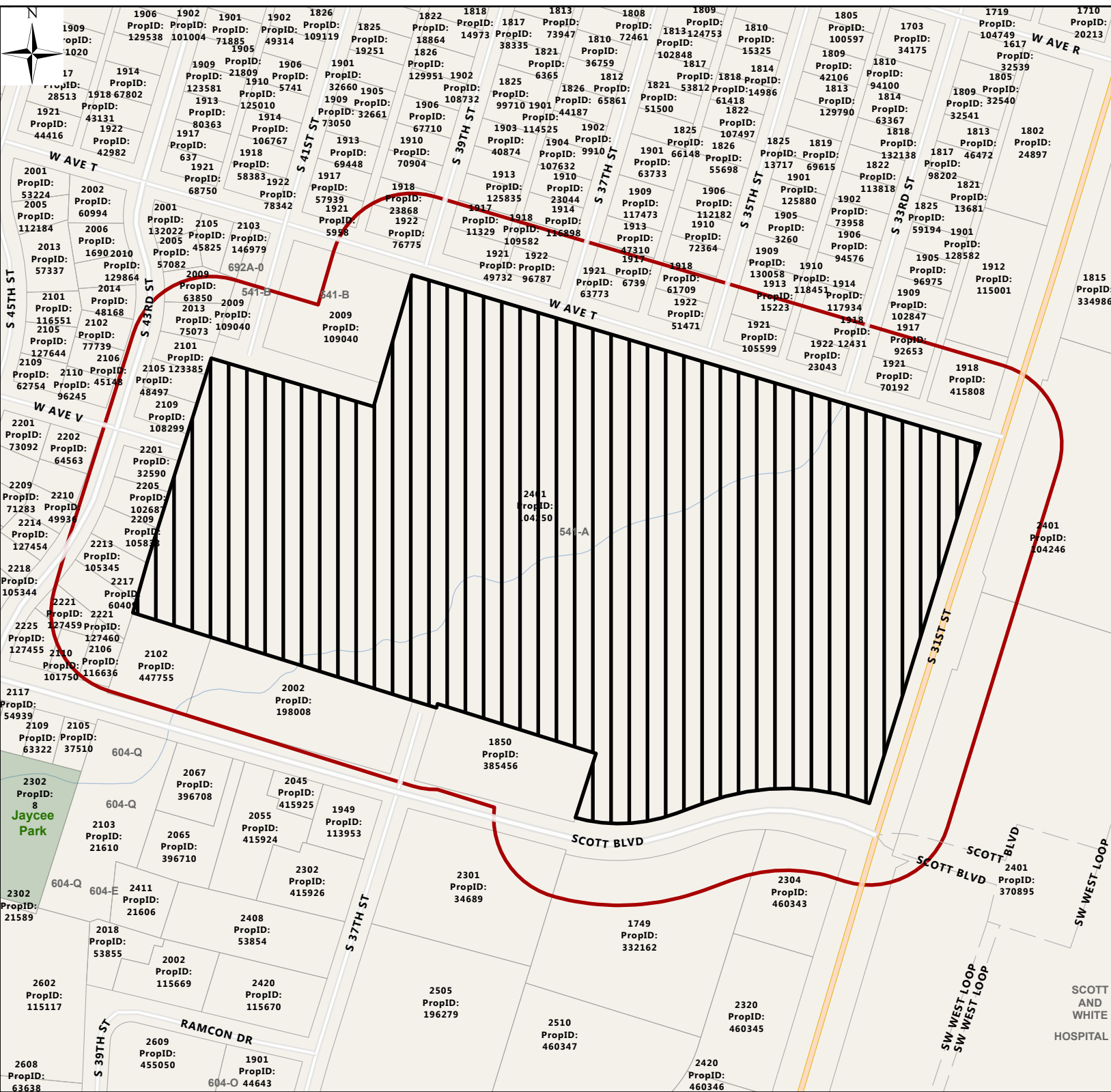
- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea

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

 CaseArea

 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
<b>Total Required Parking</b>	<b>372.25 cars</b>

**Parking Provided:**

	<b>Total</b>
Detached Garages	33 cars
Breezeway Garages	30 cars
<b>Total Garages</b>	<b>63 cars</b>
Total Garages	63 cars
Carports	50 cars
Open Parking (secured)	246 cars
Amenity Parking (non-secured)	14 cars
<b>Total Parking</b>	<b>373 cars</b>

# ARYA TEMPLE APARTMENTS

*A Multi-Family Community*  
Mucasey & Associates, Architects  
November 30, 2015

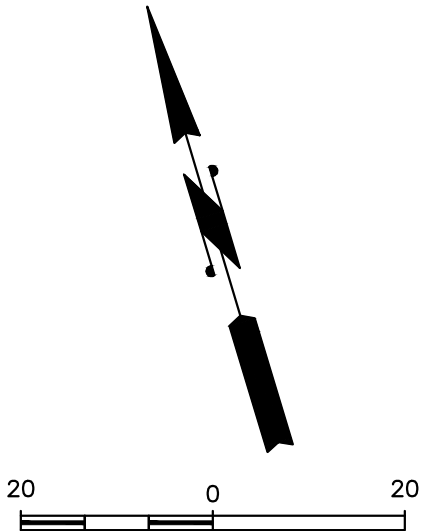
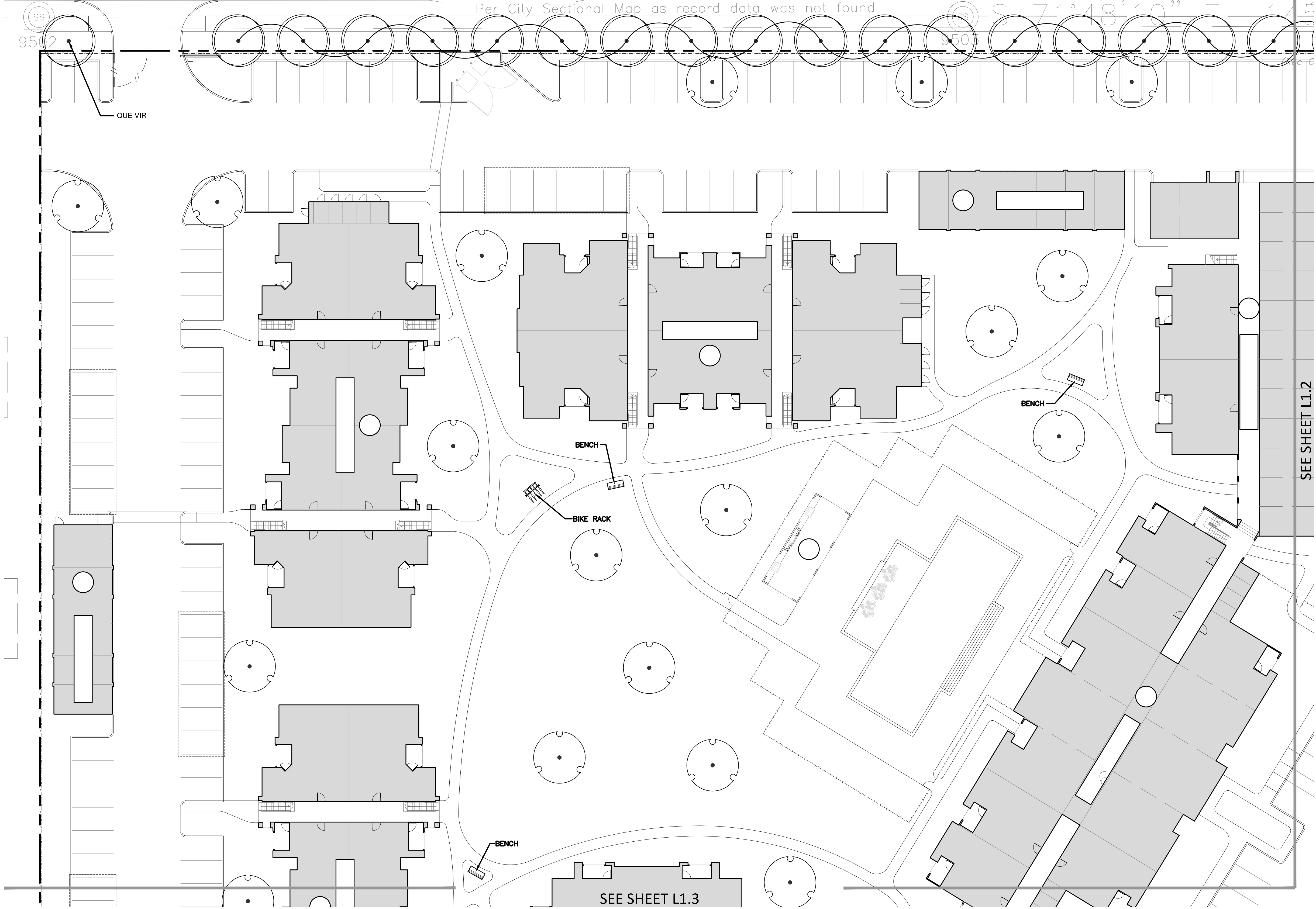


(Apparent 70' ROW) (Asphalt Surface)

# WEST AVENUE "T"

PUBLIC MAINTAINED ROADWAY

Per City Sectional Map as record data was not found



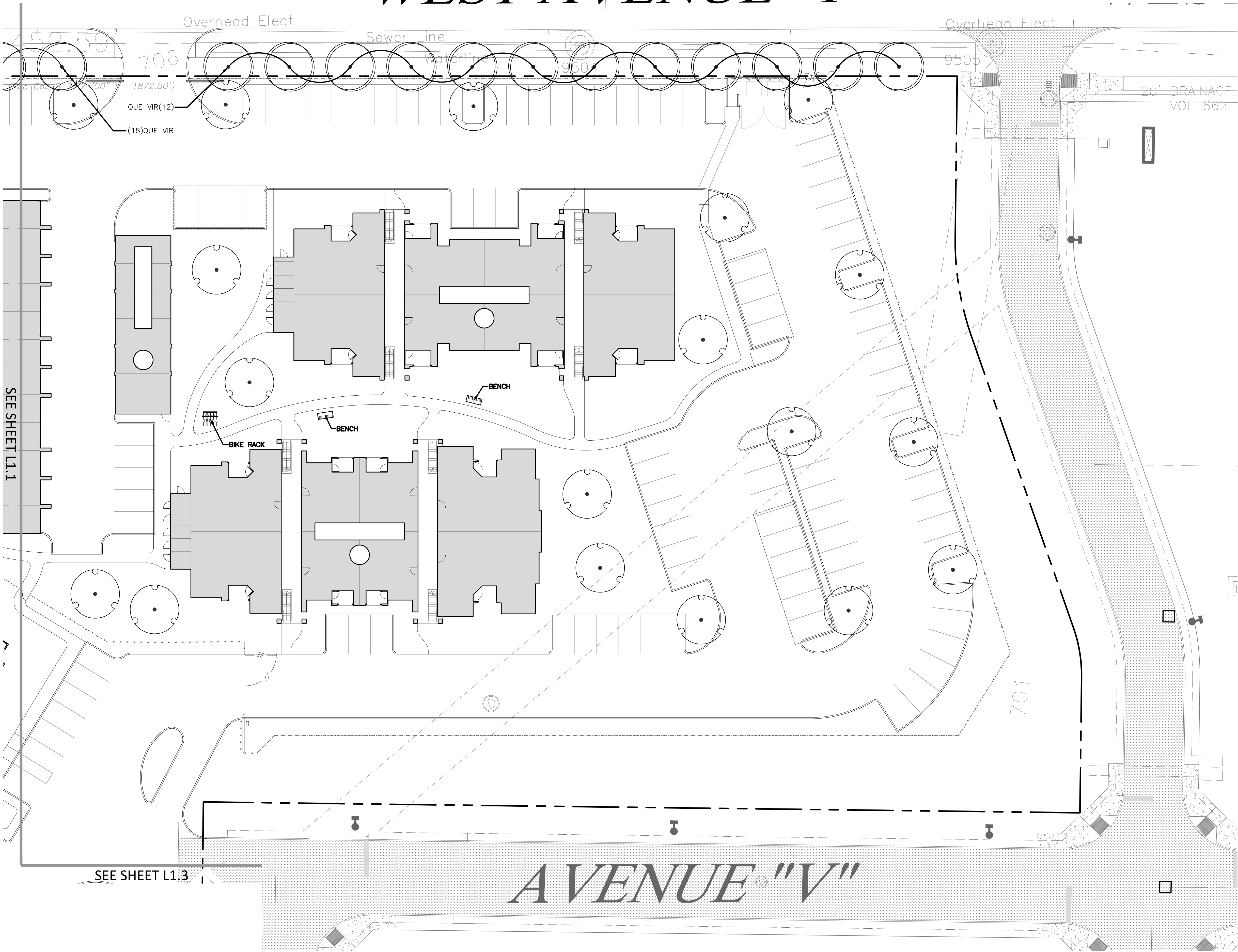
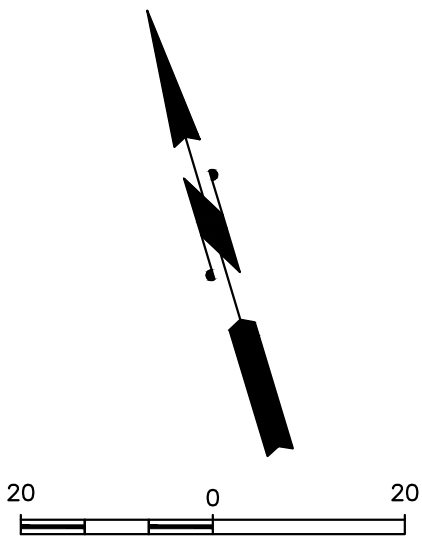
OVERALL SITE LEGEND

