



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

3:30 P.M.

AGENDA

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 21, 2016.
2. Receive an I-35 Update from TXDOT.
3. Receive presentation regarding the drainage utility.

5:00 P.M.

MUNICIPAL BUILDING

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

**TEMPLE CITY COUNCIL
REGULAR MEETING AGENDA**

I. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance

II. PUBLIC COMMENTS

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

III. REPORTS

3. Receive an [annual report](#) regarding the Planning and Zoning Commission cases from the fiscal year 2014-2015 to include plat, zoning, code amendment and overlay appeal cases.

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 and ordinances for each of the following:

Minutes

- (A) [April 7, 2016 Special and Regular Meeting](#)

Contracts, Leases, & Bids

- (B) [2016-8100-R](#): Consider adopting a resolution ratifying the emergency sole-source purchase from GEO Specialty Chemicals, of Deer Park, in an amount not to exceed \$30,000, for liquid copper sulfate for use at the City's Water Treatment Plant.

- (C) [2016-8101-R](#): Consider adopting a resolution authorizing the purchase of the yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.
- (D) [2016-8102-R](#): Consider adopting a resolution authorizing the annual purchase of Microsoft Software Enterprise Agreement with SHI Government Solutions of Dallas, utilizing DIR Contract in the amount of \$167,897.
- (E) [2016-8103-R](#): Consider adopting a resolution authorizing the purchase of easements necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in an amount not to exceed \$5,700.
- (F) [2016-8104-R](#): Consider adopting a resolution authorizing a lease agreement between the City of Temple and Center Point Aviation, LLC, permitting the Lessee to lease a 160 foot X 300 foot tract of land and construct a 120 foot X 120 foot aircraft hangar in the corporate hangar development area at the Draughon-Miller Central Texas Regional Airport.
- (G) [2016-8105-R](#): Consider adopting a resolution authorizing a two year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the rental of a 6,000 square foot hangar for the purpose of operating an aircraft maintenance and avionics shop at the Draughon-Miller Central Texas Regional Airport.
- (H) [2016-8106-R](#): Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for the May 7, 2016 General Election.
- (I) [2016-8107-R](#): Consider adopting a resolution authorizing a Settlement and Release Agreement with Oncor Electric Delivery Company, LLC for the overbilling of street lights.
- (J) [2016-8108-R](#): Consider approving a resolution authorizing a cost sharing agreement with Kiella Development, Inc. for the construction of sidewalks in the Villages of Westfield subdivision.
- (K) Consider adopting resolutions related to TXDOT cost-sharing Advance Funding Agreements (AFA's) for a gateway to the Temple Medical Education District (TMED) along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road:
 - 1. [2016-8109-R](#): Authorize the City Manager to execute an amendment to an AFA for roadway improvements in the amount of \$64,722;
 - 2. [2016-8110-R](#): Authorize the City Manager to execute an amendment to an AFA for landscaping improvements in the amount of \$38,000;
 - 3. [2016-8111-R](#): Authorize the City Manager to execute an AFA for utility relocations in the amount of \$305,000.
- (L) [2016-8112-R](#): Consider adopting a resolution authorizing an increase from \$80,000 to \$150,000 to the FY2016 annual contract for concrete repair and construction services with Wilson Construction Services, LLC of Belton.

- (M) [2016-8113-R](#): Consider adopting a resolution authorizing deductive change order #3 to the contract with TTG Utilities, LP, of Gatesville in the amount of \$35,021.90, for the construction of the Avenue R and Friars Creek Trail Improvements.
- (N) [2016-8114-R](#): Consider adopting a resolution authorizing a deductive contract amendment to a professional services agreement with BSP Engineers, Inc., in an amount not to exceed \$78,000, to remove professional services for the Hogan Road widening from State Highway 317 to South Pea Ridge Road.
- (O) [2016-8115-R](#): Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton in the amount of \$222,730 for the construction of park improvements at Optimist Neighborhood Park.
- (P) [2016-8116-R](#): Consider adopting a resolution authorizing a contract with The PlayWell Group Inc. of Albuquerque, New Mexico in the amount of \$163,188.28, for the purchase and installation of a playground unit with swings, a shade structure, a picnic shelter and associated tables, benches, grill and trash cans for Optimist Neighborhood Park.

Ordinances – Second & Final Reading

- (Q) [2016-4760](#): SECOND READING – Consider adopting an ordinance granting Temple Transportation, Inc. d/b/a Yellow Cab, a non-exclusive, five-year franchise to provide taxicab services in the City of Temple.
- (R) [2016-4761](#): SECOND READING - Consider adopting an ordinance amending the classifications of entry-level firefighters and police officers.
- (S) [2016-4762](#): SECOND READING – Consider adopting an ordinance establishing the prima facie speed limit on the US Loop 363 frontage road, within the City limits.
- (T) [2016-4763](#): SECOND READING - Z-FY-16-16 - Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) district to Single Family One (SF-1) district, on 5.888 +/- acres, situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas, located at 4516 Hickory Road.
- (U) [2016-4764](#): SECOND READING – TMED-FY-16-01 – Consider adopting an amendment to Ordinance No. 2014-4689, for a Temple Medical Education District (TMED) Planned Development (PD) District site plan on 1.27 acres +/-, Lot 1, Block 1, Shoppes on the Hill Subdivision, to allow for a drive-through restaurant, located at 2304 South 31st Street.
- (V) [2016-4765](#): SECOND READING – Z-FY-16-10 – Consider adopting an ordinance authorizing a rezoning from Commercial (C) to Planned Development-Commercial (PD C) Freeway Retail/Commercial Sub-District, I35 Overlay Corridor, to authorize additional land uses; modify landscaping, architectural and outdoor storage standards; and modify triggers for applicability of I35 Overlay standards; on Lot 1, Block 2 (less strip conveyed for I35 ROW) (3.643 acres), and Lot 2, Block 1, (1.241 acres), Walker Saulsbury Commercial Subdivision Phase III, and A0550BC CS Masters OB 553 (3.204 acres).

Misc.

- (W) **2016-8117-R:** Consider adopting a resolution directing Oncor Electric Delivery Company, LLC to file certain information with the City of Temple concerning just and reasonable rates.
- (X) **2016-8118-R:** Consider adopting a resolution establishing T-Hangar rental rates at the Draughon-Miller Central Texas Regional Airport.
- (Y) **2016-8119-R:** Consider adopting a resolution authorizing budget amendments for fiscal year 2015-2016.

V. REGULAR AGENDA

ORDINANCES – FIRST READING/PUBLIC HEARING

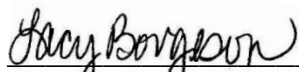
- 5. **2016-4766:** FIRST READING – PUBLIC HEARING - Z-FY-16-17: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to Commercial (C) District, 1.8 +/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.

RESOLUTIONS

- 6. **2016-8119-R:** Consider adopting a resolution authorizing net deductive change order #5 to the Outer Loop Phase 3A (Adams Ave to Channel) construction contract with R.T. Schneider Construction Company, Ltd. (RTS), for utility relocations, driveway construction, drainage grading, elimination of proposed asphalt surface treatment, and a price increase for concrete in the amount of \$11,185.68.
- 7. **2016-8120-R:** Consider adopting a resolution pursuant to Chapter 2206, Government Code § 2206.053 finding that a 0.896-acre portion of the property located at 1002 Old Waco Road, Temple, Texas, 76502, is necessary for the extension of Tarver Drive to Old Waco Road and authorizing the use of eminent domain to condemn the property.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:30 PM, on Monday, April 18, 2016.



City Secretary, TRMC



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: Receive an annual report regarding the Planning and Zoning Commission cases from the fiscal year 2014-2015 to include plat, zoning, code amendment and overlay appeal cases.

STAFF RECOMMENDATION: Receive report as presented. No other action is required.

ITEM SUMMARY: The Code that governs the Planning and Zoning Commission requires that the Commission provide an Annual Report to the City Council. The attached report summarizes P&Z activity related to the following types of cases: plats, zoning, Conditional Use Permits, Planned Developments and code amendments. David Jones, P&Z Chairman, will present the report to City Council.

FISCAL IMPACT: N/A

ATTACHMENTS:

[FY 2015 Report](#)



www.templetx.gov

City of Temple Planning Department Fiscal Year 2015 Annual Report

Table of Contents

Letter from Planning & Zoning Commission Chairman.....3

Introduction.....4

Mission Statement.....5

Staff and Planning & Zoning Commission Summary.....6

Temple Population Estimate.....8

Fiscal Year 2015 in Review.....9

Conditional Use Permits.....9

Planned Developments.....10

Rezoning.....11

Residential Plats.....13

Non-Residential Plats.....16

Abandonments.....18

I-35 Corridor Overlay Appeals.....19

Variances.....20

Street Use Licenses.....21

Overlay Districts.....22

Code Amendments.....24

Fiscal Year 2016 Preview.....25

Fiscal Year 2015 Board Members & Planning Staff.....27

During the previous Fiscal Year, the Planning & Zoning Commission approved a number of projects that could change the face of our City, including the 225 acre Westfield Master Plan (mixed-use community), the apartment phase for Shoppes on the Hill in the Temple Medical Educational District (TMED) and a 167,000 square foot Baylor Scott and White distribution center.

Although the number of P&Z cases in 2015 decreased compared to 2014, the scale and quality should positively impact some of our major corridors. The number of Planning & Zoning cases through the first half of 2016 are up significantly compared to last year's total, which is consistent with the City's building permit trends through March 2016, as well. According to the Permitting Department, there were approximately 689 new residential building permits in 2015 compared to 534 in 2014 and we are currently on-pace to dramatically exceed that number in 2016, as well.

Temple continues its steady growth, the Planning & Zoning Commission continues to try to balance the needs of the individual property owner with those of the general public to create a dynamic place to live. The City, the local development community and other important stakeholders continue to work together to make Temple an enjoyable community in which to live and work.

Sincerely,

David Jones
Chairman, Planning & Zoning Commission



The **Annual Report** is a summary of planning process activity for the City of Temple.

This Annual Report is a summary of Planning & Zoning activity within the City of Temple and its Extraterritorial Jurisdiction (ETJ) for Fiscal Year (FY) 2015 (October 1, 2014 – September 30, 2015).

The Planning Department administers the following programs:

Administration

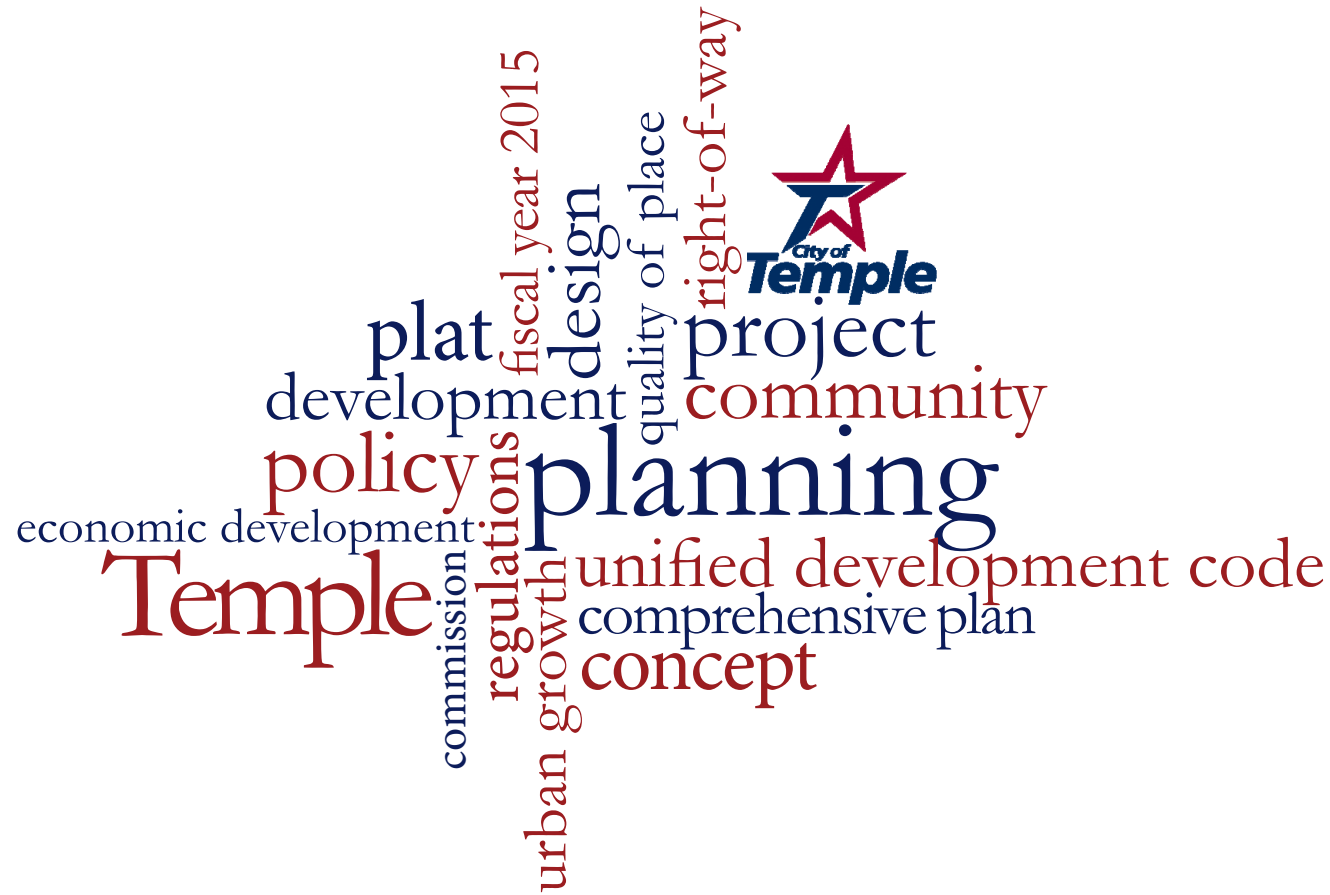
Program to professionally staff the Planning & Zoning Commission with staff reports, exhibits and presentations in public hearings and workshops.

Long Range Planning

Program to assist interagency efforts for the Temple Medical Education District (TMED), Strategic Investment Zone (SIZ) Corridors, and Transportation Planning.

Development Planning

Program to manage the Development Review Committee which includes City Staff review of Plats, Planned Developments, Conditional Use Permits, and Street Use Licenses.



Planning Department's Mission Statement

The Planning Department provides professional planning services related to urban growth and development issues to promote quality of place. The Department maintains an updated Comprehensive Plan and Unified Development Code (UDC) to provide policy recommendations and regulations related to land development. The staff works cooperatively with design professionals, property owners and developers from the concept stage to completion of the project.

Choices '08

CITY OF TEMPLE
COMPREHENSIVE PLAN
2008 - 2030



Comprehensive Plan Cover Page

- **Planning & Zoning Commission (P&Z)**

- The Planning & Zoning Commission serves in an advisory capacity to the City Council by making
- recommendations on land use proposals including rezonings, subdivision plats and conditional use
- permits. The Commission also works with City Staff, community members and the Council in the
- development and updating of the Comprehensive Plan and Area Plans for the City.



Development Review Committee (DRC)

This City staff group reviews plats, planned developments, concept plans for multi-phase projects, TMED warrants and provides preliminary review services for other projects at the conceptual stage of design. DRC members include staff from the following departments: Public Works (Engineering), Fire, IT (GIS), Legal, Parks and Recreation and Planning.

Elevation of Clubhouse for the
31st Street Apartments (Phase II of
Shoppes on the Hill)

Population Estimates

The 2010 U.S. Census showed Temple's population as 66,102. The City's population estimate for 2015 (based on water accounts from the Business Utility Office and estimations from the Finance Department), was 73,248*. The Temple Population Table shows Temple's population growth from 1960 to 2015.

Temple Population Table is a summary of historic population changes since 1960.

Year	Temple Population	Percent Change
1960	30,419	-
1970	33,431	9.01%
1980	42,483	21.31%
1990	46,109	7.86%
2000	54,514	15.42%
2006	60,518	9.92%
2007	61,755	2.00%
2008	62,790	1.65%
2009	63,524	1.16%
2010	66,102	3.90%
2011	67,036	1.39%
2012	68,315	1.87%
2013	70,274	2.79%
2014	71,761	2.07%
2015	73,248	2.03%

Temple Population Table

*The data was received from the Business Utility Office and estimations for the City's Finance Department. There are other sources with different population statistics but the Planning Department believes this number to be the most accurate.

2015 Year in Review

On the following pages are lists of land use cases listed by type. The Planning Department staff utilizes the UDC, the Comprehensive Plan including the Future Land Use and Thoroughfare Plans, to help guide recommendations made on land use cases. All of these Plans and Maps can be found on the City's website (www.templetx.gov).

Conditional Use Permits

A Conditional Use Permit (CUP) provides a means for developing certain uses in a manner in which the use will be compatible with adjacent property and consistent with the desired character of the area according to the Comprehensive Plan. These uses generally have unusual nuisance characteristics or are of a public or semi-public character often essential or desirable for the generally convenience and welfare of the community. Because of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed uses is necessary. The Planning Department processed four CUP applications for FY 2015, and the City Council approved three with one denied. The CUPs Summary Table shows the case number, location, purpose, and outcome for each CUP application received in FY 2015.

CUPs Summary Table shows a summary of the CUPs the Planning Department processed in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-14	5750 S General Bruce Drive Temple, Texas 76502	CUP for painting contracting business	Approval	Approval	Approved 2015-4713
Z-FY-15-19	7348 W Adams Avenue Temple, Texas 76502	CUP for on-premise alcohol beverage sales less than 75% of total gross revenue of establishment	Approval	Approval	Approved 2015-4718
Z-FY-15-21	4767 N General Bruce Drive Temple, Texas 76501	CUP for BS&W distribution center	Approval	Approval	Approved 2015-4721
Z-FY-15-23	111 S 33rd Street Temple, Texas 76504	CUP for substance abuse facility	Denial	Denial	Denied
Z-FY-15-26	4501 S General Bruce Drive Temple, Texas 76502	CUP for on-premise alcohol beverage sales less than 75% of total gross revenue of establishment	Approval	Approval	Approved 2015-4737

CUPs Summary Table



Z-FY-15-20 Westfield Market Site Photo

Planned Developments

A Planned Development (PD) is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval. Planning staff reviews the PD application and, with input from the DRC, makes a recommendation to the P&Z Commission and City Council. The P&Z Commission and City Council review of the PD application must follow the review process, public notice, public hearing, protest and limitation on resubmittal requirements. The Planning Department processed one PD application for FY 2015 and one PD Site Plan Review. The PDs Summary Table shows the case number, location, purpose, and outcome for the PD applications received in FY 2015.

Case Number	Location	Purpose	From	To	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-20	7425 West Adams Avenue Temple, Texas 76502	Retail Development	NS	PD (NS) & CUP Alcohol	Approval	Approval	Approved 2015-4720
Z-FY-15-18	2304 S 31st Street Temple, Texas 76504	Site Plan review of apartments	TMED-T5-c	PD-T5-c	Approval	Approval	Approved 2015-4719

PDs Summary Table

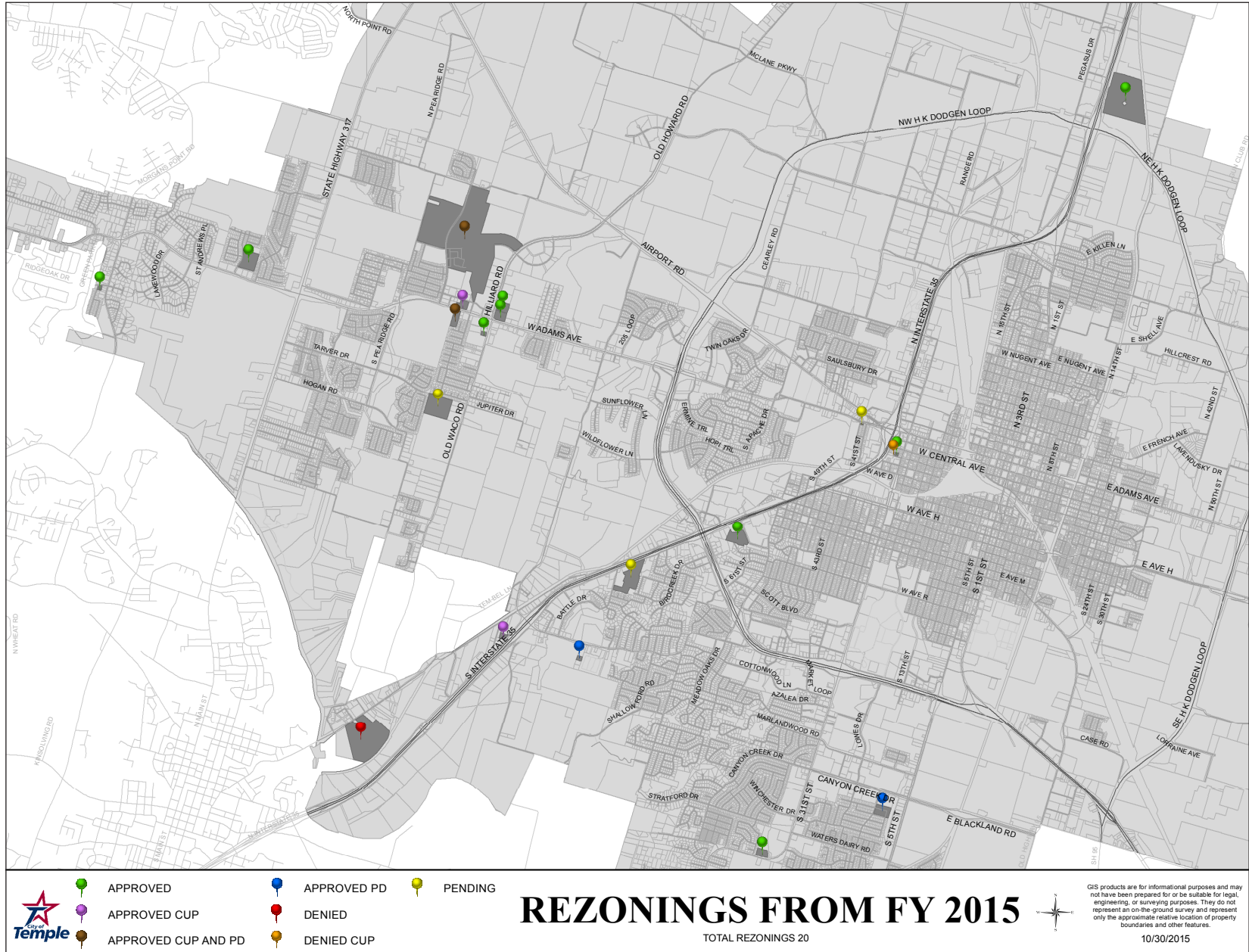
Rezoning

A Rezoning is a change in the existing zoning designation or a change to the boundaries of the existing zoning map. The change can be initiated by a land owner or by the City. The Planning Department processed 17 Rezoning applications for FY 2015, and the City Council approved 14. One application was denied and two were pending at the time of this report. The Rezoning Summary Table details the rezoning applications received in FY 2015.

Case Number	Location	Purpose	From	To	Staff Recommendation	P&Z Recommendation	City Council Action
Z-FY-15-01	108 Old Waco Road Temple, Texas 76502	Retail development	AG	GR	Approval	Approval	Approved 2015-4700
Z-FY-15-04	5238 S 31st Street Temple, Texas 76502	To allow for propped retail (Lots A,B,C & D only)	PD-O-1	O-2	Approval	Approval	Approved 2015-4699
Z-FY-15-05	111 South 33rd St Temple, Texas 76504	Retail development	2-F	GR	Approval	Approval	Approved 2015-4704
Z-FY-15-06	110 & 116 Northcliffe Drive Temple, Texas	Potential single-family development	AG	SF-1	Approval	Approval	Approved 2015-4706
Z-FY-15-07	4831 Midway Drive Temple, Texas 76502	Approved with a condition to allow for an accessory dwelling unit on +/- 1 acres	AG	PD-AG	Approval	Approval	Approved 2015-4709
Z-FY-15-09	3009 Ira Young Drive Temple, Texas 76504	To make apartment density legally conforming	MF-1	MF-2	Approval	Approval	Approved 2015-4710
Z-FY-15-11	4321 Brutus Lane, A Temple, Texas 76502	Residential development	2F	PD-MF-1	Approval	Approval	Approved 2015-4711
Z-FY-15-12	5105 Charter Oak Drive Temple, Texas 76502	Residential development. Died on 1st reading for lack of second to motion	UE	PD-UE	Approval	Approval	No action (lack of second)
Z-FY-15-15	119 Hillard Road Temple, Texas 76501	Retail development	AG	GR	Approval	Approval	Approved 2015-4714
Z-FY-15-16	215 Hillard Road Temple, Texas 76501	Retail development	AG	GR	Approval	Approval	Approved 2015-4715
Z-FY-15-17	225 acres north of W Adams Ave & on either side of Westfield Blvd.	Mixed use development	AG/LI/GR	PD-GR/PD-SF-3/ PD-SFA-3	Approval	Approval	Approved 2015-4717
Z-FY-15-22	301 Clinete Grove Boulevard Temple, Texas 76502	For Lakewood Professional Park	MF-2	NS	Approval	Approval	Approved 2015-4723
Z-FY-15-24	29 N 43rd Street Temple, Texas 76504	Build a model house for applicants construction business	2F	O-1	Approval	Approval	Approved 2015-4735
Z-FY-15-25	1010 Old Waco Road Temple, Texas 76502	Residential development	AG	SF3	Approval	Approval	Approved 2015-4736

Rezoning Summary Table

Location Map for Rezoning Cases



Location Map for Rezoning Cases

Residential Plats

A plat is a map representing a tract of land, showing the boundaries and location of individual properties and streets, easements, parks and open space and sidewalks. A plat is required when the owner of the tract of land requests to divide the tract in two or more parts.

The Planning Department works with other City Departments and with the owner in reviewing plats within the City and ETJ boundaries. In total, the Planning Department processed 48 subdivision plats (residential and non-residential) for FY 2015, including one preliminary plat, 30 final plats, one concept plan plat, and 16 administrative plats. Nine plats were located within the ETJ boundary. The Residential Plats Summary Table shows the case number, subdivision, location, type of plat, acreage, number of lots and outcome for the Residential Plat applications received in FY 2015.

▶ A **plat** is a map representing a tract of land.

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-01	Forbes Addition	9876 Airport Road 150 Temple, Texas 76502	Admin	2.3	1	N/A
P-FY-15-02	Saulsbury Sub Phase VII	2306 Valley Forge Avenue A Temple, Texas 76504	Admin	0.6	3	N/A
P-FY-15-04	Valley Ranch Addition Phase III	3801 W FM 93 Temple, Texas 76502	Final	16.2	39	PZC
P-FY-15-05	Dove Meadows Phase I	2566 Old Waco Road Temple, Texas 76502	Final	21.6	60	PZC
P-FY-15-07	Laird and Leon Addition	3235 FM 1123&7829 FM 436 ETJ Belton, Texas	Admin	9.7	2	N/A
P-FY-15-10	Goodman Addition	535 Kings Cove Belton, Texas 76513	Final	2.8	3	PZC
P-FY-15-13	Northcliffe HOA Addition	111 Chering Drive Belton, Texas 76513	Admin	0.7	3	N/A
P-FY-15-14	Hood Addition	7109 Asa Road ETJ Temple, Texas 76504	Final	18.7	2	PZC
P-FY-15-15	Las Lomas Addition (Formally Las Colinas Lot 11-A)	1720 Las Lomas Court Temple, Texas 76502	Admin	0.9	2	N/A

Residential Plats Summary Table

Residential Plats Continued

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-16	Villas at Canyon Ridge	621 Ridgeview Drive, A Temple, Texas 76502	Admin	6	2*	N/A
P-FY-15-17	Canyon Ridge Phase III	920 Karey Drive Temple, Texas 76502	Final	29.7	129	PZC
P-FY-15-19	Dorsey II Subdivision	7622 Dorsey Way ETJ Temple, Texas 76502	Final	4	3	CC
P-FY-15-21	Hartrick Valley Estates	8491 Hartrick Bluff Road ETJ Temple, Texas 76502	Final	20.5	24/29	PZC
P-FY-15-22	Westfield Master Preliminary	1195 N Pea Ridge Road Temple, Texas 76501	Preliminary	224.6	749*	PZC
P-FY-15-23	Hills of Westwood Phase VII	8125 Iron Gate Drive Temple, Texas 76502	Final	3.9	16*	PZC
P-FY-15-24	Hills of Westwood Phase VIII	7805 Autumnwood Lane Temple, Texas 76502	Final	4.6	16	PZC
P-FY-15-25	Morrow Addition	5087 Comanche Drive ETJ Temple, Texas 76502	Admin	1.3	2*	N/A
P-FY-15-29	438 Loop Addition	438 Loop Addition Temple, TX 76502	Admin	5	3	N/A
P-FY-15-30	Lake Pointe Phase II-A2	1418 Fawn Lily Drive Temple, Texas 76502	Admin	0.3	2	N/A
P-FY-15-31	Tutor Subdivision	7031 FM 2086 ETJ Temple, Texas 76501	Admin	2.7	2	N/A
P-FY-15-33	The Meadows At Creekside	1805 Fawn Creek Street Temple, Texas 76504	Admin	41.9*	10*	N/A
P-FY-15-34	Woodbridge Creek Phase VI	608 Park Place Lane Temple, Texas 76504	Admin	.6*	3*	N/A
P-FY-15-35	Villages of Westfield Phase I	500 Westfield Boulevard Temple, Texas 76502	Final	18	7/94	PZC
P-FY-15-36	Morgan Ridge Estates	1160 Morgan Drive ETJ Temple, Texas 76502	Final	5.1	2	PZC
P-FY-15-37	Roush Addition	10957 Bigham Road Temple, TX 76502	Admin	10.1	1/2	N/A
P-FY-15-38	Mungia Subdivision	6283 Heidenheimer Road A ETJ Temple, Texas 76501	Final	40	6	PZC

Residential Plats Summary Table Continued

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC Approval
P-FY-15-40	Lot 1, Block 1, Whitehall Road Addition	10700 S Whitehall Road Temple, Texas 76504	Final	14.2/4.7	1	N/A
P-FY-15-41	Wyndham Hill Addition Phase V	6000 S 5th Street, A Temple, Texas 76502	Final	24.6	85	PZC
P-FY-15-42	Wilson Addition	12917 FM 2305 A ETJ Belton, Texas 76513	Final	3.5	2	N/A
P-FY-15-43	Cliffs of Canyon Creek Phase II Replat of Lots 46A to Lot 1	4317 Stonehill Court Temple, Texas 76502	Final	.9*	1	N/A
P-FY-15-44	Marjorie Addition	4904 Charter Oak Drive Temple, Texas 76502	Admin	5.3	2	N/A
P-FY-15-45	The Plains At Riverside Phase II	2828 Old Waco Road Temple, Texas 76502	Final	29.34	6	PZC
P-FY-15-46	Highline Addition	2401 S 31st Street, J Temple, Texas 76501	Final	12.6	1/7	pending

Residential Plats Summary Table Continued



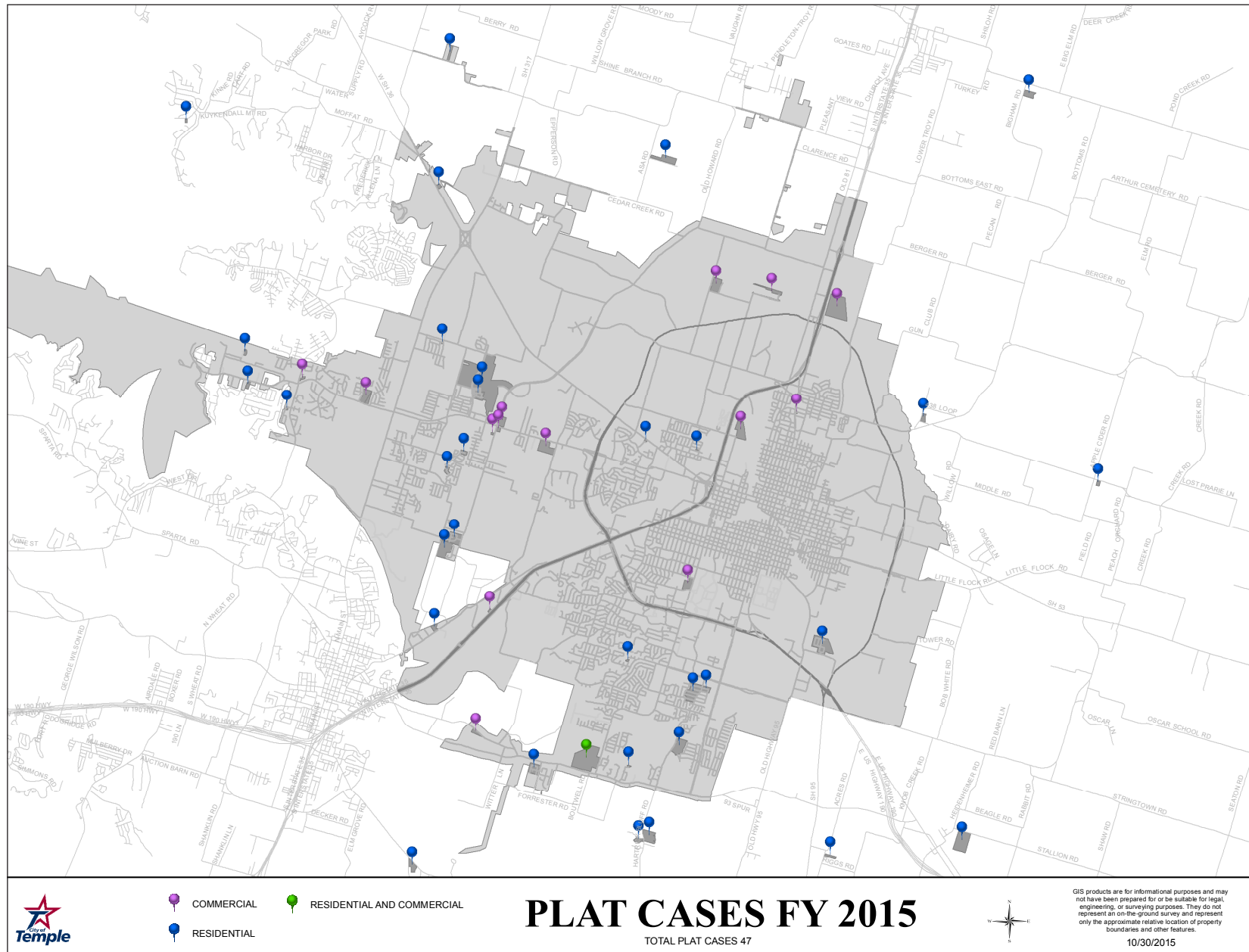
P-FY-15-22

Non-Residential Plats

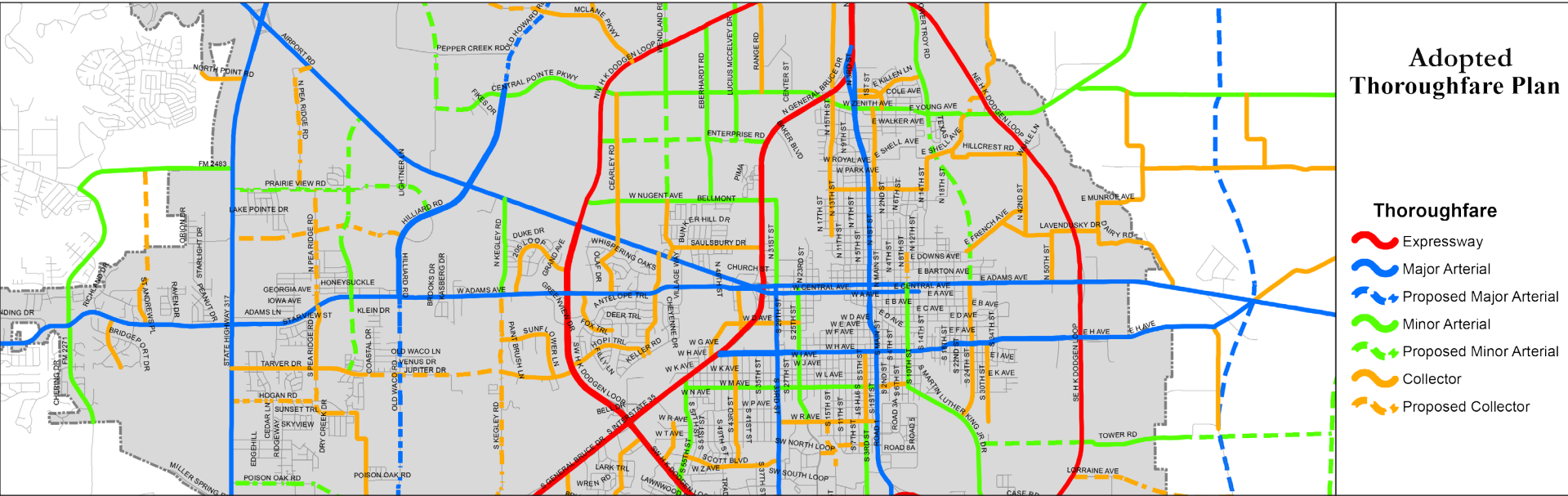
Uses for “non-residential” plats include commercial, industrial, professional, mixed-use, retail, office or other types of non-residential uses. The Planning Department reviewed 14 non-residential plats for FY 2015. Three of them were pending at the time of this report and the others were either approved Administratively or by the Planning & Zoning Commission. The Non-Residential Plats Summary Table describes the applications received for FY 2015.

Case Number	Subdivision Name	Location	Type of Plat	Acres	Number of Lots	CC/PZC APPROVAL
P-FY-15-03	Abundant Life United Pentecostal Church Addition	2215 N 3rd Street Temple, Texas 76501	Admin	0.4	1	N/A
P-FY-15-06	Golden Valley Subdivision	5513 Taylors Valley Road Temple, Texas 76502	Final	4.3	3	PZC
P-FY-15-08	Nugent Development	1303 N 31st Street Temple, Texas 76501	Concept Plan	23.1	23	N/A
P-FY-15-09	Buzzi Addition	11401 NW H K Dodgen Loop Temple, Texas 76501	Final	13.1	1	PZC
P-FY-15-11	Brown Addition	4751 Wendland Road Temple, Texas 76501	Final	18.7	1	PZC
P-FY-15-12	Procter Addition	124 Old Waco Road Temple, Texas 76502	Admin	1	1	N/A
P-FY-15-18	Wessinger Commercial	6118 S General Bruce Drive Temple, Texas 76502	Admin	1.2	2	N/A
P-FY-15-20	Lake Belton Plaza Phase Two	37 Morgan's Point Road Temple, Texas 76501	Final	1.8	2/1	PZC
P-FY-15-26	Crescent View Commercial Replat of Lt 1, Blk 1	6935 W Adams Avenue Temple, Texas 76502	Final	2.6	2	PZC
P-FY-15-27	Legacy Ranch Phase Two	6400 S 31st Street Temple, Texas 76502	Final	78.1	156	pending
P-FY-15-28	Heritage Crossing	119 Hilliard Road Temple, Texas 76501	Final	9.6	5	PZC
P-FY-15-32	West Adams Addition Phase III	5707 W Adams Avenue Temple, Texas 76502	Final	5.1/24.3	3/4	PZC
P-FY-15-39	Lakewood Professional Park	301 Clinite Grove Boulevard Temple, Texas 76502	Final	18.1	21	PZC
P-FY-15-47	Baylor Scott & White Distribution Center	5141 N General Bruce Drive Temple, Texas	Final	64.6	1	pending

Non-Residential Plats Summary Table



Location Map for Plats



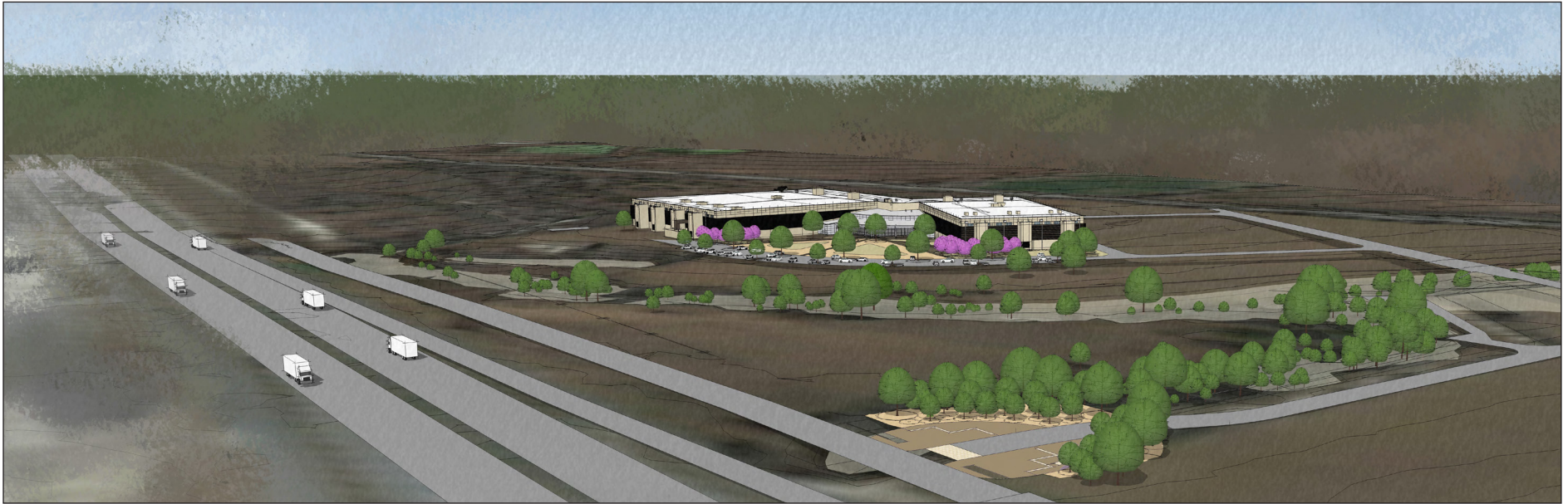
Z-FY-15-10 Adopted Thoroughfare Plan Graphic

Code Amendments

A Code Text Amendment may be necessary when the Planning Department recognizes a section of existing UDC text that is inconsistent with City goals or when additional clarification is needed in the Code. The proposed amendments must be reviewed by the Planning & Zoning Commission with a recommendation to the City Council. The City Council heard and approved two sets of UDC Amendments. Council also heard a Thoroughfare Plan Map amendment which was also approved.

Code	Case Number	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
UDC Amendment	Z-FY-15-03	Amendments to the UDC: allowing for certain temporary sales	Approval	Approval	Approved
UDC Amendment	Z-FY-15-08	Amendments relating to lighted signs for alcoholic beverage sales for off premise consumption	Approval	Approval	Approved
T-Fare Amendments	Z-FY-15-10	Recommend action to amend the Thoroughfare Plan Map	Approval	Approval	Approved

Code Amendments Summary Table



I-FY-15-02 Perspective (Baylor Scott & White Distribution Center)

I-35 Corridor Overlay Appeals

The Interstate 35 (I-35) Corridor Overlay zoning district applies to the entire length of I-35 within the City limits. This includes land that abut or adjoin I-35 (General Bruce Drive) or land that is developed used, managed or marketed as a group that abut or adjoin I-35.

