



**MEETING OF THE  
TEMPLE CITY COUNCIL  
MUNICIPAL BUILDING**

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

**THURSDAY, MARCH 17, 2016**

**5:00 P.M.**

**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 three minutes. No discussion or final action will be taken by the City Council.

**III. PROCLAMATIONS & SPECIAL RECOGNITIONS**

3. Recognize April 2016 as Fair Housing Month.

## **IV. CONSENT AGENDA**

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

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

### **Minutes**

- (A) [February 26, 2016 Special Meeting](#)
- (B) [March 3, 2016 Special and Regular Meeting](#)

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

- (C) [2016-8062-R](#): Consider adopting a resolution authorizing a construction contract with B-Corp Utilities, Inc., of Gatesville in an amount not to exceed \$2,069,132.29 for construction of the 2015 Water and Wastewater Line Replacement.
- (D) [2016-8063-R](#): Consider adopting a resolution authorizing a construction contract with Choice Builders, LLC, of Temple in the amount of \$320,830 for construction of the North 31st Street Sidewalk Improvements.
- (E) [2016-8064-R](#): Consider adopting a resolution authorizing a construction contract with RM Rodriguez Construction of Temple, in the amount of \$157,325 for the roof replacement at the Summit Recreation Center.
- (F) [2016-8065-R](#): Consider adopting a resolution authorizing deductive change order #6 to the construction contract with B-Corp Utilities, Inc. (formerly known as K&S Backhoe Services, Inc.), of Gatesville in an amount not to exceed \$30,010.45 for construction activities required to replace utilities in Western Hills.
- (G) [2016-8066-R](#): Consider adopting a resolution authorizing Change Order #1 to the construction contract with Cody Stanley Construction, LLC of Holland in the amount of \$89,487 for the Northam Baseball Complex.
- (H) [2016-8067-R](#): Consider adopting a resolution authorizing the purchase of two properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$525,000.
- (I) [2016-8068-R](#): Consider adopting a resolution authorizing the purchase of property located at 220 South 2nd Street, Temple, Texas 76501 in the amount of \$147,500, the payment of closing costs in the estimated amount of \$2,500, and lease of the property to the current owners for a 12-month period from the date of closing.
- (J) [2016-8069-R](#): Consider adopting a resolution authorizing the purchase of network core replacement in accordance with our replacement schedule with Solid IT Networks in the amount of \$37,497.

- (K) [2016-8070-R](#): Consider adopting a resolution authorizing the purchase of a Toro ProCore 1298 Aerator from Professional Turf Products, LP in San Antonio in the amount of \$31,662.71.
- (L) [2016-8071-R](#): Consider adopting a resolution authorizing the purchase of a street sweeper from Heil of Texas in the amount of \$197,027.
- (M) [2016-8072-R](#): Consider adopting a resolution authorizing and approving an application for an amendment to Certificate of Adjudication No. 12-2938 with the Texas Commission on Environmental Quality to amend the Certificate of Adjudication with respect to the diversion rate.
- (N) [2016-8073-R](#): Consider adopting a resolution authorizing Interlocal Agreements between (1) the Belton Fire Department and the Temple Fire Department; and (2) the Morgan's Point Resort Fire Department and the Temple Fire Department for the provision of mutual automatic aid by respective fire departments at various locations.

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

- (O) [2016-4757](#): SECOND READING – Z-FY-16-11: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an indoor automotive window tinting use (classified in Sec. 6.7 of the Unified Development Code as “minor vehicle servicing”) on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.
- (P) [2016-4758](#): SECOND READING – Z-FY-16-12: Consider adopting an ordinance authorizing amendments to Ordinance No. 2006-4090, to allow indoor climate-controlled mini storage warehouses within a 4.801 +/- acre portion of a 10.202 +/- acre Planned Development – General Retail (PD-GR) District, subject to a Development Plan, with conceptual Development Plan for the remaining 5.401 +/- acres, being within the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 5015 South 31st Street.

### **Misc.**

- (Q) [2016-8074-R](#): Consider adopting a resolution declaring the candidate for the May 7, 2016, District 1 City Councilmember as unopposed and elected to office; thereby canceling the election for Councilmember District 1.
- (R) [2016-8075-R](#): Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's General election to be held on Saturday, May 7, 2016.
- (S) [2016-8076-R](#): Consider adopting a resolution amending the City of Temple Civil Service-Fire Pay Schedule to include the market adjustment for the Assistant Fire Chief classification, to be effective March 25, 2016.
- (T) [2016-8077-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

## **V. REGULAR AGENDA**

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

5. [2016-4759](#): FIRST READING - PUBLIC HEARING - Z-FY-16-14 – Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to General Retail (GR) on 3.00 +/- acres of land, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at 9151 State Highway 317.

## **RESOLUTIONS**

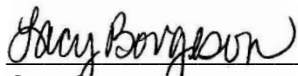
6. [2016-8078-R](#): Consider adopting a resolution authorizing a Chapter 380 Development Agreement, in an amount not to exceed \$33,361.60, with Heritage Ridge Investments, LLC for the construction of a wastewater line, sidewalks and landscaping for property located at the corner of Hilliard Road and West Adams Avenue.
7. [2016-8079-R](#): Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that the vacant property located at 413 West Avenue A, Temple, Texas, 76501, is necessary for the construction of the proposed Santa Fe Plaza project and authorizing the use of eminent domain to condemn the property.

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

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:00 PM, on Friday, March 11, 2016.



City Secretary, TRMC



## COUNCIL AGENDA ITEM MEMORANDUM

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03/03/16  
Item #4(A-B)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Approve Minutes:

- (A) February 26, 2016 Special Meeting
- (B) March 3, 2016 Special and Regular Meeting

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

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

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

February 18, 2016 Special Meeting  
March 3, 2016 Special and Regular Meeting



## COUNCIL AGENDA ITEM MEMORANDUM

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03/17/16  
Item #4(C)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with B-Corp Utilities, Inc., of Gatesville in an amount not to exceed \$2,069,132.29 for construction of the 2015 Water and Wastewater Line Replacement.

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

**ITEM SUMMARY:** The Public Works Utility Services Division has experienced numerous water and wastewater issues with aging mains that are beginning to fail in southeast Temple. Lines targeted for wastewater replacement include South 18<sup>th</sup> Street from Avenue H to its dead end, South 20<sup>th</sup> Street from Avenue H to its dead end, and Dunbar Road Water line replacement includes South 22<sup>nd</sup> Street from Avenue H to Avenue I. This project will replace 5,974 linear feet of wastewater lines with PVC pipe ranging in diameter from 8" to 36", replace 900 linear feet of water lines with 8" PVC pipe, provide new water and wastewater services, and overlay East Avenue M and East Avenue N with new hot-mix asphalt concrete.

On March 1<sup>st</sup>, four bids were received. Per the attached Bid Tabulation, B-Corp submitted the low bid in the amount of \$2,069,132.29. The opinion of probable construction cost was \$1,900,000. Clark & Fuller, PLLC, checked references and recommend awarding construction to the low bidder, B-Corp, in their attached letter. Construction time allotted for the project is 370 calendar days.

**FISCAL IMPACT:** Funding for the construction contract with B-Corp Utilities, Inc. in an amount not to exceed of \$2,069,132.29 is identified below:

*Wastewater Line Replacement - 18th Street from Ave H to Dead End*

Account #	Project #	Description	Available
561-5400-535-6962	101195	WWL Rplcmnt - 18th Street from Ave H to Dead End	\$ 359,726
520-5900-535-6361	101195	WWL Rplcmnt - 18th Street from Ave H to Dead End	204,774
		Encumbered/Committed to Date	(79,272)
		<b>Construction Contract Award - B-Corp Utilities, Inc.</b>	<b>(485,228)</b>
		<b>Remaining Funds Available</b>	<b>\$ -</b>

*Wastewater Line Replacement - 20th Street from Ave H to Dead End*

Account #	Project #	Description	Available
561-5400-535-6963	101196	WWL Rplcmnt - 20th Street from Ave H to Dead End	\$ 285,064
520-5900-535-6361	101196	WWL Rplcmnt - 20th Street from Ave H to Dead End	606,903
		Encumbered/Committed to Date	(76,064)
		<b>Construction Contract Award - B-Corp Utilities, Inc.</b>	<b>(815,903)</b>
		<b>Remaining Funds Available</b>	<b>\$ -</b>

*Water Line Replacement - 22nd Street from Ave H to Ave I*

Account #	Project #	Description	Available
520-5900-535-6357	101194	WL Rplcmnt - 22nd Street from Ave H to Ave I	\$ 151,727
		Encumbered/Committed to Date	(32,322)
		<b>Construction Contract Award - B-Corp Utilities, Inc.</b>	<b>(119,405)</b>
		<b>Remaining Funds Available</b>	<b>\$ -</b>

*Wastewater Main Replacement - Dunbar to Ave I*

Account #	Project #	Description	Available
561-5400-535-6966	101203	WW Main Rplcmnt - Dunbar to Ave I	\$ 591,947
520-5900-535-6361	101203	WW Main Rplcmnt - Dunbar to Ave I	141,879
		Encumbered/Committed to Date	(85,227)
		<b>Construction Contract Award - B-Corp Utilities, Inc.</b>	<b>(648,599)</b>
		<b>Remaining Funds Available</b>	<b>\$ -</b>

**ATTACHMENTS:**

[Letter of Recommendation](#)  
[Bid Tabulation](#)  
[Project Map](#)  
[Resolution](#)



215 North Main Street  
Temple, Texas 76501  
(254) 899-0899  
Fax (254) 899-0901  
[www.clark-fuller.com](http://www.clark-fuller.com)  
Firm Registration No: F-10384

March 3, 2016

City of Temple  
Don Bond, P.E.  
3210 E. Ave H, Bldg A  
Temple, Texas 76501

Re: 2015 City of Temple Water & Wastewater Line Replacement Project

Dear Mr. Bond,

On March 1<sup>st</sup>, we received four (4) bids for the 2015 City of Temple Water & Wastewater Line Replacement Project. We have reviewed each of the bids for accuracy and completeness. B-Corp Utilities, Inc. submitted a Bid totaling \$2,069,132.29 making them the apparent low bidder. *Please see the enclosed Bid Tabulation Sheet and Bid Schedule Breakout for detailed information.*

The engineer's opinion of probable cost for this project is \$1,900,000.00 and we are recommending that you award the contract to B-Corp Utilities, Inc. We believe, through personal experience, that B-Corp Utilities, Inc. is qualified and is capable of providing the 2015 City of Temple Water & Wastewater Line Replacement as required in this project.

We believe that B-Corp Utilities, Inc. is a proven company with many successfully completed projects and we look forward to working with them on this project.

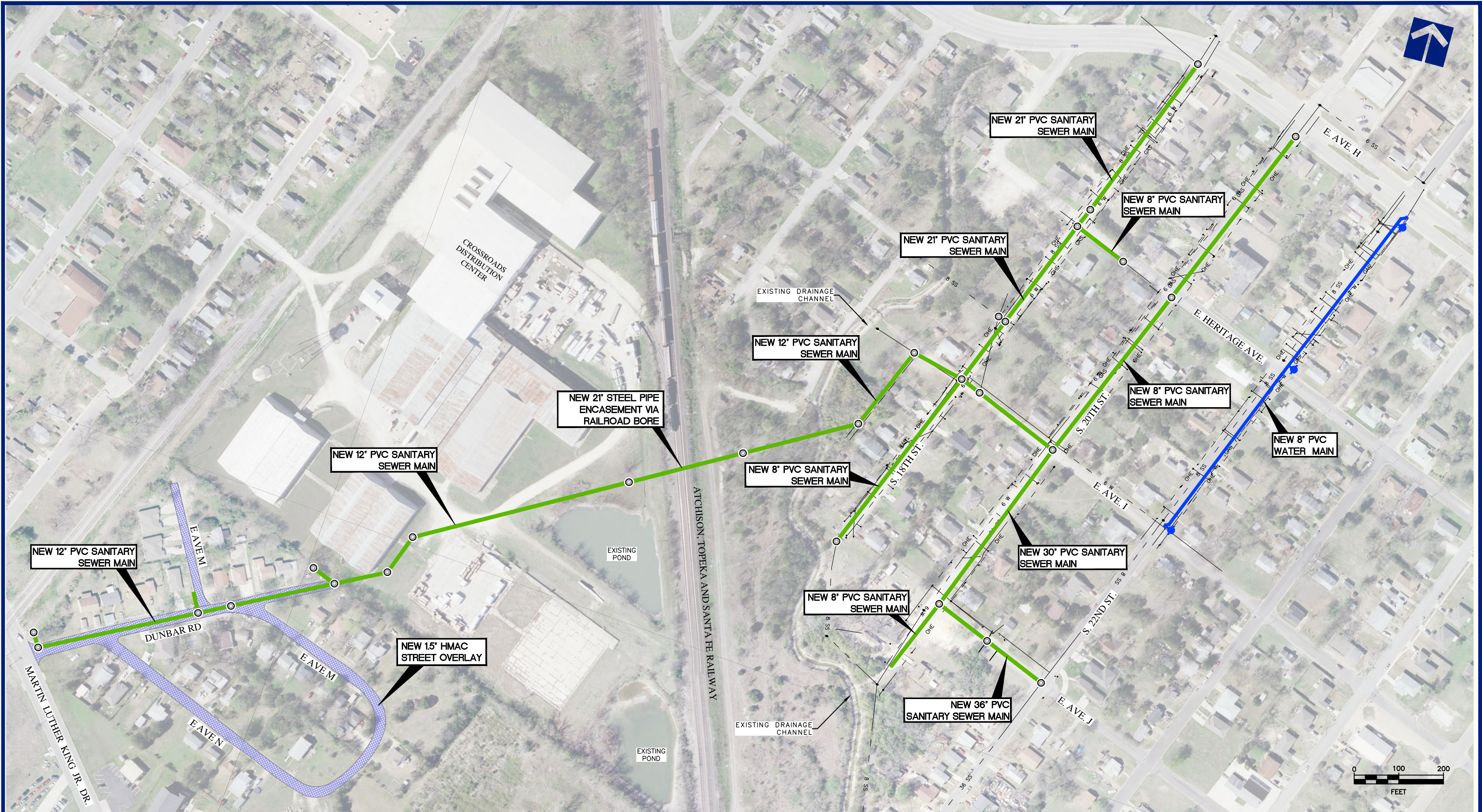
Sincerely,

Monty Clark, P.E., CPESC

# **Bid Tabulation Sheet** **2015 City of Temple Water & Wastewater Line Replacement Project**

Bid Date: March 1, 2016

Base Bid				Bell Contractors, Inc.		National Power Rodding Corp.		TTG Utilities, LP		B-Corp Utilities, Inc.	
No.	Item Description	Est. Quan.	UOM	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost	Unit Price	Total Cost
18th Street Wastewater Line Replacement Project											
1	Preparation of Right of Way and Site Clearing	15	STA	\$ 1,000.00	\$ 15,000.00	\$ 1,386.00	\$ 20,790.00	\$ 940.00	\$ 14,100.00	\$ 659.53	\$ 9,892.95
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 25,600.00	\$ 25,600.00	\$ 39,200.00	\$ 39,200.00	\$ 5,400.00	\$ 5,400.00	\$ 19,399.20	\$ 19,399.20
3	Replace Existing HMA/C Pavement Section	1356	SY	\$ 32.00	\$ 43,392.00	\$ 57.00	\$ 77,292.00	\$ 27.00	\$ 36,612.00	\$ 28.89	\$ 39,174.84
4	Replace Reinforced Concrete Curb and Gutter	123	LF	\$ 62.40	\$ 7,675.20	\$ 53.00	\$ 6,519.00	\$ 42.00	\$ 5,166.00	\$ 16.24	\$ 1,997.52
5	Replace Reinforced Concrete Pavement Section	4	SY	\$ 91.00	\$ 364.00	\$ 353.00	\$ 1,412.00	\$ 402.00	\$ 1,608.00	\$ 253.50	\$ 1,014.00
6	Disconnect, Cap, and Abandon Existing Utilities	100%	LS	\$ 14,600.00	\$ 14,600.00	\$ 1,008.00	\$ 1,008.00	\$ 3,010.00	\$ 3,010.00	\$ 2,280.00	\$ 2,280.00
7	Traffic Control Plan	100%	LS	\$ 9,800.00	\$ 9,800.00	\$ 21,728.00	\$ 21,728.00	\$ 10,000.00	\$ 10,000.00	\$ 2,040.00	\$ 2,040.00
8	Trench Safety Plan	100%	LS	\$ 4,600.00	\$ 4,600.00	\$ 4,460.00	\$ 4,460.00	\$ 9,200.00	\$ 9,200.00	\$ 7,544.00	\$ 7,544.00
9	Storm Water Pollution Prevention Plan	100%	LS	\$ 4,600.00	\$ 4,600.00	\$ 2,240.00	\$ 2,240.00	\$ 3,100.00	\$ 3,100.00	\$ 2,160.00	\$ 2,160.00
10	Demolish and Remove Existing Sanitary Sewer Manhole	8	EA	\$ 1,800.00	\$ 14,400.00	\$ 800.00	\$ 6,400.00	\$ 1,250.00	\$ 10,000.00	\$ 612.00	\$ 4,896.00
11	New 4' Diameter Precast Eccentric Concrete Manhole with Watertight Lid	1	EA	\$ 3,300.00	\$ 3,300.00	\$ 5,084.00	\$ 5,084.00	\$ 3,360.00	\$ 3,360.00	\$ 3,280.00	\$ 3,280.00
12	New 4' Diameter Precast Eccentric Concrete Manhole	6	EA	\$ 4,300.00	\$ 25,800.00	\$ 5,767.00	\$ 34,602.00	\$ 6,000.00	\$ 36,000.00	\$ 4,258.66	\$ 25,551.96
13	New 5' Diameter Precast Eccentric Concrete Manhole	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 7,175.00	\$ 7,175.00	\$ 8,100.00	\$ 8,100.00	\$ 5,144.00	\$ 5,144.00
14	Connection to Existing Sanitary Sewer Main	5	EA	\$ 3,700.00	\$ 18,500.00	\$ 422.00	\$ 2,110.00	\$ 1,850.00	\$ 9,250.00	\$ 440.40	\$ 2,202.00
15	New Internal Drop Connection	1	EA	\$ 2,100.00	\$ 2,100.00	\$ 1,541.00	\$ 1,541.00	\$ 1,700.00	\$ 1,700.00	\$ 1,091.00	\$ 1,091.00
16	New 21" PVC SDR 26 Sanitary Sewer Main	883	LF	\$ 270.00	\$ 238,410.00	\$ 112.00	\$ 98,896.00	\$ 180.00	\$ 158,940.00	\$ 185.00	\$ 172,185.00
17	New 12" PVC SDR 26 Sanitary Sewer Main	20	LF	\$ 250.00	\$ 5,000.00	\$ 86.00	\$ 1,720.00	\$ 116.00	\$ 2,320.00	\$ 204.75	\$ 4,095.00
18	New 10" PVC SDR 26 Sanitary Sewer Main	460	LF	\$ 93.30	\$ 42,918.00	\$ 75.00	\$ 34,500.00	\$ 116.00	\$ 53,360.00	\$ 142.97	\$ 65,766.20
19	New 8" PVC SDR 26 Sanitary Sewer Main	130	LF	\$ 88.10	\$ 11,453.00	\$ 66.00	\$ 8,580.00	\$ 120.00	\$ 15,600.00	\$ 132.72	\$ 17,253.60
20	New 4" Sanitary Sewer Service and Service Connection	44	EA	\$ 2,600.00	\$ 114,400.00	\$ 538.00	\$ 23,672.00	\$ 1,540.00	\$ 67,760.00	\$ 2,049.77	\$ 90,189.88
21	Miscellaneous 4" Sanitary Sewer Service Pipe	200	LF	\$ 54.20	\$ 10,840.00	\$ 60.00	\$ 12,000.00	\$ 52.00	\$ 10,400.00	\$ 31.95	\$ 6,390.00
22	ALL TESTING per TCEQ & City of Temple Requirements & Contract Documents	100%	LS	\$ 5,600.00	\$ 5,600.00	\$ 4,127.00	\$ 4,127.00	\$ 3,500.00	\$ 3,500.00	\$ 1,680.00	\$ 1,680.00
Total 18th Street Wastewater Line Replacement Project:					\$ 624,352.20		\$ 415,056.00		\$ 468,486.00		\$ 485,227.15
20th Street Wastewater Line Replacement Project											
1	Preparation of Right of Way and Site Clearing	21	STA	\$ 1,100.00	\$ 23,100.00	\$ 1,310.00	\$ 27,510.00	\$ 940.00	\$ 19,740.00	\$ 458.26	\$ 9,623.46
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 32,800.00	\$ 32,800.00	\$ 72,800.00	\$ 72,800.00	\$ 7,500.00	\$ 7,500.00	\$ 35,027.20	\$ 35,027.20
3	Replace Existing HMA/C Pavement Section	1604	SY	\$ 32.00	\$ 51,328.00	\$ 57.00	\$ 91,428.00	\$ 27.00	\$ 43,308.00	\$ 28.89	\$ 46,339.56
4	Replace Reinforced Concrete Curb and Gutter	123	LF	\$ 49.20	\$ 6,051.60	\$ 43.00	\$ 5,289.00	\$ 42.00	\$ 5,166.00	\$ 16.24	\$ 1,997.52
5	Replace Reinforced Concrete Pavement Section	6	SY	\$ 120.00	\$ 720.00	\$ 353.00	\$ 2,118.00	\$ 402.00	\$ 2,412.00	\$ 255.50	\$ 1,533.00
6	Disconnect, Cap, and Abandon Existing Utilities	100%	LS	\$ 4,400.00	\$ 4,400.00	\$ 1,904.00	\$ 1,904.00	\$ 6,450.00	\$ 6,450.00	\$ 1,140.00	\$ 1,140.00
7	Traffic Control Plan	100%	LS	\$ 3,900.00	\$ 3,900.00	\$ 22,960.00	\$ 22,960.00	\$ 16,000.00	\$ 16,000.00	\$ 2,040.00	\$ 2,040.00
8	Trench Safety Plan	100%	LS	\$ 2,700.00	\$ 2,700.00	\$ 11,760.00	\$ 11,760.00	\$ 14,800.00	\$ 14,800.00	\$ 6,984.00	\$ 6,984.00
9	Storm Water Pollution Prevention Plan	100%	LS	\$ 4,000.00	\$ 4,000.00	\$ 2,800.00	\$ 2,800.00	\$ 4,060.00	\$ 4,060.00	\$ 1,800.00	\$ 1,800.00
10	Cored Connection to Existing Sanitary Sewer Manhole	2	EA	\$ 3,000.00	\$ 6,000.00	\$ 1,176.00	\$ 2,352.00	\$ 3,900.00	\$ 7,800.00	\$ 1,692.00	\$ 3,384.00
11	Demolish and Remove Existing Sanitary Sewer Manhole	8	EA	\$ 1,500.00	\$ 12,000.00	\$ 1,848.00	\$ 14,784.00	\$ 1,250.00	\$ 10,000.00	\$ 612.00	\$ 4,896.00
12	New 4' Diameter Precast Eccentric Concrete Manhole with Watertight Lid	1	EA	\$ 3,300.00	\$ 3,300.00	\$ 5,479.00	\$ 5,479.00	\$ 3,650.00	\$ 3,650.00	\$ 3,576.00	\$ 3,576.00
13	New 4' Diameter Precast Eccentric Concrete Manhole	4	EA	\$ 3,700.00	\$ 14,800.00	\$ 5,430.00	\$ 21,720.00	\$ 5,240.00	\$ 20,960.00	\$ 3,581.50	\$ 14,326.00
14	New 5' Diameter Precast Eccentric Concrete Manhole	7	EA	\$ 6,000.00	\$ 42,000.00	\$ 8,484.00	\$ 59,388.00	\$ 8,100.00	\$ 56,700.00	\$ 5,329.42	\$ 37,305.94
15	Connection to Existing Sanitary Sewer Main	5	EA	\$ 3,300.00	\$ 16,500.00	\$ 281.00	\$ 1,405.00	\$ 2,700.00	\$ 13,500.00	\$ 402.40	\$ 2,012.00
16	New Internal Drop Connection	7	EA	\$ 2,100.00	\$ 14,700.00	\$ 1,430.00	\$ 10,010.00	\$ 1,800.00	\$ 12,600.00	\$ 1,139.42	\$ 7,975.94
17	New "Private" Cleanout	2	EA	\$ 860.00	\$ 1,720.00	\$ 402.00	\$ 804.00	\$ 900.00	\$ 1,800.00	\$ 440.50	\$ 881.00
18	New 36" PVC SDR 26 Sanitary Sewer Main	980	LF	\$ 310.00	\$ 303,800.00	\$ 239.00	\$ 234,220.00	\$ 315.00	\$ 308,700.00	\$ 349.26	\$ 342,274.80
19	New 8" PVC SDR 26 Sanitary Sewer Main	1080	LF	\$ 85.90	\$ 92,772.00	\$ 74.00	\$ 79,920.00	\$ 112.00	\$ 120,960.00	\$ 155.09	\$ 167,497.20
20	New 6" Sanitary Sewer Service and Service Connection	2	EA	\$ 2,400.00	\$ 4,800.00	\$ 598.00	\$ 1,196.00	\$ 2,900.00	\$ 5,800.00	\$ 1,899.00	\$ 3,798.00
21	New 4" Sanitary Sewer Service and Service Connection	53	EA	\$ 2,300.00	\$ 121,900.00	\$ 496.00	\$ 26,288.00	\$ 2,400.00	\$ 127,200.00	\$ 2,081.54	\$ 110,321.62
22	Miscellaneous 4" Sanitary Sewer Service Pipe	450	LF	\$ 67.90	\$ 30,555.00	\$ 53.00	\$ 23,850.00	\$ 52.00	\$ 23,400.00	\$ 20.42	\$ 9,189.00
23	ALL TESTING per TCEQ & City of Temple Requirements & Contract Documents	100%	LS	\$ 3,400.00	\$ 3,400.00	\$ 7,168.00	\$ 7,168.00	\$ 4,800.00	\$ 4,800.00	\$ 1,980.00	\$ 1,980.00
Total 20th Street Wastewater Line Replacement Project:					\$ 797,246.60		\$ 727,153.00		\$ 837,306.00		\$ 815,902.24
22nd Street Water Line Replacement Project											
1	Preparation of Right of Way and Site Clearing	9	STA	\$ 670.00	\$ 6,030.00	\$ 2,417.00	\$ 21,753.00	\$ 940.00	\$ 8,460.00	\$ 600.00	\$ 5,400.00
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 4,800.00	\$ 4,800.00	\$ 22,400.00	\$ 22,400.00	\$ 3,300.00	\$ 3,300.00	\$ 8,282.40	\$ 8,282.40
3	Replace Existing HMA/C Pavement Section	590	SY	\$ 32.00	\$ 18,880.00	\$ 57.00	\$ 33,630.00	\$ 27.00	\$ 15,930.00	\$ 24.27	\$ 14,319.30
4	Replace Reinforced Concrete Pavement Section	10	SY	\$ 220.00	\$ 2,200.00	\$ 353.00	\$ 3,530.00	\$ 402.00	\$ 4,020.00	\$ 254.00	\$ 2,540.00
5	Disconnect, Cap, and Abandon Existing Utilities	100%	LS	\$ 5,300.00	\$ 5,300.00	\$ 336.00	\$ 336.00	\$ 1,200.00	\$ 1,200.00	\$ 1,800.00	\$ 1,800.00
6	Traffic Control Plan	100%	LS	\$ 4,000.00	\$ 4,000.00	\$ 4,648.00	\$ 4,648.00	\$ 4,000.00	\$ 4,000.00	\$ 1,620.00	\$ 1,620.00
7	Trench Safety Plan	100%	LS	\$ 2,000.00	\$ 2,000.00	\$ 2,072.00	\$ 2,072.00	\$ 825.00	\$ 825.00	\$ 600.00	\$ 600.00
8	Storm Water Pollution Prevention Plan	100%	LS	\$ 4,600.00	\$ 4,600.00	\$ 2,240.00	\$ 2,240.00	\$ 1,650.00	\$ 1,650.00	\$ 1,200.00	\$ 1,200.00
9	Connection to Existing Water Main	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 5,757.00	\$ 11,514.00	\$ 1,400.00	\$ 2,800.00	\$ 778.50	\$ 1,557.00
10	New 8" PVC C900 Class 150 Water Main	900	LF	\$ 69.20	\$ 62,280.00	\$ 52.00	\$ 46,800.00	\$ 35.00	\$ 31,500.00	\$ 37.41	\$ 33,669.00
11	New 8" MJ Tapping Sleeve and Valve Assembly	1	EA	\$ 3,900.00	\$ 3,900.00	\$ 6,893.00	\$ 6,893.00	\$ 3,450.00	\$ 3,450.00	\$ 3,087.00	\$ 3,087.00
12	New 8"x6" MJ Tee	3	EA	\$ 820.00	\$ 2,460.00	\$ 4,579.00	\$ 13,737.00	\$ 1,250.00	\$ 3,750.00	\$ 569.00	\$ 1,707.00
13	New 8" MJ Gate Valve	2	EA	\$ 1,800.00	\$ 3,600.00	\$ 1,267.00	\$ 2,534.00	\$ 1,250.00	\$ 2,500.00	\$ 1,215.00	\$ 2,430.00
14	New 6" MJ Gate Valve	3	EA	\$ 1,500.00	\$ 4,500.00	\$ 1,194.00	\$ 3,582.00	\$ 900.00	\$ 2,700.00	\$ 855.66	\$ 2,566.98
15	New 8" MJ 45 Degree Bend	4	EA	\$ 660.00	\$ 2,640.00	\$ 371.00	\$ 1,484.00	\$ 445.00	\$ 1,780.00	\$ 460.00	\$ 1,840.00
16	Remove and Salvage Existing Fire Hydrant Assembly	1	EA	\$ 1,700.00	\$ 1,700.00	\$ 2,739.00	\$ 2,739.00	\$ 300.00	\$ 300.00	\$ 466.00	\$ 466.00
17	New Standard Fire Hydrant Assembly	3	EA	\$ 3,300.00	\$ 9,900.00	\$ 3,563.00	\$ 10,689.00	\$ 2,800.00	\$ 8,400.00	\$ 2,972.00	\$ 8,916.00
18	New Connection to Existing Domestic Water Service, Meter, and Meter Vault	28	EA	\$ 2,000.00	\$ 56,000.00	\$ 1,528.00	\$ 42,784.00	\$ 900.00	\$ 25,200.00	\$ 944.42	\$ 26,443.76
19	ALL TESTING per TCEQ & City of Temple Requirements & Contract Documents	100%	LS	\$ 3,400.00	\$ 3,400.00	\$ 2,352.00	\$ 2,352.00	\$ 2,700.00	\$ 2,700.00	\$ 960.00	\$ 960.00
Total 22nd Street Water Line Replacement Project:					\$ 203,190.00		\$ 235,717.00		\$ 123,040.00		\$ 119,404.44
Dunbar to Ave. I Sanitary Sewer Main Replacement & Street Overlay Project											
1	Preparation of Right of Way and Site Clearing	38	STA	\$ 800.00	\$ 30,400.00	\$ 2,394.00	\$ 90,972.00	\$ 640.00	\$ 24,320.00	\$ 270.78	\$ 10,289.64
2	Mobilization, Bonds, Permits, & Insurance	100%	LS	\$ 11,400.00	\$ 11,400.00	\$ 89,600.00	\$ 89,600.00	\$ 8,600.00	\$ 8,600.00	\$ 26,798.00	\$ 26,798.00
3	New 1.5 inch HMA/C Pavement Overlay	5555	SY	\$ 18.00	\$ 99,990.00	\$ 17.00	\$ 94,435.00	\$ 17.50	\$ 97,212.50	\$ 22.15	\$ 123,043.25
4	Replace Existing HMA/C Pavement Section	552	SY	\$ 32.00	\$ 17,664.00	\$ 57.00	\$ 31,464.00	\$ 27.00	\$ 14,904.00	\$ 19.75	\$ 10,902.00
5	Replace Reinforced Concrete Pavement Section	10	SY	\$ 150.0							



## 2015 CITY OF TEMPLE WATER AND WASTEWATER REPLACEMENT PROJECT

RESOLUTION NO. 2016-8062-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH B-CORP UTILITIES, INC. OF GATESVILLE, TEXAS, IN THE AMOUNT OF \$2,069,132.29, FOR THE CONSTRUCTION OF THE 2015 WATER AND WASTEWATER LINE REPLACEMENT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Public Works Utility Services Division has experienced numerous water and wastewater issues with aging mains that are beginning to fail in southeast Temple;

**Whereas**, wastewater lines targeted for replacement include South 18<sup>th</sup> Street from Avenue H to the dead end, South 20<sup>th</sup> Street from Avenue H to the dead end, and Dunbar Road - water lines targeted for replacement include South 22<sup>nd</sup> Street from Avenue H to Avenue I;

**Whereas**, this project will replace approximately 5,974 linear feet of wastewater lines with PVC pipe ranging in diameter from 8-inches to 36-inches, replace approximately 900 linear feet of water lines with 8-inch PVC pipe, provide new water and wastewater services, and overlay East Avenue M and East Avenue N with new hot-mix asphalt concrete;

**Whereas**, on March 1, 2016, four bids were received for the construction with B-Corp Utilities, Inc. submitting the low bid in the amount of \$2,069,132.29 – Staff and Clark & Fuller, PLLC have checked references and both recommend awarding a construction contract to B-Corp Utilities, Inc.;

**Whereas**, funding for this construction contract is available in the following accounts:

Account No. 561-5400-535-6962, Project No. 101195 (18<sup>th</sup> Street to Ave H to dead end);  
Account No. 520-5900-535-6361, Project No. 101195 (18<sup>th</sup> Street from Avenue H to dead end);  
Account No. 561-5400-535-6963, Project No. 101196 (20<sup>th</sup> Street from Avenue H to dead end);  
Account No. 520-5900-535-6361, Project No. 101196 (20<sup>th</sup> Street from Avenue H to dead end);  
Account No. 520-5900-535-6357, Project No. 101194 (22<sup>nd</sup> Street from Avenue H to Avenue I);  
Account No. 561-5400-535-6966, Project No. 101203 (Dunbar to Avenue I);  
Account No. 520-5900-535-6361, Project No. 101203 (Dunbar to Avenue I); 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 B-Corp Utilities, Inc. of Gatesville, Texas, in an amount of \$2,069,132.29, for the construction of the 2015 Water and Wastewater Line Replacement.