	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. 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			
<b>TERRA</b> 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"

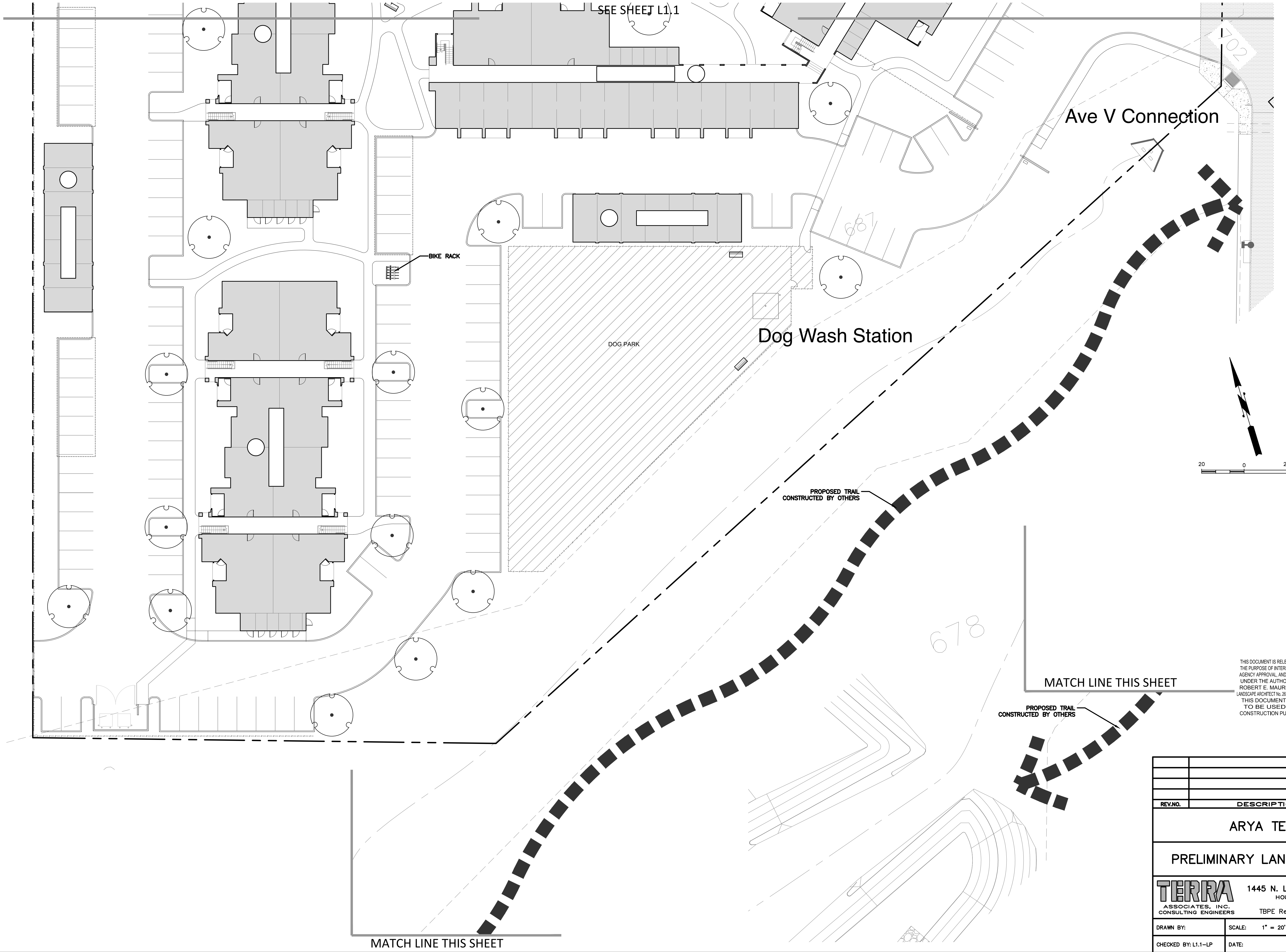


THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW, AGENCY APPROVAL, AND COMMENT UNDER THE AUTHORITY OF ROBERT E. MAURER, RLA LANDSCAPE ARCHITECT No. 2622 ON 12/02/15 THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

REV.NO.	DESCRIPTION	DATE	APP.
ARYA TEMPLE			
PRELIMINARY LANDSCAPE PLAN			
<b>TERRA</b> 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	

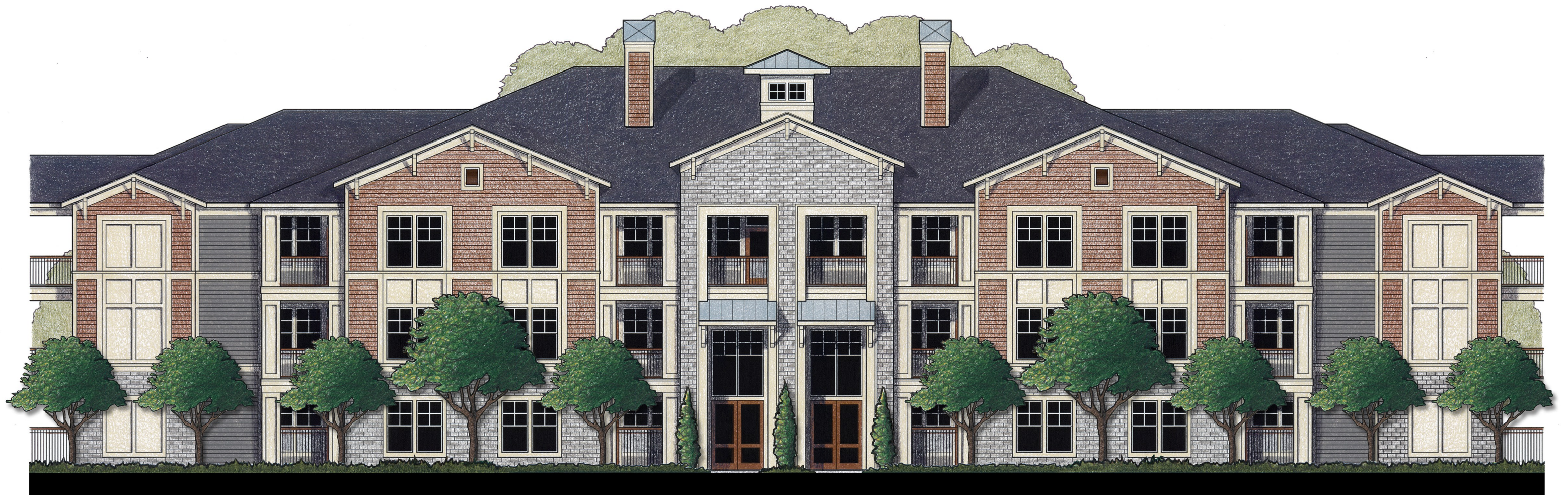


F:\Clients\0006-Cypressbrook\S-0006-1501 Temple Apartments\Drawings\L1.1-LP.dwg Dec 02, 2015-3:01pm Terra Associates Inc., R Eric. Maurer



REV.NO.	DESCRIPTION	DATE	APP.
ARYA TEMPLE			
PRELIMINARY LANDSCAPE PLAN			
<b>TERRA</b> 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



















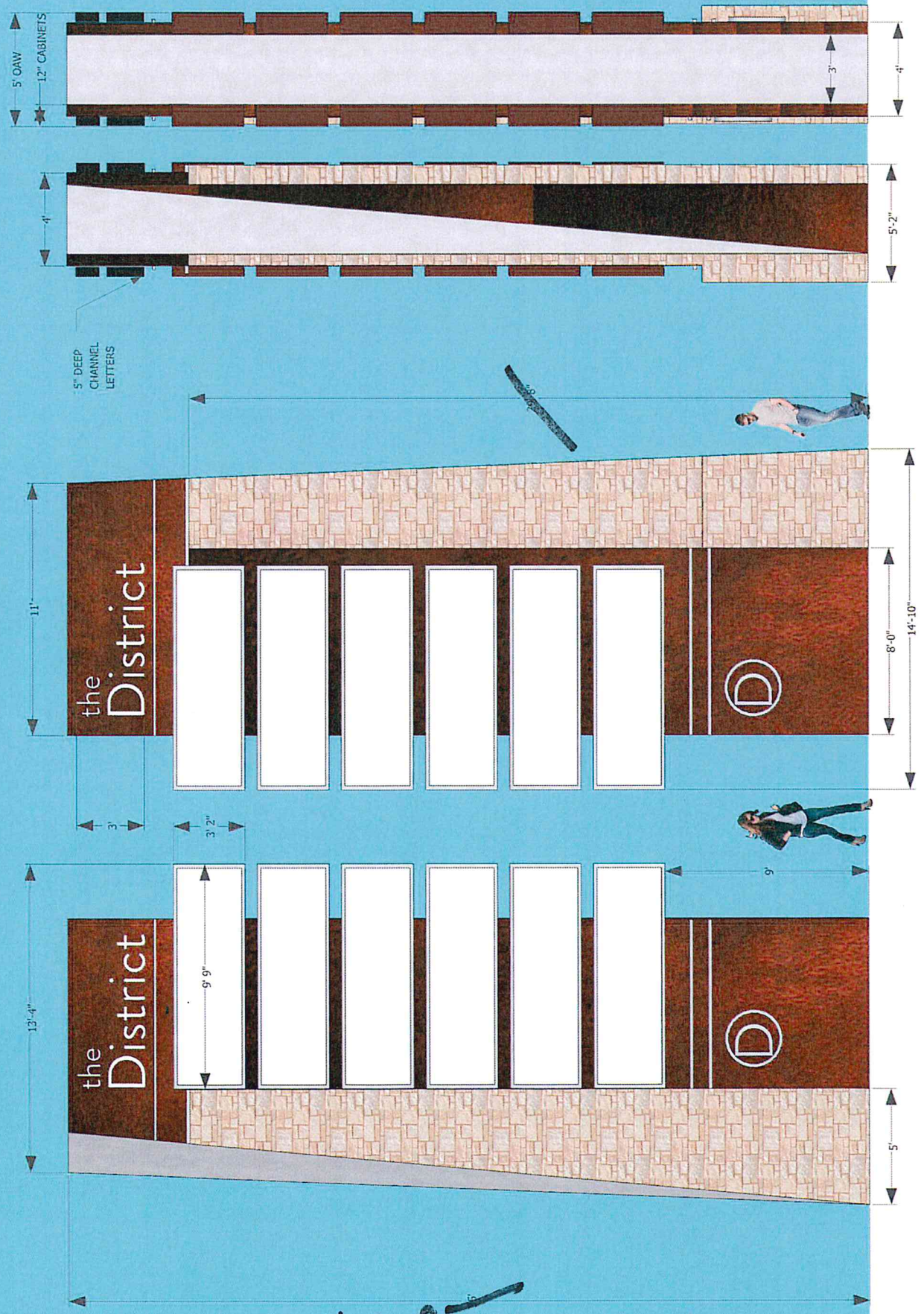








Revise to 25' height per staff recommendation



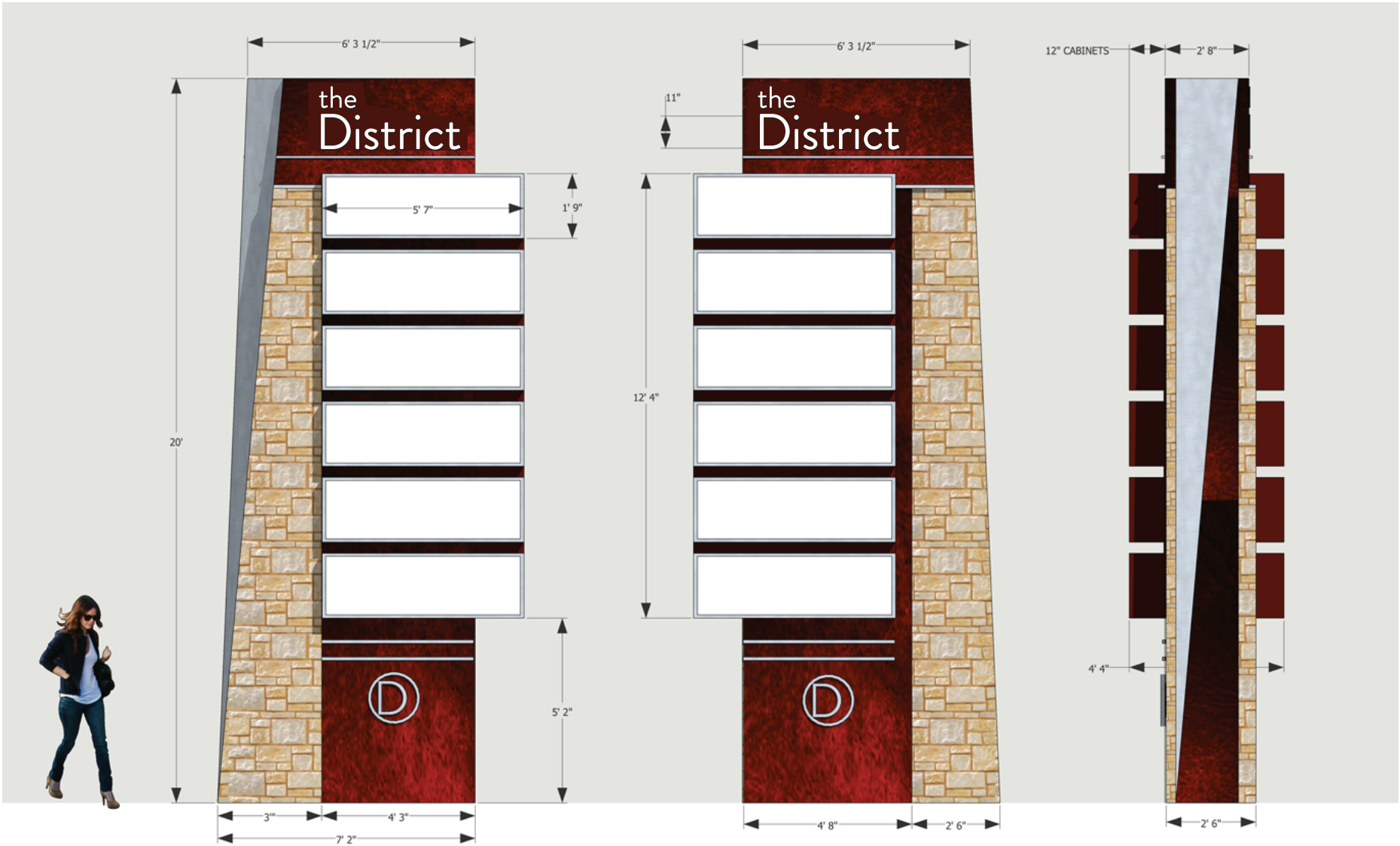


# the District

**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 31<sup>st</sup> 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:

---

---

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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 31<sup>st</sup> 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:**

I UNDERSTAND THAT A FAMILY HOUSING PROJECT WILL BE BUILT WITHIN THIS AREA. A LOW COST LIVING AREA WILL DOWN GRADE 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 31<sup>st</sup> 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:**

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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 43<sup>RD</sup> ST  
TEMPLE, TX 76504-6912

Zoning Application Number: Z-FY-16-03

Project Manager: Brian Chandler

Location: Northwest corner of South 31<sup>st</sup> 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:

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 31<sup>st</sup> 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:**

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*Marvin SpoonTS Jr*  
Signature

MARVIN SPOONTS Jr  
Print Name





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

HALL, TERESA GAIL  
2206 S 43<sup>RD</sup> ST  
TEMPLE, TX 76504-6912

**Zoning Application Number:** Z-FY-16-03

**Project Manager:** Brian Chandler

**Location:** Northwest corner of South 31<sup>st</sup> 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:**

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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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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:**

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**Signature**

  
**Print Name**

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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



**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 31<sup>st</sup> 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, 31<sup>st</sup> 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 31<sup>st</sup> 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 37<sup>th</sup> 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);
2. Exceeds 12 feet front and 30 feet side maximum setbacks;
3. Exceeding the 20 percent limit on cementitious siding;
4. Alleys are not proposed (T5-c requires alleys) ;
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);
7. Number of garage parking spaces (one per two units required: one per three point two five (3.25) units proposed);
8. Approximately 18,600 square feet of common area is required, which the applicant is exceeding (estimated 22,826 square feet provided); and
9. Applicant proposes the following combination of amenities: Grill house, pool water feature, dog wash station, new trees, benches, trail, preservation of trees along proposed trail, swimming pool, clubhouse, exercise facility, and office center.

Main access will be from 31<sup>st</sup> Street with one curb cut along 31<sup>st</sup> 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.

The applicant is requesting the following exceptions from the TMED commercial standards:

1. Exceeds 12 feet maximum front setback;
2. Less than the two-story building height requirements;
3. Allowing a commercial surface parking lot;
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 31<sup>st</sup> 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
12. No minimum percentage of window and door coverage for public facing facades for the hotel site.

The applicant is requesting the following exceptions from the TMED commercial signage standards (UDC Sec. 6.3.16.C):

Wall Signs:

Multi-tenant: One wall sign per façade of tenant's premises;

Single-tenant: One wall sign per façade; and

Code allows one per building.

Monument Signs:

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.

Compliance Summary - The project proposes to comply with the following sample of relevant standards (highlights only):



Density/Residential requirements in T5-e (eight to 24 units/acre);  
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 37<sup>th</sup> Street.

The Development Review Committee (DRC) review this item on November 23, 2015. The applicant has adequately addressed all comments.

Fifty-four notices were mailed out with two in agreement and seven in opposition. Two additional responses came in today; one in agreement and one in opposition.

This is a request for a Planned Development (PD) per 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/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 31<sup>st</sup> Street. Scott Boulevard, extending from the north/south private road to 31<sup>st</sup> 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 31<sup>st</sup> 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.**

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.

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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.

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1. Building story height (14 feet required: 10 feet six-inches proposed);
2. Exceeds 12 feet front and 30 feet side maximum setbacks;
3. Exceeding the 20 percent limit on cementitious siding;
4. Alleys are not proposed (T5-c requires alleys) ;
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);
7. Number of garage parking spaces (one per two units required: one per three point two five (3.25) units proposed);
8. Approximately 18,600 square feet of common area is required, which the applicant is exceeding (estimated 22,826 square feet provided); and

9. Applicant proposes the following combination of amenities: Grill house, pool water feature, dog wash station, new trees, benches, trail, preservation of trees along proposed trail, swimming pool, clubhouse, exercise facility, and office center.

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.

The applicant is requesting the following exceptions from the TMED commercial standards:

1. Exceeds 12 feet maximum front setback;
2. Less than the two-story building height requirements;
3. Allowing a commercial surface parking lot;
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
12. No minimum percentage of window and door coverage for public facing facades for the hotel site.

The applicant is requesting the following exceptions from the TMED commercial signage standards (UDC Sec. 6.3.16.C):

Wall Signs:

Multi-tenant: One wall sign per façade of tenant's premises;

Single-tenant: One wall sign per façade; and

Code allows one per building.

Monument Signs:



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.

Compliance Summary - The project proposes to comply with the following sample of relevant standards (highlights only):

Density/Residential requirements in T5-e (eight to 24 units/acre);

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.

Fifty-four notices were mailed out with two in agreement and seven in opposition. Two additional responses came in today; one in agreement and one in opposition.

This is a request for a Planned Development (PD) per 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/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.



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 31<sup>ST</sup> STREET AND SCOTT BOULEVARD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

**Part 1:** The City Council approves a rezoning from 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 31<sup>st</sup> 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 **21<sup>st</sup>** day of **January**, 2016.

PASSED AND APPROVED on Second Reading on the **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney





## COUNCIL AGENDA ITEM MEMORANDUM

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

Lacy Borgeson, TRMC, City Secretary

**ITEM DESCRIPTION:** Consider adopting resolution ordering an election for May 7, 2016, for the election of the District 1 Councilmember, and the District 4 Councilmember.

**STAFF RECOMMENDATION:** Consider adopting resolutions as presented in item description.

**ITEM SUMMARY:** This proposed resolution calls the City's general election for Saturday, May 7, 2016 for the election of the District 1 and District 4 Councilmembers for three year terms. The resolution also sets forth the polling places, early voting procedures, and various other requirements in accordance with State law and the City Charter.

If each candidate for an office that is to appear on the ballot in a particular District is unopposed as of February 23, 2016, the deadline for write-in candidates to declare candidacy, the City Council may declare each unopposed candidate elected and cancel the May 7, 2016 general election.

**FISCAL IMPACT:** Funding in the amount of \$20,725 is appropriated in account 110-1400-511-2517, as part of the City Secretary's budget for the 2016 General Election. All other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election.

### **ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, CALLING AN ELECTION TO BE HELD WITHIN THE CITY FOR THE ELECTION OF THE DISTRICT 1 AND DISTRICT 4 COUNCILMEMBERS; MAKING PROVISIONS FOR THE CONDUCT OF SAID ELECTION; CONTAINING OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS RESOLUTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, with regard to the election of District 1 and District 4 Councilmembers, Section 41.001 of the Texas Election Code provides that regular municipal elections shall be held on the second Saturday in May;

**Whereas**, the laws of the State of Texas and the City of Temple further provide that the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election and designating the voting places for said election;

**Whereas**, funds are allocated in the City Secretary's budget for the 2016 General Election – all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election;

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

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

**Part 1:** It is hereby ordered that a municipal election be held on Saturday, May 7, 2016, for the purpose of electing two (2) City Councilmembers. One City Councilmember shall be elected by the voters from District 1, and one City Councilmember shall be elected by the voters from District 4.

In each race, the candidate receiving a majority of the votes cast in such election shall be declared elected by the City Council. If none of the candidates receives a majority of the votes cast in a particular race, the City Council shall order a run-off election as provided by the City Charter, at which the two candidates receiving the highest number of votes in the May 7, 2016 election shall stand for election. The candidate receiving the greatest number of votes in the run-off election shall be declared elected by the City Council. Councilmembers shall hold office for a term of three years.

**Part 2:** Optical scan paper ballots shall be used for early voting, voting by mail and Election Day voting in each polling place, in conjunction with the ES&S Model Precinct Ballot Counter. The ES&S AutoMARK Voter Assist Terminal, which is Help America Vote Act (HAVA) compliant, will also be used for early voting and in each polling place on Election Day. Both systems of voting shall provide privacy for voters while casting their votes in accordance with Section 51.032 of the Texas Election Code. The vote for the election of District 1 and District 4 Councilmembers shall be recorded in such a manner as will permit the voters to cast one vote: one for a candidate from the single member district in which the voter resides.



**Part 3:** All independent candidates at the election to be held on May 7, 2016, for the above-mentioned Offices, shall file their applications to become candidates with the City Secretary of the City of Temple at the City Secretary's Office, Room 103, first floor of the Municipal Building, 2 North Main Street, Temple, Texas, beginning 108 days before the date of said election, being January 20, 2016, and ending on or before 78 days before the date of said election being February 19, 2016, in compliance with Section 143.007 of the Texas Election Code. No person may, in such election, be a candidate for two positions. All applications shall be sworn to and comply with Section 141.031 of the Election Code. All candidates shall file with said application the loyalty affidavit and statement regarding awareness of the State nepotism statute as required by Article 141.031 of the Election Code.

**Part 4:** The City Secretary of this City shall, in accordance with the terms and provisions of the Election Code, post in her Office the names of all candidates who have filed their application in accordance with the terms and provisions of this order, and said names shall be posted in a conspicuous place in said Office for at least ten (10) days before said City Secretary orders the same to be printed on the ballot for said election.

**Part 5:** The election shall be held at the following places in the City for the election called by this resolution:

***Early Voting Location***

Municipal Building,  
2 North Main Street, 1<sup>st</sup> Floor, Lobby Area  
(between Central and Adams)

***Election Day***

Fred Poteet Building  
120 West Central Avenue  
(building west of Municipal Building)

**Part 6:** (a) **Early voting by personal appearance.** Any registered voter is eligible to vote early by personal appearance on weekdays, beginning on April 25, 2016, and ending on May 3, 2016, outside the City Secretary's Office, Room 103 (First Floor), Municipal Building, Temple, Texas. Early Voting will be conducted from 8:00 a.m. to 5:00 p.m. April 25, 2016 through April 29, 2016. During the time period of May 2 and May 3, 2016 Early voting will be conducted from 7:00 a.m. to 7:00 p.m.

(b) **Early voting by mail.** A registered voter is eligible to vote early *by mail* if (1) the voter expects to be absent from the county on election day, and during the regular hours for conducting early voting at the main early voting polling place for the part of the period for early voting by personal appearance remaining after the voter's early voting ballot application is submitted to the early voting clerk, (2) the voter is under a disability that would prevent them from appearing at the polling place on election day, (3) the voter will be 65 years of age or older on election day, or (4) the registered voter is confined in jail at the time the early voting ballot application is submitted.

(1) Applications for ballot by mail shall be mailed to Lacy Borgeson, City Secretary, P.O. Box 207, Temple, Texas 76503, and must be received no later than April 26, 2016, provided that if the sole ground for voting early by mail is that the voter will be out of the county on Election Day.

**Part 7:** Lacy Borgeson, the City Secretary, is hereby appointed Clerk for early voting, and authorized to appoint by written order one or more persons to assist her as deputy early voting clerks. The early voting clerk shall maintain a roster listing each person who votes early by personal appearance and for each person to whom an early ballot to be voted by mail is sent in accordance with Section 87.121 of the Texas Election Code. The early voting clerk shall perform all other duties required by her by the Texas Election Code.

**Part 8:** The Mayor shall make proclamation of the May 7, 2016 election and issue, or cause to be issued, all necessary orders, writs and notices for said election and returns of said election shall be made to this the City Council immediately after the closing of the polls. The Mayor is further authorized to give notice of a run-off election if such election is necessary. The City Secretary shall cause notice of this election, in both English and Spanish, to be published and posted in compliance with Texas Election Code Section 4.003(a)(1) and 4.003(b).

**Part 9:** A copy of this order shall also serve as a Writ of Election which shall be delivered to the Presiding Judges for said election along with the Election Judge's Certificate of Appointment.

**Part 10:** The City Secretary is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election and to comply with Federal, State, and local law and in the conduct thereof.

**Part 11:** If any section or part of any section, paragraph, or clause of this resolution is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this resolution.

**Part 12:** This resolution shall take effect immediately from and after its passage, and it is accordingly so ordained.

**Part 13:** 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 on the 4<sup>th</sup> 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

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

Jonathan Graham, City Manager  
Sharon Rostovich, Airport Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing acceptance of the Airport Master Plan for the Draughon-Miller Central Texas Regional Airport.

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

**ITEM SUMMARY:** June 5, 2014, City Council approved acceptance of grant funding in the estimated amount of \$200,000 from the Texas Department of Transportation, Aviation Division, for update to the Airport Master Plan adopted in June 2001 for the Draughon-Miller Central Texas Regional Airport.