Any property located within the I-35 Overlay District is subject to UDC Section 6.7. The Planning Department processed four of these applications. The following table shows the case number, location, purpose and outcome for each Appeals application received in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
I-FY-15-01	7777 S General Bruce Drive B Temple, Texas 76502	Section 6.7 related to parking, landscaping & screening	Approval	Approval	Approved 2015-7586-R
I-FY-15-02	5710 S General Bruce Drive Temple, Texas 76502	Sec 6.7.5(j), UDC related to maximum sign height of 25 ft for proposed 35-foot tall pylon sign for Caliber Collision	Approval	Approval	Denial
I-FY-15-03	7565 S General Bruce Drive Temple, Texas 76502	Section 6.7.5E & H, 6.7.8 (D)3 & 6.7.10(D)(3) of UDC, for landscaping, lighting, & building materials, located at 7565 S General Bruce Drive	Approval	Approval	Approved 2015-7689-R
I-FY-15-04	4767 N General Bruce Drive Temple, Texas 76501	Section 6.7.5E8f;6.7.8C;6.7.5E.8a; 6.7.5.E9 UDC for landscaping	Approval	Approval	Approved 2015-7833-R

I-35 Corridor Overlay Appeals Summary Table

Overlay Districts



O-FY-15-01 "Before" Site Photo (S. 1st Street - Auto Tex)



O-FY-15-01 "After" Site Photo (S. 1st Street - Auto Tex)

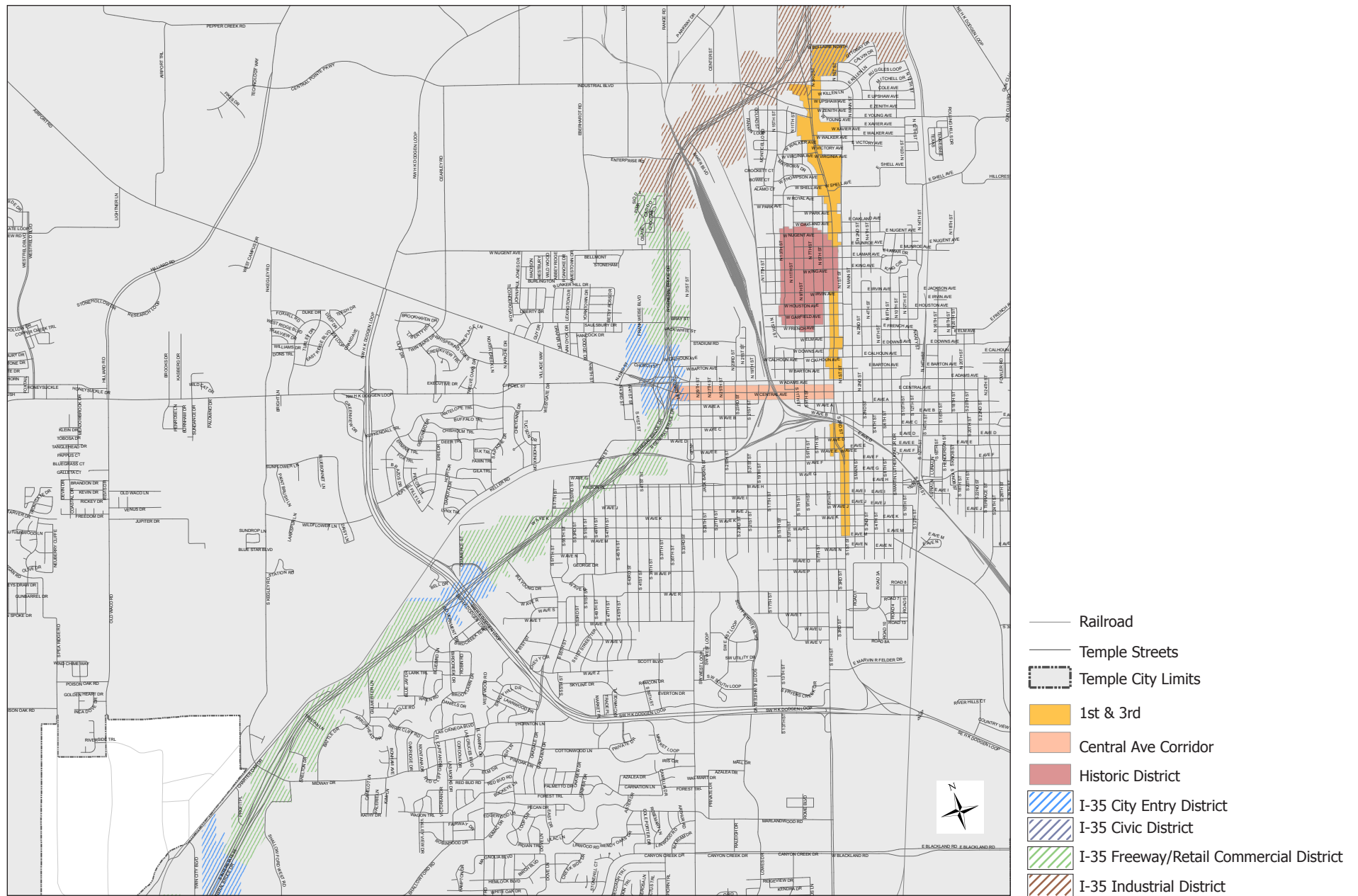
• 1st & 3rd Overlay Appeals

The Overlay Districts Summary Table shows the case number, location, purpose and outcome for the Overlay applications received in FY 2015.

• In addition to the North Temple Historic District and the I-35 Corridor Overlay District, Temple also has the 1st & 3rd Overlay District. As is the case with properties in the 1st & 3rd Overlay District, an applicant for property located within the 1st & 3rd Overlay District may apply for an Appeal to the Overlay District standards, which is also reviewed by Planning & Zoning Commission followed by City Council. The Planning Department received two applications for Appeals in the 1st & 3rd Overlay District. The Planning & Zoning Commission recommended approval for both Appeals and the City Council voted to approve both Appeals by Resolution.

Case Number	Location	Purpose	Staff Recommendation	P&Z Recommendation	City Council Action
O-FY-15-01	1001 & 1003 S 1st Street Temple, Texas 76504	Appeal related to sidewalks, fences and landscaping	Approval	Approval	Approved 2014-7538-R
O-FY-15-02	420 N 3rd Street Temple, Texas 76501	Appeal related to landscaping, sidewalks and impervious cover for the renovation of an existing building	Approval	Approval	Approved 2015-7890-R

1st & 3rd Overlay Appeals Summary Table



*This map is for general representation of the Overlay Districts. I-35 Industrial District and I-35 Entry District extend further north than shown on this map and the I35 Entry District and I-35 Freeway/Commercial District extend further southwest than show on this map.

Abandonments (non Planning & Zoning Cases)



A-FY-15-05 Site Photo (Optimist Park)

Abandonments

The Planning Department processed six Abandonment applications. Four were approved, one is currently pending and one is on hold.

►The **Abandonments Summary Table** shows the case number, location, purpose and outcome for the Abandonment applications received in FY 2015.

Case Number	Location	Purpose	Staff Recommendation	City Council Action
A-FY-15-01	22514 SE H K Dodgen Loop Temple, Texas 76504	Release of a 0.189-acre portion of existing 15' wide W&WS easement	Approval	Approved 2015-7685-R
A-FY-15-02	3010 S General Bruce Drive Temple, Texas 76504	Abandon 31.60' wide of ROW	Approval	Approved 2015-4726-R
A-FY-15-03	2107 Ridgeway Temple, Texas 76502	Abandon 20' wide drainage easement	On Hold	On Hold
A-FY-15-04	1638 Case Road Temple, Texas 76501	Abandon existing sewer line which was rerouted through new UE per plat	Pending	Pending
A-FY-15-05	820 W Munroe Ave Temple, Texas 76501	Close the N 205' of public 20' wide alley in Optimist Park	Approval	Approved 2015-4729
A-FY-15-06	6818 Ambrose Circle Temple, Texas 76502	Portion of southern of PUE for house encroachment	Approval	Approved 2015-7886-R

Abandonments Summary Table

Street Use Licenses

A Street Use License (SUL) is required by a property owner when the owner (licensee) requests to utilize part of a City owned right-of-way or easement. The licensee is required to maintain the encroachment area at all times in a neat, attractive and orderly manner. The SUL may be granted for up to 15 years. The Planning Department processed nine SULs and one SUL renewal (RN-SUL) of which eight were approved and no action taken on one. The following table shows the location, purpose and status for each SUL.

Case Number	Location	Purpose	Status
SUL-FY-15-01	11 E Central Avenue Temple, Texas 76501	Construct a new balcony/patio at O'Brien's (but not constructed)	Approved
SUL-FY-15-02	5513 Taylors Valley Road Temple, Texas 76502	Existing buildings encroach 10.9' into Georgetown RR ROW	Approved
SUL-FY-15-03	2215 North 3rd Street Temple, Texas 76501	6.4' fence encroaches into south ROW of W Victory/existing building extends 1.5' into south ROW of W Victory Avenue	No Action Taken
SUL-FY-15-04	678 Marlandwood Road Temple, Texas 76502	Construct 8' high by 15' long residential subdivision entry sign for Villas at Friars Creek	Approved
SUL-FY-15-05	3801 W FM 93 Temple, Texas 76502	Construct 20' long x 9' 6" high monument entry sign for Wicker Drive/Dubose Road entrance	Approved
SUL-FY-15-07	4 S Main Street Temple, Texas 76501	Create a covered, outdoor dining space at Wes's Burger Shack	Approved
SUL-FY-15-08	10 W B Avenue Temple, Texas 76501	Construct a 4' wrought iron railing to section off 8' area of sidewalk at Nathan Paul's Rations	Approved
SUL-FY-15-09	10601 NW H.K. Dodgen Loop Temple, Texas 76504	Install three steel 2" LP pipelines crossing a public utility easement that houses a sewer line	Approved
SUL-FY-15-10	2303 Taylors Valley Road Temple, Texas	Encroachment into Georgetown RR by and existing building for Belco Manufacturing	Approved
RN-SUL-FY-15-01	103 Tanglewood Road Temple, Texas 76502	Encroachment of 5'+/- into the 10' utility easement located at the rear of the property	Approved

SULs Summary Table



Wes's Burger Shack

Three downtown restaurants utilized the SUL process to create outdoor dining space to enhance street life and create a place where people can have an urban dining experience in downtown Temple. Two other downtown restaurants, amended existing SULs and installed covered dining areas.

Variances (non Planning & Zoning Cases)



B-FY-15-03 Site Photo

►The **Variance Summary Table** shows the case number, location, purpose and outcome for the Variance applications received in FY 2015.

Variances

The Zoning Board of Adjustment (ZBA) has the authority to hear and take final action on requests for a Variance from standards to the height, yard, area, coverage, sign, landscaping and parking regulations as may be necessary to secure appropriate development of a parcel of land. The ZBA may approve a Variance based on the existence of unique circumstances on the property.

Case Number	Location	Purpose	Staff Recommendation	ZBA Recommendation
B-FY-15-01	1016 S 27th Street Temple, Texas 76704	Variance from UDC requiring 60' lot to allow a duplex on a 50' lot	Denial	Denied
B-FY-15-02	1120 N 13th Street Temple, Texas 76701	Encroachment of estimated 10' into setback on sideyard along Lamar Ave for construction of proposed attached covered carport	Denial	Denied
B-FY-15-03	1701 N 11th Street Temple, Texas 76701	Variance for an existing partially enclosed carport with a 2' encroachment into the sideyard setback	Denial	Denied
B-FY-15-04	2605 W P Avenue Temple, Texas 76704	Variance to enclose an existing carport with a encroachment into the sideyard setback	Denial	Withdrew application prior to notifications.

Variance Summary Table



Z-FY-2016-03 Site Photo "The District"

Fiscal Year 2016 Planning Department Preview

The Planning Department is excited about FY 2016 as we will be finishing up some major projects from FY 2015 and there will be other major projects in-store. Development across from the Baylor Scott & White hospital is proposed that will include additional restaurants, retail, a hotel, apartments along with a trail system around a detention pond. This will be called the District and will complement Shoppes on the Hill, which is adjacent to the District south of Scott Boulevard.

The Department is also working on a number of Zoning Code Amendments related to TMED, the I-35 Corridor Overlay and downtown while the number of cases for 2015 decreased by 12% from 2014, the projected number of cases for 2016 is on pace for a 26% increase. Development is looking good in Temple for 2016!

		2014	2015	2016 (projected)
P&Z CASES	CUPs	8	4	6
	PDs	11	2	12
	Rezoning	16	15	22
	Residential Plats	19	33	32
	Non-residential Plats	30	14	24
	Code Amendments	0	3	5
	I-35 Appeals	6	4	2
	1st and 3rd Appeals	0	2	1
Sub-total		90	77	104
OTHER CASES	Variances	9	4	4
	SULs	6	11	10
	Abandonments	7	6	5
Total		112	98	123
% Change from previous year			-13%	26%

Development Review Guide

Development Approval	Step											
	1	2	3	4	5	6	7	8	9	10	11	12
	Get Started Right!	Zoning	Preliminary Plat	Attend Development Review Committee (DRC) Meeting	Attend a Planning and Zoning Commission Meeting	Final Plat: Application	Attend Development Review Committee (DRC) Meeting	Attend a Planning and Zoning Commission Meeting	Recordation and Close Out	Building Permit	Submit to Permitting and Inspections:	Schedule Certificate of Occupancy Inspection
Public Infrastructure Permit	<p>Meet with staff to determine first steps. Make sure your project is feasible!</p> <p>Contact the Planning Department (254) 298-5668</p> <p>Visit our website at Planning Website</p>	<p>Make sure your zoning is right. Contact the Planning Department (254) 298-5668</p> <p>Check city maps: Temple GIS Maps</p> <p>Submit to the Planning Department:</p> <ul style="list-style-type: none"> Application Digital and hard copies Field notes if needed Other documents Fees <p>Rezoning Schedule</p> <p>Universal Application</p> <p>Attend Public Hearing</p> <p>Attend a Planning and Zoning Commission Meeting</p> <p>Attend Public Hearing</p> <p>Attend a City Council Meeting</p> <p>City Council Second Reading</p> <p>Ordinance requires two readings for final approval</p> <p>Check Section 3.3: Rezoning, of the Unified Development Code (UDC) UDC</p>	<p>(if applicable see UDC Section 3.6.5)</p> <p>Submit to the Planning Department:</p> <ul style="list-style-type: none"> Digital and hard copies of plans Field notes Dedication instrument Utility provider transmittal letter Drainage plan/letter Other documents (see checklist below) Fees <p>Plat Checklist</p> <p>Universal Application</p> <p>Plat Review Schedule</p> <p>Planning Department: (254) 298-5668</p> <p>Engineering Department (254) 298-5624</p> <p>Check UDC Section 3.6: Subdivision Plat Review UDC</p>	<p>Staff meets to discuss their comments with the applicant at DRC review. Applicant submits digital revisions until plat is deemed complete.</p> <p>More than one DRC meeting may be required.</p> <p>Plat Review Schedule</p> <p>Check UDC Section 2.5 Development Review Committee UDC</p>	<p>Additionally: attend City Council meeting if exceptions to Article 8: Subdivision Design Improvements are requested</p> <p>Plat Review Schedule</p> <p>Check UDC Article 8: Subdivision Design and Improvements UDC</p>	<p>Submit to the Planning Department</p> <ul style="list-style-type: none"> Application Digital and hard copies of plans Field notes Dedication instrument Utility provider transmittal letter Drainage plan/letter Other documents (see checklist below) Fees <p>Plat Checklist</p> <p>Universal Application</p> <p>Plat Review Schedule</p> <p>Planning Department: (254) 298-5668</p> <p>Engineering Department (254) 298-5624</p>	<p>Staff meets to discuss their comments with the applicant at DRC review. Applicant submits digital revisions until plat is deemed complete.</p> <p>More than one DRC meeting may be required.</p> <p>Plat Review Schedule</p> <p>Check UDC Section 2.5 Development Review Committee UDC</p> <p>If plat is eligible for administrative approval proceed to recordation and close out. Check UDC Section 3.8: Minor or Amending Plat</p>	<p>Additionally, attend City Council meeting if exceptions to Article 8: Subdivision Design & Improvements are requested</p> <p>Check UDC Article 8: Subdivision Design and Improvements UDC</p> <p>Residential Plat</p> <p>Schedule inspections with Public Works Department for residential infrastructure improvements (254) 298-5640</p>	<p>Pre-Recordation</p> <p>Submit to the Planning Department</p> <ul style="list-style-type: none"> 2 mylars to be signed by city officials Original executed Dedication Instrument with original field notes to be signed by legal dept. One digital CAD file of plat <p>Post-Recordation</p> <ul style="list-style-type: none"> 1 mylar of recorded plat 5 hard copies of recorded plat Original recorded dedication instrument Original recorded easement agreements (if applicable) <p>See Procedures for Plat Recordation Procedures for Plat Recordation</p> <p>Residential Plat</p> <p>Schedule final walk through with Public Works/ Engineering</p> <p>Pay Park Fees</p> <p>Request Letter of Acceptance (254) 298-5640</p>	<p>Submit to Permitting and Inspections:</p> <ul style="list-style-type: none"> Universal Commercial/ Residential Application All plans (see requirements below) Fees <p>Permitting and Inspections will provide comments within 10 business days</p> <p>Applications</p> <p>Residential Permit Requirements</p> <p>Commercial Permit Requirements</p> <p>New Commercial Packet</p> <p>Email questions and applications to: permitapplications@templetx.gov</p> <p>Check UDC Section 3.13: Building Permit UDC</p> <p>Submit to Permitting and Inspections (as applicable) with Commercial Building permit application:</p> <ul style="list-style-type: none"> Civil construction plans (always) Storm water Management Plan Drainage Report Geotechnical Report Floodplain Development App. Other documents <p>Floodplain Dev. App.</p>	<p>Submit to Permitting and Inspections:</p> <ul style="list-style-type: none"> Electronic revised plans per comments Other requested documents <p>Check Permit Status</p> <p>If permit is approved proceed with construction. Schedule inspections as needed with:</p> <ul style="list-style-type: none"> Building /Mechanical Inspectors Electrical Inspector Plumbing Inspector Fire Development Coordinator (for commercial) <p>Contact Inspections Hotline to schedule inspections (254) 298-5640</p> <p>Submit to Public Works/ Engineering:</p> <ul style="list-style-type: none"> Storm water Prevention Plan Revisions per comments provided by Public Works/ Engineering until plans are approved for construction permit <p>Schedule inspections with Public Works Department for commercial infrastructure improvements (254) 298-5640</p>	<p>Schedule Certificate of Occupancy Inspection (254) 298-5640</p> <p>Schedule final walk through with Public Works/ Engineering</p> <p>Pay Park Fees</p> <p>Request Letter of Acceptance (254) 298-5640</p>
Building Permit												

City of Temple Development Review Guide

Development Review Guide which provides applicants with an interactive tool to navigate through the application process for plats and zoning cases.

Temple City Council

Danny Dunn, Mayor
Russell Schneider, District 4, Mayor Pro Tem
Tim Davis, District 1
Judy Morales, District 2
Perry Cloud, District 3

Planning & Zoning Commission

David Jones, Chair
Patrick Johnson, Vice-Chair
Lydia Alaniz
Omar Crisp
Lester Fetting
David Jones
Tanya Mikeska- Reed
Blake Pitts
Greg Rhoads
Will Sears

Planning Staff

Brian Chandler, AICP, Director of Planning
Tammy Lyerly, Senior Planner
Mark Baker, Senior Planner
Dessie Redmond, Planner
Barbara Morgenroth, Development Review Coordinator
Mary Maxfield, Planning Technician (retired January 2016)
Leslie Evans, Planning Technician
Kelli Tibbit, Administrative Assistant



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(A)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Approve Minutes:

(A) April 7, 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:

April 7, 2016 Special and Regular Meeting



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(B)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution ratifying the emergency sole-source purchase from GEO Specialty Chemicals, of Deer Park, in an amount not to exceed \$30,000, for liquid copper sulfate for use at the City's Water Treatment Plant.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The water treatment plant continues to adequately deliver potable water that is safe to be consumed by the City's citizens and wholesale customers. Proper disinfection is imperative as it serves as the barrier for protecting public health from disease causing organisms. Monitoring the formation of disinfection by-products particularly when chlorine comes in contact with organic material from the raw water source is a secondary component to proper disinfection.

The addition of copper sulfate will be used to destroy the organic material in the City's raw water source (Leon River) believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per U.S EPA, Stage 2 Disinfectant and Disinfection By-product rule. The use of copper sulfate has been previously injected at a very low dosage blended with the main aluminum coagulant. Besides controlling algae, copper sulfate has a secondary impact to reducing disinfection by-product precursors.

The process will be routinely evaluated for at least sixty days for success rate with bringing the levels back down below their allowable limits. GEO Specialty Chemicals, Inc. currently provides chemicals used at the water treatment plant for coagulation and are ready and able to provide service during the sixty day trial period.

FISCAL IMPACT: Funding is available in account 520-5100-535-2118 to support the emergency sole-source purchase for liquid copper sulfate, in an amount not to exceed \$30,000.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, RATIFYING THE EMERGENCY SOLE-SOURCE PURCHASE OF LIQUID COPPER SULFATE FOR USE AT THE CITY'S WATER TREATMENT PLANT, IN AN AMOUNT NOT TO EXCEED \$30,000 FROM GEO SPECIALTY CHEMICALS, OF DEER PARK, TEXAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the water treatment plant delivers potable water that is safe to be consumed by the City's citizens and wholesale customers, however, proper disinfection is imperative as it serves as the barrier for protecting public health from disease causing organisms;

Whereas, monitoring the formation of disinfection by-products, particularly when chlorine comes in contact with organic material from the raw water source, is a secondary component to proper disinfection;

Whereas, the addition of copper sulfate will be used to destroy the organic material in the City's raw water source believed to be a contributing cause for disinfection by-product levels above the maximum measurable amount per U.S. EPA, Stage 2 Disinfectant and Disinfection By-Product rule;

Whereas, Staff recommends Council ratify the emergency sole-source purchase of liquid copper sulfate from GEO Specialty Chemicals, Inc. of Deer Park, Texas – GEO Specialty Chemicals, Inc. currently provides chemicals used at the water treatment plant for coagulation and Staff has been pleased with its services;

Whereas, funding is available for this emergency sole-source purchase in Account No. 520-5100-535-2118, Project No. 101213; 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 ratifies the emergency sole-source purchase of liquid copper sulfate, in an amount not to exceed \$30,000, from GEO Specialty Chemicals, Inc. of Deer Park, Texas and authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute any documents associated with this purchase.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(C)
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 the yearly Small Municipality Government Enterprise License Agreement and maintenance contract with Environmental Systems Research Institute (ESRI) in the amount of \$50,000.

STAFF RECOMMENDATION: Adopt Resolution as presented in item description.

ITEM SUMMARY: The Information Technology, Public Works, Parks, Police, Police and Fire currently use Geographical Information Systems Software from Environmental Systems Research Institute (ESRI) that integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information. GIS allows us to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, globes, reports, and charts.

GIS is used for Crime, Water/Sewer, transportation, parcel, 911, planning, zoning, parks, infrastructure, political boundary, topographical, hydrological and census analysis and management. The GIS software is used for information sharing on our City website.

This Enterprise Licensing Agreement allows the City to take advantage of unlimited licensing and maintenance which will provide the following benefits:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Maintenance on all ESRI software deployed under this agreement
- Complete flexibility to deploy software products when and where needed

Environmental Systems Research Institute (ESRI) is the sole provider of maintenance for the ArcGIS applications software and this is the third year of a three year agreement.

FISCAL IMPACT: The Information Technology Department currently has funds budgeted in account 110-1900-519-23-38 in the amount of \$50,000 for this purchase.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A LICENSE AND MAINTENANCE CONTRACT, IN THE AMOUNT OF \$50,000 WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Information Technology, Public Works, Parks, Police and Fire Departments currently use Geographical Information Systems (GIS) Software from Environmental Systems Research Institute (ESRI) that integrates hardware, software, and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information;

Whereas, GIS software is used for crime, water/sewer, transportation, parcel, 911, planning, zoning, parks, infrastructure, political boundaries, topographical, hydrological census analysis and management and for information sharing on the City's website;

Whereas, the Enterprise Licensing Agreement will allow the City to take advantage of unlimited licensing and maintenance which will provide a lower cost per unit for licensed software, substantially reduced administrative and procurement expenses, maintenance on all ESRI software deployed under this agreement and complete flexibility to deploy software products when and where needed;

Whereas, Environmental Systems Research Institute is the sole provider of maintenance for the ArcGIS applications software - this is the third year of a three year agreement;

Whereas, funds are available for this purchase in Account No. 110-1900-519-2338; 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 license and maintenance contract, in the amount of \$50,000 with Environmental Systems Research Institute.

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

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(D)
Consent Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Alan DeLoera, Information Technology Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing the annual purchase of Microsoft Software Enterprise Agreement with SHI Government Solutions of Dallas, utilizing DIR Contract in the amount of \$167,897.

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

ITEM SUMMARY: The City of Temple currently uses Microsoft for all of our office applications as well as database servers throughout the City. The software we currently use include Microsoft Word, Powerpoint, Excel, Sharepoint, Outlook, and Publisher as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software.

After reviewing some of the Volume Licensing programs that were presented, we decided to request a Microsoft Enterprise Agreement that covers Microsoft Office Professional and the Microsoft Core Client Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers. The agreement also covers a wide variety of additional technologies including Windows Server, Exchange Server, Internet Security and Acceleration Server, SQL Server™, and Microsoft Operations Manager licenses for 25 servers. This year we would like to move to Office 365 so that all employees have the ability to work across multiple devices, from anywhere, and have a consistent, clean, and fast experience. Your settings roam with you too, so your files are up to date and ready for you to pick up right where you left off, no matter what device you're using. This also will give us new access for online collaboration and meeting tools instead of having to go through a hosted service such as Webex or Go-To-Meeting. It also allows for simplified legal compliance by using in-place legal holds and all of this is hosted by Microsoft allowing our staff more time to concentrate on Security Compliance. This software will provide the following to all staff:

Advanced email	Use archiving and legal hold capabilities, plus unlimited storage, for compliance needs. And use data loss prevention (DLP) policies and policy tips that educate your users for additional compliance enforcement in email.
Document and email access control	Rights Management Services enables you to restrict access to documents and email to specific people and to prevent anyone else from viewing or editing them, even if they are sent outside the organization.
Online conferencing	Host online meetings with audio and video using one-click screen sharing and HD video conferencing.
Instant messaging and Skype connectivity	Connect with other Lync users via instant message, voice calls, and video calls, and let people know your availability with your online status. Share presence, IM, and audio calling with Skype users.
File storage and sharing	OneDrive for Business gives each user 25 GB of personal cloud storage that can be accessed from anywhere and that syncs with their PC for offline access. Easily share documents with others inside and outside the organization and control who can see and edit each file.
Team sites	Enable easy access and sharing of documents with 10 GB of baseline storage plus 500 MB of storage per user. Share insights through interactive reports with Excel Services and Visio Services, and view them on mobile device browsers that support HTML5.
Site mailboxes	Make it easier for teams to collaborate. Store and share email and documents in project-specific folders, so everyone on the team can find the information they need fast.
Yammer Enterprise	Keep ideas and work moving with enterprise social networking that makes collaborating with the right people easy and that comes with advanced support, security, administration, and integrations.
Office Online	Create and edit Word, OneNote, PowerPoint, and Excel documents from a browser.
Mobility	Sync email, calendar, and contacts; access SharePoint sites; view and edit Office documents with Office Online using a browser on Windows Phone, iOS, and Android devices.

This is the seventh year of the City's Enterprise Agreement and through the Enterprise Agreement, we are able to more effectively standardize software across all desktops and take advantage of many of the included Software Assurance benefits, including New Version Rights, Desktop Deployment Planning Services, Training Vouchers, Microsoft eLearning, Home Use Program, 24x7 Problem Resolution Support, a TechNet Plus subscription, and Extended Hotfix's. The pricing has increased by \$40,000 based on the fact that our original license agreement was based on 500 users but we now have close to 750 users citywide.

Prior to 2010, it was the Information Technology Department's practice of purchasing new licenses every 3 to 4 years through a select agreement program because we felt the Enterprise Agreement was more expensive over the 3 to 4 year period, but the pricing now has reversed in the sense that it is less costly to go through a yearly Enterprise Agreement. We also felt that the cycle for software upgrades by Microsoft was about every 3 to 4 years but that has changed in the past 4 years in that software upgrades are on a more frequent basis. This also helps solve a problem in that we would be on the same Enterprise Agreement with many other State and local agencies that currently upgrade their software on a more frequent basis.

If we were to purchase based on the select agreement today we would have to spend about \$472,000 for all of our licensing needs on servers and the desktops and in another 3 years we would spend another \$450,000 to upgrade again. With the Enterprise Agreement we have spent \$100,905.92 per year in 2012 and 2013, and will pay \$122,195 in 2014, 2015, 2016 and \$167,897 in 2017 for a six year cost of approximately \$736,294 versus \$944,000 for the same six year period if we purchased the software through the select agreement.

FISCAL IMPACT: A budget adjustment is presented for Council's approval to appropriate \$167,897 of Technology Funds in account 351-1900-519-6221, project #101504, for the purchase of Microsoft Enterprise Agreement License and software with SHI Government Solutions. This is the seventh year of our Enterprise Agreement.

ATTACHMENTS:

[Budget Adjustment](#)
[Enrollment Agreement](#)
[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
351-1900-519-62-21	101504	Capital Equipment / Computer Software	\$ 167,897	
351-0000-490-25-82		Transfer In- Desg Capital Proj Fund	\$ 167,897	
110-0000-351-09-43		Desg Capital Unallocated Tech Funds		167,897
110-9100-591-81-51		Transfer Out- Desg Capital Proj Funds	167,897	
		Do Not Post		
TOTAL.....			\$ 503,691	\$ 167,897

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

2016 Microsoft Annual EA Agreement

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒ Yes☐ No

DATE OF COUNCIL MEETING

4/21/2016

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

4/1/2016

Date

☒ Approved☐ Disapproved

Finance

Date

☐ Approved☐ Disapproved

City Manager

Date

☐ Approved☐ Disapproved

Proposal ID

0446639.001

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:

Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	450	670	0.7	Yes	User Licenses

Products	Enterprise Quantity
Office 365 Plans	
Office 365 Plan E3 USL	450
Office 365 GOV E3	220
Client Access License (CAL)	
Core CAL	
Bridge for Office 365	220
Core CAL Bridge for Office 365 From SA	450
Windows Desktop	
Windows Enterprise OS Upgrade	450
Enterprise Mobility Suite (EMS)	
Enterprise Mobility Suite GOV	100

Enrolled Affiliate's Product Quantities:

Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + Office 365 ProPlus + Office 365 (Plans E3, E4 and E5) + Enterprise Cloud Suite USL	Client Access License + Office 365 (Plans E1, E3, E4 and E5) + Enterprise Cloud Suite USL	Client Access License + Windows Intune + EMS USL + Enterprise Cloud Suite USL	Win Enterprise Upgrade + Win VDA + Win SA per User USL + Win VDA per User USL + Enterprise Cloud Suite USL
Quantity	670	670	100	450

Enrolled Affiliate's Price Level:

Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D

Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

NOTES	
Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:	
Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D
Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.	
Note 2: Unless otherwise indicated in associated Agreement documents, the CAL selection must be the same across the Enterprise for each Profile.	
Note 3: Enrolled Affiliate acknowledges that in order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that it has acquired qualifying operating system licenses. The requirement applies to Windows Enterprise OS Upgrade. See the Product List for details.	
Note 4: Enrolled Affiliate acknowledges that in order to use a third party to reimage the Windows Operating System Upgrade, Enrolled Affiliate must certify that it has acquired qualifying operating system licenses. See the Product List for details.	
Note 5: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.	
Note 6: Bridge CAL, Office 365 Plan E3 Add Ons, EMS Add Ons, Windows Ent SA Per User Add Ons, and Enterprise Cloud Suite Add On quantities are not included for Price Leveling, as License quantities are determined by the corresponding Enterprise Online Service(s).	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF A MICROSOFT SOFTWARE ENTERPRISE AGREEMENT, IN THE AMOUNT OF \$167,897, WITH SHI GOVERNMENT SOLUTIONS OF DALLAS, TEXAS, UTILIZING A DEPARTMENT OF INFORMATION RESOURCES CONTRACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple currently uses Microsoft software for all office applications as well as database servers throughout the City - the software includes Microsoft Word, Powerpoint, Excel, Sharepoint, Outlook, Publisher, as well as Enterprise solutions for SQL Server, Exchange Server, Operating systems and enterprise server software;

Whereas, Staff reviewed several Volume Licensing programs and ultimately chose Microsoft Enterprise Agreement which covers Microsoft Office Professional and the Microsoft Core Access License (CAL) Suite—including the Windows Server® 2012 operating system, Microsoft Exchange Server, Microsoft Systems Management Server, and Microsoft Office SharePoint® Portal Server—for all of the City computers;

Whereas, this is the seventh year the City has used the Microsoft Software Enterprise Agreement – this year’s Agreement covers a variety of additional technologies for all employees which will provide consistency across multiple devices and it will provide consistent, clean and fast experience;

Whereas, staff recommends the City purchase the seventh year of a Microsoft Software Enterprise Agreement, in the amount of \$167,897, with SHI Government Solutions of Dallas, Texas, utilizing DIR Contract DIR-SDD-2503;

Whereas, funds are available for the purchase of the Microsoft Enterprise Agreement, but an amendment to the fiscal year 2016 budget needs to be approved to transfer the funds to Account No. 351-1900-519-6221, Project No. 101504; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, to purchase a Microsoft Software Enterprise Agreement, in the amount of \$167,897 with SHI Government Solutions of Dallas, Texas, utilizing DIR Contract DIR-SDD-2503.

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 associated with this purchase.

Part 3: The City Council approves an amendment to the fiscal year 2016 budget, substantially in the form of the copy attached as Exhibit ‘A,’ for this purchase.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/07/16
Item #4(E)
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 easements necessary for the construction of the Bird Creek Interceptor project and authorizing closing costs associated with the purchase, in an amount not to exceed \$5,700.

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 Phase 4 of the proposed Bird Creek Interceptor project. The design requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2800 Pecan Valley in Temple. An appraisal was performed on the parcel, an offer was presented to the property owners, and in January 2015 the property owners agreed to grant the City the necessary easements. However, title issues prevented the City's acquisition of the easement at that time. The title issues have since been resolved, and Staff is asking for authorization to purchase the necessary easements and pay closing costs in an amount not to exceed \$5,700.

FISCAL IMPACT: Funding for the purchase of easements for the Bird Creek Interceptor project is appropriated in account 520-5900-535-6110, project 101213.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF EASEMENTS NECESSARY FOR THE CONSTRUCTION OF THE BIRD CREEK INTERCEPTOR PROJECT; AUTHORIZING CLOSING COSTS ASSOCIATED WITH THESE PURCHASES IN AN AMOUNT NOT TO EXCEED \$5,700; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City is currently in the design phase for Phase 4 of the proposed Bird Creek Interceptor project which requires the acquisition of easements for wastewater utilities and temporary construction easements from several property owners, including the property situated at 2800 Pecan Valley in Temple;

Whereas, an appraisal was performed on the parcel and an offer was presented to the property owners – in January, 2015 the property owners agreed to grant the City the necessary easements, however, at that time, title issues prevented the City's acquisition, which have since been resolved;

Whereas, Staff has reached an agreement with the property owners and recommends Council authorize the purchase of the necessary easements and pay associated closing costs, in an amount not to exceed \$5,700;

Whereas, funding for the acquisition of easements required for construction of Phase 4 of the Bird Creek Interceptor project is appropriated in Account No. 520-5900-535-6110, Project No. 101213; 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 easements from property located at 2800 Pecan Valley which are necessary for the construction of the Bird Creek Interceptor project and authorizes closing costs associated with the purchase, in an amount not to exceed \$5,700.

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 **21st** day of **April**, 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

04/21/16
Item #4(F)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a lease agreement between the City of Temple and Center Point Aviation, LLC, permitting the Lessee to lease a 160 foot X 300 foot tract of land and construct a 120 foot X 120 foot aircraft hangar in the corporate hangar development area at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The hangar development plans have been reviewed and approved by the Federal Aviation Administration from an airspace utilization standpoint and the Texas Department of Transportation Aviation Division from an environmental impact assessment as required by both regulatory agencies. The term of the land lease shall be for 30 years and will commence on June 1, 2016 and shall terminate on May 31, 2046 with five two year options to renew at fair market value.

FISCAL IMPACT: The Airport will receive 10 cents per square foot per year for the lease of the 160 foot X 300 foot tract of land. The annual revenue to be received from Center Point Aviation, LLC is \$4,800. Lessee's rental rates may be adjusted at the end of each fifth year anniversary of the lease computed accordingly to the Consumer Price Index (CPI).

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A LEASE AGREEMENT WITH CENTER POINT AVIATION, LLC, FOR LEASE OF SPACE IN THE CORPORATE HANGAR DEVELOPMENT AREA AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the corporate hangar development plans have been reviewed and approved by the Federal Aviation Administration from an airspace utilization standpoint and the Texas Department of Transportation Aviation Division from an environmental impact assessment as required by both regulatory agencies;

Whereas, Center Point Aviation, LLC has requested to lease a 160-foot by 300-foot tract of land on which it will construct a 120-foot by 120-foot aircraft hangar;

Whereas, the term of the land lease shall be for thirty years and will commence June 1, 2016 and terminate May 31, 2046 with five two-year options to renew at fair market value if so agreed to by all parties;

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

Whereas, the City will receive .10 cents per square foot per year for the land lease and the lessee's rental rates may be adjusted at the end of each five year anniversary of the lease computed according to the Consumer Price Index; 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 lease agreement with Center Point Aviation, LLC for lease of space in the corporate hangar development area at the Draughon-Miller Central Texas Regional Airport.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(G)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a two year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the rental of a 6,000 square foot hangar for the purpose of operating an aircraft maintenance and avionics shop at the Draughton-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Approval of the item will extend the lease with Kachemak Bay Flying Service for two years through June 30, 2018.

On June 4, 2015, the City approved a one year lease extension with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), for the purpose of operating an aircraft maintenance and avionics shop and other general aviation services at the Draughton-Miller Central Texas Regional Airport. The lease will expire June 30, 2016.

Kachemak Bay Flying Service has demonstrated they are capable of operating a professional aircraft maintenance and avionics shop on the Airport; therefore, staff recommends a two year lease with Kachemak Bay Flying Service at the rate of \$780 per month, an increase of \$180 per month be approved to run through June 30, 2018.

FISCAL IMPACT: Airport revenue will increase by \$2,160 annually based on the increase of \$180 per month. The total annual revenue to be received from Kachemak Bay Flying Service is \$9,360 per year in hangar rent.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A TWO YEAR LEASE AGREEMENT WITH KACHEMAK BAY FLYING SERVICE, A WHOLLY OWNED SUBSIDIARY OF SYSTEM STUDIES AND SIMULATION, INC., FOR LEASE OF SPACE AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on June 4, 2015, the City approved a one-year lease extension with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for the purpose of operating an aircraft maintenance and avionics shop and other general aviation services at the Draughon-Miller Central Texas Regional Airport - this lease extension expires June 30, 2016;

Whereas, Kachemak Bay Flying Service has demonstrated it is capable of operating a professional aircraft maintenance and avionics shop and therefore, Staff recommends Council authorize a two-year lease with Kachemak Bay Flying Service at the rate of \$780 per month;

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

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a two-year lease agreement with Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc., for the purpose of operating an aircraft maintenance and avionics shop and other general aviation services at the Draughon-Miller Central Texas Regional Airport.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(H)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Lacy Borgeson, City Secretary

ITEM DESCRIPTION: Consider adopting a resolution authorizing an interlocal agreement with Bell County for the use of the election equipment necessary for the May 7, 2016 General Election.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This agreement will allow for the City to procure all necessary voting machines and equipment, transport machines and equipment to and from the polling places, and prepare the voting machines and equipment for use at the polling places.

Equipment includes:

1. ES&S AutoMark Voter Assist Terminal version 1.1 (\$210 each)
2. ES&S Model 100 Optical Scan Voting Systems version 5.2.1.0. (\$230 each)
3. Delivery Fee (\$70.00)

At this time, the City anticipates needing two AutoMarks and two M100's for the General Election in May 2016.

Bell County will also perform any necessary maintenance or repair on the furnished machines and equipment.

We recommend approval of this interlocal agreement with Bell County for a period of one year.

FISCAL IMPACT: Funds are appropriated in account 110-1400-511-2517 in the amount of \$16,000 to fund the interlocal agreement with Bell County for the use of the election equipment.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING AN INTERLOCAL AGREEMENT WITH BELL COUNTY FOR
THE USE OF ELECTION EQUIPMENT NECESSARY FOR THE MAY 7, 2016
GENERAL ELECTION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on May 7, 2016, the City of Temple will conduct its General Election and Bell County has authorized the use of its election equipment;

Whereas, this interlocal agreement will allow the City to utilize all necessary voting machines and equipment, to transport machines and equipment to and from polling places, and to prepare the voting machines and equipment for use at the polling places;

Whereas, Bell County will be responsible for any necessary maintenance or repair on the machines and equipment;

Whereas, Staff has utilized the services of Bell County and its election equipment in the past and therefore recommends Council approve a one-year interlocal agreement for these services;

Whereas, funding is available for this agreement in Account No. 110-1400-511-2517; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to enter into an interlocal agreement with Bell County for the use of election equipment necessary for the May 7, 2016 General Election.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(I)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Jonathan Graham, City Manager
Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution authorizing a Settlement and Release Agreement with Oncor Electric Delivery Company, LLC for the overbilling of street lights.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Oncor Electric Delivery Company, LLC (“Oncor”) and its predecessors in interest, have been billing the City for providing service to unmetered street lights for which the City is the end-use customer. Oncor has notified the City that its billings have been inaccurate with respect to the number, type and/or size of street lights for which the City is the end-use customer. The overbilling of street lights has resulted in the City paying excess charges for transmission and distribution service. Oncor has therefore proposed that the two entities enter into a Settlement and Release Agreement for the overbilling of street lights. Under the proposed agreement, Oncor will pay to the City \$53,566.07. This amount was calculated by Oncor based on the number, type and size of street lights in the City.

Staff has reviewed the proposed agreement and recommends approval.

FISCAL IMPACT: The City will receive \$53,566.07 from Oncor due to the excess charges for transmission and distribution service as calculated by Oncor. The funds will be deposited into account 110-0000-461-0865.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,
AUTHORIZING A SETTLEMENT AND RELEASE AGREEMENT WITH
ONCOR ELECTRIC DELIVERY COMPANY, LLC FOR THE OVERBILLING OF
STREET LIGHTS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Oncor Electric Delivery Company, LLC (“Oncor”) and its predecessors in interest, have been billing the City of Temple for providing service to unmetered street lights for which the City is the end-use customer;

Whereas, Oncor has notified the City that its billings have been inaccurate with respect to the number, type and/or size of street lights for which the City is the end-use customer - the overbilling of street lights has resulted in the City paying excess charges for transmission and distribution service and therefore Oncor proposed that the two entities enter into a Settlement and Release Agreement for the overbilling of street lights;

Whereas, under the proposed agreement, Oncor will pay the City \$53,566.07 which was calculated by Oncor based on the number, type and size of street lights in the City of Temple;

Whereas, Staff has reviewed these numbers and the proposed agreement and recommends Council authorize the signing of a Settlement and Release Agreement with Oncor for the overbilling of street lights;

Whereas, the funds the City will receive from Oncor due to the excess charges for transmission and distribution service will be deposited into Account No. 110-0000-461-0865; 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 Settlement and Release Agreement with Oncor Electric Delivery Company, LLC, for the overbilling of street lights.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(J)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider approving a resolution authorizing a cost sharing agreement with Kiella Development, Inc. for the construction of sidewalks in the Villages of Westfield subdivision.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Kiella Development, Inc. ("Developer") is the developer of the Villages of Westfield, Phase 1. As part of the development, the Developer will be constructing several public improvements, including roadways, water lines, and sewer lines. The Developer is also proposing to construct 3,593 linear feet of sidewalk. The developer has asked that the City participate in a cost sharing agreement for construction of a portion of the sidewalk – specifically, 2,772 linear feet.

The Developer's total estimated cost for the public improvements is \$1,259,118. Under Chapter 212 of the Local Government Code, the City may enter into a cost sharing agreement with a developer for the construction of public improvements. The City's participation may not exceed 30% of the total contract price for the public improvements. The Developer has requested City participation in the amount of \$94,275 which will cover the cost of constructing 2,772 linear feet of 8' wide sidewalks within the subdivision. The requested amount is less than 30% of the total estimated contract price for the public improvements. In the proposed cost sharing agreement, the City's participation would be capped at \$94,275.

Staff has reviewed the request and recommends approval.

FISCAL IMPACT: A budget adjustment is presented for Council's approval appropriating the funding needed for the cost sharing agreement with Kiella Development, Inc. in the amount of \$94,275. This City's participation will fund the cost of constructing 2,772 linear feet of 8' wide sidewalks. The developer's total cost for public improvements is \$1,259,118 which includes the cost for the construction of public improvements, including roadways, water lines and sewer lines, at the Villages of Westfield, Phase 1.

After approval of the budget adjustment, funding will be appropriated in account 110-3500-552-6332, project 101202, in the amount of \$94,275, to fund the developer participation agreement.

ATTACHMENTS:

[Budget Adjustment
Resolution](#)

BUDGET ADJUSTMENT FORM

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

Adjustments should be rounded to the nearest \$1.

			+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
110-0000-461-08-03		Developer Fees	\$ 94,275			
110-3500-552-63-32	101202	Park Fees-Westfield Hike & Bike Trail	\$ 94,275			
TOTAL.....			\$ 188,550		\$ -	

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

To appropriate funds for a cost sharing agreement with Kiella Development for the construction of sidewalks in the Villages of Westfield subdivision. Total investment for the improvements is \$1,259,118. The City's participation is \$94,275 which will cover the cost of constructing 2,772 linear feet of 8' wide sidewalks within the subdivision. The following subdivision escrowed developer fees will be used for the project: Pecan Pointe Apartments \$26,100, Westfield III \$12,150, Westfield III \$12,150, Westfield VIII \$11,700, Westfield VIII \$4,275, North Gate \$15,300 and Westfield X \$12,600 for a total of \$94,275.