**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 17<sup>th</sup> day of **March**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/17/16  
Item #4(D)  
Consent Agenda  
Page 1 of 2

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract with Choice Builders, LLC, of Temple in the amount of \$320,830 for construction of the North 31<sup>st</sup> Street Sidewalk Improvements.

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

**ITEM SUMMARY:** The proposed sidewalk and enhancement project along North 31<sup>st</sup> Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses. The project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connecting to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School. The proposed project would also provide needed safety elements for pedestrians including cross-walks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic. A Project Map is attached for reference.

On February 29<sup>th</sup>, five bids were received. Per the attached Bid Tabulation, Choice Builders submitted the low bid on the project in the amount of \$320,830. The opinion of probable construction cost was \$343,000. Kasberg, Patrick, & Associates, LP, checked references and recommend awarding construction to the low bidder, Choice Builders in their attached letter. Time allotted for construction is 120 calendar days.

**FISCAL IMPACT:** A budget adjustment is being presented for Council's approval appropriating additional funding needed for the construction contract. After approval of the budget adjustment, funding for the construction award to Choice Builders, LLC is appropriated in account #260-3400-531-6315, project #101440, as follows:

Project Budget	\$401,268
Budget Adjustment to appropriate addition funding needed	13,307
Encumbered/Committed To Date	(93,745)
<b>Construction Contract Award - Choice Builders, LLC</b>	<b>(320,830)</b>
<b>Remaining Funds</b>	<b>\$ 0</b>

**ATTACHMENTS:**

Letter of Recommendation  
Bid Tabulation  
Project Map  
Budget Adjustment  
Resolution



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

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

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

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

March 4, 2016

Ms. Sharon Carlos, E.I.T.  
3210 E. Avenue H  
Building A  
Temple, Texas 76501

Re: City of Temple, Texas  
North 31<sup>st</sup> Street Sidewalk Improvement Project

Dear Ms. Carlos:

Bids were received by the City of Temple until 2:00 P.M. on Monday, February 29, 2016 for the above referenced project. There were five (5) sealed bids received and a detailed bid tabulation of these bids is attached for your use.

The North 31<sup>st</sup> Street Sidewalk Improvement Project will provide enhanced pedestrian facilities along North 31<sup>st</sup> Street from approximately 200-feet north of the intersection of 31<sup>st</sup> Street and Adams Avenue to the Intersection of Jack White Street and 31<sup>st</sup> Street. The project consists of approximately 1,800 linear feet of 8-foot concrete sidewalk, 23 pedestrian ramps, 1,100 square yards of block sodding, irrigation system, pedestrian benches, trash receptacles, 1,750 linear feet of 2-inch conduit for future lighting, crosswalk striping, and other miscellaneous construction activities.

The low, successful bidder is Choice Builders, LLC of Temple, Texas in the total amount of **\$320,830.00**. Choice Builders, LLC has successfully completed projects of similar size and scope for various municipalities in the area. Choice Builders, LLC meets the competitive sealed bidding requirements set forth in the Contract Documents for this project. The references provided by Choice Builders, LLC supplied positive reviews of the work they have performed to date. Based on this information, we recommend award of the North 31<sup>st</sup> Street Sidewalk Improvement Project to Choice Builders, LLC of Temple, Texas in the total amount of **\$320,830.00**.

Please call if you should have any further questions.

Sincerely,



Alvin R. (Trae) Sutton III, P. E.

xc: Ms. Belinda Mattke, City of Temple  
Mrs. Kris Long, TxDOT – Waco District  
Mr. Charles O'Daniel, Choice Builders, LLC  
2015-127-40

BID TABULATION  
CITY OF TEMPLE  
NORTH 31st STREET SIDEWALK IMPROVEMENTS PROJECT  
(TAP GRANT FUNDED)  
February 29, 2016; 2:00 PM

				BIDDER INFORMATION									
				Choice Builders, LLC 3809 S General Bruce Dr Ste 103 Temple, TX 76502		Cody Stanley Construction LLC 109 Water Street Belton, TX 76513		TTG Utilities LP PO Box 299 Gatesville, TX 76528		TCB Construction Inc PO Box 81642 Austin, TX 78708		M&C fonseca Construction Co Inc 1901 Prairie Creek Road Granite Shoals, TX 78654	
Bid 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
I. PEDESTRIAN TRAIL													
1	18	STA	Preparation of Right-of-Way	\$ 225.00	\$ 4,050.00	\$ 1,050.00	\$ 18,900.00	\$ 600.00	\$ 10,800.00	\$ 1,500.00	\$ 27,000.00	\$ 22.00	\$ 396.00
2	300	SY	Remove & Dispose of Concrete Sidewalk, Driveways, Flumes & Curb & Gutter	19.00	5,700.00	57.00	17,100.00	25.00	7,500.00	85.00	25,500.00	18.00	5,400.00
3	275	CY	Unclassified Excavation for Pedestrian Trail	20.00	5,500.00	35.00	9,625.00	12.00	3,300.00	35.00	9,625.00	13.00	3,575.00
4	50	CY	Compacted Fill Using Onsite Material	17.00	850.00	45.00	2,250.00	27.00	1,350.00	45.00	2,250.00	8.00	400.00
5	50	CY	Compacted Fill Using Imported Select Material	31.00	1,550.00	65.00	3,250.00	75.00	3,750.00	65.00	3,250.00	22.00	1,100.00
6	25	TON	Place HMAc Type "D" Course Patch	205.00	5,125.00	65.00	1,625.00	225.00	5,625.00	375.00	9,375.00	138.00	3,450.00
7	1	EA	Concrete Drainage Flume	4,919.00	4,919.00	5,270.00	5,270.00	6,600.00	6,600.00	7,250.00	7,250.00	3,850.00	3,850.00
8	75	LF	Hand Rail (TY A)	186.00	13,950.00	225.00	16,875.00	135.00	10,125.00	145.00	10,875.00	218.00	16,350.00
9	100%	LS	Mobilization, Bonds & Insurance, complete (not-to-exceed 5% of Total Bid) for	16,000.00	16,000.00	16,490.00	16,490.00	15,000.00	15,000.00	20,000.00	20,000.00	20,000.00	20,000.00
10	4	MO	Implement & Administer Barricade, Signing & Traffic Safety Plan (Vehicular & Pedestrian) for	2,200.00	8,800.00	2,382.00	9,528.00	1,220.00	4,880.00	1,900.00	7,600.00	3,800.00	15,200.00
11	100%	LS	Stormwater Pollution Prevention Plan (SW3P)	1,786.00	1,786.00	4,500.00	4,500.00	550.00	550.00	2,450.00	2,450.00	2,800.00	2,800.00
12	1,550	LF	Furnish, Install, Maintain & Remove Silt Fence	3.00	4,650.00	2.10	3,255.00	3.00	4,650.00	1.65	2,557.50	5.00	7,750.00
13	25	LF	Furnish, Install, Maintain & Remove Rock Berm	43.00	1,075.00	40.00	1,000.00	40.00	1,000.00	75.00	1,875.00	100.00	2,500.00
14	4	EA	Furnish, Install, Maintain & Remove Inlet Protection System	234.00	936.00	150.00	600.00	145.00	580.00	150.00	600.00	450.00	1,800.00
15	8	EA	Furnish, Install, Maintain & Remove Tree Protection System	152.00	1,216.00	84.00	672.00	285.00	2,280.00	250.00	2,000.00	250.00	2,000.00
16	100	LF	24" Standard Concrete Curb & Gutter	28.00	2,800.00	35.00	3,500.00	35.00	3,500.00	24.00	2,400.00	24.00	2,400.00
17	75	LF	2' Width Concrete Valley Gutter	16.00	1,200.00	10.50	787.50	30.00	2,250.00	85.00	6,375.00	22.00	1,650.00
18	10	CY	6" CL B Concrete Flume	366.00	3,660.00	41.00	410.00	315.00	3,150.00	701.00	7,010.00	63.00	630.00
19	2	EA	15' Concrete Radius units	1,069.00	2,138.00	4,550.00	9,100.00	1,500.00	3,000.00	1,200.00	2,400.00	3,200.00	6,400.00
20	200	SY	Place 6" Concrete Driveway	55.00	11,000.00	49.50	9,900.00	72.00	14,400.00	63.00	12,600.00	62.00	12,400.00
21	1,600	SY	Place 6" Concrete Sidewalk, Including Ramps for Driveways	54.00	86,400.00	43.00	68,800.00	55.00	88,000.00	54.90	87,840.00	61.00	97,600.00
22	2	EA	Handicap Ramp, TxDOT Type 2	1,307.00	2,614.00	1,400.00	2,800.00	1,070.00	2,140.00	2,100.00	4,200.00	3,000.00	6,000.00
23	4	EA	Handicap Ramp, TxDOT Type 5	2,008.00	8,032.00	4,550.00	18,200.00	1,070.00	4,280.00	1,600.00	6,400.00	2,600.00	10,400.00
24	15	EA	Handicap Ramp, TxDOT Type 7	1,153.00	17,295.00	1,380.00	20,700.00	840.00	12,600.00	1,800.00	27,000.00	2,850.00	42,750.00
25	2	EA	Handicap Ramp, TxDOT Type 10	1,514.00	3,028.00	1,100.00	2,200.00	840.00	1,680.00	1,900.00	3,800.00	2,950.00	5,900.00
26	1	EA	Remove & Replace Existing Mailbox	233.00	233.00	120.00	120.00	300.00	300.00	550.00	550.00	3,750.00	3,750.00
27	10	EA	Remove & Relocate Existing Pole Signs	158.00	1,580.00	120.00	1,200.00	170.00	1,700.00	375.00	3,750.00	4,200.00	42,000.00
28	4	EA	Furnish & Install Pedestrian Crossing Sign & Pole	383.00	1,532.00	385.00	1,540.00	400.00	1,600.00	650.00	2,600.00	1,400.00	5,600.00
29	1,060	LF	Furnish & Install White Thermoplastic Crosswalk	5.00	5,300.00	24.00	25,440.00	4.20	4,452.00	4.59	4,865.40	8.50	9,010.00
30	90	LF	Furnish & Install White Thermoplastic Stop Bar	10.00	900.00	24.00	2,160.00	8.40	756.00	9.11	819.90	17.00	1,530.00
31	100%	LS	Video Tape Project Route & Delivering a Copy to the City of Temple Prior to Starting Construction	276.00	276.00	800.00	800.00	500.00	500.00	2,200.00	2,200.00	3,200.00	3,200.00
32	1	EA	Adjust Manhole Lids to Grade in Pedestrian Trail	340.00	340.00	550.00	550.00	490.00	490.00	1,100.00	1,100.00	900.00	900.00
33	4	EA	Adjust Water Meter Boxes to Grade in Pedestrian Trail	230.00	920.00	60.00	240.00	250.00	1,000.00	525.00	2,100.00	990.00	3,960.00
34	2	EA	Adjust Water Valve Boxes to Grade in Pedestrian Trail	133.00	266.00	60.00	120.00	150.00	300.00	375.00	750.00	600.00	1,200.00
35	20	EA	Relocate Existing Irrigation Heads & Piping out from under Proposed Sidewalk	63.00	1,260.00	110.00	2,200.00	260.00	5,200.00	101.00	2,020.00	420.00	8,400.00
36	3	EA	Relocate Existing Fire Hydrant, Including 6" Water Line, Valves, Fittings & Appurtenances	8,187.00	24,561.00	750.00	2,250.00	2,650.00	7,950.00	3,300.00	9,900.00	3,200.00	9,600.00
37	2	EA	Furnish & Install Solar Flashing Pedestrian Crossing Sign & Pole	4,200.00	8,400.00	2,900.00	5,800.00	10,500.00	21,000.00	2,730.00	5,460.00	33,000.00	66,000.00
I. PEDESTRIAN TRAIL AMOUNT - (Items 1 - 37)					\$ 259,842.00		\$ 289,757.50		\$ 258,238.00		\$ 328,347.80		\$ 427,851.00
Bid 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
II. LANDSCAPING													
1	100%	LS	For Designing, Providing, & Installing an Irrigation Plan & System Signed & Sealed by a Texas Licensed Irrigation Designer for along the project route for the sod & landscaping elements. Installation to Include all Elements of Irrigation Plans, Including but not limited to, Irrigation Pipe, Irrigation Controller(s), Irrigation Meter(s), Irrigation Valves, Irrigation Valve Boxes, Wiring, Pipe Sleeves & all applicable Components of the Irrigation System	\$ 10,200.00	\$ 10,200.00	\$ 5,500.00	\$ 5,500.00	\$ 15,200.00	\$ 15,200.00	\$ 11,400.00	\$ 11,400.00	\$ 64,000.00	\$ 64,000.00
2	1,100	SY	Block Sodding	4.30	4,730.00	4.40	4,840.00	5.20	5,720.00	5.00	5,500.00	6.00	6,600.00
3	100	CY	Compost Manufactured Topsoil (4")	33.00	3,300.00	47.00	4,700.00	38.00	3,800.00	90.00	9,000.00	15.00	1,500.00
4	50	SY	Mulch	7.00	350.00	55.00	2,750.00	5.80	290.00	12.00	600.00	18.50	925.00
5	8	EA	Plant Material (30 gal.) (Tree)	287.00	2,296.00	305.00	2,440.00	705.00	5,640.00	700.00	5,600.00	1,200.00	9,600.00
6	3	EA	Park Bench	1,791.00	5,373.00	2,880.00	8,640.00	3,850.00	11,550.00	1,100.00	3,300.00	2,500.00	7,500.00
7	3	EA	Top Opening Litter Receptacle	1,382.00	4,146.00	1,600.00	4,800.00	2,020.00	6,060.00	850.00	2,550.00	350.00	1,050.00
8	2	EA	48" Hinged Round Post Bollards	377.00	754.00	1,525.00	3,050.00	500.00	1,000.00	450.00	900.00	950.00	1,900.00
II. LANDSCAPING AMOUNT - (Items 1 - 8)					\$ 31,149.00		\$ 36,720.00		\$ 49,260.00		\$ 38,850.00		\$ 93,075.00

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


BID TABULATION  
CITY OF TEMPLE  
NORTH 31st STREET SIDEWALK IMPROVEMENTS PROJECT  
(TAP GRANT FUNDED)  
February 29, 2016; 2:00 PM

Bid 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
III. CONDUIT FOR FUTURE LIGHTING													
1	1,750	LF	Underground 2" Conduit & Trenching	\$ 4.30	\$ 7,525.00	\$ 9.90	\$ 17,325.00	\$ 13.50	\$ 23,625.00	\$ 11.35	\$ 19,862.50	\$ 32.00	\$ 56,000.00
2	375	LF	4" Sch. 80 PVC Conduit Sleeve by Bore at Road Crossings	34.00	12,750.00	33.50	12,562.50	76.00	28,500.00	65.00	24,375.00	78.00	29,250.00
3	6	EA	Pull Boxes	1,594.00	9,564.00	65.00	390.00	895.00	5,370.00	650.00	3,900.00	650.00	3,900.00
III. CONDUIT AMOUNT - (Items 1 - 3)					\$ 29,839.00		\$ 30,277.50		\$ 57,495.00		\$ 48,137.50		\$ 89,150.00

BID SUMMARY	BIDDER INFORMATION				
	Choice Builders, LLC 3809 S General Bruce Dr Ste 103 Temple, TX 76502	Cody Stanley Construction LLC 109 Water Street Belton, TX 76513	TTG Utilities LP PO Box 299 Gatesville, TX 76528	TCB Construction Inc PO Box 81642 Austin, TX 78708	M&C fonseca Construction Co Inc 1901 Prairie Creek Road Granite Shoals, TX 78654
I. PEDESTRIAN TRAIL	\$ 259,842.00	\$ 289,757.50	\$ 258,238.00	\$ 328,347.80	\$ 427,851.00
II. LANDSCAPING	\$ 31,149.00	\$ 36,720.00	\$ 49,260.00	\$ 38,850.00	\$ 93,075.00
III. CONDUIT FOR FUTURE LIGHTING	\$ 29,839.00	\$ 30,277.50	\$ 57,495.00	\$ 48,137.50	\$ 89,150.00
TOTAL BID - ALL PARTS	\$ 320,830.00	\$ 356,755.00	\$ 364,993.00	\$ 415,335.30	\$ 610,076.00

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

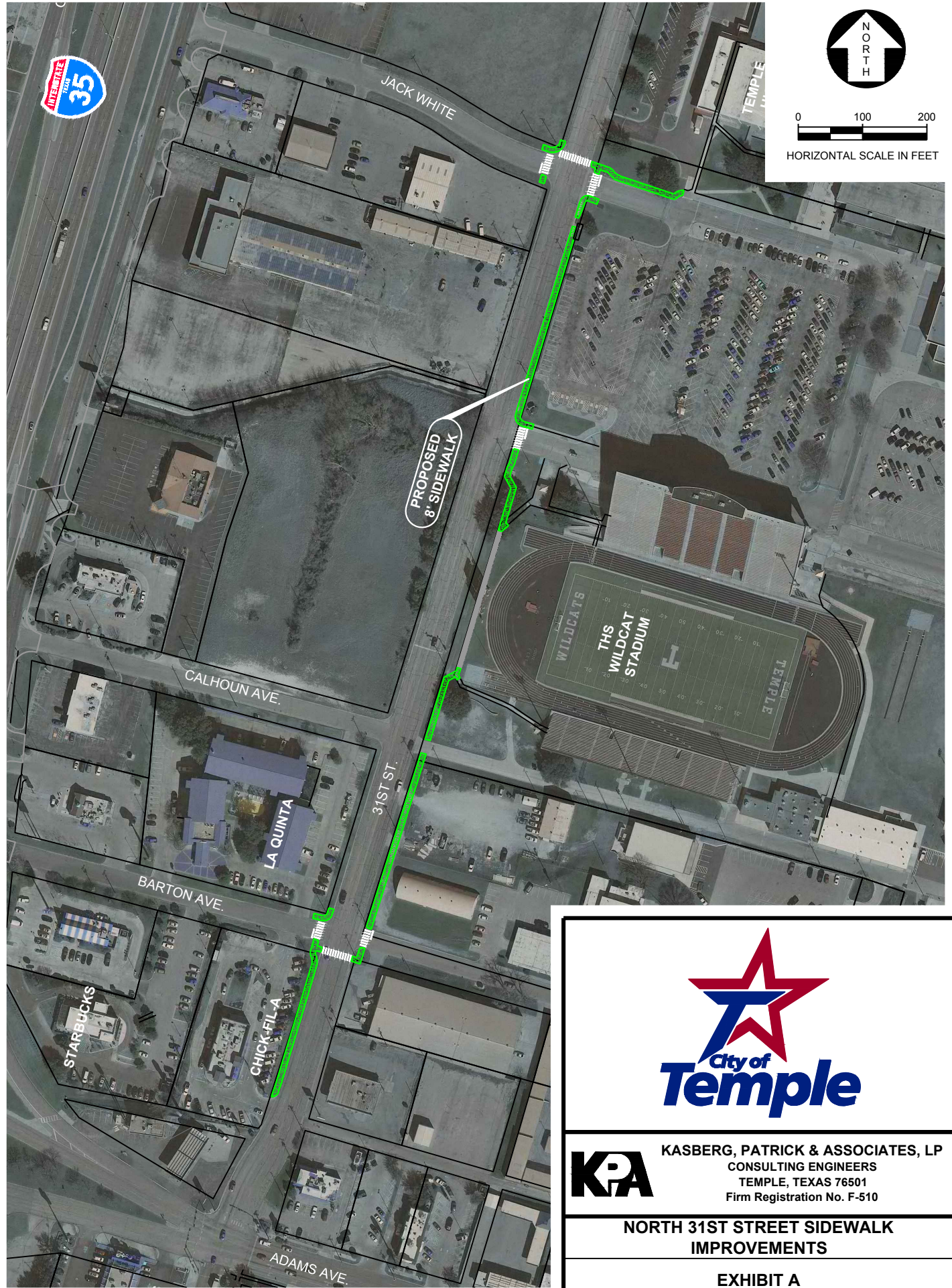
I hereby certify that this is a correct & true tabulation of all bids received



Alvin R. Sutton, III, PE, CFM  
Kasberg, Patrick & Associates, LP

3-4-16  
Date

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



KASBERG, PATRICK & ASSOCIATES, LP  
CONSULTING ENGINEERS  
TEMPLE, TEXAS 76501  
Firm Registration No. F-510

**NORTH 31ST STREET SIDEWALK  
IMPROVEMENTS**

**EXHIBIT A**

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
260-3400-531-63-15	101440	Cap. Bldg & Grounds/Sidewalks/N 31st St Sidewalks	\$ 13,307	
260-0000-445-19-95		Other / Reinvestment Zone Grant Match	\$ 13,307	
<b>TOTAL.....</b>			<b>\$ 26,614</b>	<b>\$ -</b>

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

To appropriate funding for the additional amount needed for the construction contract for the North 31st Street sidewalks.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

3/17/2016

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

RESOLUTION NO. 2016-8063-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH CHOICE BUILDERS, LLC OF TEMPLE, TEXAS, IN THE AMOUNT OF \$320,830, FOR THE CONSTRUCTION OF THE NORTH 31<sup>ST</sup> STREET SIDEWALK IMPROVEMENTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the North 31<sup>st</sup> Street sidewalk project along North 31<sup>st</sup> Street will provide needed connectivity and safety for pedestrians traveling between the HOP bus shelter, Temple High School, and area businesses - the project will provide a new 8-foot sidewalk and enhancements on the west side of the street, as well as connecting to existing sections of 5-foot sidewalk along the east side of the street in front of Temple High School;

**Whereas**, this project will also provide needed safety elements for pedestrians including crosswalks and pedestrian warning flashers to improve driver awareness and visibility of pedestrian traffic in this area;

**Whereas**, on February 29, 2016, five bids were received for the construction of the North 31<sup>st</sup> Street sidewalk project with Choice Builders, LLC of Temple, Texas submitting the low bid in the amount of \$320,830;

**Whereas**, funding for this contract is available but an amendment to the fiscal year 2016 budget needs to be approved to transfer these funds to Account No. 260-3400-531-6315, Project No. 101440; 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 Choice Builders, LLC of Temple, Texas, in an amount of \$320,830 for the construction of the North 31<sup>st</sup> Street sidewalk improvements.

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

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

PASSED AND APPROVED this the **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(E)  
Consent Agenda  
Page 1 of 2

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

Ashley Williams, General Services Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a construction contract for the roof replacement at the Summit Recreation Center with RM Rodriguez Construction of Temple, in the amount of \$157,325, as well as, declare an official intent to reimburse expenditures with the issuance of 2016 Limited Tax Notes.

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

**ITEM SUMMARY:** The project entails the removal of the existing roof and installation of a new roof on the older area of the Summit Recreation Center. This roof was last replaced prior to the City taking ownership in 2003 and is estimated to be 25+ years old. The existing roof is currently experiencing leaking and drainage issues, which will be resolved with a new roof and tie into the overall drainage improvements of the site.

On March 2, 2016 bids were received and opened. Austech Roof Consultants, Inc., serving as the design engineer for the project, reviewed the three lowest bidders. Upon review completion Austech recommended RM Rodriguez Construction of Temple, Texas as the lowest responsible bidder for this project, in the amount of \$157,325. The lowest bidder was K Tillman Construction, LLC of Dallas, Texas, in the amount of \$154,444, however Austech did not recommend them for the contract because of their limited ability to perform the work as described in the Contract Documents (see attached Consultant Contract Award Recommendation).

The City has done previous work with RM Rodriguez Construction and has found them to be professional and to perform work in a timely and satisfactory manner.

**FISCAL IMPACT:** With the adoption of the FY 2016 Capital Improvement Program, there was approximately \$452,500 appropriated for major building improvements to be funded with the issuance of 2016 Limited Tax Notes. Funding for the construction contract with RM Rodriguez Construction in the amount of \$157,325 is identified below:

Account #	Project #	Description	Available
110-5924-519-6310	101025	Roof Replacement – Summit Recreation Center	\$ 45,285
364-3250-551-6310	101025	Roof Replacement – Summit Recreation Center	119,947
		Encumbered/Committed to Date	(7,907)
<b>Construction Contract Award – RM Rodriguez Construction</b>			<b>(157,325)</b>
<b>Remaining Funds Available</b>			<b>\$ -</b>

**ATTACHMENTS:**

[Bid Tabulation](#)

[Consultant Contract Award Recommendation](#)

[Resolution](#)

**Tabulation of Bids Received  
on March 2, 2016 at 2:00 p.m.  
Summit Recreation Center Roof Replacement  
Bid# 32-02-16**

	Bidders				
	Johnson Roofing, Inc. Waco, TX	K Tillman Construction LLC Dallas, TX	Westside Roofing, LLC Austin, TX	CS Advantage USAA, Inc. College Station, TX	Beldon Roofing Company San Antonio, TX
Description					
Total Bid	\$162,797.00	\$154,444.00	\$231,254.00	\$206,000.00	\$212,540.00
Acknowledge Addendum (1)	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Yes
Bond Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check	Yes	Yes	Yes	Yes	Yes

	Bidders				
	Tecta America Austin, LLC Pflugerville, TX	QA Construction Services, Inc. Austin, TX	Texas Roofing Co., Inc. Round Rock, TX	RM Rodriguez Construction Temple, TX	
Description					
Total Bid	\$260,687.00	\$177,950.00	\$226,000.00	\$157,325.00	
Acknowledge Addendum (1)	Yes	Yes	No	Yes	
Bid Bond	Yes	Yes	Yes	Yes	
Bond Affidavit	Yes	Yes	Yes	Yes	
Credit Check	Yes	Yes	Yes	Yes	

March 8, 2016



Belinda Mattke  
City of Temple  
Purchasing Department  
3210 E. Avenue H. Bldg. C  
Temple, TX 76501

Proj: City of Temple / Summit Recreation Center

Re: Proposal Reviews

Dear Ms. Mattke:

We have conducted a limited review of the Proposals received for the Summit Recreation Center Roof Work Project. We offer the following:

Based upon the information gathered to date and if funding is available we recommend awarding the Contract to the second low bidder RM Rodriguez Construction in the amount of One Hundred Fifty Seven Thousand Three Hundred and Twenty Five Dollars (\$157,325.00)

The initial review found the proposals to be complete with the exception of Texas Roofing Co. who did not acknowledge receipt of Addendum One.

We interviewed the three low bidders.

The apparent low bidder was K Tillman Construction LLC. During the interview Mr. Braden indicated that although the company office is in Dallas, Texas, the work would be accomplished by a sub-contractor from the Austin Texas area and warranty work would be accomplished by that sub-contractor. Mr. Braden indicated that his company was only approved by one modified bitumen membrane manufacturer. Mr. Braden was unclear about what products from that manufacturer he intended to use. The manufacturer that the Contractor is approved by (Mule Hide Products) is not one that we work with on a regular basis so we checked into their products. Our research indicates that this manufacturer does not offer a finish ply to the roof system that meets the requirements of the Contract Documents.

The second low bidder was RM Rodriguez Construction. During the interview Ms. Karen Allums indicated they would use a Temple, Texas sub-contractor and their corporate office is in Temple Texas; therefore warranty work would be handled locally. The sub-contractor is approved by various roofing material manufacturers some of which do offer materials that meet the requirements of the Contract Documents. When asked about scheduling she indicated they could mobilize and start within a reasonable time period after award of the Contract.

The third low bidder was Johnson Roofing Inc. of Waco Texas. During the interview they indicated that they would use company employees to complete the work and that their offices are

in Waco Texas, therefore their response time to warranty calls would be reasonable. Johnson Roofing is approved by several roof membrane manufacturers which can meet the requirements of the Contract Documents. When asked about scheduling they indicated they would mobilize and start the work within a reasonable time period after award of the Contract.

Based upon the information above we recommend moving forward with award of the Contract to RM Rodriguez Construction.

Please note the interviews above were of short duration and limited to the items noted. It should also be understood that references for the Contractors mentioned above were not ask for or interviewed. Also the remaining bidders were not interviewed. If a more in depth study is desired it can be accomplished.

Please call if there are any questions.

Sincerely;



Ken Ollinger RRC, CCCA  
Roof Consultant  
[ken@austechrci.com](mailto:ken@austechrci.com)

RESOLUTION NO. 2016-8064-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH RM RODRIGUEZ CONSTRUCTION OF TEMPLE, TEXAS, IN THE AMOUNT OF \$157,325, FOR THE REPLACEMENT OF THE ROOF AT THE SUMMIT RECREATION CENTER; DECLARING AN OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES WITH THE ISSUANCE OF 2016 LIMITED TAX NOTES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the roof on the Summit Recreation Center was last replaced prior to the City of Temple taking ownership in 2003 and is estimated to be approximately 25 years old – the roof is currently experiencing leaking and drainage issues, which will be resolved with a new roof and tie into overall drainage improvements;

**Whereas**, on March 2, 2016, the City received five bids for the project - Austech Roof Consultants, Inc., serving as the design engineer for the project, reviewed the three lowest bidders and recommended to Staff that Council award a construction contract to RM Rodriguez Construction in the amount of \$157,325;

**Whereas**, the City has done work with RM Rodriguez Construction previously and has found them to be professional and perform work in a timely and satisfactory manner;

**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 this 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 on the Project 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**, with the adoption of the fiscal year 2016 Capital Improvement Program, there was money appropriated for major building improvements to be funded with the issuance of 2016 Limited Tax Notes;

**Whereas**, funding for this construction contract is available in Account No. 110-5924-519-6310, Project No. 101025 and 364-3250-551-6310, Project No. 101025; 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 RM Rodriguez Construction of Temple, Texas, in an amount of \$157,325 for the replacement of the roof at the Summit Recreation Center.

**Part 2:** The findings, determinations and certifications contained in the preamble hereof are incorporated herein for all purposes.

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

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 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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03/17/16  
Item #4(F)  
Consent Agenda  
Page 1 of 1

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

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

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing deductive change order #6 to the construction contract with B-Corp Utilities, Inc. (formerly known as K&S Backhoe Services, Inc.), of Gatesville in an amount not to exceed \$30,010.45 for construction activities required to replace utilities in Western Hills.

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

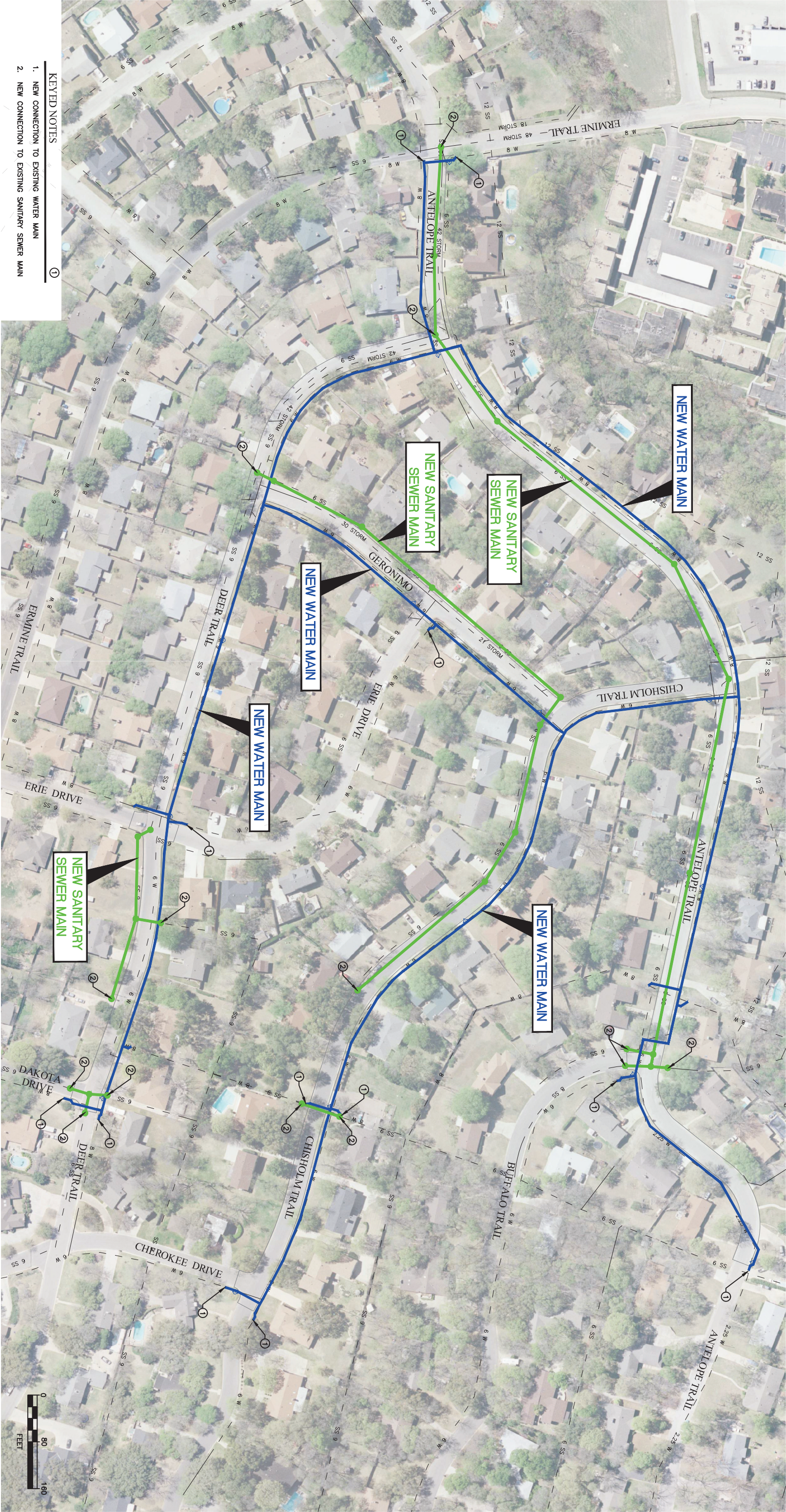
**ITEM SUMMARY:** On April 17, 2014, Council awarded a contract to K&S Backhoe Services, Inc., now operating as B-Corp Utilities, Inc., in an amount not to exceed \$1,496,622.96 to reconstruct water and sewer mains in Western Hills (Project Map attached). Subsequent change orders totaling \$319,335.36 revised the contract amount to \$1,815,958.32. The attached Change Order #6 represents items not used for the project and would revise the final contract amount to \$1,785,947.87.