A contract was executed in October 2014 with Coffman Associates for the completion of the Airport Master Plan. The project kicked off January 13, 2015 with a Planning Advisory Committee (PAC) Meeting made up of Business and City Leaders. Three additional PAC Meetings were held April 23, July 22 and November 4, 2015. In addition, two Public Workshops were held July 22 and November 4, 2015.

The Airport Master Plan is a critical working document and plays a key role in future development and acquisition of grant funds. Since 2001, the Airport has experienced much growth and change to the original Airport Layout Plan including a runway extension and development of a new corporate hangar area.

Upon acceptance of the Plan, the Airport Master Plan will be sent to the Federal Aviation Administration for review and final approval of the Airport Layout Plan.

**FISCAL IMPACT:** The total cost of the Airport Master Plan was \$215,683. TxDOT funded 90% of the cost of the plan in the amount of \$194,115 and the City providing a 10% match of \$21,568.

**ATTACHMENTS:**

[Resolution](#)

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ACCEPTING THE AIRPORT MASTER PLAN FOR THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 5, 2014, City Council approved acceptance of grant funding in the estimated amount of \$200,000 from the Texas Department of Transportation, Aviation Division, for update to the Airport Master Plan adopted in June 2001 for the Draughon-Miller Central Texas Regional Airport;

**Whereas**, a contract was executed in October 2014 with Coffman Associates for the completion of the Airport Master Plan - the project kicked off on January 13, 2015 with three Planning Advisory Committee Meetings and two Public Workshops being held;

**Whereas**, the Airport Master Plan is a critical working document and plays a key role in the future development and acquisition of grant funds;

**Whereas**, since 2001, the Airport has experienced much growth and change to the original Airport Layout Plan, including a runway extension and development of a new corporate hangar area;

**Whereas**, upon acceptance of the Plan, the Airport Master Plan will be sent to the Federal Aviation Administration for review and final approval;

**Whereas**, Staff is pleased with the final product prepared by Coffman Associates, and recommends Council accept the Airport Master Plan; 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 accepts the Draughon-Miller Central Texas Regional Airport Master Plan prepared by Coffman Associates.

**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 **4<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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

Traci L. Barnard, Director of Finance

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

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

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

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

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

Jonathan Graham – City Manager  
Lacy Borgeson – City Secretary

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

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

**FISCAL IMPACT:** No fiscal impact.

### **ATTACHMENTS:**

[Resolution](#)



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

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

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

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

Jonathan Graham – City Manager  
Lacy Borgeson – City Secretary

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

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

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

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

**Part 1:** The City Council authorizes Traci L. Barnard, Director of Finance, Melissa Przybylski, Assistant Director of Finance, Stacey Reisner, Treasury/Grants Manager, and Rhonda Scally, Senior Accountant full authority and empowers them to take all actions and execute all documents necessary or incidental to such direct security repurchase agreements, reverse security repurchase agreements, U.S. Treasury Securities, and U.S. Government Agency Securities to the full extent they may exercise that authority consistent with the Texas Depository Act and other applicable state and federal laws and regulations and designates them as Investment Officers for the City of Temple.

**Part 2:** The City Council authorizes Jonathan Graham, City Manager, and Lacy Borgeson, City Secretary, on behalf of the City of Temple and as its own act, to sign checks, drafts, notes, bills of exchange, acceptances, or other orders for the payment of money, to endorse any checks, notes, bills, or other instruments owned, held, or endorsed to the City of Temple; to issue instructions regarding deposits, withdrawal, orders for payment or transfer

of funds whether oral, by telephone or electronic means; or to do any other convenient or necessary acts to the opening, maintenance, and closing of the accounts in accordance with the Charter and ordinances of the City of Temple. Their true signatures appear below:

---

Traci L. Barnard  
Director of Finance

---

Jonathan Graham  
City Manager

---

Melissa Przybylski  
Assistant Director of Finance

---

Stacey Reisner  
Treasury/Grants Manager

---

Rhonda Scally  
Senior Accountant

---

Lacy Borgeson  
City Secretary

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

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

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

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



**Part 7:** It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 4<sup>th</sup> 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

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02/04/16  
Item #6(X)  
Consent Agenda  
Page 1 of 1

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

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

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

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2015-2016 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$66,087.

**ATTACHMENTS:**

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



**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**February 4, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
363-2200-522-6856	101351	Capital Bonds / Fire Equipment - Replace '02 Ford Excursion	\$ 45,340	
363-2200-522-6856	101349	Capital Bonds / Fire Equipment - Defibrillator Monitors		\$ 19
363-2200-522-6532		Capital Bonds / Contingency		\$ 8,902
363-0000-358-1110		Undesignated Fund Balance / Unreserved Fund Balance		\$ 36,419
<p>To appropriate remaining bond proceeds for the purchase of a Ford F-250 truck from Caldwell Country Ford. Council approved the purchase of the replacement command vehicle in the amount of \$57,527.99 on 11/19/2015. Original funding was designated from account 110-5900-522-6213, project 101351.</p>				
110-3300-519-2584		EDC - Matrix Component	\$ 17,035	
110-3300-519-2584		EDC - O&M Funding Component		\$ 9,809
110-0000-352-1345		Designated Capital Projects - Unallocated		\$ 7,226
<p>Per the 2011 Funding and Operating Agreement between the City of Temple and the Temple Economic Development Corporation (TEDC), the City shall contribute a portion of its annual revenue from sales tax to TEDC. The City's contribution shall include a "Base Contribution" which is comprised of two components: (1) an "Operating Expense Component" and (2) an "Incentive Matrix Component". This budget adjustment decreases the appropriation for the FY 2016 "Operating Expense Component" by \$9,808.16 and increases the appropriation for the "Incentive Matrix Component" by \$17,033.85 for a total net effect of \$7,225.69. The result of this adjustment is due to the amount of economic development incentives paid by TEDC and a change in the sales tax growth % estimate. Funds are available in Designated Capital Projects - Unallocated.</p>				
260-2200-522-2514		Other Services / Travel & Training	\$ 1,500	
260-0000-431-0261		State Grants / State Grants		\$ 1,500
<p>To appropriate grant revenue and expenditures related to the receipt of grant funds from Texas A&amp;M Forest Service for assisting in tuition for firefighters to attend initial and reoccurring training. This grant was approved by Council on 08/06/2015.</p>				
110-4000-555-2225		Capital < \$5,000 / Books & Periodicals	\$ 918	
110-4000-555-2522		Other Services / Micro Firm/Audio Visual	\$ 94	
110-0000-445-0232		Library / Lost Books		\$ 1,012
<p>To appropriate revenue and expenditure related to lost books and audio visual materials for the 1st quarter of FY 2016.</p>				
110-1800-525-2221		Capital < \$5,000 / Computer Equipment	\$ 1,200	
110-0000-452-0455		Administrative Fees / Technology Fee		\$ 1,200
<p>To allocate funding for the purchase of a laptop to be used by the prosecutor while in court.</p>				
<b>TOTAL AMENDMENTS</b>			<b>\$ 66,087</b>	<b>\$ 66,087</b>

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**February 4, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>GENERAL FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Judgments &amp; Damages</b> Contingency	\$	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 <b>Compensation</b> Contingency	\$	375,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(375,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Council Contingency</b>	\$	9,912
		Beginning Balance <b>Budget Sweep</b> Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(14,788)
		Net Balance of Contingency Account	\$	35,212
		Beginning <b>Compensation</b> Contingency	\$	64,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(64,000)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Water &amp; Sewer Fund Contingency</b>	\$	35,212
		<b>HOTEL/MOTEL TAX FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,300)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	-
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning <b>Compensation</b> Contingency	\$	10,300
		Added to Compensation Contingency		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Drainage Fund Contingency</b>	\$	-



CITY OF TEMPLE  
BUDGET AMENDMENTS FOR FY 2016 BUDGET  
February 4, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ -
		Carry forward from Prior Year		-
		Added to Contingency Sweep Account		-
		Taken From Contingency		-
		Net Balance of Contingency Account		\$ -

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2015-2016 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 27<sup>th</sup> 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 4<sup>th</sup> 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

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02/04/16  
Item #7  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** FIRST READING –Consider adopting an ordinance designating two tracts of land consisting of approximately 1.377 acres and located in the Barton Business Park, Phase One and Phase Two, as City of Temple Tax Abatement Reinvestment Zone Number 33 for commercial/industrial tax abatement.

**STAFF RECOMMENDATION:** Adopt ordinance on first reading as presented in item description, and set second reading and a public hearing for February 18, 2016.

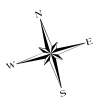
**ITEM SUMMARY:** The proposed ordinance designates two tracts of land consisting of approximately 1.377 acres and located in the Barton Business Park, Phase One and Phase 2, as Tax Abatement Reinvestment Zone Number 33 for commercial/industrial tax abatement. The attached map shows the location of the property proposed to be included in the zone.

The designation of a tax abatement reinvestment zone lasts for five years and is a prerequisite for entering into a tax abatement agreement with a future economic development prospect. We anticipate bringing a tax abatement agreement for proposed improvements to the property for Council's consideration at the February 18, 2016 meeting.

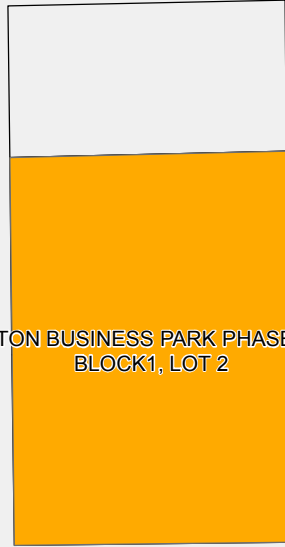
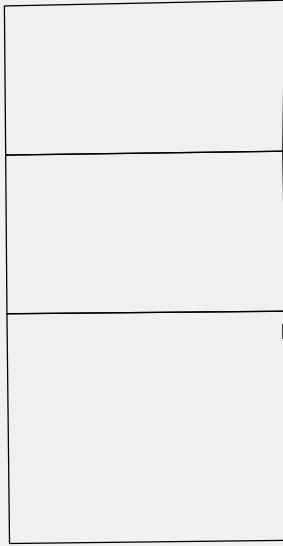
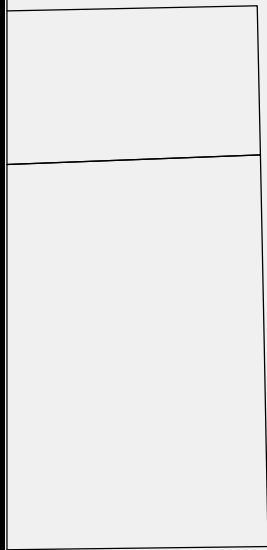
**FISCAL IMPACT:** None at this time.

### **ATTACHMENTS:**

[Map](#)  
[Ordinance](#)



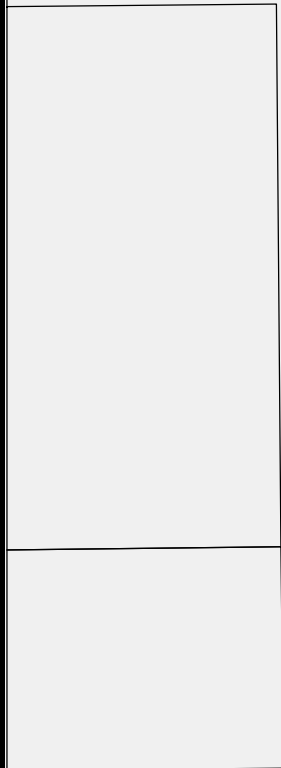
**W DOWNS AVE**



BARTON BUSINESS PARK PHASE TWO  
BLOCK1, LOT 2

**N 1ST ST**

**W CALHOUN AVE**



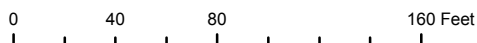
**N 3RD ST**



BARTON BUSINESS PARK PHASE ONE  
BLOCK1, LOT 1

**W BARTON AVE**

## Tax Abatement Reinvestment Zone



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



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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DESIGNATING TWO TRACTS OF LAND CONSISTING OF APPROXIMATELY 1.377 ACRES LOCATED IN THE BARTON BUSINESS PARK, PHASE ONE AND PHASE TWO, AS CITY OF TEMPLE TAX ABATEMENT REINVESTMENT ZONE NUMBER THIRTY-THREE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council of the City of Temple, Texas (City), desires to promote the development or redevelopment of a certain geographic area within its jurisdiction by creation of a reinvestment zone for commercial/industrial tax abatement, as authorized by Chapter 312 of the Texas Tax Code;

**Whereas**, the City held such public hearing after publishing notice of such public hearing, and giving written notice to all taxing units overlapping the territory inside the proposed reinvestment zone;

**Whereas**, the City at such hearing invited any interested person, or his attorney, to appear and contend for or against the creation of the reinvestment zone, the boundaries of the proposed reinvestment zone, whether all or part of the territory described in the ordinance calling such public hearing should be included in such proposed reinvestment zone, and the concept of tax abatement; and

**Whereas**, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone, and opponents of the reinvestment zone appeared to contest creation of the reinvestment zone.

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

**Part 1:** The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

**Part 2:** The City, after conducting such hearings and having heard such evidence and testimony has made the following findings and determinations based on the testimony presented to it:

A. That a public hearing on the adoption of the reinvestment zone has been properly called, held and conducted and that notices of such hearings have been published as required by law and mailed to all taxing units overlapping the territory inside the proposed reinvestment zone;

B. That the boundaries of the reinvestment zone (hereinafter "REINVESTMENT ZONE NUMBER THIRTY-THREE") should be approximately 1.377 acres and located in the Barton Business Park, Phase One and Phase Two, Temple, Bell County, Texas, as described in the drawing attached as Exhibit "A."