DATE OF COUNCIL MEETING	21-Apr-16	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
WITH AGENDA ITEM?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Department Head/Division Director	Date	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Finance	Date	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
City Manager	Date	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A COST SHARING AGREEMENT WITH KIELLA DEVELOPMENT, INC., FOR THE CONSTRUCTION OF SIDEWALKS IN THE VILLAGES OF WESTFIELD SUBDIVISION; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Kiella Development, Inc. (“Developer”) is the developer of the Villages of Westfield, Phase 1 and as part of the development, Developer will be constructing several public improvements, including roadways, water lines, and sewer lines;

Whereas, Developer is also proposing to construct approximately 3,593 linear feet of sidewalk and has asked that the City participate in a cost sharing agreement for construction of a portion of the sidewalk – specifically, 2,772 linear feet;

Whereas, under Chapter 212 of the Local Government Code, the City may enter into a cost sharing agreement with a developer for the construction of public improvements, however, the City’s participation may not exceed 30% of the total contract price for the public improvements;

Whereas, the Developer has requested City participation in the amount of \$94,275 which will cover the cost of constructing 2,772 linear feet of 8-foot wide sidewalks within the subdivision - the requested amount is less than 30% of the total estimated contract price for the public improvements and therefore in the proposed cost sharing agreement, the City’s participation would be capped at \$94,275;

Whereas, Staff has reviewed Developer’s request and recommends entering into a cost sharing agreement with Kiella Development, Inc., with the City’s total contribution for this work not to exceed \$94,275;

Whereas, funding for the Villages at Westfield Subdivision sidewalks is available but an amendment to the fiscal year 2016 budget needs to be approved to appropriate those funds into Account No. 110-3500-552-6332, Project No. 101202; 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 Cost Sharing Agreement with Kiella Development, Inc. for the construction of sidewalks in the Villages of Westfield subdivision.

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

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(K)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting resolutions related to TXDOT cost-sharing Advance Funding Agreements (AFA's) for a gateway to the Temple Medical Education District (TMED) along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road:

1. Authorize the City Manager to execute an amendment to an AFA for roadway improvements in the amount of \$64,722;
2. Authorize the City Manager to execute an amendment to an AFA for landscaping improvements in the amount of \$38,000;
3. Authorize the City Manager to execute an AFA for utility relocations in the amount of \$305,000.

STAFF RECOMMENDATION: Adopt resolution as presented in item discussion.

ITEM SUMMARY: The City designed a gateway to the TMED along Spur 290 (Veterans Memorial Boulevard) at Loop 363 which includes alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting. The attached Map depicts the project along with the future grade-separated crossing and a proposed City project to improve Spur 290 in front of the VA Hospital.

TXDOT will relet the project this summer and requires advance funding for the City's participation. The City's obligation by construction component is shown with previously authorized amounts:

Project Component	Amount	Council Authorization	Paid
Roadway	\$ 4,884,722	May 1, 2014	\$4,820,000
Landscaping	\$ 938,000	Jan.15, 2015	\$ 900,000
Utility Relocation	\$ 305,000	-	\$ 0

The City's roadway obligation is limited to 50% of the original bid amount. The City will be responsible for 100% of the landscaping and utility components. The above cost estimates for these components determine the amounts to be advanced to TXDOT and will later be reconciled upward or lower, depending on actual construction costs.

The recommended resolutions would authorize the following amounts:

Roadway	\$ 64,722
Landscaping	\$ 38,000
Utility Relocation	\$ 305,000
Total	\$ 407,722

FISCAL IMPACT: Funding is available in the Reinvestment Zone No. 1 Financing and Project Plans, line 458, accounts 795-9800-531-6872 and 795-950-531-6872, project 101010, to fund the amendments to the advanced funding agreements for the roadway improvements of \$64,722 and landscaping improvements of \$38,000 and to fund the advance funding agreement for the utility relocations in the amount of \$305,000.

ATTACHMENTS:

[Project Map](#)
[Resolution](#)



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$64,722, RELATED TO ROADWAY IMPROVEMENTS ALONG SPUR 290 AT LOOP 363 AND IMPROVEMENTS TO THE EASTBOUND LOOP 363 FRONTAGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City designed a gateway to the Temple Medical Education District (“TMED”) along Spur 290 (Veterans Memorial Blvd) at Loop 363 which includes alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting;

Whereas, the City previously entered into an Advanced Funding Agreement with the Texas Department of Transportation (“TxDOT”) to share in the construction costs for construction of the roadway;

Whereas, TxDOT previously bid the road construction project, which also included utility relocations and construction, and associated landscaping, however TxDOT will relet the project this summer and requires advance funding for the City’s participation - the City’s roadway obligation is limited to 50% of the original bid amount and that amount has increased by \$64,722 since the original Advanced Funding Agreement was executed;

Whereas, funding for this amendment to the Advanced Funding Agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 458, Account No. 795-9800-531-6872 and 795-9500-531-6872, Project No. 101010; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to an Advanced Funding Agreement with TxDOT in the amount of \$64,722 related to roadway improvements along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$38,000, RELATED TO LANDSCAPING IMPROVEMENTS ALONG SPUR 290 AT LOOP 363 AND IMPROVEMENTS TO THE EASTBOUND LOOP 363 FRONTAGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City designed a gateway to the Temple Medical Education District (“TMED”) along Spur 290 (Veterans Memorial Blvd) at Loop 363 which includes alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting;

Whereas, the City previously entered into an Advanced Funding Agreement with the Texas Department of Transportation (“TxDOT”) covering the landscaping costs for this project and the City is responsible for covering 100% of those costs;

Whereas, TxDOT previously bid the road construction project, which also included utility relocations and construction, and associated landscaping, however TxDOT will relet the project this summer and requires advance funding for the City’s participation - the City is responsible for 100% of the landscaping cost and that cost has increased in the amount of \$38,000 since the original Advanced Funding Agreement was executed;

Whereas, funding for this amendment to the Advanced Funding Agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 458, Account No. 795-9800-531-6872 and 795-9500-531-6872, Project No. 101010; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to an Advanced Funding Agreement with TxDOT in the amount of \$38,000 related to landscaping improvements along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$305,000, RELATED TO UTILITY RELOCATIONS ALONG SPUR 290 AT LOOP 363 AND IMPROVEMENTS TO THE EASTBOUND LOOP 363 FRONTAGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City designed a gateway to the Temple Medical Education District (“TMED”) along Spur 290 (Veterans Memorial Blvd) at Loop 363 which includes alteration of the existing road profile to match a future grade-separated crossing of Loop 363, associated improvements to the eastbound Loop 363 frontage road, landscaping, signage, and lighting;

Whereas, the City previously entered into an Advanced Funding Agreement with the Texas Department of Transportation (“TxDOT”) to share in the construction costs for construction of the roadway;

Whereas, TxDOT previously bid the road construction project, which also included utility relocations and construction, and associated landscaping, however TxDOT will relet the project this summer and requires advance funding for the City’s participation in the utility relocations and construction - the City will be responsible for 100% of the utility components in the amount of \$305,000;

Whereas, funding for this Advanced Funding Agreement is available in the Reinvestment Zone No. 1 Financing and Project Plans, Line 458, Account No. 795-9800-531-6872 and 795-9500-531-6872, Project No. 101010; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an Advanced Funding Agreement with TxDOT in the amount of \$305,000 related to utility improvements along Spur 290 at Loop 363 and improvements to the eastbound Loop 363 frontage road.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(L)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Belinda Mattke, Director of Purchasing

ITEM DESCRIPTION: Consider adopting a resolution authorizing an increase from \$80,000 to \$150,000 to the FY2016 annual contract for concrete repair and construction services with Wilson Construction Services, LLC of Belton.

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

ITEM SUMMARY: On September 3, 2015, Council authorized an annual contract with Wilson Construction Services, LLC for concrete repair and construction services in the estimated annual amount of \$80,000. Year to date, approximately \$76,402 of services have been procured under this contract due to increased volumes of necessary repairs.

It is staff's desire to utilize this annual contract to make some repairs to sidewalks that are failing and have been become a safety hazard around the Police facility. The estimated cost to make the repairs at the Police Facility is approximately \$23,000. So with this project at the Police facility, and other routine repairs that are needed, staff is estimating that expenditures under this contract could reach \$150,000 for FY2016.

The bid tabulation supporting this contract is attached.

FISCAL IMPACT: Concrete repair and construction services are purchased on an as needed basis by various departments. Estimated FY2016 annual expenditure based on expenditures thus far during FY2016: \$150,000.

ATTACHMENTS:

[Bid tabulation](#)
[Resolution](#)

Tabulation of Bids Received
on August 21, 2015 at 10:00 a.m.
Concrete Repair and Construction
Bid# 13-14-16

		Bidders							
		Wilson Construction Services, LLC Belton, TX (254)421-0933		Fine Line Design & Build Belton, TX (254)933-2622		SJ&J Construction, LLC Dallas, TX (214)688-1986		Myers Concrete Construction, LP Wimberley, TX (512)847-8600	
Description	Est. Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
Repair/Replacement of Concrete Sidewalks (per SF) (minimum 100 SF per location)	1200	\$10.00	\$12,000.00	\$11.50	\$13,800.00	\$7.00	\$8,400.00	\$18.11	\$21,732.00
Driveway Approaches (per SF) (minimum 150 SF per location)	600	\$13.00	\$7,800.00	\$11.50	\$6,900.00	\$10.00	\$6,000.00	\$21.96	\$13,176.00
Repair/Replacement of Concrete Curb and Gutter (per LF) (minimum 25 LF per location)	125	\$40.00	\$5,000.00	\$60.00	\$7,500.00	\$45.00	\$5,625.00	\$79.49	\$9,936.25
Repair/Replacement of Concrete Walking Trails (per SF) (minimum 25 SF per location)	500	\$12.00	\$6,000.00	\$36.00	\$18,000.00	\$9.00	\$4,500.00	\$27.50	\$13,750.00
Construction of New Concrete Sidewalk (per SF) (minimum 100 SF per location)	1200	\$5.50	\$6,600.00	\$9.00	\$10,800.00	\$7.00	\$8,400.00	\$14.51	\$17,412.00
Construction of New Driveway or Approach (per SF) (minimum 150 SF per location)	600	\$8.00	\$4,800.00	\$9.00	\$5,400.00	\$8.00	\$4,800.00	\$17.31	\$10,386.00
Construction of New Curb and Gutter (per LF) (minimum 25 LF per location)	900	\$17.50	\$15,750.00	\$55.00	\$49,500.00	\$35.00	\$31,500.00	\$47.09	\$42,381.00
Construction of Handicap Access Curb Ramps at Intersections (EA)	6	\$1,000.00	\$6,000.00	\$2,200.00	\$13,200.00	\$3,500.00	\$21,000.00	\$1,996.58	\$11,979.48
Construction of a minimum 48 sf pad , reinforced with 1/4" rebar and mesh (per SF)	480	\$11.00	\$5,280.00	\$9.00	\$4,320.00	\$8.00	\$3,840.00	\$22.90	\$10,992.00
Addition of Fiber Mesh to Concrete Walking Trails (per SF)	360	\$0.50	\$180.00	\$0.50	\$180.00	\$10.00	\$3,600.00	\$0.50	\$180.00
Fee for Difficulty in Accessing Pepper Creek Trail and Friar's Creek Trail (per LS)	1	\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$10,000.00	\$10,000.00	\$2,594.04	\$2,594.04
TOTAL BID PRICE		\$69,910.00		\$132,100.00		\$107,665.00		\$154,518.77	
Exceptions		No		No		No		No	
Credit Check		Yes		No		Yes		Yes	
Local Preference		No		No		No		No	

		Bidders						FY15 Unit Cost
		Cody Stanley Construction LLC Holland, TX (254)721-2015		RM Rodriguez Construction, LP Temple, TX (254)742-0102		Dixon Paving Inc. Belton, TX (254)939-3597		
Description	Est. Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	
Repair/Replacement of Concrete Sidewalks (per SF) (minimum 100 SF per location)	1200	\$11.04	\$13,248.00	\$11.00	\$13,200.00	\$12.00	\$14,400.00	\$8.95
Driveway Approaches (per SF) (minimum 150 SF per location)	600	\$11.20	\$6,720.00	\$13.00	\$7,800.00	\$14.00	\$8,400.00	\$9.95
Repair/Replacement of Concrete Curb and Gutter (per LF) (minimum 25 LF per location)	125	\$38.40	\$4,800.00	\$36.00	\$4,500.00	\$28.00	\$3,500.00	\$24.00
Repair/Replacement of Concrete Walking Trails (per SF) (minimum 25 SF per location)	500	\$36.00	\$18,000.00	\$14.50	\$7,250.00	\$18.00	\$9,000.00	\$8.95
Construction of New Concrete Sidewalk (per SF) (minimum 100 SF per location)	1200	\$8.40	\$10,080.00	\$6.00	\$7,200.00	\$6.00	\$7,200.00	\$4.50
Construction of New Driveway or Approach (per SF) (minimum 150 SF per location)	600	\$10.00	\$6,000.00	\$8.50	\$5,100.00	\$8.00	\$4,800.00	\$6.50
Construction of New Curb and Gutter (per LF) (minimum 25 LF per location)	900	\$20.00	\$18,000.00	\$18.00	\$16,200.00	\$18.00	\$16,200.00	\$16.00
Construction of Handicap Access Curb Ramps at Intersections (EA)	6	\$1,400.00	\$8,400.00	\$1,500.00	\$9,000.00	\$1,200.00	\$7,200.00	\$950.00
Construction of a minimum 48 sf pad , reinforced with 1/4" rebar and mesh (per SF)	480	\$15.00	\$7,200.00	\$24.00	\$11,520.00	\$12.00	\$5,760.00	\$11.00
Addition of Fiber Mesh to Concrete Walking Trails (per SF)	360	\$7.00	\$2,520.00	\$8.00	\$2,880.00	\$3.00	\$1,080.00	\$0.40
Fee for Difficulty in Accessing Pepper Creek Trail and Friar's Creek Trail (per LS)	1	\$1,000.00	\$1,000.00	\$900.00	\$900.00	\$400.00	\$400.00	\$400.00
TOTAL BID PRICE		\$95,968.00		\$85,550.00		\$77,940.00		
Exceptions		No		No		No		
Credit Check		Yes		Yes		Yes		
Local Preference		No		Yes		No		

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS FOR CONCRETE REPAIR AND CONSTRUCTION SERVICES; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on September 3, 2015, Council authorized an annual contract with Wilson Construction Services, LLC for concrete repair and construction services in the estimated annual amount of \$80,000;

Whereas, year-to-date figures reflect approximately \$76,402 of services have been procured under this contract due to increased volumes of necessary repairs;

Whereas, it is Staff's desire to utilize this annual contract to make repairs to sidewalks that are failing and have become a safety hazard around the Police facility - the estimated costs to make the repairs is approximately \$23,000;

Whereas, with the inclusion of this project and other routine repairs that will be required, Staff recommends Council authorize an increase to the construction contract with Wilson Construction Services, LLC from \$80,000 to \$150,000 for fiscal year 2016;

Whereas, concrete repair and construction services are purchased on an 'as-needed' basis by various departments; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute an amendment to the construction contract with Wilson Construction Services, LLC of Belton, Texas, increasing the annual contract amount from \$80,000 to \$150,000, for concrete repair and construction services on an 'as-needed' basis for fiscal year 2016.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(M)
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 deductive change order #3 to the contract with TTG Utilities, LP, of Gatesville in the amount of \$35,021.90, for the construction of the Avenue R and Friars Creek Trail Improvements.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: This project includes the widening of Avenue R from west of 25th Street to the east of 19th Street, intersection enhancements at 25th and 19th Streets, sidewalks, landscaping, irrigation, and extension of Friars Creek Trail north to 23rd Street. Please see the attached exhibit for an overall project map.

On April 2, 2015, Council authorized a construction contract with TTG in the amount of \$3,019,063.71.

On September 11, 2015, and January 29, 2016, change orders 1 and 2 were approved in the amounts of \$18,610.75 and -\$52.52 (deductive), respectively.

Change order #3 proposes the following additions and deductions on the Avenue R portion of the project:

Hydromulch Revegetation	\$3,307.50
Box Culvert Repair	\$ 496.10
Landscaping Tree	\$1,200.00
Concrete Curb & Gutter	\$3,859.00
6" Concrete Riprap	<u>\$3,468.00</u>
Total Additions	<u>\$12,330.60</u>

Brick Paver Sidewalk/Concrete Curb	(\$24,500.00)
Concrete Driveway	(\$990.00)
Stabilized Construction Entrance	(\$1,850.00)
10'x3' Curb Inlet	(\$4,270.00)
6'x6' Junction Box	(\$4,650.00)
Limestone Facade	<u>(\$11,092.50)</u>
Total Deductions	<u>(\$47,352.50)</u>

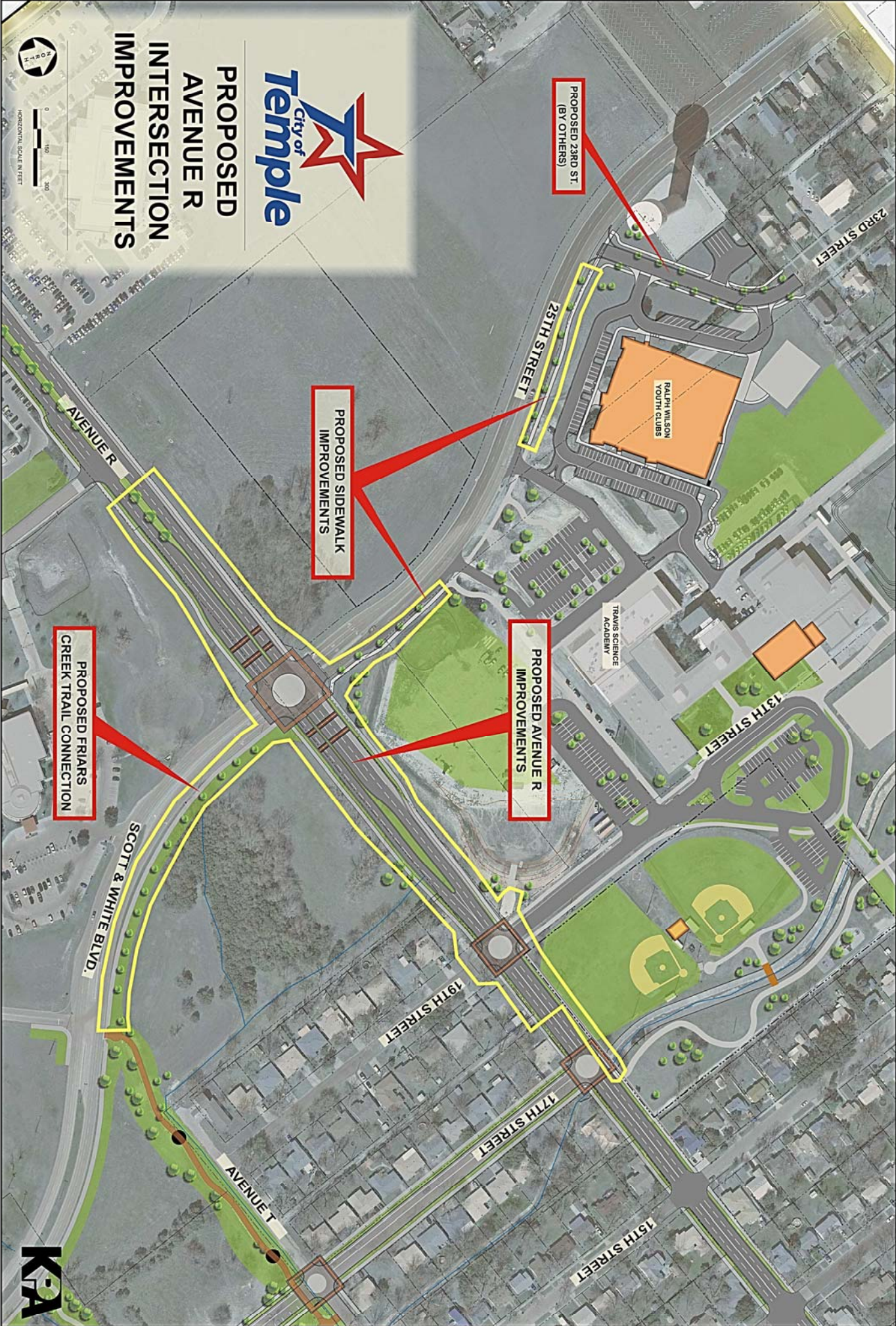
Net Change Order **(\$35,021.90)**

The previous change orders and this proposed deduction result in a net 0.55% decrease to the original contract amount. A Recommendation Letter and Change Order Form are attached. Also recommended are an additional 30 construction days (the intersections were complete and open to traffic last year). City Staff agrees with the Engineer that these changes are necessary and recommends the approval of this change order.

FISCAL IMPACT: Upon approval of the deductive change order, the savings will be recognized in account 795-9500-531-6553, project #100696, in the amount of \$35,021.90.

ATTACHMENTS:

[Project Map](#)
[Recommendation Letter](#)
[Change Order Form](#)
[Resolution](#)



City of Temple

**PROPOSED
AVENUE R
INTERSECTION
IMPROVEMENTS**

PROPOSED 23RD ST.
(BY OTHERS)

PROPOSED SIDEWALK
IMPROVEMENTS

PROPOSED AVENUE R
IMPROVEMENTS

PROPOSED FRIARS
CREEK TRAIL CONNECTION





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

April 5, 2016

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

Re: City of Temple, Texas
Avenue R and Friars Creek Trail Improvements

Dear Mr. Billeck:

Attached is Change Order #3 for the Avenue R and Friars Creek Trail Improvements Project. This change order is comprised of additional hydromulch, box culvert repair, concrete curb and gutter and concrete riprap along with deduction of quantity to zero out the project. The overall effect of the change order is a deduction to the contract in the amount of \$35,021.90. Please see below for a detailed description of each item.

ADD ITEMS:

- CO3-1 Hydromulch Revegetation – This item is added to hydromulch and establish grass on the two lots purchased by the City. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.
- CO3-2 – Box Culvert Washout Repair – This item is added to repair a washout at the existing culvert east of the project limits. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.
- CO3-3 – Furnish & Install Tree – This item is added to replace a tree that was destroyed when a motorist ran over the curb and hit a tree that had been planted with the project. The price submitted by the contractor is reasonable and consistent with unit pricing for this type of work.
- 19 – Concrete Curb & Gutter – This existing bid item will add quantity to match the actual quantity installed during the project.
- 52 – Concrete Riprap – This existing bid item will add quantity to match the actual quantity installed during the project.

DELETE ITEMS:

- 16 – Traffic Rated Brick Paver Sidewalk with Concrete Curb - This existing bid item will deduct quantity to match the actual quantity installed during the project.
- 20 – Concrete Driveway – This existing bid item will deduct quantity to match the actual quantity installed during the project.

Mr. James Billeck, PE
April 5, 2016
Page Two

- 22 – Stabilized Construction Entrance - This existing bid item will deduct quantity to match the actual quantity installed during the project.
- 38 – Remove and Install 10'x3' Curb Inlet – This existing bid item will deduct quantity to match the actual quantity installed during the project.
- 45 – 6'x6' Jct Box - This existing bid item will deduct quantity to match the actual quantity installed during the project.
- 62 – Limestone Facade – This existing bid item will deduct quantity to match the actual quantity installed during the project.

The total change order to the contract is a deduct in the amount of \$35,021.90. We have reviewed Change Order #3 and recommend it be processed and executed with respect to the TTG Utilities, LP construction contract for the above referenced project.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. David Patrick", with a stylized flourish at the end.

R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Keith James, TTG Utilities, LP
KPA Project File: 2011-122-40

CHANGE ORDER

PROJECT: Avenue R and Friars Creek Trail Improvements
OWNER: City of Temple
CONTRACTOR: TTG Utilities, LP
ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP
CHANGE ORDER #: Three

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Add:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
CO3-1	Hydromulch Revegetation	LS	1	\$ 3,307.50	\$ 3,307.50
CO3-2	Box Culvert Washout Repair	LS	1	496.10	496.10
CO3-1	Furnish & Install Tree	EA	1	1,200.00	1,200.00
19	Concrete Curb & Gutter	LF	227	17.00	3,859.00
52	6" Concrete Riprap	SY	51	68.00	3,468.00
Total Add					\$ 12,330.60

Delete:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
16	Traffic Rated Brick Paver Sidewalk with Concrete Curb	SY	-175	\$ 140.00	\$ (24,500.00)
20	Concrete Driveway	SY	-9	\$ 110.00	(990.00)
22	Stabilized Construction Entrance	EA	-1	\$ 1,850.00	(1,850.00)
38	Remove & Install 10'x3' Curb Inlet	EA	-1	\$ 4,270.00	(4,270.00)
45	6'x6' Jct Box	EA	-1	\$ 4,650.00	(4,650.00)
62	Limestone Façade	SY	-145	76.50	(11,092.50)
Total Delete					\$ (47,352.50)

Change Order Three Total \$ (35,021.90)

CHANGE ORDER

PROJECT: Avenue R and Friars Creek Trail Improvements

OWNER: City of Temple

CONTRACTOR: TTG Utilities, LP

ARCHITECT/ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: Three

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

Original Contract Amount:	\$	3,019,063.71
Previous Net Change in Contract Amount:	\$	18,558.23
Net Change in Contract Amount:	\$	(35,021.90)
Revised Contract Amount:	\$	3,002,600.04
Original Contract Time:		240 Days
Previous Net Change in Contract Time:		50 Days
Net Change in Contract Time:		30 Days
Revised Contract Time:		320 Days
Original Final Completion Date:		December 30, 2015
Revised Final Completion Date:		March 19, 2016

Recommended by:

Agreed to:

 Project Manager (City Staff)

 Date

 Architect or Engineer

 Date

Agreed to:

Approved by City of Temple:



 Contractor

 Date

 Jonathan Graham, City Manager

 Date

Approved as to Form:

Approved by Finance Department:

 City Attorneys Office

 Date

 Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING DEDUCTIVE CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT WITH TTG UTILITIES, LP, OF GATESVILLE, TEXAS FOR CONSTRUCTION OF THE AVENUE R AND FRIARS CREEK TRAIL IMPROVEMENTS PROJECT, IN A LUMP SUM PRICE OF \$35,021.90; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on April 2, 2015, Council authorized a construction contract with TTG Utilities, LP in the amount of \$3,019,063.71, for the widening of Avenue R from the west side of 25th Street to the east side 19th Street, intersection enhancements at 25th and 19th Streets, sidewalks, landscaping, irrigation, and an extension of Friars Creek Trail north to 23rd Street;

Whereas, on September 11, 2015, and January 29, 2016, change orders number 1 and 2 were approved in the amounts of \$18,610.75 and -\$52.52 (deductive), respectively;

Whereas, change order number 3 proposes certain additions and deductions on the Avenue R portion of the project to include hydromulch revegetation, box culvert repair, landscaping trees, concrete curb and gutter and 6-inch concrete riprap;

Whereas, the previous change orders and this proposed deduction result in a net 0.55% decrease to the original contract amount;

Whereas, the savings from deductive change order number 3 will be recognized in Account No. 795-9500-531-6553, Project No. 100696; 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 deductive change order number 3 to the construction contract with TTG Utilities, LP, of Gatesville, Texas for construction of the Avenue R and Friars Creek Trail Improvements Project in the amount of \$35,021.90.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(N)
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 deductive contract amendment to a professional services agreement with BSP Engineers, Inc., in an amount not to exceed \$78,000, to remove professional services for the Hogan Road widening from State Highway 317 to South Pea Ridge Road.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City of Temple has adopted a Transportation Capital Improvement Program which identifies capacity and connectivity improvements to Hogan Road. Proposed improvements include reconstruction and expansion of Hogan Road from SH 317 to South Pea Ridge Road to a three-lane collector roadway with sidewalk and utility upgrades.

On January 21st, Council authorized a professional services agreement with BSP in the amount of \$357,200 to design, bid, administer, and inspect the expansion of Hogan Road. At this time, the following services will be removed while the project is under design. These services will be added back to the contract when the project is closer to bidding.

Bidding	\$ 7,900
Construction Administration	\$ 17,600
Inspection Services	\$ 52,500
Total	<u>\$ 78,000</u>

FISCAL IMPACT: Upon approval of the deductive contract amendment, the savings will be recognized in account 365-3400-531-6857, project 100952, in the amount of \$78,000.

ATTACHMENTS:

[Contract Amendment](#)
[Project Map](#)
[Resolution](#)

CONTRACT AMENDMENT (Professional Service Agreements)

PROJECT: Hogan Road Widening
OWNER: City of Temple
ARCHITECT/ENGINEER: BSP Engineers, Inc
AMENDMENT #: 1

Make the following additions, modifications or deletions to the work described in the Contract Documents:

Remove the following bidding and construction phase services:


Bidding	\$ 7,900
Construction Administration	\$ 17,600
Inspection Services	<u>\$ 52,500</u>

Total: \$ 78,000

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

Original Contract Amount:	\$ <u>357,200</u>
Previous Net Change in Contract Amount:	\$ <u>-0-</u>
Amount This Amendment:	\$ <u>(78,000)</u>
Revised Contract Amount:	\$ <u>279,200</u>
Original Contract Completion Date:	_____
Revised Contract Completion Date:	_____


Recommended by:

 APRIL 12, 2016
Project Manager Date

Approved by City of Temple:

Jonathan Graham, City Manager Date

Agreed to:

 4-12-16
Architect or Engineer Date

Approved as to form:

City Attorney's Office Date

Approved by Finance Department:

Finance Date



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



BSP
engineers

Legend

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



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEDUCTIVE CONTRACT AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSP ENGINEERS, INC. OF TEMPLE, TEXAS, IN AN AMOUNT NOT TO EXCEED \$78,000, FOR THE WIDENING OF HOGAN ROAD FROM STATE HIGHWAY 317 TO SOUTH PEA RIDGE ROAD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

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

Whereas, on January 21, 2016, Council authorized a professional services agreement with BSP Engineers, Inc. in the amount of \$357,200 for the design, bid, administration and inspection of the expansion of Hogan Road;

Whereas, this deductive contract amendment removes certain services from the contract while the project is under design and which will be added once the project is closer to bidding – the services being removed from the professional services agreement include the bidding, construction administration and inspection services;

Whereas, the savings from deductive contract amendment will be recognized in Account No. 365-3400-531-6857, Project No. 100952; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a deductive contract amendment to the professional services agreement with BSP Engineers, Inc., in an amount not to exceed \$78,000, for the widening of Hogan Road from State Highway 317 to South Pea Ridge Road.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(O)
Consent Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, Director of Parks and Recreation

ITEM DESCRIPTION: Consider adopting a resolution authorizing a construction contract with Wilson Construction Services, LLC of Belton in the amount of \$222,730 for the construction of park improvements at Optimist Neighborhood Park.

STAFF RECOMMENDATION: Approve resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Optimist Neighborhood Park located at 820 West Munroe Avenue.

This project includes constructing a 6' wide concrete trail approximately 1,300 feet long with benches, bleacher pads, associated connector walks and an ADA ramp. Other items in this project include a restroom building, approximately 300 square feet in size, with drinking fountains, and a parking lot with 21 parking spaces.

As shown on the attached bid tabulation, on April 7, 2016 the City of Temple received five bids for this project. Bids ranged from a low of \$222,730 to a high of \$305,000 with Wilson Construction Services, LLC submitting the low bid.

The Parks and Recreation Department has worked with Wilson Construction Services, LLC on many projects in the past and have found them to be a responsive and responsible contractor.

It is anticipated that construction of this project will begin in June 2016 with completion in August or September 2016.

FISCAL IMPACT: Funding for this project was appropriated in the FY2016 Parks Bond budget in account 362-3500-552-6411, project 101320, as identified below:

Project Budget	\$ 496,285
Encumbered/Committed To Date	(17,929)
Construction Contract Award - Wilson Construction	(222,730)
Equipment Contract Award - PlayWell Group	(163,189)
Remaining Funds	\$ 92,437

ATTACHMENTS:

Bid Tabulation
Resolution

**Tabulation of Bids Received
on April 7, 2016 at 2:00 p.m.
Optimist Park Restroom, Trail, and Parking Lot
Bid# 35-08-16**

	Bidders				
	Wilson Construction Services, LLC Belton, Texas	UFL, Inc Gatesville, Texas	Majestic Services, Inc Austin, Texas	LM Armstrong Construction, LLC Temple, Texas	Cody Stanley Construction, LLC Belton, Texas
Description					
Mobilization/Bonding	\$12,500.00	\$7,300.00	\$60,000.00	\$16,894.00	\$21,400.00
Trail w/ Benches, Bleacher Pads	\$44,244.00	\$50,550.00	\$50,535.00	\$43,582.00	\$51,120.00
Restroom Building	\$73,971.00	\$76,500.00	\$105,000.00	\$68,000.00	\$45,055.00
Parking Lot Improvements - Roadway	\$76,560.00	\$90,640.00	\$64,845.00	\$78,658.00	\$82,385.00
Parking Lot Improvements - Drainage	\$7,055.00	\$7,825.00	\$15,485.00	\$12,571.00	\$21,770.00
Parking Lot Improvements - Sewer Line	\$6,000.00	\$4,800.00	\$4,865.00	\$4,490.00	\$4,095.00
Parking Lot Improvements - Waterline	\$2,400.00	\$3,800.00	\$4,270.00	\$3,135.00	\$2,615.00
Total Base Bid	\$222,730.00	\$241,415.00	\$305,000.00	\$227,330.00	\$228,440.00
Acknowledge Addendum (3)	Yes	Yes	Yes	Yes	Yes
Bid Bond	Yes	Yes	Yes	Yes	Yes
Bond Requirement Affidavit	Yes	Yes	Yes	Yes	Yes
Credit Check Authorization	Yes	Yes	Yes	Yes	Yes

Recommended for Council Award

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT WITH WILSON CONSTRUCTION SERVICES, LLC OF BELTON, TEXAS, IN THE AMOUNT OF \$222,730, FOR CONSTRUCTION OF PARK IMPROVEMENTS AT OPTIMIST NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the renovation of the facilities in Optimist Neighborhood Park located at 820 West Munroe Avenue;

Whereas, this project includes the construction of a 6-foot wide concrete trail approximately 1,300 feet long with benches, bleacher pads, associated connector walks and an ADA ramp - other items in this project include a restroom building, with drinking fountains, and a parking lot with 21 parking spaces;

Whereas, on April 7, 2016 the City received five bids for this project with Wilson Construction Services, LLC submitting the low bid;

Whereas, Staff has worked with Wilson Construction Services on many projects in the past and have found the contractor to be responsive and responsible and Staff recommends awarding the construction contract to Wilson Construction Services, LLC of Belton, Texas in the amount of \$222,730;

Whereas, funding for this contract is available in the fiscal year 2016 Parks Bond budget, Account No. 362-3500-552-6411, Project No. 101320; 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 Wilson Construction Services, LLC of Belton, Texas, in an amount not to exceed \$222,730, for construction of park improvements at Optimist Neighborhood Park.

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(P)
Consent Agenda
Page 1 of 1

DEPT. /DIVISION SUBMISSION & REVIEW:

Kevin Beavers, CPRP, Parks and Recreation Director

ITEM DESCRIPTION: Consider adopting a resolution authorizing a contract with The PlayWell Group Inc. of Albuquerque, New Mexico in the amount of \$161,980.78, for the purchase and installation of a playground unit with swings, a shade structure, a picnic shelter and associated tables, benches, grill and trash cans for Optimist Neighborhood Park.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: One of the projects approved in the 2015 Parks Bond was renovating the facilities located in Optimist Neighborhood Park located at 820 West Munroe Avenue.

This project includes the purchase and installation of a Challenger – Dinosaur themed playground, a two bay swing frame with two T- swings and two belt swings, installing a retaining wall and fall safe surfacing, and installing shade structures to cover the playground. Also included in this project is an Octagonal Picnic Pavilion with four tables, a bbq grill, and trash cans. This project also includes the purchase of four benches.

The City of Temple will be utilizing the BuyBoard cooperative purchasing contract for these improvements to the park, which meets all of the City's competitive bid requirements.

FISCAL IMPACT: Funding for this project was appropriated in the FY2016 Parks Bond budget, and is available in account #362-3500-552-64-11, project 101320, as identified below:

Project Budget	\$	496,285
Encumbered/Committed To Date		(17,929)
Construction Contract Award - Wilson Construction		(222,730)
Equipment Contract Award - PlayWell Group		(161,981)
Remaining Funds	\$	<u>93,645</u>

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH THE PLAYWELL GROUP, INC., OF ALBUQUERQUE, NEW MEXICO, IN THE AMOUNT OF \$161,980.78 FOR THE PURCHASE AND INSTALLATION OF A PLAYGROUND UNIT, FOR OPTIMIST NEIGHBORHOOD PARK; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, one of the projects approved in the 2015 Parks Bond was the renovation of the facilities located in Optimist Neighborhood Park, located at 820 West Munroe Avenue;

Whereas, the project includes the purchase and installation of a Challenger – Dinosaur themed playground, a two bay swing frame with 2 tot and 2 belt swings, installation of a retaining wall and fall safe surface, and installation of shade structures to cover the playground and swings;

Whereas, also included in this project is the purchase of an octagonal picnic pavilion with 4 tables, a barbeque grill and trash containers, and 4 benches;

Whereas, the City will utilize the BuyBoard Local Government Online Purchasing Cooperative contract for this purchase with The PlayWell Group, Inc., in the amount of \$161,980.78 – purchases made through the BuyBoard meet the City's competitive bid requirements;

Whereas, funds for this contract are available in Account No. 362-3500-552-6411, Project No. 101320; and

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

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

Part 1: The City Council authorizes a purchase agreement with The PlayWell Group Inc. of Albuquerque, New Mexico, utilizing the BuyBoard Local Government Online Purchasing Cooperative, in the amount of \$161,980.78, for the purchase and installation of a playground unit for Optimist Neighborhood Park.

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

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(Q)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance granting Temple Transportation, Inc. d/b/a Yellow Cab, a non-exclusive, five-year franchise to provide taxicab services in the City of Temple.

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

ITEM SUMMARY: Bill Kemp, President of Temple Transportation, Inc., d/b/a Yellow Cab (“Yellow Cab”), has requested a renewal of Yellow Cab’s non-exclusive franchise to provide taxicab services in the City of Temple. Yellow Cab’s last franchise was approved on October 21, 2010 and expired in November, 2015. Yellow Cab is continuing operations in Temple and therefore, has requested renewal of the franchise.

As a franchise holder, Yellow Cab is required to pay certain fees to the City including a vehicle permit fee of \$450 per year for each taxicab in service, plus a \$10 yearly fee for each taxicab driver. The Police Department performs an investigation of each driver’s driving record and criminal history. The City Secretary’s Office issues the vehicle permits, after vehicle inspection by the City’s Fleet Services Division.

All requirements contained in Chapter 36 of the City’s Code of Ordinances concerning taxicab operations are included in the franchise agreement by reference. This allows requirements in the ordinance to address general conditions regarding public transportation, and also includes the more specific requirements concerning taxicab operation within the City.

FISCAL IMPACT: Per the franchise agreement, an annual vehicle permit fee of \$450 per vehicle and a \$10 annual driver permit fee for each taxicab driver is due from the franchise holder. Annual franchise revenue is estimated at \$2,250 based on historical revenue data.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, GRANTING TEMPLE TRANSPORTATION INC., D/B/A YELLOW CAB, A NON-EXCLUSIVE FIVE-YEAR FRANCHISE TO PROVIDE TAXICAB SERVICES IN THE CITY OF TEMPLE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Bill Kemp, President of Temple Transportation, Inc., d/b/a Yellow Cab (“Yellow Cab”), has requested a renewal of Yellow Cab’s non-exclusive franchise to provide taxicab services in the City of Temple;

Whereas, Yellow Cab’s last franchise was approved on October 21, 2010 and expired in November, 2015 - Yellow Cab has continued its operations in Temple and therefore, has requested renewal of the franchise;

Whereas, as a franchise holder, Yellow Cab is required to pay certain fees to the City including a vehicle permit fee of \$450 per year for each taxicab in service, plus a \$10 yearly fee for each taxicab driver;

Whereas, Temple Police Department performs an investigation of each driver’s driving record and criminal history and the City Secretary’s office issues the vehicle permits, after vehicle inspection by the City’s Fleet Services Division;

Whereas, all requirements contained in Chapter 36 of the City’s Code of Ordinances concerning taxicab operations are included in the franchise agreement by reference which allows the requirements in the ordinance to address general conditions regarding public transportation, and also includes the more specific requirements concerning taxicab operation within the City;

Whereas, per the franchise agreement, an annual vehicle permit fee of \$450 per vehicle and a \$10 annual driver permit fee for each taxicab driver is due from the franchise holder - annual franchise revenue is estimated at \$2,250 based on historical revenue data; and

Whereas, Yellow Cab has established to the satisfaction of the City Council by clear, cogent and convincing evidence that the public convenience and necessity will be served by the granting of said franchise.

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

Part 1: *Grant and term.*

The City hereby grants to Temple Transportation, Inc., d/b/a Yellow Cab, a non-exclusive franchise to operate taxicabs upon the public streets and highways of the City of Temple, Texas, for a term of five years.

Part 2: *Conditions of Franchise.*

The rights, powers and authority herein granted are granted subject to the Constitution and laws of the State of Texas, the Charter of the City of Temple, and where not provided herein, the ordinances and codes of the City of Temple as same now exist or may hereafter be amended so as to constitute reasonable regulations protecting the health, safety and welfare to insure safe, efficient and continuous taxicab service, all of which enumerated provisions are incorporated herein by reference and made a part hereof as fully as though the same had been copied herein verbatim.

Part 3: *Standards and Requirements for Personnel, Vehicles, Equipment and Service.*

Yellow Cab shall comply with all of the standards and requirements for personnel, vehicles, equipment and service that are set out in Ordinance No. 95-2363.

Part 4: *Payment to the City Required; Vehicle and Driver Permit Fees.*

(a) Yellow Cab shall, during the life of this franchise, pay to the City of Temple at the office of the City Secretary, an annual vehicle permit fee, in the amount established by the City Council, for each taxicab operated in the City of Temple. A vehicle permit shall be valid for the duration of the calendar year during which the permit was issued. Vehicle permits are issued for particular vehicles, and are not transferable to other vehicles or operators.

(b) Yellow Cab shall, during the life of this franchise, pay to the City of Temple at the office of the City Secretary, an annual taxicab driver's permit fee, in the amount established by the City Council, for each driver operating a taxicab under this franchise. A driver's permit shall be valid for the duration of the calendar year during which the permit was issued. Drivers' permits are issued for particular drivers, and are not transferable to other drivers.

Part 5: *Rates.*

(a) The City Council expressly reserves the right, power, and authority to fully regulate and fix, the rates and charges for taxicab services provided by Yellow Cab under this franchise, fully reserving to the City Council all the rights, powers, privileges, and immunities, subject to the duties, limitations and responsibilities which the Constitution, the laws of the State and the City Charter confer upon the City.

(b) Notice of a proposed rate increase shall be filed in writing with the City Secretary at least ninety (90) days prior to the effective date of the proposed increase. A proposed rate increase shall be deemed approved if not acted upon by the City Council within ninety (90) days from receipt of the notice.

Part 6: *Indemnity.*

Yellow Cab shall agree and be bound to hold the City whole and harmless against any and all claims for damages, costs, and expenses, to persons or property that may arise out of or be occasioned by the operation of the franchise, or from any act or omission of any representative, agent, customer, or employee of the franchise holder, and such indemnity provision shall also cover any personal injury or damage suffered to City property, City employees, agents or officers. The franchisee shall agree and be bound to defend any and all suits, claims, or causes of action brought against the city on account of same, and discharge any judgment or judgments that may be rendered against the City in connection with the operation of the franchise.

Part 7: Liability Insurance Required.

(1) Yellow Cab shall, at its own expense, purchase, maintain and keep in force for the duration of a public transportation franchise, public liability insurance in the following amounts:

Commercial general liability of \$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property or \$500,000 combined single limit.

Automobile liability of \$30,000 for each person and \$60,000 for each single occurrence for bodily injury or death and \$25,000 for each single occurrence for injury to or destruction of property.

Yellow Cab shall not commence operations under the franchise until it has obtained all the insurance required for the franchise and such insurance has been approved by the City Attorney. All insurance policies provided under the franchise shall be written on an "occurrence" basis and cover every vehicle operated under the franchise.

(2) *Additional insured; waiver of subrogation.* The City shall be named as an additional insured on the commercial general liability policy. The insurance policy shall contain the appropriate additional insured endorsement signed by a person authorized by that insurer to bind coverage on its behalf, and provide a waiver of subrogation in favor of the City.

(3) *Notice of cancellation.* Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days prior written notice has been provided to the City.

(4) *Authorized carriers.* Insurance is to be placed with insurers with a Best's rating of no less than A:VII. The company must also be duly authorized to transact business in the State of Texas.

(5) In the event that any insurance policy is canceled upon the request of the surety or insurer, and no insurance policy is filed by the franchise holder before the cancellation, the franchise to operate taxicabs granted to such person shall be automatically revoked.

Part 8: Manner of Giving Notice.

Notice to Yellow Cab may be given by leaving a written copy thereof at the principal office of Yellow Cab in Temple, Texas, during ordinary business hours. Notice to the City may be given by leaving a written copy thereof at the office of the City Secretary during ordinary business hours.

Part 9: Public Convenience and Necessity.

Yellow Cab has established by clear, cogent and convincing evidence, and the City Council has so found and determined that the present and future convenience and necessity require the operations here authorized to be performed by Yellow Cab and that the public convenience and necessity will be served by the granting of this franchise.

Part 10: This franchise shall become effective thirty (30) days after the final passage and approval of this ordinance, provided that Yellow Cab has filed with the City its written acceptance of the terms and conditions of this franchise.