The Engineer recommends approving the change order in the attached letter.

**FISCAL IMPACT:** The savings from the deductive change order in the amount of \$30,010.45 will be realized in account 561-5200-535-6950, project 100967.

**ATTACHMENTS:**

[Project Map](#)  
[Engineer's Letter](#)  
[Change Order #6](#)  
[Resolution](#)



- KEYED NOTES**
- ①
1. NEW CONNECTION TO EXISTING WATER MAIN
  2. NEW CONNECTION TO EXISTING SANITARY SEWER MAIN



215 North Main Street  
Temple, Texas 76501  
(254) 899-0899  
Fax (254) 899-0901  
[www.clark-fuller.com](http://www.clark-fuller.com)  
Firm Registration No: F-10384

February 16, 2016

City of Temple  
Don Bond, P.E.  
3210 E. Ave H, Bldg A  
Temple, Texas 76501

Re: 2013 Western Hills Roadway and Utility Replacement Project - Change Order 6

Dear Mr. Bond,

On December 10th Change Order No. 6 was submitted for 2013 Western Hills Roadway and Utility Replacement Project. The amount of Change Order No. 6 is in the amount of (\$30,010.45). This will authorize the return of these funds to the City of Temple for the following items not used during construction.

DEDUCT

Item #10 & #11 - The existing manholes, on site, were deemed to be in good condition, therefore the new manholes and demolition of existing were removed from the project scope.

Item #12, #17, & #18 - Due to existing field conditions, these items were not needed for construction and were removed from the scope of work.

Item #31 - Due to existing field conditions, this item was not needed for construction and was removed from the scope of work

Change Order #5

Item #11 - During construction, it was determined that existing field conditions allowed for the vertical alignment of the new sanitary sewer main to be adjusted. Therefore, the 3 New Internal Drop Connections were removed from the scope of work.

It is the engineer's opinion to authorize this change order. The project has been completed and accepted by the City at this time.

Sincerely,

Monty Clark, P.E., CPESC



## CHANGE ORDER

**PROJECT:** 2013 Western Hills Roadway and Utility Replacement Project

**OWNER:** City of Temple

**CONTRACTOR:** K&S Backhoe Services

**ENGINEER:** Clark & Fuller, PLLC

**CHANGE ORDER #:** SIX (6)


Make the following additions, modifications or deletions (circle those that apply) to the work described in the Contract Documents:

ITEM #:		LUMP SUM AMOUNT:
<u>Deduct:</u>		
Item #10	4 EA - Demolish and Remove Existing Sanitary Sewer Manhole	(\$ 4,368.00)
Item #11	4 EA - New 4' Dia. Concrete Precast Sanitary Sewer Manhole	(\$ 13,572.00)
Item #12	1 EA - Connection to Existing Sanitary Sewer Main	(\$ 770.00)
Item #17	25 LF - New 8" PVC SDR 26 Sanitary Sewer Main	(\$ 2,218.00)
Item #18	65 LF - New 8" PVC SDR 26 "Pressure Rated" Sanitary Sewer Main	(\$ 5,416.45)
Item #31	1 EA - New 8"x4" MJ Reducer	(\$ 372.00)
<u>CO #5 Deduct</u>		
Item #11	3 EA - New Internal Drop Connection	(\$ 3,294.00)
Total Deduct:		(\$ 30,010.45)
Total Lump Sum Amount:		(\$ 30,010.45)

The compensation agreed upon in this Change Order is full, complete and final payment for all costs the Contractor may incur as a result of or relating to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay (for which only revised time is available), extended overhead, ripple or impact cost, or any other effect on changed or unchanged work as a result of this Change Order.

Original Contract Amount:	\$ 1,496,622.96
Previous Net Change in Contract Amount:	\$ 319,335.36
Net Change in Contract Amount:	\$ (30,010.45)
Revised Contract Amount:	\$ 1,785,947.87
Original Contract Time:	215 Days
Previous Net Change in Contract Time:	178 Days
Net Change in Contract Time:	
Revised Contract Time:	393 Days
Original Final Completion Date:	4-21-2015
Revised Final Completion Date:	8-22-2015

Recommended by:

 Feb 29, 2016  
Project Manager (City Staff) Date

Agreed to:

 1/29/16  
Contractor Date

Approved as to form:

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

Recommended by:

 2-29-16  
Architect/Engineer Date

Approved by City of Temple:

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

Approved by Finance Department:

\_\_\_\_\_  
Finance Date

RESOLUTION NO. 2016-8065-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$30,010.45, TO THE CONSTRUCTION CONTRACT WITH B-CORP UTILITIES, INC. (FORMERLY KNOWN AS K&S BACKHOE SERVICES, INC.) OF GATESVILLE, TEXAS, FOR CONSTRUCTION ACTIVITIES REQUIRED TO REPLACE WATER AND SEWER MAINS IN THE WESTERN HILLS SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on April 17, 2014, Council awarded a contract to K&S Backhoe Services, Inc., now operating as B-Corp Utilities, Inc.), in an amount not to exceed \$1,496,622.96 to reconstruct water and sewer mains in the Western Hills Subdivision - subsequent change orders have revised the contract amount to \$1,815,958.32;

**Whereas**, this deductive change order represents items not used for the project and would revise the final contract amount to \$1,785,947.87;

**Whereas**, funds from this deductive change order will be recognized in Account No. 561-5200-535-6950, Project No. 100967; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a deductive change order in the amount of \$30,010.45, to the construction contract with B-Corp Utilities, Inc. (formerly known as K&S Backhoe Services, Inc.) for construction activities required to replace water and sewer mains in the Western Hills Subdivision.

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

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lacy Borgeson  
City Secretary

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Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/17/16

Item #4(G)

Consent Agenda

Page 1 of 2

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

Kevin Beavers, CPRP, Parks & Recreation Director

Belinda Mattke, Director of Purchasing

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Change Order #1 to the construction contract with Cody Stanley Construction, LLC of Holland in the amount of \$89,487 for the Northam Baseball Complex.

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

**ITEM SUMMARY:** Approval of this item will add bleacher flatwork, new and expanded bleacher shade structures, and a more durable concession stand countertop to the Northam Baseball Complex project currently being constructed by Cody Stanley Construction, LLC.

On October 15, 2015, Council authorized a construction contract with Cody Stanley Construction, LLC in the amount of \$395,000 for the construction of a new concession stand and restroom facilities at Northam Baseball Complex, located at 1909 Curtis B. Elliott Drive. The Council award only included the base bid along with Add Alternate #1 for additional flatwork around the perimeter of the concession building.

Staff is pleased with the work that Cody Stanley Construction has performed thus far on the project, and staff is recommending a change order to add the four additional Add Alternate bids that were originally not awarded in the contract:

Add Alt #2 – Bleacher flatwork for the bleacher areas not currently paved	\$15,000
Add Alt #3 – Addition of home plate bleacher shade structures	28,000
Add Alt #4 – Replacement of 1 <sup>st</sup> /3 <sup>rd</sup> base shade structures	33,000
Add Alt #5 – Stainless steel countertop in concession stand versus laminate	8,687
Bonding/Overhead cost associated with the above items	4,800
	-----
<b>Total Proposed Change Order #1</b>	<b><u>\$89,487</u></b>

There were five other contractors that submitted bids for this project, and their Add Alternate bid pricing for these four Add Alternate items ranged from \$119,682 to \$278,700. In addition, Cody Stanley Construction's original bids for these four items was actually \$101,000, but Cody was able to value engineer the stainless steel countertops down from \$20,000 to \$8,687. As such, staff believes the pricing offered by Cody Stanley Construction is a good value.

Parks staff are currently installing a new irrigation system at the Complex. In addition, Parks staff are assembling and installing new bleachers at the Complex. As a result of staff performing these installations, staff is projecting savings over what was originally budgeted for these items in the amount of \$140,000, and accordingly, makes funding available for this proposed change order.

The construction of the improvements at Northam Baseball Complex are currently scheduled for completion by March 31, 2016. It is still anticipated that Cody Stanley Construction will meet this completion date; however, if needed due to weather constraints, it will be possible for the additional shade structures to be installed after the complex re-opens in early April.

**FISCAL IMPACT:** This project is funded by the Parks GO Bonds that were approved by voters on May 9, 2015, and sold on September 24, 2015. Funding is appropriated in account 362-3500-552-6409, project 101318, as identified below:

Project Budget	\$ 747,090
Encumbered/Committed To Date	(495,097)
<b>Change Order – Cody Stanley Construction LLC</b>	<b>(89,487)</b>
<b>Remaining Funds</b>	<b>\$ 162,506</b>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8066-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT WITH CODY STANLEY CONSTRUCTION, LLC, OF HOLLAND, TEXAS, IN THE AMOUNT OF \$89,487, FOR CONSTRUCTION SERVICES RELATED TO THE NORTHAM BASEBALL COMPLEX CONSTRUCTION CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on October 15, 2015, Council authorized a construction contract with Cody Stanley Construction, LLC of Holland, Texas for construction of a new concession stand and restroom facilities at Northam Baseball Complex located at 1909 Curtis B Elliott Drive;

**Whereas**, the award of this contract only included the base bid along with add alternate No. 1 for additional flatwork around the perimeter of the concession building - Change Order No. 1 will add bleacher flatwork, new and expanded bleacher shade structures, and a more durable concession stand countertop to the project;

**Whereas**, Staff is pleased with the work that Cody Stanley Construction has performed thus far and recommends Council authorize Change Order No. 1 to add the four Add Alternate Bids not awarded in the initial contract:

- Add Alternate No. 2 – bleacher flatwork for the bleacher areas not currently paved;
- Add Alternate No. 3 – addition of home plate bleacher shade structures;
- Add Alternate No. 4 – replacement of first and third base shade structures; and
- Add Alternate No. 5 – stainless steel countertop in concession stand versus laminate;

**Whereas**, five other contractors submitted bids for the original project, however their Add Alternate bid pricing for these four Add Alternate items came in higher than the original bid submitted by Cody Stanley Construction for these four add alternate items - Staff believes the pricing offered by Cody Stanley Construction is a good value to the City;

**Whereas**, funding is available for Change Order No. 1 in Account Nos. 362-3500-552-6409, Project No. 101318; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute Change Order No. 1 to the construction contract with Cody Stanley Construction, LLC of Holland, Texas, in the amount of \$89,487, for construction services related to the Northam Baseball Complex.

**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 **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(H)  
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 two properties necessary for the construction of the proposed Santa Fe Plaza, authorizing closing costs associated with the purchases, and authorizing the payment of relocation expenses, in an amount not to exceed \$525,000.

*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 proposed Santa Fe Plaza. The design requires the acquisition of real property from twelve different property owners. Appraisals have been performed on the parcels and the City is in the process of performing the relocation studies. On March 3, the City Council authorized the purchase of nine of the twelve properties, in an amount not to exceed \$813,804. Agreements have been reached with five property owners and final offers have been presented to four others. Staff is asking for authorization to purchase two additional properties, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$525,000. The addresses of the two properties are listed below:

104 South 9<sup>th</sup> Street  
411 West Central Avenue

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008, Santa Fe Plaza, to fund the purchase of two properties necessary for the construction of the Santa Fe Plaza.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8067-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF TWO PROPERTIES NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE PLAZA, AUTHORIZING CLOSING COSTS ASSOCIATED WITH THESE PURCHASES, AND AUTHORIZING THE PAYMENT OF RELOCATION EXPENSES, IN AN AMOUNT NOT TO EXCEED \$525,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City is currently in the design phase for the proposed Santa Fe Plaza and the design requires the acquisition of real property from twelve separate property owners;

**Whereas**, appraisals have been performed on the parcels and the City is in the process of performing relocation studies on the following properties:

104 South 9<sup>th</sup> Street

411 West Central Avenue

**Whereas**, on March 3, 2016, Council authorized the purchase of nine of the twelve properties, in an amount not to exceed \$813,804 - agreements have been reached with five property owners and final offers have been presented to four others;

**Whereas**, Staff is asking for authorization to purchase two additional properties, pay closing costs, and pay any relocation expenses that may be required by law, in an amount not to exceed \$525,000;

**Whereas**, funding for the purchase of these two properties is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, Account No. 795-9500-531-6870, Project No. 101008; and

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

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

**Part 1:** The City Council authorizes the purchase of the two properties listed above which are necessary for the construction of the proposed Santa Fe Plaza, authorizes the payment of closing costs associated with these purchases and authorizes the payment of relocation expenses, in an amount not to exceed \$525,000.

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

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

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 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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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 property located at 220 South 2<sup>nd</sup> Street, Temple, Texas 76501 in the amount of \$147,500, the payment of closing costs in the estimated amount of \$2,500, and lease of the property to the current owners for a 12-month period from the date of closing.

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

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

**ITEM SUMMARY:** Staff is interested in purchasing property located at 220 South 2<sup>nd</sup> Street, which is in the vicinity of the future Santa Fe Market Trail area and will be used in future revitalization plans for the area. The appraised value of the property is \$158,000, but the purchase price for the property is \$147,500. As additional consideration, the sellers request the ability to continue to operate their business at the property for one year after closing, rent-free. Staff recommends that the City grant this request. Closing costs, for which the City will be responsible, are estimated at \$2,500.

**FISCAL IMPACT:** Funding for the purchase of the property located at 220 South 2<sup>nd</sup> Street is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 407, account 795-9500-531-6566, project 101262.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8068-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 220 SOUTH 2<sup>ND</sup> STREET, TEMPLE, TEXAS, IN THE AMOUNT OF \$147,500, AUTHORIZING THE PAYMENT OF CLOSING COSTS ASSOCIATED WITH THIS PURCHASE, IN THE ESTIMATED AMOUNT OF \$2,500; AND LEASE OF THE PROPERTY TO THE CURRENT OWNERS FOR A 12-MONTH PERIOD FROM THE DATE OF CLOSING; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, Staff is interested in purchasing property located at 220 South 2<sup>nd</sup> Street, which is in the vicinity of the future Santa Fe Market Trail area and which will be used in future revitalization plans for the area;

**Whereas**, the appraised value of the property is \$158,000, but the purchase price for the property is \$147,500 - closing costs, for which the City will be responsible, are estimated at \$2,500;

**Whereas**, as additional consideration, the sellers request the ability to continue to operate their business at the property for one year after closing, rent-free – Staff recommends Council authorize this request;

**Whereas**, funding for the purchase of this property is available 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 purchase of the property located at 220 South 2<sup>nd</sup> Street in an amount not to exceed \$147,500 and authorizes the payment of closing costs, in an estimated amount of \$2,500 and authorizes the sellers to continue to operate their business at the property for one year after closing, rent-free.

**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 these properties.

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

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 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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03/17/16  
Item #4(J)  
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 network core replacement in accordance with our replacement schedule with Solid IT Networks in the amount of \$37,497.

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

**ITEM SUMMARY:** The City currently uses network core equipment through Brocade to provide enterprise class computer networking. The city currently supports over 1,000 network devices across the city and to support this effort. A core switch serves as a core switch is a high-capacity switch positioned within the backbone of our network. Core switches serve as the gateway to a wide area network (WAN) or the Internet - they provide the final aggregation point for the network and allow multiple aggregation modules to work together. Through information sharing and resource allocation, Core Switches and routers are the building blocks for all business communications, from data to voice and video to wireless access. The City currently has over 1,000 network devices across the city and unfortunately the core network that allows all of these devices to communicate is at the end of life and is no longer supported.

Solid IT Networks has been awarded contract DIR-TSO-2644 by the State of Texas Department of Information Resources which covers this system purchase. Contracts awarded through DIR have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** A budget adjustment is presented for Council's approval appropriating Technology Funds in the amount of \$25,497. The remaining amount will come out of PEG funds in the amount of \$12,000 which has available funds. Once the budget adjustment for Technology funds is approved, funding will be appropriated in the following accounts.

<b><u>Description</u></b>	<b><u>Account #</u></b>	<b><u>Project #</u></b>	<b><u>Amount</u></b>
Brocade Network Core	351-1900-519-62-18	101498	\$25,497
Brocade Network Core - Public Education Channel	110-1900-519-62-28	101498	\$12,000
<b>Total Funds Available</b>			<b>\$37,497</b>

**ATTACHMENTS:**  
Budget Adjustment  
Resolution

FY **2016****BUDGET ADJUSTMENT FORM**

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

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

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE
351-1900-519-62-18	101498	Capital > \$5,000 Computer Hardware	\$ 25,497		
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 25,497		
110-0000-351-09-43		Desg Capital Unallocated Tech Funds			25,497
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	25,497		
		<b>Do Not Post</b>			
<b>TOTAL.....</b>			<b>\$ 76,491</b>		<b>\$ 25,497</b>

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

Network Core Replacement

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/17/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

3/1/2016

Date

☒ Approved☐ Disapproved

Finance

Date

☐ Approved☐ Disapproved

City Manager

Date

☐ Approved☐ Disapproved

RESOLUTION NO. 2016-8069-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A NETWORK CORE REPLACEMENT, IN THE AMOUNT OF \$37,497, FROM SOLID IT NETWORKS OF HOUSTON, TEXAS, UTILIZING A STATE OF TEXAS DIR CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the City currently uses network core equipment through Brocade to provide enterprise class computer networking which supports over 1,000 network devices to support this effort;

**Whereas,** a network core switch is a high-capacity switch positioned within the backbone of our network which serves as the gateway to a wide area network (WAN) or the Internet - they provide the final aggregation point for the network which allows multiple aggregation modules to work together;

**Whereas,** through information sharing and resource allocation, core switches and routers are the building blocks for all business communications, from data to voice and video to wireless access - the City currently has over 1,000 network devices and unfortunately the core network that allows all of these devices to communicate is at the end of its useful life and is no longer supported;

**Whereas,** staff recommends the purchase of a network core replacement from Solid IT Networks of Houston, Texas, utilizing the State of Texas DIR contract DIR-TSO-2644 – contracts awarded through the State of Texas Department of Information Resources have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas,** funds are available for this purchase but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 351-1900-519-6218, Project No. 101498 and Account No. 110-1900-519-6228, Project No. 101498; 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 network core replacement from Solid IT Networks of Houston, Texas, in the amount of \$37,497, utilizing a State of Texas DIR 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 City Council authorizes an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached hereto as Exhibit 'A.'

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

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 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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03/17/16  
Item #4(K)  
Consent  
Page 1 of 1

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

Kevin Beavers, CPRP, Parks and Recreation Director

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a Toro ProCore 1298 Aerator from Professional Turf Products, LP in San Antonio in the amount of \$31,662.71.

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

**ITEM SUMMARY:** The purchase of this aerator will allow for the replacement of a similar aerator that has reached the end of its useful life.

This aerator is used to reduce compaction on the playing surfaces of our athletic fields by removing cores of soil from the athletic field and opening up space within the soil structure. This process allows water and air to penetrate into the root zone of the grass and keeps the roots active and healthy. A strong and healthy root system promotes a quality turf and also helps eliminate wet areas on our athletic fields.

Professional Turf Products, LP has been awarded contract #447-14 by BuyBoard. Contracts awarded through BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities.

**FISCAL IMPACT:** Funding for this purchase was appropriated in the FY 2016 CIP Budget in account 110-5935-552-6211, project 101366, as identified below:

Project Budget	\$	31,887
Encumbered/Committed To Date		-
<b>Purchase Aerator - Professional Turf Products, LP</b>		<b>(31,663)</b>
<b>Remaining Funds</b>	<b>\$</b>	<b><u>224</u></b>

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8070-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A TORO PROCORE AERATOR, IN THE AMOUNT OF \$31,662.71, FROM PROFESSIONAL TURF PRODUCTS, LP OF SAN ANTONIO, TEXAS, UTILIZING THE BUYBOARD LOCAL GOVERNMENT ONLINE PURCHASING COOPERATIVE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, an aerator is used to reduce compaction on the playing surfaces of our athletic fields by removing cores of soil from the field and opening up space within the soil structure;

**Whereas**, this process allows water and air to penetrate into the root zone of the grass, keeping the roots active and healthy - a strong and healthy root system promotes a quality turf and also helps eliminate wet areas on the fields;

**Whereas**, Staff recommends the purchase of a Toro ProCore 1298 Aerator from Professional Turf Products, LP in the amount of \$31,662.71 - all purchases made through the BuyBoard have been competitively procured and meet the statutory procurement requirements for Texas municipalities;

**Whereas**, funding for this purchase was appropriated in the fiscal year 2016 CIP Budget in Account No. 110-5935-552-6211, Project No. 101366; 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 Toro ProCore 1298 Aerator, in the amount of \$31,662.71 from Professional Turf Products, LP of San Antonio, Texas, utilizing the BuyBoard Local Government Online Purchasing Cooperative.

**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 **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(L)  
Consent Agenda  
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**DEPT. /DIVISION SUBMISSION & REVIEW:**

Nicole Torralva P.E., Public Works Director  
Sam Weed, Director of Fleet Services

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of a street sweeper from Heil of Texas in the amount of \$197,027.

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

**ITEM SUMMARY:** Currently the Public Works Drainage has one street sweeper in their fleet that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review. This sweeper is used daily to perform regular scheduled sweeping of city streets. The sweeper that will be purchased will replace an existing eight year old machine.

Staff is recommending the purchase of the street sweeper using a competitively procured HGAC contract. All purchases through HGAC meet the Texas governmental competitive bid requirements.

The City has done business with Heil of Texas in the past and finds them to be a responsible vendor.

**FISCAL IMPACT:** Funding for this purchase was appropriated in the FY 2016 CIP Budget in account 292-2900-534-6222, project 101397, as identified below:

Project Budget	\$	200,000
Encumbered/Committed To Date		-
<b>Purchase Street Sweeper - Heil of Texas</b>		<b>(197,027)</b>
<b>Remaining Funds</b>	<b>\$</b>	<b><u>2,973</u></b>

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8071-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A STREET SWEEPER, IN THE AMOUNT OF 197,027 FROM HEIL OF TEXAS, OF IRVING, TEXAS, UTILIZING A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Public Works Drainage department currently has one street sweeper in its fleet that has been identified for routine replacement by the Director of Fleet Services in the annual vehicle replacement review;

**Whereas,** this sweeper is used daily to perform regular scheduled sweeping of city streets and will replace an existing 8 year old machine;

**Whereas,** Staff recommends the purchase of a street sweeper from Heil of Texas utilizing a Houston-Galveston Area Council Cooperative Contract - all contracts available through the Houston-Galveston Area Council Cooperative have been awarded through a public competitive procurement process in compliance with State law;

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

**Whereas,** funding for this purchase was appropriated in the fiscal year 2016 CIP Budget in Account No. 292-2900-534-6222, Project No. 101397; 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 street sweeper from Heil of Texas, of Irving, Texas, in the amount of \$197,027, utilizing a Houston-Galveston Area Council 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 **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(M)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing and approving an application for an amendment to Certificate of Adjudication No. 12-2938 with the Texas Commission on Environmental Quality to amend the Certificate of Adjudication with respect to the diversion rate.

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

**ITEM SUMMARY:** The City is the sole owner of record of Certificate of Adjudication No. 12-2938, as amended through Amendment 12-2938B (the "Certificate"). The Certificate authorizes the City to store 500 acre-feet of water in a dam and reservoir on the Leon River, tributary to the Brazos River, Brazos River Basin, in Bell County. Pursuant to the Certificate, the City is also authorized to divert and use an amount not to exceed 15,804 acre-feet of water per year from the perimeter of the 500 acre-foot capacity reservoir for municipal and industrial purposes. The City is also authorized to use the bed and banks of the Leon River to transport and divert an additional 20,000 acre-feet of released water from Belton Reservoir from the 500 acre-foot reservoir for municipal purposes.

The priority date for the 15,804 acre-feet of water diverted from the Leon River is October 30, 1915, and the priority date for the 20,000 acre-feet of released water from Belton Reservoir is January 11, 1957. The Certificate divides the authorized 61.70 cubic foot per second (cfs) diversion rate between the October 30, 1915 priority water and the January 11, 1957 water such that the City may only divert the October 30, 1915 water at 31 cfs and may only divert the January 11, 1957 water at 30.7 cfs. This is an issue for the City because during certain peak periods throughout the year, there is a need to divert water at a higher rate.

The Final Determination of All Claims of Water Rights in the Lower Leon River Segment in the Brazos River Watershed adopted by the Texas Water Commission on June 2, 1982 did not expressly divide the 61.70 cfs diversion rate as reflected in Certificate of Adjudication No. 12-2938. For the reasons outlined above, Staff is asking the City Council to authorize the City Manager or his designee to prepare, make, execute, file, and prosecute an amendment to the water right to amend the diversion rate provision to authorize the City to divert both the October 30, 1915 water and the January 11, 1957 water at the 61.70 cfs diversion rate, to employ the services of consultants to assist in the prosecution of such Application, if needed, to secure other amendments to the water right, as may be appropriate and necessary, so as to ensure that the City can divert water in the most reliable fashion, and then to negotiate, settle and compromise any challenges or disputes arising out of such application, all as the City Manager shall deem to be in the best interests of the City.

Staff has reached out to the law firm of Lloyd, Gosselink, Rochelle & Townsend, P.C. for assistance with the filing of the amendment. The estimated costs of their services is \$6,000.

**FISCAL IMPACT:** Funding for services to be provided by Lloyd, Gosselink, Rochelle, & Townsend, P.C. estimated at \$6,000 is available in account 520-5100-535-2616.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8072-R

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AND APPROVING AN APPLICATION FOR AN AMENDMENT TO CERTIFICATE OF ADJUDICATION NO. 12-2938 WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO AMEND THE CERTIFICATE OF ADJUDICATION WITH RESPECT TO THE DIVERSION RATE AS STATED IN THE CERTIFICATE OF ADJUDICATION; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE, AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City of Temple, Texas (the “City”), is the sole owner of record of Certificate of Adjudication No. 12-2938, as amended through Amendment 12-2938B, authorizing the City to store 500 acre-feet of water in a dam and reservoir on the Leon River, tributary to the Brazos River, Brazos River Basin, in Bell County;

**Whereas**, the City is also authorized to divert and use not to exceed 15,804 acre-feet of water per year from the perimeter of the 500 acre-foot capacity reservoir for municipal and industrial purposes;

**Whereas**, the City is also authorized to use the bed and banks of the Leon River to transport and divert an additional 20,000 acre-feet of released water from Belton Reservoir from the 500 acre-foot reservoir for municipal purposes;

**Whereas**, the priority date for the 15,804 acre-feet of water diverted from the Leon River is October 30, 1915, and the priority date for the 20,000 acre-feet of released water from Belton Reservoir is January 11, 1957;

**Whereas**, Certificate of Adjudication No. 12-2938 divides the authorized 61.70 cubic foot per second (cfs) diversion rate between the October 30, 1915 priority water and the January 11, 1957 water such that the City may only divert the October 30, 1915 water at 31 cfs and may only divert the January 11, 1957 water at 30.7 cfs;

**Whereas**, the Final Determination of All Claims of Water Rights in the Lower Leon River Segment in the Brazos River Watershed adopted by the Texas Water Commission on June 2, 1982 did not expressly divide the 61.70 cfs diversion rate as reflected in Certificate of Adjudication No. 12-2938;

**Whereas**, the City Council of the City of Temple wishes to authorize the city manager or his designee to prepare, make, execute, file, and prosecute an amendment to the water right to amend the diversion rate provision to authorize the City to divert both the October 30, 1915 water and the January 11, 1957 water at the 61.70 cfs diversion rate, to employ the services of consultants to assist in the prosecution of such Application, if needed, to secure other amendments to the water right, as may be appropriate and necessary, so as to ensure that the City can divert water in the most reliable fashion, and then to negotiate, settle and compromise any challenges or disputes arising out of such application, all as the city manager shall deem to be in the best interests of the City;

**Whereas,** funding for services to be provided by Lloyd, Gosselink, Rochelle, & Townsend, P.C. is available in Account No. 520-5100-535-2616; and

**Whereas,** the City Council hereby finds that it is in the best interest of the City and its citizens to approve the filing of an application to amend Certificate of Adjudication No. 12-2938, as amended, with the Texas Commission on Environmental Quality.

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

**Part 1:** That all of the recitals and preambles hereinabove stated are found to be true and correct, and are incorporated herein and made a part of this Resolution.

**Part 2:** That the Application to amend Certificate of Adjudication No. 12-2938 for the following purpose is hereby in all things approved:

Amend Certificate of Adjudication No. 12-2938 with respect to the diversion rate so as to ensure that the City can divert water in the most reliable fashion.

**Part 3:** That the City Manager is hereby authorized to execute the Application and all other documents in connection therewith on behalf of the City; to engage the assistance of consultants as necessary to support the preparation, filing, and prosecution of the Application; and to thereafter prosecute, negotiate, settle, compromise, and secure the approval of the Application, as filed.

**Part 4:** That 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 17<sup>th</sup> day of **March**, 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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03/17/16  
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Consent Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Chief Mitch Randles, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing Interlocal Agreements between (1) the Belton Fire Department and the Temple Fire Department; and (2) the Morgan's Point Resort Fire Department and the Temple Fire Department for the provision of mutual automatic aid by respective fire departments at various locations.

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

**ITEM SUMMARY:** These Interlocal Agreements will allow Temple Fire Department to provide and receive mutual automatic aid fire services with Belton Fire Department and Morgan's Point Resort Fire Department at locations throughout the cities of Temple, Belton and Morgan's Point Resort for first alarm structural fire incidents. City firefighters will perform fire services and respond with appropriate/designated fire equipment and will receive reciprocal mutual automatic aid with both cities. In the case of the agreement with Belton Fire Department, the City will also receive advanced life support units in certain medical emergencies if designated from Belton Fire Department EMS in stipulated response areas. All parties shall bear their own costs in the fulfillment of this agreement, to include personnel, equipment, insurance and liability.

The Interlocal Agreements will be effective until terminated by any party in writing but shall be reviewed annually and amended from time to time as needed.

**FISCAL IMPACT:** Each party identified in the Interlocal Agreements will be responsible for their own costs associated with fulfillment of the agreements.

### **ATTACHMENTS:**

[Attachment 'A' to Interlocal Agreement with Belton Fire Department](#)

[Attachment 'A' to Interlocal Agreement with Morgan's Point Resort Fire Department Ordinance](#)

## **INTERLOCAL AGREEMENT FOR MUTUAL AUTOMATIC AID FIRE SERVICES—BELTON FIRE DEPARTMENT**

### **ATTACHMENT 'A'**

Fire Apparatus will respond on first alarm structural fire incidents and non-structural fire incidents, if designated, in the stipulated response areas.

Advanced life support units/rescue will respond to medical emergencies, if designated, in the stipulated response areas.

Fire/EMS units required in addition to first alarm assignment must be requested in accordance with procedures established in the most recently executed Interlocal Mutual Aid Agreement for Fire Services executed between the Parties, as may be amended from time to time.

#### **Response Areas**

##### **Fire Response**

- A. Belton will provide the following to Temple:
  - 1. Ladder Truck to the area west of old Waco road and within Station #7's response district.
  - 2. Boat with crew to anywhere on Lake Belton within the City limits of Temple.
  - 3. An engine to the area of Charter Oaks Drive to Pea Ridge Road
  - 4. An engine to the area of East 93 to 31<sup>st</sup> Street.
  - 5. An engine will respond to Temple Station-3 on a three alarm fire incidents when requested by a representative of Temple Fire Department.
- B. Temple will provide the following to Belton:
  - 1. Engine with personnel or Ladder Truck to all structure fires involving buildings of two stories or more within Belton City Limits including apartment complexes and University of Mary Hardin Baylor dormitories.
  - 2. Ladder Truck to all structure fires involving Commercial buildings.

##### **Emergency Medical Service Response/Rescue**

Belton Fire Department EMS will respond with an ALS ambulance and Engine to motor vehicle accidents in areas in close proximity to Temple city limits on I.H. 35, F.M. 93 East, and F.M. 2271 in cooperation with the Temple's contracted Emergency Services Provider.