C. That creation of REINVESTMENT ZONE NUMBER THIRTY-THREE will result in benefits to the City and to the land included in the zone after the term of any agreement executed hereunder, and the improvements sought are feasible and practical;

D. That REINVESTMENT ZONE NUMBER THIRTY-THREE meets the criteria for the creation of a reinvestment zone as set forth in Section 312.202 of the Code in that it is "reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City;" and

E. That REINVESTMENT ZONE NUMBER THIRTY-THREE meets the criteria for the creation of a reinvestment zone as set forth in the City of Temple Guidelines and Criteria for granting tax abatement in reinvestment zones.

**Part 3:** Pursuant to Section 312.201 of the Code, the City hereby creates a reinvestment zone for commercial/industrial tax abatement encompassing approximately 1.377 acres and located in the Barton Business Park, Phase One and Phase Two, Temple, Bell County, Texas, described by the drawing in Exhibit "A," attached hereto and such REINVESTMENT ZONE is hereby designated and shall hereafter be officially designated as Tax Abatement Reinvestment Zone Number Thirty-Three, City of Temple, Texas.

**Part 4:** The REINVESTMENT ZONE shall take effect on February 18, 2016, or at an earlier time designated by subsequent ordinance.

**Part 5:** To be considered for execution of an agreement for tax abatement the commercial/industrial project shall:

A. Be located wholly within the Zone as established herein;

B. Not include property that is owned or leased by a member of the City Council of the City of Temple, Texas, or by a member of the Planning and Zoning Commission;

C. Conform to the requirements of the City's Zoning Ordinance, the CRITERIA governing tax abatement previously adopted by the City, and all other applicable laws and regulations; and

D. Have and maintain all land located within the designated zone, appraised at market value for tax purposes.

**Part 6:** Written agreements with property owners located within the zone shall provide identical terms regarding duration of exemption and share of taxable real property value exempted from taxation.

**Part 7:** Written agreements for tax abatement as provided for by Section 312.205 of the Code shall include provisions for:



A. Listing the kind, number and location of all proposed improvements of the property;

B. Access to and inspection of property by municipal employees to ensure that the improvements or repairs are made according to the specification and conditions of the agreements;

C. Limiting the use of the property consistent with the general purpose of encouraging development or redevelopment of the zone during the period that property tax exemptions are in effect; and

D. Recapturing property tax revenue lost as a result of the agreement if the owner of the property fails to make the improvements as provided by the agreement.

**Part 8: Severance clause.** 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 9: Effective date.** 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 10: Sunset provision.** The designation of Tax Abatement Reinvestment Zone Number Thirty-Three shall expire five years from the effective date of this ordinance. The designation of a tax abatement reinvestment zone may be renewed for periods not exceeding five years. The expiration of a reinvestment zone designation does not affect an existing tax abatement agreement authorized by the City Council.

**Part 11: Open Meeting Act.** 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 Meeting Act.

PASSED AND APPROVED on First Reading on the 4<sup>th</sup> day of **February**, 2016.

PASSED AND APPROVED on Second and Final Reading and Public Hearing on the 18<sup>th</sup> 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



## CITY COUNCIL ITEM MEMORANDUM

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02/04/16  
Item #8  
Regular Agenda  
Page 1 of 7

### **DEPARTMENT / DIVISION SUBMISSION & REVIEW:**

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-16-08: Consider adopting an ordinance authorizing a rezoning from Two Family (2F) zoning district to Commercial (C) zoning district, Lots 5 & 6, Block 011, Temple Heights, located at 1119 South 53rd Street.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their January 4, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning as presented by Planning staff.

During the meeting, the Planning & Zoning Commission discussed the impacts to the immediate local roads as a result of encroaching and expanding automotive uses in the neighborhood. There was also discussion about exterior building materials and whether the property is within the I-35 Overlay, which it is not.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Two Family (2F) district to Commercial (C) district for the following reasons:

1. The proposed rezoning is in compliance with the Future Land Use Plan's (FLUP) Auto-Urban Commercial District;
2. The proposed zoning is compatible with surrounding zoning and automotive-related uses; and
3. Public facilities are available to serve the subject property.

**ITEM SUMMARY:** The requested rezoning is for two lots (Lots 5 & 6, Temple Heights subdivision) to be rezoned from Two-Family dwelling (2F) to Commercial (C) for automotive uses. The two lots are 0.411 +/- acres (17,920 square feet) in area. This request is the second in the immediate area within three years (Z-FY-12-22) from the same applicant to rezone property to the Commercial zoning district.

Most recently, per Ordinance 2012-4518, City Council approved a rezoning of Lots 9-12 of the Temple Heights subdivision from Two Family dwelling (2F) zoning to Commercial (C) zoning on March 15, 2012. Similarly, the request was to accommodate new as well as expand existing automotive uses in the area.



This request would convert two of three remaining 2F-zoned parcels to C zoning on this block, which has been established west of South 51<sup>st</sup> Street and more specifically west of the mid-block alley between South 51<sup>st</sup> Street and South 53<sup>rd</sup> Street and continuing westward toward Interstate 35. The only remaining 2F-zoned property is with three parcels across and “catty-corner” from the subject property which are currently occupied by single family residential uses.

A staff initiated inventory (attached) of the uses within a one-half to one block radius of the subject property suggest that while the area was initially developed with detached single family residences in the first-half of the 20<sup>th</sup> Century, the area is transitioning to more intensive commercialized uses, namely automotive related uses. This would support recent changes to surrounding zoning as well the current request and is supportive of the underlying Future Land Use designation of Auto-Urban Commercial. Additional discussion about the Future Land Use Plan consistency can be found later in this report.

Relative to the requested zoning of commercial, according to UDC Section 4.3.18:

The Commercial (C) zoning district permits all retail and most commercial land uses including auto dealerships with complete servicing facilities, building material sales, light manufacturing and heavy machinery sales and storage. The Commercial zoning district is intended to serve Citywide or regional service areas. This district should be located along major highways and should provide total on-site traffic maneuvering such that traffic entering and existing the facility should have room to turn, queue for parking area and park within the confines of the facility. This district should be located away from low and medium density residential development.

While commercial uses, specifically, automotive uses have been established along the adjacent local roads, additional commercial uses may complicate the infrastructure inadequacies. Commercial uses are more acceptable along thoroughfares and arterial streets and the subject property is one full block removed from West Avenue M, a collector street. While the introduction of additional commercial zoning is still consistent with the surrounding zoning, this block of South 53<sup>rd</sup> Street, containing the subject property is problematic, since concerns have been identified relative to compliance to the Thoroughfare Plan and the adequacy of the existing roadway infrastructure. See additional discussion about the Thoroughfare Plan later in this report.

Although it is anticipated the property will be cleared and developed with automotive repair, there are a number of residential and non-residential uses that are permitted by right in the Commercial zoning district. It should be noted that while the Commercial zoning district permits a wide range of uses either by right or with a Conditional Use Permit, not all uses can be accommodated on the subject property, if they do not meet development standards. The following table shows permitted and Conditional uses in the “2F” and “C” zoning districts, include but are not limited to:

<b>Permitted &amp; Conditional Use Table</b>		
	<b>Two-Family (2F) Existing</b>	<b>Commercial (C) Proposed</b>
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard	* Farm, Ranch or Orchard Nursery * Livestock Auction (CUP)
<b>Residential Uses</b>	* Industrialized Housing * Family or Group Home	* Single Family (Detached) * Single Family (Attached) * Home for the Aged * Industrialized Housing
<b>Retail &amp; Service Uses</b>	None	* Cleaning Plant * Barber or Beauty Shop * Pawn Shop * Mortuary or Funeral Home * Tool Rental (Outside Storage) * All other Retail & Service Uses
<b>Commercial Uses</b>	None	* Livestock Auction * Building Material Sales * Poultry Hatchery * Indoor Flea Market * Mini Storage Warehouse
<b>Industrial Uses</b>	None	* Recycling Collection * Storage Warehouse * Temporary Asphalt or Concrete Batching Plant (CUP)
<b>Recreational Uses</b>	* Park or Playground	* Beer & Wine Sales with On-Premise Consumption * All Alcoholic Bev. Sales with On-Premise Consumption (CUP)
<b>Vehicle Service Uses</b>	None	* Auto Leasing - Rental * Auto Sales Facility * Fuel Sales * Boat Sales * Major & Minor Vehicles Repair * Auto Storage (CUP) * Outside Auto Parts Sales (CUP)
<b>Restaurant Uses</b>	None	* With & Without Drive-In
<b>Overnight Accommodations</b>	None	* Hotel or Motel
<b>Transportation Uses</b>	None	* Parking Lot, Trucks, Trailers & Moving Vans & Trucks

A number of uses are prohibited in the Two-Family (2F) and Commercial (C) zoning district to include but not limited to the following:



Prohibited Uses	
Two-Family (2F)	<ul style="list-style-type: none"> <li>* Apartments</li> <li>* Townhouse</li> <li>* All Retail &amp; Service, Commercial &amp; Industrial Uses</li> <li>* Restaurant (With and Without Drive Through)</li> <li>* Recreational Uses (alcohol sales with on &amp; off premise consumption)</li> <li>* Hotel or Motel</li> <li>* Offices</li> </ul>
Commercial (C)	<ul style="list-style-type: none"> <li>* Apartments</li> <li>* Townhome</li> <li>* Patio Home</li> <li>* Sewage Treatment Plant</li> </ul>

**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:

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	2F	Unoccupied SF Residence
North	Auto Urban Commercial	2F & C	Commercial Uses
South	Auto Urban Commercial	2F, C & GR	Commercial Uses
East	Auto Urban Commercial	2F	Single Family Uses
West	Auto Urban Commercial	C	Commercial Uses

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

Document	Policy, Goal, Objective or Map	Compliance?
CP	Map 3.1 - Future Land Use Plan (FLUP)	YES
CP	Map 5.2 - Thoroughfare Plan	NO
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	YES
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	YES
CP = Comprehensive Plan     STP = Sidewalk and Trails Plan		

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

The property is within the Auto-Urban Commercial land use district. The Auto-Urban Commercial district is intended for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads. As discussed in the Item Description of this report, an inventory supporting rezoning efforts from multi-family zoning to Commercial have transitioned the area to commercialized uses, namely those of an automotive nature. This transitioning is supported by the underlying FLUP, Auto-Urban Commercial district. Therefore, the requested Commercial zoning district is in full compliance with the Auto-Urban Commercial district.

Thoroughfare Plan (CP Map 5.2)

The requested property fronts on both South 53<sup>rd</sup> Street and West Avenue L. Both streets are identified in the Thoroughfare Plan as local streets. No additional improvements are anticipated. However, as local streets, a minimum 31 feet of pavement is required.

According to the Temple Comprehensive Plan “Choices 08” – Land Use Policy No. 13, which states that commercial development should be concentrated in nodes at major intersections and other appropriate locations along highway frontages and primary roadways to maintain safe and efficient traffic flow on major roads. This is not being achieved since both South 53<sup>rd</sup> Street and West Avenue L are local streets rather than collector or arterial streets. This deficiency could be problematic particularly since the applicant is proposing automotive uses and in general the proposed Commercial zoning will introduce the potential for more intensive uses in the neighborhood.

Further, as described in UDC Section 4.3.16, there are retail and service zoning districts, such as the Neighborhood Service (NS) district, that are intended to be located at the corners of collector and local streets which serve neighborhoods. This is further indicative that local streets are not appropriate for commercial traffic.

According to the trip generation values identified in the 9<sup>th</sup> Edition of the Institute of Transportation Engineers (ITE) manual, a single-family detached residence will generate 1.00 trip per dwelling unit (DU) during peak hour periods. For purposes of this request, since there are two lots under consideration, with an existing zoning of 2F, the table shows 4 DU, since two duplexes are allowed. While the following table is being provided to illustrate the potential traffic increase associated with automotive uses, it is clear that traffic generation will be increased onto a local street. Therefore, the proposed request for rezoning is not in compliance with the Thoroughfare Plan. The following table reflects the comparable residential units for the subject property and the anticipated automotive uses as well as their anticipated peak hour trip rates as follows:

<b>Peak Hour Trip Rates Table (9th Ed. ITE Manual)</b>	
<b>Use</b>	<b>Peak Hour Trip Rate</b>
Single Family Detached Residence	4.00 (4 Units Total - 1.00 trip per DU)
Automotive Care Center	3.11 (Per 1,000 S.F. of Building)
Automotive Parts & Service Center	4.46 (Per 1,000 S.F. of Building)
Quick Lubrication Vehicle Stop	5.19 (Per Service Bay)



Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 6-inch sewer line in the alley between South 53<sup>rd</sup> Street & South 51<sup>st</sup> Street. Water is available through an existing 12" water line in South 53<sup>rd</sup> Street and a 6" water line in West Avenue L.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan does not identify any trails on either West Avenue L or South 53<sup>rd</sup> Street. Since both roads are identified as local roads, no sidewalks are required.

**DEVELOPMENT REGULATIONS:** Standard non-residential setbacks for the Two-Family (2F) & the Commercial (C) zoning districts are shown in the following table:

	<u>Current</u>	<u>Proposed</u>
	2F (Two Family)	C (Commercial)
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	25 Feet	15 Feet (UDC Sec 4.4.4F.1a)
Side Setback	20 Feet	0 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	2 1/2 Stories	ALH - Any Legal Height

**PUBLIC NOTICE:** Eighteen notices, representing thirteen property owners within 200-feet of the subject property were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday January 26, 2016 at 9:00 AM, four notices, which represent seven separate properties in agreement, one notice in disagreement and one neutral response from the Temple ISD have been received. It should be noted that the applicant, Karl Miller, owns four of the seven lots within the notification area that were in agreement and a total of seven properties in agreement are reflected in the overall ratio.