Part 11: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

Part 12: 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 13: 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 **7th** day of **April**, 2016.

PASSED AND APPROVED on Second Reading on the **21st** day of **April**, 2016.

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney

Agreement of Franchisee

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

The franchisee, Temple Transportation Company, Inc., d/b/a Yellow Cab, acting by and through its duly authorized and empowered officer, hereby accepts the terms and conditions of Ordinance No. 2016-_____, granting a non-exclusive franchise to operate taxicabs upon the public streets and highways of the City of Temple.

SIGNED this _____ day of _____, 2016.

TEMPLE TRANSPORTATION COMPANY, INC.,
d/b/a YELLOW CAB



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
Item #4(R)
Consent Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Sandra Esqueda, Director of Human Resources/Civil Service Director

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance amending the classifications of entry-level firefighters and police officers.

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

ITEM SUMMARY: The Fire Chief and Police Chief request the addition of Cadet and Probationary positions to the current entry level Firefighter and Police Officer classifications to distinguish newly hired Cadets and Probationary employees from Firefighters and Police Officers who have already obtained state licenses and civil servant status.

Chapter 143.028 requires a civil service employee to serve two years in a position before becoming eligible to test for promotion to the next higher rank. Upon hiring, unlicensed Firefighters and Police Officers must spend six months acquiring the basic certifications required for State licensure by the Texas Commission on Fire Protection/EMT national registry and the Texas Commission on Law Enforcement, respectively. After licensure, Firefighters and Police Officers must complete a 12 month probationary period before achieving fully protected civil service status. Under the current classification system, this 12-18 month period qualifies as part of the two years required for eligibility to test for promotion, and a newly licensed Firefighter or Police Officer is eligible to test for promotion to the next higher rank with as little as six months of experience as a fully certified civil servant in the entry level position. The addition of Cadet and Probationary positions will require newly hired employees to have at least two years of experience as a fully licensed Firefighter or Police Officer, following successful completion of the licensing process and the probationary period, before being eligible to test for promotion.

Upon successful completion of the requirements for certification by the Texas Commission on Fire Protection/EMT national registry or the Texas Commission on Law Enforcement, a Firefighter or Police Officer will automatically advance to the Probationary position. Firefighters and Police Officers who are already licensed at the time they are hired will be placed in the Probationary position. Upon successful completion of all the requirements of the 12 month Probationary position, a Firefighter or Police Officer will automatically advance to the Firefighter or Police Officer position.

The Cadet and Probationary classifications for both the Fire and Rescue Department and the Police Department were approved by the Civil Service Commission on Tuesday, March 22, 2016 at a regular posted meeting.

FISCAL IMPACT: The FY 2016 operating budget included funding for 56 firefighter positions and 98 police officer positions. Cadet and probationary firefighters and police officers will be hired only in such numbers that will not exceed the total authorization for firefighters and police officers and not exceed the total amount budgeted for those positions.

The attached proposed Civil Service pay scale outlines the pay for the new classifications of cadet and probationary firefighters and police officers.

ATTACHMENTS:

[Proposed Civil Service pay scale
Ordinance](#)

PROPOSED FIRE PAY SCHEDULE- to be effective April 22, 2016

Class, Title, Steps, and Time in Grade	Hired Prior to 4/22/16		Hired After 4/22/16	
	Annual	% Between Steps	Annual	% Between Steps
PSI-xxx & PSI-xxx Cadet Cadet	\$ -		\$ 38,610	
PSI-xxx & PSI-xxx Probationary Probationary	\$ -		\$ 40,310 4.40%	
PSI-030 & PSI-031 Firefighter				
1 0-1 Years	\$ 42,085		\$ 42,085 4.40%	
2 1st Anniversary	\$ 44,190 5.00%		\$ 44,190 5.00%	
3 3rd Anniversary	\$ 46,399 5.00%		\$ 46,399 5.00%	
4 5th Anniversary	\$ 48,720 5.00%		\$ 48,720 5.00%	
5 7th Anniversary	\$ 51,155 5.00%		\$ 51,155 5.00%	
6 9th Anniversary	\$ 53,713 5.00%		\$ 53,713 5.00%	
7 15th Anniversary	\$ 56,399 5.00%		\$ 56,399 5.00%	
PSI-032 & PSI-037 Fire Driver				
1 1st Anniversary	\$ 54,757		\$ 54,757	
2 3rd Anniversary	\$ 56,948 4.00%		\$ 56,948 4.00%	
3 5th Anniversary	\$ 58,656 3.00%		\$ 58,656 3.00%	
4 7th Anniversary	\$ 61,002 4.00%		\$ 61,002 4.00%	
5 9th Anniversary	\$ 63,442 4.00%		\$ 63,442 4.00%	
6 15th Anniversary	\$ 65,346 3.00%		\$ 65,346 3.00%	
PSI-033 & PSI-034 Fire Captain				
1 3rd Anniversary	\$ 65,031		\$ 65,031	
2 5th Anniversary	\$ 67,307 3.50%		\$ 67,307 3.50%	
3 7th Anniversary	\$ 69,663 3.50%		\$ 69,663 3.50%	
4 9th Anniversary	\$ 72,101 3.50%		\$ 72,101 3.50%	
5 15th Anniversary	\$ 74,264 3.00%		\$ 74,264 3.00%	
PSI-035 & PSI-036 Deputy Fire Chief				
1 5th Anniversary	\$ 80,301		\$ 80,301	
2 7th Anniversary	\$ 83,112 3.50%		\$ 83,112 3.50%	
3 9th Anniversary	\$ 86,019 3.50%		\$ 86,019 3.50%	
4 15th Anniversary	\$ 89,031 3.50%		\$ 89,031 3.50%	
PSI-038 Asst. Fire Chief				
1 7th Anniversary	\$ 89,904		\$ 89,904	
2 9th Anniversary	\$ 93,051 3.50%		\$ 93,051 3.50%	
3 15th Anniversary	\$ 96,307 3.50%		\$ 96,307 3.50%	

PROPOSED POLICE PAY SCHEDULE- to be effective April 22, 2016

Class, Title, Steps, and Time in Grade	Hired Prior to 4/22/16		Hired After 4/22/16	
	Annual	% Between Steps	Annual	% Between Steps
PSI-xxx & PSI-xxx Cadet				
Cadet	\$ -		\$ 41,725	
PSI-xxx & PSI-xxx Probationary				
Probationary	\$ -		\$ 43,525	4.31%
PSII-021 Police Officer				
1 0-1 Years	\$ 45,480		\$ 45,480	4.49%
2 1st Anniversary	\$ 49,120	8.00%	\$ 49,120	8.00%
3 3rd Anniversary	\$ 52,558	7.00%	\$ 52,558	7.00%
4 6th Anniversary	\$ 55,187	5.00%	\$ 55,187	5.00%
5 10th Anniversary	\$ 57,945	5.00%	\$ 57,945	5.00%
6 15th Anniversary	\$ 60,844	5.00%	\$ 60,844	5.00%
7 20th Anniversary	\$ 63,885	5.00%	\$ 63,885	5.00%
PSII-022 Corporal				
3 3rd Anniversary	\$ 55,187		\$ 55,187	
4 6th Anniversary	\$ 57,945	5.00%	\$ 57,945	5.00%
5 10th Anniversary	\$ 60,844	5.00%	\$ 60,844	5.00%
6 15th Anniversary	\$ 63,885	5.00%	\$ 63,885	5.00%
7 20th Anniversary	\$ 67,080	5.00%	\$ 67,080	5.00%
PSII-023 Police Sergeant				
3 3rd Anniversary	\$ 65,218		\$ 65,218	
4 6th Anniversary	\$ 68,153	4.50%	\$ 68,153	4.50%
5 10th Anniversary	\$ 71,220	4.50%	\$ 71,220	4.50%
6 15th Anniversary	\$ 74,425	4.50%	\$ 74,425	4.50%
7 20th Anniversary	\$ 77,775	4.50%	\$ 77,775	4.50%
PSII-024 Police Lieutenant				
3 5th Anniversary	\$ 77,774		\$ 77,774	
4 8th Anniversary	\$ 81,274	4.50%	\$ 81,274	4.50%
5 12th Anniversary	\$ 84,932	4.50%	\$ 84,932	4.50%
6 16th Anniversary	\$ 88,755	4.50%	\$ 88,755	4.50%
7 20th Anniversary	\$ 92,748	4.50%	\$ 92,748	4.50%
PSII-025 Deputy Police Chief				
4 7th Anniversary	\$ 90,155		\$ 90,155	
5 12th Anniversary	\$ 94,661	5.00%	\$ 94,661	5.00%
6 16th Anniversary	\$ 98,448	4.00%	\$ 98,448	4.00%
7 20th Anniversary	\$ 102,387	4.00%	\$ 102,387	4.00%

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING THE CLASSIFICATIONS AND POSITIONS OF ENTRY LEVEL POLICE OFFICERS AND FIREFIGHTERS, ADDING ENTRY LEVEL CADET AND PROBATIONARY CLASSIFICATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, Chapter 143 of the Local Government Code requires that the City Council establish, by ordinance, the civil service classifications for the Temple Fire & Rescue and Temple Police Departments;

Whereas, currently, the Temple Police Department and Temple Fire & Rescue have single entry level positions for police officers and firefighters - employees in these positions spend twelve to eighteen months attending academy training, obtaining required state certifications and achieving civil service status;

Whereas, Chapter 143.028(a) provides that a member of the classified service is eligible to test for promotion to the next higher rank after two years in the current rank - acquiring the judgment, skills and experience to successfully perform the duties of the rank above that of police officer or fire fighter requires more than two years of service in the entry level ranks;

Whereas, establishing an entry level Cadet classification for those employees who have not completed academy training or the requirements to obtain State certification will distinguish the Cadet position from the next higher probationary classification and a Cadet will automatically advance to the Probationary classification upon successful completion of all requirements for certification by the State;

Whereas, establishing an entry level Probationary position for certified employees serving the twelve month probationary period required to obtain civil service status will distinguish the Probationary classification from the rank of Police Officer or Firefighter and a Probationary employee will automatically advance to the rank of Police Officer or Firefighter upon successful completion of all aspects of the Probationary position;

Whereas, an employee must serve at least two years in the rank of Police Officer or Firefighter in order to be eligible to test for promotion to the next higher rank;

Whereas, on March 22, 2016, the Civil Service Commission approved the addition of Cadet and Probationary positions to the Police Officer and Firefighter classifications for the purpose of distinguishing service in those positions from service in the rank of Police Officer or Firefighter;

Whereas, Local Government Code Section 143.014 states that the City Council may authorize the addition of positions within the Temple Police Department and Temple Fire and Rescue Department and therefore Staff recommends Council authorize these additional positions;

Whereas, the fiscal year 2016 budget included funding for 56 Firefighter positions and 98 Police Officer positions - Cadet and Probationary Firefighters and Police Officers will be hired only in such numbers that will not exceed the total authorization for Firefighters and Police Officers and not exceed the total amount budgeted for those positions; and

Whereas, the City Council has considered these matters and deems it in the public interest to authorize these actions.

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

Part 1: The City Council amends the Classifications and positions of Certified Firefighters to add entry level Cadet and Probationary classifications.

Part 2: Council establishes the following Classifications and the number of positions of Certified Firefighters and classifications for civil service positions in the Fire Department:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED FIREFIGHTERS

I. UNCLASSIFIED POSITIONS

A. *FIRE CHIEF* – 1 Position

The Fire Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Fire Department who is not eligible for certification by the Commission on Fire Protection Personnel Standards and Education at the intermediate level, or its equivalent as determined by that Commission, and who has not served at least 5 years as a fully paid firefighter.

II. CLASSIFIED POSITIONS

A. ASSISTANT CHIEF – 1 Position

No person shall be eligible for appointment as Assistant Chief who has not served continuously in the Department in a rank not lower than that of Captain, for at least two years.

B. *DEPUTY CHIEF* – 4 Positions

No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department, as a Captain, for at least 2 years. In addition to base pay, every Deputy Chief having 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

C. *CAPTAIN* – 26 Positions

No person shall be eligible for appointment as a Captain who has not served continuously in the Department, as a Driver, for at least 2 years. In addition to base pay, every Captain having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

D. *DRIVER* – 30 Positions

No person shall be eligible for appointment as a Driver who has not served continuously in the Department, as a Firefighter, for at least 2 years. In addition to base pay, every Driver having 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.

E. *FIREFIGHTER* – 56 Positions

1. *FIREFIGHTER*: No person shall be eligible for appointment as a Firefighter who does not meet all requirements necessary to become eligible for future classification by the Commission on Fire Protection Personnel Standards and Education. In addition to base pay, every Firefighter having 1, 3, 5, 7, 9 or 15 years of service in the Department shall receive the amount shown on the attached compensation plan for such increments of seniority.
2. *PROBATIONARY FIREFIGHTER*: Only TCFP and Nationally Registered EMT certified personnel in this state shall occupy this classification until the end of their probationary status. Upon successful completion of all aspects of the Probationary position, the Probationary employee shall automatically advance to the Firefighter position.

Probationary firefighters, hired on a probationary status for the period prescribed by law, may be hired only in such numbers as, together with Cadet firefighters, will not exceed the vacancies in the total authorization for Firefighters and shall, during their period of probation, receive the pay allotted to them by the budget.

3. *CADET FIREFIGHTER*: An employee not certified in this state shall start in this classification. Upon successful completion of the requirements for certification by the Texas Commission on Fire Protection (TCFP) and the EMT National Registry, the Cadet shall automatically advance to the Probationary position.

Cadet firefighters may be hired only in such numbers as, together with Probationary firefighters, will not exceed the vacancies in the total authorization for Firefighters and shall, during their period of probation, receive the pay allotted to them by the budget.

Part 3: The City Council amends the Classifications and positions of Certified Police Officers to add entry level Cadet and Probationary classifications.

Part 4: Council establishes the following Classifications and the Number of Positions of Certified Police Officers and Classifications for civil service positions in the Police Department:

CLASSIFICATIONS AND POSITIONS OF CERTIFIED POLICE OFFICERS

I. UNCLASSIFIED POSITIONS

A. *POLICE CHIEF* – 1 Position

The Police Chief is appointed by the City Manager. No person shall be eligible for appointment as Chief of the Police Department who is not eligible for certification by the Texas Commission on Law Enforcement (TCOLE) at the intermediate level or its equivalent as determined by that Commission, and who has not served as a bona fide law enforcement officer for at least 5 years.

II. CLASSIFIED POSITIONS

B. *DEPUTY CHIEF* – 2 Positions

Deputy Chiefs are appointed by the Police Chief. No person shall be eligible for appointment as a Deputy Chief who has not served continuously in the Department as a licensed peace officer for at least 2 years.

C. *LIEUTENANT* – 5 Positions

No person shall be eligible for appointment as a Lieutenant who has not served continuously as a Sergeant in the Department for at least 2 years.

D. *SERGEANT* – 16 Positions

No person shall be eligible for appointment as a Sergeant who has not served continuously in the Department as a Corporal for at least 2 years.

E. *CORPORAL* – 22 Positions

No person shall be eligible for appointment as a Corporal who has not served continuously as a police officer in the Department for at least 2 years.

F. *POLICE OFFICER* – 98 Positions

1. *POLICE OFFICER*: Only TCOLE certified personnel in this state shall occupy this classification upon completion of their probationary status.
2. *PROBATIONARY POLICE OFFICER*: Only TCOLE certified personnel in this state shall occupy this classification upon the end of their probationary status. Upon successful completion of all aspects of the Probationary position, the Probationary employee shall automatically advance to the Police Officer position.

Probationary police officers, hired on a probationary status for the period prescribed by law, may be hired only in such numbers as, together with Cadet police officers, will not exceed the vacancies in the total authorization for Police Officers and shall, during their period of probation, receive the pay allotted to them by the budget.

3. *CADET POLICE OFFICER*: An employee not certified in this state shall start in this classification. Upon successful completion of the requirements for certification by the Texas Commission on Law Enforcement, the Cadet shall automatically advance to the Probationary position.

Cadet police officers may be hired only in such numbers as, together with Probationary police officers, will not exceed the vacancies in the total authorization for Police Officers and shall, during the period of time that they occupy this position, receive the pay allotted to them by the budget.

Part 5: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 6: This ordinance shall take effect **April 21, 2016**.

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 7th day of **April, 2016**.

PASSED AND APPROVED on Second Reading on the **21st** day of **April, 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

04/21/16
Item #4(S)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: SECOND READING – Consider adopting an ordinance establishing the prima facie speed limit on the US Loop 363 frontage road, within the City limits.

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

ITEM SUMMARY: Based on Traffic Engineering Studies by the State, TxDOT has requested that the City adopt an ordinance setting the prima facie speed limit on US Loop 363. The section of highway is described as follows:

From SH 36-53 to IH 35 on US Loop 363 the speed limit shall be 50mph.

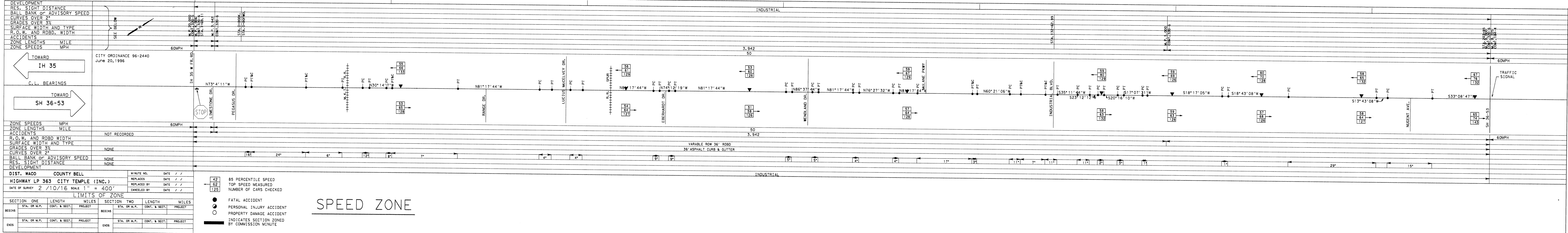
Currently this section of US 363 from SH 36-53 to Industrial Boulevard is 60 mph. TxDOT has determined that the prima facie speed limit shall be 50 MPH.

The City of Temple is required by TxDOT to re-adopt this speed limit at this time with changes being posted.

FISCAL IMPACT: None

ATTACHMENTS:

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



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING THE PRIMA FACIE SPEED LIMIT ON THE US LOOP 363 FRONTAGE ROAD, WITHIN TEMPLE CITY LIMITS; PROVIDING A REPEALER; PROVIDING FOR A PENALTY FOR VIOLATIONS NOT TO EXCEED \$500 FOR EACH VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, based on Traffic Engineering Studies performed by the State of Texas, the Texas Department of Transportation (“TxDOT”) has requested that the City adopt an Ordinance setting the prima facie speed limit on US Loop 363 - the section of highway is described as follows:

- From SH 36-53 to IH 35 on US Loop 363 the speed limit shall be 50 mph;

Whereas, currently this section of US 363 from SH 36-53 to Industrial Boulevard is 60 mph and TxDOT has determined that the prima facie speed limit shall be 50 mph;

Whereas, the City of Temple is required by TxDOT to re-adopt this speed limit at this time with changes being posted; and

Whereas, the City Council has considered the matter and deems it in the public interest to approve this prima facie speed limit for the benefit of the citizens for the promotion of the public health, welfare, and safety.

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

Part 1: The City Council finds that the reasonable and prudent prima facie maximum speed limit for vehicular traffic from SH 36-53 to IH 35 on US Loop 363 is 50 miles per hour.

Part 2: It shall be unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor powered, on that portion of the roadways described above under the conditions described herein, at a speed greater than is reasonable and prudent under the circumstances then existing, but any speed in excess of the reasonable and prudent prima facie maximum speed limits as set forth in Part 1 hereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

Part 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Part 4: A person who violates a provision of this ordinance is guilty of a separate offense for each day or portion of a day which the offense is committed, continued, or permitted, and each offense is punishable by a fine not to exceed \$500.

Part 5: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 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 on the 7th day of **April**, 2016.

PASSED AND APPROVED on Second Reading on the 21st day of **April**, 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

04/21/16
Item #4(T)
Consent Agenda
Page 1 of 7

DEPARTMENT / DIVISION SUBMISSION & REVIEW:

Mark Baker, Senior Planner

ITEM DESCRIPTION: SECOND READING - Z-FY-16-16 - Consider adopting an ordinance authorizing a rezoning from Agriculture (AG) district to Single Family One (SF-1) district, on 5.888 +/- acres, situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas, located at 4516 Hickory Road.

PLANNING & ZONING COMMISSION RECOMMENDATION: At their March 7, 2016 meeting, the Planning & Zoning Commission voted 7 to 0 to recommend approval of the proposed rezoning from AG to SF-1, as presented by staff.

Discussion at the meeting included the following topics:

1. Loss of natural habitat and vegetation,
2. Safety concerns as a result of increased traffic,
3. Drainage, and
4. Proposed density

It should be noted that in response to the above, the applicant indicated that consideration will be made to retain as many of the existing trees that design will allow. In addition to traffic calming devices such as speed humps, staff is exploring the feasibility of a number of alternatives for enhanced pedestrian, bicycle and vehicular safety. According to the City of Temple Streets Department, speed humps are typically not placed on 3-lane collectors but are located as part of the City's Traffic Calming Methods Policy. Placement needs to meet certain warrants to qualify and the warrants are much more stringent than on local roads such as Stratford Drive. In light of this, the Street Department, is exploring other options and reviewing Policy to see what traffic calming measures Hickory Road qualifies for.

According to the Institute of Transportation Engineers (ITE) 9th Edition, 1.00 peak hour trip per detached single family residence would be anticipated to be generated or approximately 12 peak hour trips as a result the proposed subdivision. This increase would be considered by transportation industry standards to be insignificant. Lastly, the SF-1 zoning district requires a minimum lot size of 7,500 square feet with the smallest lot being proposed with 12,015 square feet. Therefore, the subdivision with a proposed average lot size of 18,112.75 square feet, could have the proposed density doubled and still meet minimum zoning.

STAFF RECOMMENDATION: Based on the following, staff recommends approval for a rezoning from Agriculture (AG) district to Single family One (SF-1) district for the following reasons:

1. Proposed trail connectivity to Lions Park from the surrounding residential neighborhood and on-site tree preservation, help meet the objectives of the Future Land Use Plan's (FLUP) Parks and Open Space 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 applicant, Arnold Builders, represented by Bobby Arnold, requests rezoning of 5.88 +/- acres of land from Agriculture (AG) to Single-Family One (SF-1), anticipated to be developed with a 12-lot single-family subdivision.

The location of the proposed rezoning, is bordered on the south by Lions Park Drive, which is the gateway to Lions Park. While currently zoned Agriculture, which allows single family residential development with a minimum 1 acre lot size, the district is used primarily as a holding-zone for land after annexation or used for areas containing rural land uses or undeveloped acreage that is not anticipated to be put to an urban use in the immediate future.

A companion Preliminary Plat, with the proposed name of Park Ridge, (P-FY-16-18) was reviewed by the Development Review Committee (DRC) for the same 5.88 +/- acre tract of land on February 25, 2016. The plat is proposed as a 12-Lot, 1 Block, single-family residential subdivision with lots ranging from 12,015 square feet to 21,249 square feet in area. The project site is densely vegetated and while subdivision development will remove substantial amounts of existing vegetation, due to its gateway location, efforts should be made to preserve as much of the vegetation as possible. Additional discussion about conservation efforts are found in the Future Land Use Plan section.

The plat will be scheduled for review by the Planning & Zoning Commission, when the plat is deemed administratively complete. Additional discussion about the preliminary plat can be found in the Temple Trails Master Plan Map and Sidewalks Ordinance section of this report.

While it is anticipated the property will be developed with detached single-family homes, there are a number of residential and non-residential uses that are permitted by right in the SF-1 zoning district. The uses allowed in the SF-1 district, include but are not limited to:

Permitted & Conditional Use Table - Single Family One (SF-1)	
Agricultural Uses	* Farm, Ranch or Orchard
Residential Uses	* Single Family Residence (Detached) * Industrialized Housing * Family or Group Home
Retail & Service Uses	* None
Commercial Uses	* None

Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP)
Recreational Uses	* Park or Playground * Playfield or Stadium (CUP)
Vehicle Service Uses	* None
Restaurant Uses	* None
Overnight Accommodations	* None
Transportation Uses	* None

In contrast, under the current Agriculture (AG) zoning, residential and non-residential uses that are permitted by right, include but are not limited to:

Permitted & Conditional Use Table - Agriculture (AG)	
Agricultural Uses	* Farm, Ranch or Orchard * Livestock Auction (CUP) * Kennel (No Vet Hosp.) (CUP)
Residential Uses	* SF Residence (Detached) * Industrialized Housing * Family or Group Home * Home for the Aged (CUP)
Retail & Service Uses	* Exercise Gym * Veterinary Hosp. (Kennels)
Commercial Uses	* None
Industrial Uses	* Temporary Asphalt & Concrete Batching Plat (CUP) * Laboratory, medical, dental, scientific or research * Recycling collection location
Recreational Uses	* Roller or Ice Rink (CUP) * Park or Playground * Day Camp for Children * Drag Strip or Commercial Racing
Vehicle Service Uses	* None
Restaurant Uses	* None
Overnight Accommodations	* Recreational Vehicle Park (CUP)
Transportation Uses	* Airport or landing field (CUP) * Helistop / Heliport (CUP)

The surrounding uses, zoning and Future Land Use Plan designation, based on direction from the subject property are described as follows:

Surrounding Property & Uses			
Direction	FLUP	Zoning	Current Land Use
Site	Parks & Open Space	AG	Undeveloped
North	Neighborhood Conservation	SF-1	Single Family Uses (Willow Ridge)
South	Parks & Open Space	SF-1	SF Residential
East	Neighborhood Conservation	SF-1	SF Residential Uses (Ramblewood 3 rd Unit)
West	Parks & Open Space	AG	Lions Park

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The subject property is entirely within the Parks and Open Space land use district. The Park and Open Space district is intended for and includes the local park system and other outdoor recreation areas and open spaces available for public use and enjoyment. Due to its proximity to Lions Park, the original intent for the current designation was presumably for the subject property to be incorporated into Lions Park and was designated Parks and Open Space. The incorporation did not occur but currently retains the designation as such. The subject property, proposed for single family uses as a single family residential subdivision is not consistent with the current Future Land Use Plan designation.

While the proposed rezoning is not consistent, the Goals, Objectives and Action Recommendations identified by the Temple Comprehensive Plan (Choices "08"), related to preservation and conservation of open space can be considered.

As indicated earlier in this report, consideration can be accomplished by trail connectivity from the neighborhood and the selective incorporation the existing vegetation into the overall subdivision lot design. While revisions to the preliminary plat have not been finalized, staff is working closely with the developer for a potential tree preservation strip along Lions Park Drive. Trail / sidewalk connectivity and tree preservation would mitigate the impacts of residential development adjacent to Lions Park. Additional trail discussion can be found in the Temple Trails Master Plan Map and Sidewalks section of this report.

Further, as stated in Choices 08 related to the Quality of Open Space:

Land to be dedicated for eventual park and recreation use, passive open space or potential trail or linear greenway development, development must be useable, safe and accessible to provide a true public benefit.

While it is understood that this property is not being dedicated for public use as parkland or open space, its proximity to the Lions Park warrant the applicability of the goals in order integrate and mitigate the impacts of the residential use.

In conclusion, while the SF-1 zoning is not consistent with the Parks and Open Space Future Land Use designation, impacts can be reduced by:

1. Incorporating existing landscaping into the subdivision lot design;
2. Creating a preservation strip along Lions Park Drive, and
3. Providing trail / sidewalk connection opportunity into the plat,

Since the proposed lot sizes is supported by the Suburban Residential land use district, if the rezoning is approved, the Future Land Use Plan will need to be amended.

Thoroughfare Plan (CP Map 5.2)

The subject property takes access from Hickory Road, a minor arterial road and Lions Park Road, a local street, as identified on the most current Thoroughfare Plan. The preliminary plat for Park Ridge, proposes, one local street as a cul de sac for the 12-lot subdivision. Right-of-way requirements and any improvements will be addressed at the platting stage.

Availability of Public Facilities (CP Goal 4.1)

Water is available through either an existing 12-inch waterline in Hickory Road and Lions Park Drive. At the time of development, water will be extended into the length of a proposed cul-de-sac by a proposed 8-inch waterline. Sewer will need to be extended from an existing 6-inch sewer line in Hickory Road. Further it will be extended the length of a proposed cul-de-sac to serve the subdivision by a proposed 6-inch sewer line.

Temple Trails Master Plan Map and Sidewalks Ordinance

While there is an existing striped bike lane in Hickory Road, the Trails Master Plan does not identify any trail requirements along Hickory Road or Lions Park Drive. However, as a minor arterial, Hickory Road is required to have a 6-foot wide sidewalk on both sides. Sidewalk improvements are addressed at the platting and building permit stages of review. In conjunction with the concurrent platting process, trail and sidewalk connectivity to Lions Park has been discussed. Sidewalk connections leading into

Lions Park, providing pedestrian connectivity to the existing Lions Park Nature Trail, a National Recreation Trail (NRT), as recognized by the National Park Service, would be a benefit.

In addition, staff has discussed the opportunity to extend the proposed required sidewalk along Hickory Road, approximately 160 feet to its intersection with White Oak Drive. The extension of the sidewalk is being explored as a candidate for a 380 Agreement with the potential for 100% reimbursement for sidewalk construction along Hickory Road from the City along with a potential 50/50 cost share for the sidewalk/trail along Lions Park Drive.

Along the Lions Park Drive-portion of the proposed sidewalk / trail, the use of decomposed granite as well as pre-poured sidewalk / trail connections, as an alternative trail material has been discussed with the applicant. The Parks and Recreation Department is supportive of this approach; however, discussions are on-going.

A parkland dedication fee of \$2,700 is required for the residential plat. Staff is exploring using the funds toward tree planting between the sidewalk and backyard fencing of the new development. This use of funds does not require an exception to parkland fees and would be addressed with the subdivision plat. Additional discussion about the platting process can be found in the Item Summary section of this report.

DEVELOPMENT REGULATIONS: Residential setbacks in the Agriculture (AG) & General Retail (GR) districts are:

	Current (AG)	Proposed (SF-1)
Minimum Lot Size	1 Acre	7500 Square Feet
Minimum Lot Width	100 Feet	60 Feet
Minimum Lot Depth	150 Feet	100 Feet
Front Setback	50 Feet	25 Feet
Side Setback	15 Feet	10% of Lot Width – Max 7.5 Feet
Side Setback (corner)	15 Feet	15 Feet
Rear Setback	10 Feet	10 Feet
Max Building Height	3 Stories	2 Stories

PUBLIC NOTICE: Twenty-six 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 29, 2016 at 12:00 PM, one notice in agreement and eight notices in disagreement have been received.

The newspaper printed notice of the public hearing on February 25, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Site and Surrounding Property Photos
Preliminary Plat for Park Ridge subdivision (Exhibit A)
Aerial Map
Zoning Map
Future Land Use and Character Map
Thoroughfare & Trails Map
Utility Map
Notification Map
Returned Property Notices
Ordinance

Site & Surrounding Property Photos



Site – Hickory Road Frontage: Undeveloped (AG)



Site – Lions Park Drive Frontage: Undeveloped (AG)



North: Single-Family Uses in Willow Ridge subdivision (SF-1)



North: Close-up view of mature vegetation on subject property (as seen from) adjacent SF residences in Willow Ridge subdivision (SF-1 & AG)



South: Undeveloped Grazing Land (SF-1)



**East: Single Family Uses
Ramblewood 3rd Unit subdivision
(SF-1)**



**East: Single Family Residential Uses
Ramblewood 3rd Unit subdivision
(SF-1)**



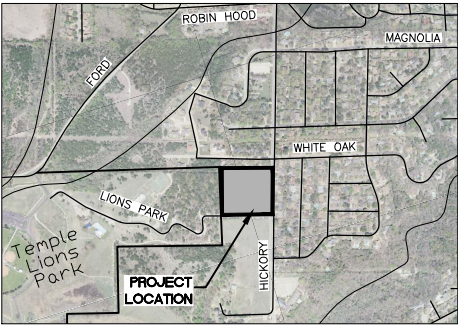
West: Lions Park (AG)



West: Approx. Boundary between Lions Park & Project Site (AG)



West: Lions Park Nature Trail (AG)



DEVELOPER:

ARNOLD BUILDERS
5297 SOUTH 31ST SUITE 109, TEMPLE, TEXAS 76502

REGISTERED PROFESSIONAL LAND SURVEYOR:

ALL COUNTY SURVEYING, INC.
1903 S. 21ST STREET, TEMPLE, TEXAS 76504

REGISTERED PROFESSIONAL ENGINEER:

CLARK & FULLER, PLLC
215 N. MAIN STREET, TEMPLE, TEXAS 76501

OWNER:

BOBBY ARNOLD
(254) 742-1072

DEVELOPMENT STATISTICS:

TOTAL ACREAGE: 5.90 ACRES
TOTAL DEVELOPED RESIDENTIAL LOTS: 12

GENERAL NOTES:

1. STORM DRAINAGE SHALL BE DESIGNED IN ACCORDANCE WITH THE CITY OF TEMPLE'S DRAINAGE ORDINANCE.
2. BASED UPON WHAT CAN BE SCALED FROM THE GRAPHICS SHOWN ON FEDERAL INSURANCE RATE MAP (FIRM), MAP NUMBER 48027C0335E, DATE SEPTEMBER 26, 2008, THE ABOVE SHOWN PROPERTY DOES NOT APPEAR WITHIN THE "SPECIAL FLOOD HAZARD AREA." THIS FLOOD STATEMENT DOES NOT IMPLY THAT THIS TRACT WILL NEVER FLOOD, NOR DOES IT CRETE ANY LIABILITY IN SUCH EVENT ON THE PART OF THIS SURVEYOR OR COMPANY.

STATE OF TEXAS

COUNTY OF BELL

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



10-12-15
MONTY L. CLARK
REGISTRATION NUMBER 90894

RECOMMENDED FOR PRELIMINARY APPROVAL:

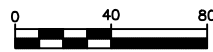
CITY ENGINEER DATE:

RECOMMENDED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE:

SECRETARY, PLANNING AND ZONING COMMISSION DATE:

BELL COUNTY HEALTH DISTRICT DATE:



Date: Revisions Remarks:

DRAWING STATUS

THESE DRAWINGS WERE PREPARED UNDER THE AUTHORITY OF MONTY L. CLARK, P.E. 90894, CLARK & FULLER, PLLC FIRM NO. F-10384...
☒ THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW ONLY. NO GUARANTEE OR CONSTRUCTION OF THE COMPLETE ISSUED FOR CONSTRUCTION CAN BE CONSIDERED COMPLETE.
☐ FOR CONSTRUCTION
☐ FINAL DRAWINGS

PARK RIDGE
SINGLE PHASE RESIDENTIAL
DEVELOPMENT
Temple, Texas



PRELIMINARY PLAT

Project No: 151584.00
Plot Date: 10-12-15
Designed By: MLC
Drawn By: LLW

C1.1



Address :
4516 Hickory Road

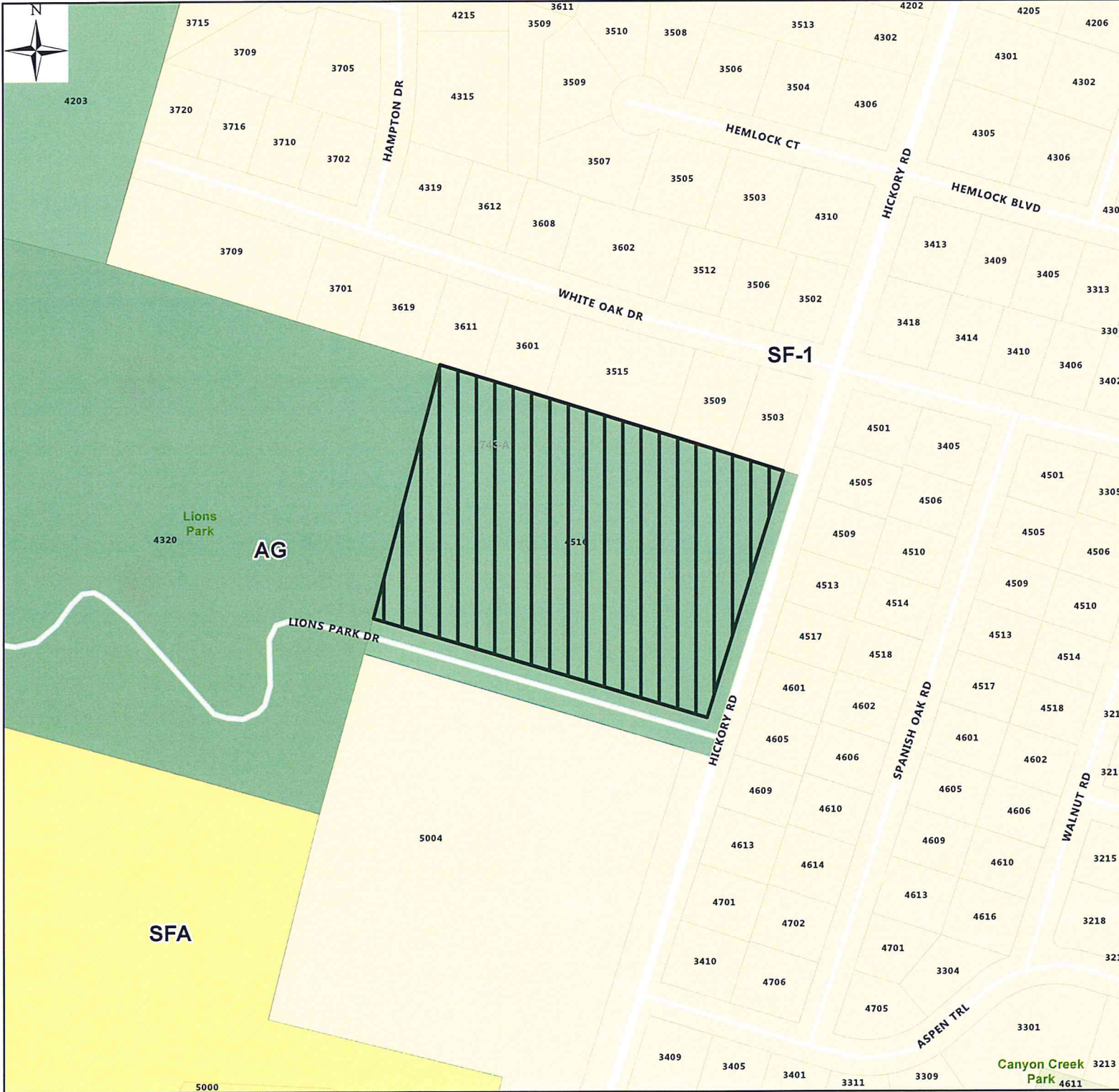
Streets

-
- 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: 1/25/2016





AG to SF-1

ZONING MAP

Zoning Case :

Z-FY-16-16

Address :

4516 Hickory Road

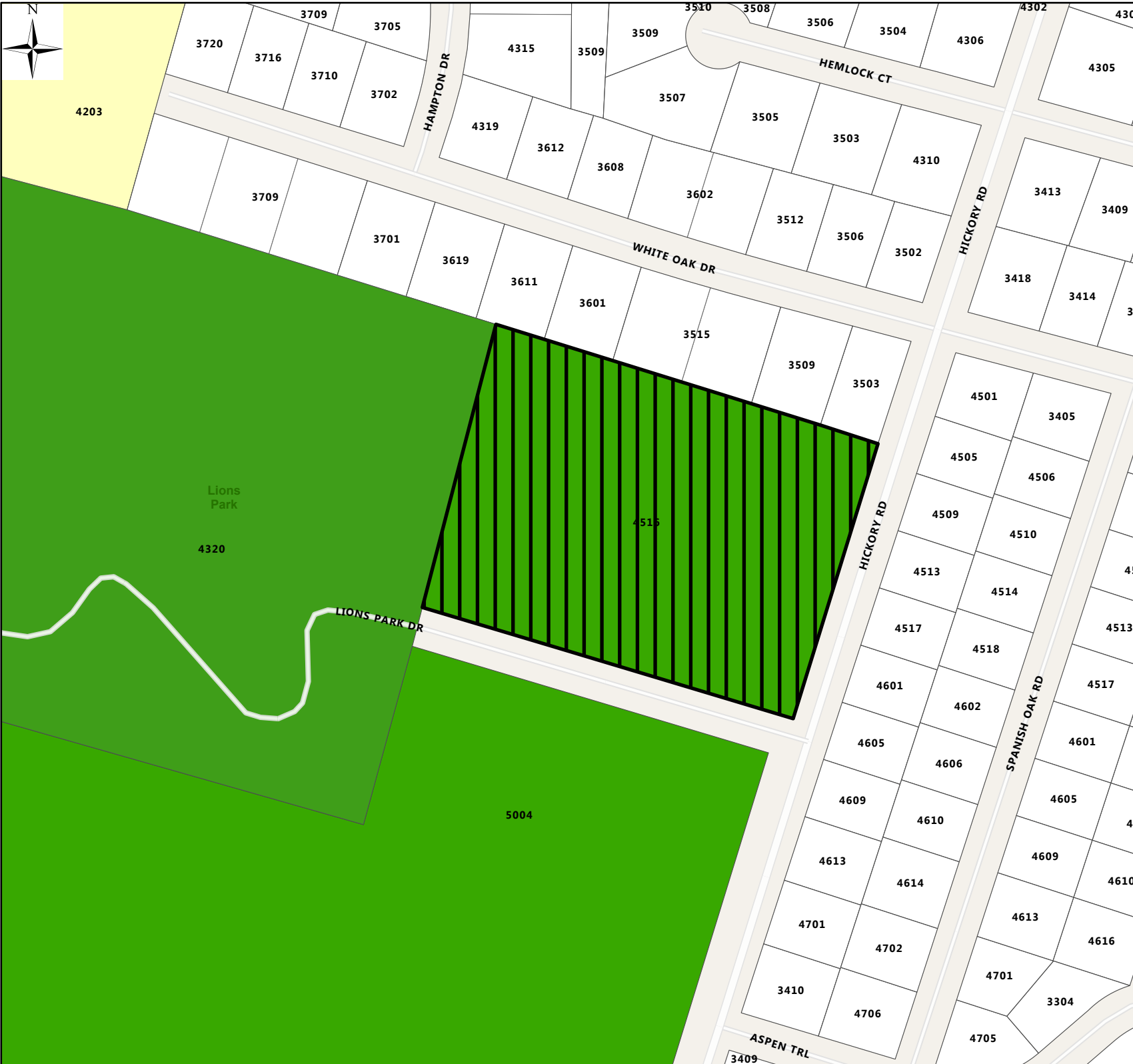
CurrentZoning		
HI - CUP	O-1	AG - CUP
UE	O-1 - CUP	MH
UE - PD	O-1 - PD	MH - CUP
SF-1	O-2	MH - PD
SF-1 - CUP	O-2 - CUP	MU
SF-1 - PD	O-2 - PD	MU - CUP
SF-2	NS	SD-C
SF-2 - PD	NS - CUP	SD-C - CUP
SF-3	NS - PD	SD-H
SF-3 - PD	GR	SD-H - CUP
SF-3 - CUP, PD	GR - CUP	SD-T
SFA	GR - PD	SD-V
SFA-2	GR - CUP, PD	T4
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.