### Training

Joint training exercises are to be conducted, at a minimum four times per year to comply with the Insurance Service Organization (ISO). The training exercises will be coordinated and observed by the respective department training officer or designee, for the purpose of maintaining coordination in firefighting procedures, dispatching and communications. The following topics may be utilized for the establishment of training parameters, when applicable:

1. Apparatus Familiarization
2. Boat operation procedures
3. Coordination of Engine Companies and EMS units
4. EMS procedures
5. Equipment/Minor Tools Carried
6. 5-Inch Hose Program Procedures
7. Incident Command System
8. Communication Procedures

### Communications

- Dispatch of an Automatic Aid request will be toned out on the responder's primary radio channel.
- Communications from the Dispatch Center to mobile units and fire ground communications utilizing portable radios will be on the radio Talk group utilized by the Department in whose jurisdiction the emergency incident occurs.
- Communications procedures and documents will be provided at the initial training session and updated as needed thereafter.
- Upon receipt of an alarm in any of the designated response areas, the dispatch center receiving the alarm will dispatch the proper assignment. Should the agreed upon assistance not be available, the requesting department will be so notified.

### Incident Command

The officer on the first arriving company will take command of the incident until relieved by the appropriate authority. Overall command of the incident will be assumed by the jurisdictional department upon arrival at the scene.

### Fire Incident Reporting

Each department will be responsible for obtaining needed information to complete fire and emergency medical service reports for incidents within their respective jurisdictions. Assisting units shall cooperate with jurisdictional units to provide necessary information.

**INTERLOCAL AGREEMENT FOR MUTUAL AUTOMATIC AID FIRE SERVICES—MORGAN’S POINT RESORT  
FIRE DEPARTMENT**

**ATTACHMENT ‘A’**

Fire Apparatus will respond on first alarm structural fire incidents and non-structural fire incidents, if designated, in the stipulated response areas.

Fire/EMS units required in addition to first alarm assignment must be requested in accordance with procedures established in the most recently executed Interlocal Mutual Aid Agreement for Fire Services executed between the Parties, as may be amended from time to time.

**Response Areas**

**Fire Response**

- C. Morgan’s Point will provide the following to Temple:
  - 1. Boat with crew to anywhere on Lake Belton within the City limits of Temple.
  - 2. An engine to the area of West of Highway 317 in the City of Temple or Temple’s recognized Extra Territorial Jurisdiction.
  - 3. An engine will respond to a Temple Fire Station on a three alarm fire incidents when requested by a representative of Temple Fire Department.
- D. Temple will provide the following to Morgan’s Point Resort:
  - 1. Engine with personnel or Ladder Truck to all structure fires involving buildings of two stories or more within Morgan’s Point Resort’s Fire District.
  - 2. Engine or Ladder Truck to all structure fires involving Commercial buildings.

**Training**

Joint training exercises are to be conducted, at a minimum four times per year to comply with the Insurance Service Organization (ISO). The training exercises will be coordinated and observed by the respective department training officer or designee, for the purpose of maintaining coordination in firefighting procedures, dispatching and communications. The following topics may be utilized for the establishment of training parameters, when applicable:

- 9. Apparatus Familiarization
- 10. Boat operation procedures
- 11. Coordination of Engine Companies and EMS units
- 12. EMS procedures
- 13. Equipment/Minor Tools Carried
- 14. 5-Inch Hose Program Procedures

15. Incident Command System
16. Communications Procedures

#### Communications

- Dispatch of an Automatic Aid request will be toned out on the responder's primary radio channel.
- Communications from the Dispatch Center to mobile units and fire ground communications utilizing portable radios will be on the radio Talk group utilized by the Department in whose jurisdiction the emergency incident occurs.
- Communications procedures and documents will be provided at the initial training session and updated as needed thereafter.
- Upon receipt of an alarm in any of the designated response areas, the dispatch center receiving the alarm will dispatch the proper assignment. Should the agreed upon assistance not be available, the requesting department will be so notified.

#### Incident Command

The officer on the first arriving company will take command of the incident until relieved by the appropriate authority. Overall command of the incident will be assumed by the jurisdictional department upon arrival at the scene.

#### Fire Incident Reporting

Each department will be responsible for obtaining needed information to complete fire and emergency medical service reports for incidents within their respective jurisdictions. Assisting units shall cooperate with jurisdictional units to provide necessary information.

RESOLUTION NO. 2016-8073-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING INTERLOCAL AGREEMENTS BETWEEN (1) THE BELTON FIRE DEPARTMENT AND THE TEMPLE FIRE DEPARTMENT; AND (2) MORGAN'S POINT RESORT FIRE DEPARTMENT AND THE TEMPLE FIRE DEPARTMENT FOR THE PROVISION OF MUTUAL AUTOMATIC AID BY RESPECTIVE FIRE DEPARTMENTS AT VARIOUS LOCATIONS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Cities of Belton, Temple and Morgan's Point Resort have agreed to enter into interlocal agreements to provide and receive mutual automatic aid fire services at locations throughout their respective cities for first alarm structural fire incidents;

**Whereas**, City firefighters will perform fire services, will respond with appropriate/designated fire equipment and will receive reciprocal mutual automatic aid with both cities;

**Whereas**, the interlocal agreement with Belton Fire Department provides that the City will also receive advanced life support units in certain medical emergencies if designated from Belton Fire Department EMS in stipulated response areas - all parties shall bear their own costs in the fulfillment of this agreement, to include personnel, equipment, insurance and liability;

**Whereas**, these Interlocal Agreements will be effective until terminated by any party in writing but shall be reviewed annually and amended from time to time, as needed; and

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

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

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to enter into interlocal agreements between Belton Fire Department and the Temple Fire Department and Morgan's Point Resort Fire Department and the Temple Fire Department for the provision of mutual automatic aid by respective fire departments at various locations.

**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 17<sup>th</sup> day of **March**, 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



## CITY AGENDA ITEM MEMORANDUM

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03/17/16  
Item #4(O)  
Consent Agenda  
Page 1 of 4

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

Brian Chandler, Director

**ITEM DESCRIPTION:** SECOND READING – PUBLIC HEARING - Z-FY-16-11: Consider adopting an ordinance authorizing a Conditional Use Permit (CUP) for an indoor automotive window tinting use (classified in Sec. 6.7 of the Unified Development Code as “minor vehicle servicing”) on Lot 2, Block 1, Trantum Subdivision Phase VIII, located at 5806 South General Bruce Drive.

**P&Z RECOMMENDATION:** At their February 1, 2016 meeting, P&Z recommended unanimous approval of staff’s recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of Z-FY-16-11, a Conditional Use Permit to allow an indoor automotive window tinting use within the I-35 Corridor Overlay with the following condition:

- That all tinting operations and employee parking are fully enclosed within the 2,025 sf warehouse building

**ITEM SUMMARY:** 5806 South General Bruce Drive currently has a base zoning of C (Commercial District), which allows a minor vehicle servicing use by right. However, the I-35 Corridor Overlay requires approval of a CUP for minor vehicle servicing use within the Freeway Retail/Commercial Sub-District, which is how staff classified the proposed automotive window tinting use.

City Council approved a CUP for a paint shop/general contractor facility at this same location on June 4, 2015 (Ordinance No. 2015-4713), which included the following conditions:

1. Painting is prohibited on-site;
2. Ordinance No. 2014-4669 which allowed a retail nursery/landscape facility on the property is repealed;
3. This CUP expires when the current tenant (the tenant occupying the property as of June 4, 2015) discontinues use of the property as a paint shop/general contractor facility;
4. Landscaping must be planted to screen a minimum of 40% of the existing I-35 facing chain-link fence;
5. Owner of the property must obtain a permit for and pave the remaining gravel area in the front of the property to ensure compliance with Unified Development Code parking, driveway and approach standards and as shown on the attached Site Plan; and
6. Vehicle parking is prohibited on any surface unless the surface is asphalt or concrete.

Staff has confirmed compliance with all conditions, including the paving of the driveway and parking area. The applicant intends to use only the existing warehouse, while MCS Construction would continue to utilize the existing office and outdoor storage area.

City Council also approved a CUP on this same property on June 6, 2014 (Ordinance No. 2014-4669) to allow a Nursery/Landscape Facility use. However, the landscape company never fully occupied the space and, therefore, MCS was required to obtain another CUP to legally operate within the I-35 Corridor Overlay permitted use standards. Ordinance No. 2014-4669 included the following conditions, which the property owner has subsequently addressed:

- Landscaping is planted to screen parking and minimum of 40 percent of the existing I-35 facing chain-link fence

Considering that the applicant (Classic Tint) does not propose any additional improvements to the site, the I-35 Corridor Overlay standards would not be triggered at this time. The standards could be triggered by any improvements proposed in the future.

According to the CUP application, the proposed business, Classic Tint:

- 1) Installs window tint film on site inside of the building
- 2) No work is done outside on cars
- 3) Primarily caters to car dealerships in the area only
- 4) Storage of materials is all indoors
- 5) The only chemicals used to install are water and baby shampoo
- 6) Has only 1 employee, who is the owner of the business

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

<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Auto-Urban Commercial	C	Commercial
North	Auto-Urban Commercial	C	Commercial
South	Auto-Urban Commercial	C	Commercial
East	Auto-Urban Commercial	LI and GR	Commercial
West	Auto-Urban Commercial	C	Vacant

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

CP	Map 3.1 - Future Land Use and Character (FLUP)	Yes
CP	Map 5.2 - Thoroughfare Plan	Yes
P	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Yes

CP = Comprehensive Plan

Future Land Use Map (CP Map 3.1)

The entire area is shown as Auto-Urban Commercial. According to the Comprehensive Plan, "Auto-Urban Commercial" is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along the major roads."

Thoroughfare Plan (CP Map 5.2)

The site is located along a Major Arterial (IH-35).

Availability of Public Facilities (CP Goal 4.1)

An 8" water line and a 6" sewer line is available to the rear. A 6" water line and an 8" sewer line are available to the front of the property.

**REVIEW CRITERIA (UDC Section 3.5.4):** In determining whether to approve, approve with conditions or deny a CUP application, the review bodies in Sec. 3.5.2 above must consider the following criteria.

- A. The conditional use is compatible with and not injurious to the use and enjoyment of the property, and does not significantly diminish or impair property values within the immediate vicinity.
- B. The establishment of the conditional use does not impede the normal and orderly development and improvement of surrounding vacant property.
- C. Adequate utilities, access roads, drainage, and other necessary support facilities have been or will be provided.
- D. The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- E. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odors, fumes, dust, noise and vibration.
- F. Directional lighting is provided so as not to disturb or adversely affect neighboring properties.
- G. There is sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

**ADDITIONAL CONDITIONS (UDC Section 3.5.5):** In authorizing a CUP, the Planning and Zoning Commission may recommend and the City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community, including a time period for which a CUP is valid. The Planning and Zoning Commission and the City Council, in considering and determining the additional conditions, may impose such developmental standards and safeguards as conditions and locations indicate to be important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glares, offensive view or other undesirable or hazardous conditions.

**PUBLIC NOTICE:** Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property. As of Thursday January 28, 2016, zero (0) notices had been returned. The newspaper printed notice of the Planning and Zoning Commission public hearing on January 21, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Application  
Aerial Location Map  
Photos  
Zoning Map  
Future Land Use Map  
New Site Plan  
Notification Map  
Ordinance No. 2014-4669  
Ordinance No. 2015-4713  
Ordinance

# City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Sketch Plan                    | <input type="checkbox"/> Rezoning                                | <input type="checkbox"/> Appeal of Administrative Decision                  |
| <input type="checkbox"/> Plat Vacation                  | <input checked="" type="checkbox"/> Conditional Use Permit (CUP) | <input type="checkbox"/> Residential Masonry Exception                      |
| <input type="checkbox"/> Minor or Amending Plat         | <input type="checkbox"/> Planned Development (PD)                | <input type="checkbox"/> Nonresidential Masonry Exception                   |
| <input type="checkbox"/> Preliminary Plat               | <input type="checkbox"/> PD Site Plan                            | <input type="checkbox"/> Park, Facility or Street Renaming                  |
| <input type="checkbox"/> Final Plat                     | <input type="checkbox"/> I-35 Appeal                             | <input type="checkbox"/> Cost Sharing Offsite Participation                 |
| <input type="checkbox"/> Variance (Board of Adjustment) | <input type="checkbox"/> I-35 Site Plan Review                   | <input type="checkbox"/> Exception  |
| <input type="checkbox"/> Abandonment                    | <input type="checkbox"/> TMED Site Plan Review                   | <input type="checkbox"/> Street Use License (SUL)                           |
|   | <input type="checkbox"/> TMED Variances/Warrants                 | <input type="checkbox"/> 1 <sup>st</sup> and 3 <sup>rd</sup> Overlay Appeal |

## PROJECT INFORMATION:

☐ Residential    ☒ Commercial    ☐ Property Platted    ☐ Property Not Platted    ☐ ETJ  
 Project Name: CLASSIC TINT    Parcel(s) Tax ID# (Required): 454578  
 Project Address (Location): 5750 S. GEN. BRUCE DR    Total Acres: 1.705  
 Lot: 2    Block: 1    Subdivision: TRANUM SUB. PH B VIII  
 Cabinet #: \_\_\_\_\_    Slide #: \_\_\_\_\_  
 Outblock (if not platted): \_\_\_\_\_  
 Brief Description of Project: COMMERCIAL, RESIDENTIAL, AUTOMOTIVE TINT  
 Current Zoning COMMERCIAL/W/CUP    # of Existing Lots \_\_\_\_\_    # of Existing Units \_\_\_\_\_  
 Proposed Zoning COMMERCIAL    # of Proposed Lots \_\_\_\_\_    # of Proposed Units \_\_\_\_\_

## APPLICANT / CONTACT INFORMATION: (This will be the primary contact; please ensure email address is legible)

Name: BRIAN McCLANAHAN    Company Name: CLASSIC TINT  
 Address: 5750 S. GEN. BRUCE DR    City: TEMPLE    State: TX    Zip: 76502  
 Phone: (254) 718-8940    Cell #: \_\_\_\_\_    Fax #: \_\_\_\_\_  
 Email Address: CLASSICTINT@BRIAN@YAHOO.COM

## PROPERTY OWNER INFORMATION:

Name: CHRIS McGREGOR    Company Name: CHRIS McGregor  
 Address: 2806 Wickersham Dr.    City: Temple    State: TX    Zip: 76502  
 Phone: 254-770-7262    Cell #: same    Fax #: \_\_\_\_\_  
 Email Address: mcchecker05@aol.com

## DEVELOPER    ENGINEER    SURVEYOR INFORMATION:

Name: \_\_\_\_\_    Company Name: \_\_\_\_\_  
 Address: \_\_\_\_\_    City: \_\_\_\_\_    State: \_\_\_\_\_    Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_    Cell #: \_\_\_\_\_    Fax #: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**RECEIVED**

**DEC 17 2015**

**CITY OF TEMPLE  
PLANNING & DEVELOPMENT**

## VARIANCE / EXCEPTION / APPEAL DESCRIPTION: (Attach additional page if additional space is required)

COMMERCIAL; RESIDENTIAL; AUTOMOTIVE WINDOW FILM INSTALLATION

## CHECKLIST--PER SUBMITTAL

## City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

Submittal Requirements <i>All Checklists are available on Planning Applications webpage</i>	All Plats	CUP & PD	Rezoning	Sketch Plan	I-35	I-35 Appeal	TMED	TMED Variance/ Warrant	ZBA Variance	Masonry Exception	Appeal of Administrative Decision	Abandonment	Street Use License (SUL)
Complete Universal Application	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Utility Providers-see attached link <a href="http://www.templetx.gov/DocumentCenter/View/2920">http://www.templetx.gov/DocumentCenter/View/2920</a>	✓												
Electronic copy (PDF) of all required materials submitted as hard copies (must be legible)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hard Copies for all submittals	5	2	1	5	2	2	2	2	1	1	1	1	1
Field Notes ( <i>signed and stamped</i> ) or Lot and Block Description	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓
Site Plan Checklist <i>-hold off per bc</i>		✓			✓	✓	✓	✓	*				
Plat Checklist	✓			✓									
I-35 Checklist					✓	✓							
TMED Checklist							✓	✓					
Abandonment Checklist												✓	
SUL Checklist													✓
Scaled Site Plan		✓			✓	✓	✓	✓	✓	✓	*	✓	✓
Drainage Letter or Drainage Report (for residential subdivisions)	✓												
Elevations		✓			✓	*	✓	*		✓			
Landscape Plan					*	*	*	*					
Lighting Plan					*	*	*	*					
Fee	✓	✓	✓	NA	NA	NA	NA	NA	✓	NA	NA	✓	✓
Survey												✓	✓
Broker's Opinion of Value or Appraisal R-O-W abandonment ONLY												✓	

\*May be required depending on nature of Appeal/Variance

Total valuation of proposed improvements for project in 1<sup>st</sup> & 3<sup>rd</sup>/TMED/I-35:

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

## FEE SCHEDULE

Abandonment	\$100.00 for filing fee only;
(3 <sup>rd</sup> Party Broker's Opinion or Appraisal)	(3 <sup>rd</sup> Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
Board of Adjustment (Variance)	\$ 75.00
	(MUST meet with a planner prior to submittal of request)
*Preliminary/Final Plat	\$150.00 + \$3.00/lot (residential) or \$10.00/acre (nonresidential)
Street Use License (SUL)	\$150.00 (renewed every 15 years)
*Rezoning/CUP/PD Site Plan	\$150.00 + \$3.00/acre (to match Ordinance No. 1948)

\*The filing fee for a piece of property that is 3.125 acres in size would be a total of \$159.36 (\$150 + [\$3 x 3.12]). City staff uses the second decimal place when calculating a filing fee and **does not round up or down**.

BY SIGNING THIS APPLICATION, STAFF IS GRANTED ACCESS TO YOUR PROPERTY FOR SIGN POSTING AND PROPERTY ANALYSIS PURPOSES.

APPLICANT SIGNATURE: \_\_\_\_\_

Print or Type Name: BRIAN McCLANAHAN

(property owner authorization required below if applicant is someone other than property owner)

I (property owner) hereby authorize Chris McGregor of Temple TX

(name)

(company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: \_\_\_\_\_

Property owner's name (print): Chris McGregorProperty owner's address: 2806 Wickersham Dr.Property owner's phone#: Temple, TX 76502Email address: mcclanahan05@gmail.com

## For Department Use Only

Project #: \_\_\_\_\_

Project Manager: \_\_\_\_\_

Total Fee(s): \_\_\_\_\_

Fee Credit: \_\_\_\_\_

Payment Method: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

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

Accepted Date: \_\_\_\_\_

# CLASSIC TINT

WINDOW FILM INSTALLATION  
ON VEHICLES DONE ON SITE  
INSIDE OF BUILDING.

NO OUTSIDE WORK ON CARS.

WE CATER TO NEW CAR  
DEALERSHIPS WITH NO ACTUAL  
CUSTOMER FOR ALTO.

STORAGE IS INSIDE ONLY  
PRODUCTS TO INSTALL FILM  
ARE TAP WATER, A CUP OR TWO  
PLUS A FEW DROPS OF BABY  
SHAMPOO PER VEHICLE.

**RECEIVED**

DEC 31 2015

CITY OF TEMPLE  
PLANNING & DEVELOPMENT



900 sf Office



Site



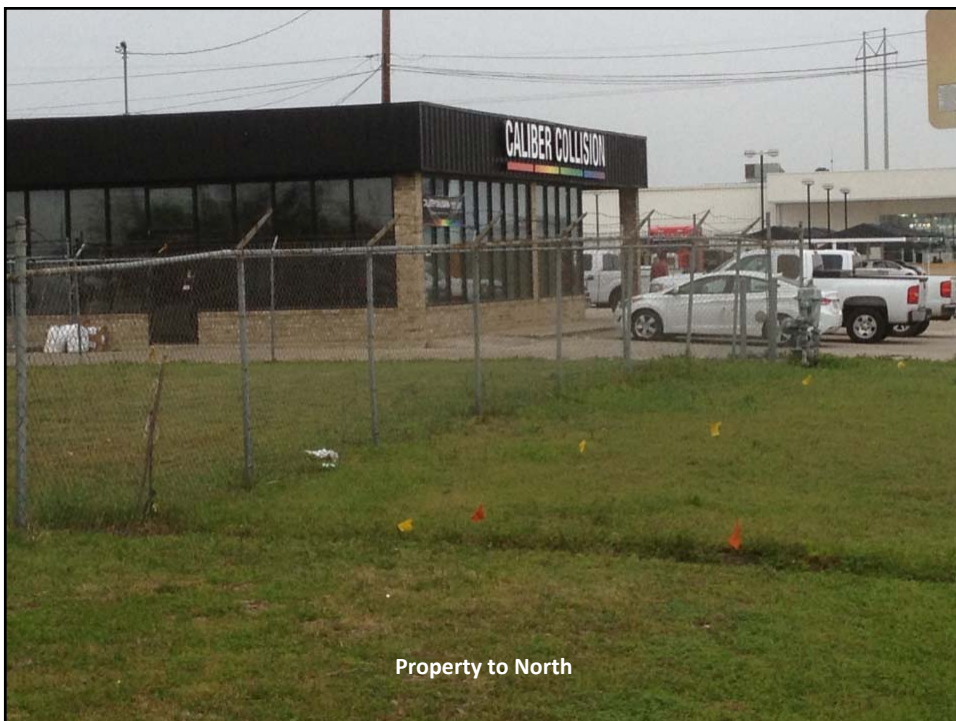
Customer Parking Area



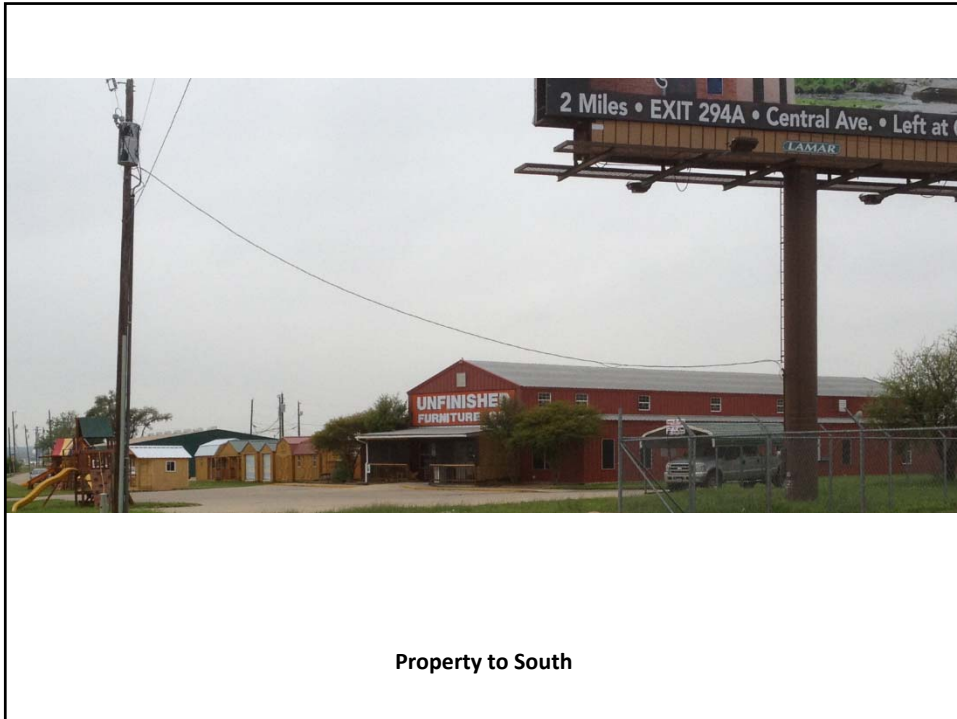
Construction Trailers and Trucks



Looking south



Property to North



Property to South



Property to East





CUP  
200'  
NOTIFICATION MAP

Zoning Case :  
Z-FY-16-11

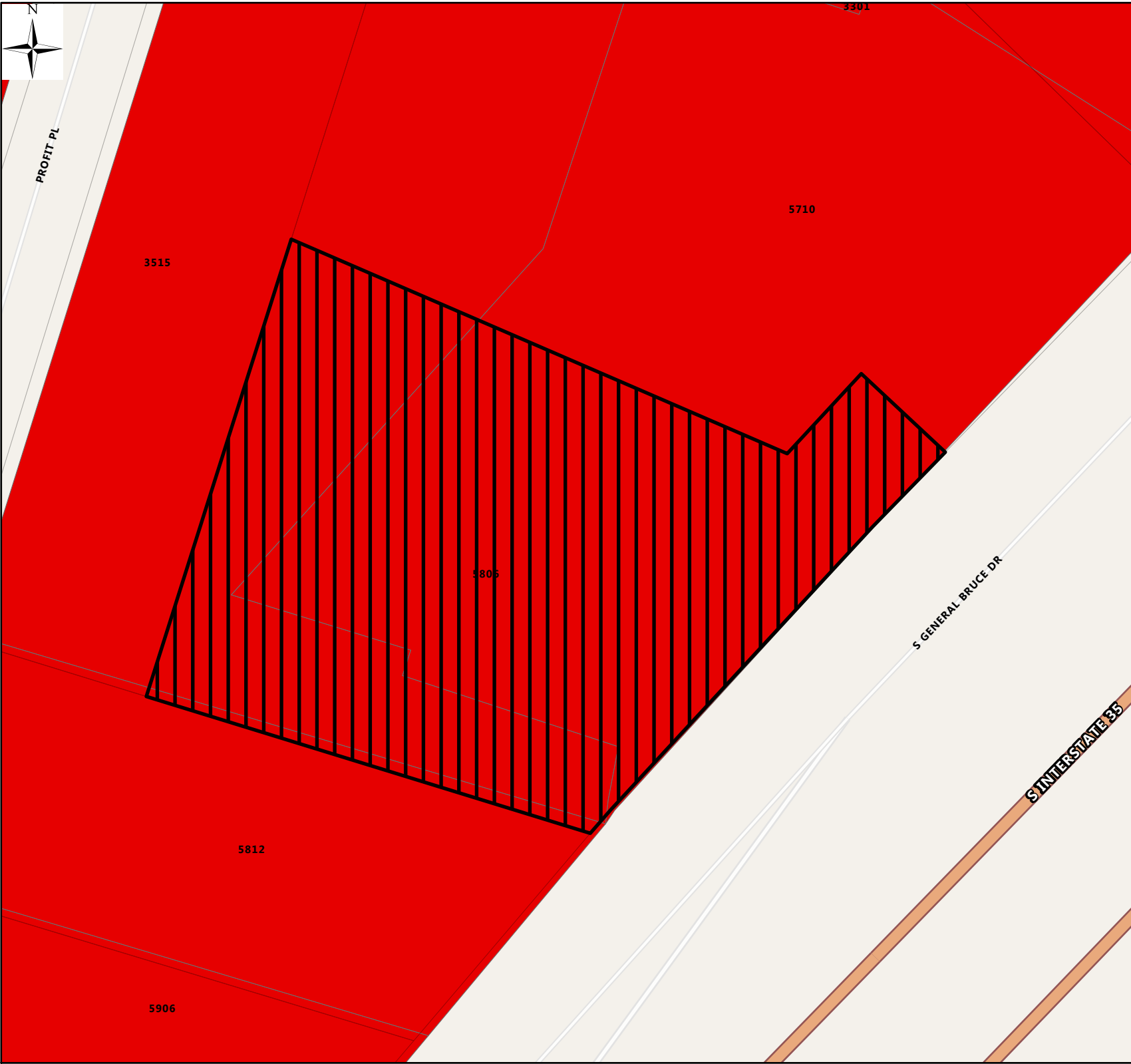
Address :  
5806 S General Bruce Dr

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

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: 1/19/2016





# CUP FUTURE LAND USE MAP

Zoning Case :  
Z-FY-16-11

Address :  
5806 S General Bruce Dr

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

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dredmond  
Date: 1/19/2016



STORAGE & PARKING

CALIBER  
COLLISION  
STORAGE & PARKING



PROPERTY LINE

PROPERTY LINE

EXISTING  
FENCE

PARKING  
10' WIDE

LOCATION  
SUBJECT TO CHANGE

PROP.

CLASSIC  
TINT

5750 S. GEN  
BRUCE DR.

45'x45'

ROLL  
UP  
DOOR

SHRUBS  
(PER UDC)

DRAINAGE DITCH

64'

PROPERTY LINE  
CALIBER COLLISION

MCS  
ROOFING

30'x24'

SHRUBS

SHRUBS

ENTRY  
DOOR

60'

36'

24'

100'

DRAINAGE (BAR DITCH)

26'

INTERSTATE HIGHWAY 35  
S. GENERAL BRUCE DRIVE

PROP. CLASSIC TINT

SCALE: 3/32

APPROVED BY:

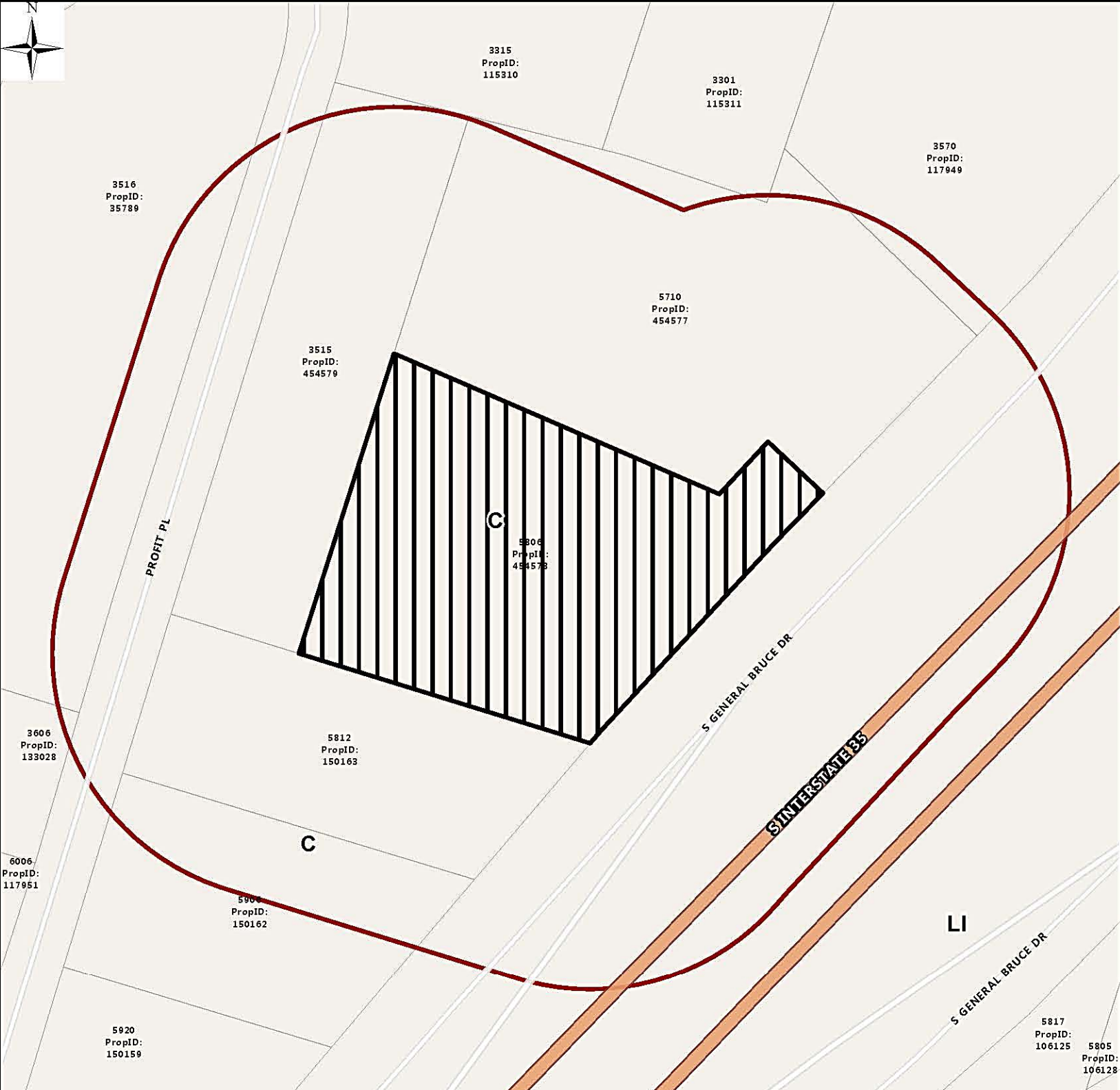
DRAWN BY BME

DATE: 12/29/15

REVISED

SITE PLAN

DRAWING NUMBER  
1072



CUP  
200'  
NOTIFICATION MAP

Zoning Case :  
Z-FY-16-11

Address :  
5806 S General Bruce Dr

- CaseArea
- Buffer

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dredmond  
Date: 1/19/2016



ORDINANCE NO. 2014-4669

(PLANNING NO. Z-FY-14-28)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR A RETAIL NURSERY/LANDSCAPE FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a retail nursery/landscape facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit to allow retail nursery/landscape facility on lot 2, block 1, Trantum Subdivision. Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The owner/applicant, his employees, lessees, agents or representatives, hereinafter called "permittee" shall comply with the following developmental standards and conditions of operation:

- A. Landscaping is planted to screen parking and a minimum of 40 percent of the existing I-35 facing chain-link fence;

- B. No portable buildings or other items considered to be non-landscaping related or accessories that are stored outdoors are sold; and
- C. That the Director of Planning is authorized to work with the applicant on what is deemed adequate parking.

**Part 3:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** The declarations, determinations and findings declared, made and found in the preamble of this ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 15<sup>th</sup> day of May, 2014.

PASSED AND APPROVED on Second Reading on the 5<sup>th</sup> day of June, 2014.