The newspaper printed notice of the public hearing on December 25, 2015, in accordance with state law and local ordinance.

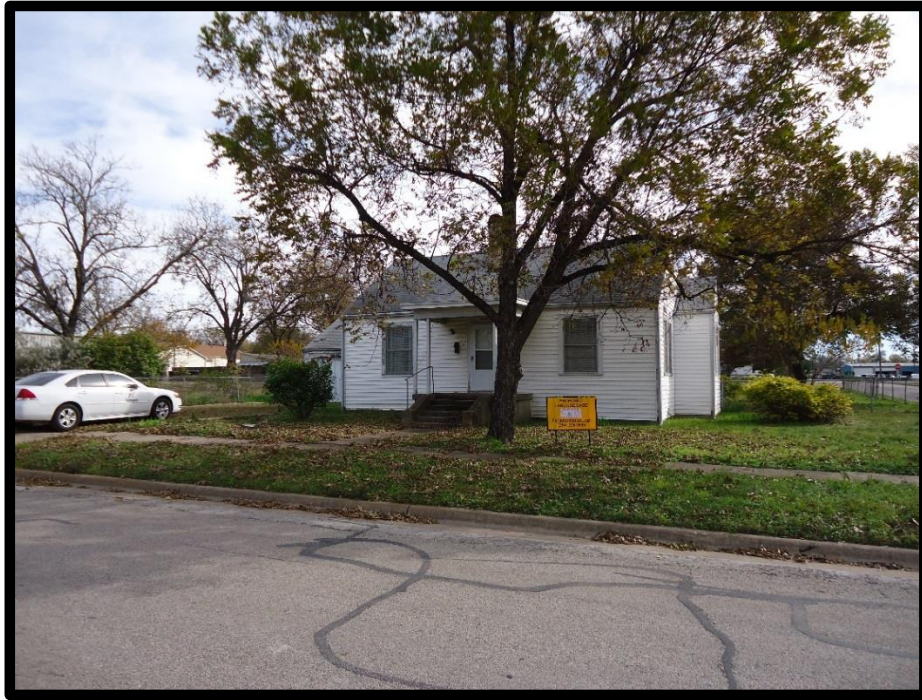
**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Boundary Survey (Exhibit A)  
Hand-Drawn Dimensioned Sketch of Lots 5 & 6  
Location Map  
Aerial Map  
Existing Neighborhood Land Use Inventory  
Zoning Map  
Future Land Use and Character Map  
Utility Map  
Thoroughfare & Trails Map  
Notification Map  
Returned Property Notices  
P&Z Excerpts  
Ordinance



## Site & Surrounding Property Photos



**Site: Unoccupied Single-Family House (2F)**



**North: Automotive Uses & Parking Area adjacent to Subject Property (2F & C)**





**North: Parking Area & Automotive Uses (2F & C)**



**West: Single Family Residential Uses (2F)**



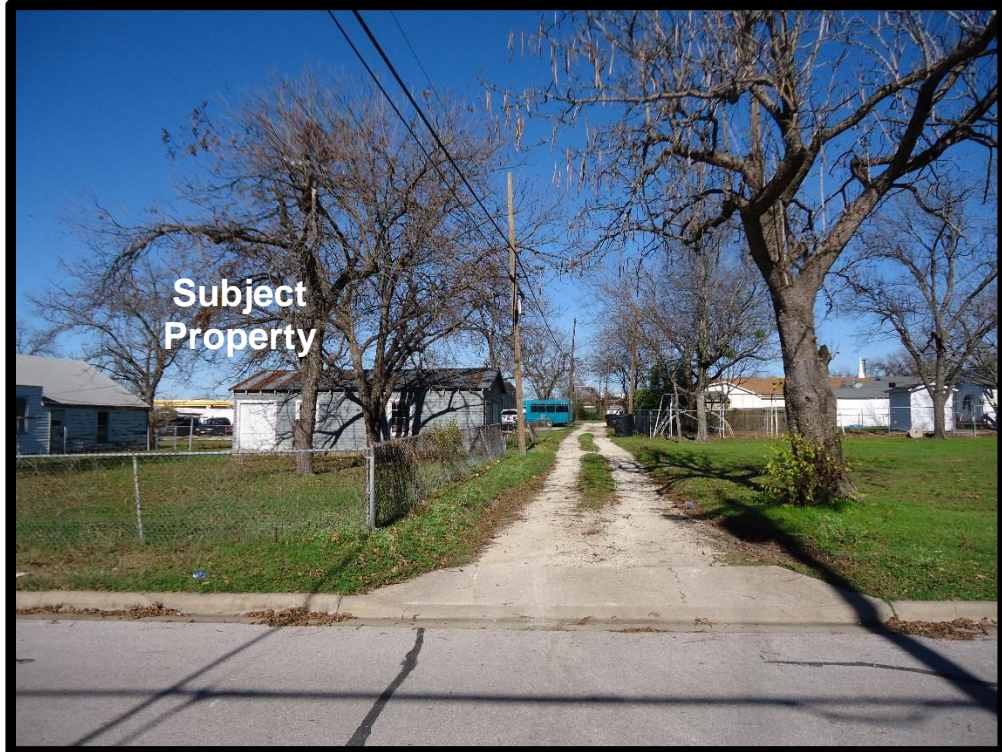


**East: Single Family Residential Uses (Behind Subject Property) (2F)**



**East: Single Family Residential Uses (As seen from S. 51<sup>st</sup> Street) (2F)**





**East: Alley (Between Subject Property & SF Residences) (2F)**



**South: Intersection of W Ave L & S. 53<sup>rd</sup> Street toward Avenue M (GR)**



# BLOCK MAP SYSTEM OF BELL COUNTY, TEXAS

CITY OF TEMPLE

CITY BLOCK No. \_\_\_\_\_

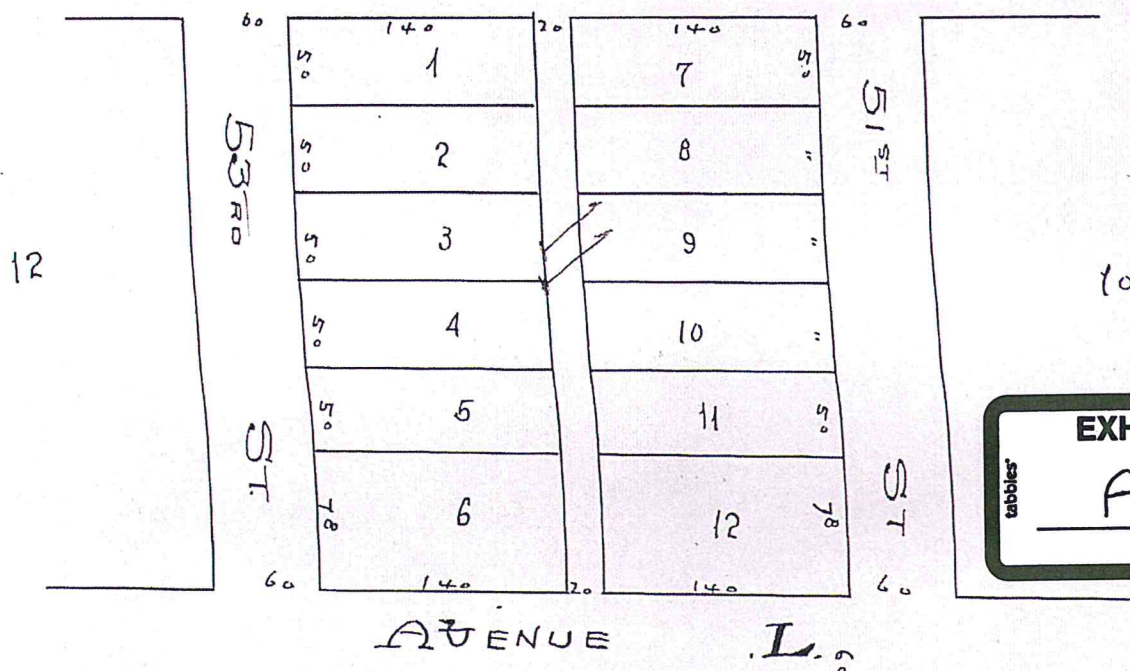
CITY ADDITION TEMPLE HEIGHTS

OLD BLOCK No. 11

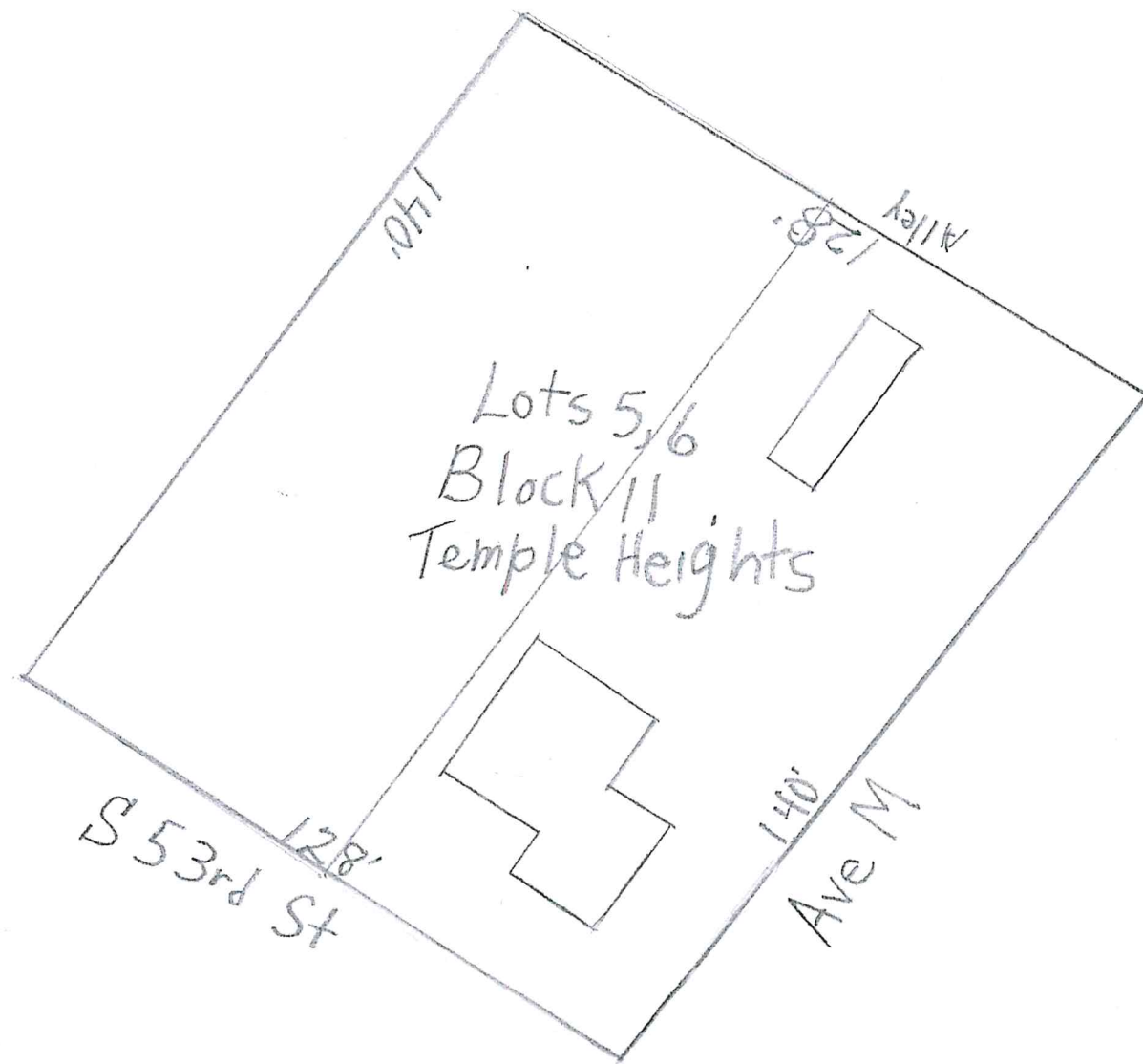
SCALE 100ft = 1 INCH

-15-

W. AVE J



N



1119 S. 53rd St Temple TX 76504 also known as:  
Lots 5 & 6 Block 11 Temple Heights, Bell County, Temple TX 76504

Karl Miller  
owner





**S INTERSTATE 35**

S GENERAL BRUCE DR

S 55TH ST

S 53RD ST

S 51ST ST

W AVE L

W AVE M












2F to C

## LOCATION MAP

Zoning Case :  
Z-FY-16-08

Address :  
1119 South 53rd St.