mbaker

Date: 1/25/2016





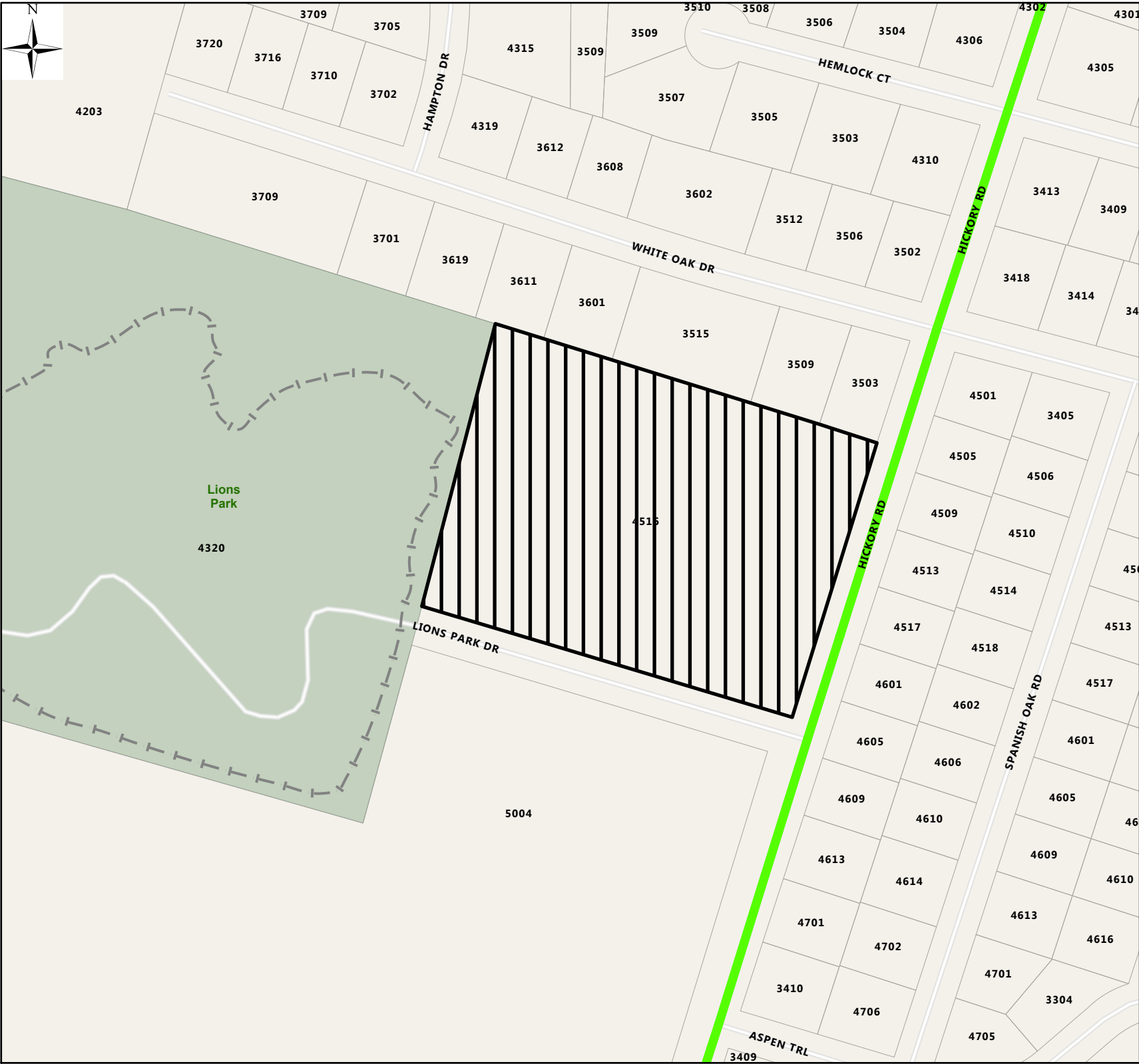
AG to SF-1
FUTURE LAND
USE MAP
Zoning Case :
Z-FY-16-16
Address :
4516 Hickory Road

- 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: 1/25/2016





AG to SF-1
THOROUGHFARE
AND TRAILS MAP

Zoning Case :
Z-FY-16-16

Address :
4516 Hickory Road

- | | |
|------------------------------------|------------------------------------|
| Parcels | PROPOSED, COMMUNITY WIDE CONNECTOR |
| Thoroughfare Plan | PROPOSED, LOCAL CONNECTOR |
| Expressway | CaseArea |
| 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 | |

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: 1/25/2016











UTILITY MAP

Zoning Case :
Z-FY-16-16

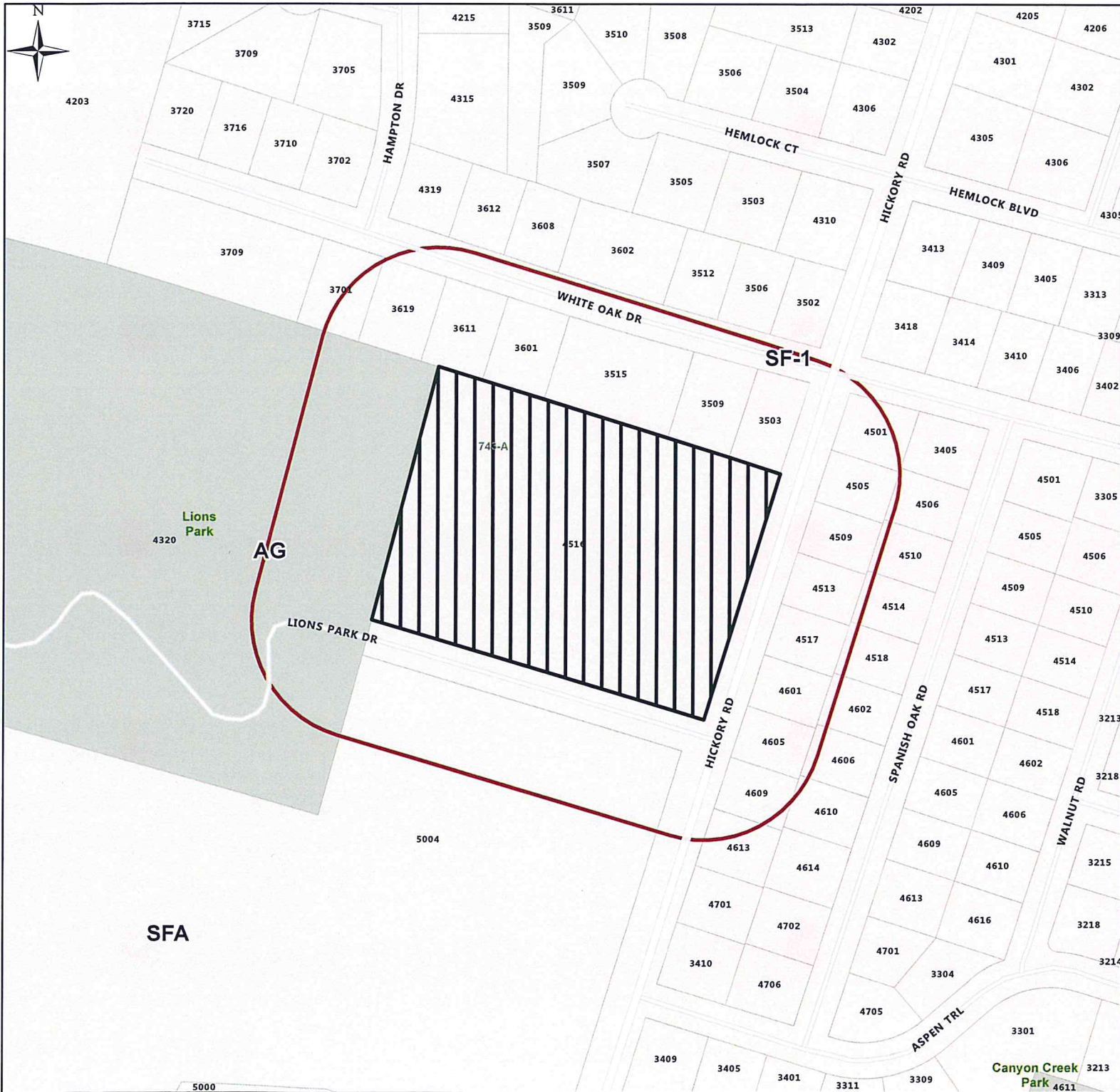
Address :
4516 Hickory Road

-  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: 1/25/2016





AG to SF-1

200'
NOTIFICATION MAP

Zoning Case :

Z-FY-16-16

Address :

4516 Hickory Road

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: 1/25/2016



Mark Baker

From: susan evans <sgevans@gmail.com>
Sent: Tuesday, February 23, 2016 4:42 PM
To: Mark Baker
Subject: Re: Proposed Park Ridge Preliminary Plat (12 Single Family Residential Lots)

Yes, you may give them my phone number. My cell is best from 8:00am - 5:30pm - 254.913.4258 and house phone is best in the evening and weekends - 254.778.1599.

I just received this email from one of my neighbors.

The following is a list of concerns and issues that we have in reference to the above proposed development projected to be built directly behind us.

1. Needless to say, we are quite concerned about the number of houses projected to be built on that small amount of acreage.
2. Of course, of great great concern to us is all the drainage that would have to come down on top of us from the rooftops and with all of the erosion from the tree cutting and the new slabs and buildings. Our house is built on incline property (as are most of our neighbors). With the way the water flowed downward this past year with those heavy rains we had, I don't see how we could keep from having a massive flood each and every time anywhere near a heavy rain occurred.
3. Of course, we like the idea of keeping Temple beautiful and that is not going to happen with the destruction of all of those beautiful trees.

Linda Struznik

Thanks again,
Susan Evans

On Tue, Feb 23, 2016 at 4:36 PM, Mark Baker <mbaker@templetx.gov> wrote:

Susan:

I have spoken to one of your neighbors but have not received anything formal back as well. We will present these questions to them tomorrow. The pond question is specific to the engineered design that only their engineer can answer. We may also suggest that perhaps they follow up you. May I give them your direct phone number?

Thank you again for your comments and your participation in the process.

Mark

From: susan evans [mailto:sgevens@gmail.com]

Sent: Tuesday, February 23, 2016 3:51 PM

To: Mark Baker

Subject: Re: Proposed Park Ridge Preliminary Plat (12 Single Family Residential Lots)

Mark,

I believe that you said you are meeting with the Bobby Arnold group tomorrow. The neighborhood has been informed about the property development, but I have not received any questions or comments from others to pass along to you. I think I would just like to ask them some of the questions that I mentioned to you.

Retention Pond

Will there be standing water that will attract mosquitoes?

Depth of standing water that might create a hazard for children or animals.

General Concerns

If property is raised for construction will that cause run off issues for houses on White Oak that back up to that property?

Comment

We do not have a fence, so do they have any suggestions that would help so that we do not have to add a fence?

There are beautiful live oaks in that area. Are they planning to keep as much of those as possible?

I will pass along any other questions or comments that I might receive.

Thank you,

Susan Evans

On Fri, Jan 29, 2016 at 10:03 AM, Mark Baker <mbaker@templetx.gov> wrote:

Good morning Susan:

It was a pleasure visiting with you this morning, as per our conversation, I am attaching a copy of the preliminary plat for your records. It also appears that the developer will have restrictive covenants associated with this subdivision.

As I mentioned, since you own property within the 200-foot notification area, you will be notified by mail of the counterpart rezoning of this 5.9 acre tract. At this time, the anticipated dates for public review are:

March 7th - Planning & Zoning Commission (Public Hearing)

April 7th - City Council (Public Hearing & 1st Reading of the Rezoning Ordinance)

April 21st - City Council (2nd Reading of the Rezoning Ordinance)

Should you have any further questions or concerns, please don't hesitate to contact me directly.

Thank you,

Mark

Mark Baker, Senior Planner

City of Temple – Planning Department

2 North Main Street – Suite 102

Temple, Texas 76501

Phone: [254-298-5274](tel:254-298-5274)



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

STRUZNIK, EDWIN V & LINDA M
3503 WHITE OAK
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

Please see attached.

Linda M. Struznik
Signature

Linda M. Struznik
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016

From: Linda Struznik

Sent: Monday, March 7, 2016 12:15 PM

To: Linda Struznik

Subject: FW: Areas of Concern for Meeting Reference the Proposed Park Ridge Preliminary Plat (12 Single Family Residential Lots), Zoning Application Number Z-FY-16-16

The following is a list of concerns and issues that we have in reference to the above proposed development projected to be built directly behind us.

1. Of course, we are quite concerned about the number of houses projected to be built on that small amount of acreage—not to mention the extra noises and inconveniences.
2. According to research, for water storage for every 1,000 square foot of roof space and ½ inch of rain, one will get 300 gallons of water. The average 2,200 square foot home will have a roof area of between 4,500 to 5,500 square feet, depending on the roof design. This will give off between 1,350 to 1,650 gallons of water run off for each ½ inch of rain received.
3. Needless to say, of great great concern to us is all the drainage that would have to come down on top of us from the rooftops and with all of the erosion from the tree cutting and the new slabs and buildings. Our house and the homes on our side of the street are built on incline property (as are most of our neighbors). With the way the water flowed downward this past year with those heavy rains we had, I don't see how we could keep from having a massive flood in our home each and every time anywhere near a heavy rain occurred.
4. The retention pond is another issue and a great concern, which is certainly subject to many health hazards such as standing water which breeds mosquitos and other health hazards.
5. We purchased this home for our retirement home and have been most happy with it. Of course, we like the idea of keeping Temple beautiful and that is not going to happen with the destruction of all of those beautiful trees and wildlife.

Edwin V. and Linda M. Struznik


RECEIVED

MAR - 7 2016

City of Temple
Planning & Development



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

WAMBOLT, CHERIE L
4513 HICKORY RD
TEMPLE, TX 76502-3002

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

More Traffic, cars already speeding down street
Lights from street
Construction in front of house

Cherie L Wambolt
Signature

Cherie Wambolt
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED
MAR - 7 2016
City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

RAJU, SUMA ETVIR RYAN
3509 WHITE OAK DR
TEMPLE, TX 76502

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

Please see attached


Signature

Suma Raju
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016

To the Temple Planning and Zoning Commission:

We are strongly opposed to rezoning and developing 4516 Hickory Road. There are many reasons why we believe this would be the wrong decision, but the ones I will address today are beauty, safety, and the city of Temple's future.

My husband and I are both physicians at Baylor Scott and White. On our search for the perfect house and neighborhood, we found lions park and White Oak Drive. We were immediately drawn to the beautiful trees and natural landscape that are incredibly hard to find in the middle of a city. It is the natural beauty of the proposed area that we fell in love with. It's why we bought our house, and why many of our neighbors moved to this area. Destroying this habitat just to build more houses is the wrong decision and does not "keep temple beautiful." More houses can be built in other areas of temple, but this beautiful, untouched land cannot be replicated elsewhere. Many physicians at Scott and white live in cities as far away as Salado, Georgetown and Morgan's point just to find property like the one we have. It would be ashame if the city did not preserve this land.

Another objection is safety. We all know that developing this land will lead to increased water run off during heavy rains. Our street sits at a lower elevation of this land and would definitely suffer from this. We already saw tremendous flooding in our area with the last heavy rainfall, I don't even want to imagine how bad it will be if this land is rezoned and developed. From research I have found, it seems every 1000 square feet of roofed area combined with as little as half an inch of rain, one will get 300 gallons of water. So let's say a 2200 square foot home, which is roughly the size homes that the developer is proposing to build, has a roof that is roughly 4500 to 5500 square feet. That will give off 1350 to 1650 gallons of water run off for each 1/2 inch of rain. We all know storms producing more than half an inch of rain are common in this area, so this is a conservative estimate. Who is going to be responsible for all the property damage that would result from this?

Another safety concern is the retaining pond that had been proposed. As we all know stagnant water increases insects and insect borne disease. Temple already has a mosquito problem and creating areas like this will only add to it. I have 4 year old twins who are always outside playing, building structures which will increase the number of insects and insect borne disease truly makes me worried.

Since we have moved to temple we have seen many positive changes to the area. Development of beautiful parks, strengthening our schools, and making temple beautiful in many ways. Rezoning this land does not follow suit. There is no doubt in our minds that this development will take away from the charm, quiet, and beauty of temple. It will turn this area into just another neighborhood you can find anywhere. From conversations with our colleagues at work it is obvious many professionals who work in Temple do not choose to live here, rezoning areas like this will only add to this. If the city wants people to live in Temple then the city needs to make decisions that keep the city beautiful. That means keeping more green areas, especially when they are as beautiful as the land at 4516 Hickory Road.

These are just a few of the many reasons why approving this rezoning request would be a terrible decision for the city of temple and its future. Please do not approve this rezoning request. Due to work commitments we were unable to attend today's meeting but please do not hesitate to contact us if needed.

Sincerely,
Suma and Ryan Raju
3509 White Oak Drive
Temple, Texas 76502
(210)885-7911
Nan_suma@yahoo.com

RECEIVED
MAR - 7 2016
City of Temple
Planning & Development



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

PERRY, CHARLES R
4605 HICKORY RD
TEMPLE, TX 76502-3004

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

I am not in favor of the possible rezoning of this property in question. I have lived here 35 years.

My wife died in July 2013 with DEMENTIA and I have SPINAL STENOSIS for 15 years. We had 60 yrs of marriage.

I am a WWII MARINE and a SURVIVOR of TWO JIMA. I hope it is not already been decided. O TWO JIMA.

Charles Perry
Signature

CHARLES R. PERRY
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



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

JOHNSON, KENNETH W
4501 HICKORY RD
TEMPLE, TX 76502-3002

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

*Residential areas need
that buffer zone from Lions Park.*

Kenneth W. Johnson
Signature

Kenneth W. Johnson
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED
MAR - 7 2016
City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

FEDERWISCH, THOMAS MARVIN
4505 HICKORY RD
TEMPLE, TX 76502-3002

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

4516 Tom and I do strongly disapprove of the proposed venture at ~~4505~~ Hickory Rd. for 2 reasons: 1. The heavy traffic onto our presently "2nd Frontage Road of I-35" Hickory Rd. 2. The wildlife - their homes, food, and health (rabies) will be dislodged into our homes.

Thomas M. Federwisch

Dorothy Federwisch

Signature

Thomas and Dorothy Federwisch

Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



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

ADAMS, JOYCE W
4601 HICKORY RD
TEMPLE, TX 76502-3004

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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

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

Comments:


Signature

Joyce W Adams
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MONDRIK, ALBERT F
4517 HICKORY RD
TEMPLE, TX 76502-3002

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

Possible increase of traffic problems

Car lights from drivers exiting the new addition (PARK RIDGE)
would be aimed directly at our home.

Albert F. Mondrik
Signature

Albert F. Mondrik
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than
March 7, 2016.

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

RECEIVED

MAR - 7 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

MACFARLANE, RONALD D & CATHERINE J MCNEAL
3709 WHITE OAK DR
TEMPLE, TX 76502-3608

Zoning Application Number: Z-FY-16-16

Project Manager: Mark Baker

Location: 4516 Hickory Road

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:

Noise, security, &
Concern about water runoff downhill to white oak homes
Destroys significant animal habitat

[Signature]
Signature

Catherine J McNeal
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 7, 2016.

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

RECEIVED

MAR 10 2016

City of Temple
Planning & Development

Number of Notices Mailed: 25

Date Mailed: February 25, 2016

ORDINANCE NO. _____

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY ONE DISTRICT ON APPROXIMATELY 5.888 ACRES OF LAND SITUATED IN THE MARY CHERRY SURVEY, ABSTRACT NO. 175, BELL COUNTY, TEXAS AND LOCATED AT 4516 HICKORY ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to Single Family One District on approximately 5.888 acres of land situated in the Mary Cherry Survey, Abstract No. 175, Bell County, Texas and located at 4516 Hickory Road, 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 7th day of April, 2016.

PASSED AND APPROVED on Second Reading on the **21st** day of **April**, 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

04/21/16
Item #4(U)
Consent Agenda
Page 1 of 5

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Dessie Redmond, Planner

ITEM DESCRIPTION: SECOND READING – TMED-FY-16-01 – Consider adopting an amendment to Ordinance No. 2014-4689, for a Temple Medical Education District (TMED) Planned Development (PD) District site plan on 1.27 acres +/-, Lot 1, Block 1, Shoppes on the Hill Subdivision, to allow for a drive-through restaurant, located at 2304 South 31st Street.

PLANNING & ZONING COMMISSION RECOMMENDATION: At its March 7, 2016 meeting, the Planning & Zoning Commission voted 8 to 0 (Commissioner Pitts absent) to recommend approval of the amended site plan.

STAFF RECOMMENDATION: Staff recommends approval of the proposed site plan to allow for a drive-through restaurant located at 2304 South 31st Street, which has been determined to meet all of the Development Plan Review Criteria in Section 3.4.5.

ITEM SUMMARY: The applicant has submitted a site plan for a proposed restaurant with a drive-through. On the subject property, in October of 2014, a rezoning from TMED T5-c to PD TMED T5-c (Ordinance Number 2014-4689) was approved by Council. Therefore, the subject property is currently zoned PD TMED T5-c. Ordinance 2014-4689 allows for a drive-through to be permitted for a proposed restaurant on Lot 3 but the additional drive-through proposed on Lot 1 requires a site plan submittal and a P&Z review, followed by City Council approval.

Compliance with Ordinance 2014-4689:

1. Front setback requirements.
2. 1-story building height.
3. Allowing a commercial surface parking lot.
4. Drive-through permitted for a proposed restaurant on Lot 1.

Compliance with the UDC General Standards:

1. Circulation standards
2. Access and connectivity standards.
3. Minimum parking ratios and parking space dimensions.

Compliance with TMED:

1. Screening of waste containers.
2. Exterior finish materials and percentages.
3. Bike rack requirements.

4. The site plan also meets the outdoor seating concepts proposed as a future code amendment.
5. Bike rack requirements.
6. Landscape standards related to street frontage, tree mix, irrigation, pre-approved plant species selections and parking lot screening with a landscaping plan that exceeds the 20% minimum landscape area standard.

Planned Development (UDC Sec. 3.4): The subject property has a PD zoning overlay district, which is a flexible overlay zoning district designed to respond to unique development proposals, special design considerations and land use transitions by allowing evaluation of land use relationships to surrounding areas through development plan approval.

As part of the Planned Development request, a Development Plan (Site Plan) is required for review and consideration by the Planning and Zoning Commission and City Council.

Development Plan Review Criteria (UDC Sec. 3.4.5): In determining whether to approve, approve with conditions or deny a Planned Development application, the Planning & Zoning Commission and City Council must consider the following criteria:

- A. The plan complies with all provisions of the Design and Development standards manual, the UDC and other ordinances of the City,
- B. The environmental impact of the development relating to the preservation of existing natural resources of the surrounding properties and neighborhood is mitigated,
- C. The development is in harmony with the character, use and design of the surrounding area,
- D. Safe and efficient vehicular and pedestrian circulation systems are provided,
- E. Off-street parking and loading facilities are designed to ensure that all such spaces are useable and are safely and conveniently arranged, and
- F. Streets are designed with sufficient width and suitable grade and location to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.

Additional Standards (UDC Sec. 3.4.2C): In approving a Planned Development, the City Council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, access and circulations, signs, parking, building design, location and height, light, landscaping, property owners associations, open space, topography and screening.

Expiration (UDC Sec. 3.4.7): If no development has occurred on a Planned Development-zoned tract or lot within two years of the date of approval, the Planning and Zoning Commission and City Council may require a new public hearing to evaluate the appropriateness of the previously authorized Planned Development approval.

Design Review Committee: The Design Review Committee (DRC) reviewed and discuss the proposed Development Plan at their March 7, 2016 meeting, at which time the following topics were discussed:

1. Consistency between Site Plan and Landscape Plan.
2. The landscaping plan's north arrow is incorrect.
3. The Fire Department will require a 20' wide lane on the south one-way lane (currently showing 18').

4. Pedestrian access:
 - Ped access from South 31st Street's sidewalk.
 - Ped access connection through parking lot from south side.
 - Ped access connection through the parking lot from west side.
 - The site plan shows pedestrian access through parking lot on the north but the landscaping plan does not.
 - All public sidewalks must show safe pedestrian connectivity to building.
5. Note to file: Construction of a new stop light is taking place at the corner of South 31st Street and Scott Blvd in the summer of 2016.

Land Use: Some of the uses permitted by right in the T5-c district include, but are not limited to:

Residential uses

Single-Family (Attached)
Multi-family (with limitations)

Nonresidential uses

Assisted Living (with limitations)
Hospital
All Retail
Restaurant (no drive-through, however, permitted per Ordinance No. 2014-4689)
On-premise alcohol consumption (with a CUP)

Prohibited uses include Single-Family (Detached), all industrial and manufacturing uses, fuel sales.

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	T5-c	Currently being developed
North	Suburban Commercial	T5-c	Undeveloped
South	Auto Urban Commercial	GR	Retail
East	TMED	SD-H (TMED)	BS&W Hospital
West	Auto Urban Commercial	T5-c	Retirement Community

Comprehensive Plan Compliance: The proposed amendment relates to the following goals, objectives or maps of the Comprehensive Plan (CP) and Sidewalk and Trails Plan (STP):

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

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

The site is designated as Auto Urban Commercial on the Comprehensive Plan's FLUP; therefore, the proposed development complies with the Plan. As part of the Planned Development, a site (development) plan (attached) is required to be submitted and reviewed by the Planning and Zoning Commission and City Council.

Thoroughfare Plan (CP Map 5.2)

- Scott Boulevard (Collector) – right-of-way width is 94', which exceeds the City's minimum standards for the classification (55')
- S. 31st Street (Major Arterial) – right-of-way width varies from 114' to 125', which exceeds the City's minimum standards for the classification (70')

Availability of Public Facilities (CP Goal 4.1)

Existing 8-inch water and sanitary sewer lines exist in the south right-of-way of Scott Boulevard. Existing 6-inch, 8-inch, and 12-inch water lines exist in the west right-of-way of South 31st Street. Water will be provided through 8-inch water lines. Sewer will be provided through 8-inch, 10-inch, and 18-inch sanitary sewer lines. Storm sewer drainage will be carried through 18-inch and 24-inch reinforced concrete pipes (RCP).

Temple Trails Master Plan Map and Sidewalks Ordinance

According to Parks and Leisure Services, both required sidewalks (on 31st Street and Scott Boulevard) will serve the City's Citywide Trails Master Plan as part of a pedestrian network. Provided the trails / sidewalks meet the TMED requirements, the walks are seen as sufficient in meeting the Citywide Trails Master Plan requirements as well.

DEVELOPMENT REGULATIONS IN THE T5-C DISTRICT:

Min Lot Size	N/A
Min Lot Width	18'
Min. Front	4'
Max. Front	12'
Impervious Cover	80% max

PUBLIC NOTICE: Five notices for the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property. As of Monday, March 29, 2016 no responses from neighbors had been returned.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

Zoning Map
Notification Map
Location Map
Aerial Map
Utilities Map
Thoroughfare and Trails Map
Future Land Use Plan
Site Photos
Site Plan
Landscape Plan
Elevations
TMED Regulating Plan
Ordinance Number 2014-4689
Ordinance



2401
PropID:
104250

T5-C

SCOTT BLVD

SCOTT BLVD

SCOTT BLVD

2304
PropID:
460343

T5-C

T5-C

1749
PropID:
332162

SD-H

2401
PropID:
370895

S 31ST ST

2320
PropID:
460345

2510
PropID:
460347

T5-C

PD-T5-c

200'

ZONING MAP

Zoning Case :
TMED-FY-16-01

Address :

2304 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.

dredmond

Date: 2/24/2016





2401
PropID:
104250

SCOTT BLVD

SCOTT BLVD

SCOTT BLVD

2304
PropID:
460343

1749
PropID:
332162

2401
PropID:
370895

S 31ST ST

2320
PropID:
460345

2510
PropID:
460347

PD-T5-c

200' NOTIFICATION MAP

Zoning Case :
TMED-FY-16-01

Address :
2304 S 31st Street

 CaseArea

 Buffer

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

dredmond

Date: 2/24/2016





2401

SCOTT BLVD

2304

1749

2320

2510

S 31ST ST













PD-T5-c

LOCATION MAP

Zoning Case :
TMED-FY-16-01

Address :
2304 S 31st Street

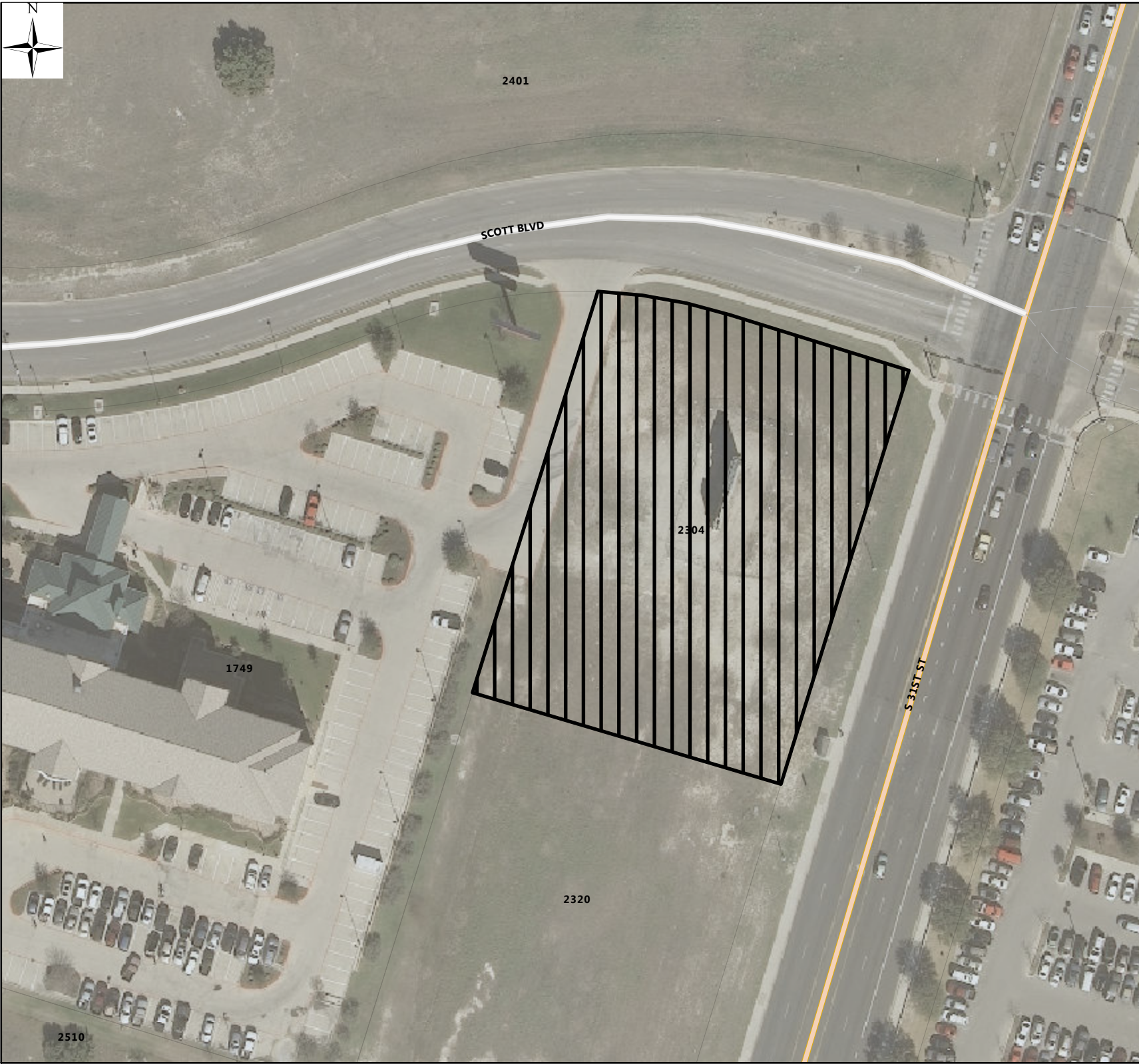
Streets

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

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

dredmond
Date: 2/24/2016





PD-T5-c

AERIAL MAP

Zoning Case :
TMED-FY-16-01

Address :
2304 S 31st Street

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

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

dredmond
Date: 2/24/2016



PD-T5-c

UTILITY MAP

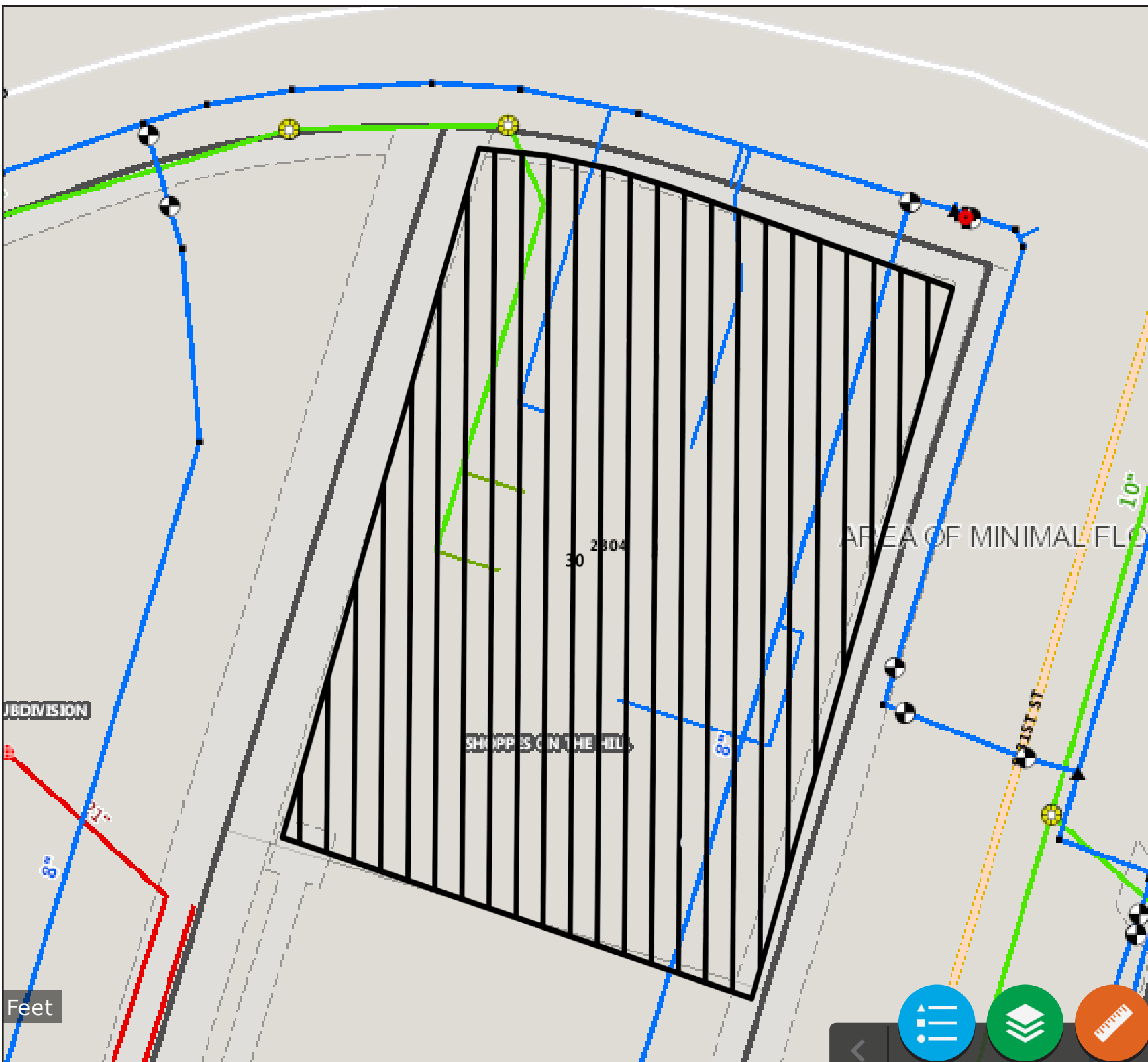
Zoning Case :
TMED-FY-16-01

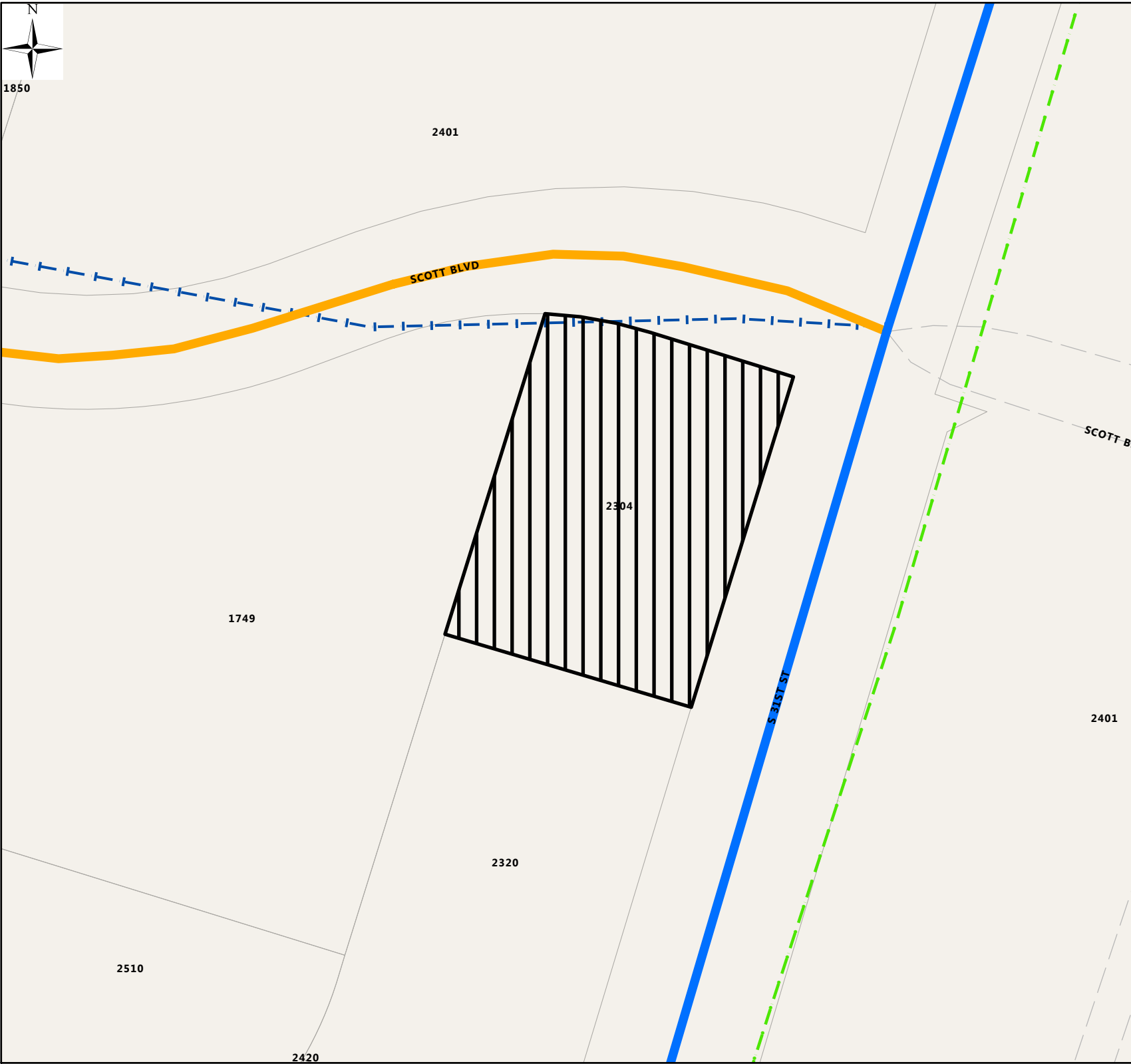
Address :
2304 S 31st Street

- 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.

dredmond
Date: 2/24/2016





PD-T5-c
THOROUGHFARE
AND TRAILS MAP

Zoning Case :
TMED-FY-16-01

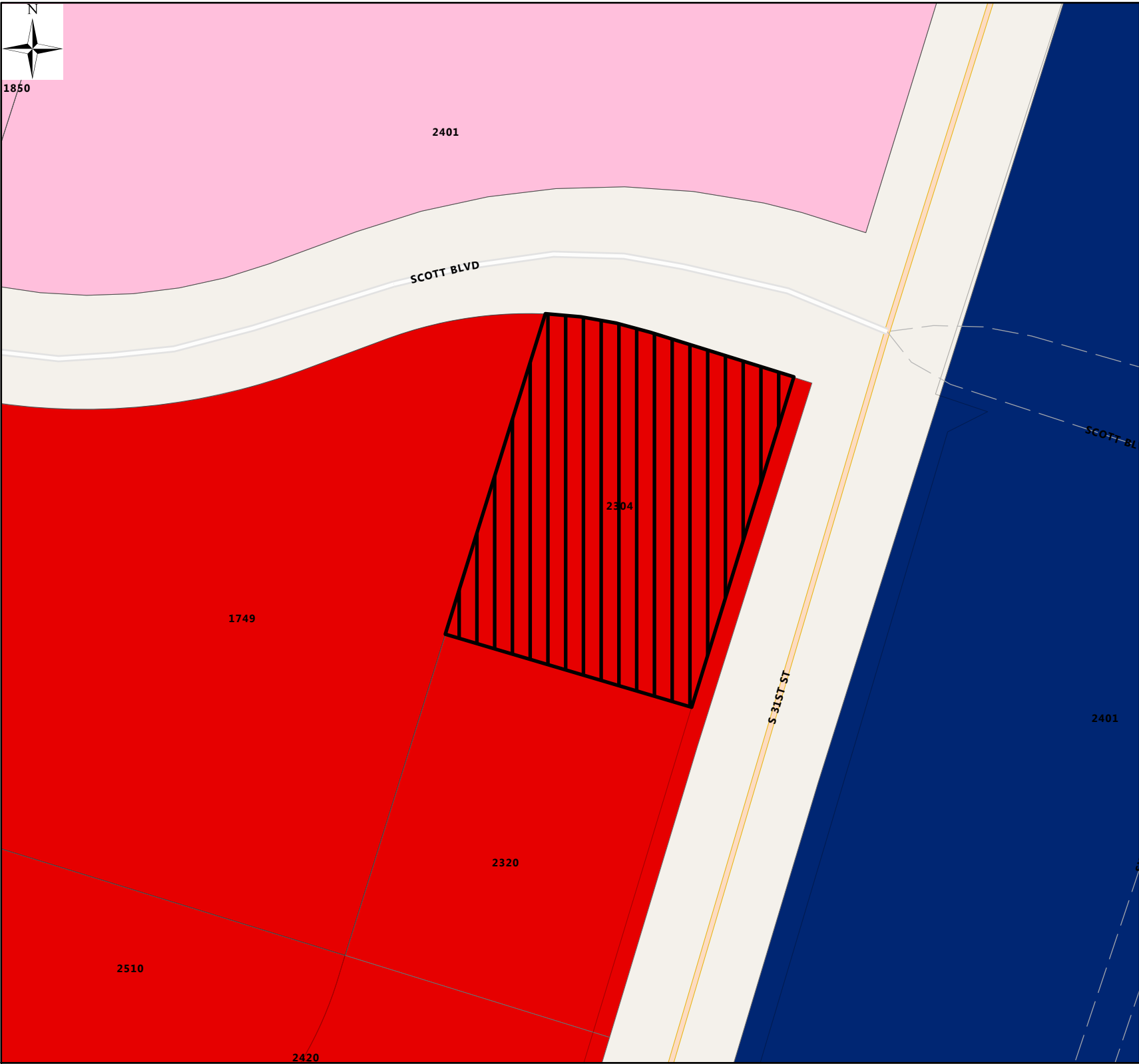
Address :
2304 S 31st Street

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

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

dredmond
Date: 2/24/2016





PD-T5-c
FUTURE LAND
USE MAP
Zoning Case :
TMED-FY-16-01
Address :
2304 S 31st Street

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

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

dredmond
Date: 2/24/2016



Looking south down 31st Street.

31st Street

subject property

PROPOSED
LAND USE CASE
#...
For information, call
(254) 298-5668

PIPE
LINE
SYNOS

SYNOS

Looking south through subject property.



Looking east through subject property.



subject property

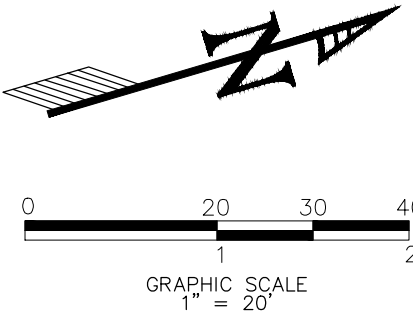
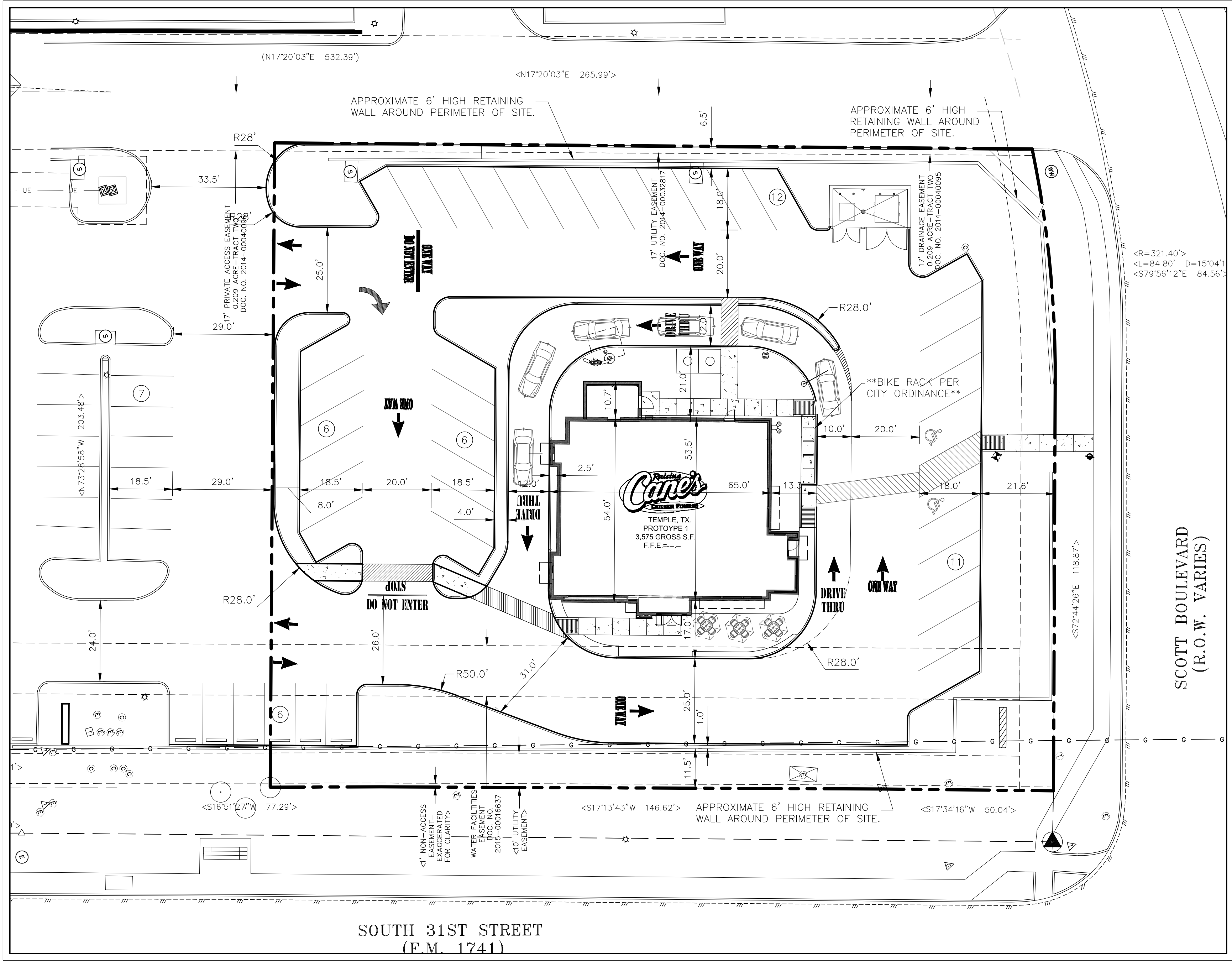
Scott Blvd.