THE CITY OF TEMPLE, TEXAS



DANIEL A. DUNN, Mayor

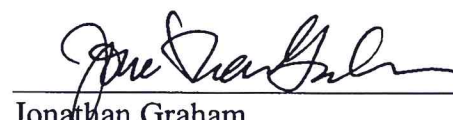
ATTEST:



Lacy Borgeson  
City Secretary



APPROVED AS TO FORM:



Jonathan Graham  
City Attorney

ORDINANCE NO. 2015-4713  
(Z-FY-15-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, REPEALING ORDINANCE NO. 2014-4669 AND APPROVING A CONDITIONAL USE PERMIT FOR A PAINT SHOP/GENERAL CONTRACTOR FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on June 5, 2014, City Council passed Ordinance No. 2014-4669 which approved a conditional use permit to allow a retail nursery/landscape facility located at 5806 South General Bruce Drive;

**Whereas**, the retail nursery/landscape company never occupied the space and staff recommends that Ordinance No. 2014-4669 be repealed since there is a new site plan for this space;

**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for a paint shop/general contractor facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit for a paint shop/general contractor facility and an associated Site Plan on lot 2, block 1, Trnum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes with the following conditions:

1. Painting is prohibited on-site;
2. Ordinance No. 2014-4669 which allowed a retail nursery/landscape facility on the property is repealed;
3. This CUP expires when the current tenant (the tenant occupying the property as of June 4, 2015) discontinues use of the property as a paint shop/general contractor facility;
4. Landscaping must be planted to screen a minimum of 40% of the existing I-35 facing chain-link fence;
5. Owner of the property must obtain a permit for and pave the remaining gravel area in the front of the property to ensure compliance with Unified Development Code parking, driveway and approach standards and as shown on the attached Site Plan; and
6. Vehicle parking is prohibited on any surface unless the surface is asphalt or concrete.

**Part 2:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map accordingly.

**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:** 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.

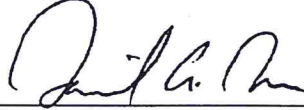
**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**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 7<sup>th</sup> day of May, 2015.

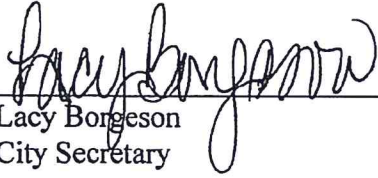
PASSED AND APPROVED on Second Reading on the 4<sup>th</sup> day of June, 2015.

THE CITY OF TEMPLE, TEXAS

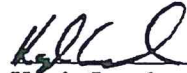


DANIEL A. DUNN, Mayor

ATTEST:

  
Lacy Borgeson  
City Secretary

APPROVED AS TO FORM:



Kayla Landeros  
City Attorney

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A CONDITIONAL USE PERMIT FOR AN INDOOR AUTOMOTIVE WINDOW TINTING FACILITY ON LOT 2, BLOCK 1, TRANUM SUBDIVISION, PHASE VIII, LOCATED AT 5806 SOUTH GENERAL BRUCE DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Comprehensive Zoning Ordinance of the City of Temple, Texas, provides for the issuance of conditional use permits under certain conditions and authorizes the City Council to impose such developmental standards and safeguards as the conditions and locations indicate to be important to the welfare or protection of adjacent property and for the protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions, and for the establishment of conditions of operation, time limits, location, arrangement and construction for any use for which a permit is authorized;

**Whereas**, the Planning and Zoning Commission of the City of Temple, Texas, after due consideration of the conditions, operation and location of property described as lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, recommends that the City Council approve the application for this Conditional Use Permit for an indoor automotive window tinting facility; and

**Whereas**, the City Council of the City of Temple, Texas, after public notice as required by law, has at a public hearing, carefully considered all the evidence submitted by the applicant concerning the proposed plans for operation of said establishment and has heard the comments and evidence presented by all persons supporting or opposing this application at said public hearing, and after examining the conditions, operation and the location of said establishment, finds that the proposed use of the premises substantially complies with the comprehensive plan and the area plan adopted by the City Council.

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

**Part 1:** The City Council approves a Conditional Use Permit for an indoor automotive window tinting facility on lot 2, block 1, Trantum Subdivision, Phase VIII, located at 5806 South General Bruce Drive, more fully described in Exhibit A (Site Plan), attached hereto and made a part hereof for all purposes subject to the following conditions (1) all window tinting operations must be fully enclosed within the existing 2,025 square foot warehouse building; and (2) no more than one employee is allowed to park outside of the warehouse building, all other employee parking must be within the existing warehouse building.

**Part 2:** The Director of Planning is hereby directed to make the necessary changes to the City Zoning Map.

**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:** 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 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 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 **3<sup>rd</sup>** day of **March**, 2016.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(P)  
Consent Agenda  
Page 1 of 10

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-16-12: Consider adopting an ordinance authorizing amendments to Ordinance No. 2006-4090, to allow indoor climate-controlled mini storage warehouses within a 4.801 +/- acre portion of a 10.202 +/- acre Planned Development – General Retail (PD-GR) District, subject to a Development Plan, with conceptual Development Plan for the remaining 5.401 +/- acres, being within the Maximo Moreno Survey, Abstract No. 14, Bell County, Texas, located at 5015 South 31<sup>st</sup> Street.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their February 1, 2016 meeting, the Planning & Zoning Commission voted 5 (In Favor) to 4 (Against) to recommend approval of the proposed Planned Development amendment as presented by staff with the two following conditions:

1. That a substantial deviation to the site plan and/or the attached preliminary building elevations, to include a decrease in the percentage of landscaping or an increase to the number of buildings, review by the Planning & Zoning Commission will be required and,
2. Site plan improvements such as the full length of sidewalk and building-specific landscaping shall be completed in the initial phase of site development.

During the meeting, impacts to the residential character of the immediate area, including the single-family homes across Waters Dairy, were discussed which included the timing of development as well as the impacts of massing from the 3-story storage buildings along Waters Dairy Road. Additionally, the impacts associated with the eastern-most buildings of the facility relative to the height of the adjacent Echo Station apartments were discussed.

Specific discussion included options of screening and buffering through enhanced landscaping, exterior building materials such as replacing EIFS with hardi-plank and using mature and taller landscaping materials. While the site sits higher than the Echo Station Apartments, the apartment buildings are only 2-story and the 3-story buildings will be taller. While the applicant indicated publicly that the four buildings fronting Waters Dairy could be reduced from 3-story to 2-story, but needed to time to assess costs, no conditions to this were made by the Planning & Zoning Commission. Later, the applicant reiterated this willingness with Planning staff, following the Planning & Zoning Commission meeting, but needed to proceed with an internal cost-benefit analysis. At the time of staff report preparation, the applicant expressed the intent to proceed as originally presented with all buildings 3-story.

It should be noted that while signage was not discussed during the Planning & Zoning Commission meeting, the visual impacts of the use to the existing neighborhood character were noted by staff. As a result, additional analysis has been provided for the benefit of City Council relative to signage, since permitted signage has the potential to have visual impacts to the neighborhood. The discussion of signage has been added to the Planned Development analysis section of the report.

**STAFF RECOMMENDATION:** Based on the following analysis and reasons that:

1. That the proposed Development Plan has demonstrated compliance with the provisions of the Planned Development Criteria as required by UDC Section 3.4.5;
2. The request is consistent with the underlying Suburban Commercial Future Land Use designation;
3. The proposed mini storage facility, will be adequately buffered and screened from adjacent residential uses;
4. The request is in compliance with the Thoroughfare Plan; and
5. Public facilities are available to serve the subject property.

Staff recommends approval of the requested amendment to Ordinance 2006-4090, subject to the following conditions:

1. As listed by Ordinance 2006-4090, all permitted uses and established dimensional standards within the Planned Development – General Retail (PD-GR) district are allowed, with the addition of a mini storage facility within the 4.801 +/- acres as further described by Exhibits A & B of the rezoning Ordinance;
2. That the remaining 5.401 +/- acres will require a separate public development plan review by the Planning & Zoning Commission and City Council in the future;
3. That a 6-foot sidewalk is provided along the entire property frontage of Waters Dairy Road, and reviewed at the time of permitting;
4. Exterior building facades related to the mini storage buildings within the 4.801 +/- acre site, shall have exterior elevations containing a combination of Exterior Insulation Finish Systems (EIFS), hardi-plank and rock veneer in substantial compliance to the attached elevations (Exhibit C), with the addition of metal awnings to provide additional architectural relief to the entrances of each of the buildings;
5. Per UDC Section 7.1.8, Performance Standards, exterior lighting shall not create light trespass;
6. Signage, on the north, east and south building facades, shall be externally illuminated to prevent glare and light trespass onto neighboring properties;
7. At the time of development consideration for future phasing, consisting of the southern 5.801 +/- acres, a Final Plat application is submitted for review and consideration by the Design Review Committee (DRC);
8. That the Director of Planning may be authorized discretion to approve minor modifications to the City Council-approved development plan for the 4.801 +/- acre tract, including but not limited to, screening, buffering, landscaping, signage, exterior building materials and minor modifications to the overall site layout.

In addition, since there had been significant discussion at the Planning & Zoning Commission meeting regarding building height along Waters Dairy Water and the impacts to residential character, the following condition could be considered and included as Condition No. 9 as follows:

9. That the four buildings fronting along and closest to Waters Dairy Road shall be restricted to two-stories.

**ITEM SUMMARY:** The applicant, Kevin McHale, on behalf of Echo Station Temple, LLC, requests a rezoning to amend Ordinance 2006-4090 to consider a new development plan to allow an “indoor climate-controlled” mini storage facility within 4.801 +/- acres and conceptual Planned Development consideration within the remaining 5.401 +/- acre-portion, of a larger 10.202 +/- acres. The amendment would allow for a secured-access, climate controlled mini storage facility which is not currently permitted by the Planned Development (PD) ordinance or the underlying PD-GR-base zoning. The amendment for the mini storage requires a rezoning from Planned Development – General Retail (PD-GR) to Planned Development – General Retail (PD-GR).

Site development of the 4.801 +/- acres for the mini storage is anticipated to provide for a maximum square footage under roof of 216,000 square feet. This is based on nine (9), three-story (3-story) buildings, further described as follows:

1. Six, 60' X 100', three-story buildings, providing 18,000 square feet for each building for a total of 108,000 total square feet of area and,
2. Three, 60' X 200', three-story buildings, providing 36,000 square feet for each building for a total of 108,000 total square feet of area.

Realistically, while the storage unit configuration, unit numbers and floor arrangements have not been finalized, it is understood that that actual storage space will be less than the calculated 216,000 square feet when walking aisles and other non-storage area is deducted from the overall footprint and floor area.

Although not being considered with the 4.801 +/- acreage for the mini storage, the southern 5.401 +/- acres will be part of future phasing which will require separate public site plan approval. It is anticipated that the future phases will include general office, medical office uses as well as a car wash facility. The future phasing will receive the same level of review as the current 4.801 +/- acre tract.

**BACKGROUND:** The original Planned Development approved by Ordinance 2006-4090 (attached), encompasses approximately 54.52 +/- acres of land located generally at the southeast corner of South 31<sup>st</sup> Street and Waters Dairy Road and rezoned from Agriculture (AG) to Planned Development General Retail (PD-GR) district, Planned Development Single-Family One (PD-SF-1) district, and Planned Development Two-Family (PD-2F) district. The rezoning ordinance became had an effective date of August 17, 2006.

The Planned Development was included in land partially platted by the Stone Gate III subdivision in 2007 and acreage associated with Echo Station, Phase II, which was platted in 2001 and is the 2F-portion of the Planned Development, developed as the 176- unit, Echo Station Apartment complex.

Along with the PD-2F portion, a significant number of single-family lots from the Stone Gate III subdivision, have been developed within the SF-1-portion of the Planned Development. The PD-GR-portion of the Planned Development, with the exception of the Stripes Convenience Store constructed in 2013-14, has remained undeveloped. The PD-GR-portion of the Planned Development is generally located at the south east corner of South 31<sup>st</sup> Street & Waters Dairy Road.

The General Retail base-zoning nor does the approved Ordinance (Ord. 2006-4090) for this property's adoption of a Planned Development, provide for a mini storage to be built at this location. As such, an amendment to the existing Planned Development is required and is incorporated into the attached Development Plan. This amendment, unless otherwise stated, includes by reference, the adopted standards, in place with Ord. 2006-4090.

The proposed mini storage facility is 4.801 +/- acres of a larger 10.202 +/- acre tract. Only the 4.801 +/- acres is being considered by this amendment. The remaining 5.401 +/- acres will be developed as part of future phasing and will require separate public site plan approval and is anticipated to include a car wash, general and medical office uses.

Lastly, drainage facilities will be addressed during the platting process.

**Planned Development:** UDC Section 3.4.1 defines a Planned Development as:

“A flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.”

As a Planned Development, per UDC Sec.3.4.3A, a Development Plan (Exhibit A) is subject to review and approval by City Council as part of the rezoning. As opposed to a standard rezoning, conditions of approval can be included into the rezoning Ordinance. The Development Plan that has been submitted, provides the boundaries and the layout for the proposed building footprints for the mini storage facility, parking and traffic circulation areas as well as future phasing and anticipated uses within the overall 10.202 +/- acre tract.

Enhancements are normally an expectation of a Planned Development to off-set the unique manner of the request. While staff has worked closely with the applicant, enhancements for the 4.801 +/- acre tract are in the form of screening, buffering, landscaping, enhanced exterior building materials and provisions for a 6-foot sidewalk along Waters Dairy Road have been discussed and agreed upon with the applicant and are described as follows:

**Screening / Buffering:** Screening and buffering will be incorporated into the design by the combined use of fencing, landscaping and building location. Per UDC Section 7.7.4, enhanced landscaping as a vegetative buffer is an available option, when a residential use or district abuts a non-residential use or district, as a Planned Development, provides the flexibility of an increased landscape buffer with no fencing. The applicant has proposed this enhanced buffer and is shown on the attached development plan as a “vegetative buffer”. This is acceptable and has been agreed upon. It should be noted that there is an existing chain-link fence between the apartment complex and the subject property's eastern boundary. While this fence provides separation it does not meet the provisions of a buffer or means of screening.

**Landscaping:** The Development Plan shows extensive landscaping that makes good use of foundation planting opportunities as well as areas between buildings. A complete list of acceptable landscaping materials is provided by UDC Section 7.4.5, which requires a minimum 5%, will be confirmed during the building plan review. While the applicant is proposing 20% landscaping, the applicant indicated that in order to offset costs associated with square footage reduction, this may need to be reduced down to

a range of 15% to 20% landscaping. In addition, these changes may require additional flexibility at the plan review stage. In anticipation, a condition has been proposed to give the Director of Planning flexibility during the site plan evaluation of the building plans, so the development plan does not need to go back before the public review process.

**Exterior Building Materials:** Exterior building materials are proposed which provide 100% masonry. Materials consist of a combination of Exterior Insulation Finish Systems (EIFS), which meets the approved listing of standard building materials listed in UDC Sec. 7.8.3F, as well as a rock veneer accent. The applicant has provided staff with a selection of three elevations with varying amounts of rock veneer accent. Elevation Scheme C has the higher amount of rock veneer accent. While the elevations were provided for the climate-controlled storage facility only, future buildings are anticipated within the southern 5.401 +/- acre portion. In order to maintain a consistent architectural design throughout, a condition has been proposed for future buildings and structures to be provided with the same ratio and percentage of exterior building material finishes as used for the mini storage.

Additionally, since there is square footage proposed to exceed 10,000 square feet per building, those buildings will be required to provide additional articulation such as columns, canopies or awnings per UDC Section 7.8.3G, which will be confirmed during the plan review stage of the permitting process. It is noteworthy that after the Planning & Zoning Commission meeting, staff met with the applicant to discuss alternative building materials. It was discussed that hardi-plank may be a suitable alternative to the EIFS to defray the costs associated with the reduction of storage space as well as the unforeseen costs as a result of the reduction of building height along Waters Dairy Road, as described earlier in this report. Similar to the landscaping discussion, this has been included into a condition of approval. However, staff would want to review these elevations before commenting on their architectural appropriateness.

**Sidewalk:** While UDC Section 8.2.3 requires a 4' sidewalk, along Waters Dairy Road, which is a collector, the proposed sidewalk will be 6 feet in width. The 6-foot width will match the sidewalk in front of the Stipes Convenience Store's frontage along Waters Dairy Road. This sidewalk will provide connectivity between the Stipes Convenience Store and the apartment complex to the east, along with connectivity to the mini storage and the overall planned development vicinity. The sidewalk will be installed at the time of development.

While not enhancements proposed by the applicant, the following aspects are still noteworthy of discussion as follows:

**Circulation:** Access to the mini storage facility is proposed by a 26-foot wide driveway entrance which is offset from the intersection of Calle Nogal across Waters Dairy Road. The Development Plan shows a connection for future 26-foot wide private access drive connection on the south of this phase, which will provide connectivity to the southern 5.401 +/- acres and provide a connection to South 31<sup>st</sup> Street. This private access drive would not be added until future development of the southern 5.401 +/- acres.

The mini storage facility by itself is not expected to generate significant traffic impacts. Based on a trip rate of the worse-case scenario of 216,000 square feet of storage area, which is anticipated to generate 56.16 peak-hour trips. In comparison, the existing Echo Station apartment complex with 176 units, generates 102.08 peak-hour trips or just under twice as the mini storage facility. Although there are no single family homes proposed with the project, a peak-hour trip rate is shown for reference, which generates 1.00 trip per residence.

Hour Trip Rates Table (8th Ed. ITE Manual)		
Use	Trip Rate Calc. Factor	Calculated Peak Hour Trip Rate
Mini Warehousing	0.26 (Per 1,000 S.F.) @ 216,000	56.16 Trips
Apartments (Low Rise)	0.58 (Per Unit) @ 176	102.08 Trips
Single Family Detached Residence	1.00 (Per DU)	N/A

Further, the peak hour trip rate information supports the timing of the access drive being constructed with the later phases of the development.

**Parking:** Per UDC Section 7.5.4B, parking for mini storage is provided at the rate of 1 space per 2 employees or one space 5,000 square feet of gross floor area, whichever is greater. Based on 216,000 square feet of total floor area, 43 parking spaces are required. There are 50 parking spaces provided.

**Signage:** While not available for the benefit of the Planning & Zoning Commission, as a result of public discussion about visual impacts to the residential character to the neighborhood, the following analysis of signage is provided. UDC Sections 7.6.9 and 7.6.10 provides standards for freestanding (Pole) signage and wall mounted signage, respectively. While such signage is allowed by-right and not part of the planned development package, it should be noted that by providing signage that meets the minimum standards will increase visual impacts and reduce compatibility of the proposed storage facility. Therefore, alternative signage is necessary to reduce the associated impacts to the neighborhood caused by the signage. Since the Planning & Zoning Commission, staff has met with the applicants to discuss options. Although monument signage was not discussed in detail, it was agreed however, that wall signage will be externally illuminated with downward projecting fixtures. The only illuminated signage would be seen from the South 31<sup>st</sup> Street frontage and would not impact the surrounding residences along Waters Dairy or the apartments on the east. Staff however may need flexibility to address the monument signage at the time of building permits without the need to bring the overall development plan back before City Council.

The applicant has worked closely with Planning staff to reduce the visual impacts associated with signage and identify alternatives to the massing as well as reducing glare from illuminated signage, which the applicant has agreed to.

Per UDC Section 3.4.2C, the City Council may include additional conditions of approval into the rezoning ordinance as defined as follows:

In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light and air, orientation, building coverage, outdoor lighting, landscaping, homeowners or property owners associations, open space, topography and screening.

In conclusion, in accordance with UDC Section 3.4.5, in determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City

Council must consider specific criteria. While more detailed discussion can be found throughout this report, a synopsis entitled “Planned Development Criteria and Compliance Summary” is attached.

The Planned Development with an existing base-zoning of General Retail (GR) allows for a wide range of uses, both permitted by right and with an approved conditional use permit (CUP). As shown in the following table, per Ordinance 2006-4090 adopting the underlying base-zoning of General retail, the uses include but are not limited to:

<b>Permitted &amp; Conditional Use Table</b> <b>Planned Development PD-GR</b> <b>(Per Ord. 2006-4090)</b>	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
<b>Retail &amp; Service Uses</b>	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
<b>Commercial Uses</b>	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
<b>Educational &amp; Institutional</b>	* Hospital * Halfway House (CUP) * Cemetery, crematorium or mausoleum (CUP) * Emergency Shelter (CUP)
<b>Recreational Uses</b>	* Park or Playground

<b>Vehicle Service Uses</b>	<ul style="list-style-type: none"> <li>* Auto Leasing, Rental</li> <li>* Auto Sales - New &amp; Used (outside Lot)</li> <li>* Car Wash</li> <li>* Boat Sales &amp; Service</li> <li>* Vehicle Servicing (Minor)</li> </ul>
<b>Restaurant Uses</b>	* With & Without Drive-In
<b>Overnight Accommodations</b>	* Hotel or Motel
<b>Office Uses</b>	* Offices
<b>Transportation Uses</b>	<ul style="list-style-type: none"> <li>* Emergency Vehicle Service</li> <li>* Helistop</li> </ul>

**Prohibited uses include but not limited to:** HUD-Code land lease communities, commercial trade school, cleaning, dyeing or laundry plant, laboratory manufacturing, storage warehouse or a commercial cleaning plant.

**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:

<b>Surrounding Property &amp; Uses</b>			
<b>Direction</b>	<b>FLUP</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	Suburban Commercial	PD-GR	Undeveloped
North	Suburban Commercial & Neighborhood Conservation	GR, 2F, & MF-2	SF Residential Uses
South	Suburban Residential	GR, 2F & SF-1	Vacant & SF Residential
East	Auto Urban Multi-Family	MF-1	Apartment Complex
West	Suburban Commercial	PD-GR, GR & AG	Vacant & Places of Worship on S. 31 <sup>st</sup> St.

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

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

According to the City of Temple Comprehensive Plan / FLUP, the subject property, being a total 4.801 +/- acres, is within the Suburban Commercial designation of the Future Land Use Plan (FLUP) which is appropriate for office, retail and service uses adjacent to and abutting residential neighborhoods and in other areas where the community's image and aesthetic value is to be promoted, such as 'gateways' and high-profile corridor locations.

On the other hand, while there is a base zoning of GR and evaluated on a “case by case” basis for more intensive uses, a mini storage use is not permitted and requires a minimum Commercial (C) zoning. Commercial zoning is supported by the Auto-Urban Commercial Future Land Use Designation and there is no Auto-Urban Commercial designated land in the immediate area.

It should be noted however, that under the Planned Development concept, the project can be conditioned to be more compatible. Therefore, with enhanced buffering and screening standards applied, the proposed use is compliant with the Future Land Plan. See the Background Information section of this report for additional information related to the site’s integration into the neighborhood.

#### **Thoroughfare Plan (CP Map 5.2)**

The property has frontage along Waters Dairy Road which is identified by the Thoroughfare Plan as a collector street. Primary access to the facility would be from an 85-foot-wide driveway that narrows to 26 feet once within the property. This driveway is approximately 190 feet east of an access driveway for the existing Stripes Convenience Store. Additional discussion related to interior circulation and anticipated peak-hour trip rates can be found in the “Circulation” section earlier in this report.

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

Availability for the entire 10.202 +/- acre tract for water is available through a 12-inch waterline on the north side of Waters Dairy Road and an 8-inch waterline in South 31<sup>st</sup> Street. Sewer is available in Waters Dairy Road through a 6-inch sewer line and is also available from an 8-inch sewer line within South 31<sup>st</sup> Street.

#### **Temple Trails Master Plan Map and Sidewalks Ordinance**

According to the Trails Master Plan Map, no trails have been identified along the fronting streets. A proposed Community-Wide Connector Trail is located in South 31<sup>st</sup> Street and will be addressed with the future phase. Since Waters Dairy Road is identified as a collector street, a minimum 4-foot sidewalk is required. However, the development of the Stripes Convenience Store resulted in a 6-foot sidewalk and a condition for a matching sidewalk is proposed with this project. The sidewalk will be required to be shown on the Building Plans and installed at the time of development.

**DEVELOPMENT REVIEW COMMITTEE (DRC):** As required by UDC Section 3.4.2B, the site plan for the proposed mini storage was reviewed by the DRC on January 19, 2016. Aspects of the phasing relative to the rezoning process and future platting were discussed.

**DEVELOPMENT REGULATIONS:** The following table shows the current dimensional standards and the proposed standards. Both current and proposed standards are reflective of the underlying Planned Development as well as the base-zoning of General Retail. Setbacks would be applicable to non-residential buildings within the Planned Development.

	Current	Proposed
	PD-GR (Ord. 2006-4090)	PD-GR
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	30 Feet from Centerline	30 Feet from Centerline
Side Setback	10 Feet (UDC Sec. 4.6)	10 Feet (UDC Sec. 4.6)
Side Setback (corner)	10 Feet	10 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories (UDC Sec. 4.6)	3 Stories (UDC Sec. 4.6)

**PUBLIC NOTICE:** Owners of 43 properties within 200-feet of the subject property, were sent notice of the public hearing as required by State law and City Ordinance. As of Tuesday February 23, 2016 at 9:00 AM, one notice in agreement, four notices in disagreement and one notice returned as undeliverable have been received.

The newspaper printed notice of the public hearing on January 21, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Site & Surrounding Photos](#)

[Narrative Letter](#)

[Planned Development Ordinance 2006-4090](#)

[Planned Development Criteria and Compliance Summary Table](#)

[Development Plan \(Exhibit A\) / Field Notes \(Exhibit B\)](#)

[Building Elevations \(Schemes A, B & C\) \(Exhibit C\)](#)

[Aerial Map / Zoning Map / Future Land Use Character Map](#)

[Utility Map / Thoroughfare Plan & Trails Plan](#)

[Notification Map / Returned Property Owner Notices](#)

[Ordinance](#)

## Site & Surrounding Photos



**Site: Vacant - Looking West (PD-GR)**



**Site: Vacant – Looking North from Southern Boundary of Site (PD-GR)**



**East – Existing Echo Station Apartments (MF-1)**



**East - Existing Chain-link Fence (Echo Station Apartments) (MF-1)**



**South – Stone Gate III Single Family Residential Subdivision (2F & SF-1)**



**West – Stripes Convenience Store (PD-GR)**



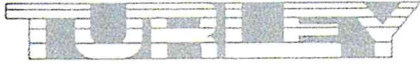
**West: Stripes Convenience Store, South 31<sup>st</sup> Street & Places of Worship  
(PD-GR, AG, GR)**



**North: Single-Family & Multi-Family Residential Uses across Waters Dairy Rd –  
Spanish Southwest subdivision (GR, 2F & MF-2)**



**North: Intersection of Calle Nogal & Waters Dairy Road (2F & MF-2)**



## TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400  
F-1658 FAX • (254) 773-3998

### MEMORANDUM

**DATE:** January 28, 2016

**TO:** Mark Baker, Planning Department

**FROM:** Victor D. Turley, P.E., R.P.L.S.  
Turley Associates, Inc.

**RE:** 31<sup>st</sup> Street and Waters Dairy Road- Echo Station

**RECEIVED**

**JAN 28 2016**

City of Temple  
Planning & Development

---

Please see the following comments:

The Echo Station retail planned development will be a campus style design with an aggregate land use enclosed storage buildings, medical office buildings, support medical services in separate offices, and a car wash facility. The enclosed story buildings will be the first phase of the campus. This plan has access off Waters Dairy Road with limited parking, security for building, and vegetative screening to the apartments and along Waters Dairy Road. A sidewalk will be placed along Waters Dairy Road.

A joint access easement will provide a paved roadway into the future phases and will ultimately be extended to 31<sup>st</sup> Street. Lighting will be limited to secure access points and wall packs pointed down to identify each building. The exterior of these buildings will appear as offices or businesses. A detailed site plan, grading plan, drainage plan, and utility plan will be provided for building permit submittal.

ORDINANCE NO. 2006-4090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (A) TO PLANNED DEVELOPMENT GENERAL RETAIL DISTRICT (PD-GR), PLANNED DEVELOPMENT SINGLE FAMILY ONE DISTRICT (PD-SF1), AND PLANNED DEVELOPMENT TWO FAMILY DISTRICT (PD-2F) ON APPROXIMATELY 54.53 ACRES OUT OF LAND COMMONLY KNOWN AS OUTBLOCK 6060-B, CITY ADDITION, LOCATED AT THE SOUTHEAST CORNER OF SOUTH 31<sup>ST</sup> STREET AND WATERS DAIRY ROAD, IN ACCORDANCE WITH SECTIONS 7-500 THROUGH 7-509 OF THE COMPREHENSIVE ZONING ORDINANCE; PROVIDING CONDITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the owner of the property consisting of approximately 54.53 acres out of land commonly known as Outblock 6060-B, City Addition, located at the southeast corner of South 31<sup>st</sup> Street and Waters Dairy Road, requested a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F); and

**Whereas**, the City Council, after notice and a public hearing, finds that it is in the public interest to authorize this action.

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

**Part 1:** The City Council approves a zoning change from Agricultural District (A) to Planned Development General Retail District (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F), on approximately 54.53 acres of land commonly known as Outblock 6060-B, City Addition, located at the southeast corner of South 31<sup>st</sup> Street and Waters Dairy Road in the City of Temple, Texas, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** In accordance with Sections 7-500 through 7-509 of the Comprehensive Zoning Ordinance of the City of Temple, Texas, Ordinance No. 91-2101, is amended by changing the zoning classification of the property described in Part 1 above, to Planned Development General Retail (PD-GR), Planned Development Single Family One District (PD-SF1), and Planned Development Two Family District (PD-2F), and shall comply with all applicable sections of the Code of Ordinances of the City of Temple, Texas, and all

local, State and Federal laws and regulations as they may now read or hereafter be amended, including but not limited to the following conditions:

- (a) Development will be according to the Planned Development Site Plan, attached hereto as Exhibit B. The Stonegate III Preliminary Plat will suffice for the required planned development final site plan.
- (b) Block 1 of Stonegate III will be zoned PD-GR.
- (c) Block 2, Lots 1-21 will be zoned PD-2F for duplexes.
- (d) Block 2, Lots 22-58 will be zoned PD-SF1.
- (e) PD-GR zoning: 10 feet side and rear building setback lines are required where common boundary line meets a residential district. 10 feet side street building setback lines are required adjacent to a street. No front building setback line is required, except that no structure may be nearer than 30 feet to the centerline of any street on which such structure fronts.
- (f) PD-2F zoning: 20 feet front, 10 feet street side, 5 feet interior side, and 10 feet rear building setback lines are required.
- (g) PD-SF1 zoning: 20 feet front, 10 feet street side, 5 feet interior side, and 10 feet rear building setback lines are required.

These conditions shall be expressed conditions of any building permit issued for construction on the property which may be enforced by the City of Temple by an action either at law or in equity, including the right to specifically enforce the requirements of the ordinance, and these requirements shall run with the land.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 4:** 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 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 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 3<sup>rd</sup> day of August, 2006.

PASSED AND APPROVED on Second Reading on the 17<sup>th</sup> day of August, 2006.

THE CITY OF TEMPLE, TEXAS



ATTEST:

Clydette Entzminger  
Clydette Entzminger  
City Secretary

William A. Jones, III  
WILLIAM A. JONES, III, Mayor

APPROVED AS TO FORM:

Jonathan Graham  
Jonathan Graham  
City Attorney





**Planned Development Criteria and Compliance Summary**

UDC Code Section 3.4.5 (A-J)	Yes/No	Discussion / Synopsis
<b>A. The Plan Complies with all provisions of the Design and Development Standards Manual, this UDC and other Ordinances of the City.</b>	<b>YES</b>	It is fully anticipated that the site plan will conform to the UDC as well as to dimensional, developmental and design standards adopted by the City for any new building construction. In addition, the applicant has demonstrated an effort to upgrade exterior building materials which will meet the 100% masonry standard for exterior building materials being a combination of rock veneer and Exterior Insulation Finish Systems (EIFS).
<b>B. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on natural resources of the surrounding impacts and neighborhood is mitigated.</b>	<b>YES</b>	While any anticipated environmental impacts such as drainage will be address with the submittal of construction drawing, any anticipated impacts are being addressed through proposed conditions of approval and/or being proposed by the applicant such as enhanced screening and buffering to reduce noise and the visual impacts of the use(s). No additional impacts to environment resources are anticipated by the development of this 4.801 +/- acre tract of land.
<b>C. The development is in harmony with the character, use and design of the surrounding area.</b>	<b>YES</b>	The project site is located at the southeast corner of South 31st Street and Water Dairy Road. This is an area that is transitioning from being undeveloped to retail, service and residential uses. There is currently a Stripes Convenience store on the immediate south east corner of South 31st Street and Waters Dairy Road and is within the overall 54 +/- acre site of the Planned Development boundary approved in 2006. To the east of the subject property is an existing apartment complex (Echo Station Apartments) and single family detached homes which are part of the Stone Gate III subdivision. The current phase as a proposed internally accessed, climate controlled mini storage facility is in harmony with the character, use and design of the surrounding area.
<b>D. Safe and efficient vehicular and pedestrian circulation systems are provided.</b>	<b>YES</b>	Although there is already an existing sidewalk on the north side of Waters Dairy Road, the applicant is proposing a 6-foot sidewalk, matching the existing sidewalk fronting the Stripes Convenience Store, along the south side of Waters Dairy Road. This sidewalk will provide connectivity between the Stripes Convenience Store and the apartment complex to the east. Internal circulation is being provided by interior two-way aisles which are acceptable to the Fire Marshal and meet minimum fire code requirements and meet UDC Section 7.5 (Parking & Loading). Full compliance with Code requirements will be made during the Construction Plan review. No additional issues related to circulation and traffic safety have been identified. See discussion Item #E for additional information.
<b>E. Off-street parking and loading facilities are designed to ensure that all such spaces are usable and are safely and conveniently arranged.</b>	<b>YES</b>	Parking and loading facilities are proposed and meet UDC Section 7.5 specific to the anticipated uses within the 4.801 +/- acre tract. See discussion Item #D for additional information.
<b>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.</b>	<b>YES</b>	Streets are in developed and in place. No additional street construction is needed. Internal circulation and private two-way drive aisles are discussed in Items #D & #E.
<b>G. Streets are coordinated so as to compose a convenient system consistent with the Thoroughfare Plan of the City.</b>	<b>YES</b>	Compliance and consistency with the Thoroughfare Plan is met. See discussion for Items #D, #E & #F for additional information.
<b>H. Landscaping and screening are integrated into the overall site design:</b> 1. To provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary. 2. To complement the design and location of buildings.	<b>YES</b>	While buffering and screening per UDC Section 7.7 are required, since this is a proposed Planned Development a higher standard of improvement is anticipated. The applicant has proposed enhanced landscaping for buffering and screening needs. In addition, exterior building materials composed of nearly 100% masonry materials such as rock and Exterior Insulation Finish Systems (EIFS) building materials are proposed for building facades. Since the final design for the 4.801 +/- acre tract may require unforeseen site plan adjustments, it is recommended that the Director of Planning be authorized discretion to require additional screening and/or landscaping if needed once the use has been established. There is currently as chain-link fence on the border of the adjacent apartment complex but no other landscaping is present.
<b>I. Open space areas are designed to ensure that such areas are suitable for intended recreation and conservation uses.</b>	<b>YES</b>	No parks are required as part of the proposed mini storage and site plan development proposal. No new park facilities are proposed as a result of the proposed mini storage and proposed 2nd phase of site plan development.
<b>J. Water, drainage, wastewater facilities, garbage disposal and other utilities necessary for essential services to residents and occupants are provided.</b>	<b>YES</b>	Water, wastewater and drainage facilities as well as other utilities are established and in place along South 31st Street & Waters Dairy Road. While a future subdivision plat for the entire 10.202 +/- acre tract and Construction Plan review process will evaluate specific requirements related to these facilities, it is not anticipated that this will prove problematic for the public site plan approval of the 4.801 +/- acre tract to proceed.