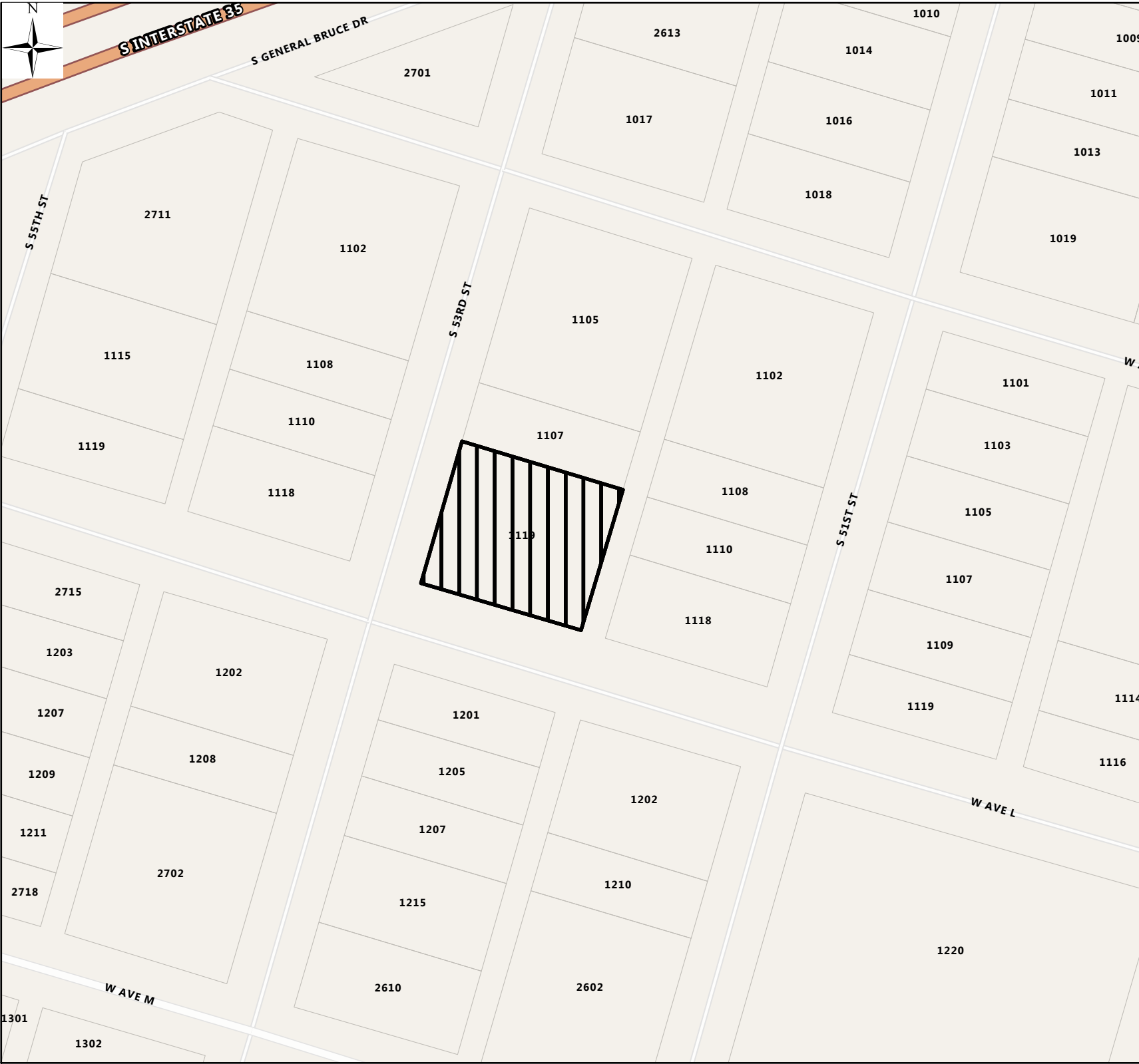
### Streets

-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels

-  CaseArea1
-  CaseArea1
-  CaseArea1

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: 11/30/2015





Address :  
1119 South 53rd St.

## Streets

- 
-  EXPRESSWAY
  -  MAJOR ARTERIAL
  -  COLLECTOR
  -  LOCAL STREET
  -  MINOR ARTERIAL
  -  PRIVATE
  -  RAMP
  -  Railroad
  -  Temple Municipal Boundary
  -  Parcels
  -  ETJ Parcels
  -  CaseArea1

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: 11/30/2015

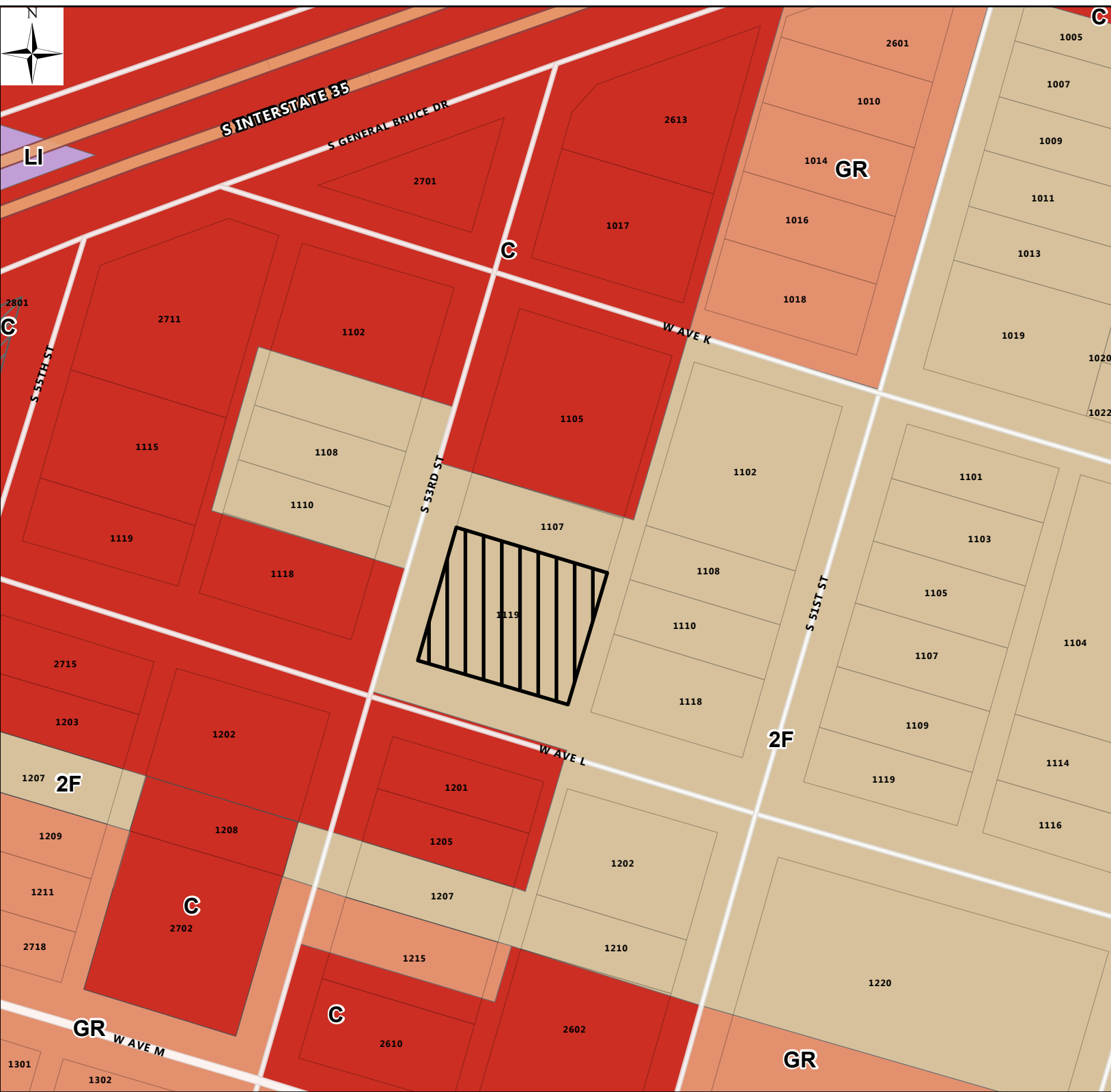




**A = Automotive Use      NR = Other Non-Residential Use      R = Residential Use**

**NR = Other Non-Residential Use**

**R = Residential Use**



2F to C

# ZONING MAP

Zoning Case :  
Z-FY-16-08

Address :  
1119 South 53rd 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	CaseArea1
MF-2 - PD	HI - PD	
MF-3 - PD	AG	

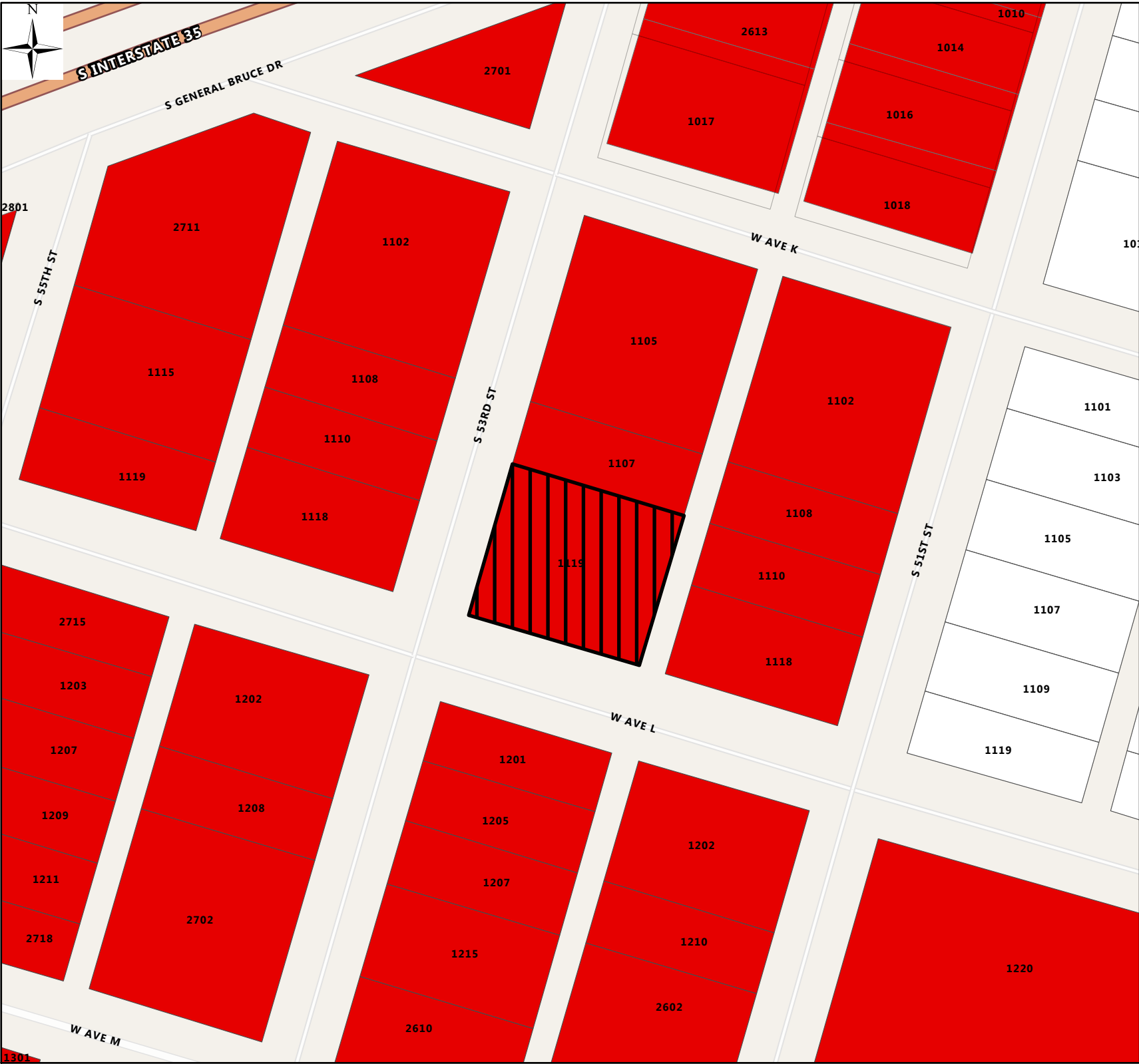
GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

mbaker

Date: 11/30/2015







2F to C

**FUTURE LAND  
USE MAP**

Zoning Case :  
Z-FY-16-08

Address :  
1119 South 53rd 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
  - CaseArea1

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: 11/30/2015





2F to C

## UTILITY MAP

Zoning Case :  
Z-FY-16-08

Address :  
1119 South 53rd St.