Looking east down Scott Blvd.



subject property

Scott Blvd.



BENCHMARK:

TBM#1- SQUARE CUT ON TOP OF CONCRETE CURB INLET ON THE WEST SIDE OF EVERTON DRIVE ±390' NORTH OF SOUTH 31ST STREET, ±285' SOUTHWEST OF THE NORTHWEST CORNER OF SAID LOT 3. ELEVATION: 68.11'.

TBM#2- SQUARE CUT ON TOP OF CONCRETE CURB AT MIDDLE OF THE NOSE ON THE NORTH END OF THE MEDIAN IN SCOTT BOULEVARD, ±130' NORTH OF THE SOUTH 31ST STREET, ELEVATION: 32.19'

LEGAL DESCRIPTION:

12.54 ACRES BEING ALL OF LOT 1, BLOCK 1, SHOPPES ON THE HILL, A SUBDIVISION RECORDED IN DOCUMENT NO.2014-44400 OF THE OFFICIAL RECORDS OF BELL COUNTY.



Restaurant Support Office
6800 Bishop Road
Temple, TX 76708
Tele: 972-769-3100 Fax: 972-769-3101

Store:

Raising Cane's
2304 South 31st Street
Temple, TX 76508
Prototype 1
Store #---

Professional of Record:

PRELIMINARY

Architect Information:

CSRS
IMAGINE SHAPE DELIVER

6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Telephone: 225 769-0546 Fax: 225 767-0060
www.csronline.com

Civil Engineer Information: TBPE: F#9852

NOBLE
SURVEYING &
ENGINEERING
WORKS, L.L.C.

7614 A HWY. 71 WEST
AUSTIN, TX. 78735
(512) 535-1820
www.noble-tx.com

Prototype Issue Date:

Design Bulletin Updates:

Date Issued:

Bulletin Number:

Revisions:

#	Date	Description

Sheet Title:

SITE PLAN
EXHIBIT

Date:

11/2015

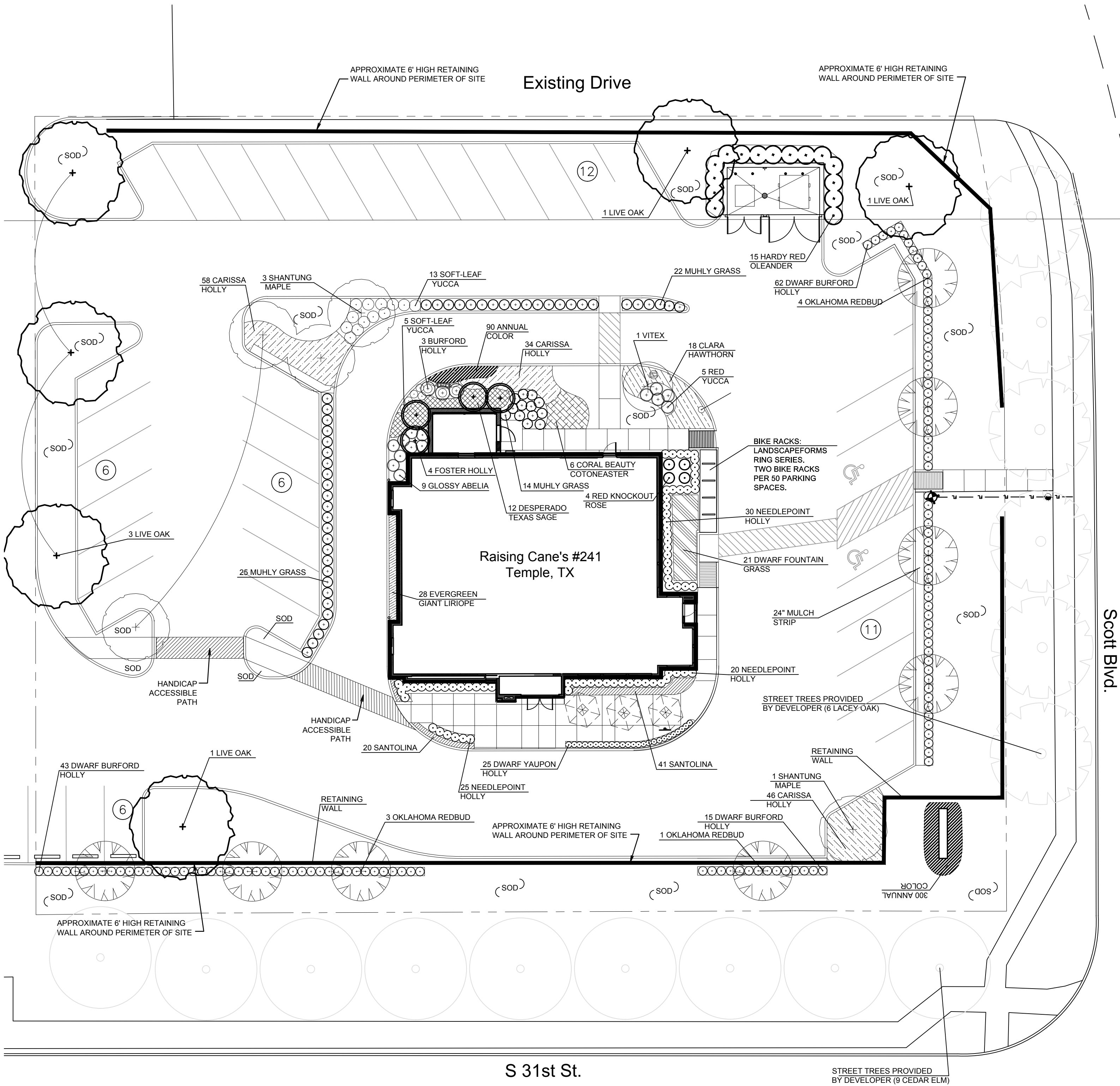
Project Number:

0238-0028

Drawn By:

TH/AA/BO

Sheet Number:



Plant Schedule RC#241 Temple TX 03/01/2016					
Qty	Common Name	Botanical Name	Size	Planting	Remarks
6	Live Oak	Quercus virginiana	3" DBH	as shown	Full, container grown
8	Oklahoma Redbud	Cercis reniformis 'Oklahoma'	2"	as shown	Full, container grown
3	Texas Mountain Laurel	Sophora secundiflora	6'	as shown	Full, specimen form, container grown
1	Abbeville Blue Vitex	Vitex agnus-castus 'Abbeville Blue'	6'	as shown	Full, specimen form, container grown
4	Foster's Holly	Ilex x attenuata 'Fosteri'	6'	as shown	Tree form, container grown
15	Hardy Red Oleander	Nerium oleander 'Hardy Red'	5'	as shown	Full, container grown
3	Burford Holly	Ilex cornuta burfordii	4-5'	as shown	Full, container grown
112	Carissa Holly	Ilex cornuta 'Carissa'	3 gal	@ 20" o.c.	Full, container grown
18	Clara Hawthorn	Raphiolepis indica 'Clara'	3 gal	@ 30" o.c.	Full, container grown
6	Coral Beauty Cotoneaster	Cotoneaster dammeri 'Coral Beauty'	3 gal	@ 30" o.c.	Full, container grown
12	Desperado Texas Sage	Leucophyllum frutescens 'Desperado'	3 gal	@ 30" o.c.	Full, container grown
120	Dwarf Burford Holly	Ilex cornuta 'Dwarf Burford'	3 gal	as shown	Full, container grown
21	Dwarf Fountain Grass	Pennisetum alopecuroides 'Hamelin'	3 gal	@ 22" o.c.	Full, container grown
25	Dwarf Yaupon Holly	Ilex vomitoria 'Nana'	3 gal	@ 15" o.c.	Full, container grown
4	Knockout Rose Red	Rosa spp. Red Knockout	3 gal	as shown	Full, container grown
5	Red Yucca	Hesperaloe parviflora	3 gal	as shown	Full, container grown
61	Muhly Grass	Muhlenbergia capillaris	3 gal	as shown	Full, container grown
75	Needlepoint Holly	Ilex cornuta 'Needlepoint'	3 gal	as shown	Full, container grown
9	Purple Diamond Loropetalum	Loropetalum chinensis 'Purple Diamond'	3 gal	as shown	Full, container grown
18	Softleaf Yucca	Yucca recurvifolia	3 gal	as shown	Full, container grown
28	Evergreen Giant Liriope	Liriope muscari 'Evergreen Giant'	1 gal	@ 12 o.c.	Full, container grown
61	Santolina	Santolina chamaecyparissus	1 gal	@ 12 o.c.	Full, container grown
390	Annual Color	Seasonal choice	4" pot	@ 8" o.c.	Full, container grown

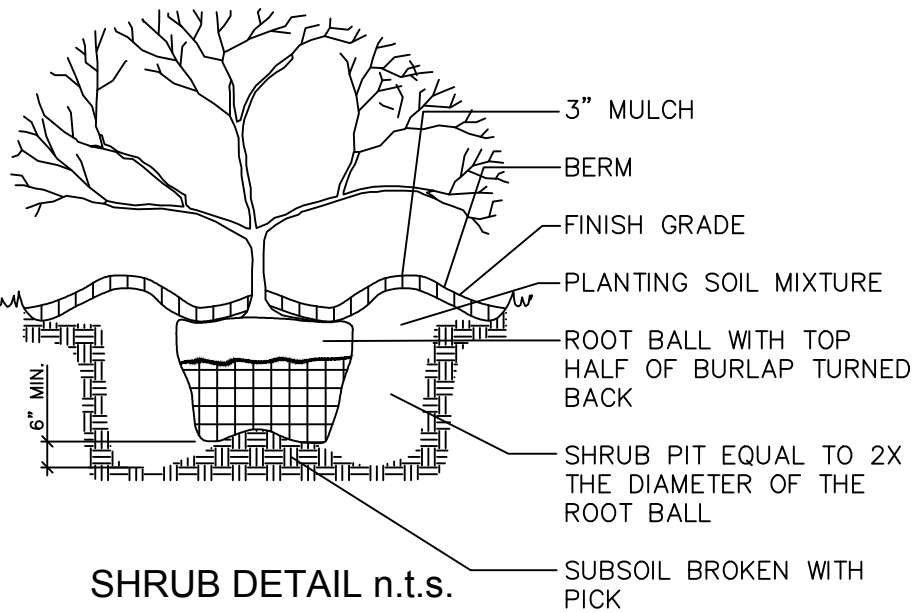
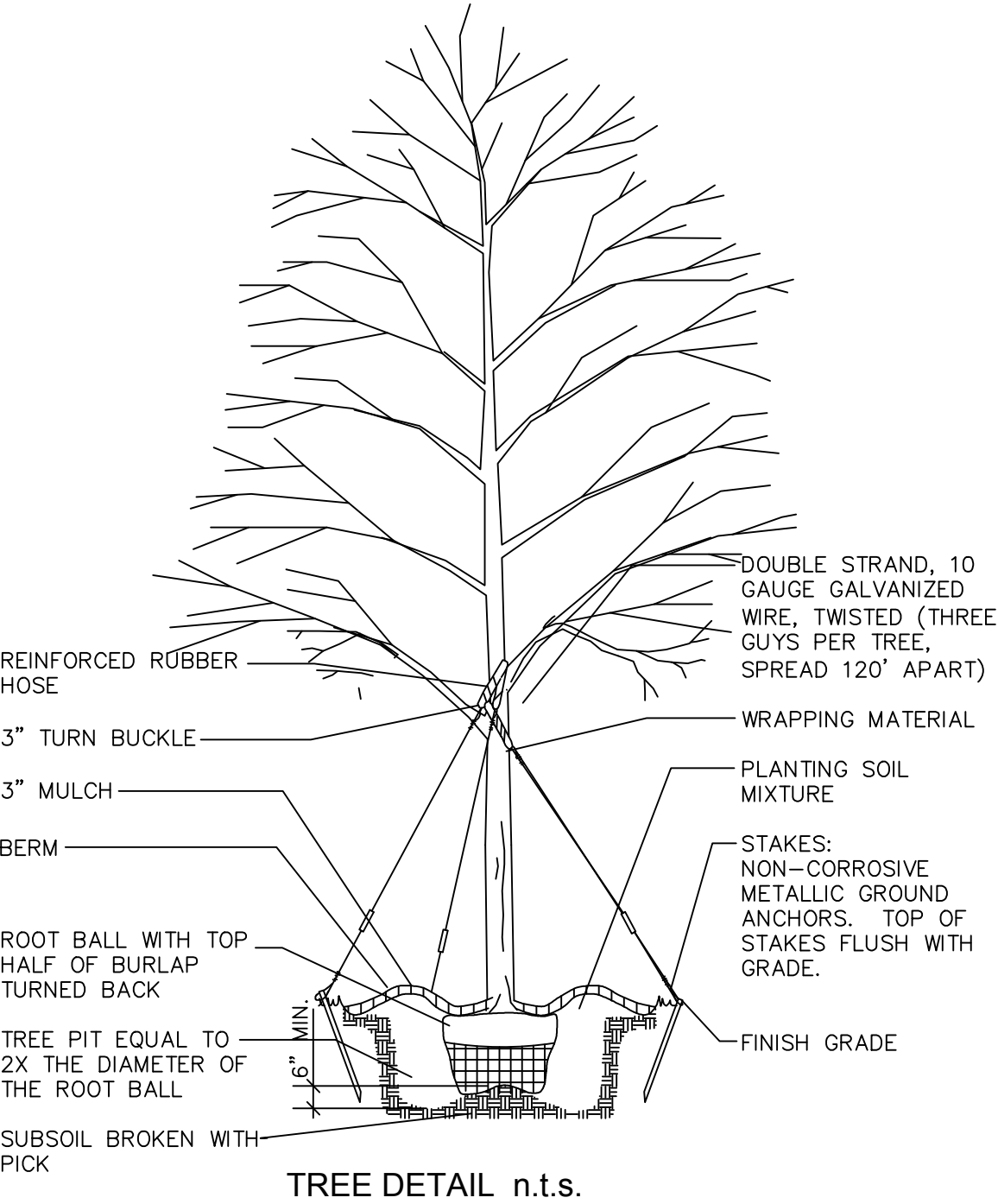
LANDSCAPE CALCULATIONS

3/1/2016

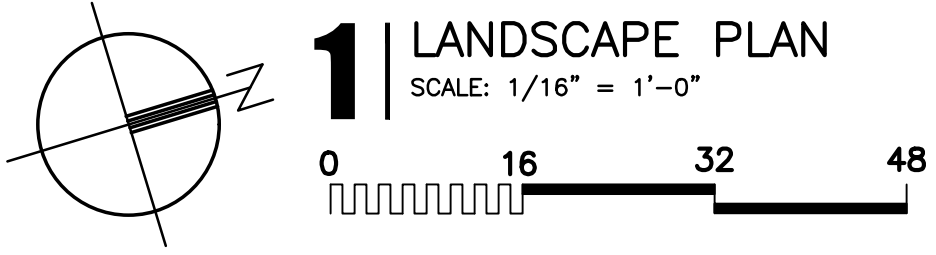
RC 241 Temple TX

1. Site Area	42,780 s.f.	20%	8,556 s.f.	Required
			13,540 s.f.	Provided

2. Street Trees					
	A. S. 31st St. = 2301 f. 25				
			9	Trees Required	
			9	Cedar Elm (by others)	
			9	Trees Provided	
B. Scott Blvd. =	187 l.f.	25	7	Trees Required	
			1	Live Oak	
			6	Lacey Oak (by others)	
			7	Trees Provided	



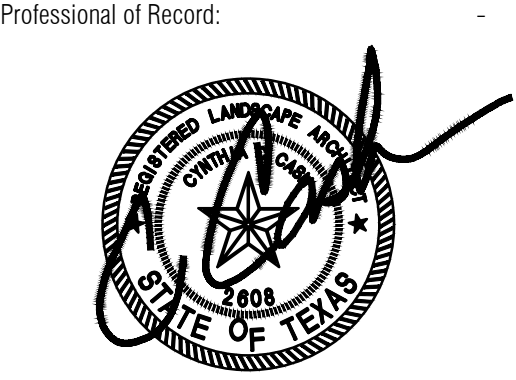
- LANDSCAPE NOTES:
- INSTALL 4" MIN. TOP SOIL TO ALL SOD AND SEED AREAS. CONTRACTOR IS RESPONSIBLE FOR FINE GRADING OF SOD AND SEED AREAS. REMOVE STONES, STICKS, AND DEBRIS LARGER THAN 1".
 - ALL SHRUB AREAS, UNLESS SPECIFIED AS OTHER, TO BE BED MULCHED WITH 3" DEPTH OF PARTIALLY DECOMPOSED HARDWOOD MULCH OVER WEED BARRIER.
 - PLANTING SOIL SHALL CONSIST OF 50% SELECT LOAMY TOPSOIL, 25% PEAT MOSS, 25% PIT RUN SAND.
 - GARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE. MAKE ALL REPLACEMENTS PROMPTLY AS PER DIRECTION OF OWNER.
 - MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
 - WATER AND MAINTAIN ALL PLANT MATERIALS, SEED AND SOD UNTIL INITIAL ACCEPTANCE.
 - REPAIR AT NO COST TO OWNER ALL DAMAGE TO PROPERTY RESULTING FROM LANDSCAPE WORK.
 - CALL 811 TO NOTIFY UTILITY COMPANY FOR LOCATING ALL UNDERGROUND UTILITIES. AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. REPAIR ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC., RESULTING FROM LANDSCAPE CONSTRUCTION.
 - COORDINATE INSTALLATION WITH WORK OF OTHER SECTIONS.
 - STAKING AND GUYING OF TREES PER NATIONAL NURSERYMANS STANDARDS.
 - SWEEP AND WASH ALL PAVED SURFACES AND REMOVE ALL DEBRIS RESULTING FROM LANDSCAPE OPERATIONS.
 - FIELD VERIFY SOD LIMITS PRIOR TO INSTALLATION.
 - UNDERGROUND IRRIGATION SYSTEM PLANS DESIGNED BY A LICENSED IRRIGATOR WILL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION"
 - CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
 - ROCK TO BE LOCAL RIVER ROCK (3"-6") SUBMIT SAMPLE TO LANDSCAPE ARCHITECT FOR APPROVAL.



Prototype Issue Date:

Store:

Raising Cane's
S 31st Street
Temple, TX
Prototype 1
Store #241



Designer's Information:

CSRS
IMAGINE SHAPE DELIVER

6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Telephone: 225 769-0546 Fax: 225 767-0060
www.csronline.com

PRELIMINARY PLAN ONLY. NOT TO BE USED FOR CONSTRUCTION, BIDDING, RECORDATION, CONVEYANCE, OR SALES.

Set Control Information:		
#	Date:	Description:

FOR PERMIT		
Sheet Revisions:		
#	Date:	Description:
01	02/22/2016	Parking layout changed
02	03/17/2016	Add ADA ramp

Sheet Title:

Landscape Plan

Date: January 8, 2016

Project Number: 215000

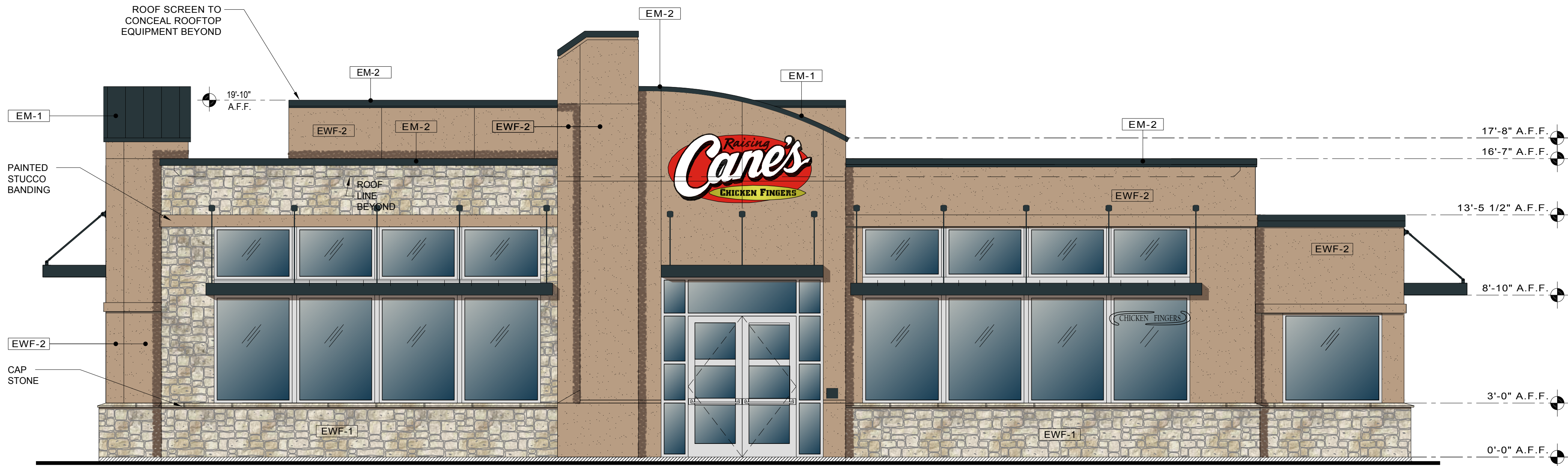
Drawn By: CCC / FJS 01/27/2016

Sheet Number:

L1.0

01 | FRONT ELEVATION

1/4" = 1'-0"
01:A4.1



02 | DRIVE-THRU ELEVATION

1/4" = 1'-0"
02:A4.1



KEY NOTES	
MARK	DESCRIPTION
①	SIGN, BY OWNER. PROVIDE BLOCKING AS REQ'D. (4'-0"x8'-0" OVAL)
②	FLAG, WHEN PERMITTED
③	WALL SIGN BY OWNER
④	EXTERIOR LIGHTING, RE: ELEC.
⑤	CONTROL JOINT
⑥	PRE-FABRICATED METAL AWNING OR CANOPY, G.C. TO PERMIT SEPARATELY
⑦	8" STUCCO OR BRICK BAND AS SHOWN
⑧	6" STUCCO OR BRICK BAND AS SHOWN
⑨	2" WIDE STUCCO REVEAL (1/4" DEEP)
⑩	NEON CHANNEL & NEON BY OWNER NEON TO BE WHITE
⑪	ROOF ACCESS LADDER RE: SP3. PROVIDE ALL REQ'D. BLOCKING FOR INSTALLATION.
⑫	METAL ROOF, GUTTER & DOWNSPOUT (RE: DETAIL 1A10.2)
NOTES:	
1. SIGNAGE TO BE APPROVED UNDER SEPARATE FILING (DEFERRED SUBMITTAL).	
2. CANOPIES AND AWNINGS ARE REQUESTED AS DEFERRED SUBMITTALS AS INDICATED ON SHEET CS1. G.C. TO PERMIT CANOPIES AND AWNINGS USING MANUFACTURER SPECIFICATIONS AND SHOP DRAWINGS.	

EXTERIOR MATERIALS	
MARK	DESCRIPTION
EM-1	STANDING SEAM METAL ROOF GALVANIZED STEEL SHEET W/ KYNAR FINISH (24 GA.) STANDARD COLOR.
EM-2	METAL CAP FLASHING GALVANIZED STEEL SHEET W/ KYNAR FINISH (24 GA.) STANDARD COLOR.
EM-3	STAINLESS STEEL COVER PANEL FASTENED TO WALL W/ STAINLESS STEEL SEAT AND SCREWS PROVIDED BY OWNER INSTALLED BY G.C.

EXTERIOR WINDOW SYSTEMS	
MARK	DESCRIPTION
EWS-1	DRIVE THRU WINDOW
EWS-2	4 1/2" ALUM. STOREFRONT KAWNEER TRIFAB 451 II ANODIZED, TYP. U.N.O.

EXTERIOR WALL FINISHES	
MARK	DESCRIPTION
EWF-1	NEVIL STONE (WWW.NEVILSTONE.COM)- VENEER STYLE: AUSTIN STONE, 50/50 MIXTURE OF AZURE AND NORTHWOOD. MORTAR COLOR= BUFF.
EWF-2	7/8" STUCCO FINISH ON SELF FURRING GALV. METAL LATH W/ FRY REGLET CORNERS, MOLDING & TRIM AS REQUIRED (RE: SPECIFICATIONS), PAINTED: DRYVIT #383 HONEY TWIST

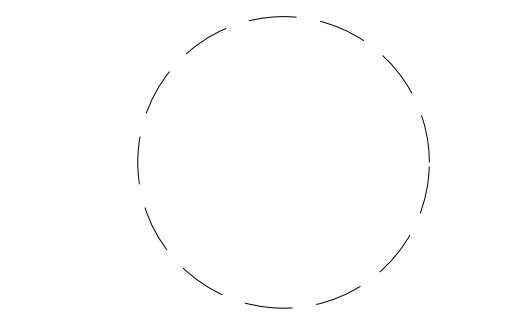
SEALANT	
1. PROVIDE SEALANT & BACKER RODS AT ALL DISSIMILAR MATERIALS.	
2. TWO-PART NONSAG POLYURETHANE SEALANT BY SONNEBORN BUILDING PRODUCTS. CUSTOM COLOR TO MATCH STUCCO AT ALL DOOR FRAMES, STOREFRONT & WINDOWS, WALL PENETRATIONS AND STUCCO TO MASONRY CONNECTIONS.	



Prototype Issue Date: 15-1001

Store:
Raising Cane's
31st Street & Scott Blvd.
Temple, TX
Prototype 1
Store #241

Professional of Record:



Designer's Information:

CSRS
IMAGINE SHAPE DELIVER

6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Telephone: 225 769-0546 Fax: 225 767-0060
www.csronline.com

Set Control Information: (ARCH use only)

Setup / Update Date: YY-MMDD | YY-MMDD

#	Date:	Description:

FOR PERMIT

Sheet Revisions: (sheet specific per Designer)

#	Date:	Description:

Sheet Title:

EXTERIOR ELEVATIONS

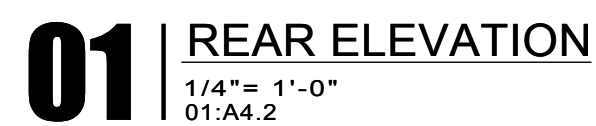
Initial sheet issue date: 16-0107

Project Number: 215000.23.018

Project Manager: JS

Sheet Number:

A04.1



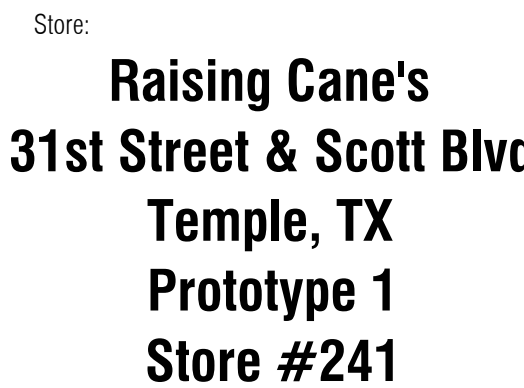
NOTES:

1. SIGNAGE TO BE APPROVED UNDER SEPARATE FILING (DEFERRED SUBMITTAL).
2. CANOPIES AND AWNINGS ARE REQUESTED AS DEFERRED SUBMITTALS AS INDICATED ON SHEET CS1. G.C. TO PERMIT CANOPIES AND AWNINGS USING MANUFACTURER SPECIFICATIONS AND SHOP DRAWINGS.

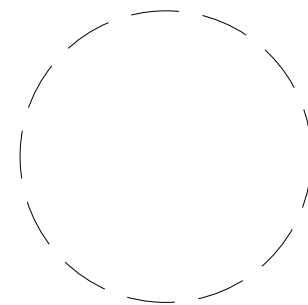
EXTERIOR WINDOW SYSTEMS	
MARK	DESCRIPTION
EWS-1	DRIVE THROUGH WINDOW
EWS-2	4 1/2" ALUM. STOREFRONT KAWNEER TRIFAB 451 II ANODIZED, TYP. U.N.O.

SEALANT

1. PROVIDE SEALANT & BACKER RODS AT ALL DISSIMILAR MATERIALS.
2. TWO-PART NONSAG POLYURETHANE SEALANT BY SONNEBORN BUILDING PRODUCTS. CUSTOM COLOR TO MATCH STUCCO AT ALL DOOR FRAMES, STOREFRONT & WINDOWS, WALL PENETRATIONS AND STUCCO TO MASONRY CONNECTIONS.



Professional of Record: -



Designer's Information:

CSRS
IMAGINE SHAPE DELIVER

6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Telephone: 225 769-0546 Fax: 225 767-0060
www.csrsonline.com

Set Control Information: (ARCH use only)

Setup / Update Date: YY-MMDD | YY-MMDD

[illegible]

FOR PERMIT

Sheet Revisions: (sheet specific per Designer)

[illegible]

Sheet Title:

EXTERIOR ELEVATIONS

Initial sheet issue date: 16-0107

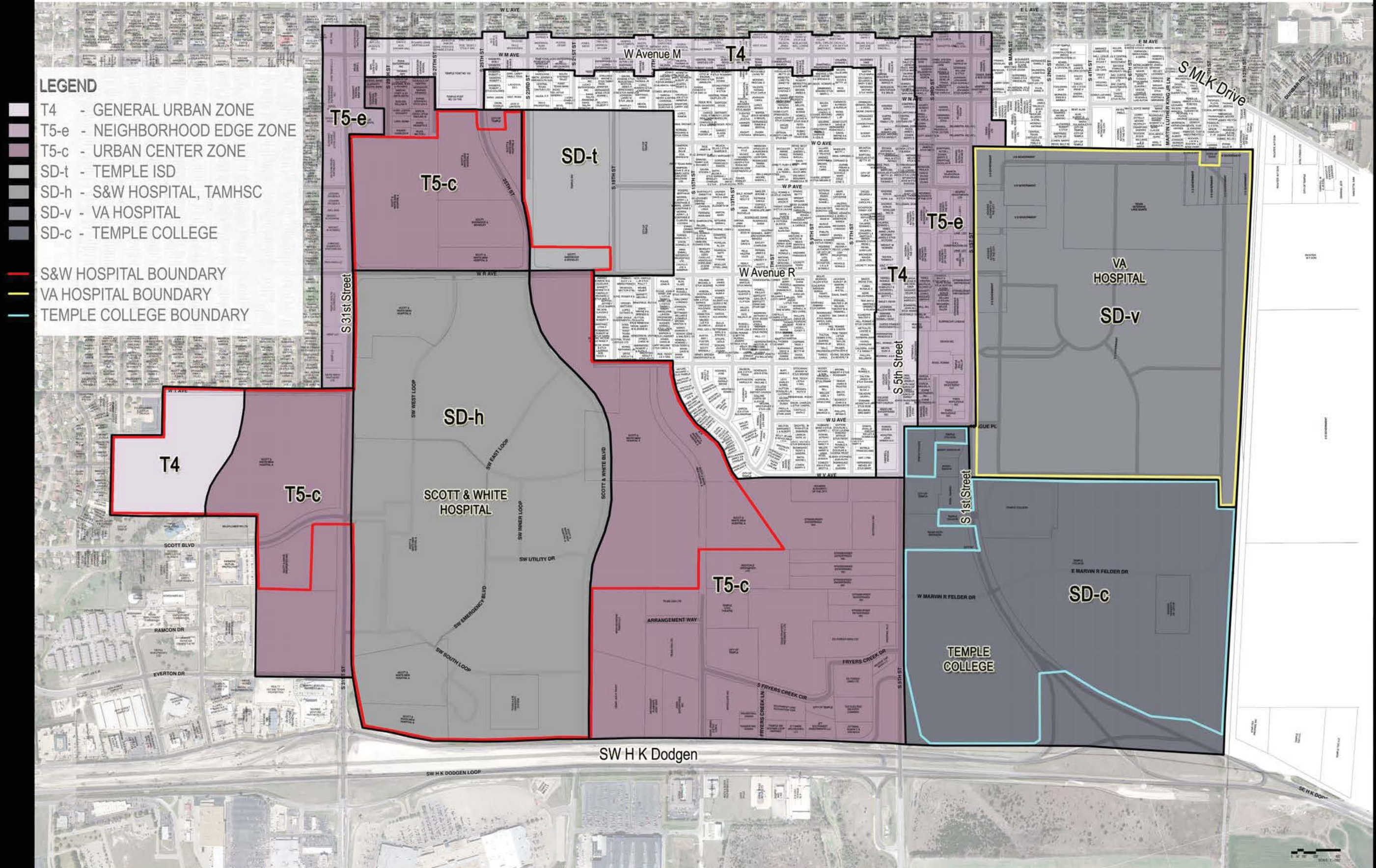
Project Number: 215000 23 018

Project Manager: JS

Sheet Number:

A04.2

TEMPLE MEDICAL EDUCATIONAL DISTRICT



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM TMED (T5-c) TO PD-T5-c (PLANNED DEVELOPMENT DISTRICT – TMED T5-c) ON A PORTION OF LOTS 2 AND 3, BLOCK 1, SCOTT AND WHITE PROPERTIES SUBDIVISION, LOCATED ON THE SOUTHWEST CORNER OF SCOTT BOULEVARD AND SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a zoning change from TMED (T5-c) to PD-T5-c (Planned Development District – TMED T5-c) on a portion of lots 2 and 3, block 1, Scott and White Properties Subdivision, located on the southwest corner of Scott Boulevard and South 31st Street, as outlined in the map attached hereto as Exhibit 'A,' and made a part hereof for all purposes and subject to the following exceptions from Section 6.3 (TMED) of the Unified Development Code:

- Exceeds 12' maximum front setback (Sec. 6.3.5.B.)
- 80 percent impervious cover limitation (Sec. 6.3.5.B.) to allow:
 - Lot 1: 85.1% impervious cover
 - Lot 2: 87.3% impervious cover
 - Note: Lot 3 is under the maximum with 75.1% impervious cover
- Less than the 2-story building height requirements (Sec. 6.3.5.D.)
- Allowing a commercial surface parking lot (Sec. 6.3.6.D. prohibits commercial surface parking lots in T5-c)
- A drive-through would be permitted for a proposed restaurant (6.3.6.D. prohibits drive-through restaurants in T5-c)
- 1 tree per 12 parking spaces (Sec. 6.3.10.D. requires 1 tree per 10 parking spaces)
- 5 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along Scott Blvd. (Sec. 6.3.11.B.5.)
- 8 foot sidewalk with no 6 foot planting strip between curb and sidewalk to allow for the preservation of an existing sidewalk along S. 31st Street (Sec. 6.3.11.D.2.)
- 50 foot maximum building façade length without articulation (Sec. 6.3.13.D. requires a 5-foot building offset at least every 50 feet of façade length)
- Two 8 foot x 9 foot freestanding single-tenant monument signs and two 12 foot x 10 foot multitenant monument signs (Sec. 6.3.16.C)

Part 2: The City Council approves a zoning change subject to the following conditions:

- Street lighting is consistent with the TMED lamp standards (lighting found along South 1st and South 5th Streets adjacent to Temple College)
- Pedestrian connections from South 31st Street and Scott Boulevard sidewalks to the retail development.

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 2nd day of October, 2014.

PASSED AND APPROVED on Second Reading on the 16th day of October, 2014.

THE CITY OF TEMPLE, TEXAS



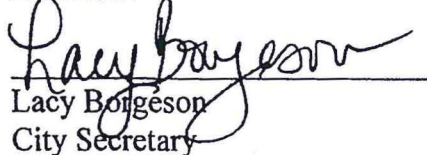
DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:



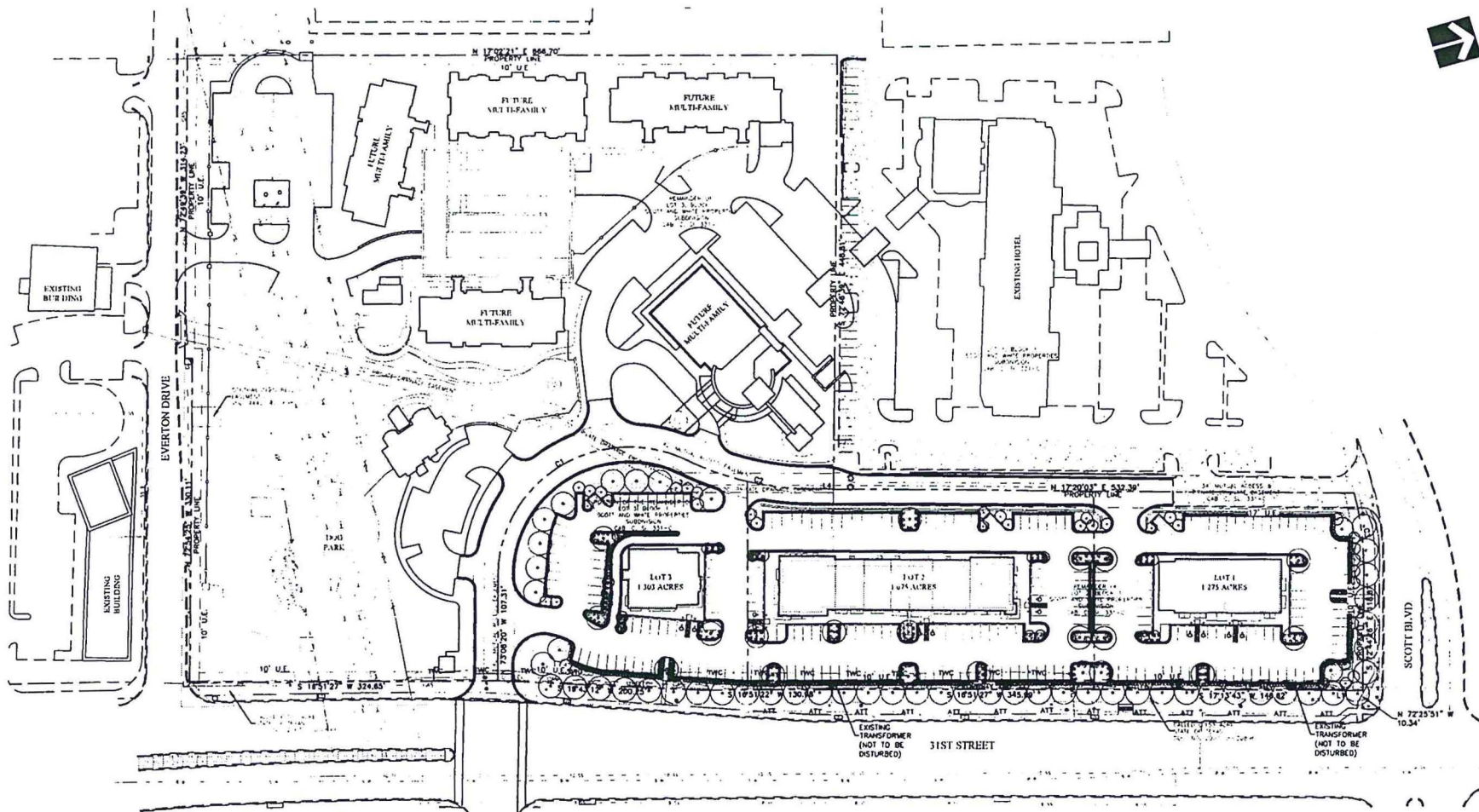
Kayla Landeros
City Attorney

ATTEST:



Lacy Borgeson
City Secretary





LANDSCAPE REQUIREMENTS - TIMED PUBLIC FRONTAGE

LOT NO.	TOTAL LINEAR FT.	1 TREE PER 25 LF	TOTAL PROVIDED	2 SHRUBS 30" O.C.	4" GROUNDCOVER 15" O.C.
1	255.00	10	10	AT CONSTRUCTION PLANS	
2	345.33	14	14	AT CONSTRUCTION PLANS	
3	273.85	11	11	AT CONSTRUCTION PLANS	
TOTAL	874.18	35	35	AT CONSTRUCTION PLANS	

LANDSCAPE REQUIREMENTS - TIMED OVERALL TOTAL

LOT NO.	TOTAL SQ. FT.	20% REQUIRED	TOTAL PROVIDED	1 TREE & 4 SHRUBS (600)	PROVIDED TREES & SHRUBS
1	54,743.84	11,348.77	6,480.10	19 / 78	28 / 304
2	73,844.78	14,768.96	9,254.35	26 / 84	38 / 201
3	55,539.18	11,107.84	13,630.85	18 / 78	25 / 181
TOTAL	184,127.80	37,225.57	31,365.30	65 / 240	91 / 586

**TOTALS INCLUDE SCREENING SHRUBS, PUBLIC FRONTAGE AND 20% REQUIREMENTS

LANDSCAPE NOTES

- PRIOR TO BEGINNING CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE DEMOLITION OF EXISTING STRUCTURES, PAVEMENT SECTIONS, VEGETATION, ETC. WITH OWNER.
- EXISTING UTILITIES WERE LOCATED BY FIELD RESEARCH/OBSERVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FIELD VERIFY UTILITY LOCATIONS AND COORDINATE UTILITY REMOVAL AND RELOCATION WITH OWNER AND APPROPRIATE UTILITY COMPANY.
- PRIOR TO INSTALLATION, LANDSCAPE CONTRACTOR SHALL COORDINATE THE TYPE AND LOCATION OF NEW GRASS, TREES AND SHRUBBERY WITH OWNER.
- NO REQUIRED LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER TO ADVERSELY AFFECT DRAINAGE OR UTILITY EASEMENTS.
- ALL AREAS NOT COVERED BY IMPERVIOUS SURFACES SHALL HAVE NEW GRASS SOD, GRASS SEEDING, MULCH, WASHED GRAVEL, ROCK, SAND OR OTHER DECORATIVE COVERS.
- TURF AREAS TO BE SOODED OR HYDROMULCHED SHALL BE BERMAHA, BUFFALO GRASS OR OTHER DROUGHT TOLERANT CITY OF TEMPLE APPROVED GRASS.
- PROPOSED NEW TREES SHALL BE OF SPECIES ON THE CITY OF TEMPLE TIMED APPROVED TREE LIST.

CURVE TABLE

LINE	LENGTH	RADIUS	DELTA ANGLE	CHD BEARING	CHD LENGTH
C1	268.84'	132.67'	118°08'50"	N 15°02'55" W	223.20'
C2	137.09'	300.00'	28°10'59"	N 29°50'00" E	135.90'
C3	64.81'	331.40'	15°07'07"	S 79°28'12" E	64.54'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 17°34'18" W	50.04'
L2	S 81°20'50" W	3.19'
L3	S 18°23'36" W	7.93'
L4	S 18°49'21" W	18.92'



Date: 8/10/14
Revisions: Revised per City of Temple comments.

PRELIMINARY LANDSCAPE PLAN

DRAWING STATUS

THIS IS A PRELIMINARY DRAWING. IT IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE USER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR ANY CHANGES TO THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR ANY CHANGES TO THIS DRAWING.

SHOPPES ON THE HILL
NEW SITE DEVELOPMENT
TEMPLE, TEXAS



CLARK & FULLER
CIVIL ENGINEERING • DESIGN • PLANNING

Project No: 141489.00
Drawn By: JBF
Date: 8/10/14

SP1.2

ORDINANCE NO. _____

(PLANNING NO. TMED-FY-16-01)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AMENDING ORDINANCE NO. 2014-4689 FOR A TEMPLE MEDICAL EDUCATION DISTRICT PLANNED DEVELOPMENT DISTRICT SITE PLAN ON APPROXIMATELY 1.27 ACRES, LOT 1, BLOCK 1, SHOPPES ON THE HILL SUBDIVISION, TO ALLOW FOR A DRIVE THROUGH RESTAURANT, LOCATED AT 2304 SOUTH 31ST STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has submitted a site plan for a proposed restaurant with a drive-through on approximately 1.27 acres, lot 1, block 1, Shoppes on the Hill Subdivision, located at 2304 South 31st Street;

Whereas, the property is currently zoned PD TMED T5-c (Ordinance Number 2014-4689) – the current zoning allows for a drive-through to be permitted for a proposed restaurant on lot 3, but the additional drive-through proposed on lot 1 requires a site plan submittal, a Planning & Zoning review and City Council approval;

Whereas, at its March 7, 2016 meeting, the Planning & Zoning Commission recommended approval of the amended site plan; 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. 2014-4689, to authorize a drive-through restaurant on lot 1, block 1, Shoppes on the Hill Subdivision, located at 2304 South 31st Street, and more particularly described in the site plan attached hereto as Exhibit A.

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

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

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

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

PASSED AND APPROVED on First Reading and Public Hearing on the 7th day of **April**, 2016.

PASSED AND APPROVED on Second Reading on the 21st day of **April**, 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

04/21/16
Item #4(V)
Consent Agenda
Page 1 of 5

DEPARTMENT/DIVISION SUBMISSION & REVIEW:

Brian Chandler, Director of Planning

ITEM DESCRIPTION: SECOND READING – Z-FY-16-10 – Consider adopting an ordinance authorizing a rezoning from Commercial (C) to Planned Development-Commercial (PD-C) Freeway Retail/Commercial Sub-District, I35 Overlay Corridor, to authorize additional land uses; modify landscaping, architectural and outdoor storage standards; and modify triggers for applicability of I35 Overlay standards; on Lot 1, Block 2 (less strip conveyed for I35 ROW) (3.643 acres), and Lot 2, Block 1, (1.241 acres), Walker Saulsbury Commercial Subdivision Phase III, and A0550BC CS Masters OB 553 (3.204 acres).

The applicant has requested a Planned Development District rezoning that would allow for the following uses by right on the different properties addressed above, which are uses currently either prohibited or require a Conditional Use Permit (CUP) within the Freeway Retail/Commercial sub-district of the I-35 Corridor Overlay within which 1701 Jack White and 1702 Bray Street are located and 615 North General Bruce is located in the Overlay if it is developed used, managed, or marketed as a group that includes a tract of land within the Overlay:

1. Multiple-family dwelling (apartment)
2. Auto storage or auto auction
3. Boat sales, repair and storage of retail inventory
4. Building material sales
5. Childcare facility
6. Contractor storage and equipment yard
7. Greenhouse or nursery (retail)
8. Heavy machinery sales, leasing, repair and storage of retail and rental inventory
9. Major vehicle repair
10. Minor vehicle servicing

The request also includes an appeal to the following Freeway Retail/Commercial sub-district standards within the I-35 Corridor Overlay for all three addresses:

1. Overall percentage of site landscaping (15% required)
2. Front landscape buffer
3. Rear landscape buffer
4. Side landscape buffer (interior and street sides)
5. Landscape buffers adjacent to public right-of-way
6. Exterior appearance of buildings and structures (Sec. 6.7.9.D.)

P&Z RECOMMENDATION: At their March 7, 2016 meeting, the Planning and Zoning Commission recommended approval of the following uses and decided to exclude the requested architectural and landscaping exceptions per Exhibit B (Planning & Zoning Commission Recommendation Uses):

1. Allow the following uses **by right**:
 - a. Multiple-family dwelling (apartment)
 - b. Child care facility
 - c. Minor vehicle servicing (occurs inside the building by definition)
2. Allow the following uses **by right within existing buildings with appropriate buffering and screening** (combo of ornamental fencing and landscaping similar to Asco in Belton, TX) **and with a CUP on vacant property**:
 - a. Boat sales, repair and storage of retail inventory
 - b. Building material sales
 - c. Contractor storage and equipment yard
 - d. Greenhouse or nursery (retail)
 - e. Heavy machinery sales, leasing, repair and storage of retail and rental inventory
 - f. Major vehicle repair
3. Other recommendations included:
 - a. Allowing basic interior and exterior improvements of existing facilities without triggering other I-35 Corridor Overlay standards
4. With the following conditions:
 - a. The development plan (site plan) required for a Planned Development District property would consist of an aerial photograph documenting the location of existing facilities
 - b. Granting the Planning Director authority to approve a site plan for the expansion of a permitted use identified in #2 above at 1701 Jack White Street to the undeveloped rear half of the lot without P&Z and City Council approval, as long as appropriate fencing and or landscaping is agreed upon to buffer the use while still improving the aesthetics of the public frontage
 - i. An appeal to the Planning Director's recommendation could be made to P&Z, followed by City Council for a decision
 - c. Expansion of 1701 Jack White to the rear would, however, require a sidewalk per Sec. 6.7.5.E.10. and Sec. 8.2.3.B. of the Unified Development Code (UDC)

STAFF RECOMMENDATION: At the March 7, 2016 P&Z meeting staff presented additional recommendations related to landscaping and architectural standards for the undeveloped property consistent with I-35 Corridor Overlay concepts presented to City Council during previous workshops. P&Z preferred to address only the permitted use part of staff's recommendation.

ADDITIONAL BACKGROUND: Staff has met with the applicant, A. Lloyd Thomas (Aldrich-Thomas Group, Inc.), and his representatives multiple times to discuss rezoning the property to Planned Development District, the result of which included staff agreeing to support the following objectives of the property owner:

- Provide additional flexibility in the land uses permitted to allow additional types of large machinery retail to occupy the existing facilities
- Require additional buffering with combination of ornamental fencing and landscaping for uses with outdoor storage of inventory

- Allow for interior renovation work and basic exterior “facelift” maintenance and improvements within the existing facilities without triggering other I-35 Corridor Overlay standards

At P&Z, staff also recommended the following architectural and landscaping standards for the undeveloped lot (1702 Bray Street) that are consistent with concepts previously presented at City Council workshops:

a. 1702 Bray Street

- i. The following exceptions to the existing I-35 Corridor Overlay standards apply to new construction on-site, which are consistent with concepts presented to P&Z and City Council during previous code amendment workshops:
 1. Allow for public right-of-way to count towards buffer width requirements, as long as the 10% of overall irrigated site landscaping (on private property) is still met
 2. Allow for qualifying 2-inch diameter-at-breast height trees
 3. Allow for non-permanent irrigation of landscaping to be approved by the Planning Director, subject to the following:
 - a. 15% of site is landscaped, including right-of-way landscaping; or 20% of site is landscaped, excluding right-of-way landscaping
 - b. Decomposed granite, pea gravel or river rock and mulch is allowed instead of sod in beds (combination of 1 of the above types of rock and mulch required in each bed); weed barrier must be installed, as well
 - c. Utilization of slow release watering bags for trees
 - d. Temporary above-ground sprinkler system is used to establish the vegetation
 - e. Shrubs and trees all need to be drought-tolerant species
 - f. All other Overlay shrub and tree planting requirements are met
 - g. Reinforce the general landscaping standards requiring that landscaping needs to be watered or replaced within 30 days of dying
 4. Lighting would just need to be full cut-off to prevent light trespass vertically and to neighboring properties
 5. No foundation planting is required on a drive-through window side if applicable
 6. Lower window percentages from 40% to 20% on front and sides
 7. Provide flexibility for either the 4' building footprint offset entry requirement or a combination of 2 of the following:
 - a. Canopies, awnings or porticos
 - b. Other architectural recesses or projections, including pilasters
 - c. Arcades
 - d. Cupola or tower elements
 - e. Parapets

The applicant has requested address changes through our IT Department (GIS Division) from 1701 Jack White Street to 1701 North General Bruce Drive and from 615 North General Bruce Drive to 615 Jack White Street.

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	Car dealership (most recently)
North	Auto-Urban Commercial	LI	Plumber fixtures retail
South	Auto-Urban Commercial	GR	Vacant car dealership
East	Public Institutional	C	Temple HS & ministry facility
West	Auto-Urban Commercial	GR and C	Restaurant and hotel

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
CP	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 an Expressway (IH-35), while North 31st Street is considered a Minor Arterial.

Availability of Public Facilities (CP Goal 4.1)

6", 8" and 12" water lines, as well as 18", 24" and 30" sewer lines are available to serve the property.

PUBLIC NOTICE: Nine notices of the public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. Zero (0) notices have been returned to date.

The newspaper printed notice for the Planning and Zoning Commission public hearing on February 25, 2016 per UDC requirements.

FISCAL IMPACT: N/A

ATTACHMENTS:

Application

Aerial Exhibit "A" (substitute for "Site or Development Plan")

P&Z recommendation uses (Exhibit "B")

Previous correspondence with applicant

Zoning map

Future Land Use map

Utility map

Neighbor notification map

Sec. 8.2.3.B of the UDC (sidewalk required on North 31st Street)

Asco Belton photo (desirable heavy machinery sales example)

Photos

Ordinance

City of Temple Universal Application

Rev. 06-04-15

(Incomplete applications will not be accepted)

- | | | |
|---|---|---|
| <input type="checkbox"/> Sketch Plan | <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Appeal of Administrative Decision |
| <input type="checkbox"/> Plat Vacation | <input 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 checked="" type="checkbox"/> PD Site Plan | <input type="checkbox"/> Park, Facility or Street Renaming |
| <input type="checkbox"/> Final Plat | <input checked="" 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 st and 3 rd Overlay Appeal |

PROJECT INFORMATION:

☐ Residential ☒ Commercial ☒ Property Platted ☒ Property Not Platted ☐ ETJ

Project Name: Walker Saulsbury Commercial Subdivision Parcel(s) Tax ID# (Required): 56521 and 25182 and 56520

Project Address (Location): 1702 Jack White and 1702 Bray (ES I-35), Temple Total Acres: 8.008

Lot: _____ Block: _____ Subdivision: _____

Cabinet #: _____ Slide #: _____

Outblock (if not platted): (see legal description attached as Exhibit "A")

Brief Description of Project: Rezoning to allow for uses allowed under the property's base zoning, but prohibited under the I-35 Overlay District

Current Zoning Commercial # of Existing Lots 3 # of Existing Units _____

Proposed Zoning Commercial # of Proposed Lots 3 # of Proposed Units _____

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

Name: A. Lloyd Thomas Company Name: Aldrich-Thomas Group, Inc.

Address: 18 North 3rd Street City: Temple State: TX Zip: 76501

Phone: 254-773-4901 Cell #: 254-770-8287 Fax #: _____

Email Address: althomas@aldrich-thomas.com

PROPERTY OWNER INFORMATION:

Name: Harry Adams Company Name: JJA Properties, LP

Address: 7455 South General Bruce Drive City: Temple State: TX Zip: 76502

Phone: 254-773-5257 Cell #: _____ Fax #: _____

Email Address: _____

DEVELOPER ENGINEER SURVEYOR INFORMATION: (Please ensure email address is legible)

Name: _____ Company Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Cell #: _____ Fax #: _____

Email Address: _____

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

Rezoning to allow for uses allowed under the property's base zoning, but prohibited under the I-35 Overlay District,
and appeal of landscape and building articulation requirements imposed by the I-35 Overlay District

RECEIVED

NOV 17 2015

City of Temple
Planning & Development

CHECKLIST--PER SUBMITTAL

City of Temple Universal Application

(Incomplete applications will not be accepted)

Rev. 06-04-15

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 http://www.templetx.gov/DocumentCenter/View/2920	✓												
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		✓			✓	✓	✓	✓	*				
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 1st & 3rd/TMED/I-35: \$ _____**FEE SCHEDULE**

Abandonment
(3rd Party Broker's Opinion or Appraisal)
Board of Adjustment (Variance)

\$100.00 for filing fee only;
(3rd Party Broker's Opinion or Appraisal fee will be Applicant's responsibility)
\$ 75.00

*Preliminary/Final Plat

(MUST meet with a planner prior to submittal of request)

\$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: 

Digitally signed by A. Lloyd Thomas
DN: cn=A. Lloyd Thomas, o=ATGM/CPD, ou, email=alloydthomas@aldrich-thomas.com, c=US
Date: 2015.11.08 11:32:07 -0507

Print or Type Name: A. Lloyd Thomas

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

I (property owner) hereby authorize A. Lloyd Thomas of Aldrich-Thomas Group, Inc.
(name) (company (if applicable))

to represent me in matters pertaining to this case.

Property owner's signature: 

Property owner's name (print): JJA Properties, LP, c/o Harry Adams

Property owner's address: 7455 South General Bruce Drive, Temple, TX 76502

Property owner's phone#: 254-773-5257

Email address: _____

For Department Use Only

Project #: _____

Project Manager: _____

Total Fee(s): _____

Fee Credit: _____

Payment Method: _____

Submittal Date: _____

Accepted By: _____

Accepted Date: _____

RECEIVED
NOV 17 2015
City of Temple
Planning & Development

EXHIBIT “B”

Permitted Uses and Exceptions to Interstate 35 Corridor Overlay

Owner requests that the below-described permitted uses exceptions to the Interstate 35 Corridor Overlay (“Overlay”) be granted. These requests will allow for uses consistent with the current use of the subject property, which use pre-dates the implementation of the Overlay:

Uses Permitted by Right:

1. Automobile storage or auction (i.e., storage of vehicle inventory for sale or auction; specifically excluding salvaged or inoperable vehicles)
2. Boat sales, repair, and storage of retail inventory
3. Building material sales
4. Child care facility
5. Contractor storage and equipment yard
6. Greenhouse or nursery
7. Heavy machinery sales, leasing, repair and storage of retail and rental inventory
8. Major vehicle repair
9. Minor vehicle servicing
10. Multi-family dwelling (apartment)
11. Mixed-use multi-family dwelling (apartment) and retail

Exceptions – Dimensional Standards:

1. Minimum landscape: 10% of lot area, provided that Owner receives credit for landscaping located and maintained by Owner in public right of way adjacent to Owner’s property
2. Minimum landscape buffer: 25 feet front and adjacent to public street
10 feet rear (20 feet adjacent to residential)
10 feet interior side
20 street side
(with respect to the above, Owner will receive credit for landscaping located and maintained by Owner in public right of way adjacent to Owner’s property)
3. With respect to landscaping located within public right of way, Owner shall receive credit for landscaping maintained by Owner according to the specifications of the governing authority controlling said right of way, including, without limitation, the limitation that no vegetation located within TxDOT right of way may exceed thirty (30) inches in height.

Exceptions – Exterior Appearance of Buildings and Structures:

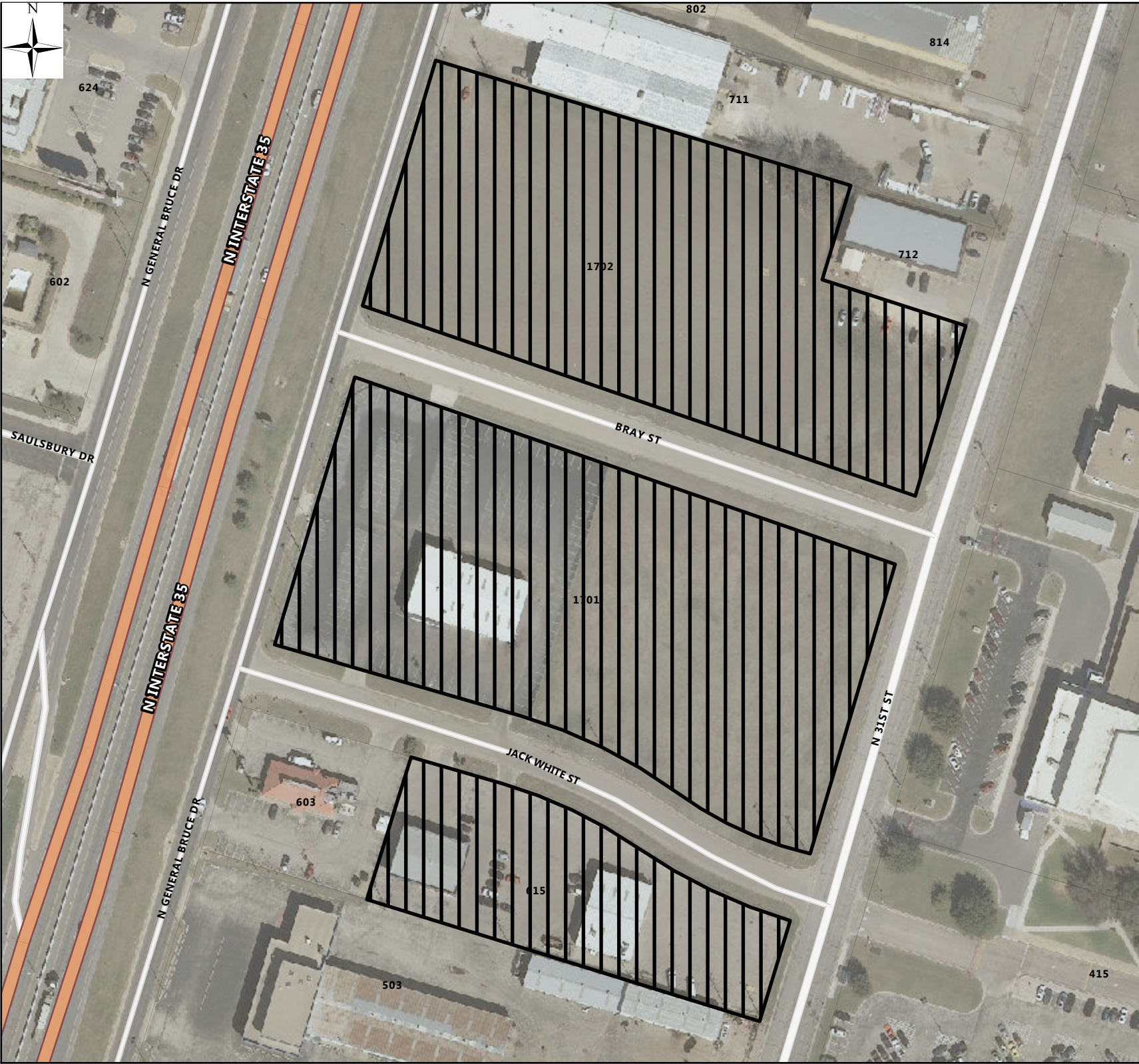
1. All buildings, including accessory buildings, may be architecturally finished on all sides in a manner consistent with the existing improvements located on the subject property.
2. Building entrances on the subject property may be articulated and defined in a manner consistent with the existing improvements located on the subject property.
3. The buildings and structures on the subject property shall not be required to adhere to the requirements of Section 6.7.9.D.2.b., 6.7.9.D.2.c., Section 6.7.9.D.2.d., Section 6.7.9.D.2.e., Section 6.7.9.D.2.f., or Section 6.7.9.D.3

Exceptions – Vehicle Sales/Vehicle Sales in Portion of Sub-district:

1. Parking aisle islands shall not be required.
2. Owner shall receive credit for the full width of landscape buffers located, in part, in public right of way adjacent to Owner's property.

Other Requests:

1. Allow for steel pipe fencing, such as what was reinstalled at the Old Johnson Bros. site
2. To not require screening for boat or machinery sales, as well as landscaping companies



Commercial
AERIAL MAP

Zoning Case :
Z-FY-16-10

Address: 1702 Bray St
1701 Jack White St
615 N General Bruce Dr

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

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

dredmond
Date: 2/24/2016



I-35 Corridor Overlay: Freeway Retail/Commercial Use Table
Planning and Zoning Commission Recommendation Uses (Exhibit "B")

Use	Freeway Retail/Commercial Code	Applicant Request	P&Z Recommends	With Limitations
Residential				
All Residential Uses listed in the use table in Sec. 5.1 except as follows:	Prohibited			5.3.1 through 5.3.7
Multiple-family dwelling (apartment)	CUP	Allow by right	Allow by right on all 3 properties	5.3.3
Recreational vehicle park	Prohibited			
Nonresidential				
Animal feed lot	Prohibited			
Animal shelter (public or private)	CUP			
Auto storage or auto auction	Prohibited	Allow by right	Cannot support the use at these locations	
Boat sales, <u>repair and storage of retail inventory</u> *	CUP	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	
Bottling works	Prohibited			
Building material sales*	Prohibited	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	
Car wash	CUP			
Child care facility	CUP	Allow by right	Allow by right on all 3 properties	5.3.9 and 5.3.10
Contractor storage and equipment yard*	Prohibited	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	
Correctional facility	Prohibited			
Day camp for children	Prohibited			
Drag strip or commercial racing	Prohibited			
Flea market (outdoors)	Prohibited			
Greenhouse or nursery (retail)	CUP	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	
Hatchery, fish or shrimp, fish farm	Prohibited			
Hatchery, poultry	Prohibited			
Heavy machinery sales, <u>leasing, repair and storage of retail and rental inventory</u>	Prohibited	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	
Industrial Uses listed in the use table in Sec. 5.1	Prohibited			
Kennel	Prohibited			
Livestock auction	Prohibited			
Major vehicle repair	CUP	Allow by right	Allow in existing buildings by right with appropriate buffering and screening; Allow with CUP if property completely redeveloped	5.3.22
Milk depot, dairy or ice cream plant	Prohibited			
Minor vehicle servicing	CUP	Allow by right since UDC already requires servicing to be done indoors	Allow by right on all 3 properties	5.3.23
Open storage of furniture, appliances or machinery	Prohibited			
Paint shop	CUP			
Sexually oriented business	Prohibited			
Shooting range (outdoor)	Prohibited			
Stable, residential or noncommercial	Prohibited			
Trailer, recreational vehicle, portable building or HUD- Code	Prohibited			
Transitional or emergency shelter	Prohibited			
Upholstery shop	CUP			
Veterinarian hospital (kennels)	CUP			
Wrecking or salvage yard	Prohibited			5.3.24

= allow with additional screening or ornamental fencing with existing facilities or with a CUP if undeveloped

= allow by right

= recommend upholding current prohibition of use

Brian Chandler

From: Brian Chandler
Sent: Tuesday, January 26, 2016 9:14 AM
To: A. Lloyd Thomas; Sam Fulcher
Cc: Leslie Evans
Subject: FW: Existing Old Johnson Bros. Pre-Owned Sales Facilities
Attachments: PD response.pdf

Gentlemen,

Please confirm whether you agree with the new scope to only apply to the existing facilities per the attached exhibit. If so, it would be preferable if you have an exhibit that you can provide as part of your application also showing the exact acreage. A BellCAD map would suffice. Otherwise, we can put one together for you. We just need you to confirm the scope of the request either way, which may result in a reduced zoning fee, as well. Thanks.

Brian

From: Brian Chandler
Sent: Monday, December 07, 2015 5:40 PM
To: 'A. Lloyd Thomas'; 'Sam Fulcher'
Cc: Barbara Morgenroth
Subject: Existing Old Johnson Bros. Pre-Owned Sales Facilities

Lloyd and Sam,

Based on our discussion today, I have made some notes on the request summary that you submitted to our office, which is attached. I've also attached an aerial photograph designating the existing facilities as "A" and "B."

My notes can be summarized as follows:

Property A

- Uses allowed by right, such as a car dealership can occupy the building, do basic repair and maintenance (including painting) without triggering other standards
- The uses highlighted in green could be included to be allowed by right with Planned Development, since they are still "retail" (as opposed to vehicle repair)
- Those with asterisks would require additional landscaping and an ornamental metal fence for screening purposes
- I've scratched out "repair, storage and rental" from the uses to keep what staff would recommend to be just sales
- For any use not permitted by right in the Overlay, your proposed landscaping standards of 10% getting credit for landscaping the right-of-way would apply (drought-tolerant trees and shrubs...might require a 200' hose)

Property B

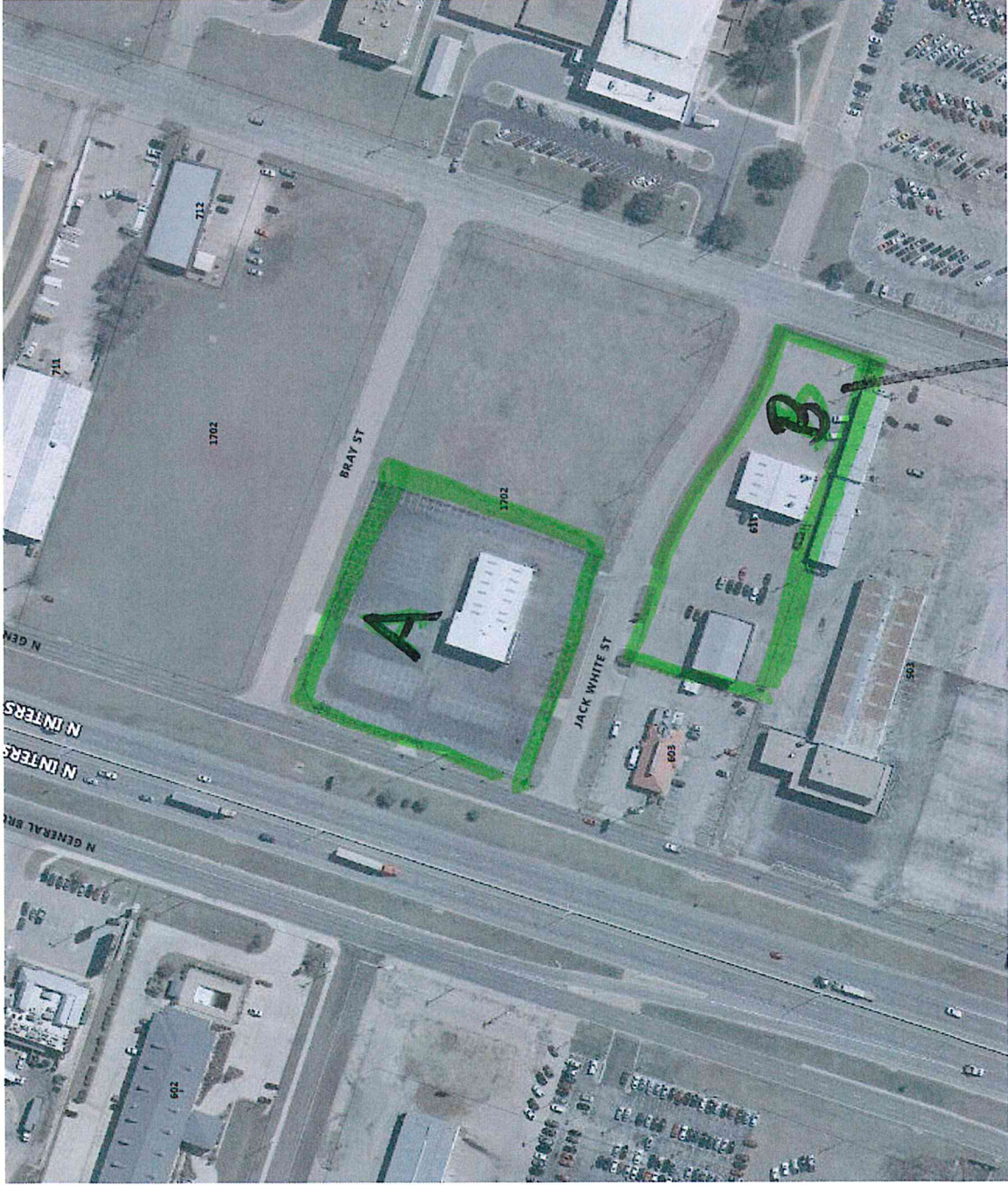
- Since it does not abut I-35, it would not be considered in the Overlay, unless it is "used, managed or marketed" together with a property that is in the Overlay, such as Property A
 - In that case, if it were a vehicle service garage associated with Property A or another accessory use for Property A, that standards adopted for Property A would apply and an associated vehicle service use to A could be allowed

We would also have to further evaluate the opportunities for future phases and expansion opportunities in the adjacent vacant properties at 1702 Jack White (to rear) and 1702 Bray.

Let me know if you have any questions. Thanks.

Brian

Brian L. Chandler, AICP
Director of Planning
City of Temple
(254) 298-5272



outside overlay unless "used
managed or marketed" w/ "A"

EXHIBIT "B"

Permitted Uses and Exceptions to Interstate 35 Corridor Overlay

Owner requests that the below-described permitted uses exceptions to the Interstate 35 Corridor Overlay ("Overlay") be granted. These requests will allow for uses consistent with the current use of the subject property, which use pre-dates the implementation of the Overlay:

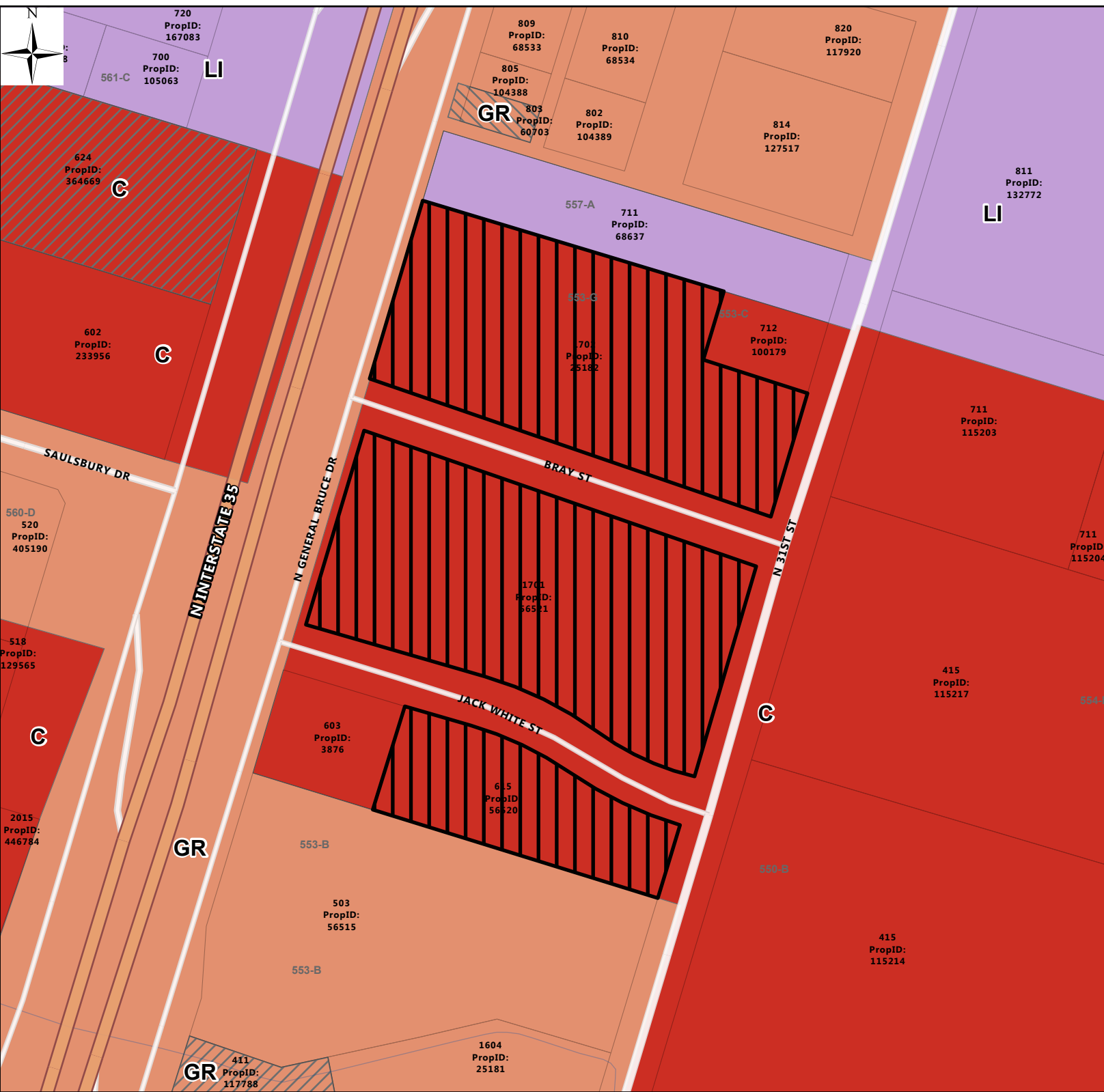
Uses Permitted by Right:

1. Automobile storage or auction
- * 2. ~~Boat sales or repair~~
- * 3. ~~Building material sales~~
4. Child care facility
5. Contractor storage and equipment yard
- * 6. ~~Greenhouse or nursery~~
- * 7. ~~Heavy machinery sales, storage, and repair (and rental)~~
8. Major vehicle repair
9. Minor vehicle servicing
10. Multi-family dwelling (apartment)
11. Mixed-use multi-family dwelling (apartment) and retail

* Would require additional landscaping or screening w/ at least an ornamental aluminum fence

Exceptions – Dimensional Standards:

1. Minimum landscape: 10% of lot area, provided that Owner receives credit for landscaping located and maintained by Owner in public right of way adjacent to Owner's property.
2. Minimum landscape buffer: 25 feet front and adjacent to public street
10 feet rear (20 feet adjacent to residential)
10 feet interior side
20 street side
(with respect to the above, Owner will receive credit for landscaping located and maintained by Owner in public right of way adjacent to Owner's property)
3. With respect to landscaping located within public right of way, Owner shall receive credit for landscaping maintained by Owner according to the specifications of the governing authority controlling said right of way, including, without limitation, the limitation that no vegetation located within TxDOT right of way may exceed thirty (30) inches in height.



Commercial ZONING MAP

Zoning Case :
Z-FY-16-10

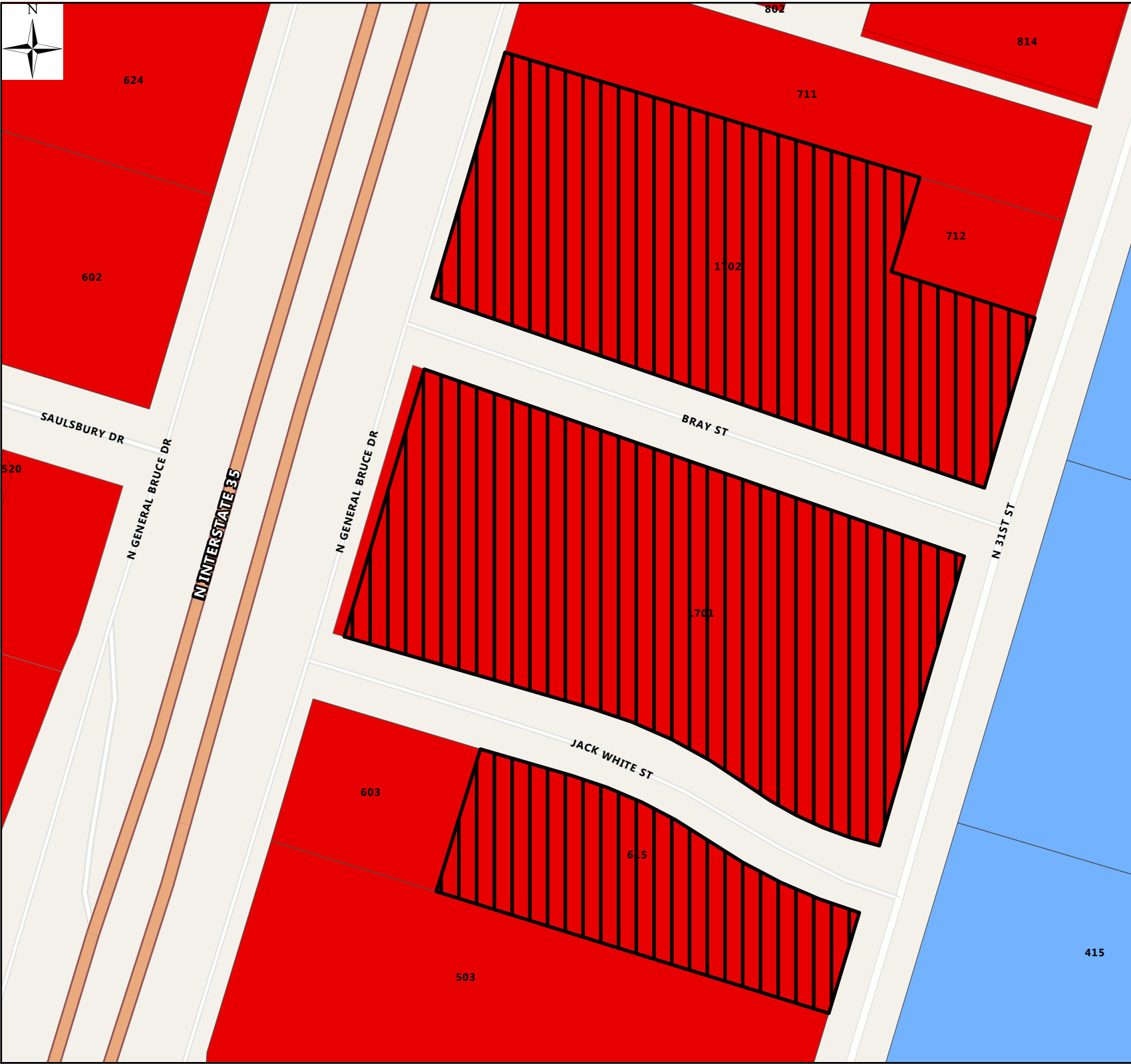
Addresses: 1702 Bray Street
1701 Jack White Street
615 N General Bruce Drive

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	
	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: 2/24/2016





Commercial FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-10

Address : 1702 Bray St.
1701 Jack White St.
615 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

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: 2/24/2016





Commercial
UTILITY MAP

Zoning Case :
Z-FY-16-10

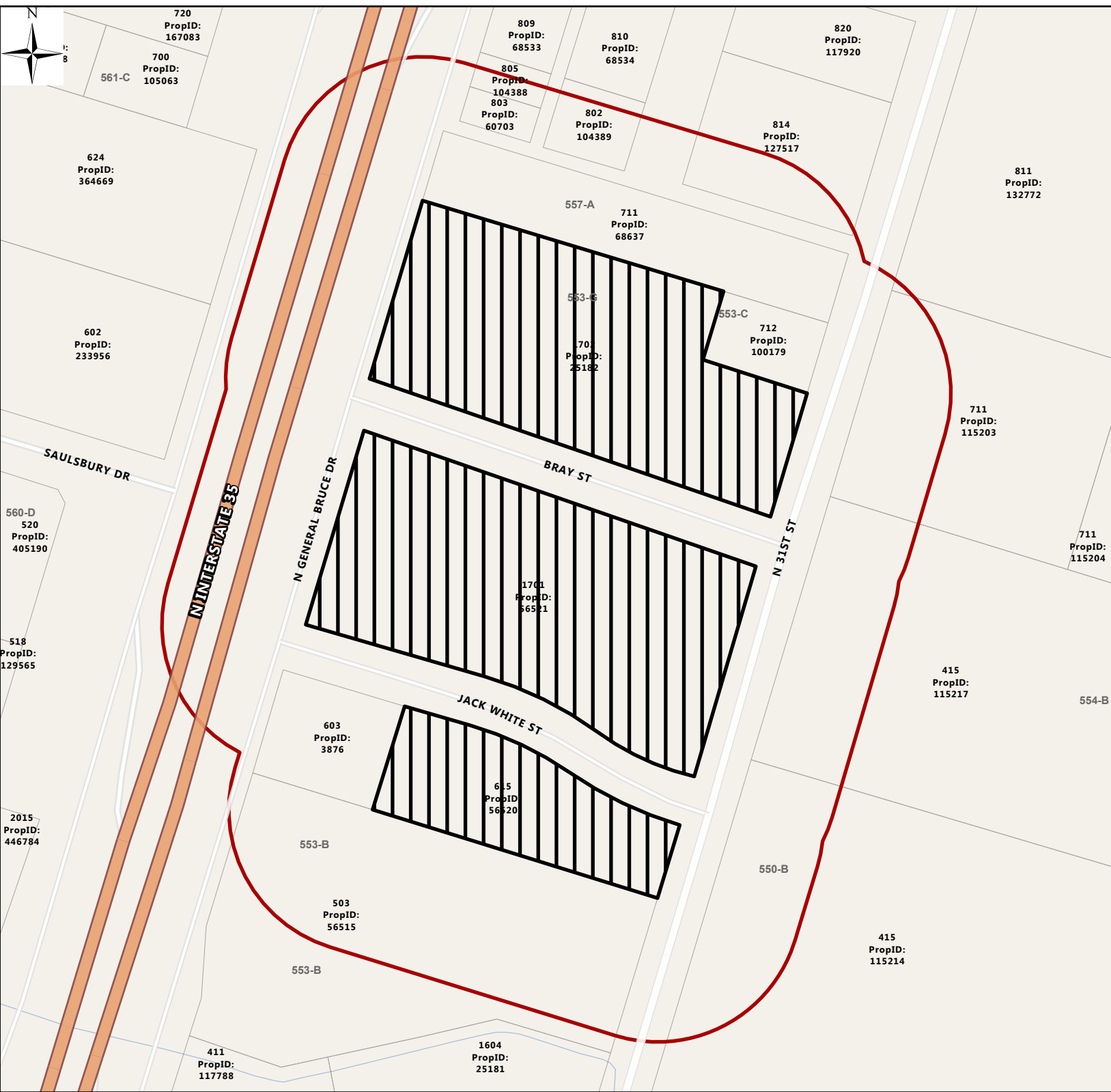
Addresses: 1702 Bray St
1701 Jack White St
615 N General Bruce Dr

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

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

dredmond
Date: 2/24/2016





Commercial

200'
NOTIFICATION MAP

Zoning Case :
Z-FY-16-10

Addresses: 1702 Bray Street
1701 Jack White Street
615 N General Bruce Drive

 CaseArea
 Buffer

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

dredmond
Date: 2/24/2016



8.2.2 Alleys

A. Generally

Alleys need not be provided unless the Planning & Zoning Commission requires them. Where alleys are required in residential blocks, the minimum public street right-of-way width of such alleys is 20 feet.

B. Intersection of Alleys

Where two alleys intersect or turn at right angles, a diagonal of not less than 10 feet from the normal intersection of the property line is required. At other angles the Director of Public Works must review the diagonal length.

C. Dead-End Alleys

Dead-end alleys are not permitted except if a Preliminary Plat provides for the extension of the alleys, in which case temporary turnarounds that meet the requirements set forth in the Design and Development Standards Manual must be provided.

8.2.3 Sidewalks and Trails

A. Purpose

The purpose of this subsection is to provide safe, continuous pedestrian access along arterial and collector streets, for linking residential areas, neighborhood services, retail services and public facilities.

B. Where Required

1. Sidewalks must be provided in the public street right-of-way, along both sides of arterial streets and along one side of collector streets.
2. The location of new sidewalks along a collector street must be in the established pattern, or as the Director of Planning determines, considering available public street right-of-way and existing or future infrastructure, or, all factors being equal, along the north and east sides of the collector. Sidewalks must be built in accordance with the Design and Development Standards Manual.

C. Dimensional and Construction Standards

Except as modified for Industrial Parks in subsection D below, the following standards apply to sidewalks citywide.



CASE
CONSTRUCTION



CASE
CONSTRUCTION
Allseco EQUIPMENT

EXIT NOW!
Now Open



4072 2415550000 FIRE LANE



Site (1702 Bray St.)



Site (1701 Jack White St.)



Site (1701 Jack White St.-rear half)



Site (615 N. Gen. Bruce Dr.)



Site (615 N. Gen. Bruce Dr.)



Property to North



Property to East



Property to West



Property to East



Property to South

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-10)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT-COMMERCIAL-FREEWAY RETAIL/COMMERCIAL SUB-DISTRICT, I-35 OVERLAY CORRIDOR, TO AUTHORIZE ADDITIONAL LAND USES , MODIFY OUTDOOR STORAGE STANDARDS, AND MODIFY TRIGGERS FOR APPLICABILITY OF I-35 OVERLAY STANDARDS ON LOT 1, BLOCK 2, AND LOT 2, BLOCK 1, WALKER SAULSBURY COMMERCIAL SUBDIVISION, PHASE III, AND ON 3.204 ACRES KNOWN AS OUTBLOCK 553 IN THE C. S. MASTERS SURVEY, ABSTRACT NO. 550; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the applicant has requested a Planned Development District rezoning that would allow certain uses by right that are either prohibited or allowed only with a Conditional Use Permit under the regulations for Commercial Districts or the Freeway Retail/Commercial Sub-district of the I-35 Corridor Overlay;

Whereas, the applicant has also requested modification of outdoor storage standards and triggers for applicability of I-35 Overlay standards;

Whereas, the subject properties are Lot 1, Block 2, Walker Saulsbury Commercial Subdivision, Phase III, save and except a strip conveyed for N General Bruce DR right-of-way, (addressed 615 N General Bruce DR); Lot 2, Block 1, Walker Saulsbury Commercial Subdivision, Phase III (addressed 1701 Jack White ST), and 3.204 acres in the C. A. Masters Survey, Abstract No. 550, known as Outblock 553 (addressed 1702 Bray ST);

Whereas, Lot 1, Block 2, Walker Saulsbury Commercial Subdivision, Phase III, and Outblock 553 are zoned Commercial and located in the I-35 Corridor Overlay District, Freeway Retail/Commercial Sub-District;

Whereas, Lot 2, Block 1, Walker Saulsbury Commercial Subdivision, Phase III, is zoned Commercial and subject to the I-35 Corridor Overlay Standards only if it is used, managed, or marketed as a group that includes a tract of land within the Overlay;

Whereas, at its March 7, 2016 meeting, the Planning & Zoning Commission recommended approval of certain additional land uses, either by right and or with a Conditional Use Permit, with certain conditions; 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 approves a rezoning from Commercial District to Planned Development District-Commercial Freeway Retail/Commercial Sub-District, I-35 Overlay Corridor District (“the Planned Development”), of the properties described as follows:

- a. Lot 1, Block 2, Walker Saulsbury Commercial Subdivision, Phase III, according to the plat of record filed on July 2, 1992 in Cabinet B, Slide 240-A of the Plat Records of Bell County, Texas, save and except a strip conveyed for North General Bruce Drive right-of-way, addressed 615 North General Bruce Drive;
- b. 3.204 acres in the C. S. Masters Survey, Abstract No. 550, known as Outblock 553, addressed 1702 Bray Street; and
- c. Lot 2, Block 1, Walker Saulsbury Commercial Subdivision, Phase III, according to the plat of record filed on July 2, 1992 in Cabinet B, Slide 240-A of the Plat Records of Bell County, Texas, addressed 1701 Jack White Street.

Part 2: The City Council authorizes, within the Planned Development, the additional land uses described as follows by conditional use permit only:

1. Multiple-family dwelling (apartment), subject to standards in UDC Section 5.3.3;
2. Child care: family home, group day care home and day care center, subject to standards in UDC Sections 5.3.9 and 5.3.10; and
3. Minor vehicle servicing.
4. Boat sales, repair and storage of retail inventory;
5. Building material sales;
6. Contractor storage and equipment yard;
7. Greenhouse or nursery (retail);
8. Heavy machinery sales, leasing, repair and storage of retail and rental inventory; and
9. Major vehicle repair.

Part 3: The City Council approves modification of the triggers for applicability of I-35 Overlay standards set out in UDC Section 6.7.3, for the existing buildings shown in Exhibit A, by allowing interior and exterior modifications of any value with no increase in gross floor area (excluding covered entryways, porches, patios or balconies) without triggering applicability of I-35 Overlay standards for tree preservation; parking; screening and walls; architectural design; landscape; signs; lighting; and utilities.

Part 4: The City Council generally waives the requirement of a Development Plan for the Planned Development. In lieu of a Development Plan for any of the uses authorized by Part 2(b) of this ordinance on the now-vacant rear half of Lot 1, Block 2, Walker Saulsbury Commercial Subdivision, Phase III, the Planning Director shall require and may approve a site plan that includes fences, landscaping or a combination of types of buffering or screening. The Planning Director may require standards that exceed Commercial District standards. If the Planning Director does not approve a submitted site plan, the Planning

Director shall refer the proposed plan as a Development Plan submittal requiring amendment of this Planned Development ordinance.

Part 5: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 6: 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 7: 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 8: 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 **7th** day of **April**, 2016.

PASSED AND APPROVED on Second Reading on the **21st** day of **April**, 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

04/21/16
Item #4(W)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Kayla Landeros, City Attorney

ITEM DESCRIPTION: Consider adopting a resolution directing Oncor Electric Delivery Company, LLC to file certain information with the City of Temple concerning just and reasonable rates.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor Electric Delivery Company, LLC (“Oncor”) into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor, which includes the City of Temple, decided to initiate a rate case against Oncor.

Cities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders. As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced. The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988. The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

FISCAL IMPACT: None at this time.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE CITY OF TEMPLE, TEXAS; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF TEMPLE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF TEMPLE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.; NOTING COMPLIANCE WITH OPEN MEETINGS LAW; PROVIDING NOTICE OF PASSAGE.

Whereas, the City of Temple is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

Whereas, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

Whereas, the City of Temple has reason to believe that Oncor is over-earning and its rates are excessive; and

Whereas, the City of Temple is a member of the Steering Committee of Cities Served by Oncor; and

Whereas, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and

Whereas, the City of Temple, and the City Council of the City of Temple desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and

Whereas, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from Oncor, the filing of an analysis of such information by the City, the filing of rebuttal information from Oncor, and a public hearing at which time the City shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

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

Part 1. This resolution constitutes notice of the City's intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the City of Temple information that demonstrates good cause for showing that Oncor's transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the City of Temple information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor's cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

Part 2. City's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

Part 3. City's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

Part 4. Oncor shall file any rebuttal to the analysis of City's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

Part 5. A public hearing shall be conducted by the City Council for the City of Temple during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the City of Temple's consultants will each be allowed to address the City Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the City Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the City of Temple, Texas.

Part 6. The City Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

Part 7. Subject to the right to terminate employment at any time, the City of Temple hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the City of Temple in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

Part 8. Fees and expenses of attorneys and consultants assisting the City in the Steering Committee's review of the reasonableness of Oncor's rates will be processed through the Steering Committee but the City reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

Part 9. That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

Part 10. That a copy of this Resolution shall be sent to E. Allen Nye, Jr., Senior Vice President, General Counsel and Secretary, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Geoffrey Gay, General Counsel to the Steering Committee of Cities Served by Oncor, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(X)
Consent Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

Sharon Rostovich, Airport Director

ITEM DESCRIPTION: Consider adopting a resolution establishing T-Hangar rental rates at the Draughon-Miller Central Texas Regional Airport.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The Airport Advisory Board unanimously recommended that the rental rates established four years ago on T-Hangars be raised by \$40 per month from the current rate of \$145 to \$185; from \$170 to \$210; and from \$210 to \$250 effective June 1, 2016.

Staff surveyed the following surrounding Airports: Killeen (\$172-\$265); Georgetown (\$200-\$325); McGregor (\$150-\$258); and Waco (\$125-\$200). These rates were compared to Temple's (\$145-\$210).

Staff concurs with the Airport Advisory Board's recommendation to raise rental rates \$40 per month on 74 T-Hangars and 13 end units effective June 1, 2016.

FISCAL IMPACT: Airport revenue will increase by \$41,760 annually based on a 100% occupancy rate from increasing the rental rates by \$40 per month on the 74 T-Hangars and 13 end units.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, ESTABLISHING HANGAR RENTAL RATES AT THE DRAUGHON-MILLER CENTRAL TEXAS REGIONAL AIRPORT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the Airport Advisory Board unanimously recommended that the rental rates established four years ago on t-hangars be raised by \$40.00 per month from the current rate of \$145 to \$185, from \$170 to \$210, and from \$210 to \$250, effective June 1, 2016;

Whereas, Staff surveyed several surrounding airports and finds these recommended rental rate increases are comparable with the surrounding hangar rental rates;

Whereas, Staff recommends Council establish new hangar rental rates at the Draughon-Miller Central Texas Regional Airport to be effective June 1, 2016; 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 establishes new t-hangar rental rates at the Draughon-Miller Central Texas Regional Airport from the current rate of \$145 to \$185, from \$170 to \$210, and from \$210 to \$250 to be effective June 1, 2016.

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

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

PASSED AND APPROVED this the **21st** day of **April**, 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

04/21/16
Item #4(Y)
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 \$143,971.

ATTACHMENTS:

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

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
April 21, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
110-2210-522-2513		Other Services / Special Services	\$ 5,969	
110-2222-522-2514		Other Services / Travel & Training	\$ 1,032	
110-0000-442-1629		Fire Department Revenue / Fire Donations/Gifts		\$ 7,001
To appropriate revenues and expenditures related to donations received from citizens for the Rescue Elves Program, annual Christmas party for Fire, and Warm Coats Program.				
110-2230-522-2211		Capital < \$5,000 / Instruments/Special Equipment	\$ 636	
110-0000-442-0931		County Fire Protection / County Fire Service		\$ 636
To appropriate funding from County Mutual Runs to replace equipment used.				
292-2900-534-2317		Repair & Maintenance / Drainage Systems	\$ 64,132	
292-0000-461-0865		Other / Miscellaneous Reimbursements		\$ 64,132
To appropriate revenue for Drainage related expenses associated with demolition of one multi-family structure (2102 S. 5th Street) in preparation for construction on the Avenue U project. This budget adjustment will also appropriate additional funding to Drainage's repair and maintenance account. Additional funding is needed due to all the rainfall received during FY 2016 causing an increase in erosion repairs, failed pipes, and degraded curbs and gutters.				
110-2011-521-2140		Supplies / Blue Santa	\$ 4,359	
110-0000-442-0740		Police Revenue / Blue Santa Donations		\$ 4,359
To appropriate revenue and expenditures related to the donations received for the Blue Santa program.				
110-2041-521-2538		Other Services / Crime Victim Expenditures	\$ 1,420	
110-0000-442-0722		Police Revenue / Police Donations/Gifts		\$ 1,420
To appropriate police donations received from a fundraiser that Wes's Burger Shack provided for the Crime Victim Program.				
110-3232-551-1118		Salaries / Extra Help/Seasonal	\$ 39,770	
110-3232-551-1221		Personnel Benefits / Social Security	\$ 3,038	
110-3232-551-1223		Personnel Benefits / Worker Compensation	\$ 123	
110-3232-551-1224		Personnel Benefits / Unemployment Insurance	\$ 1,197	
110-3232-551-2111		Supplies / Computer Supplies	\$ 45	
110-3232-551-2112		Supplies / Food Items/Supplies	\$ 600	
110-3232-551-2113		Supplies / Clothing & Uniforms	\$ 435	
110-3232-551-2116		Supplies / Supplies & Tools	\$ 105	
110-3232-551-2120		Supplies / Education/Recreation	\$ 3,000	
110-3232-551-2123		Supplies / Medical Supplies	\$ 216	
110-3232-551-2128		Supplies / Postage	\$ 75	
110-3232-551-2129		Supplies / Advertising/Marketing	\$ 75	
110-3232-551-2510		Other Services / Contributions/Prizes	\$ 150	
110-3232-551-2511		Other Services / Printing/Publications	\$ 429	
110-3232-551-2513		Other Services / Special Services	\$ 300	
110-3232-551-2514		Other Services / Travel & Training	\$ 240	
110-3232-551-2515		Other Services / Dues & Subscriptions	\$ 45	
110-3232-551-2615		Contracted Services / Equipment-Rent/Lease	\$ 600	
110-3232-551-2617		Contracted Services / Employment Expenses	\$ 600	
110-3232-551-2623		Contracted Services / Other Contracted Services	\$ 2,780	
110-3232-551-2110		Supplies / Office Supplies	\$ 300	
110-0000-445-1590		Recreational Services / Special Events/Classes		\$ 54,123
To appropriate revenue and expenditures related to starting a third summer camp (Camp Harmony) this fiscal year.				
110-3293-551-2112		Supplies / Food Items/Supplies	\$ 850	
110-3293-551-2120		Supplies / Education/Recreation	\$ 8,650	
110-3293-551-2513		Other Services / Special Services	\$ 2,800	
110-0000-445-1590		Recreational Services / Special Events/Classes		\$ 12,300
To appropriate additional revenue and expenditures related to 5K/10K/Half Marathon racing events.				
TOTAL AMENDMENTS			\$ 143,971	\$ 143,971

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
April 21, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		GENERAL FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Judgments & Damages Contingency	\$	44,230
		Added to Contingency Judgments & Damages from Council Contingency		-
		Taken From Judgments & Damages		(34,318)
		Net Balance of Judgments & Damages Contingency Account	\$	9,912
		Beginning Compensation Contingency	\$	375,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(375,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Council Contingency	\$	9,912
		Beginning Balance Budget Sweep Contingency	\$	-
		Added to Budget Sweep Contingency		-
		Taken From Budget Sweep		-
		Net Balance of Budget Sweep Contingency Account	\$	-
		WATER & SEWER FUND		
		Beginning Contingency Balance	\$	50,000
		Added to Contingency Sweep Account		-
		Taken From Contingency		(23,198)
		Net Balance of Contingency Account	\$	26,802
		Beginning Compensation Contingency	\$	64,000
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(64,000)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Water & Sewer Fund Contingency	\$	26,802
		HOTEL/MOTEL TAX FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	13,300
		Added to Compensation Contingency		-
		Taken From Compensation Contingency		(13,300)
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Hotel/Motel Tax Fund Contingency	\$	-
		DRAINAGE FUND		
		Beginning Contingency Balance	\$	-
		Added to Contingency Sweep Account		-
		Carry forward from Prior Year		-
		Taken From Contingency		-
		Net Balance of Contingency Account	\$	-
		Beginning Compensation Contingency	\$	10,300
		Added to Compensation Contingency		(10,300)
		Taken From Compensation Contingency		-
		Net Balance of Compensation Contingency Account	\$	-
		Net Balance Drainage Fund Contingency	\$	-

CITY OF TEMPLE
BUDGET AMENDMENTS FOR FY 2016 BUDGET
April 21, 2016

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		FED/STATE GRANT FUND		
		Beginning Contingency Balance		\$ -
		Carry forward from Prior Year		69,089
		Added to Contingency Sweep Account		-
		Taken From Contingency		(54,142)
		Net Balance of Contingency Account		\$ 14,947

RESOLUTION NO. _____

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

Whereas, on the 27th day of August, 2015, the City Council approved a budget for the 2015-2016 fiscal year; and

Whereas, the City Council deems it in the public interest to make certain amendments to the 2015-2016 City Budget.

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

Part 1: The City Council approves amending the 2015-2016 City Budget by adopting the budget amendments which are more fully described in Exhibit 'A,' attached hereto and made a part hereof for all purposes.

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

PASSED AND APPROVED this the 21st day of April, 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

04/21/16
Item #5
Regular Agenda
Page 1 of 3

DEPT./DIVISION SUBMISSION & REVIEW:

Tammy Lyerly, Senior Planner

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING - Z-FY-16-17: Consider adopting an ordinance authorizing a rezoning from Agricultural (AG) District to Commercial (C) District, 1.8 +/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.

PLANNING AND ZONING COMMISSION RECOMMENDATION: At its March 21, 2016, meeting the Planning and Zoning Commission voted 6/0 to recommend approval of a permanent rezoning from Agricultural (AG) District to Commercial (C) District

STAFF RECOMMENDATION: Staff recommends approval of a rezoning from Agricultural District (AG) to Commercial District (C) for the following reasons:

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

ITEM SUMMARY: The applicant requests a rezoning from Agricultural District (AG) to Commercial District (C) for continued use of the FedEx business at this site, located at 3403 South Kegley Road. The subject property is also part of a proposed plat known as Kegley Crossing Addition (P-FY-16-23), currently going through the platting process. The existing FedEx business is classified as a “distribution center” land use, which requires at least a Commercial zoning district.

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

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

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

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

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	AG	Distribution Center
North	Auto-Urban Commercial	AG	Undeveloped Property
South	Auto-Urban Commercial	AG & GR	Residential & Retail Property
East	Auto-Urban Residential	AG	Commercial Property
West	Agricultural / Rural	AG	Commercial Property

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

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

CP = Comprehensive Plan STP = Sidewalk and Trails Plan

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

The property is within the Auto-Urban Commercial character district of the *Choices '08* City of Temple Comprehensive Plan. The applicant's requested rezoning to Commercial District is in compliance with this character district.

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

The subject property fronts South Kegley Road, a proposed collector, which is appropriate for commercial uses. Kegley Lane, a local street, fronts the west property line of the subject property. **Kegley Lane does not have the minimum required street right-of-way width of 50 feet, but it is being addressed through the platting process.**

The sidewalk required along South Kegley Road, a collector, will function as part of the City's overall trail system as outlined in the Citywide Trails Master Plan. This trail shall be 6-feet to 8-feet in width. Upsizing of the sidewalk may be achieved with participation by the City. This is being handled through the platting process.

Availability of Public Facilities (CP Goal 4.1)

An existing 6-inch water lines are located on both sides of the property, along the rights-of-way of South Kegley Road and Kegley Lane. Sewer services in this area are provided through 4-inch and 8-inch sanitary sewer lines in the South Kegley Road right-of-way.

PUBLIC NOTICE: Six notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday, April 11, 2016, three notices have been received in favor of the proposed rezoning and no notices have been returned in opposition to the proposed rezoning.

The newspaper printed notice of the public hearing on March 10, 2016, in accordance with state law and local ordinance.

FISCAL IMPACT: Not Applicable

ATTACHMENTS:

[Site and Surrounding Property Photos](#)
[Zoning & Notification Map](#)
[Location map with Aerial](#)
[Future Land Use and Character Map](#)
[Thoroughfare & Trails Map](#)
[Utility Map](#)
[Response Letters](#)
[Excerpts](#)
[Ordinance](#)

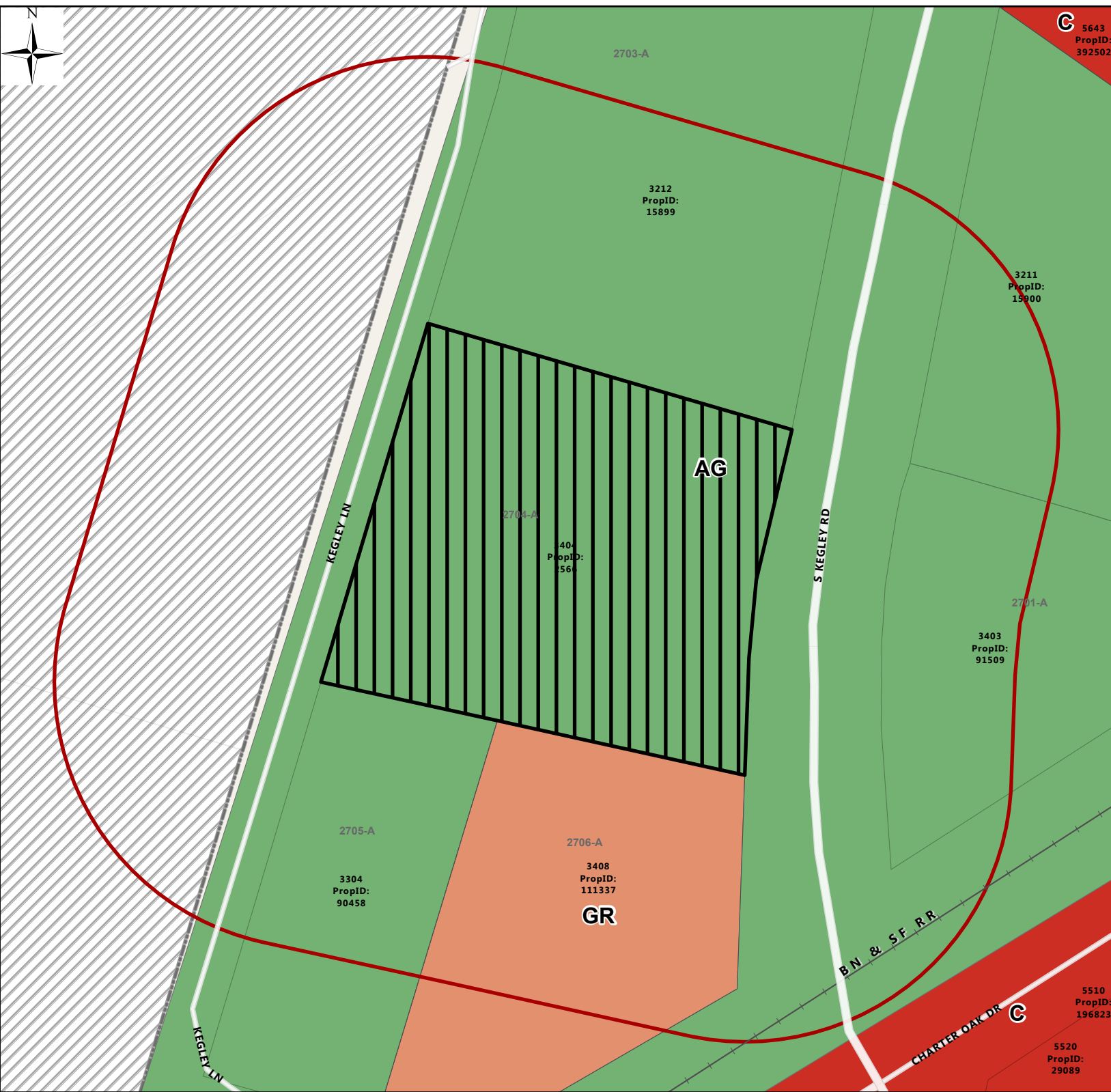
SURROUNDING PROPERTY AND USES:

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

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Distribution Center	
			
East	AG	Commercial Property	 <p>S. Kegley Road</p>

Direction	Zoning	Current Land Use	Photo
West	AG	Commercial Property	 <p>Kegley Lane</p>
South	GR	Residential & Retail Property	 

Direction	Zoning	Current Land Use	Photo
			
			
North	AG	Undeveloped Property	



5643
PropID:
392502

AG to C 200' NOTIFICATION MAP

Zoning Case :
Z-FY-16-17
Address :

3404 South Kegley Road

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.

tlyerly
Date: 2/24/2016

















AG TO C

AERIAL MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

Streets

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

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

tlyerly
Date: 2/24/2016





AG TO C FUTURE LAND USE MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

- 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.

tlyerly
Date: 2/24/2016





AG TO C THOROUGHFARE AND TRAILS MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

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

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

tlyerly
Date: 2/24/2016





AG to C

UTILITY MAP

Zoning Case :
Z-FY-16-17

Address :
3404 S. Kegley Road

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

G2S products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

tlyerly
Date: 3/16/2016





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

CHADASH TEXAS LLC - SERIES 104
C/O AMOS, CHARLES JR
845 AIRVILLE RD
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-17

Project Manager: Tammy Lyerly

Location: 3404 South Kegley Road - between Kegley Lane and South Kegley Road, north of
Charter Oak Drive

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

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

Comments:


Signature

Charles D Amos Jr
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
March 21, 2016.**

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

RECEIVED
MAR 21 2016
City of Temple
Planning & Development

Number of Notices Mailed: 6

Date Mailed: March 10, 2016



RESPONSE TO PROPOSED
REZONING REQUEST
CITY OF TEMPLE

CHADASH TEXAS LLC - SERIES 104
C/O AMOS, CHARLES JR
845 AIRVILLE RD
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-17

Project Manager: Tammy Lyerly

Location: 3404 South Kegley Road - between Kegley Lane and South Kegley Road, north of
Charter Oak Drive

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

I recommend ☒ approval () denial of this request.

Comments:

Signature

Charles D Amos Jr
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than March 21, 2016.

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

RECEIVED

MAR 21 2016

City of Temple
Planning & Development

Number of Notices Mailed: 6

Date Mailed: March 10, 2016



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

CHADASH TEXAS LLC - SERIES 103
C/O AMOS, CHARLES JR
845 AIRVILLE RD
TEMPLE, TX 76501

Zoning Application Number: Z-FY-16-17

Project Manager: Tammy Lyerly

**Location: 3404 South Kegley Road - between Kegley Lane and South Kegley Road, north of
Charter Oak Drive**

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

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

Comments:


Signature

Charles D Amos Jr
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than
March 21, 2016.**

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

RECEIVED

MAR 21 2016

City of Temple
Planning & Development

Number of Notices Mailed: 6

Date Mailed: March 10, 2016

**EXCERPTS FROM THE
PLANNING & ZONING COMMISSION MEETING
MONDAY, MARCH 21, 2016**

ACTION ITEMS

Item 2: Z-FY-16-17 – Hold a public hearing to discuss and recommend action on a rezoning from Agricultural (AG) District to AG and Commercial (C), 1.8 +/- acres out of 6.97 acres, Nancy Chance Survey, Abstract No. 5 in the City of Temple, Bell County, Texas, at 3404 South Kegley Road, located between Kegley Lane and South Kegley Road, north of Charter Oak Drive.

Ms. Tammy Lyerly, Senior Planner, stated this item is scheduled to go forward to City Council for first reading on April 21, 2016 and second reading on May 5, 2016.

The rezoning request is for the Federal Express (FedEx) building and its parking lot from Agricultural (AG) District to Commercial (C). South Kegley Road lies to the east and Kegley Lane lies to the west. The subject property is surrounded mostly by AG with some General Retail (GR) to the south.

The existing FedEx business is classified in the Unified Development Code (UDC) Land Use Chart as a "Distribution Center", which requires at least a Commercial District zoning designation.

This property is associated with a proposed plat called Kegley Crossing Addition (P-FY-16-23), currently going through the platting process.

The Future Land Use and Character Map designate this property as Auto-Urban Commercial which is intended for areas of commercial use and supports the zoning request.

The Thoroughfare Plan classifies South Kegley Road as a proposed collector and Kegley Lane as a local street. A community wide trail is proposed for the area.

It was discovered through the platting process that Kegley Lane does not have the minimum 50 foot right-of-way for a local street and will be addressed on the plat. Typically this leads to dedication of right-of-way.

The Citywide Trails Master Plan requires a six-foot to eight-foot wide sidewalk along South Kegley Road. Collectors usually require width at least four-foot wide. Upsizing participation of the sidewalk with the City will be discussed during the platting process.

Water and sewer facilities are available to serve the property.

Surrounding properties include undeveloped property to the north, In-House Security to the east and In-House Security also owns the property to the south, and the back portion of FedEx along with undeveloped property to the west.

Several allowed and prohibited uses are given along with development standards for the C District.

The zoning request complies with the Future Land Use and Character Map, the Thoroughfare Plan, is compatible with surrounding uses and zoning, and public facilities are available to serve the property.

Six notices were mailed out with three returned in favor of the request and zero returned in opposition.

Staff recommends approval of the rezoning request from AG to C District for the subject property.

When asked about the sidewalk, Mr. Brian Chandler, Director of Planning, responded that the existing facility would not be required to do a sidewalk; it would only be done upon redevelopment.

Vice-Chair Johnson opened the public hearing.

There being no speakers, the public hearing was closed.

Commissioner Pitts made a motion to approve Item 2, Z-FY-16-17, as presented, and Commissioner Rhoads made a second.

Motion passed: (6:0)

Chair Jones and Commissioners Sears and Mikeska-Reed absent

ORDINANCE NO. _____

(PLANNING NO. Z-FY-16-17)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT TO COMMERCIAL DISTRICT ON APPROXIMATELY 1.8 ACRES OUT OF APPROXIMATELY 6.97 ACRES OF LAND SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS AND LOCATED AT 3404 SOUTH KEGLEY ROAD, BETWEEN KEGLEY LANE AND SOUTH KEGLEY ROAD, NORTH OF CHARTER OAK DRIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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

Part 1: The City Council approves a rezoning from Agricultural District to Commercial District on approximately 1.8 acres out of approximately 6.97 acres of land situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas and located at 3404 South Kegley Road, between Kegley Lane and South Kegley Road, north of Charter Oak Drive, 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 **21st** day of **April**, 2016.

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

04/21/16
Item #6
Regular Agenda
Page 1 of 2

DEPT. /DIVISION SUBMISSION & REVIEW:

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

ITEM DESCRIPTION: Consider adopting a resolution authorizing net deductive change order #5 to the Outer Loop Phase 3A (Adams Avenue to Channel) construction contract with R.T. Schneider Construction Company, Ltd. (RTS), for utility relocations, driveway construction, drainage grading, elimination of proposed asphalt surface treatment, and a price increase for concrete in the amount of \$11,185.68.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: On December 4, 2014, Council authorized a construction contract with RTS for construction of the Outer Loop Phase 3A from Adams Ave to the channel. Subsequent to the award, ensuing developments associated within the construction limits resulted in the identification of construction services to expedite the reopening of the closed roadway. These services include utility relocations, driveway construction, and elimination of the proposed single-course surface treatment. The change order also includes a concrete material price increase.

The original construction contract amount was \$2,368,916. Change orders to date have increased the contract \$575,656.37, or 24.3%, of the original contract amount. Change order #5 represents a contract decrease of \$11,185.68, or -0.5%, of the original contract amount.

The engineering consultant has recommends approval of the following items:

Water lines and appurtenances	\$22,626.00
Driveway construction	\$25,200.00
Drainage Grading	\$ 3,500.00
Concrete price increase	\$ 3,938.32
Asphalt Surface Treatment	<u>(\$66,450.00)</u>
Net	<u>(\$11,185.68)</u>

There is no proposed added time for the change order.

Original Contract Amount	\$	2,368,916.00
Previous Net Change in Contract Amount	\$	575,656.37
Net Change in Contract Amount	\$	-11,185.68
Revised Contract Amount	\$	2,933,386.69
Original Contract Time		240 Days
Previous Net Change in Contract Time		316 Days
Net Change in Contract Time		0 Days
Revised Contract Time		556 Days
Original Final Completion Date		August 16, 2015
Revised Final Completion Date		June 27, 2016

FISCAL IMPACT: Funding for change order #5 is available and will be allocated as follows:

<u>Project</u>	<u>Change Order #5 - Description of Additions and Deductions</u>	<u>Account #</u>	<u>Amount</u>
101121	Driveway Construction, Drainage Grading, Concrete Price Increase (net decrease)	365-3400-531-6813	\$(33,812)
101121	Water Lines and Appurtenances (net increase)	520-5900-535-6521	<u>22,626</u>
Total Net Change Order			<u>\$(11,186)</u>

ATTACHMENTS:

[Recommendation Letter](#)
[Change Order Form](#)
[Exhibit](#)
[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

April 7, 2016

Mr. Richard Wilson, P.E., CFM
3210 E. Avenue H
Building A
Temple, Texas 76501

Re: City of Temple, Texas
Outer Loop III A FM 2305 to Thompson Channel

Dear Mr. Wilson:

Attached is Change Order #5. This change order is comprised of multiple items. The basis of the change order is for additional costs for concrete materials, connections for Wal-Mart, and additional items for the change in scope to add length to the project and connection for the future Tanglehead Drive.

The change in scope for extending the re-construction of Old Waco Road to the South produced some unidentified items and yielded a reduction of scope by allowing the roadway to be paved prior to opening to traffic. Please see below for a detailed description of each item.

ADD ITEMS:

Overall Project Items

- CO5-1 – Concrete Material Price Increase – This item is recognized due to the length of time the project has been in place since the Notice to Proceed. The price submitted is within the scale of reason with the length of time since the contractor bid the project.
- CO5-5 - Remove and Relocate Existing Water Meters – This item has been added for construction of the sidewalk near FM 2305. The price submitted by the contractor is reasonable for this work.
- CO5-6 - Irrigation System at Texas Partners – This item will be utilized for re-construction of the irrigation system at Texas Partners Bank that was cast in with the exiting sidewalk that was demolished with the project. The price submitted by the contractor is reasonable for this work.
- CO5-8 - Raise Existing Water Valves - This item has been added to the project to raise existing water valves at the sidewalk located near FM 2305. The price submitted by the contractor is reasonable for this work.

Wal-Mart Items

- CO5-2 – Wal-Mart Irrigation Connection – This item was required to connect and adjust the Wal-Mart irrigation system to the constructed infrastructure. The price submitted by the contractor is consistent with unit pricing for this type of work in the quantity requested.

Mr. Richard Wilson, P.E.

April 7, 2016

Page Two

- 12 - Concrete Driveway - This item is an overrun of an existing item for concrete driveways. The original design included asphalt driveways for the Wal-Mart entrances which have been changed to concrete driveways to match Wal-Mart's concrete paving.

Project Extension/Tanglehead Drive Connection Items

- CO5-3 - Remove Existing Fire Hydrant - This item was utilized in conjunction with the extension of the project. The price submitted by the contractor is reasonable for this work.
- CO5-4 - Remove Existing ARV - With the extension of the project and the ability to relocate the two ARVs for expediting paving this item was required and saved the project money by not requiring the one course surface treatment for opening the roadway to traffic.
- CO5-7 - Drainage Grading - This item has been added to the project to develop storm water conveyance at the south end of the project to the existing drainage channel in preparation for the next phase of construction. The price submitted by the contractor is reasonable for this work.

DELETE ITEMS:

Single Course Surface Treatment Items

- CO2-3 - Single Course Surface Treatment - This item has been deleted from the project due to some of the add items listed above allowing the acceleration of asphalt paving therefore eliminating the need for the surface treatment to open the roadway to traffic allowing for an overall reduction in cost to the project. This item was originally added to the base bid portion of the project to allow traffic to open with a single course surface treatment.
- CO3-4 - Single Course Surface Treatment - This item has been deleted from the project due to some of the add items listed above allowing the acceleration of asphalt paving therefore eliminating the need for the surface treatment to open the roadway to traffic allowing for an overall reduction in cost to the project. This item was originally added to the roadway extension portion of the project to allow traffic to open with a single course surface treatment.

We have reviewed Change Order #5 and recommend it be processed and executed with respect to RT Schneider Construction Co, LTD construction contract for the above referenced project.

Sincerely,



R. David Patrick, P.E., CFM

RDP/rdp

xc: Mr. Russell Schneider, RT Schneider Construction Co., LTD
KPA Project File: 2014-110-40

CHANGE ORDER

PROJECT: Outer Loop Phase IIIA, FM 2305 to Thompson Drainage Channel
 OWNER: City of Temple
 CONTRACTOR: RT Schneider Construction Co, Ltd
 ENGINEER: Kasberg, Patrick & Associates, LP
 CHANGE ORDER #: Five

Make the following additions, modifications or deletions to the work described in the Contract Documents: See the attached letter and exhibit.

Add:

Item #	Description	Unit	Quantity	Unit Price	Extended
Overall Project Items					
CO5-1	Concrete Material Price Increase	CY	1,193.43	3.30	3,938.32
CO5-2	Remove & Relocate Existing Water	EA	2	1,760.00	3,520.00
CO5-3	Irrigation System at Texas Partners	LS	1	4,500.00	4,500.00
CO5-4	Raise Existing Water Valves	EA	3	1,067.00	3,201.00
Subtotal					15,159.32

Wal-Mart Items

12	Concrete Driveway	SY	700	36.00	25,200.00
CO5-5	Walmart Irrigation Connection	LS	1	4,365.00	4,365.00
Subtotal					29,565.00

Project Extension/Tanglehead Dr. Connection Items

CO5-6	Remove Existing Fire Hydrant	EA	2	1,540.00	3,080.00
CO5-7	Remove Existing ARV	EA	2	1,980.00	3,960.00
CO5-8	Drainage Grading	LS	1	3,500.00	3,500.00
Subtotal					10,540.00
Total Add					\$ 55,264.32

Delete:

Item #	Description	Unit	Quantity	Unit Price	Extended Amount
Single Course Surface Treatment Items					
CO2-3	Single Course Surface Treatment	SY	-16,545	\$ 3.00	\$ (49,635.00)
CO3-4	Single Course Surface Treatment	SY	-5,605	\$ 3.00	\$ (16,815.00)
Total Delete					\$ (66,450.00)

Change Order Total \$ (11,185.68)

CHANGE ORDER

PROJECT: Outer Loop Phase IIIA, FM 2305 to Thompson Drainage Channel

OWNER: City of Temple

CONTRACTOR: RT Schneider Construction Co, Ltd

ENGINEER: Kasberg, Patrick & Associates, LP

CHANGE ORDER #: Five

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

Original Contract Amount:	\$	2,368,916.00
Previous Net Change in Contract Amount:	\$	575,656.37
Net Change in Contract Amount:	\$	-11,185.68
Revised Contract Amount:	\$	2,933,386.69
Original Contract Time:		240 Days
Previous Net Change in Contract Time:		316 Days
Net Change in Contract Time:		0 Days
Revised Contract Time:		556 Days
Original Final Completion Date:		August 16, 2015
Revised Final Completion Date:		June 27, 2016

Recommended by:



4/8/16

Project Manager (City Staff)

Date

Agreed to:



4/15/16

Architect or Engineer

Date

Agreed to:



4/7/16

Contractor

Approved by City of Temple:

Jonathan Graham, City Manager

Date

Approved as to Form:

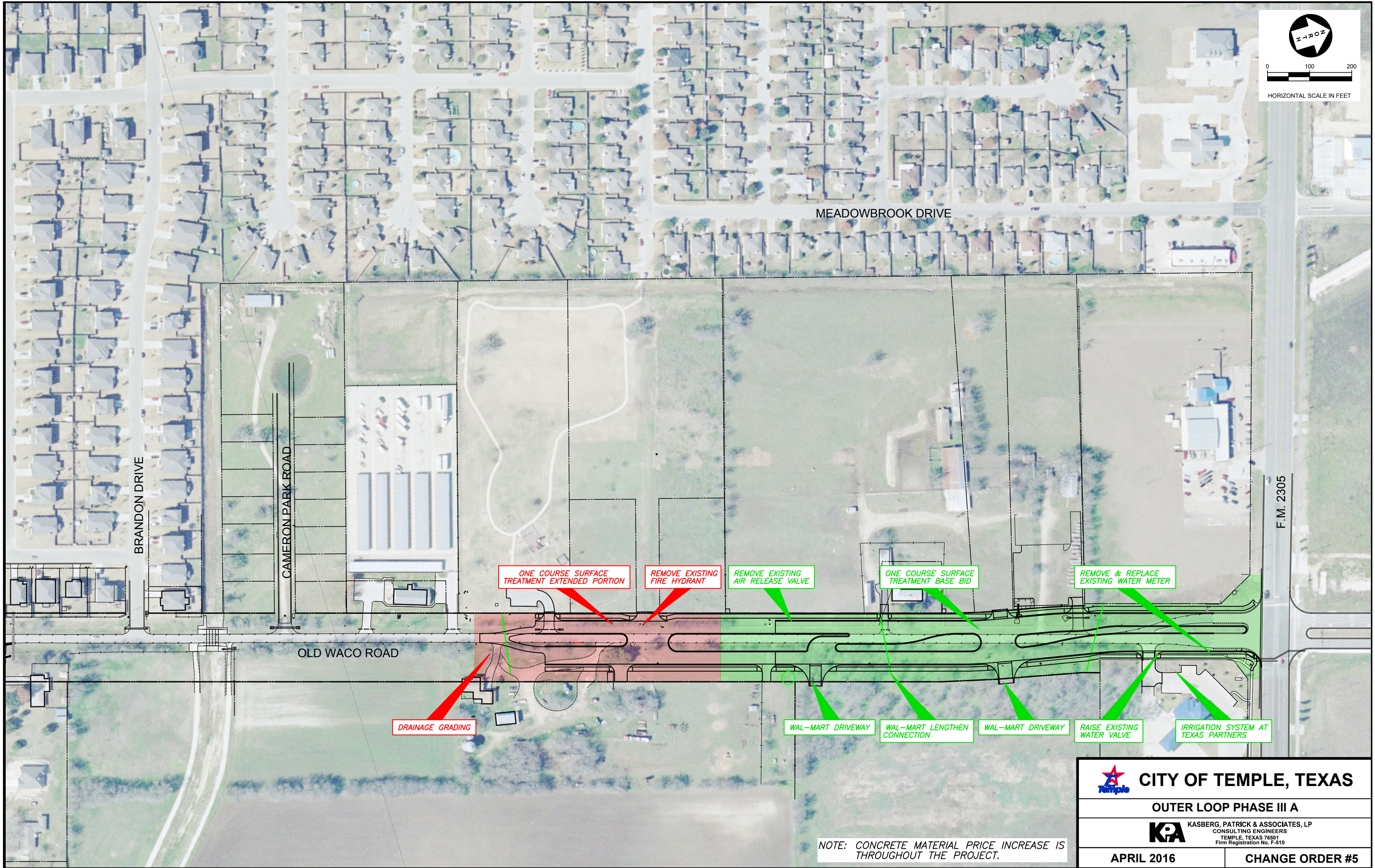
Approved by Finance Department:

City Attorneys Office



Date

Date

P:\Temple\2014\2014-110\CAD\PHASE III\A\2014\EXHIBITS\CHANGE ORDER 5 EXHIBIT.dwg - CH 0-5



NOTE: CONCRETE MATERIAL PRICE INCREASE IS THROUGHOUT THE PROJECT.

 CITY OF TEMPLE, TEXAS	
OUTER LOOP PHASE III A	
 KASBERG, PATRICK & ASSOCIATES, LP CONSULTING ENGINEERS TEMPLE, TEXAS 76501 Firm Registration No. F-510	
APRIL 2016	CHANGE ORDER #5

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A NET DEDUCTIVE CHANGE ORDER NO. 5 TO THE CONSTRUCTION CONTRACT WITH R. T. SCHNEIDER CONSTRUCTION COMPANY, LTD, OF BELTON, TEXAS, IN THE AMOUNT OF \$11,185.68, FOR CONSTRUCTION SERVICES REQUIRED TO EXTEND THE PROPOSED ROADWAY SECTION OF THE OUTER LOOP PHASE 3A; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, on December 4, 2014, Council authorized a construction contract with R. T. Schneider Construction Company, Ltd of Belton, Texas for construction of the Outer Loop Phase 3A from Adams Ave to the channel;

Whereas, subsequent to the award, ensuing developments within the construction limits resulted in the identification of construction services to expedite the reopening of the closed roadway – these services included utility relocations, driveway construction, elimination of the proposed single-course surface treatment as well as concrete material price increases;

Whereas, Staff recommends Council authorize a net deductive change order number 5 to the construction contract with R. T. Schneider Construction Company, Ltd of Belton, Texas, in the amount of \$11,185.68, for construction of the Outer Loop Phase 3A from Adams Ave to the channel;

Whereas, the savings from deductive change order will be recognized in Account No. 365-3400-531-6813, Project No. 101121; and

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

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

Part 1: The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to execute a net deductive change order number 5 to the construction contract with R. T. Schneider Construction Company, Ltd of Belton, Texas, in the amount of \$11,185.68, for construction of the Outer Loop Phase 3A from Adams Ave to the channel.

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

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

APPROVED AS TO FORM:

ATTEST:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney



COUNCIL AGENDA ITEM MEMORANDUM

04/21/16
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 a 0.896-acre portion of the property located at 1002 Old Waco Road, Temple, Texas, 76502, is necessary for the extension of Tarver Drive to Old Waco Road and authorizing the use of eminent domain to condemn the property.

STAFF RECOMMENDATION: Adopt resolution as presented in item description.

ITEM SUMMARY: The City has completed the design phase for the proposed extension of Tarver Drive to Old Waco Road, which is needed to relieve the traffic burden in adjacent neighborhoods. The design requires the acquisition of fee simple title to a 0.896-acre tract of land situated in the Nancy Chance Survey, Abstract 5, otherwise known as a portion of the property located at 1002 Old Waco Road, Temple, Texas, 76501, for the construction of the roadway and its necessary appurtenances under Chapter 251, Local Government Code § 251.001. A survey and legal description of the property needed as right-of-way is included with the Resolution attached to this memorandum.

An appraisal was performed on the property and the City made an offer to purchase the necessary right-of-way, based on the appraisal, on February 2nd via Lockwood, Andrews & Newnam, Inc. On February 4th, the City Council authorized the purchase of the property and the payment of necessary relocation expenses. However, the parties have been unable to reach an agreement, and Staff made a bona fide final offer to the property owners on March 18th.

The property owners have been unresponsive to the City's offers and failed to provide a counter offer by the agreed-upon deadline, its extension, or the extension of the extension. In order to acquire the right-of-way in time to meet the construction schedule presented to the public, 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.

FISCAL IMPACT: Funding for acquisition of the property is appropriated in account 365-3400-531-6885, project 100392.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, FINDING THAT A 0.896-ACRE PORTION OF THE PROPERTY LOCATED AT 1002 OLD WACO ROAD, TEMPLE, TEXAS, 76502, IS NECESSARY FOR THE EXTENSION OF TARVER DRIVE TO OLD WACO ROAD AND AUTHORIZING THE USE OF EMINENT DOMAIN TO CONDEMN THE PROPERTY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City has completed the design phase for the proposed extension of Tarver Drive to Old Waco Road, which is needed to relieve the traffic burden in adjacent neighborhoods;

Whereas, the design requires the acquisition of fee simple title to a 0.896-acre tract of land situated in the Nancy Chance Survey, Abstract 5, otherwise known as a portion of the property located at 1002 Old Waco Road, Temple, Texas, 76501, for the construction of the roadway and its necessary appurtenances under Chapter 251, Local Government Code § 251.001;

Whereas, an appraisal was performed on the property and the City made an offer to purchase the necessary right-of-way, based on the appraisal - on February 4, 2016, Council authorized the purchase of the property and the payment of necessary relocation expenses, however, the parties have been unable to reach an agreement, and Staff made a bona fide final offer to the property owners on March 18, 2016;

Whereas, the property owners have been unresponsive to the City's offers and failed to provide a counter offer by the agreed-upon deadline, its extension, or the extension of the extension, and the use of the power of eminent domain is now necessary in order to acquire the right-of-way in time to meet the construction schedule presented to the public;

Whereas, 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;

Whereas, funding for the acquisition of this property is available in Account No. 365-3400-531-6885, Project No. 100392; and

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

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

Part 1: 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, a portion of the property located at 1002 Old Waco Road, Temple, Texas, 76502, more particularly described as being 0.896 acres of land, more or less, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, embracing a portion of the remainder of a called 3 Acre tract conveyed to Paul G. Crews and wife, Janet W. Crews in Volume 1528, Page 570, Deed Records of Bell County, Texas, and being more particularly described by metes and bounds in Exhibit A attached hereto and made a part hereof for all purposes, for the construction of the extension of Tarver Drive to Old Waco Road.

Part 3: The City Council hereby finds and determines that the construction of the extension of Tarver Drive to Old Waco Road, is a public use under Chapter 251, Local Government Code § 251.001(a)(4).

Part 4: The City Council authorizes the use of the City's eminent domain authority under Article 3, Section 3.6, of the Charter of the City of Temple and the initiation of condemnation proceedings of said property interests.

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

THE CITY OF TEMPLE, TEXAS

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

Lacy Borgeson
City Secretary

Kayla Landeros
City Attorney