**NOTE:**

Future Phases are required to be submitted for Public Development Plan Approval. (Planning & Zoning Commission and City Council review.)

Curve Table			
Curve #	Length	Radius	Chord
C1	4.39'	868.51'	N16°57'57"E 4.39'

LEGEND

GRASS

20% MINIMUM IRRIGATED GRASS COVERAGE

MIX OF HARDWOOD TREES 2-4" IN DIAMETER

VEGETATIVE BUFFER MIX OF HEDGES BUSHES & TREES

TURLEY ASSOCIATES, INC.

ENGINEERING • PLANNING • SURVEYING

301 N. 3rd St. Temple, Texas 76501

254.773.2400 fax 254.773.3998

www.turley-inc.com

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SHEET TITLE:

4.801 ACRES

S. 31st STREET & WATERS DAIRY ROAD

5015 S. 31st STREET

TEMPLE, TEXAS 76504

DEVELOPED BY:

ECHO STATION TEMPLE, LLC

4102 GALAJA DRIVE

AUSTIN, TEXAS 78759

REVISIONS

DATE	DESCRIPTION	DFTR

DRAFTSMAN:

TJJ

DATE:

January 14, 2016

COMPUTER FILE NAME:

151028.CP.DWG

REFERENCE DRAWING NUMBERS:

12831-D

JOB NUMBER:

15-1028

DRAWING NUMBER:

13127-D

PAGE#

02

BEING a 10.202 acre tract of land situated in the MAXIMO MORENO SURVEY, ABSTRACT No. 14, Bell County, Texas and being all of that certain 10.202 acre tract of land described in a Warranty Deed dated August 11, 2015 from Irvin McCreary Allen and Raye Virginia Allen Cucolo to Echo Station, LLC and being of record in Document No. 2015-00031533, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northeast corner of the said 10.202 acre tract and being in the south right-of-way line of Waters Dairy Road as monumented, fenced and further evidenced on the ground and being the southeast corner of that certain 0.4939 acre tract of land (TRACT "A") described in a Warranty Deed dated January 28, 2002 from H. K. Allen to the City of Temple and being of record in Volume 4606, Page 803, Official Public Records of Bell County, Texas and being the northwest corner of that certain 10.478 acre tract of land described as Lot 1, Block 1, Echo Station Phase 2 according to the map or plat of record in Cabinet C, Slide 277-C, Plat Records of Bell County, Texas for corner;

THENCE departing the said 0.4939 acre tract and the said south right-of-way line and with the westerly boundary line of the said 10.478 acre tract with the east and south boundary lines of the said 10.202 acre tract the following three ( 3 ) calls:

- 1) S.  $16^{\circ} 25' 57''$  W., 246.00 feet ( calls S.  $16^{\circ} 25' 57''$  W., 246.00 feet ) to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the most easterly southeast corner of the said 10.202 acre tract for corner;
- 2) N.  $73^{\circ} 34' 03''$  W., 356.06 feet ( calls N.  $73^{\circ} 34' 03''$  W., 356.06 feet to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found for corner:
- 3) S.  $16^{\circ} 25' 57''$  W., 495.17 feet ( calls S.  $16^{\circ} 25' 57''$  W., 495.17 feet ) to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the most southerly southeast corner of the said 10.202 acre tract and being the southwest corner of the said 10.478 acre tract and being in the north boundary line of that certain 42.931 acre tract of land described as Stonegate III according to the map or plat of record in Cabinet D, Slide 188-A, Plat Records of Bell County, Texas for corner;

THENCE departing the said 10.478 acre tract and with the said north boundary line and with the south boundary line of the said 10.202 acre tract the following two ( 2 ) calls:

- 1) N.  $51^{\circ} 58' 18''$  W., 397.14 feet ( calls N.  $51^{\circ} 58' 18''$  W., 397.14 feet ) to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found for corner;
- 2) N.  $73^{\circ} 06' 12''$  W., 292.72 feet ( calls S.  $73^{\circ} 06' 12''$  E., 292.72 feet ) to a  $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said 42.931 acre tract and being the southwest corner of the said 10.202 acre tract and being in the east right-of-way line of Farm-to Market Highway No. 1741 ( also known as South 31<sup>st</sup> Street ) as monumented, fenced and further evidenced on the ground and as described as a 0.157 acre tract in a Deed dated September 23, 1997 from Irvin McCreary Allen, Raye Virginia McCreary Allen, H. K. Allen, and Henry Kiper Allen, Jr. and Raye Virginia Allen Cucolo to the State of Texas and being of record in Volume 4032, Page 290, Official Public Records of Bell County, Texas and being at the beginning of a non-tangent curve to the left having a radius equals 868.51 feet, chord bearing equals N.  $16^{\circ} 57' 57''$  E., 4.39 feet, central angle equals  $00^{\circ} 17' 23''$  for corner;

THENCE departing the said 42.931 acre tract and with the said east right-of-way line and the east boundary line of the said 0.157 acre tract and with the west boundary line of the said 10.202 acre tract the following two ( 2 ) calls:

- 1) 4.39 feet along the arc of said curve to the left to a Texas Department of Transportation brass cap right-of-way monument found for corner;
- 2) N. 16° 53' 48" E., 353.22 feet ( calls S. 16° 53' 48" W., 538.25 feet ) to a ½" iron rod found being the most westerly northwest corner of the said 10.202 acre tract and being the southwest corner of that certain 1.401 acre tract of land described as Lot 1, Block 1, Waters Dairy Addition according to the map or plat of record in Cabinet D, Slide, 385-B, Plat Records of Bell County, Texas for corner;

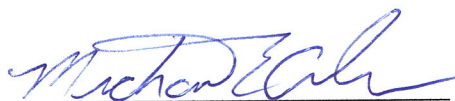
THENCE departing the said east right-of-way line and the said west boundary line and with the south and east boundary lines of the said Lot 1, Block 1, Waters Dairy Addition and with a north and west boundary line of the said 10.202 acre tract the following two ( 2 ) calls:

- 1) S. 73° 34' 05" E., 265.14 feet ( calls N. 73° 34' 05" W., 265.00 feet ) to a 1/2" iron rod found being the southeast corner of the said Lot 1, Block 1, Waters Dairy Addition for corner;
- 2) N. 16° 51' 07" E., 235.03 feet ( calls S. 16° 51' 07" W., 235.01 feet ) to the a ½" iron rod found being the northeast corner of the said Lot 1, Block 1, Waters Dairy Addition and being the most northerly northwest corner of the said 10.202 acre tract and being in the aforementioned south right-of-way line of Waters Dairy Road for corner;

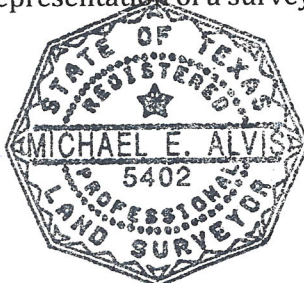
THENCE S. 73° 34' 03" E., 748.28 feet departing the said Lot 1, Block 1, Waters Dairy Addition and with the north boundary line of the said 10.202 acre tract ( calls S. 73° 34' 03" E., 748.28 feet ) and with the said south right-of-way line to the Point of BEGINNING and containing 10.202 acres of land.

\*\*\*\*\*

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 13, 2016



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 539.

THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 31' 23"

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999853

PUBLISHED CITY COORDINATES ARE N = 10,352,186.13 E = 3,222,622.54

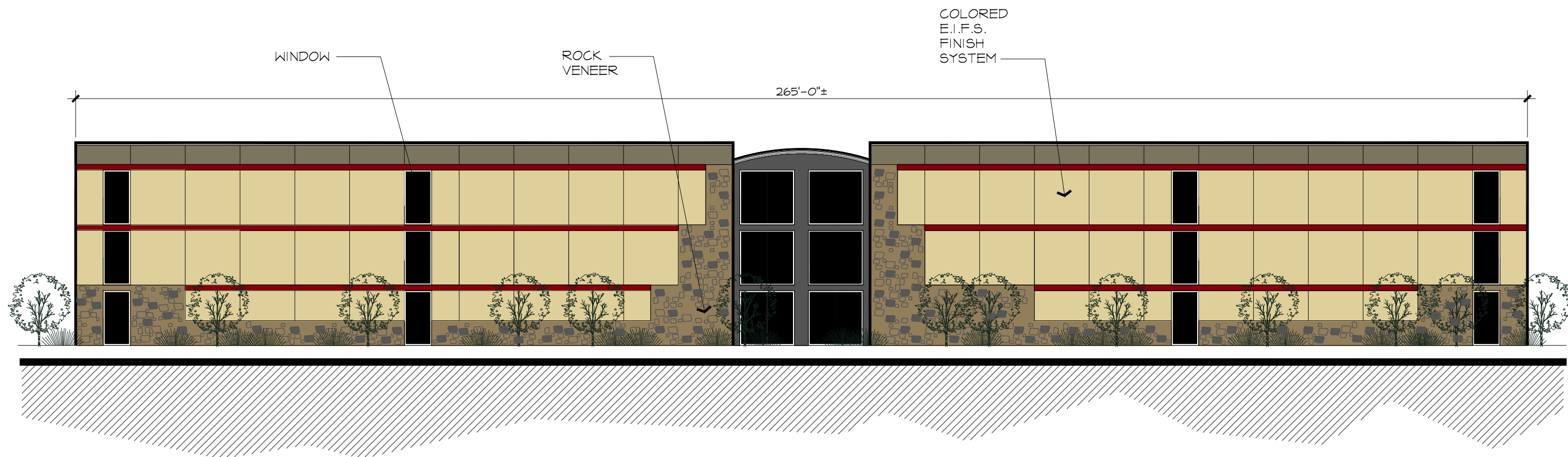
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POB OF THE 41.941 ACRE TRACT IS

N. 08° 37' 14" E., 6802.99 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

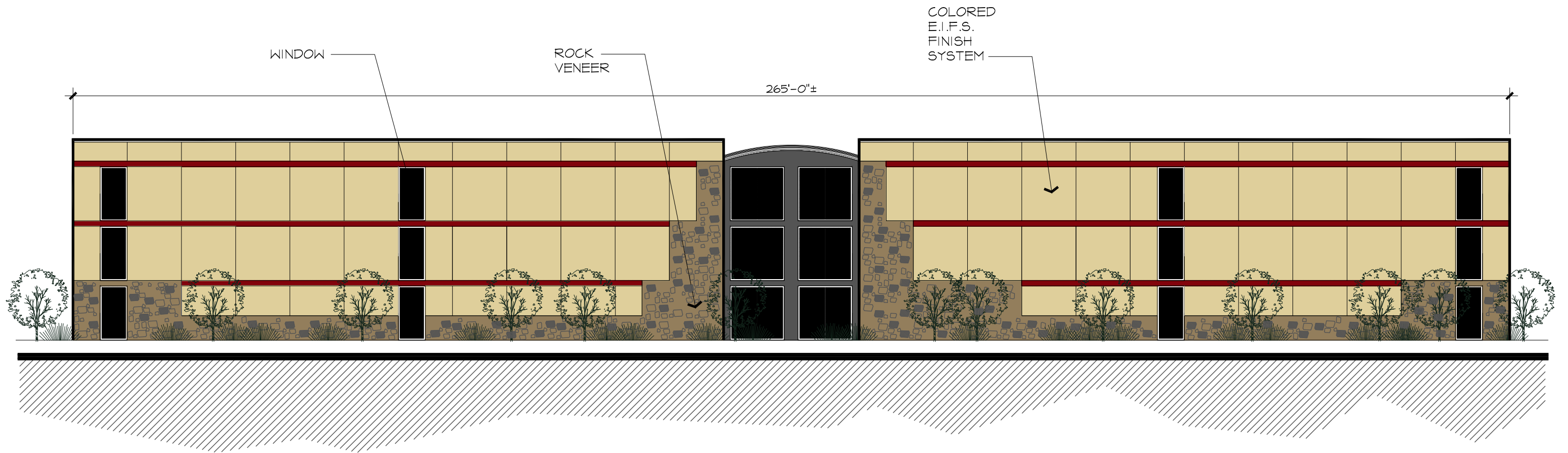
GEODETIC NORTH = GRID NORTH + THETA ANGL





# BUILDING STREET ELEVATION

ECHO STATION • TEMPLE • SCHEME A • 11/19/15



# BUILDING STREET ELEVATION

ECHO STATION • TEMPLE • SCHEME B • 11/19/15



# BUILDING STREET ELEVATION

ECHO STATION - TEMPLE - SCHEME C - 11/19/15



Spanish Southwest Park

PINO CIRCULO

PASEO DEL P

CALLE NOGAL

PASEO DEL COBRE

WATERS DAIRY RD

S 31ST ST

SANDSTONE LP

BEDROCK WAY

H K ALLEN PKWY

SHALE ROCK RUN

FLINT ROCK LN













PD-GR to PD-GR

## LOCATION MAP

Zoning Case :  
Z-FY-16-12

Address :  
5015 S. 31st Street

### Streets

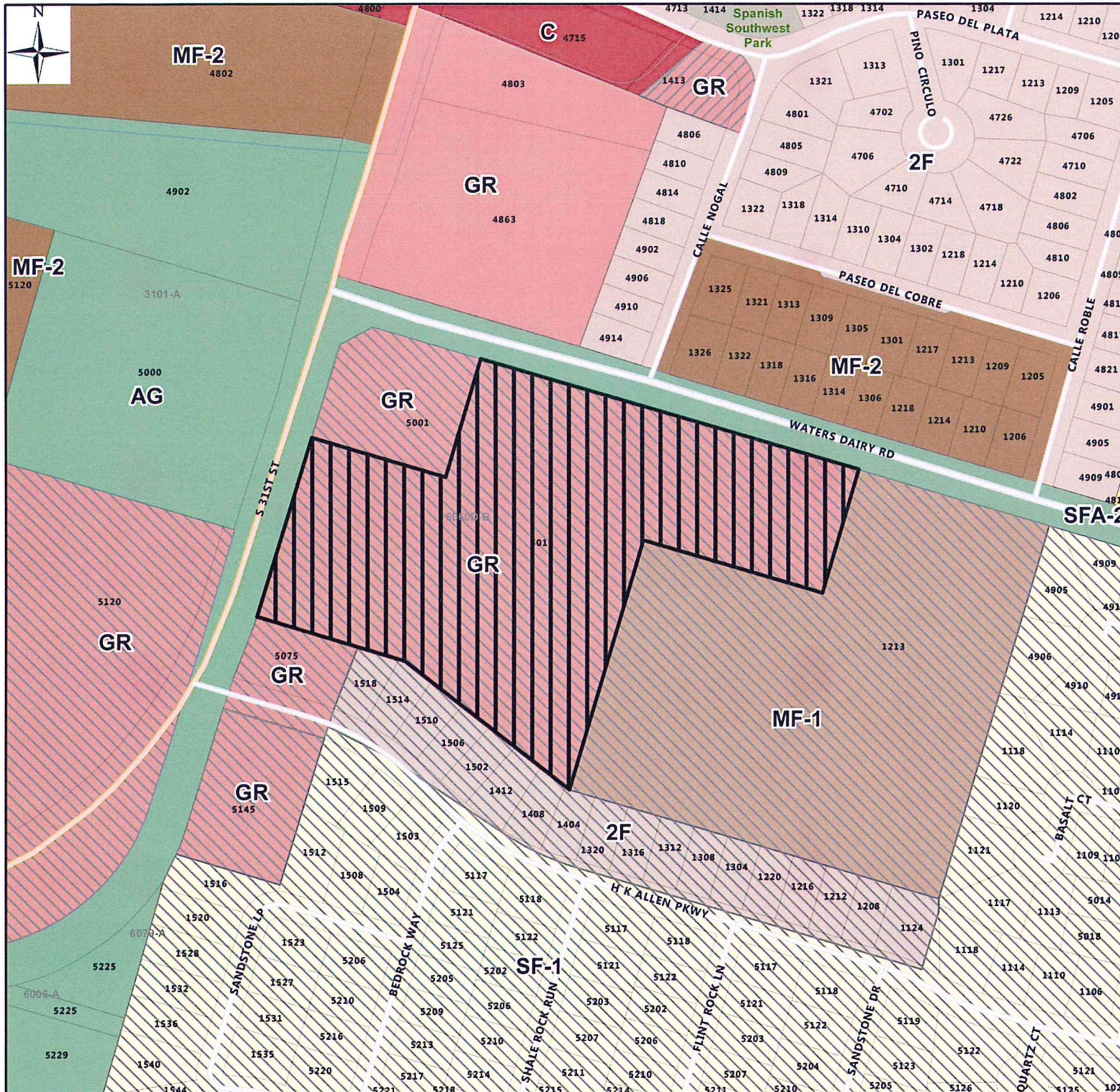
-  EXPRESSWAY
-  MAJOR ARTERIAL
-  COLLECTOR
-  LOCAL STREET
-  MINOR ARTERIAL
-  PRIVATE
-  RAMP
-  Railroad
-  Temple Municipal Boundary
-  Parcels
-  ETJ Parcels
-  CaseArea

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.

mbaker  
Date: 1/7/2016







PD-GR to PD-GR

## ZONING MAP

Zoning Case :

Z-FY-16-12

Address :

5015 S. 31st Street

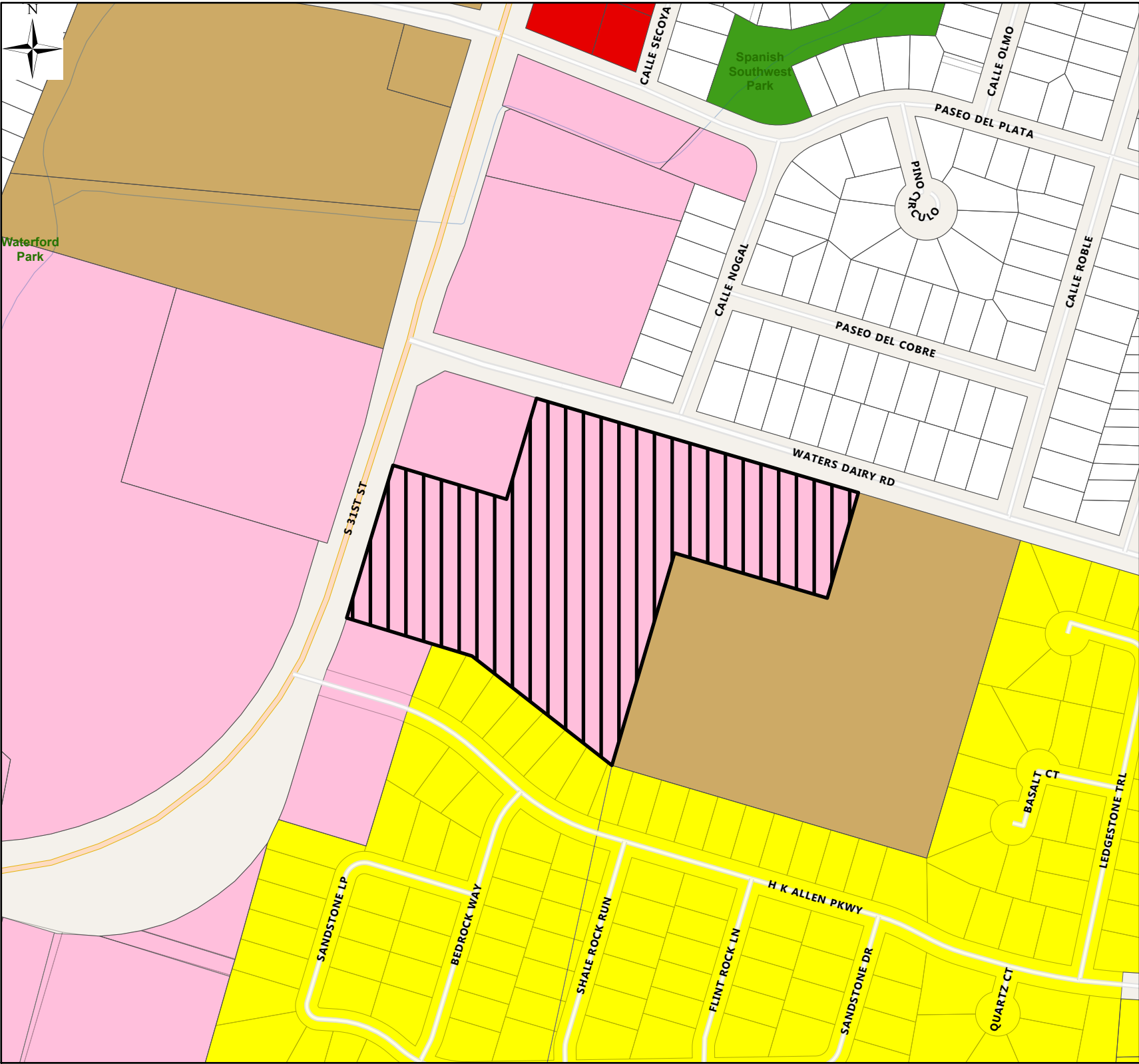
CurrentZoning	O-1	AG - CUP
HI - CUP	O-1 - CUP	MH
UE	O-1 - PD	MH - CUP
UE - PD	O-2	MH - PD
SF-1	O-2 - CUP	MU
SF-1 - CUP	O-2 - PD	MU - CUP
SF-1 - PD	NS	SD-C
SF-2	NS - CUP	SD-C - CUP
SF-2 - PD	NS - PD	SD-H
SF-3	GR	SD-H - CUP
SF-3 - PD	GR - CUP	SD-T
SF-3 - CUP, PD	GR - PD	SD-V
SFA	GR - CUP, PD	T4
SFA-2	CA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

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: 1/7/2016





PD-GR to PD-GR

## FUTURE LAND USE MAP

Zoning Case :  
Z-FY-16-12

Address :  
5015 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.

mbaker

Date: 1/7/2016





PD-GR to PD-GR

UTILITY MAP

Zoning Case :  
Z-FY-16-12

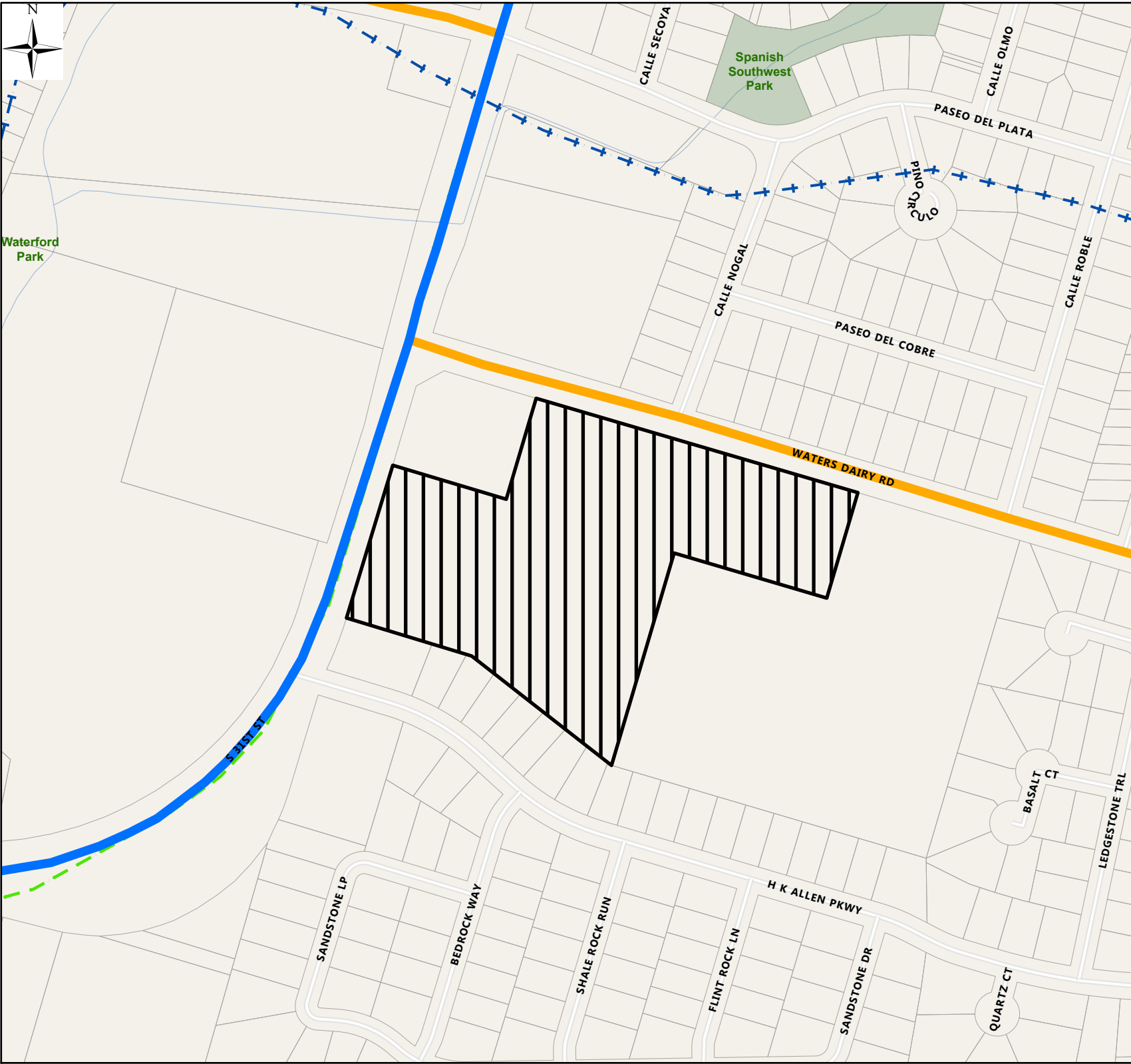
Address :  
5015 S. 31st Street

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

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

mbaker  
Date: 1/7/2016





PD-GR to PD-GR  
**THOROUGHFARE  
AND TRAILS MAP**

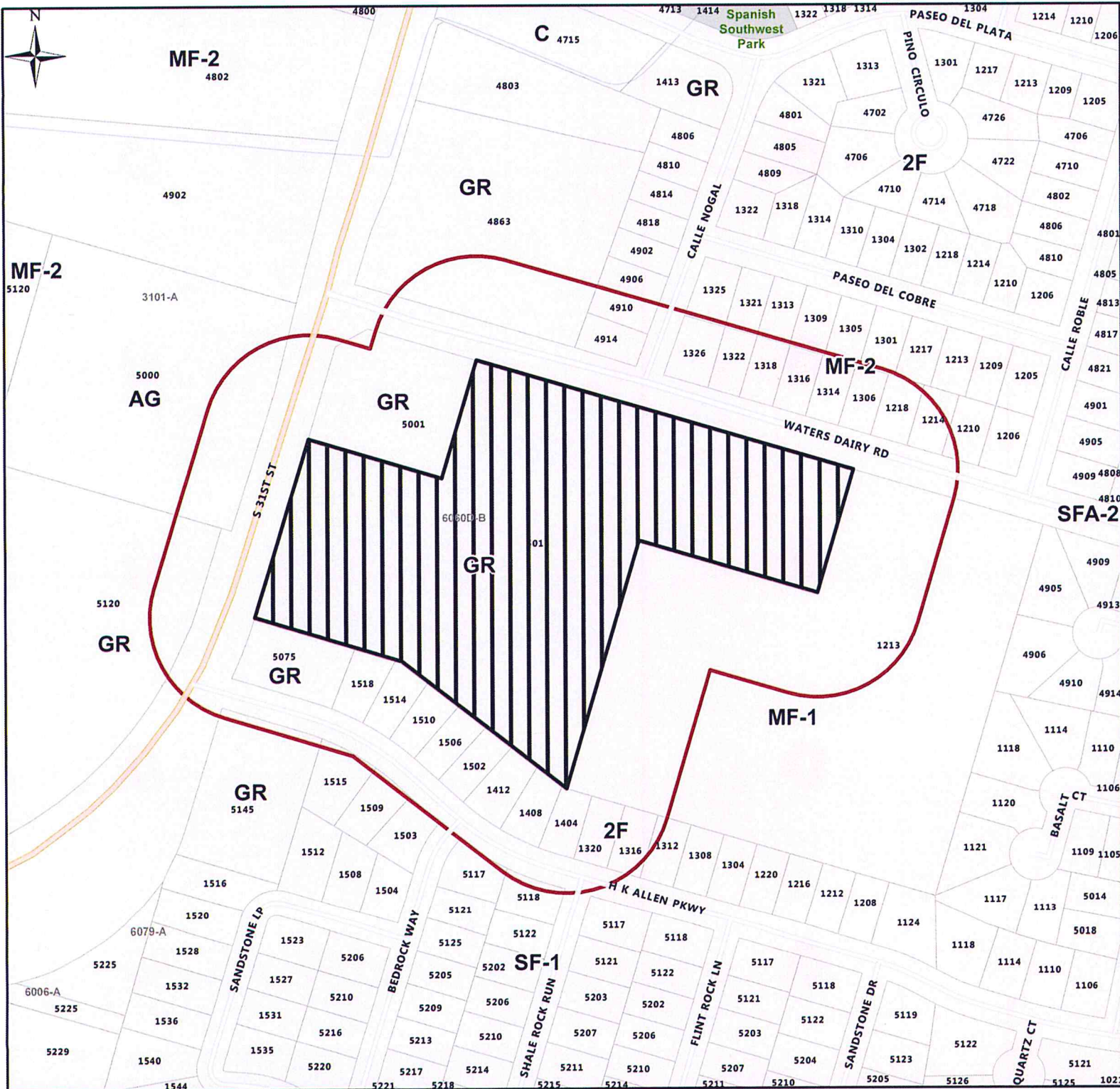
Zoning Case :  
Z-FY-16-12  
Address :  
5015 S. 31st Street

- 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.

mbaker  
Date: 1/7/2016





PD-GR to PD-GR  
200'  
NOTIFICATION MAP

Zoning Case :  
Z-FY-16-12  
Address :  
5015 S. 31st Street

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: 1/7/2016





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

DUNN, GEORGE E ETUX YUVONNE V  
1322 WATERS DAIRY RD  
TEMPLE, TX76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31<sup>st</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:

*We feel this would bring undesirables into the neighborhood, potential for drugs and activities that would put our neighborhood at risk for problems! please do not do this.*

RECEIVED

JAN 27 2016

City of Temple

Planning & Development

*George E. Dunn*  
Signature *Bonnie Dunn*

*George Dunn*  
Print Name *Bonnie Dunn*

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

Number of Notices Mailed: 43

Date Mailed: January 21, 2016



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

STRASBURGER ENTERPRISES INC  
PO BOX 6117  
TEMPLE, TX 76503-6117

**Zoning Application Number: Z-FY-16-12**

**Project Manager: Mark Baker**

**Location: 5015 S. 31<sup>st</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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---

*Penny Scott*  
**Signature**

*Penny Scott*  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.**

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

**RECEIVED**

**JAN 28 2016**

City of Temple  
Planning & Development

Number of Notices Mailed: 43.

Date Mailed: January 21, 2016



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

PINA-HERNANDEZ, VIRGINIA J ET VIR JUAN  
1318 WATERS DAIRY RD  
TEMPLE, TX 76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31<sup>st</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:

There will be criminal activity, lotteries, trash & a big eye sore. We already have lots of trash thrown in our yards. Bullets are behind the Echo Apts where it won't be seen.

Big Eye Sore

Virginia J. Piña  
Signature

Virginia J. Piña  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

RECEIVED

FEB - 1 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 43

Date Mailed: January 21, 2016



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

PATSCHKE, LARRY E  
1218 WATERS DAIRY RD  
TEMPLE, TX76502-3441

**Zoning Application Number: Z-FY-16-12**

**Project Manager: Mark Baker**

**Location: 5015 S. 31<sup>st</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:**

**RECEIVED**

**FEB - 1 2016**

City of Temple  
Planning & Development

**NO**

*Larry E. Patschke*  
**Signature**

**LARRY E. PATSCHKE**  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.**

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

**Number of Notices Mailed: 43**

**Date Mailed: January 21, 2016**



RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

MENDEZ, LIA R  
1326 WATERS DAIRY RD  
TEMPLE, TX 76502-3463

Zoning Application Number: Z-FY-16-12

Project Manager: Mark Baker

Location: 5015 S. 31<sup>st</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:

This is ridiculous! There are 2 storage  
facilities within 2 blocks! On the corner of Calle Nogal  
and Paseo de Plata & Winchester and 31<sup>st</sup>.

Lia Rodriguez, UBSN  
Signature

Lia Rodriguez, UBSN  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than February 1, 2016.

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

RECEIVED

FEB - 1 2016

City of Temple  
Planning & Development

Number of Notices Mailed: 43

Date Mailed: January 21, 2016

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

(PLANNING NO. Z-FY-16-12)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2006-4090 TO ALLOW CLIMATE-CONTROLLED MINI-STORAGE WAREHOUSES, SUBJECT TO A DEVELOPMENT PLAN, ON 4.801 ACRES ZONED PD-GR, AND TO APPROVE A CONCEPTUAL DEVELOPMENT PLAN ON 5.401 ACRES ZONED PD-GR, BOTH TRACTS BEING LOCATED WITHIN THE MAXIMO MORENO SURVEY, ABSTRACT NO. 14 AND ADDRESSED 5015 SOUTH 31<sup>ST</sup> STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the requested amendments affect 10.202 acres out of approximately 54.52 acres located generally at the southeast corner of South 31<sup>st</sup> Street and Waters Dairy Road and being part of the Planned Development approved by City Council on August 17, 2006, in Ordinance No. 2006-4090; and

**Whereas**, the Planning and Zoning Commission recommended on February 1, 2016, that Ordinance No. 2006-4090, be amended to:

- (1) add climate-controlled mini-storage warehouses as an allowed land use, subject to a Development Plan, on approximately 4.801 acres zoned PD-GR, and
- (2) approve a Conceptual Development Plan, subject to the requirement for a public hearing and approval of a Development Plan, on approximately 5.401 acres zoned PD-GR;

both tracts being located within the Maximo Moreno Survey, Abstract No. 14, and being addressed 5015 South 31<sup>st</sup> Street; and

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

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

**Part 1:** The City Council amends Ordinance No. 2006-4090, to add climate-controlled mini-storage warehouses as an allowed land use, subject to a Development Plan, on approximately 4.801 acres zoned Planned Development-General Retail (PD-GR), being located within the Maximo Moreno Survey, Abstract No. 14, and being part of the 10.202 acre tract that is more particularly described in field notes attached as Exhibit A to this Ordinance.

**Part 2:** The City Council approves the 4.801-acre Development Plan depicted in Exhibit B to this Ordinance, subject to the following conditions:

1. Construction of a six-foot-wide sidewalk along the entire property frontage on Waters Dairy Road;
2. Exterior elevations on mini-storage buildings that consist of a combination of (a) Exterior Insulation Finish Systems (EIFS), (b) fibrous masonry product that simulates a wood or stucco material to appear being laid up unit-by-unit and (c) rock veneer, in substantial compliance with the elevations shown in Exhibit C to this Ordinance;
3. Metal awnings to provide additional architectural relief to the entrances of each building;
4. Compliance with UDC Section 7.1.8, Performance Standards, to assure that exterior lighting will not create light trespass;
5. Signage on the north, east and south building facades, externally illuminated to prevent glare and light trespass onto neighboring properties; and
6. Not more than two stories in the four mini-storage buildings fronting along and closes to Waters Dairy Road.

The Planning Director is authorized to approve minor changes to the elements of the Development Plan, including but not limited to screening, buffering, landscaping, signage, exterior building materials and modification of the overall site layout. Substantial changes require approval by City Council.

**Part 3:** The City Council amends Ordinance No. 2006-4090, to approve the Conceptual Development Plan depicted in Exhibit B to this Ordinance, subject to the requirement for a public hearing and approval of a Development Plan, on approximately 5.401 acres zoned Planned Development-General Retail (PD-GR), being located within the Maximo Moreno Survey, Abstract No. 14, and being part of the 10.202 acre tract that is more particularly described in field notes attached as Exhibit A to this Ordinance.

**Part 4:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 5:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the **3<sup>rd</sup>** day of **March**, 2016.

PASSED AND APPROVED on Second Reading on the **17<sup>th</sup>** day of **March**, 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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03/17/16  
Item #4(Q)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution declaring the candidate for the May 7, 2016, District 1 City Councilmember as unopposed and elected to office; thereby canceling the election for Councilmember District 1.

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

**ITEM SUMMARY:** On February 4, 2016, the City Council ordered an Election for May 7, 2016, for both the District 1 Councilmember and the District 4 Councilmember.

The Election Code permits the cancellation of an election under certain circumstances. This is the fifth opportunity the City of Temple has had to cancel an election.

In order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district; that no write-in candidates have filed to be placed on the list of write-in candidates for this place; and that no proposition is to appear on the ballot. These certifications have been made on the attached *Certification of Unopposed Candidates* regarding the District 1 Councilmember election only.

Since there is only one candidate for this seat, the incumbent, Timothy Davis, the Council can declare the unopposed candidate for District 1 elected to office, thereby canceling the May 7, 2016 election for this race only. The *Order of Cancellation*, also attached, will be posted on Election Day at these polling places. The Certificate of Election will be presented to Mr. Davis following the May 7<sup>th</sup> election date.

The election for District 4 Councilmember is opposed with two candidates filing for election; and therefore will still be held on May 7, 2016.

**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:**

[Certificate of Unopposed Candidate - to be provided](#)  
[Order of Cancellation - to be provided](#)  
[Resolution](#)

RESOLUTION NO. 2016-8074-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, DECLARING THE CANDIDATE FOR THE MAY 7, 2016, DISTRICT 1 CITY COUNCILMEMBER ELECTION AS UNOPPOSED AND ELECTED TO OFFICE, THEREBY CANCELLING THE DISTRICT 1 CITY COUNCILMEMBER ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on February 4, 2016, the City Council ordered an Election for May 7, 2016, for both the District 1 Councilmember and the District 4 Councilmember seats;

**Whereas**, the Election Code permits the cancellation of an election under certain circumstances and in order to cancel an election in the City, the City Secretary must certify in writing to the City Council that only one candidate's name is to appear on the ballot for the election in a particular district; that no write-in candidates have filed to be placed on the list of write-in candidates for this place; and that no proposition is to appear on the ballot;

**Whereas**, these certifications have been made on Exhibit 'A' attached, entitled '*Certification of Unopposed Candidates*' regarding the District 1 Councilmember election only - this is the fifth opportunity the City of Temple has had to cancel an election;

**Whereas**, since there is only one candidate for this seat, the incumbent, Timothy Davis, the Council can declare the unopposed candidate for District 1 elected to office, thereby canceling the May 7, 2016 election for District 1 Councilmember seat only;

**Whereas**, the '*Order of Cancellation*', attached here to as Exhibit 'B,' will be posted on Election Day at polling locations and the Certificate of Election will be presented to Mr. Davis following the May 7<sup>th</sup> election date;

**Whereas**, the election for District 4 Councilmember is opposed with two candidates filing for election and therefore will still be held on May 7, 2016;

**Whereas**, funding for the 2016 General Election was authorized in the City Secretary's fiscal year 2016 budget and appropriated in Account No. 110-1400-511-2517;

**Whereas**, all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election; and

**Whereas**, the City Council of the City of Temple, Texas 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:**

**Part 1:** The City Council of the City of Temple, Texas accepts the attached '*Certification of Unopposed Status*' of Candidates for District 1 Councilmember for the May 7, 2016 General Election as submitted by the City Secretary.

**Part 2:** It is 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 **17<sup>th</sup>** day of **March**, 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

---

03/17/16  
Item #4(R)  
Consent Agenda  
Page 1 of 1

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

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing election judge(s) and setting their compensation for the City's General election to be held on Saturday, May 7, 2016.

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

**ITEM SUMMARY:** This proposed resolution recommends the appointment of election judge(s) and sets their compensation for the City's General election to be held on Saturday, May 7, 2016.

On February 4, 2016, the City Council ordered an Election for May 7, 2016, for both the District 1 Councilmember and the District 4 Councilmember.

Attached is a resolution for election judges being recommended for appointment at the election day polling place and for the Early Voting Ballot Board. The compensation for election judge and clerks is recommended to be set at \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

The Election Judge(s) and members of the Early Voting Ballot Board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the Early Voting Ballot Board is recommended to be \$50.

**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. 2016-8075-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPOINTING ELECTION JUDGES AND SETTING THEIR COMPENSATION FOR THE CITY OF TEMPLE GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2016,; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, on February 4, 2016 the City Council ordered a General Election for the election of District 1 and District 4 Councilmembers;

**Whereas**, the election judges for the May 7, 2016, General Election need to be appointed and their compensation needs to be set by the City Council;

**Whereas**, compensation for election judges and clerks is recommended to be set at \$10 per hour in accordance with the provisions of §32.091 of the Election Code;

**Whereas**, funding for the 2016 General Election was authorized in the City Secretary's fiscal year 2016 budget and appropriated in Account No. 110-1400-511-2517;

**Whereas**, all other entities holding joint elections with the City will pay their pro rata share of the total cost of conducting the election; 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 following persons are hereby appointed presiding judges and alternate presiding judges, respectively, for the May 7, 2016, election:

<b><i>Election Day Polling Location</i></b>	Fred Poteet Building 120 West Central Avenue
Presiding Judge	????????????????????
Alternate Presiding Judge	????????????????????
<b><i>Early Voting Location</i></b>	Municipal Building, 2 North Main Street (between Central and Adams)
Presiding Judge	????????????????????
Alternate Presiding Judge	????????????????????

**Part 2:** In the case of death, inability or refusal of any person appointed as a presiding judge to act, the Mayor shall have the authority and he is hereby directed to appoint some suitable person or persons to act instead. The presiding judges for each city council election district are authorized to appoint not less than two or more than three election clerks to assist the judge in the conduct of the election at the polling place served by the judge. The Early Voting Ballot Board shall count the ballots cast during early voting for the election in accordance with the requirements of chapter 87 of the Texas Election Code. Early voting ballots will in every case be treated as a separate precinct and a separate set of returns will be made for early voting ballots.

**Part 3:** As compensation for services rendered at the precinct polling place, election judges and clerks shall receive \$10.00 per hour in accordance with provisions in §32.091 of the Election Code. The election judge or clerk who delivers the precinct election records, keys to ballot boxes or other election equipment, and unused election supplies after an election is entitled to compensation for that service in an amount not to exceed \$25.

**Part 4:** The election judge and members of the early voting ballot board are entitled to the same compensation as presiding election judges, in accordance with provisions in §87.005 of the Election Code, however, the minimum compensation to each member of the early voting ballot board shall be \$50.

**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 17<sup>th</sup> day of **March**, 2016.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/17/16  
Item #4(S)  
Consent Agenda  
Page 1 of 1

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

Brynn Myers, Assistant City Manager  
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 market adjustment for the Assistant Fire Chief classification, to be effective March 25, 2016.

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

**ITEM SUMMARY:** The FY 2016 Budget includes an allocation for the implementation of updated Civil Service-Fire and Civil Service-Police Pay Schedules based on an updated Compensation/Market Study conducted in 2015. Funding to add an Assistant Fire Chief classification and delete a Deputy Fire Chief classification was also approved in the FY 2016 Adopted Budget.

On August 27, 2015, the City Council adopted a resolution amending the City of Temple Civil Service-Fire and Civil Service-Police Pay Schedules, based on an updated Compensation/Market Study, to be effective March 25, 2016. On February 4, 2016, the City Council adopted a resolution amending the City of Temple Civil Service-Fire Pay Schedule to include the Assistant Fire Chief position; however the pay schedule presented did not include the scheduled market adjustment for the Assistant Fire Chief position.

This proposed resolution amends the City of Temple Civil Service-Fire Pay Schedule to include the market adjustment for the Assistant Fire Chief position, to be effective March 25, 2016.

**FISCAL IMPACT:** The FY 2016 Budget includes an allocation of \$765,000 for the implementation of the updated pay schedules to include the Assistant Fire Chief position.

**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 Assistant Fire Chief</b>						
1 7th Anniversary	\$ 89,904		\$ 91,702		\$ 1,798	2.00%
2 9th Anniversary	\$ 93,051	3.50%	\$ 94,912	3.50%	\$ 1,861	2.00%
3 15th Anniversary	\$ 96,307	3.50%	\$ 98,233	3.50%	\$ 1,926	2.00%

RESOLUTION NO. 2016-8076-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CITY OF TEMPLE CIVIL SERVICE – FIRE PAY SCHEDULE TO INCLUDE THE MARKET ADJUSTMENT FOR THE ASSISTANT FIRE CHIEF CLASSIFICATION, TO BE EFFECTIVE MARCH 25, 2016; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the fiscal year 2016 budget includes an allocation for the implementation of updated Civil Service-Fire and Civil Service-Police Pay Schedules based on an updated Compensation/Market Study conducted in 2015;

**Whereas**, funding to add an Assistant Fire Chief classification and delete a Deputy Fire Chief classification was approved in the fiscal year 2016 Adopted Budget;

**Whereas**, on August 27, 2015, City Council adopted a resolution amending the City of Temple Civil Service-Fire and Civil Service-Police Pay Schedules based on an updated Compensation/Market Study, to be effective March 25, 2016;

**Whereas**, on February 4, 2016, City Council adopted a resolution amending the City of Temple Civil Service-Fire Pay Schedule to include the Assistant Fire Chief position, however the pay schedule presented did not include the scheduled market adjustment for the Assistant Fire Chief position;

**Whereas**, Staff recommends amending the City of Temple Civil Service-Fire Pay Schedule to include the market adjustment for the Assistant Fire Chief position to be effective March 25, 2016;

**Whereas**, the fiscal year 2016 budget includes an allocation for the implementation of the updated pay schedules to include the Assistant Fire Chief position; 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 market adjustment for the Assistant Fire Chief classification, to be effective March 25, 2016, attached hereto 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 **17<sup>th</sup>** day of **March, 2016**.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Kayla Landeros  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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03/17/16  
Item #4(T)  
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 \$9,300,836.

**ATTACHMENTS:**

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

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**March 17, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
365-3400-531-6532		Capital - Special Projects / Contingency	\$ 201,952	
365-3400-531-6527	100955	Capital - Special Projects / Overlay		\$ 201,952
To reallocate unused funds from the completion of the FY 2015 Legacy Pavement Preservation Program into Contingency for future use.				
110-2011-521-2514		Other Services / Travel & Training	\$ 9,429	
110-0000-442-0720		Police Revenue / Police Revenue		\$ 9,429
To appropriate revenue and expenditures related to the annual payment from the Law Enforcement Office and Education (LEOSE) for expenses related to continuing education.				
110-2041-521-2538		Other Services / Crime Victim Expenditures	\$ 92	
110-0000-442-0723		Police Revenue / DARE Donations		\$ 92
To appropriate revenue and expenditures related to the funding received from GRC Wireless in the amount of \$91.88 from cell phone recycling funds.				
110-3500-552-6222	101485	Capital Equipment / Machinery & Equipment - Mower	\$ 10,527	
110-3500-552-6222	101485	Capital Equipment / Machinery & Equipment - Mower	\$ 6,836	
110-0000-461-0554		Insurance Claims / Insurance Claims		\$ 17,363
To allocate insurance proceeds from TML in the amount of \$17,363.20 for two mowers that were stolen from Parks' Maintenance Shop in January 2016. The two mowers stolen included a 2008 Hustler Mower and a 2015 Scag Mower.				
260-3400-531-6862	101257	Capital / Prairie View Road Improvements, Phase II	\$ 6,480,000	
260-0000-431-0163		Federal Grants / Federal Grants		\$ 3,888,000
260-0000-490-2582		Transfer In / Transfer In - TCIP Funds		\$ 2,592,000
365-9100-591-8160		Transfer Out / Transfer Out - Grant Funds	\$ 2,592,000	
365-3400-531-6862	101257	Capital - Bonds / Prairie View Road Improvements, Phase II		\$ 2,592,000
To appropriate funding from KTMPO for award of a grant in the amount of \$3,888,000. In addition, this budget adjustment will also appropriate funding for the City's matching funds in the amount of \$2,592,000. The total construction costs for Prairie View Road Improvements, Phase II is \$6,480,000.				
<b>TOTAL AMENDMENTS</b>			<b>\$ 9,300,836</b>	<b>\$ 9,300,836</b>
<b>GENERAL FUND</b>				
Beginning <b>Contingency</b> Balance			\$ -	
Added to Contingency Sweep Account			-	
Carry forward from Prior Year			-	
Taken From Contingency			-	
Net Balance of Contingency Account			\$ -	
Beginning <b>Judgments &amp; Damages</b> Contingency			\$ 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>			<b>\$ 9,912</b>	
Beginning Balance <b>Budget Sweep</b> Contingency			\$ -	
Added to Budget Sweep Contingency			-	
Taken From Budget Sweep			-	
Net Balance of Budget Sweep Contingency Account			\$ -	

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2016 BUDGET**  
**March 17, 2016**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		<b>WATER &amp; SEWER FUND</b>		
		Beginning <b>Contingency</b> Balance		\$ 50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(23,198)
		Net Balance of Contingency Account		\$ 26,802
		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>		<b>\$ 26,802</b>
		<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>\$ -</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>	<b>\$ -</b>	
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$ -	
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(59,221)
		Net Balance of Contingency Account		<b>\$ 9,868</b>

RESOLUTION NO. 2016-8077-R

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

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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 17<sup>th</sup> day of **March**, 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



## CITY COUNCIL ITEM MEMORANDUM

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03/17/16  
Item #5  
Regular Agenda  
Page 1 of 5

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

Mark Baker, Senior Planner

**ITEM DESCRIPTION:** FIRST READING - PUBLIC HEARING - Z-FY-16-14 – Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) to General Retail (GR) on 3.00 +/- acres of land, situated in the Baldwin Robertson Survey, Abstract 17, Bell County, Texas, located at 9151 State Highway 317.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At their February 16, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning from AG to GR.

**STAFF RECOMMENDATION:** Based on the following, staff recommends approval for a rezoning from Agriculture (AG) district to General Retail (GR) district for the following reasons:

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

**ITEM SUMMARY:** The subject property contains a 2.00 +/- acre tract conveyed as Tract One and a 1.00 +/- acre tract conveyed as Tract Two for a total of 3.00 +/- acres, which is being proposed for rezoning from General Agriculture (AG) to General Retail (GR).

A companion final plat (P-FY-16-17) was reviewed by the Development Review Committee (DRC) for the same 3.00 +/- acre tract of land on February 4, 2016. At this time, the plat is anticipated to be processed administratively. The plat however, will show the conceptual realignment of Prairie View Road. This realignment, along with some acquired right-of-way, will place the subject property near the new south east corner of SH 317 and Prairie View Road.

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

<b>Permitted &amp; Conditional Use Table - General Retail (GR)</b>	
<b>Agricultural Uses</b>	* Farm, Ranch or Orchard
<b>Residential Uses</b>	* Single Family Residence (Detached & Attached) * Duplex * Townhouse * Industrialized Housing * Family or Group Home * Home for the Aged
<b>Retail &amp; Service Uses</b>	* Most Retail & Service Uses * Alcoholic Beverage Sales, off-premise consumption, package Store (CUP)
<b>Commercial Uses</b>	* Plumbing Shop * Upholstery Shop * Kennel without Veterinary Hospital (CUP) * Indoor Flea Market
<b>Industrial Uses</b>	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
<b>Recreational Uses</b>	* Park or Playground * Beer & Wine (On Premise Consumption) < 75%
<b>Vehicle Service Uses</b>	* Auto Leasing, Rental * Auto Sales - New & Used (outside Lot) * Car Wash * Vehicle Servicing (Minor)
<b>Restaurant Uses</b>	* With & Without Drive-In
<b>Overnight Accommodations</b>	* Hotel or Motel
<b>Transportation Uses</b>	* Emergency Vehicle Service * Helistop

Prohibited uses include HUD-Code manufactured homes and land lease communities, most commercial uses and industrial uses.

Surrounding Property & Uses			
<u>Direction</u>	<u>FLUP</u>	<u>Zoning</u>	<u>Current Land Use</u>
Site	Suburban Commercial	AG	Existing Residence & Undeveloped
North	Suburban Commercial	AG & GR	Undeveloped
South	Suburban Commercial	AG & GR	Commercial Use
East	Suburban Commercial & Agriculture	AG	Undeveloped
West	Suburban Commercial	GR & AG	Undeveloped

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

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

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

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

The subject property is entirely within the Suburban Commercial land use district. While office and retail service-related zoning districts are typically consistent with the Suburban Commercial land use district, the GR zoning is in-compliance for this location. In these circumstances, staff evaluates the appropriateness of GR on a case by case basis. While the GR zoning district lends itself more to the Auto-Urban Commercial land use district, the presence of existing GR and the location of arterial roads as well as future development trends for an area influence the consideration of GR consistency. In this case, since the subject property would have direct access to SH 317, a major Thoroughfare with the presence of GR-zoning in the immediate vicinity, the request to GR is considered consistent with the Future Land Use Plan. A similar situation is the presence of GR-supported zoning along Old Waco Road, the Outer Loop, where the Future Land Use Plan designation is also Suburban Commercial.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from State Highway 317 and the existing alignment of Prairie View Road. The realignment of Prairie View Road as an arterial is shown on the most current Thoroughfare Plan and would go around the subject property and connect north of the subject property. While it is uncertain for the disposition the fronting alignment of Prairie View Road, is for cul-de-sac or removal altogether, has not been determined by Public Works. The remaining section of Prairie View Road has been reclassified as a local street.

Availability of Public Facilities (CP Goal 4.1)

Sewer is available to the subject property through an existing 10-inch sewer line in State Highway 317. Water is available through either an existing 2-inch waterline in SH 317 or a 6-inch waterline in Prairie View Road.

Temple Trails Master Plan Map and Sidewalks Ordinance

The Trails Master Plan identifies a proposed Community-Wide Connector Trail along both the current alignment of Prairie View Road and State Highway 317. The realignment of Prairie View Road is a funded TCIP project and anticipated to begin in February 2017. A 6-8-foot trail may be constructed in the ROW of State Highway 317 in conjunction with the anticipated widening project. However, TxDOT confirmed that no sidewalk is included in their scope of construction for widening. Therefore, a 6-foot sidewalk would be the responsibility of the owner / developer. The City may participate in the upsizing costs associated with trail improvement and construction. TxDOT Construction for the State Highway 317 widening project is anticipated to begin in the spring of 2016.

**DEVELOPMENT REGULATIONS:** Non-residential setbacks in the Agriculture (AG) & General Retail (GR) districts are:

	Current (AG)	Proposed (GR)
Minimum Lot Size	N/A	N/A
Minimum Lot Width	N/A	N/A
Minimum Lot Depth	N/A	N/A
Front Setback	50 Feet	15 Feet
Side Setback	20 Feet	10 Feet
Side Setback (corner)	15 Feet	10 Feet
Rear Setback	10 Feet	0 Feet
Max Building Height	3 Stories	3 Stories

**PUBLIC NOTICE:** Nine notices to 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 March 8, 2016 at 12:00 PM, two notices, representing three properties in agreement have been received.

The newspaper printed notice of the public hearing on February 5, 2016, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

Site and Surrounding Property Photos  
Final Plat for Angelica Acres (Exhibit A)  
Aerial Map / Location Map  
Realignment Map of Prairie View Road  
Zoning Map  
Future Land Use and Character Map  
Thoroughfare & Trails Map  
Utility Map  
Notification Map / Returned Property Notices  
Ordinance

## Site & Surrounding Property Photos



**Site – Prairie View Frontage: Undeveloped (AG)**



**Site – SH 317 Frontage: Partially Developed with Existing Use (AG)**



**Site – SH 317 Frontage: Undeveloped (AG)**



**North: Scattered Retail - Service & Utility Uses (AG & GR)**



**East: Undeveloped & Scattered Residences on Acreage (AG)**



**West (Across SH 317): Undeveloped (AG)**



**South: Existing Equipment Rental Store (AG)**



**South: Undeveloped & Developing Single Family Residential  
Lake Pointe Phases I & II subdivision  
(AG, GR & SF-2)**















AG to GR

## AERIAL MAP

Zoning Case :  
Z-FY-16-14

Address :  
9151 State Hwy 317

### Streets

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

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

mbaker

Date: 1/20/2016

















AG to GR

## LOCATION MAP

Zoning Case :  
Z-FY-16-14

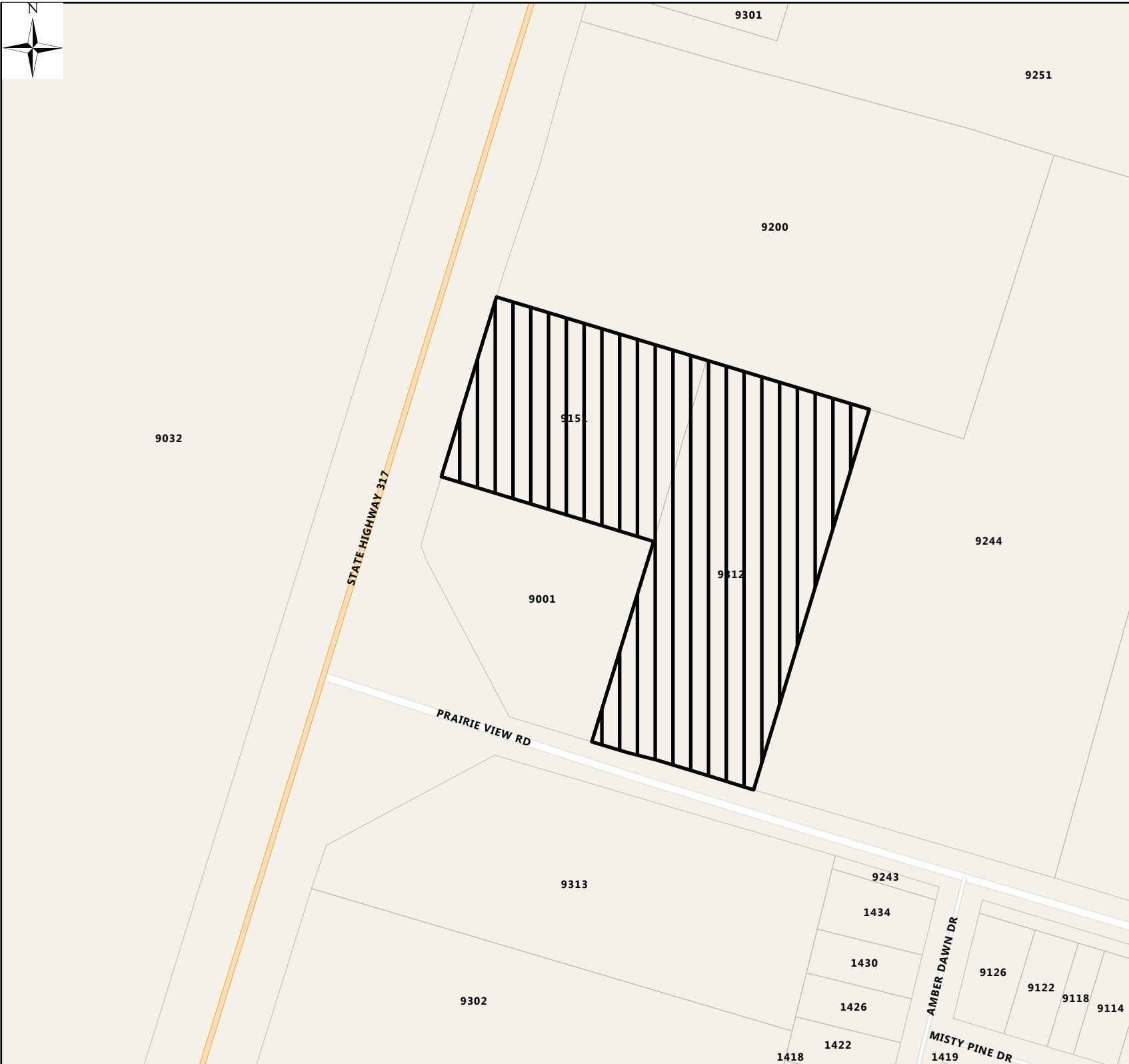
Address :  
9151 State Hwy 317

### Streets

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

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

mbaker  
Date: 1/20/2016



BEING 3.00 ACRES SITUATED IN THE BALDWIN ROBERTSON  
SURVEY, ABSTRACT 17, BELL COUNTY, TEXAS.

RONALD E. COX and ANGELICA H. COX, TRUSTEES, OWNERS OF THE LAND SHOWN ON THIS PLAT AND DESIGNATED HEREIN AS **ANGELICA ACRES**, WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RONALD E. COX, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ANGELICA H. COX, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

I, THE UNDERSIGNED, DIRECTOR OF PLANNING OF THE CITY OF TEMPLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF TEMPLE, IT QUALIFIES FOR ADMINISTRATIVE PLAT APPROVAL AS PROVIDED IN THIS ORDINANCE, AND IT IS HEREBY APPROVED.

The Tax Appraisal District of Bell County, the taxing authority for all taxing entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

By: Bell County Tax Appraisal District

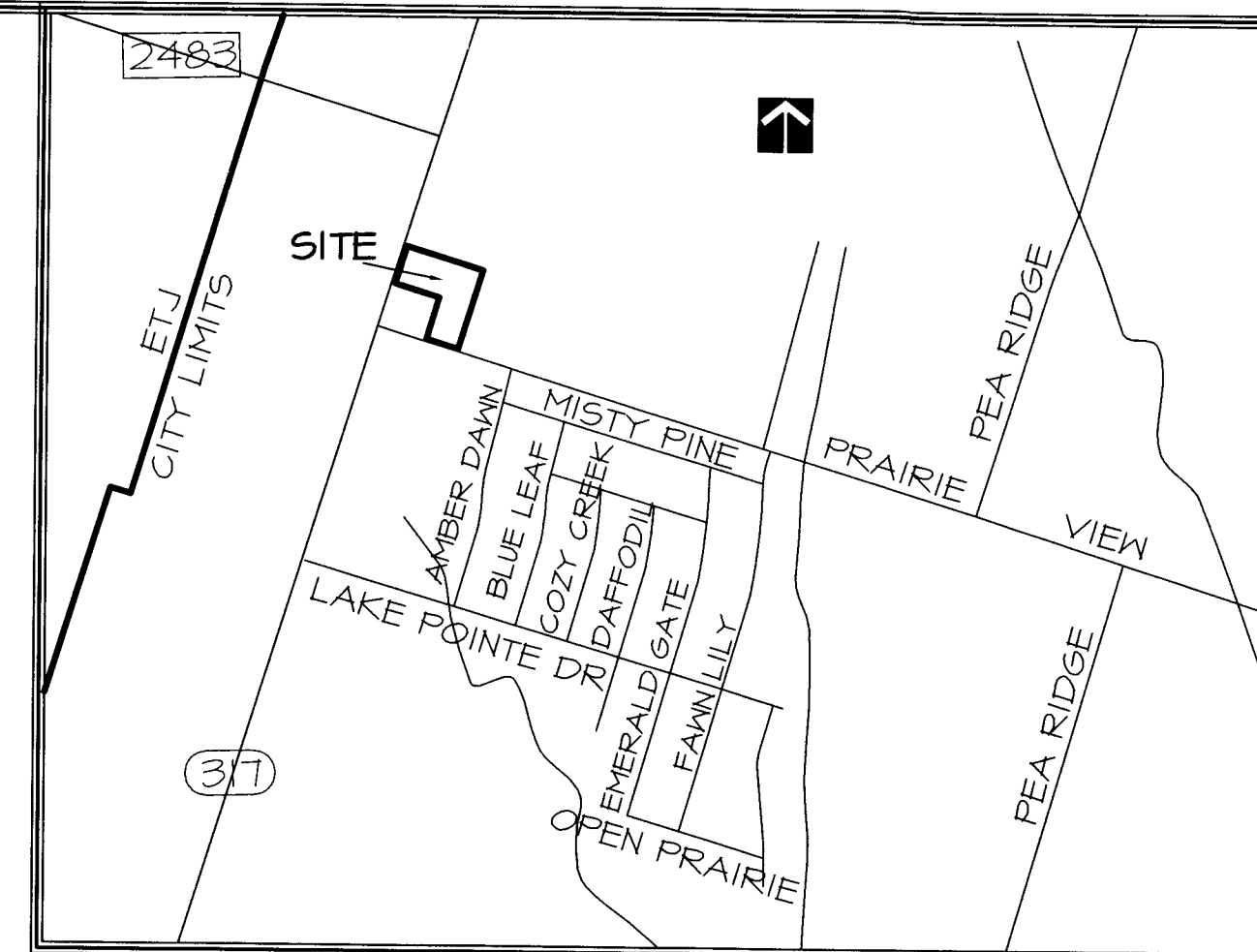
THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY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

CHARLES C. LUCKO, R.P.L.S.  
REGISTRATION NO. 4636

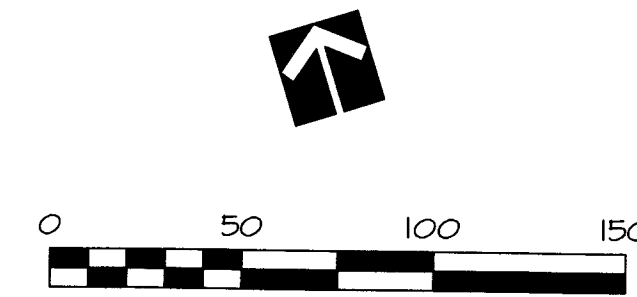
This project is referenced to the City of Temple Coordinate System, NAD 83, Texas Central Zone. All distances are horizontal surface distances unless noted and all bearings are grid bearings. All coordinates are referenced to City Monument No. 145. The theta angle at City Monument No. 145 is  $01^{\circ}24'35"$ . The combined correction factor (CCF) is 0.999851. Grid distance = Surface distance X CCF. Geodetic north = Grid north + theta angle. Reference tie from City monument No. 145 to the northwest corner of this 3.00 Acre tract is  $5'13^{\circ}20'52"$  W  $1722.35$  feet. Published City coordinates for project reference point 145 are N = 10,342,013.38 E = 3,203,350.40

Based upon what can be ascertained from the graphics shown on FEMA Flood Insurance Rate Map (FIRM), Map No. 48027C010E, effective date September 26, 2008, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

LOTS - ONE (1)  
BLOCKS - ONE (1)  
AREA - 3.00 ACRES



VICINITY MAP - N.T.S.



FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016,  
IN YEAR 2016, PLAT # \_\_\_\_\_, PLAT RECORDS OF BELL COUNTY, TEXAS.  
DEDICATION INSTRUMENT # \_\_\_\_\_, OFFICIAL RECORDS OF BELL  
COUNTY, TEXAS.

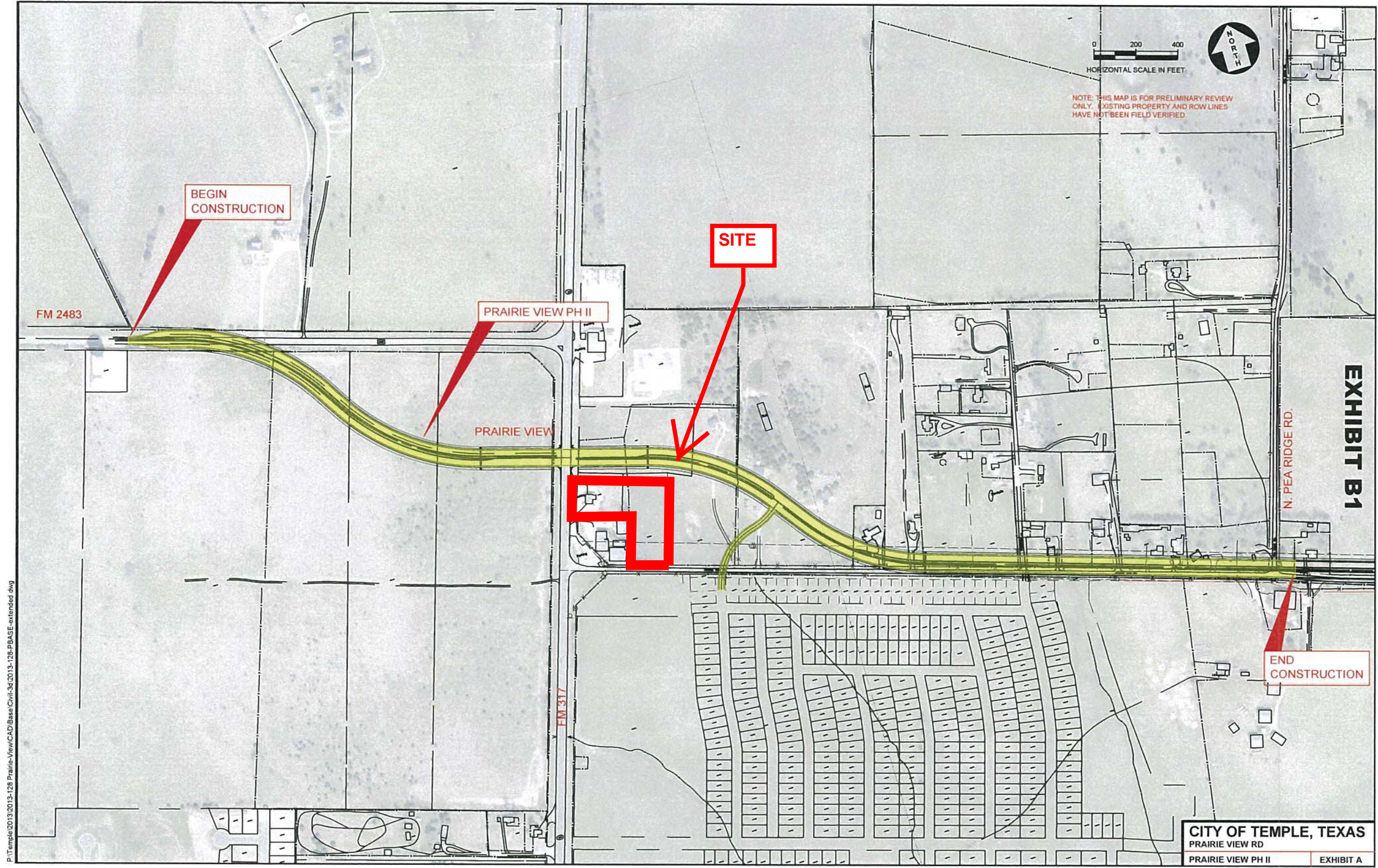
FINAL PLAT of  
ANGELICA ACRES  
WITHIN THE CITY OF TEMPLE, BELL COUNTY, TEXAS

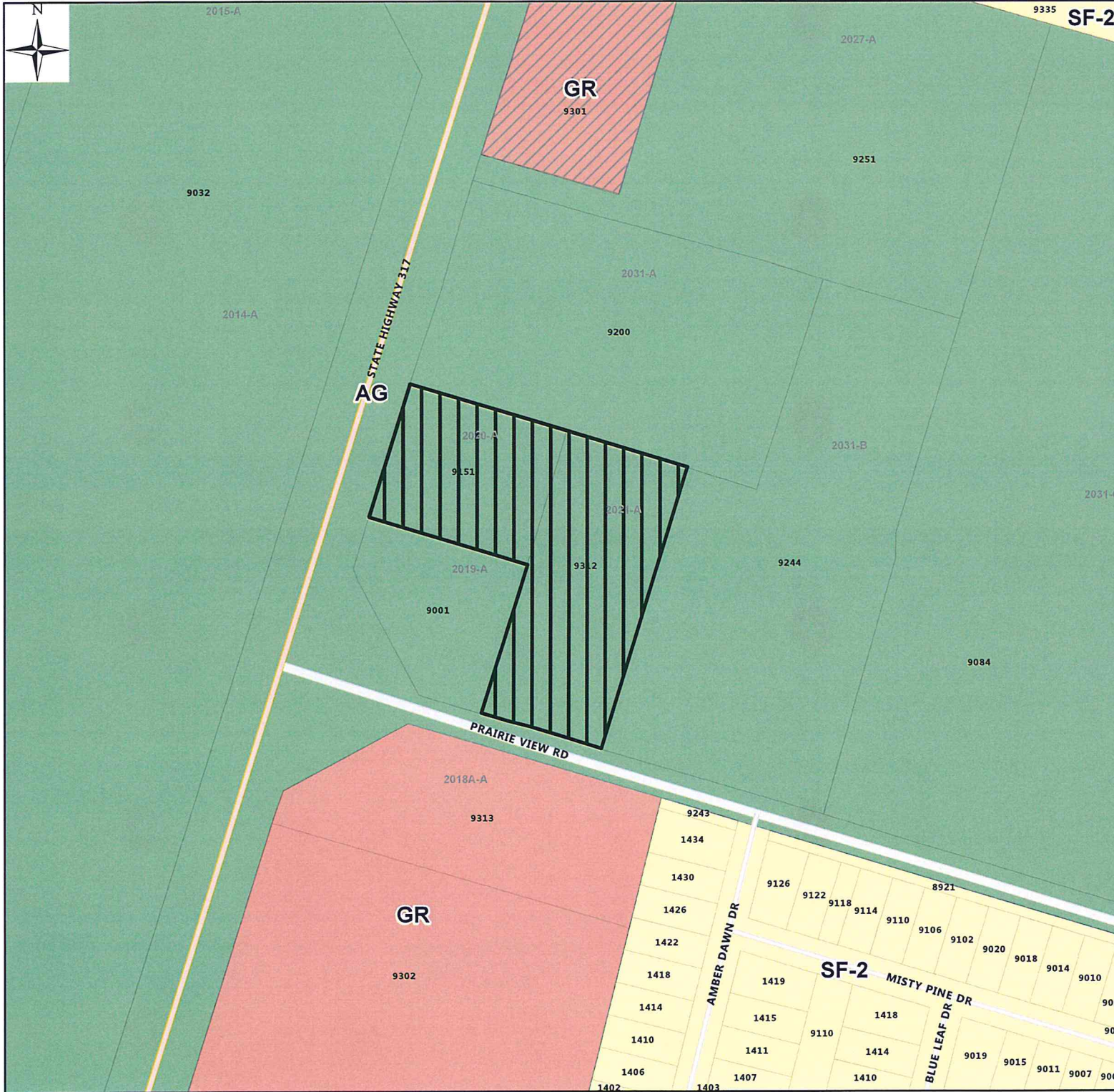
1303 South 21st Street  
Tempe, Texas 76504  
254-778-2272 Killen 254-634-4636  
Fax 254-774-7608  
Tx. Firm Lic. No. 10023600

ALL COUNTY SURVEYING, INC.

Plot Date: 01-13-2016  
Survey completed 12-23-2015  
Scale: 1" = 50'  
Job No. 150846  
Dwg No. 150846P  
Drawn by SLW  
Surveyor CCL #4636

Copyright 2016 All County Surveying, Inc.





AG to GR

## Zoning Map

Zoning Case :  
Z-FY-16-14

Address :

9151 State Hwy 317

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

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: 1/20/2016





# AG to GR FUTURE LAND USE MAP

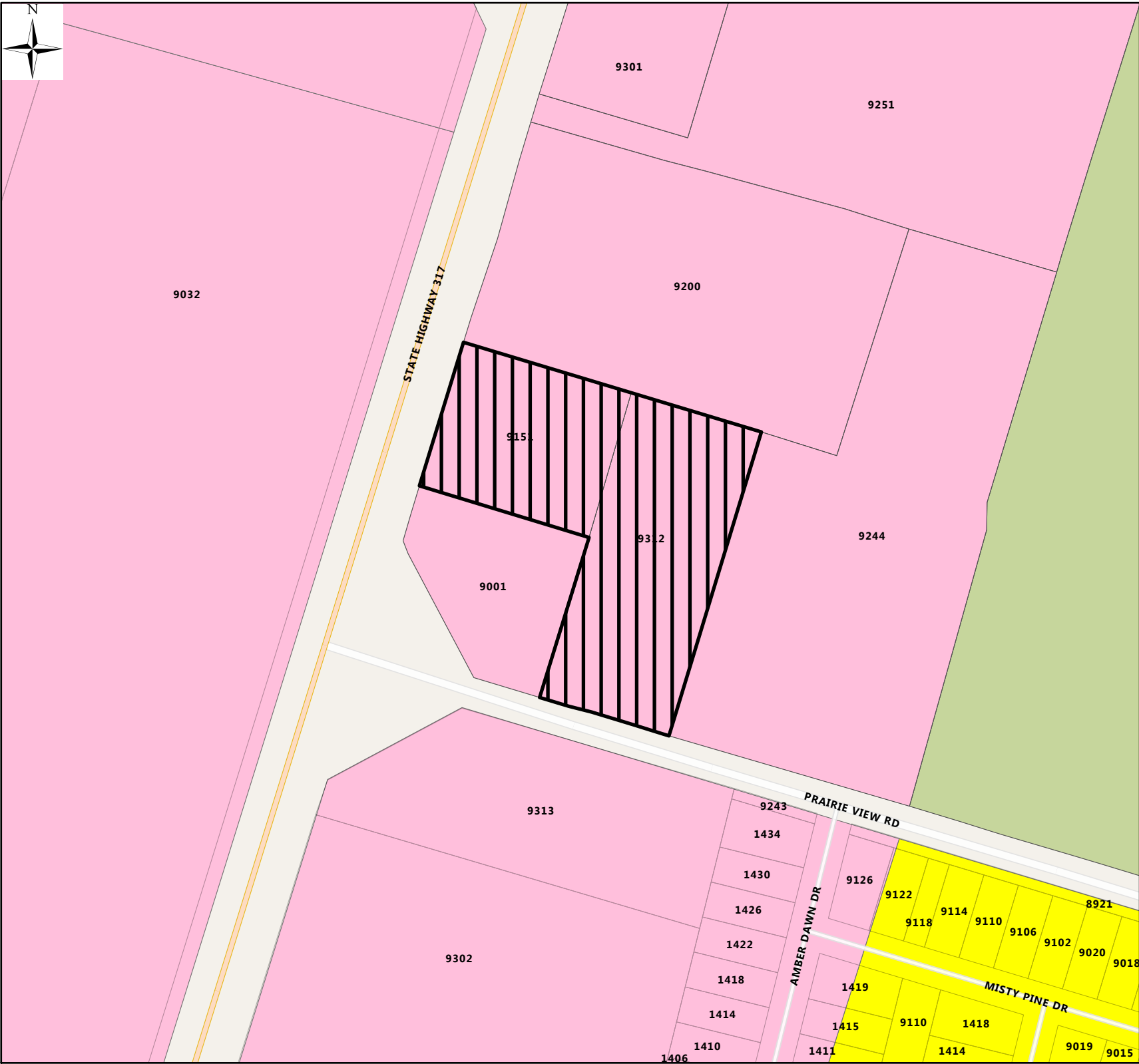
Zoning Case :  
Z-FY-16-14

Address :  
9151 State Hwy 317

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

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

mbaker  
Date: 1/20/2016





AG to GR

## UTILITY MAP

Zoning Case :  
Z-FY-16-14

Address :  
9151 State Hwy 317

- Manhole
- Gravity Main
- Hydrant
- Main
- Parcels
- CaseArea

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

mbaker  
Date: 1/20/2016





AG to GR  
**THOROUGHFARE  
AND TRAILS MAP**

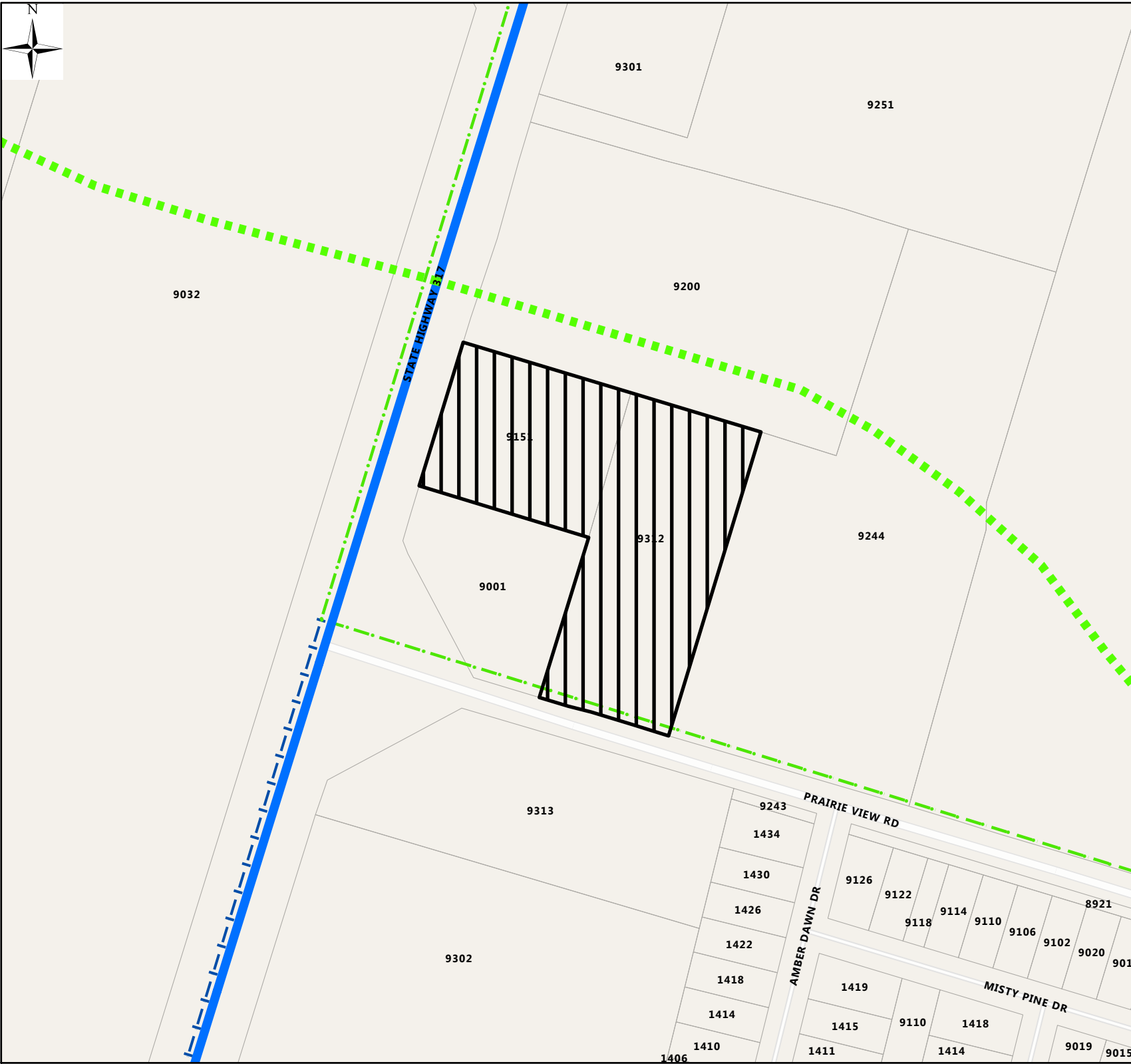
Zoning Case :  
Z-FY-16-14

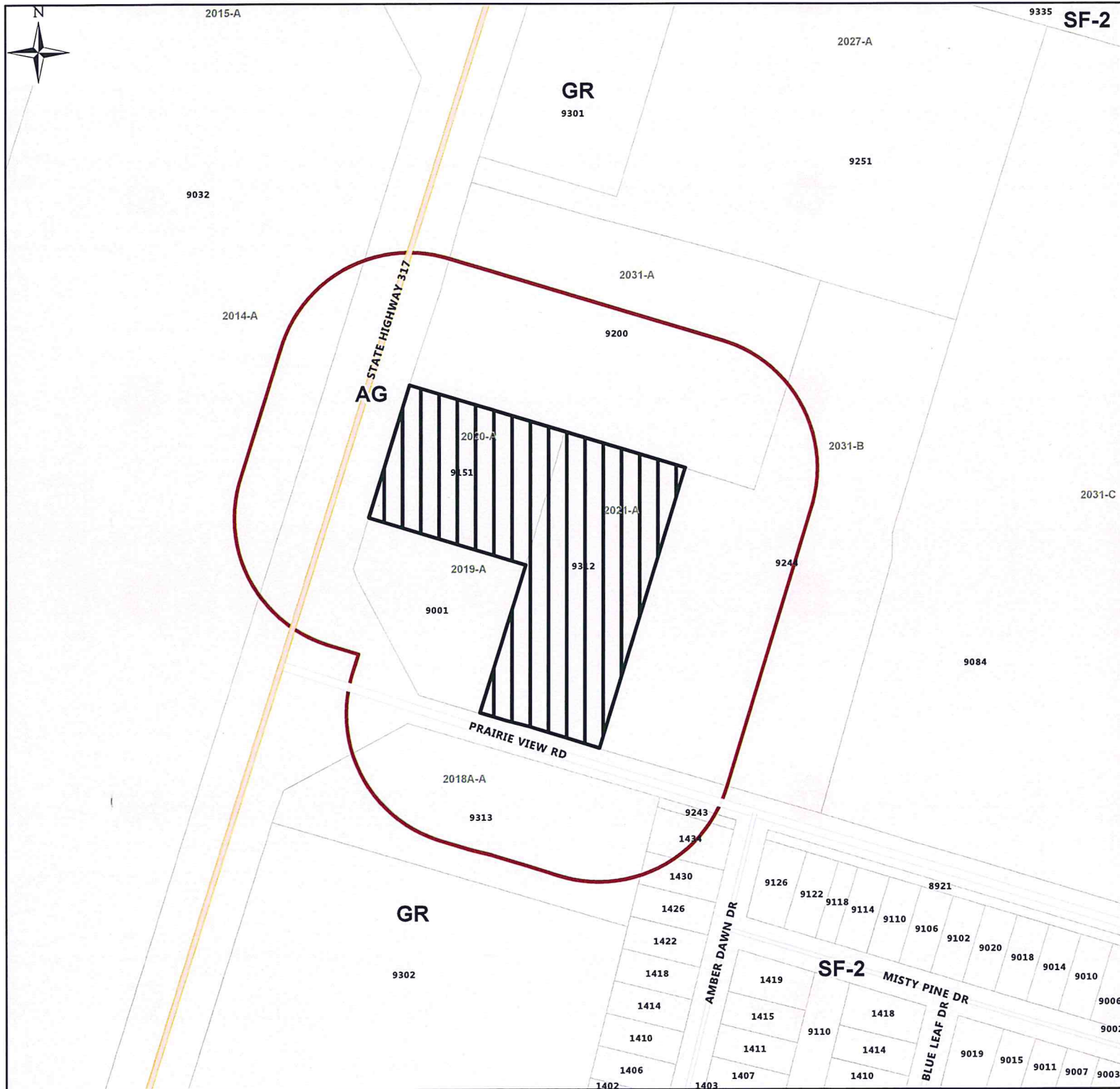
Address :  
9151 State Hwy 317

- 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.

mbaker  
Date: 1/20/2016





AG to GR

200'

NOTIFICATION MAP

Zoning Case :  
Z-FY-16-14  
Address :  
9151 State Hwy 317

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: 1/20/2016





RESPONSE TO PROPOSED  
REZONING REQUEST  
CITY OF TEMPLE

COX, RONALD E & ANGELICA H REVOCABLE TRUST  
1443 GOATES RD  
TROY, TX 76579

Zoning Application Number: Z-FY-16-14

Project Manager: Mark Baker

Location: 9151 State Highway 317

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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Ronald E Cox  
Angelica H. Cox  
Signature

RONALD E COX  
ANGELICA H. COX  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than  
February 16, 2016.

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

**RECEIVED**  
FEB 16 2016  
City of Temple  
Planning & Development

Number of Notices Mailed: 9

Date Mailed: February 5, 2016



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

SSB HOLDINGS INC  
DBA PRO TEC LABORATORY  
4300 FM 2225  
QUITMAN, TX 75783-3529

**Zoning Application Number: Z-FY-16-14**

**Project Manager: Mark Baker**

**Location: 9151 State Highway 317**

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.

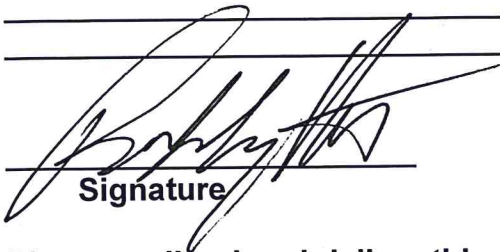
**RECEIVED**

I recommend ☒ approval ( ) denial of this request.

**FEB 19 2016**

**Comments:**

City of Temple  
Planning & Development

  
Signature

  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than February 16, 2016.**

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

Number of Notices Mailed: 9

Date Mailed: February 5, 2016

ORDINANCE NO. 2016-4759

(PLANNING NO. Z-FY-16-14)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO GENERAL RETAIL DISTRICT ON APPROXIMATELY 3.00 ACRES OF LAND SITUATED IN THE BALDWIN ROBERTSON SURVEY, ABSTRACT NO. 17, BELL COUNTY, TEXAS AND LOCATED AT 9151 STATE HIGHWAY 317; 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 Agricultural District to General Retail District on approximately 3.00 acres of land situated in the Baldwin Robertson Survey, Abstract No. 17, Bell County, Texas and located at 9151 State Highway 317, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **17<sup>th</sup>** day of **March**, 2016.

PASSED AND APPROVED on Second Reading on the 7<sup>th</sup> day of **April**, 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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03/17/16  
Item #6  
Regular Agenda  
Page 1 of 2

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

Kayla Landeros, City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Chapter 380 Development Agreement, in an amount not to exceed \$33,361.60, with Heritage Ridge Investments, LLC for the construction of a wastewater line, sidewalks and landscaping for property located at the corner of Hilliard Road and West Adams Avenue.

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

**ITEM SUMMARY:** Heritage Ridge Investments, LLC ("Heritage") is developing property located at the corner of Hilliard Road and West Adams Avenue for commercial use. Heritage reached out to staff to discuss possible cost sharing on some of the planned improvements for the property.

A 6-inch wastewater line is needed for Heritage's proposed commercial development. However, the City would prefer that an 18-inch line be installed to accommodate future development in this area. Heritage has agreed to construct the 18-inch line if the City will agree to pay for the cost of upsizing the line. The cost of upsizing is estimated at \$19,600.60.

As part of this development, Heritage would be required to construct a 6-foot sidewalk along West Adams Avenue. The City is interested in constructing a 10-foot sidewalk to match the width of existing sidewalks in this area. Staff is recommending that the City pay for 40% of the cost of constructing a 10-foot sidewalk. Heritage is also agreeable to installing additional landscaping along West Adams Avenue. Staff is recommending that the City pay for 40% of the cost of the additional landscaping. The estimated cost of the City's share for the sidewalk and landscaping is \$13,761.

Staff is recommending that the City Council authorize a Chapter 380 Development Agreement with Heritage for the improvements outlined above in a not to exceed amount of \$33,361.60.

**FISCAL IMPACT:** A budget adjustment is being presented for Council's approval appropriating funding needed to reimburse Heritage Ridge Investments, LLC for 40% of the costs for the construction of a 10-foot sidewalk, landscaping and irrigation along the property at the corner of Hilliard Road and West Adams. Upon approval of the budget adjustment, funding in the amount of \$33,362 will be appropriated in the following accounts:

<u>Description</u>	<u>Account #</u>	<u>Project #</u>	<u>Amount</u>
Chapter 380 Development Agreement – Heritage Ridge Investments (18” wastewater line upsizing)	520-5400-535-6361	101499	\$ 19,601
Chapter 380 Development Agreement – Heritage Ridge Investments (10’ sidewalk & landscaping)	351-3400-531-6315	101499	13,671
<b>Total Funds Available</b>			<b>\$ 33,362</b>

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY **2016****BUDGET ADJUSTMENT FORM**

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

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

+

-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE
351-3400-531-63-15	101499	Sidewalk\Curb\Gutter - Heritage Ridge Inv	\$ 13,761	
351-0000-490-25-82		Transfer In	13,761	
110-9100-591-81-51		Transfer Out - Capital Projects	13,761	
110-0000-352-13-45		Designated for Cap Projects / Unallocated		13,761
		<b>DO NOT POST</b>		
<b>TOTAL.....</b>			<b>\$ 41,283</b>	<b>\$ 13,761</b>

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

To appropriate funding for a developer participation agreement with Heritage Ridge Investments, LLC for reimbursement of 40% of the cost for constructing a 10' wide sidewalk, landscaping and irrigation located along the property at the corner of Hilliard Road and West Adams.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

3/17/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date

☐ Approved  
☐ Disapproved

Finance

Date

☐ Approved  
☐ Disapproved

City Manager

Date

☐ Approved  
☐ Disapproved

RESOLUTION NO. 2016-8078-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CHAPTER 380 DEVELOPMENT AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$33,361.60, WITH HERITAGE RIDGE INVESTMENTS, LLC FOR THE CONSTRUCTION OF A WASTEWATER LINE, SIDEWALKS AND LANDSCAPING FOR PROPERTY LOCATED AT THE CORNER OF HILLIARD ROAD AND WEST ADAMS AVENUE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, Heritage Ridge Investments, LLC (“Heritage”) is developing property located at the corner of Hilliard Road and West Adams Avenue for commercial use - Heritage has reached out to Staff to discuss possible cost sharing on some of the planned improvements for the property;

**Whereas**, Heritage’s proposed commercial development needs a 6-inch wastewater line, however the City would prefer that an 18-inch wastewater line be installed to accommodate future development in this area - Heritage has agreed to construct the 18-inch wastewater line if the City will agree to pay for the cost of upsizing the line which is estimated at \$19,600.60;

**Whereas**, as part of this development, Heritage would be required to construct a 6-foot sidewalk along West Adams Avenue, however the City is interested in constructing a 10-foot sidewalk to match the width of existing sidewalks in this area - Staff is recommending that the City pay for 40% of the cost of constructing a 10-foot sidewalk;

**Whereas**, Heritage is agreeable to installing additional landscaping along West Adams Avenue and Staff recommends that the City pay for 40% of the cost of the additional landscaping - the estimated cost of the City’s share for the sidewalk and landscaping is \$13,761;

**Whereas**, Staff recommends entering into a Chapter 380 Development Agreement with Heritage Ridge Investments, LLC for the construction of an 18-inch wastewater line, a 10-foot sidewalk and additional landscaping along West Adams Avenue, with the City’s total match not exceeding \$33,361.60;

**Whereas**, a budget adjustment is being presented for Council’s approval appropriating funding needed to reimburse Heritage Ridge Investments, LLC for 40% of the costs for the construction of a 10-foot sidewalk, landscaping and irrigation along the property at the corner of Hilliard Road and West Adams;

**Whereas**, upon approval of the budget adjustment, funding will be available in Account No. 520-5400-535-6361, Project No. 101499 and Account No. 351-3400-531-6315, Project No. 101499; 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 Heritage Ridge Investments, LLC, with a total City match not to exceed \$33,361.60, for the construction of an 18-inch wastewater line, a 10-foot sidewalk and additional landscaping along West Adams Avenue.

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

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

PASSED AND APPROVED this the **17<sup>th</sup>** day of **March**, 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

---

03/17/16  
Item #7  
Regular Agenda  
Page 1 of 1

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

Kayla Landeros, City Attorney  
Jim Kachelmeyer, Deputy City Attorney

**ITEM DESCRIPTION:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that the vacant property located at 413 West Avenue A, Temple, Texas, 76501, is necessary for the construction of the proposed Santa Fe Plaza project and authorizing the use of eminent domain to condemn the property.

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

**ITEM SUMMARY:** The City is currently in the design phase for the proposed Santa Fe Plaza. The design requires the acquisition of the vacant property located at 413 West Avenue A, Temple, Texas, 76501, for the construction of a public building and its necessary parking under Chapter 251, Local Government Code § 251.001. An appraisal was performed on the property and the City made an offer to purchase the property, based on the appraisal, on January 13 via Stateside Right-of-Way Services. On March 3, the City Council authorized the purchase of the property, and Staff made a final offer to the property owner. However, the parties have been unable to reach an agreement, and Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for the City Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to agree.

**FISCAL IMPACT:** Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 404, account 795-9500-531-6870, project 101008, Santa Fe Plaza, to proceed with the power of eminent domain to acquire the property should the parties not be able to reach an agreement.

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. 2016-8079-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT THE VACANT PROPERTY LOCATED AT 413 WEST AVENUE A, TEMPLE, TEXAS, 76501, IS NECESSARY FOR THE CONSTRUCTION OF THE PROPOSED SANTA FE PLAZA PROJECT AND AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

---

**Whereas**, the City of Temple City Council has determined that it is necessary to acquire fee simple title to the 0.038 acre (1,650 square-foot) vacant property located at 413 West Avenue A, Temple, Texas, 76501, more particularly described as Being the East One-half (E. ½) of Lot Number One (1), in Block Number Twenty-five (25) of ORIGINAL TOWN OF TEMPLE, an addition to the City of Temple, Bell County Texas, according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas, (“413 West Avenue A Property”) for the construction of the Santa Fe Plaza project;

**Whereas**, Council finds it necessary to acquire the 413 West Avenue A Property to facilitate construction of a public parking lot under Chapter 251, Local Government Code § 251.001(a)(5);

**Whereas**, an appraisal was performed on the property, and the City made a bona fide offer to purchase the property based on the appraisal on January 13, 2016, via Stateside Right-of-Way Services;

**Whereas**, on March 3, 2016, Council authorized the purchase of the property, and Staff made a bona fide final offer based on the appraisal to the property owner on March 8, 2016;

**Whereas**, the property owner has until March 22, 2016, to accept the City’s final offer;

**Whereas**, however, the parties have been unable to reach an agreement due to the presence of a significant third-party lien on the property that the property owner disputes, and Staff is asking pursuant to Chapter 2206, Government Code § 2206.053, for Council to authorize the use of the power of eminent domain to acquire the property if the parties are ultimately unable to agree;

**Whereas**, Staff recommends initiating the condemnation process at the expiration of the property owner’s time to accept the City’s final offer, so as not to impact the pending construction of the Santa Fe Plaza project; 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:** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this resolution as if copied in their entirety.

**Part 2:** The City Council hereby finds and determines that the necessity exists for acquiring, by eminent domain, the property located at 413 West Avenue A, Temple, Texas, 76501, more particularly described as Being the East One-half (E. ½) of Lot Number One (1), in Block Number Twenty-five (25) of ORIGINAL TOWN OF TEMPLE, an addition to the City of Temple, Bell County Texas, according to the map or plat of record in Volume 36, Page 640, Deed Records of Bell County, Texas, as described in the deed attached hereto as Exhibit A and made a part hereof for all purposes, for the construction of the proposed Santa Fe Plaza project.

**Part 3:** The City Council hereby finds and determines that the construction of the proposed Santa Fe Plaza project, including the construction of a public parking lot, is a public use under Chapter 251, Local Government Code § 251.001(a)(5).

**Part 4:** The City Council authorizes the use of the City's eminent domain authority and the initiation of condemnation proceedings of said property interests if the City's final offer is not accepted by March 22, 2016.

**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 and the Truth in Condemnation Act, Chapter 2206, Government Code § 2206.053.

PASSED AND APPROVED this the 17<sup>th</sup> day of **March**, 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