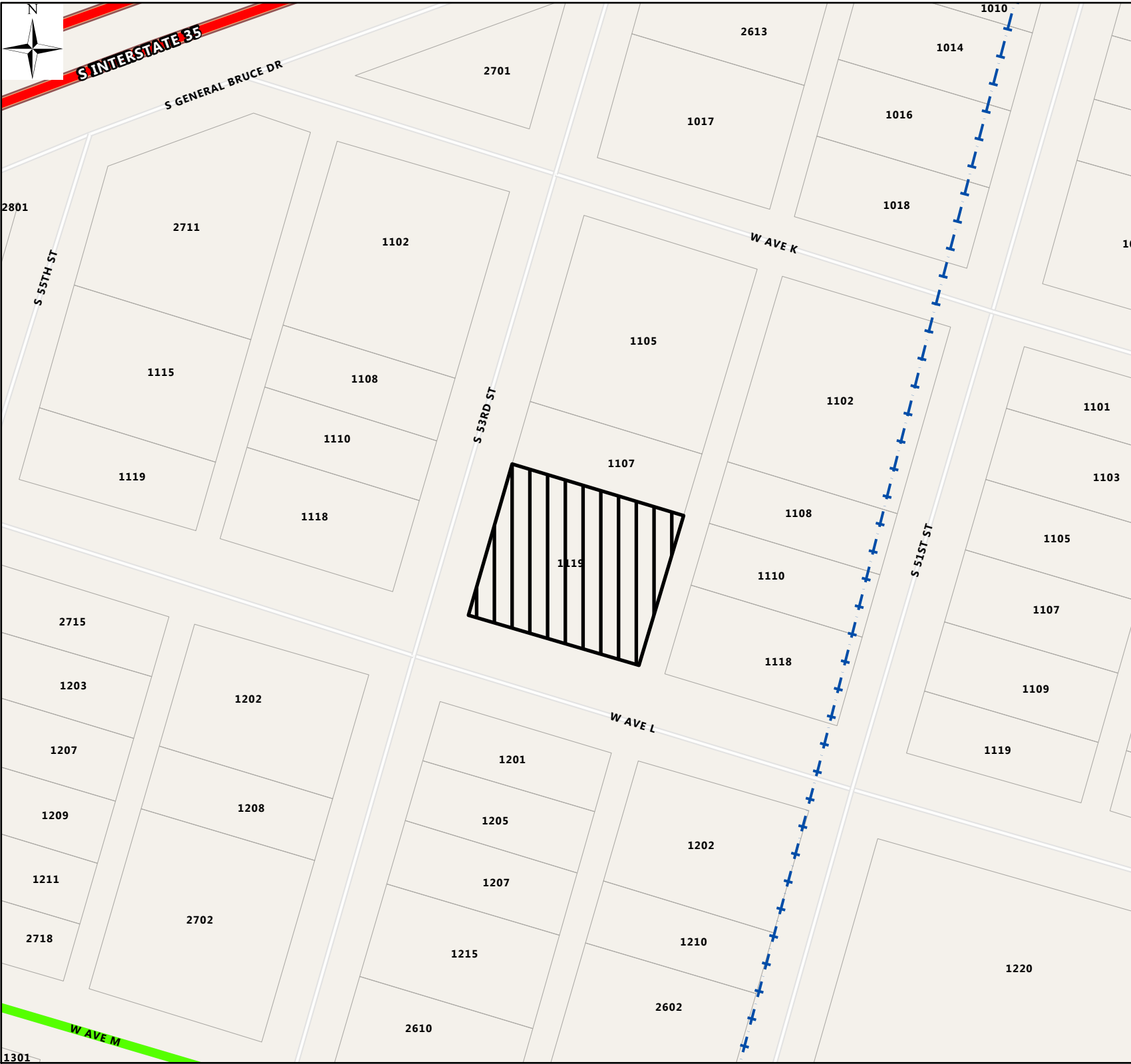
- Manhole
- Gravity Main
- ✚ Hydrant
- Main
- Parcels
- ▨ CaseArea1

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: 11/30/2015







# 2F to C THOROUGHFARE AND TRAILS MAP

Zoning Case :  
Z-FY-16-08

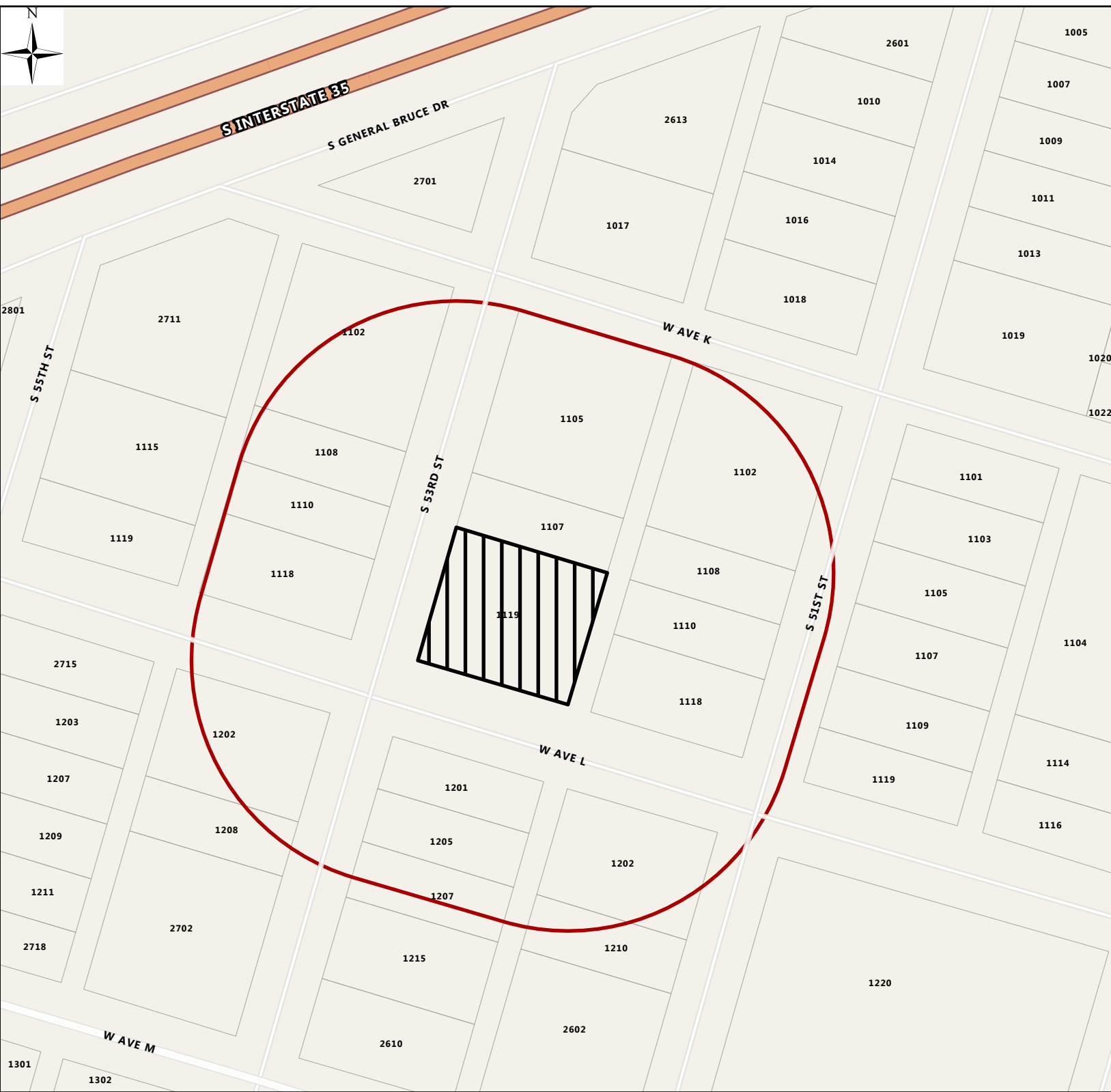
Address :  
1119 South 53rd Street

- 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
- CaseArea1

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: 11/30/2015





2F to C

200'

NOTIFICATION MAP

Zoning Case :  
Z-FY-16-08

Address :  
1119 South 53rd Street



CaseArea1



Buffer1

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: 11/30/2015







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

MILLER, KARL G ETUX CAROLYN D  
1358 EAGLE BLUFF DR  
TROY, TX 76579-3337

**Zoning Application Number:** Z-FY-16-08

**Project Manager:** Mark Baker

**Location:** 1119 South 53<sup>rd</sup> Street

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

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

**Comments:**

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Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than January 4, 2016.**

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

**RECEIVED**  
JAN - 4 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 18

Date Mailed: December 23, 2015



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

SCOGIN, DORIS F  
1202 S 51ST ST  
TEMPLE, TX 76504-6432

**Zoning Application Number:** Z-FY-16-08 **Project Manager:** Mark Baker

**Location:** 1119 South 53<sup>rd</sup> Street

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

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

**Comments:**

*Enough noise and traffic  
congestion in general being home bound  
you hear and get all of the noise*

*Doris Faye Scogin*  
**Signature**

*DORIS FAYE SCOGIN*  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than  
January 4, 2016.**

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

**RECEIVED**  
**JAN - 4 2016**  
City of Temple  
Planning & Development

**Number of Notices Mailed:** 18

**Date Mailed:** December 23, 2015





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

HEIGHTS BAPTIST CHURCH  
1220 S 49TH ST  
TEMPLE, TX 76504-6543

**Zoning Application Number:** Z-FY-16-08

**Project Manager:** Mark Baker

**Location:** 1119 South 53<sup>rd</sup> Street

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

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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 TRUSTEE  
Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than January 4, 2016.**

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

RECEIVED  
JAN - 4 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 18

Date Mailed: December 23, 2015



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

DAYAL INC  
2711 S GENERAL BRUCE DR  
TEMPLE, TX 76504-6498

**Zoning Application Number:** Z-FY-16-08

**Project Manager:** Mark Baker

**Location:** 1119 South 53<sup>rd</sup> Street

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

I recommend ☒ approval ☐ denial of this request.

**Comments:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

  
Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than  
January 4, 2016.**

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

**RECEIVED**  
JAN - 4 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 18

Date Mailed: December 23, 2015





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

Temple Independent School District  
200 North 23<sup>rd</sup> Street  
Temple, Texas 76504

JAN - 4 2016

**Zoning Application Number:** Z-FY-16-08

**Project Manager:** Mark Baker

**Location:** 1119 South 53<sup>rd</sup> Street

House Bill 674, effective September 1, 2013, requires school districts be notified of a proposed change in a zoning classification affecting residential or multifamily zoning in their district. This proposed rezoning request is located with the Temple Independent School District. This notice does not require a response but your opinion is welcomed. Should you have any question, Please contact Mark Baker, Project Manager, at 298-5668 or by e-mail at [mbaker@templetx.gov](mailto:mbaker@templetx.gov).

**Comments:**

RECEIVED

JAN 11 2016

City of Temple  
Planning & Development

**Signature**

Robin Battershell

**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than  
January 4, 2016**

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

Date Mailed: December 23, 2015



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

SIKES, SAMMY R  
3922 DOVE LN  
TEMPLE, TX 76502-2436

Zoning Application Number: Z-FY-16-08

Project Manager: Mark Baker

Location: 1119 South 53<sup>rd</sup> Street

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

I recommend ☒ approval ( ) denial of this request.

Comments:

I'VE SEEN IN THE PAST THAT KARL MILLER WOULD BE NOTHING BUT AN ASSET TO THE AREA. I HAVE NO DOUBT HE AND HIS BUSINESS WOULD REFLECT POSITIVELY ON THE CITY OF TEMPLE, TX.

  
Signature

JAMMY R. SIKES  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than January 4, 2016.

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

RECEIVED  
JAN 19 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 18

Date Mailed: December 23, 2015



**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
TUESDAY, DECEMBER 8, 2015**

**ACTION ITEMS**

**Item 2: Z-FY-16-08 – Hold a public hearing to discuss and recommend action on a rezoning from Two Family (2F) zoning district to Commercial (C) zoning district to allow for automotive uses, Lots 5 & 6, Block 011, Temple Heights, located at 1119 South 53rd Street.**

Mr. Mark Baker, Senior Planner, stated that the first reading for this item is scheduled to go to City Council on February 4, 2016 and second reading on February 18, 2016.

An aerial/vicinity map of the subject property is shown.

Mr. Baker stated the request for rezoning is proposed for a Commercial (C) zoning district and anticipated for automotive-related uses. This is the second rezoning request from the same applicant in three years for a commercial zoning in the vicinity. The most recent request was approved by Ordinance No. 2012-4518.

The zoning map of the subject property is shown. The Unified Development Code (UDC), Section 4.3.18 states that Commercial zoning should be established on major highways, away from low and medium density housing.

The request complies with the Future Land Use and Character Map which designate the property for Auto-Urban Commercial, which allows for automotive relative uses.

Utility services are available to serve the site. Water is provided through a 12-inch water line along South 53rd Street and a six-inch water line along West Avenue L. Wastewater is provided by a six-inch sewer line located in the alley.

The Thoroughfare Plan designates South 53rd Street and West Avenue L as local streets. UDC Sec. 4.3.16 – Retail and Service Uses, would be better suited for local and collector streets. The request is not in compliance with the Thoroughfare Plan.

Mr. Mark Baker cited peak hour trip rates according to the 9th Edition of Institute of Transportation Engineers (ITE). A chart is shown with the peak hour trip rates.

Surrounding properties include an existing automotive service use on South S. 53rd Street (C) to the north, existing automotive service uses (C) to the south, existing single family uses (2F) to the west, and existing single family residential uses fronting on South 51st Street (2F) to the east.

Eighteen notices were mailed out with three responses returned in agreement and one response returned in opposition. The newspaper printed notice of the public hearing on December 25, 2015 in accordance with state law and local ordinance.

Staff believes the request is in compliance with the Future Land Use and Character map, is compatible with surrounding uses and zoning, and public facilities are available to serve the site. The request does not comply with the Thoroughfare Plan.

Allowed and prohibited uses are given for both (2F) and (C) zoning districts, along with a comparison chart of the current Development Standards.

Staff recommends approval of the request for a rezoning from Two Family (2F) zoning district to Commercial (C) zoning district.

Mr. Mark Baker explained that the applicant owns the subject property along with multiple surrounding properties.

The subject property is not located in an overlay.

Mr. Brian Chandler, Director of Planning, confirmed that the applicant would need to meet code regarding masonry standards on any structures.

Chair Jones opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Crisp made a motion to approve Item 2, **Z-FY-16-08**, as presented, and Commissioner Alaniz made a second.

*Motion passed: (7:0)*

Commissioner Pitts and Commissioner Sears absent



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

(PLANNING NO. Z-FY-16-08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM TWO FAMILY DISTRICT TO COMMERCIAL DISTRICT, ON LOTS 5 AND 6, BLOCK 011, TEMPLE HEIGHTS, LOCATED AT 1119 SOUTH 53<sup>RD</sup> 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 Two Family district to Commercial district on lots 5 and 6, block 011, Temple Heights, located at 1119 South 53<sup>rd</sup> Street, 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 **4<sup>th</sup>** day of **February**, 2016.

PASSED AND APPROVED on Second Reading on the **18<sup>th</sup>** day of **February**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney